

City Council

Regular Meeting Agenda

Monday, August 3, 2015
7:00 p.m., Council Chambers



1. Call to Order
2. Invocation – Reverend Travis Wilson of Peace Lutheran Church
3. Roll Call
4. Approval of Agenda
5. **Consent Agenda: Items A thru E (Roll Call Vote Required)**
(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)
 - A. Council will be requested to approve the City Council Minutes for July 6, 2015.20
 - B. Bills totaling \$163,019.16 for the period ending August 2, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
 - C. Council will be requested to award the paving bid contract to Compton, Inc. in the amount of \$432,890.95 for repaving Michigan Avenue from Center Street to Broadway Street and Center Street from Elkenburg Street to Superior Street.
 - D. Council will be asked to award the Center for the Arts Elevator ADA Renovations contract to Wagenmaker’s Construction for the total value engineered amount of \$127,500.
 - E. Council will be asked to approve the following minutes:
 - 1) 01-07-2015 DDA Workshop Minutes;
 - 2) 02-25-2015 DDA Special Meeting Minutes;
 - 3) 04-13-2015 BRA Minutes;
 - 4) 05-18-2015 BPU Minutes;
 - 5) 05-19-2015 SHARA Minutes;
 - 6) 06-04-2015 Planning Commission Minutes;
 - 7) 06-16-2015 LHBM Board Minutes;
 - 8) 06-17-2015 CBA Minutes;
 - 9) 06-22-2015 ZBA Minutes;
 - 10) 06-24-2015 SHHC Minutes; and
 - 11) 06-29-2015 BPU Minutes.

If a member of the public wishes to address any of the following items listed on the agenda they will be given a chance to speak prior to Council discussing the item. They will be given up to 5 minutes to address their concerns.

OLD BUSINESS

6. Council will be updated on potential changes to the code of ordinances, related to the lawn mowing ordinance.
7. Council will be asked to approve Resolution 2015-34, a resolution to grant local government approval on the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License.

NEW BUSINESS

8. Council will be asked to approve an amended License Agreement with RAPA Development, LLC doing business as Black River Tavern located at 403 Phoenix Street.
9. Council will be asked to approve Special Event Application 2015-23, the Bobby Walker Basket Ball Tournament to be held in Elkenburg Park on August 6 through August 8, 2015 from 5:00 p.m. to 9:00 p.m.
10. Council will be asked to hold a public hearing and consider approval of Resolution 2015-36, a resolution detailing the brownfield plan for the Overton building at 229 Elkenburg Avenue.

11. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

(You will be given up to 5 minutes to address your concerns.)

12. City Manager's Comments

13. Mayor and Councilperson's Comments

14. Adjourn

RESPECTFULLY SUBMITTED,



Brian Dissette, City Manager

City Council

Regular Meeting Minutes

Monday, July 20, 2015
7:00 p.m., Council Chambers



1. Call to Order by Mayor Burr at 7:00 p.m.

2. Invocation – Mr. Art Ayers, Moderator at the First Congregational Church

3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, and Burr
Absent: None.

4. Approval of Agenda

Moved by Klavins, seconded by Kozlik Wall to amend the agenda to include item 9a, a sign permit request for Soha Surf Shop.

Voted Yes: All. Motion carried.

5. Consent Agenda: Items A thru E (Roll Call Vote Required)

Moved by Patterson, seconded by Fitzgibbon to approve the consent agenda.

- A. Council will be requested to approve the City Council Minutes for July 6, 2015.
- B. Bills totaling \$460,385.34 for the period ending July 19, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be requested to review and approve Traffic Control Orders 15-001 through 15-006.
- D. Council will be asked to approve Resolution 2015-33, a resolution recognizing the Rams Boosters as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.
- E. Council will be asked to approve the following minutes:
 - 1) 03-17-2015 SHARA minutes;
 - 2) 05-18-2015 ZBA minutes;
 - 3) 05-27-2015 Housing Commission minutes; and
 - 4) 06-17-2015 Airport Authority minutes.

A Roll Call Vote was taken:

Yeas: Fitzgibbon, Gruber, Klavins, Arnold, Kozlik Wall, Patterson, and Burr
Nays: None.

Motion Carried.

OLD BUSINESS

6. Council will be updated on potential changes to the code of ordinances, related to the lawn mowing ordinance.

Background Information:

The City Council will be asked to take no action on the city's adopted long grass code.

At the July 6th regular meeting of the City Council, the Council discussed potential changes to the city's long grass ordinance. At that meeting, the Council discussed a desire to increase the long grass threshold for enforcement from 6" to 9". Further, the Council discussed a desire to expedite the enforcement process, in an effort to reduce the time needed for the city to take enforcement efforts. Finally, the Council discussed a desire to increase the administrative fee from \$50 per occurrence to \$150 per occurrence.

The city's staff is currently working to develop an updated code amendment, for the City Council's consideration, related to the long grass enforcement ordinance. At this time, the city's staff has completed a review of enforcement procedures from other West Michigan communities. Staff has found a variety of enforcement procedures which are embraced by other communities. Staff are now working with the city's attorney to develop an updated code amendment draft for the City Council's review and consideration.

The city's staff anticipates having a code amendment draft ready for the City Council's review at the August 3rd regular meeting.

No action taken on this item. Item will be discussed in a workshop session on August 3rd at 6pm.

7. Council will be asked to consider approval of the utility rate ordinance, related to the proposed increases to the city's electric utility rates.

Background Information:

During the month of June, 2015 the Board of Public Utilities (BPU) and the City Council approved an increase of 2% for the various components of the water and sewer utility rates to be effective July 1, 2015. At that time the BPU wanted to obtain more information about the actual energy cost charges proposed by our supplier for the upcoming year before making any recommendation for possible changes to the electric utility rates. Upon analysis of the data the BPU recommends a 4% increase in the residential energy rate, no change in the commercial energy rate and a 3% increase in the Commercial Power and Industrial energy rates. The Demand customers will also see an increase of 3.1% in the demand rate.

Electric customers have shared in the fluctuations in fuel charges being charged by our supplier by way of the "Fuel Adjustment" shown on the monthly utility bill. The Utility is also charged monthly by our supplier for fluctuations in a PJM open access transmission tariff that appears on our monthly power invoice. These PJM fees were historically an average of \$500,000 - \$600,000 annually and were absorbed by the existing energy rates in effect. The fees now exceed those levels so the BPU has recommended that we share the fluctuations in the PJM fees costs with the electric customers in excess of a base amount of \$500,000 annually. The PJM and fuel cost adjustments will be included on one line on the monthly utility bill called "Energy Cost Adjustment".

Moved by Patterson, seconded by Klavins to approve a utility rate ordinance as presented in the packet.

Voted Yes: All. Motion carried.

NEW BUSINESS

- 8. Council will be asked to approve Resolution 2015-34, a resolution to grant local government approval on the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License.**

Background Information:

Ballock Holdings, LLC is requesting city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams, formerly known as York's Tavern, which has been closed due to bankruptcy proceedings. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee and, as part of the purchase, they've submitted an application requesting the transfer of the current liquor license attached to that location. However, in the approval process it was determined that due to the sale of condo units and a change in ownership, the Class B Hotel license that York's was operating under no longer conformed to the requirements of the Michigan Liquor Control Commission (MLCC).

As such, the current license must be reclassified to the more appropriate license, a Class C Resort license which requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. To complete the property purchase and MLCC licensing, the MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort license.

Detective Adam DeBoer reviewed the materials and found no problems with the reclassification request. Wendy Hochstedler, the Finance Director, did note that there are outstanding taxes on the property under two accounts in the following amounts: \$42.37 and \$1,680.29.

Moved by Gruber, seconded by Kozlik Wall to table Resolution 2015-34 until August 3rd City Council meeting.

Vote Yes: All. Motion carried.

- 9. Council will be asked to approve Resolution 2015-35, a resolution to opt out of the electric utility surcharge for the LIEAF program, and to ensure compliance with PA 95 of 2013.**

Background Information:

On July 1, 2013, Gov. Snyder signed Senate Bill 284 creating Public Act 95 of 2013. The bill authorizes the Public Service Commission to raise up to \$50 million annually for low income energy assistance in Michigan. The money will be placed in the Low Income Energy Assistance Fund (LIEAF) and will be dispensed by the Department of Human Services. The legislation requires that the money collected from a geographic area is returned, to the extent possible, to that geographic area. Low income customers will be able to receive State assistance to pay electric, natural gas, and propane bills.

In order to raise the \$50 million annual stipend, the legislation requires all electric utilities in Michigan, including municipal utilities, to place a monthly surcharge on customer bills and send the collected money to the State on a monthly basis. The monthly surcharge will be established by the State but will not be more than \$1.00 per customer. A customer who has multiple meters at their residence is to be billed the surcharge on only one meter.

The legislation does include an opt-out provision for all utilities. Each year, a utility may file a notice with the Public Service Commission by July 1 indicating that they desire to opt out of collecting the surcharge. A utility that opts out may not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Michigan's two largest electric providers, Consumers Energy and DTE, both intend to collect the surcharge.

In 2009, the legislature passed a series of bills that placed winter shutoff restrictions on municipal utilities. These bills place restrictions on performing winter shutoffs for certain customers. Eligible military customers, critical care customers, and senior citizens are provided certain shutoff protections by these bills. In addition, there are specific steps outlined that must be followed by the City to legally shut off a residential customer during the heating season (defined as November 1 through March 31). Due to the complexity of the legislation, the City's practice has been to restrict all residential shutoffs during the heating season. If the City elects to opt out of collecting the low income surcharge, we will not be permitted to shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Since we already limit winter shutoffs, utility operations will not be substantially changed if the City elects to opt out.

On July 15, 2013, Council passed Resolution 2013-44, electing to not collect the low income energy assistance funding factor between July 1, 2013 and June 30, 2014. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2013 and April 15, 2014. On May 5, 2014, Council passed Resolution 2014-18, electing to not collect the low income energy assistance funding factor between July 1, 2014 and June 30, 2015. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2014 and April 15, 2015.

Council cited the following three primary reasons for adoption of Resolutions 2013-44 and 2014-18:

1. Council was concerned that a portion of the surcharge would be used to assist customers outside of the City's service territory.
2. Council felt that it was unfair to subsidize customers of the investor owned gas utility operating in the City's service territory.
3. Since 2009, the City has implemented an unwritten policy restricting residential customer shutoffs during the heating season.

At the beginning of the 2013-14 heating season, there was some confusion related to the types of assistance available to City electric customers. The Michigan Department of Human Services (DHS) denied State Emergency Relief (SER) funding to customers of any electric utility that elected to opt out of collecting the surcharge. The SER program is funded with federal Low Income Home Energy Assistance Program (LIHEAP) dollars and not through the LIEAF program. DHS determined that City customers seeking SER funding were not in threat of shutoff and ineligible to receive SER funds.

The \$50 million collected through the LIEAF program is distributed to customers via the Michigan Energy Assistance Program (MEAP) established by Public Act 615 of 2012. The purpose of the Michigan Energy Assistance Program is to implement preventative programs designed to help low-income customers reach energy self-sufficiency. This program distributes \$50 million of LIEAF money and \$40 million in LIHEAP funds via grants to 14 various entities. South Haven electric customers are eligible to seek assistance from the following six agencies providing services in Van Buren County:

DHS - Bureau of Community Action and Economic Opportunity
Michigan Community Action Agency Association
The Salvation Army
SEMCO Energy Gas Company
The Heat and Warmth Fund
True North Community Services

MEAP Grant Program Fact Sheets can be downloaded from the State's website:
http://www.michigan.gov/mpsc/0,4639,7-159-52493_52588-317123--,00.html.

During the 2013-2014 heating season, 14 municipal electric utilities elected to collect the surcharge while 27 elected to opt out. The Michigan Public Service Commission requires an annual filing on each utility's opt-out choice. If the City does not opt out, approximately \$100,000 will be paid to the state in the upcoming fiscal year.

At their June 29, 2015 regular meeting, the Board of Public Utilities reviewed PA 95 and passed a motion recommending that Council elect to opt out of collecting the surcharge for the upcoming 12 month period.

Moved by Fitzgibbon, seconded by Kozlik Wall to approve Resolution 2015-35, a resolution to opt out of the electric utility surcharge for the LIEAF program, and to ensure compliance with PA 95 of 2013.

Voted Yes: All. Motion carried.

9a. Council will be asked to consider a request for a sign application for public property for SoHa Surf Shop.

Background Information:

SoHa Surf Shop is requesting a permit to place signs at their South Beach sports equipment location. The applicant has a license agreement for the use but signs were not included in the agreement. The zoning administrator is unable to issue sign permits as the property is publicly owned.

The applicant is asking to place a sandwich board sign at the top of the dune (near the sidewalk) and a freestanding 4' by 6' sign at the rental location. The signs would be in place from the time of the approval until September 15, 2015. In future years the signs would be in place from May 15 to September 15.

Moved by Kozlik Wall, seconded by Fitzgibbon to approve the placement of signs at the South Beach and that the sandwich board sign must be removed daily.

Voted Yes: All. Motion carried.

10. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Richard Austen, 365 Jones Avenue – Spoke to the Council regarding the Fireworks ordinance that prohibits fireworks displays except for July 3, 4, and 5.

11. City Manager's Comments

None.

12. Mayor and Councilperson's Comments

Kozlik Wall – No comment.

Gruber – No comment.

Fitzgibbon – No comment.

Patterson – Notes that our beaches are well used and our rental housing has been praised. Reminder to tourists and visitors that dogs are not allowed on the sand or in the water at the beach. Pets must remain in the paved areas of the beaches.

Arnold – No comment.

Klavins – Reminder that Friends of the Blue Star Trail will be hosting the 4th Annual Lakeshore Harvest Country Bike Tour on August 15th, a 15 to 100 mile ride and tour of local fruit and produce farms, wineries, orchards, and cider mills. If you order ½ barrel of fruit juice, they will deliver it back to your staging area.

Burr – MDOT has put out to bid the paving of the Van Buren State Park Trail and expects to have the paving completed in October. This is the final phase in a 3 year project.

13. Adjourn

Moved to adjourn by Patterson, seconded by Fitzgibbon.

Voted Yes: All. Motion carried, meeting adjourned at 7:25 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier
Deputy City Clerk

Approved by City Council: **Draft**

CITY OF SOUTH HAVEN

August 03, 2015

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 90,579.97	\$ 59,717.14	\$ 150,297.11
202-MAJOR STREET FUND	\$ -	\$ -	\$ -
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ 25.13	\$ 33,619.03	\$ 33,644.16
226-GARBAGE/REFUSE FUND	\$ -	\$ -	\$ -
250-DOWNTOWN DEVELOPMENT	\$ -	\$ 2,485.58	\$ 2,485.58
251-LDFA #1	\$ -	\$ -	\$ -
252- LDFA #2	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ -	\$ -	\$ -
265-NARCOTICS UNIT	\$ 36.00	\$ -	\$ 36.00
266-POLICE TRAINING	\$ -	\$ -	\$ -
296-RIVER MAINTENANCE	\$ -	\$ -	\$ -
363- CAPITAL BOND	\$ -	\$ -	\$ -
370- BUILDING AUTHORITY #2	\$ -	\$ -	\$ -
371-CAPITAL BOND DEBT SERV	\$ -	\$ -	\$ -
372-WATER PLANT FUND	\$ -	\$ -	\$ -
395-DDA DEBT SERVICE	\$ -	\$ -	\$ -
396- DDA DISTRICT #2	\$ -	\$ -	\$ -
401-CAPITAL PROJECTS	\$ -	\$ -	\$ -
402-CAPITAL PROJECTS #2	\$ -	\$ -	\$ -
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ 52.58	\$ 1,974.32	\$ 2,026.90
577-BEACH FUND	\$ 26.32	\$ 189.97	\$ 216.29
582-ELECTRIC FUND	\$ 4,705.03	\$ 8,223.03	\$ 12,928.06
591-WATER FUND	\$ 2,410.89	\$ 5,211.88	\$ 7,622.77
592-SEWER FUND	\$ 3,505.51	\$ 29,082.93	\$ 32,588.44
594-MUNICIPAL MARINA	\$ 620.28	\$ 8,685.78	\$ 9,306.06
636-INFORMATION SERVICES	\$ -	\$ 4,667.59	\$ 4,667.59
661-MOTOR POOL	\$ 428.65	\$ 721.55	\$ 1,150.20
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ -	\$ -	\$ -
718-TRUST & AGENCY	\$ 6,050.00	\$ -	\$ 6,050.00
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
TOTAL	\$ 108,440.36	\$ 154,578.80	\$ 263,019.16

07/29/2015 12:19 PM
User: MARGUE
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN
CHECK DATE FROM 07/16/2015 - 07/16/2015

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
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Bank 1 FIFTH THIRD BANK

07/16/2015	1	51658	003148	REVOLUTION DESIGN	SIGNS	<u><u>4,600.00</u></u>
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1 TOTALS:

Total of 1 Checks:	4,600.00
Less 0 Void Checks:	0.00
Total of 1 Disbursements:	<u><u>4,600.00</u></u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
07/23/2015	1	51659	MISC	CASCO COMMUNITY BAND	RIVERFRONT CONCERT SERIES	200.00
07/23/2015	1	51660	000463	CITY OF SOUTH HAVEN	PETTY CASH REIMB	952.50
07/23/2015	1	51661	MISC	LAKE EFFECT JAZZ BIG BAND	RIVERFRONT CONCERT SERIES	500.00
07/23/2015	1	51662	MISC	STAR & CHARLIE	RIVERFRONT CONCERT SERIES	250.00
07/23/2015	1	51663	MISC	THE ADAMS FAMILY - CINDY KROPF	RIVERFRONT CONCERT SERIES	500.00
07/24/2015	1	51664	003383	APPLIED IMAGING	MONTHLY CONTRACT 07/08 - 08/07/15 RICOH MP5054 BLACK & WHITE COPIER	30.90 5,590.00
						<u>5,620.90</u>
07/24/2015	1	51665	003074	APX INC	ENERGY OPTIMIZATION SERVICES	119.28
07/24/2015	1	51666	UB REFUND	ARINI, CATHERINE A	UB refund for account: 21149501	29.46
07/24/2015	1	51667	UB REFUND	ASHLEY, WILLIAM O	UB refund for account: 30131001	20.11
07/24/2015	1	51668	000177	AUTOWARES INC	REPAIR/MAINT SUPPLIES- ACCT #23300720 REPAIR/MAINT SUPPLIES- ACCT #23300720	6.79 32.67
						<u>39.46</u>
07/24/2015	1	51669	UB REFUND	BARRINGER, DONALD L	UB deposit refund for account: 20651001	150.00
07/24/2015	1	51670	003334	BASIC CORPORATE	MINIMUM FSA ADMIN FEE - JUL - DEC 2015	300.00
07/24/2015	1	51671	000309	A.D. BOS OFFICE COFFEE SERVICE	COFFEE & SUPPLIES	71.04
07/24/2015	1	51672	MISC	BUILDER'S FIREPLACE COMPANY	REFUND MECHANICAL PERMIT FEES	135.00
07/24/2015	1	51673	003391	CBK K-9	AGITATION COLLARS	36.00
07/24/2015	1	51674	UB REFUND	CITY OF SOUTH HAVEN	UB REFUND: 30532003 - PAY TO DEL UTILITY	80.00
07/24/2015	1	51675	000506	COMPTON, HENRY J	SAFETY GLASSES REIMBURSEMENT	150.00
07/24/2015	1	51676	003180	COPS HEALTH TRUST	INSURANCE	1,748.95
07/24/2015	1	51677	UB REFUND	CORTES, DAVID	UB refund for account: 13515914	55.83
07/24/2015	1	51678	003213	DALE CLAYTON	MILEAGE REIMBURSEMENT	69.00
07/24/2015	1	51679	003127	ADAM DE BOER	MEAL REIMBURSEMENT	20.84
07/24/2015	1	51680	000624	DELTA DENTAL OF MICHIGAN	INSURANCE	5,201.12
07/24/2015	1	51681	UB REFUND	FLEETWOOD, GERALDINE K	UB refund for account: 20681401	285.97
07/24/2015	1	51682	000843	FRONTIER	TELEPHONE 616-040-3325-112972-5 TELEPHONE 269-637-8578-032095-5 TELEPHONE 269-637-3376-081214-5 TELEPHONE 269-637-2877-050814-5 TELEPHONE 269-639-3050-082313-5	58.39 60.09 54.87 59.69 637.01
						<u>870.05</u>
07/24/2015	1	51683	000847	FUEL MANAGEMENT SYSTEM	FUEL	5,547.14
07/24/2015	1	51684	UB REFUND	HATFIELD, MICHAEL R	UB refund for account: 20385003	55.13
07/24/2015	1	51685	001086	HOME CITY ICE COMPANY, THE	ICE AT MARINA	401.90
07/24/2015	1	51686	001196	JOHN'S STEREO INC	TONER MODEM ADAPT	19.98 12.99
						<u>32.97</u>
07/24/2015	1	51687	001331	LAKE MICHIGAN MAILERS	MAILING FEES C-378	10,000.00
07/24/2015	1	51688	001405	LINCOLN NATIONAL LIFE INS CO	INSURANCE	2,994.08
07/24/2015	1	51689	UB REFUND	MARR, KAREN R	UB refund for account: 40166000	535.69
07/24/2015	1	51690	001610	MICHIGAN GAS UTILITIES	NATURAL GAS 4776012-9 NATURAL GAS 4778754-4 NATURAL GAS 4713051-3 NATURAL GAS 4999209-2 NATURAL GAS 4716366-2	233.02 36.74 62.81 19.91 1,079.45

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					NATURAL GAS 5290828-2	60.81
					NATURAL GAS	18.52
					NATURAL GAS 4709428-9	40.32
					NATURAL GAS 5258805-0	99.22
					NATURAL GAS 4709495-8	828.99
					NATURAL GAS 4714392-0	100.64
					NATURAL GAS 4716744-0	52.58
					NATURAL GAS 4717977-5	36.74
					NATURAL GAS 5110094-9	93.78
						<u>2,763.53</u>
07/24/2015	1	51691	UB REFUND	MORRISON, CANDI L	UB refund for account: 10661007	163.70
07/24/2015	1	51692	MISC	OTTAWA COUNTY	TRAINING	35.00
07/24/2015	1	51693	001948	PAT'S PRONTO PRINT	PRIVATE PROPERTY ACCIDENT REPORTS	254.50
07/24/2015	1	51694	UB REFUND	PIER VIEW SOUTH LLC	UB refund for account: 21618001	99.08
07/24/2015	1	51695	003357	QUALITY SUITES	LODGING FOR AUGUST 17-20, 2015	238.50
07/24/2015	1	51696	UB REFUND	SIMMONS, DONALD A JR	UB refund for account: 20459002	153.75
07/24/2015	1	51697	002486	STATE OF MICHIGAN	CPA LICENSE RENEWAL	200.00
07/24/2015	1	51698	003388	STATE OF MICHIGAN	MAR 2015 SALES TAX DUE 38-6004594	51.92
07/24/2015	1	51699	003327	UNITED HEALTHCARE INSURANCE CO	HEALTH INSURANCE PREMIUMS	60,837.35
07/24/2015	1	51700	002721	UPLINK SECURITY LLC	MONTHLY SERVICE FEES	7.45
07/24/2015	1	51701	002724	UPS STORE #5080	SHIPPING FEE	15.15
					SHIPPING FEE	25.15
					SHIPPING FEE	12.10
					CREDIT MEMO	(40.29)
						<u>12.11</u>
07/24/2015	1	51702	002777	VANDERZEE MOTORPLEX	MAINTENANCE SUPPLIES	13.16
					MAINTENANCE SUPPLIES	13.16
						<u>26.32</u>
07/24/2015	1	51703	002792	VERIZON WIRELESS	CELL PHONES 486573081-00002	38.01
					CELL PHONES 742053338-00001	353.11
					CELL PHONES 486573081-00001	695.96
						<u>1,087.08</u>
07/24/2015	1	51704	UB REFUND	VOGL, CHRISTINA	UB refund for account: 13652305	27.65
07/24/2015	1	51705	002843	RON WASHEGESIC	ROD & CAMERA SEWER - 460 KALAMAZOO ST	280.00
					ROD SEWER - TOT LOT BATHROOM	120.00
					ROD SEWER - STANLEY JOHNSON PARK	120.00
						<u>520.00</u>
07/24/2015	1	51706	002936	WINKEL'S COMMUNICATION INC	RADIO SYSTEM MAINTENANCE MAY - JUN 15	390.00
1 TOTALS:						
Total of 48 Checks:						103,840.36
Less 0 Void Checks:						0.00
Total of 48 Disbursements:						<u>103,840.36</u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
08/03/2015	1	51707	MISC	A. VAN STENSEL & SONS, LLC	APPRAISAL SERVICES	3,000.00
08/03/2015	1	51708	000014	ABONMARCHE CONSULTANTS INC	SURVEYING SERVICES - OVERTON PROJECT 156 DEMOLITION PLANS FOR OVERTON PROJECT 156 ADA IMPROVEMENTS FOR CENTER FOR THE ARTS 2015 STREET RESURFACING PROJECTS - CENTE	1,637.50 351.50 325.75 8,461.25
						<u>10,776.00</u>
08/03/2015	1	51709	000043	AIRGAS USA, LLC	CYLINDER RENTAL	54.56
08/03/2015	1	51710	000048	AL VAN HUMANE SOCIETY	ANNUAL CONTRIBUTION	7,000.00
08/03/2015	1	51711	000050	ALEXANDER CHEMICAL CORP	CHEMICALS DEPOSIT REFUND DEPOSIT REFUND	1,730.47 (500.00) (700.00)
						<u>530.47</u>
08/03/2015	1	51712	000058	ALLEGAN COUNTY SHERIFF'S OFFIC	FIREWORKS TRAFFIC DETAIL	2,424.00
08/03/2015	1	51713	000109	ANCHOR SIGNS	DECALS	600.00
08/03/2015	1	51714	000229	BEAVER RESEARCH COMPANY	INSECT REPELLENT	128.57
08/03/2015	1	51715	000372	C.C. JOHNSON & MALHOTRA PC	WWTP IPP PRORAM SOUTH HAVEN WWTP	2,219.98 <u>1,902.84</u>
						4,122.82
08/03/2015	1	51716	000418	CDW GOVERNMENT INC	SUPPLIES	348.72
08/03/2015	1	51717	000502	COMMUNITY ANSWERING SERVICE	ANSWERING SERVICES	2,125.00
08/03/2015	1	51718	000505	COMPTON INC	REPAIR WATER LINE AT SEWER PLANT MOVE BEACH CLEANER CONCRETE REPLACEMENT WATER SERVICE TAP	860.00 450.00 18,705.67 <u>1,070.00</u>
						21,085.67
08/03/2015	1	51719	000519	CONSUMERS ENERGY	ELECTRIC 1000 1414 0337 ELECTRIC 1000 1414 0568 ELECTRIC 1000 1414 0840	118.73 9.11 38.74
						<u>166.58</u>
08/03/2015	1	51720	000531	CORE TECHNOLOGY CORP	NETMOTION LICENSES & SUPPORT	3,715.51
08/03/2015	1	51721	000660	DOMESTIC LINEN-KALAMAZOO	CITY HALL RENTALS	381.44
08/03/2015	1	51722	000716	EJ USA INC	CONTROLLERS CREDIT MEMO	1,400.00 (639.51)
						<u>760.49</u>
08/03/2015	1	51723	003168	ELWOOD STAFFING	STAFFING SERVICES	243.20
08/03/2015	1	51724	000843	FRONTIER	TELEPHONE 269-637-9127-080204-5 TELEPHONE 616-040-6480-021893-5 TELEPHONE 616-001-2946-100103-5 TELEPHONE 269-639-2048-112509-5 TELEPHONE 269-639-9531-040500-5 TELEPHONE 269-637-0261-052112-5 TELEPHONE 269-637-4778-082302-5 TELEPHONE 616-001-7480-082802-5	83.50 26.26 74.10 46.28 110.33 153.11 92.01 70.17

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					TELEPHONE 269-637-7466-021392-5	497.55
					TELEPHONE 231-189-0674-032599-5	2,336.40
						<u>3,489.71</u>
08/03/2015	1	51725	000862	GARDNER DENVER NASH LLC	HOSE FLEX	3,113.72
08/03/2015	1	51726	000888	GIVE 'EM A BRAKE SAFETY	RENTAL PORTABLE MESSAGE BOARDS	1,000.00
08/03/2015	1	51727	000913	GRAINGER	MAINTENANCE SUPPLIES	537.00
08/03/2015	1	51728	000929	GREAT LAKES & ST LAWRENCE	MEMBERSHIP DUES	1,500.00
08/03/2015	1	51729	000994	HAPA LLC	MARINA & BLACK RIVER PARK OPERATIONS	9,781.98
08/03/2015	1	51730	001102	HUBBELL, ROTH & CLARK INC	SOUTH HAVEN WWTP O&M MANUAL & AMP WWTP &	10,141.08
08/03/2015	1	51731	003367	J. RANCK ELECTRIC, INC.	UPGRADES TO MEIJER TRAFFIC SIGNAL	27,620.00
08/03/2015	1	51732	001223	KAL-BLUE	TONER	222.56
08/03/2015	1	51733	001248	KENNEDY INDUSTRIES INC	FLYGT PUMP, 73RD STREET	8,371.00
08/03/2015	1	51734	001523	MC FADDEN FRIENDLY MOTORS INC	WIPER ARM & BLADE	87.20
08/03/2015	1	51735	001544	MENARDS	MAINTENANCE SUPPLIES	25.93
					MAINTENANCE SUPPLIES	34.02
					MAINTENANCE SUPPLIES	39.94
					MAINTENANCE SUPPLIES	38.45
					MAINTENANCE SUPPLIES	28.40
					MAINTENANCE SUPPLIES	70.21
					MAINTENANCE SUPPLIES	72.31
						<u>309.26</u>
08/03/2015	1	51736	003291	MORPHO TRUST USA	ANNUAL MAINTENANCE	1,542.75
08/03/2015	1	51737	001766	MUZZALL GRAPHICS	A/P LASER CHECKS	324.90
08/03/2015	1	51738	001848	NORTH SHORE PEST CONTROL INC	PEST CONTROL	50.00
					PEST CONTROL	50.00
					PEST CONTROL	50.00
					PEST CONTROL	50.00
						<u>200.00</u>
08/03/2015	1	51739	001853	NORTHERN FIRST AID	FIRST AID SUPPLIES	100.01
08/03/2015	1	51740	001902	OPTIMIZATION SOLUTIONS	COAGULATION FEED CONTROL MGT APR - JUN	1,250.00
08/03/2015	1	51741	001911	OTTAGAN PLUMBING & TESTING INC	REPAIRS AT MARITIME MUSEUM	199.25
08/03/2015	1	51742	002002	PLUMBER'S PORTABLE TOILETS	RENTALS	300.00
08/03/2015	1	51743	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	309.60
					MAINTENANCE SUPPLIES	153.87
					MAINTENANCE SUPPLIES	144.92
					MAINTENANCE SUPPLIES	375.53
					MAINTENANCE SUPPLIES	14.42
					SCANNER MAINTENANCE AGREEMENT	142.00
					MAINTENANCE SUPPLIES	1,861.41
					MAINTENANCE SUPPLIES	1,082.44
					MAINTENANCE SUPPLIES	529.90
					MAINTENANCE SUPPLIES	61.21
					MAINTENANCE SUPPLIES	829.99
					DIELECTIC TESTING	1,463.00
						<u>6,968.29</u>
08/03/2015	1	51744	002114	RATHCO SAFETY SUPPLY INC	PAID PARKING REQUIRED SIGNS	1,125.00
					DEAF CHILD AREA SIGNS	150.00
						<u>1,275.00</u>
08/03/2015	1	51745	002155	RIDGE AND KRAMER AUTO PARTS	MAINTENANCE SUPPLIES	160.73

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					MAINTENANCE SUPPLIES	395.70
					MAINTENANCE SUPPLIES	204.16
						<u>760.59</u>
08/03/2015	1	51746	002267	SECANT TECHNOLOGIES	REACTIVE SUPPORT	580.00
08/03/2015	1	51747	002478	STAPLES ADVANTAGE	SUPPLIES	559.00
					SUPPLIES	695.75
					SUPPLIES	131.02
						<u>1,385.77</u>
08/03/2015	1	51748	002486	STATE OF MICHIGAN	BOILER CERTIFICATE & INSPECTION	130.00
08/03/2015	1	51749	002599	THAYER INC	SUPPLIES	127.23
					SUPPLIES	671.70
					SUPPLIES	833.22
					SUPPLIES	396.80
						<u>2,028.95</u>
08/03/2015	1	51750	002644	TRACE ANALYTICAL LAB INC	CHEMICAL ANALYSIS	365.00
08/03/2015	1	51751	002645	TRACTOR SUPPLY CREDIT PLAN	SUPPLIES ACCT#6035 3012 0321 1402	179.98
08/03/2015	1	51752	002728	USA BLUE BOOK	LAB SUPPLIES	646.68
					LAB SUPPLIES	62.39
						<u>709.07</u>
08/03/2015	1	51753	002756	VAN BUREN COUNTY SHERIFF'S	FIREWORKS TRAFFIC DETAIL	6,944.08
08/03/2015	1	51754	002756	VAN BUREN COUNTY SHERIFF'S	FIREWORKS TRAFFIC DETAIL	2,737.50
					PARADE TRAFFIC DETAIL	270.00
						<u>3,007.50</u>
08/03/2015	1	51755	002792	VERIZON WIRELESS	CELL PHONES 886568152-00001	960.73
08/03/2015	1	51756	003169	VILLA ENVIRONMENTAL CONSULTANTS	ASBESTOS REPORT - FACTORY DEMO PROJECT 1	1,230.00
08/03/2015	1	51757	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	19.99
					MAINTENANCE SUPPLIES	4.01
					MAINTENANCE SUPPLIES	3.91
					MAINTENANCE SUPPLIES	16.20
					MAINTENANCE SUPPLIES	10.49
					MAINTENANCE SUPPLIES	8.27
					MAINTENANCE SUPPLIES	24.85
					MAINTENANCE SUPPLIES	2.98
					MAINTENANCE SUPPLIES	21.07
					MAINTENANCE SUPPLIES	7.79
					MAINTENANCE SUPPLIES	9.89
					MAINTENANCE SUPPLIES	91.99
					MAINTENANCE SUPPLIES	39.36
					MAINTENANCE SUPPLIES	10.61
					MAINTENANCE SUPPLIES	0.38
					MAINTENANCE SUPPLIES	7.28
					MAINTENANCE SUPPLIES	13.26
					MAINTENANCE SUPPLIES	16.58
					MAINTENANCE SUPPLIES	103.92
					MAINTENANCE SUPPLIES	3.98
					MAINTENANCE SUPPLIES	6.98
					MAINTENANCE SUPPLIES	1.53
					MAINTENANCE SUPPLIES	7.98
					MAINTENANCE SUPPLIES	37.55

07/29/2015 12:31 PM
User: MARGUE
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN
CHECK DATE FROM 08/03/2015 - 08/03/2015

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					MAINTENANCE SUPPLIES	9.57
					MAINTENANCE SUPPLIES	19.97
						<u>500.39</u>

1 TOTALS:

Total of 51 Checks:						154,578.80
Less 0 Void Checks:						<u>0.00</u>
Total of 51 Disbursements:						<u>154,578.80</u>



City of South Haven

Department of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Brian Dissette, City Manager

Cc: Roger Huff, PE, DPW Director
Wendy Hochstedler, Finance Director
Deb Davidson, DDA Director

From: Larry Halberstadt, PE, City Engineer

Date: August 3, 2015

RE: FY 2015-16 Street Resurfacing Projects

Background Information

As part of the budgeting process for the 2015-16 fiscal year, Council recommended that funds be allocated for street resurfacing. A total of \$553,543.00 was budgeted for street repaving and rehabilitation. Typically, this work consists of removing and replacing the surface course to improve ride quality, installing barrier free ramps for compliance with the Americans with Disabilities Act, and performing other minor repairs.

At the time that budgets were developed, the streets selected for repaving included:

- Michigan Street from Center Street to Broadway Street
- Center Street from Elkenburg Street to Superior Street

On July 23, bids were opened for the paving project. A total of two bids were received. The bid tabulation and engineer's estimate is attached. The low bid is from Compton, Inc. of South Haven, MI in the amount of \$432,890.95.

Engineering services for this project were previously awarded to Abonmarche in the amount of \$75,700. The budgeted amount also included a contingency equal to 10% of the construction cost (approximately \$44,000) to accommodate unforeseen site conditions or changes to the scope of work. The most common scope change on this type of project would be additional sidewalk removal and replacement to correct trip and fall hazards. Awarding the contract to the low bidder will permit the project to be completed for less than the budgeted amount.

Recommendation

It is recommended that Council take action at its August 3, 2015 regular meeting authorizing the City Manager to award the contract to Compton, Inc. in the amount of \$432,890.95. It is anticipated that construction will begin within 1 week of award. The work is scheduled for substantial completion on or before September 4, 2015.

Memorandum

August 3, 2015

FY 2015-16 Street Resurfacing Projects

Page 2 of 2

Attachments

Bid Tabulation

Abonmarche Award Recommendation Letter

Owner: City of South Haven
Project Name: 2015 Center & Michigan Street Resurfacing
Project Number: 15-0416
Date and Time: July 23, 2015 at 2:00 p.m.

Legend: Correction

Bid Tabulation

Item	Unit	Estimated Quantity	Engineer's Estimate		Compton, Inc.		Rieth-Riley		
			Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization, Max \$10,000	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	Temporary Traffic Control	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 9,000.00	\$ 9,000.00	\$ 22,000.00	\$ 22,000.00
3	Traffic Signs, Permanent	SFT	256.25	\$ 17.00	\$ 4,356.25	\$ 17.00	\$ 4,356.25	\$ 20.00	\$ 5,125.00
4	Post, Steel, 3 LB	EA	40	\$ 75.00	\$ 3,000.00	\$ 75.00	\$ 3,000.00	\$ 89.60	\$ 3,584.00
5	HMA Surface Rem.	SYD	12,370	\$ 2.00	\$ 24,740.00	\$ 2.00	\$ 24,740.00	\$ 2.50	\$ 30,925.00
6	Pavt. Rem.	SYD	1,269	\$ 20.00	\$ 25,380.00	\$ 14.00	\$ 17,766.00	\$ 16.80	\$ 21,319.20
7	Sidewalk Rem.	SYD	540	\$ 15.00	\$ 8,100.00	\$ 5.00	\$ 2,700.00	\$ 7.20	\$ 3,888.00
8	Curb Rem.	LFT	1,172	\$ 20.00	\$ 23,440.00	\$ 5.00	\$ 5,860.00	\$ 7.20	\$ 8,438.40
9	Utility Str. Rem., Storm	EA	4	\$ 300.00	\$ 1,200.00	\$ 500.00	\$ 2,000.00	\$ 720.00	\$ 2,880.00
10	Sign, Rem.	EA	39	\$ 75.00	\$ 2,925.00	\$ 25.00	\$ 975.00	\$ 24.00	\$ 936.00
11	Subbase	CYD	120	\$ 15.00	\$ 1,800.00	\$ 20.00	\$ 2,400.00	\$ 30.00	\$ 3,600.00
12	Conc Base, Cse, Nonreinf, 7 inch	SYD	279	\$ 30.00	\$ 8,370.00	\$ 55.00	\$ 15,345.00	\$ 66.00	\$ 18,414.00
13	Aggregate Base, 22A, 8 inch	SYD	350	\$ 10.00	\$ 3,500.00	\$ 15.00	\$ 5,250.00	\$ 19.25	\$ 6,737.50
14	HMA, 3E1	TON	60	\$ 100.00	\$ 6,000.00	\$ 137.00	\$ 8,220.00	\$ 140.00	\$ 8,400.00
15	HMA, 5E1	TON	1,430	\$ 85.00	\$ 121,550.00	\$ 83.00	\$ 118,690.00	\$ 86.00	\$ 122,980.00
16	Sidewalk, 4 inch	SFT	1,550	\$ 4.00	\$ 6,200.00	\$ 4.25	\$ 6,587.50	\$ 5.10	\$ 7,905.00
17	Sidewalk Ramp, 6 inch	SFT	2,891	\$ 5.00	\$ 14,455.00	\$ 7.00	\$ 20,237.00	\$ 8.30	\$ 23,995.30
18	Detectable Warning Surface, C.I.	LFT	250	\$ 70.00	\$ 17,500.00	\$ 81.00	\$ 20,250.00	\$ 97.50	\$ 24,375.00
19	Curb & Gutter, Det F4	LFT	1,133	\$ 20.00	\$ 22,660.00	\$ 19.00	\$ 21,527.00	\$ 23.00	\$ 26,059.00
20	Driveway Opening, Conc, Det M	LFT	200	\$ 20.00	\$ 4,000.00	\$ 18.00	\$ 3,600.00	\$ 21.65	\$ 4,330.00
21	Driveway, Nonreinf Conc, 6 inch	SYD	301	\$ 40.00	\$ 12,040.00	\$ 48.00	\$ 14,448.00	\$ 57.70	\$ 17,367.70
22	Legend Mrkg, Ovly Cold Plastic, White, School	EA	1.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 235.00	\$ 235.00
23	Line Mrkg, Waterborne, Yellow, 4 inch	LFT	850	\$ 2.00	\$ 1,700.00	\$ 0.40	\$ 340.00	\$ 0.42	\$ 357.00
24	Line Mrkg, Ovly Cold Plastic, 6 inch, Crosswalk	LFT	1,096	\$ 5.00	\$ 5,480.00	\$ 2.10	\$ 2,301.60	\$ 2.40	\$ 2,630.40
25	Line Mrkg, Ovly Cold Plastic, 12 inch, Stop Bar	LFT	168	\$ 10.00	\$ 1,680.00	\$ 4.20	\$ 705.60	\$ 4.90	\$ 823.20
26	Topsoil Surface, Furn, 4 inch	SYD	1,010	\$ 12.00	\$ 12,120.00	\$ 10.00	\$ 10,100.00	\$ 13.20	\$ 13,332.00
27	Erosion Fabric	SYD	1,010	\$ 5.00	\$ 5,050.00	\$ 1.20	\$ 1,212.00	\$ 1.60	\$ 1,616.00
28	Seed	LBS	210	\$ 30.00	\$ 6,300.00	\$ 30.00	\$ 6,300.00	\$ 42.10	\$ 8,841.00
29	Fertilizer	LBS	210	\$ 10.00	\$ 2,100.00	\$ 10.00	\$ 2,100.00	\$ 13.25	\$ 2,782.50
30	Structure, Stm. MH, 24 inch Dia	EA	1	\$ 1,200.00	\$ 1,200.00	\$ 1,300.00	\$ 1,300.00	\$ 1,560.00	\$ 1,560.00
31	Structure, Stm. MH, 48 inch Dia	EA	3	\$ 2,000.00	\$ 6,000.00	\$ 2,000.00	\$ 6,000.00	\$ 3,000.00	\$ 9,000.00
32	Structure Cover, EJ 7030	EA	2	\$ 1,000.00	\$ 2,000.00	\$ 1,400.00	\$ 2,800.00	\$ 1,750.00	\$ 3,500.00
33	Structure Cover, EJ 1040	EA	1	\$ 800.00	\$ 800.00	\$ 950.00	\$ 950.00	\$ 1,200.00	\$ 1,200.00
34	Structure Cover, EJ 1040, Sanitary w/City Logo	EA	17	\$ 800.00	\$ 13,600.00	\$ 950.00	\$ 16,150.00	\$ 1,200.00	\$ 20,400.00
35	Structure Cover, EJ 1040 Storm w/City Logo	EA	2	\$ 800.00	\$ 1,600.00	\$ 950.00	\$ 1,900.00	\$ 1,200.00	\$ 2,400.00
36	Structure Cover, EJ 1040, Water w/City Logo	EA	8	\$ 800.00	\$ 6,400.00	\$ 950.00	\$ 7,600.00	\$ 1,200.00	\$ 9,600.00
37	Structure Cover, EJ 5100	EA	1	\$ 800.00	\$ 800.00	\$ 1,100.00	\$ 1,100.00	\$ 1,450.00	\$ 1,450.00
38	Structure Cover, EJ 7045	EA	23	\$ 800.00	\$ 18,400.00	\$ 1,150.00	\$ 26,450.00	\$ 1,450.00	\$ 33,350.00
39	Structure Adjust, Case 1	EA	50	\$ 300.00	\$ 15,000.00	\$ 460.00	\$ 23,000.00	\$ 550.00	\$ 27,500.00
40	Valve Box Adjust	EA	2	\$ 300.00	\$ 600.00	\$ 300.00	\$ 600.00	\$ 385.00	\$ 770.00
41	Stm. Swr. 12 inch, RCP	LFT	69	\$ 70.00	\$ 4,830.00	\$ 70.00	\$ 4,830.00	\$ 84.20	\$ 5,809.80
Total:				\$ 442,076.25	\$ 432,890.95		\$ 520,416.00		
					% of Eng. Est.	97.92%	% of Eng. Est.	117.72%	

July 24, 2015

Mr. Larry Halberstadt, P.E.
City of South Haven
1199 8th Avenue
South Haven, MI 49090

RE: City of South Haven
2015 Resurfacing Project
Center Street and Michigan Avenue
Recommendation for Award

Dear Larry:

On July 23, 2015, we received two (2) bids for the 2015 Resurfacing Project. The project included resurfacing Center Street from Elkenburg Street to Superior Street and resurfacing Michigan Avenue from Center Street to Broadway Street.

A summary of the attached bid tabulation is provided below.

BID SUMMARY

<u>Prepared By:</u>	<u>Total Amount</u>
Compton Inc.	\$432,890.95
Rieth-Riley Construction Co., Inc.	\$520,416.00

After review, we have found all bidders to be qualified and their bids to be properly prepared and responsive. The bids were under the engineering estimate.

Abonmarche recommends that the city award to the low bidder of Compton Inc. for a total awarded contract amount of **\$432,890.95**.

Should you have any questions or comments, please feel free to contact us at our office.

Sincerely,

ABONMARCHE



Jason W. Marquardt, P.E.
Senior Project Engineer

JWM/jkr

Downtown Development Authority

Workshop Minutes

Wednesday, January 7, 2015
Noon, City Hall Council Chambers



City of South Haven

Roll Call:

Present: Burr, Marcoux, Frederick, Newton, Olson
Absent: Braun, Maxwell, Whiteford

Also present: Brian Dissette, City Manager; Steve Oosting, Civil Engineer; Wendy Hoschstedler, Finance Director; Deb Davidson, DDA Director

Davidson welcomed Sue Frederick to the DDA Board. Mary Whiteford has also been appointed but could not make today's meeting.

1. DDA discussed proposed future projects.

Former Baars Building

Davidson noted previous DDA Board discussion regarding the need to expand parking. Option 1 will provide twenty-eight (28) redeveloped public parking spaces at a cost of \$240,000. Option 2 will provide twenty-three (23) redeveloped public parking spaces along with a public restroom at a cost of \$360,000.

Davidson noted that in the past, the DDA has discussed a need for an additional restroom. There is intent to make the added restroom a year round facility. At present, the ice rink in the nearby Huron St parking lot is serviced by two (2) public restrooms in Dyckman Park.

Dissette noted that the city is currently underserving the ice rink with only two restrooms available; vandalism to restrooms has occurred several times. With separate men's and separate women's restrooms in one building and multiple stalls, the occurrence of vandalism is greatly decreased. During Farm Market and ice rink hours, service could be improved to the area reducing vandalism issues.

Concerns were voiced that a restroom constructed at the former Baars building property may be too distant for users of the ice rink. Also, a drive currently directs traffic through the parking lot, over the proposed path to new restrooms. However, existing sewer and water hookups are available at the Baar's site. Dissette noted that a big part of the expense is eliminated because of the hookups already existing. There is some dead space in either of the layouts which could possibly house restrooms and ice rink storage and rentals.

Newton noted the ice skating rink has a fairly short season and asked if the rentals could be located in a shed structure similar to where the Zamboni is stored. Newton asked what activities occur in the current skate rental site and whether heat is a necessity to which Dissette responded that currently the rental site provides a changing area; storage; rentals; and sales.

It was pointed out that parking spaces are gained with either option. The new restroom could mirror the Huron / Kalamazoo restroom.

It was stated that if the board chose Option 2 the restroom would not have to be done right away. Dissette added, "If you like Option 2 but don't want to spend the money on the restroom, the Engineering Department could get started on the parking engineering."

Marcoux pointed out delaying the restroom might buy some time to figure exactly how the restroom and a potential skate rental/storage could best be laid out; suggested changing the layout to have an entrance from the skate/rental building into the restroom.

It was noted that demolition of the existing building has to occur with either option. Oosting noted that demolition of the existing building could be done concurrently with construction of the new parking lot or it could be done prior.

Dissette explained that city staff will work with Engineering to get the design in place, to get it ready for bidding then bring it back to this board for a motion. The Planning Commission would review the project. Oosting believes that prior to Memorial Day would be too optimistic. Consensus is to target right after Labor Day to begin the project.

Center Street

Davidson noted that the DDA approved a Streetscape Master Plan in 2010 which gave staff a base to follow for all downtown projects. The plan is to continue what was done on Phoenix Street; concrete walks, brick paving, outdoor seating, trash cans and benches. The thought is that now that the intersection of Phoenix and Center is complete, the Center Street project can be done in two (2) phases so traffic could use that intersection. Davidson stated that grant opportunities come up without much prior notice and turnaround is short. Pre-planning gives staff an opportunity to have a plan ready for another DIG grant. Davidson noted that city staff wants to get the DDA board's feedback and future review of the concept plans. Pat Cornelisse, landscape designer on Phoenix Street, has been chosen for the design work to keep plans consistent.

Phase 1 is Center Street south of Phoenix and allows Phoenix to stay open during the construction. This project would be done in two phases over two years' time, with the city applying for a grant each year. Cornelisse will be directed to work with interested property owners to develop outdoor seating.

The number one (1) goal is to get Center Street rebuilt avoiding additional borrowings, using local funds for a local match. Doing this in phases provides convenience and cash flow (no additional borrowings). Marcoux stated that this assumes getting the grants. Dissette said with the DIG grants, the city provides a healthy match, and has been very successful with

Deb and Steve working on this. Dissette noted that the state is using South Haven as an example to others in how to best use the funds.

Phase 2 will be Center Street north of Phoenix and finally Phase 3 will cover Broadway, according to Dissette.

Oosting explained that with the DIG grant the state wants a project ready to go when grant opportunities are announced. A city with a plan and approval in place makes a compelling application.

Wi-Fi / Broadway

Davidson stated that at the Board's May meeting wi-fi was discussed and it was pointed out that not all DDA area was covered. Thirsty Perch, the Vineyard, Joe's Bar & Grill and others were underserved and city staff was directed to look at expanding coverage. Dissette explained that Secant has been working with the city on this and apologized for not responding more rapidly. Dissette noted that the city could go low-cost with antennas on top of the Warren Center but he feels the ideal is to mirror what has been done on Quaker Street and elsewhere, using street lights as bases for wi-fi components. Since 2006 the City's Department of Public Works has been planning to expand on the street lights going along Broadway to the bridge. The wi-fi expansion should be packaged with the street lighting, which would mean work with the Board of Public Utilities, the Electric Fund and Secant to be sure lighting installed is equipped with wi-fi sending units. City staff has planning in place but not yet executed. Broadway can look like an extension of Phoenix. Over the next two (2) to three (3) years this is very do-able.

Davidson pointed out the conceptual drawing with the streetscape and outdoor seating included in the agenda packet, noting that Thirsty Perch and Lakeshore Patio have looked at this drawing and agreed with the plan. This proposal is part of the whole bundle of rebuilding Broadway.

Dissette said the plan is to have the green service area available to the entire Central Business District on the streets, sidewalks and outdoor cafés. Marcoux noted businesses will still need to have their own system. Dissette said the city does encourage people to use the city-provided wi-fi but an inside signal is not guaranteed.

Burr noted that the beach was added which Dissette pointed out was done to get the marinas fully serviced.

Broadway

See discussion above.

Water Street

Dissette pointed out that Water Street looks great if you look west but if you look the other way it is a hodge-podge with no theme. Dissette's biggest issue is that because there has not been a plan, city staff has been adding pine trees which are blocking views. Dissette wants, over the next five (5) years, to work to make landscape improvements; to have one

overall theme. Contracted with Pat Cornelisse to make a plan adding in stairs, so it's easier for people on the bluff to get down to Water Street. Dissette said people are walking down that hillside, naturally making foot paths. Dissette would like to have a stairway executed and planned so people do not walk through new landscaping. Staff will be looking for funding from various sources including the DDA, perhaps even Housing and Urban Development through River Terrace, and by spring, plans will be starting to take shape. Dissette intends to bring plans to the DDA for board review and present estimated costs. The property is a mix of privately and city owned.

Marcoux asked if the city will try to get private owners to buy in and spend some money toward the project. Dissette said the contract with the landscaper will include having her meet with the private owners and get their input; then the city will work with the Parks Commission and DDA board and begin putting aside money on an annual basis to have approx. twenty-five (25) to fifty (50) thousand per year to make these improvements. Marcoux stated it sounds like a plan.

Hochstedler reported on financials. The debt related to the DDA 1 is paid off in 2015 so school taxes will no longer be captured which reduces that figure from the \$950,000 to the \$768,000. Hochstedler stated there are no new property tax values, nothing will change, and the financials will be updated when figures become available.

Hochstedler pointed out that DDA 2 has been adjusted in accord with new plan adopted, which reduces taxes from five hundred forty (540) thousand to five hundred twenty-eight (528) thousand. Expenses are relatively stable throughout for operating expenses; one change is "other" under operating expenses. The 2015 approved budget is higher than where it has been; that is to begin repayment to the Electric Fund for the downtown portion of the wi-fi installed so far. Hochstedler noted that is about a five (5) year payback which explains why that increased.

Hochstedler said everything else is quite stable. Marcoux asked what he is missing on personal property taxes. Discussion ensued regarding how the personal property tax rules have changed. Hochstedler said when she gets updated numbers she will update these figures. For now, Hochstedler explained that she has included them, as there is only eight thousand dollars (\$8,000) captured total; as they fall off we will follow the state assessor's office's lead.

Hochstedler pointed out the five (5) year payments from the drain commission for the amount the city paid for the Peterson Drain ends in 2016.

Debt and transfers out, per Hochstedler, DDA Bonds drops off after 2015, so that's an amount not paid in debt service any longer. Looking at what is budgeted for 2015, Hochstedler noted that the Kentucky Avenue Reconstruction was estimated at three-hundred eighty-three thousand (\$383,000) and also downtown paving, Woodman, was estimated at twenty-seven thousand (\$27,000). In the past, DDA funding towards the rehabilitation of the bridge was kept lower because the city was having fund balance issues. In 2014, the DDA put in two hundred ninety thousand (\$290,000). Recently some additional costs over and above budget were discovered so the DDA was sitting on a fund balance and actually put in more towards the bridge. The Street Fund and the DDA have put in the extra for engineering and other expenses.

Dissette noted that the DDA is sitting on half a million dollars. Hochstedler explained this is how the city can maintain operations and still do projects. According to Hochstedler, the city has come a long way since 2012.

Dissette said staff will get the numbers for the demolition of the parking lot.

2. Board Member Comments

Marcoux: Spoke about his sadness to see Foundry Hall sold, noting that this board needs to look at the potential down the road of having a center where a lot of these groups could be pulled together. It would add a lot to the community.

Discussion ensued regarding the DDA board's mission. Marcoux noted that the Film Festival is looking for a permanent home.

Meeting adjourned 1:15 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Downtown Development Authority

Special Meeting Minutes

Wednesday, February 25, 2015
Noon, Council Chambers



City of South Haven

MISSION STATEMENT: The Downtown Development Authority (DDA) is to be a leader in helping to fulfill the City of South Haven Municipal Plan; through planning, funding, and development of projects within the DDA District which promote, encourage and contribute to the overall economic growth and development of the community.

1. Call to Order by Burr at 12:00 noon.

2. Roll Call

Present: Braun (arrived 12:02 p.m.), Burr, Frederick, Marcoux, Maxwell, Newton, Olson (arrived 12:04 p.m.)

Absent: Whiteford

Also present: Brian Dissette, City Manager

3. Approval of Agenda

Motion by Marcoux, second by Frederick to approve the February 25, 2015 Special Meeting Agenda as presented.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

5. DDA will be asked to consider approval of funding the Black River Parking Expansion Project in the amount of \$62,633.00.

Dissette gave an overview of the city's recent attempts to improve the area where the City Electric Garage was formerly located. This past year, river dredging was dumped on the site. The site has been compacted, topped with gravel and can now be used as parking. Reasons given why this is a good DDA project: 1) additional parking to the DDA district (43 spaces) which can serve as overflow parking of the downtown and north side; 2) serve as a local match to the Department of Agriculture, RBEG (Rural Business Enterprise) Grant which this project meets goals of the RBEG; 3) the site is located next to the Kal-Haven Trail

which serves as access to the downtown; and 4) the city owns the land so acquisition is not necessary nor are permits.

Other nearby amenities: Directly across from the site, through a Coastal Zone Management Grant, the city is adding a barrier-free launch ramp which will offer free public parking. Also, a Great Lakes Fisheries Trust grant has been awarded to upgrade the Black River Park site.

DDA funds are available for the match in the 2015-2016 Fiscal Year. It is anticipated that it will be a twelve (12) to forty-eight (48) month project. Funds will remain available for the other previously committed capital improvement projects.

Motion by Marcoux, second by Braun to approve the funding of the Black River Park Expansion Project in the amount of \$62,633.00.

All in favor. Motion carried.

6. DDA will be asked to consider approval of a contract in the amount of \$9450.00 with Abonmarche Consultants, Inc. for project planning and implementation of the former Baars Building demolition.

Davidson explained that the board has previously discussed and approved the demolition of the former Baars Building and noted that Steve Oosting is no longer working for the city. Abonmarche Consultants, Inc. has submitted a proposal to complete planning and technical assistance for the demolition management to allow the project to continue as planned and complete the demolition. The scope of work is for full service from preliminary design and adjoining property meetings through construction and close-out, including management of asbestos removal and lead abatement. A high level of communication with the property owners will be conducted to make sure they are not negatively impacted.

Once demolition is complete, the DDA will be asked to consider the parking layout, including whether a building should be constructed on the site.

Motion by Newton, second by Marcoux to approve a contract in the amount of \$9,450.00 with Abonmarche Consultants, Inc. for project planning and implementation of the former Baars Building demolition.

All in favor. Motion carried.

7. Adjourn

Motion by Burr, second by Newton to adjourn at 12:17 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Brownfield Redevelopment Authority

Regular Meeting Minutes

Monday, April 13, 2015
4:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Bolt at 4:00 p.m.

2. Roll Call

Present: Dotson, Erdmann, Gawreliuk, Klavins, Schaffer (arrived 4:18 p.m.), Valentine, Bolt
Absent: Henry, Herrera, Timmer

3. Approval of Agenda

Motion by Valentine, second by Erdmann to approve the April 13, 2015 regular meeting agenda as presented:

All in favor. Motion carried.

4. Approval of Minutes – January 12, 2015

Motion by Erdmann, second by Klavins to approve the January 12, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

6. Financial Report

VandenBosch reviewed the Financial Report.

7. Factory Condo Memorandum of Understanding

VandenBosch reviewed the background of the Factory Condominium project in which the city was partner with the Department of Environmental Quality (DEQ) regarding contamination on that site. The DEQ is willing to come back and perform a remediation if the health club building is demolished. The city now owns the health club through tax foreclosure, allowing the city to authorize demolition. The building has to be demolished so

the DEQ can access the contamination which currently is located under the health club foundation.

The various agreements contained in the packet are explained in the memo VandenBosch provided. VandenBosch noted that the city will quit claim the property to the condo association to be converted to open space.

VandenBosch explained that the estimated figure of \$125,000 in the memo has been updated to \$160,000. The estimate from the contractor is just one piece of the expenses involved. The estimate should be higher than what we expect to spend on the project, because if the estimate is low, there will be a problem in getting additional funds.

The reimbursement agreement, which was originally between the City and the owner/developer, is being amended to allow the demolition expenses to be reimbursed to the City. That agreement and the new brownfield plan will allow the city to be reimbursed for demolition costs.

VandenBosch explained the Act 381 Work Plan as a technical report sent to the DEQ by the city requesting the use of school operating tax capture. The city has captured a large amount of school operating funds in the Factory Condominium Brownfield Plan. If the DEQ will permit use of those funds, the city will be able to receive payment for demolition soon after being invoiced for the demolition expenses.

VandenBosch noted that the resolution is to consolidate all these agreements; the Factory Condominium board has approved the resolution.

Motion by Erdmann, second by Dotson to approve Resolution 2015-02, a resolution authorizing agreements and actions to enable environmental remediation at the Factory Condominium site.

Ayes: Erdmann, Dotson, Gawreliuk, Klavins, Bolt

Nays: None

Valentine abstained as a condominium unit owner in The Factory Condominium.

Motion carried.

8. Overton Report

VandenBosch noted that there is still no action on the Overton building. This collapsing building is near a city park and not far from an elementary school. The property owner did not pay the property taxes; therefore the property is going to go into tax foreclosure. The city will have first option whether to take ownership before it goes into auction. VandenBosch explained that it is not like it is a free gift; the back taxes will have to be paid.

VandenBosch noted that the proposed Brownfield budget has some money in it reserved for the Overton Building; approval of the budget is not an approval of demolition, but it gives the Finance Director has an idea what we might be spending in the next fiscal year.

9. Budget

VandenBosch pointed out the amounts for the Overton property and Factory Condos, noting that the other expenditure items are guesstimates of how much the Brownfield Authority might reimburse the developers who have already incurred expenses and are waiting for tax capture to allow them to be reimbursed.

VandenBosch noted the budgeted amount for Administrative Expense and explained that it covers the costs of city staff and overhead.

VandenBosch explained that this budget is an item that the City Council would like to have a recommendation on.

Erdmann asked if there is any alternative for the Overton demolition, if part of the building could be saved. VandenBosch explained even the part of the building that does not have a collapsed roof is kind of rough, noting that parts of the complex were built hurriedly during World War II to expedite production.

In response to a question from Erdmann regarding recycling of bricks VandenBosch explained that usually the recycling of materials is reflected in the bid and the demolition contractor takes care of the recycling of materials. By allowing the contractor to sell the salvaged materials, it lowers the bid amount.

Valentine recalled that VandenBosch said there is some contamination but not enough to apply for a grant. VandenBosch confirmed that, noting that staff is working with an environmental firm in checking for other contamination.

Bolt shared his fear this is going to be a long drawn out process; determining ownership of the property will have to make its way through the courts.

Valentine asked about the budget which VandenBosch explained is not a decision but a planning tool.

Motion by Valentine, second by Klavins to recommend that City Council approve the budget as presented.

All in favor. Motion carried.

10. General Comments

There were none.

11. Adjourn

Motion by Klavins, second by Erdmann to adjourn at 4:22 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Board of Public Utilities

Regular Meeting Minutes

Monday, May 18, 2015
4:00 p.m., DPW Conference Room
1199 8th Avenue



City of South Haven

1. Call to Order by Stickland at 4:00 p.m.

2. Roll Call

Present: Burr, Henry, Overhiser (ex-officio), Stein (ex-officio), Winkel, Stickland

Absent: Roberts, Rose

Also present: Lou Adamson, Matt Super, Mike DeGrandchamp, Al Dubuisson (South Haven Township and Casco Township Water and Sewage Treatment Authority)

3. Approval of Agenda

Henry asked if the Abonmarche presentation could be moved up in the agenda.

Motion by Henry, second by Winkel to approve the May 18, 2015 regular meeting agenda as amended:

Move Item 6, Cost of Energy from Indiana-Michigan Power Company (AEP) to become Item 5a.

Move Item 10, Abonmarche update of the Sewer System Evaluation Study to become Item 5b.

All in favor. Motion carried.

4. Approval of Minutes for the Record – April 27, 2015 Regular Meeting Minutes

Motion by Henry, second by Burr to approve the April 27, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Robert Adams, 10925 Portage Road, Portage, Michigan. Stated he owns a house on Edgell Street which had an abnormally high water bill. Was billed for over 10,000 cu. ft of usage. Noted that the water was shut down in the winter.

Roger Huff: Stated that Adams has been working with staff in the Water Department and Customer Service/Utility Billing. A public works crew was sent out; the meter was not turning when they inspected it but they replaced it anyway so they could test the original meter, which tested one hundred percent (100%). "There was no leak when our crew was out there."

Burr asked if anyone pressure tested the service to see if it holds. Halberstadt said that would be on the customer side to which Burr responded, "Yes, you test it at the meter." Halberstadt pointed out that the crew would have to be able to get in the house to test the system on the customer side. Roger added that staff read and reread over a couple weeks and got normal reads. There was not any sign of a leak.

Burr said a reading of 10,000 is obviously an incorrect read/usage amount. Discussion ensued regarding the reads before and after changing out the meter. Stickland noted that the time period of the billing was not even a full month.

Burr suggested looking at the last twelve (12) months and substituting an average of those readings for the inaccurate reading. Henry noted that seems like a reasonable solution. Stickland said the usage after the abnormal read appeared normal.

Hochstedler asked who does the pressure test of the service to which Roger responded, "City staff does but we don't test past the meter." Burr pointed out that the new meter is in place; the dials are not turning; everything is shut off in the house. Burr concludes that Adams evidently does not have a leak inside the house.

Motion by Henry to use the historical usage numbers to calculate a twelve (12) month consumption average. Second by Winkel.

Discussion of estimates and actual. All in favor. Motion carried.

5a. Cost of Energy from Indiana-Michigan Power Company (AEP)

- A. 2015 Billings – All Charges
- B. 2014 Billings – All Charges

Discussion ensued regarding the increase in the true-up from last year to this year. Multiple questions were posed regarding how the cost per kilowatt hour is calculated and what the increase in cost equates to in dollars. Burr stated before the board adjusts any rates we have to know what the increase is.

Stickland gave a couple of scenarios of how the rates could be adjusted to which Burr responded that the transmission fee has to be captured. After further questions and discussion, Stickland noted that the board will table this discussion until next month.

5b. Abonmarche will present an update of the Sewer System Evaluation Study.

Chris Cook, P. E., President/Chief Executive Officer, Abonmarche. Noted this is a new and revised presentation; new information was received and is noted in this draft. Informed that this project was a grant that funded the study to figure out what is going on with the sewer systems. The Department of Environmental Quality (DEQ) requires that a theoretical storm be modeled and tested. Explained what the data showed and did sewer televising to define whether the pipes met a certain criteria for cracks, displaced joints, root intrusions etc. which culminated into this plan. Noted this study began in 2011 and Cook expects to have it complete and ready for review by council in June before the July grant application deadline.

Cook explained why they smoke tested certain areas and the areas that were televised to find problematic areas. Combined thoughts on sewer system with the thoughts from the previous study on the Waste Water Treatment Plant. Looked at a program that might take us over twenty (20) years to accomplish but meet the goal of the city to keep the costs to about \$1M per year; some years were problematic as projects got bigger. Noted the Dyckman area has already been done. Reviewed the various years and what is budgeted for those years to be funded. Stepped through the various phased areas; noted the city would be into the late 2020s before all the work could be complete in the system and beyond that date for the Waste Water Treatment Plant.

Cook reviewed the various years and in the later years some of the projects have to exceed the \$1M per year to accomplish the larger projects. Cook also explained the benefits of combining some of the projects rather than using the pay-as-you-go approach.

Explained the Alternative Phasing beginning with Dyckman (already complete), then the Peterson Ravine and Kalamazoo Street which are budgeted for 2016. After the first segment, Abell, Edgell and Lyon at one per year for three (3) years, which are about four hundred thousand dollar (\$400,000) projects, the plan gives a few years to catch up; pay off initial debt and get ready for the next project, which would be completion of Indiana Avenue and north and south ends of Center Street. Cook noted that the center portion of Center Street is being studied at present; the city is currently putting a cap on that street that will last for the ten (10) years we need. Then the last couple of Waste Water Treatment Plant projects would be done.

Tony McGhee, Business Development Director, Abonmarche: Noted that the cost of treating the extraneous flow is higher than actually fixing the problem.

Cook noted that they have engaged a rate consultant to do a detailed analysis.

Burr requested that Cook show everyone what projects qualify for township users rates to change. Looking at the overall project map, Cook noted that the Indian Grove lift station, the main lift station consolidation and all the plant work are the projects that will affect the township rates.

Dubuisson asked how you figure out what percentage of the rate change will be city and what will be township. Cook responded that it is based on each user. Stickland commented that technically the township should share in the drain work to which Cook said, "Arguably, but the city has that budgeted, and it's only a sixty-three thousand (63,000) to eighty-three thousand (83,000) dollar project."

There were questions and discussion regarding capacity to handle the needs and Cook noted that they have built in accommodation for growth.

Super asked questions and expressed concern about the lack of budgeting in the past for these projects and the cost of the studies being conducted. Stein noted that twenty (20) years ago when the water and sewer agreement was made, the infiltration rate was much higher. "They have been working on the infiltration problem; there is funded depreciation. It is tough, at least politically, to sell putting the money aside." Overhiser noted there is funded depreciation with the water plant; it was easy to keep rates low back then; people do not want to pay any more than they have to. Stickland pointed out the differences between running a city and running a business.

DeGrandchamp and Dubuisson indicated that they like the second alternative where the projects are completed sooner. Cook noted that the cost ends up being less. Stein noted these numbers are all today's numbers. Discussion ensued regarding the costs rising in the future and the need to do these projects.

At Burr's request, Cook explained that the rate consultant has been engaged and we will have them do a sensitivity analysis of the first segment, noting that in a month or so "we hope to have the results of that. Over the remainder of the calendar year, the rate consultant will look deeper to see how this will shake out and look at what we can do to reduce the impact on the users. There will also be a commercial, industrial, residential breakdown."

Burr asked if a consensus from this group regarding the phasing of the project is needed. Stickland noted procrastination is not a good plan.

Cook explained the required steps: a public hearing where he will do a similar presentation with the addition of some environmental and other things. At that point we will look for council to adopt the plan to be sent to the Department of Environmental Quality (DEQ). July 1st is the deadline for submittals for this fiscal year; you hear in October whether you made the cut; your borrowing goes into earnest of filling out the forms to borrow for a spring/summer borrowing. Dubuisson asked the probability of making the cut to which Cook

responded, that there is a good probability; “The DEQ is looking for applications and that is not always the case.”

Overhiser brought up what he sees as a missing piece: how future capacity will be handled for the township. Discussion ensued regarding the new plant construction. Halberstadt said if the city takes on debt and need to recover that debt, somehow we need to raise rates. Super asked if the townships will be on equal footing with the city. Halberstadt noted Stein and the City Manager are in discussions regarding that. Stein said we want to know if the Water and Sewer authority is in agreement to go with the second alternative plan for the funding.

Motion by Henry that the Board of Public Utilities supports the South Haven Sewer System Evaluation Study prepared by Abonmarche that the projects be broken down into three (3) separate projects over a ten (10) year period and that members of the South Haven Township and Casco Township Water and Sewer Authority were in general agreement with proceeding with this plan. Second by Burr.

All in favor. Motion carried.

REPORTS

6. Cost of Energy from Indiana-Michigan Power Company (AEP)

(moved to 5a.)

7. Financial Reports

- A. Electric Fund – Financial Statement
- B. Electric Fund – Review of Percentage Billed
- C. Electric Fund – Capital Projects
- D. Water Fund – Financial Statement
- E. Water Fund – Review of Percentage Billed
- F. Sewer Fund – Financial Statement

Motion by Burr, second by Winkel to accept the Financial Reports.

All in favor. Motion carried.

8. Unresolved Issues Report

Huff noted no changes in the report.

9. SAW Grant Project Progress Report

NEW BUSINESS

10. Abonmarche will present an update of the Sewer System Evaluation Study.

(moved to 5b.)

11. Public Works Director Comments

A. Next Meeting is scheduled for June 29, 2015

12. Board Member Comments

Winkel: Questioned how to prevent storm water being plumbed into the sanitary sewer.

13. Adjourn

Motion by Winkel, second by Burr to adjourn at 6:45 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Harbor Commission

Regular Meeting Minutes

Tuesday, May 19, 2015, 5:30 p.m.
Council Chambers, South Haven City Hall



City of South Haven

1. Call to Order

Present: Sullivan, Pyle, Stephens, Arnold
Absent: Reineck, Silverman, Stegeman

2. Approval of Agenda

Motion by Stephens, second by Pyle to approve the May 19, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

3. Approval of Minutes: April 21, 2015 Regular Meeting April 21, 2015 Workshop Meeting

Motion by Stephens, second by Pyle to approve the April 21, 2015 regular meeting minutes and the April 21, 2015 workshop meeting minutes as written.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

5. Black River Park Accessible Launch

VandenBosch noted that we are close to the deadline for permitting by the Department of Environmental Quality (DEQ) and wanted the board to have a chance to review the plan and suggest any modifications.

VandenBosch explained that the launch area needs to be usable by dinghies as well as kayaks; there is plenty of free space and we are working on getting cleats and tie-offs that will work on this. The dock is a floating dock and there is a pivoting mechanism so it will move

with the surface of the river. The parking nearest is paid parking and there is also free parking a little further away.

A brief discussion ensued regarding sidewalks and preventing vehicles from driving on sidewalks.

VandenBosch noted that the water trail sign is going to be relocated as the existing sign is in the middle of what will be new sidewalk. The existing drainage, including catch basins, will be utilized via some sloping of the soil to allow this water to continue to move.

VandenBosch explained the kayak launch is a \$100,000 project with a \$50,000 match. The launch will be pulled out in winter.

The schedule indicates October construction; the submittal will be sent to the DEQ soon; they will finish the design in June or July; bid it out in July, and begin construction in August to October.

6. South Haven Municipal Marina Website

VandenBosch explained staff has been working hard on designing the website; volunteers and staff have been doing photography. It is a work in process but getting better. Open to comments tonight or at any time by email.

There are pages that describe the marinas; then we have the “call to action” pages with step-by-step instructions to get a reservation which can be done via telephone call or email. The seasonal page has some promotional language, links to the marinas and phone or email contact information.

The activities section of the website promotes our marinas by showing what boaters can do within walking distance with interactive map. VandenBosch clicked through the various areas of the website.

Suggestions and comments:

- Information on safety and safe fueling
- Budget Travel, a global site, named Packard Park one of nine “secret” beaches
- Information on local tournaments.
- Links to Visitor’s Bureau website.

VandenBosch stated that the focus of this website is to attract boaters to the marinas and show how attractive our downtown and activities are.

7. Marina Reports

VandenBosch reviewed the Marina reports.

Member and Staff Comments

Sullivan: Commented on the bridge warning lights and noted that he didn't hear the bells. VandenBosch stated everything was operational yesterday.

Arnold: At the ribbon cutting when the tender brought the bridge down the stop light remained green. VandenBosch will make sure they check that.

Stephens: Asked if they have video. VandenBosch said there is one in the tender's cabin; they can see upriver and downriver. We are looking to connect to the security system but have to run internet to the bridge tender's station.

Sullivan: Asked if there is any thought to having rafts for kayaks and renting space. VandenBosch said it has been talked about but the constraint is budget. This is something that could easily be added later.

VandenBosch: Distributed maps for boaters, noting maps will be available at the marinas and have been brought to lodging facilities where staff were happy to receive them. Regarding any errors, VandenBosch noted we are making changes as they are brought to our attention.

Adjourn

Motion by Sullivan, second by Stephens to adjourn at 6:07 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

**South Haven Area Recreation Authority (SHARA)
Regular Meeting**

**Tuesday, May 19, 2015
7:00 p.m., South Haven Charter Township Hall**

MINUTES

1. Call to Order

Meeting Opened at 7:00 p.m.

2. Roll Call

Members Present: Mr. Ross Stein, Mr. Dennis Fitzgibbon, Mr. Dana Getman, Dr. Robert Herrera

Absent: Mr. Mark McClendon

Guests: Mr. Brian Dissette, City Manager, City of South Haven
Mr. Lloyd Tippman, South Haven Charter Township
Planning Commission

3. Approval of Meeting Minutes:

March 17, 2015 Board Meeting: Motion by Getman, seconded by Fitzgibbon to approve the minutes as presented. All in favor, motion carried.

4. Approval of Agenda:

Motion by Herrera, seconded by Getman to approve the agenda of the May 19, 2015 meeting. All in favor, motion carried.

5. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda:

6. Approval of the SHARA Finance Reports:

a) The board discussed the SHARA Finance Report, noting the SHARA account now has a balance of \$118,346.96.

Motion by Fitzgibbon, seconded by Herrera to approve the SHARA finance report. All in favor, motion carried.

b) The board was updated on the SHARP account, which now has a balance of \$33,625.58.

7. SHARA Board received an update on the site plan approval for the Pilgrim Haven Project:

The board was provided an update on the status of the site plan approval for the first phase of the Pilgrim Haven natural area. Dissette updated the board on the recent approvals issued by the South Haven Charter Township Planning Commission and the Township Board, for the Pilgrim Haven Natural Area's first phase site plan. Dissette noted that the site plan approval was issued, but a variety of rules and requirements were included in the approvals. Dissette and Stein described the site plan requirements to the board. Dissette noted that at the board's July meeting, he will attempt to have a resolution prepared for the board's usage, which will formally adopt the stated rules. Further, Dissette noted that he will work to prepare cost estimates for the additional site plan requirements, and present those items to the board at the July meeting.

8. SHARA Board received an update on the SHARP project site:

The board was provided an update on the status of the SHARP project site. Dissette reviewed the SHARP site alternative property listing with the board. The board discussed the properties included in the listing. Dissette sought the board's position on the submission of a Michigan Natural Resources Trust Fund grant application for the acquisition of SHARP site alternate property. Dissette noted that the grant application would be due in April, 2016. Dissette described an interest in submitting a grant application that could cover potentially two thirds of the cost of land acquisition. The board expressed interest in the grant application process. Dissette noted that the sale of the Casco land could be used to fund the local match for the grant application, and the remaining sale proceeds could be earmarked for capital improvements to the site. The board expressed support for the proposed process.

The board discussed short term improvements for the current soccer fields, located at the intersection of Broadway & Aylworth, owned by South Haven Public Schools. Dissette presented a brief report on proposed "short term" improvements for the fields. The board expressed support for the proposed improvements. Herrera expressed support for the improvements and an interest in working on a field use policy for the site. Dissette agreed to have refined cost estimates and funding plans for the board's review at the July meeting.

9. Staff member comments:

No comments.

10. Board member comments:

No comments.

11. Adjourn

Motion by Getman, seconded by Fitzgibbon to adjourn the meeting. All in favor, motion carried. The meeting was adjourned at 8:08 p.m.

Respectfully submitted by,

Brian Dissette
City Manager, City of South Haven

Planning Commission

Regular Meeting Minutes Thursday, June 4, 2015 7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Paull at 7:00 p.m.

2. Roll Call

Present: Heinig, Miles, Peterson, Smith, Stimson, Wall, Webb, Paull
Absent: Frost

Motion by Heinig, second by Stimson to excuse John Frost.

All in favor. Motion carried.

Point of order: Stimson asked for confirmation that members should say “yes” and “no” instead of “Yay” and “Nay” and “second” instead of “support.”

3. Approval of Agenda

Motion by Wall, second by Heinig to approve the agenda as presented.

All in favor. Motion carried.

4. Election of Officers 2015-2016

Paull explained two ways nominations could be made.

Motion by Stimson, second by Smith to retain the current chair, Dave Paull and the current vice-chair, Larry Heinig.

All in favor. Motion carried.

5. Approval of Minutes – May 7, 2015

Motion by Wall, second by Peterson to approve the May 7, 2015 minutes as written.

All in favor. Motion carried.

6. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Joe Wilkins, 11 Indiana Street. Spoke about his concerns regarding the city's dog ordinance.

7. New Business – Site Plan Review

a. Site plan review for reuse of industrial building located at 1400 Kalamazoo Street

Anderson: This is a reuse of an industrial building that has been used for boat storage in the off-season. Ben Brush, the applicant, is proposing to use this building for engine repair. He received a variance so he could have trucks drive into his building and through and out. The city engineer has no issues with the proposal. Anderson recommends the approval of the site plan; there are no outstanding issues and it is a good reuse of the property.

Paull noted the city appreciates the applicant bringing his business from the township into the city.

Motion by Smith, second by Stimson to approve the site plan with the condition that the city engineer has no remaining issues with the plan.

All in favor. Motion carried.

b. Site plan review for reuse of commercial building at 237 Broadway (former Save-a-Lot)

Anderson: This property went before the Zoning Board of Appeals which granted the landscaping variance request and denied the parking variance. This property is in the B-2 General Business zone which requires parking based on square footage unlike the Central Business District (CBD). That application involved a brew pub and a restaurant. There was not enough parking. Since then, the proposed large restaurant dropped out of the application and the owner of the brew pub has decided to just put in the brew pub. The building will be divided up into usable floor area for the pub determined by what is permitted based on the existing parking, space for the large brewing equipment and a third area to age and store beer in kegs onsite instead of offsite as planned with the original request.

Regarding the landscaping variance, Anderson noted that the Zoning Board granted the requested landscaping variance allowing the applicant to omit landscaping from the front of the building which goes right up to the sidewalk. Other landscaping requirements have been met by the applicant.

Anderson also pointed out that this request does not need a special use or any variances and is a permitted use by right and she recommends that the request be approved.

Tim Woodhams, 1503 East Center, Portage, Michigan: Pointed out that this project has completely changed from what was originally proposed. "A much more intense use was presented last time; we are scaling back to just the brewery and tap room."

Wall asked if the applicant has applied for a liquor license to which Woodhams responded that it is not a liquor license, it is a brewery license. "That process begins today if this is approved and takes over six (6) months."

After further questions by Wall about neighbor approval, Anderson explained that the Planning Commission cannot consider certain other aspects of the proposal because it is a permitted use. "We can only consider what we have control over and that is limited to zoning. Anything that may happen with other agencies at other times we are not concerned with."

Smith commented that it sounds like a good project.

Barry Fidelman, 220 Broadway, South Haven. Had questions about where delivery trucks are going to be pulling into that building and the density of the place because of the parking situation.

Woodhams responded that as a part of the city engineers review the old loading dock and drive on the south side next to the synagogue is being removed as part of the site plan. The truck traffic will go to the loading dock on the north side of the property. "Our usable floor area will be no more than supported by existing parking under the ordinance." Noted his brewer is excited to have the storage right on site for "sours" which are beers stored in large barrels and take six (6) or nine (9) months to a year to age.

Motion by Wall to recommend the approval of the reuse of the commercial building at 237 Broadway, as submitted. Second by Heinig.

All in favor. Motion carried.

8. Commissioner Comments

Peterson: Seems like we are having fun tonight.

Wall: Reminded that since this weekend is the car show, the farmer's market will be in the park in front of the parking lot instead of under the pavilion.

Heinig: Thanked the commission for the vote of confidence.

Smith: Nice to have new businesses come to town.

Paull: Thanked the commission for the vote of confidence to continue in this chair and for their good work.

There were no other commissioner comments.

9. Adjourn

Motion by Wall, second by Miles to adjourn at 7:27 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

LIBERTY HYDE BAILEY MUSEUM MEMORIAL, INC. "FOUNDATION"

Tuesday

June 16, 2015

6:10 P. M.

Board Members Present: Anne Long, Joan Hiddema, Todd Robbins, Melanie Gleiss, Becky Linstrom, Bill Lundy, Cindy McAlear

Board Members Absent: John Stempien (Excused), Robin Reva (Excused)

City Council Representative Absent: Clark Gruber (Excused)

Interim Director Present: Michael Fiedorowicz

Anne Long, Chair, called the June 16, 2015 meeting to order and asked for a motion to accept the May 19, 2015 LHBM Board Meeting minutes.

It was moved by Joan Hiddema to accept the May 19, 2015 LHBM Board Meeting minutes. Seconded by Todd Robbins. Motion Carried.

TREASURER'S REPORT – JOAN HIDDEMA

Checking Account Balance: \$21,392.17

McNeil Endowment: \$13,098.90

SH Community Foundation: \$5,000

DIRECTOR'S REPORT – MICHAEL FIEDOROWICZ

- A. **MANAGEMENT:** Mike has written a new Policy Regarding Museum Keys to help manage keys that access the building. This was tabled until the July board meeting.
- B. **EDUCATION AND PROGRAMS:** Registration for the Bailey Budding Naturalists is going well. As of June 12th we have 23 signed-up for the June 22 session and 15 signed-up for the July session. The "Voices from the Land Workshop" is still on. Fourteen people have signed-up. Brian Hayes from the EIRC will give a talk on June 18th at 7:00. A potluck has been added at 6:00. The first Sunday Social of the summer is June 28th at 2:00 with the band Whiskey Before Breakfast performing. Joan Hiddema is planning a second Art & Antique Sale from November 12, 13, 14, 20 and 21. The opening even will be on Friday, November 12th.
Cindy McAlear reported that Bill Bird will be coming to speak at the August 23, Sunday Social which will be at 7:00 P.M. He will talk for 45 minutes on different plants that we might want to plant for the Fall along with getting people to think about what was in their past that brought them to gardening. Bill will also lead us in thinking about what we need to be doing to pass this on to the next generation. He will mail a handout for us to run off for the audience.

- C. PUBLIC RELATIONS AND ADVOCACY: Andrew Lersten interviewed Mike; the article was on the front page of Herald Palladium Monday, June 1st. Mike is working on a newsletter for July 1st. If you can think of anyone who needs to be thanked, let Mike know.
- D. GRANTS: Mike submitted a grant to the South Haven Community Foundation for a tablet computer with interactive links for children so they can further explore the Bailey story while visiting the gallery. It also covers a laptop computer for museum helpers to use. Greeters will have access information of the web and our website. They will be able to assist Mike with data management, too. A portable computer would be helpful in many ways. Mike submitted the grant to Michigan Council for Arts and Cultural Affairs. He requested \$12,000 and feels confident that we will receive more than \$6,000, which we received in 2014/2015. We still have outstanding requests to the Youth Advisory Committee of the South Haven Community Foundation for the Bailey Budding Naturalists and Walmart. We did not receive the Meijer Grant for the upcoming "The Holy Earth Exhibit". We have been invited to apply again.
- E. COLLECTIONS AND EXHIBITIONS: "The Hold Earth Centennial: Bailey's Vision at 100" exhibition is scheduled from July 18 until November 7. The end date has been moved to accommodate a second annual Art & Antique Sale. Three banners are being printed for the front of the Museum. John Linstrom will come to South Haven to deliver a talk on Sunday, July 19 at 7:00 P. M. He will not be able to attend the opening reception which is on Friday, July 17, at 7:00 P. M. Mike will be hanging the exhibition, working with John Linstrom in New York. The show will be mounted the week before the opening. Mike shared a prospective budget for expenses for the show that may be incurred.
- F. SWOT: Mike announced that we will be meeting with Evie Kirkwood on Monday, July 27 at 9-4. The meeting will be held at LMC.

NEW BUSINESS

- A. Derek Nightengale will be starting work at the museum on June 17, 2015 as a part time curator this summer. Mike and Anne interviewed two other people for the position but Derek was the best qualified for the position. We needed someone who had knowledge of the Bailey family and Derek had that knowledge. Derek will be working 28 hours a week.
- B. Ad Hoc Committee needed to determine facility usage policy. Committee members are: Anne Long, Joan Hiddema, Bill Lundy, Mike Fiedorowicz and Becky Linstrom. They will meet Tuesday, June 30, at 9 A. M.

CONTINUING BUSINESS

- A. Outreach Education Committee Report
 - 1. Budding Naturalists – Anne Long reported that the program will start this Monday, June 22nd and materials are ready for the program.
 - 2. Voices from the Land – Becky Linstrom will be meeting Brian Hayes (facilitator) and helpers Cindy & Paul Wacherbarth tomorrow, June 17, when they arrive in town. The conference

will begin at 8:00 A.M. Thursday, June 18. Becky reported that there are now a total of 17 participants, primarily from South Haven. We will be providing lunches for everyone from Café' Julia. Thursday evening, June 18, Brian will speak at the museum at 7:00, with a potluck preceding the talk at 6:00.

FLOOR

1. Joan Hiddema - reminded people to come to the Sunday Social, June 28th at 2-4 P.M. and to come to the Thursday, August 6th outing at Fennvalley.
2. Anne Long – talked about Joan Hiddema and her going to Fennvalley to arrange the outing on the “Grape Train” through the vineyard. They can accommodate up to 40 people. We will meet there at 3:30, go on the tour and afterward have a picnic style dinner. The price is \$45 for the tour, dinner and one glass of wine or cider. Additional glasses of wine or cider may be purchased for \$5. Todd Robbins will be conducting the tour for us. This will be fund raiser for LHBM.
3. Bill Lundy – Bill had an estimate from Gregory’s Plastic Fence Company for the railing on the side porch. It was \$735. We will ask the City of South Haven to pay for the railing since it was in the Ablemarsh Survey. Anne Long also has another estimate that can be shown to the city for the railing.

It was moved by Joan Hiddema to adjourn.

6:45 P. M.

Cordially submitted by,

Cindy McAlear, Board Secretary

Construction Board of Appeals

Regular Meeting Minutes

Wednesday, June 17, 2015
3:30 PM, Conference Room A
City Hall, 539 Phoenix Street



1. Call to Order by Chair Morse at 3:30 p.m.

2. Roll Call

Present: Dibble, Heinig, Stickland, Neiphaus, Morse
Absent: None

Also present: Ross Rogien, Building Official; Linda Anderson, Zoning Administrator

3. Approval of Agenda

Motion by Heinig, second by Stickland to approve the June 17, 2015 meeting agenda as revised.

All in favor. Motion carried.

4. Approval of Minutes – February 6, 2015 November 11, 2013

Motion by Dibble, second by Neiphaus to approve the February 6, 2015 and November 11, 2013 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. NEW BUSINESS

a) *321 Aylworth*

Anderson reviewed the background of the building, noting that the city wanted the owner to either get it fixed or taken down. The hearing officer upheld the recommendation of the building official that the building be demolished. The Construction Board of Appeals

(CBA) has convened to hear an appeal to the recommendation. Anderson noted that the board had today received the cost comparison done by John Brush with an estimate for the cost of repair versus the cost of demolition.

Mary Smith, 231 Chippewa Road, Benton Harbor, Michigan. Identified as the owner of record who is making the appeal. Ms. Smith stated that her son, also present, is taking care of this for her.

Anderson explained that the building official, hearing officer and cost estimator have all recommended that the building be demolished, so the board could recommend and order demolition within twenty-one (21) days. Anderson noted that the applicant has the option of demolishing it herself which would be cheaper than if the city has to do it, because the city will charge legal fees and administrative fees over the cost of the demolition. Anderson also pointed out that if the applicant is planning to restore the building, the city would have to see some plans and documentation of the plan to restore with an estimated time frame, noting, "This is your opportunity to explain your plans for the building."

Keith Smith, 291 Linden, Benton Harbor, Michigan, son of Mary Smith, Applicant. Stated him and his mother plan to restore the building. Noting the photos of the areas that are out of code, that the city says are out of code, Mr. Smith stated that he feels that they could be brought up to code "in a timely manner so it wouldn't be a blight on the city."

Morse asked whether the applicants have contacted any contractors to which K. Smith responded that he has, but has had difficulty getting anyone to return his calls, due to it being the busy season for contractors but expressed his confidence that within a week he should have an idea what it would take.

Dibble asked whether the applicants have any idea what the costs are going to be, to which Smith answered, "No, I'm not a professional, but just looking at it I would say about twenty thousand (20,000) dollars to bring it up to code," citing the replacement of windows, doors, and the repairs to the structural foundation,

Dibble pointed out that while he does not see cracks in the foundation, his observation is that the roof needs to be taken off and reframed and inquired as to the size of the structure. Stickland noted the building is about eight hundred (800) square feet to which Dibble commented that the structure is quite small.

Dibble inquired of the applicants' plans for the building and Smith responded that they want to turn it into a welcome center. Anderson asked what that entails. Smith noted that this is "a gateway to the city; people from out of town could come through South Haven and the welcome center would have brochures, roster of events in the summertime, directions; just a lot of possibilities of things that take place here in South Haven."

Anderson left to get her Zoning Ordinance to check if that is a permitted use in that zone, noting that she does not think that is a permitted use.

Stickland asked about the ownership of the property. After some discussion, it was noted that Silvena Ben, the grandmother of the applicant, Mary Smith, was the one who

originally owned the property, which ultimately passed down to Mary Smith's mother, and at Ms. Smith's mother's decease the property passed to Ms. Mary Smith. Morse noted that the ownership of the property is outside the scope of the discussion, reminding that the board is tasked with determining whether the structure is to be repaired or demolished.

Upon Anderson's return she noted that the only uses permitted in this zoning district are single family homes, municipal buildings, churches and schools. "This is a very restrictive zone, probably the most restrictive single family zone because of the small size of the lots," Anderson stated.

Smith then commented that possibly he and the applicant would consider converting the structure into a single family home.

Heinig pointed out that the cost estimate questioned the electrical service; the cost estimator said the electrical had to be completely redone and wondered if that was included in Smith's estimate which Smith said the replacement of the electrical was included in his estimate.

Dibble asked the original use of the structure. Smith said it was a restaurant/conference center. Anderson noted that the structure is an old, old non-conforming building. Stickland asked about using it for storage. Anderson said that is not a principal use allowed in the ordinance, noting that the structure cannot be an accessory building without a main use structure on the property. Anderson also pointed out that future use is a tough call because it is a totally nonconforming building, built too close to the street and non-conforming on many fronts.

In response to discussion regarding how this commercial use was permitted in the residential neighborhood, Mary Smith said the residential built up around it, noting that the Bohn plant is still there. Anderson said it could have been a restaurant at one time, but once it stops being used as a restaurant for a year, that use is no longer permitted because restaurants are not allowed in that zoning district now. Anderson reminded that the structure has to be one of the allowed uses in the zoning ordinance. Ms. Smith asked that the uses be repeated again.

Anderson read from the Zoning Ordinance, "Single family homes, publicly owned buildings, schools and churches." According to Anderson there are not a lot of options for that building.

Stickland asked why the applicants want to save the building to which Ms. Smith responded, "It has been in the family for a long time; it was my mother's. There was a lot of things she wanted to do but never did."

Stickland asked if the applicants had considered that value of the property might be improved if the building was not there.

K. Smith asked what the cost of demolition would be. Rogien estimated that demolition would be six thousand (6,000) dollars, maybe less, to hire the demolition done. Rogien

noted that the applicant's estimate of twenty thousand (20,000) dollars is low, and stated that replacing the electric alone will burn up a lot.

Morris commented that the applicants might be money ahead by tearing it down and putting a single family home there.

Ms. Smith asked how much time they have to which Anderson said "Twenty-one (21) days; for demolition it is twenty-one (21) days." Anderson noted that the board could expand that, but cannot do less than that. If the board decides to allow a rebuild there would have to be a schedule for that.

Morris inquired of the applicants, "You tried to contact contractors and they haven't gotten back to you?" to which Smith responded, "Not at this point, no."

Morris asked if he and the contractors had much dialogue about what the applicant wants to do. Smith responded that he briefly gave a description of the city wanting to demolish it and that he was opposed and showed the photos but no one has gotten back with him to give an estimate.

Stickland asked how many rooms the building has. Smith stated that there are three; one big room in front; one on the side and a restroom. Stickland asked if they would continue that configuration or gut the building and start over. Smith said the configuration could probably be used. Stickland asked what the inside walls are, framed or block. Smith said they are drywall.

Dibble pointed out that his estimation would be that twenty thousand (20,000) dollars is a really low number, noting the exterior alone needs to be tuck pointed and painted; new trusses are needed for the roof; that the applicants are probably looking at more than forty thousand (40,000) dollars even if you bought vinyl windows at three (3) to four (4) hundred dollars apiece. Dibble noted that the applicants are easily looking at fifty thousand (50,000) dollars plus, pointing out that the applicants could save by doing some of the work themselves. Dibble noted that he understands the sentimental value, that the structure means something to the applicants, but also pointed out that the applicants have to make a decision about whether you have the resources to put into this building.

Anderson asked for the sense of members at this point. "Are you leaning toward holding up the demolition order or allowing time for renovation?"

Dibble asked whether Ms. Smith wants to put that kind of money into the building to which Mary Smith responded, "Fifty (50) to sixty (60) thousand dollars? No."

Stickland suggested the board look at the assessed value of property. Anderson said according to the assessor it is valued at twelve thousand (12,000) dollars for the building and property, noting that the property is worth more with the house off of it. Ms. Smith questioned what that means and Stickland responded, "You'd be better off financially to tear it down and sell it." Dibble commented, "Or put a single family home on it."

In response to a comment by Stickland, Dibble noted there is probably no insulation in the structure. It was noted that when the structure was built heat costs were very low.

Ms. Smith asked why the property is worth more without the building. Stickland explained the building, as it stands, is a detriment to the property and you would have to put that much more money into it; there is probably more value with the building gone. Stickland pointed out that he lives in the area, drives by it frequently, and has not seen any change in twenty (20) years, noting "The building has not changed its appearance in twenty (20) years."

K. Smith asked if he and the applicant have to make a decision now as to whether to go ahead with demolition. Anderson responded that the board of appeals will go ahead with the demolition order but the question is, "Do you want to demolish that building in twenty-one (21) days or could you come up with the money to fix it in the next two (2) months. If you can't we can't let this go on."

K. Smith said the fifty (50) to sixty (60) thousand would not be possible to which Anderson responded, "Then you need to demolish it." Smith asked when the demolition needs to take place. After a comment regarding sixty (60) days, Morse suggested splitting the difference and asked about giving the applicants forty (40) days commenting, "That will allow you to see if you can find someone to take it down," and noted that if the city does the demolition it will cost more due to legal and administrative fees, which will be assessed to the property.

Motion by Stickland that within forty (40) days the actual demolition of the structure located at 321 Aylworth, including obtaining a demolition permit is in process. Second by Dibble.

All in favor. Motion carried.

b) 1008 Kalamazoo

Anderson noted that this property has been a real eyesore for years and years. The city has been trying to work with the property owners. The city has delayed moving forward on demolition due to other properties needing to be dealt with, but the time came to do this so the building official posted it for demolition and the hearing officer agreed. Anderson noted that the numbers that came in by the estimator obviously show that fixing it up is hardly a consideration given it would be over seventy-nine thousand (79,000) dollars and the structures are not worth anything near that. The good news, according to Anderson, is that the owners are moving forward with demolition; they have a demolition contractor lined up but have not pulled a permit yet. Anderson asked that the board be sure to include the garage in the motion, noting, "It is time to move forward, and the question is how much time to give them."

Rogien agreed that with no permit yet issued the board needs to give the applicants a time limit.

Neiphaus asked whether the footings also must be removed to which Rogien responded, "Yes, that's in the code; remove everything, backfill it and seed it." After a question by

Dibble regarding discussion of the Sherman Hills structure, Ross noted that these things are considered on a case by case basis, but if the board really moves ahead on demolition of the structures on this property, all of the basement, including footings, will need to be removed. Stickland asked, "How deep?" Rogien responded that typically we want everything out of there.

Motion by Stickland to accept the recommendation of the hearing officer to demolish the house and garage at 1008 Kalamazoo Street within twenty-one (21) days. Second by Heinig.

All in favor. Motion carried.

7. Election of Officers 2015-16

Heinig nominated the current chair and vice chair be retained. Second by Stickland.

Morse called the vote.

All in favor. Motion carried.

8. Adjourn

Motion by Dibble, second by Heinig to adjourn at 4:08 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Zoning Board of Appeals

Regular Meeting Minutes

Monday, June 22, 2015
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Boyd, Bugge, Miller, Paull, Stegeman, Wheeler, Lewis
Absent: None

3. Approval of Agenda

Motion by Bugge second by Wheeler to approve the June 22, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – May 18, 2015

Motion by Bugge second by Miller to approve the May 18, 2015 regular meeting minutes as corrected.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. New Business – Public Hearings

- a. Haraldur and Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo, are seeking two variances for a proposed residence at 302 Michigan which will have 46.5% lot coverage where 40% lot coverage is the maximum allowed. The residence will also have a rear yard setback of 16 feet 3 inches for a portion of the building where the minimum allowed is 25 feet.

Anderson noted that the Borgfjords made some adjustments to the previously submitted variance requests; the neighbors were re-noticed and the request was published.

Motion by Paull, second by Bugge to open the public hearing.

All in favor. Motion carried.

Grace Borgfjord distributed handouts to the board which she stated are numbered to follow her presentation.

Borgfjord stated that the board got four letters including one today.

Borgfjord spoke to the first letter from Mr. Nulty, noting several points made by Nulty, including that Nulty states he built the home, he did not say it is not his home but is a rental. Stated Nulty's letter says all ordinances were complied with, but stated that the driveway to the unit is less than fifteen feet (15') and referenced pictures #1 & #2, stating that this truck encroaches on the sidewalk and neighbors have said that anyone that rents that unit hang over the sidewalk. Borgfjord noted that Mr. Nulty said the Borgfjord requests are not in order.

Boyd interjected and asked whether the applicant plans to give a dissertation on every point in each letter received. Borgfjord said she just wanted to present her side.

Borgfjord referenced a meeting on previous other business; this board contemplating complaints about a free standing "for rent" signs. Borgfjord stated that it is interesting that Mr. Paull said the difference was between real estate signs and temporary seasonal rentals. Borgfjord stated that Paull said when he worked on the ordinance he tried to differentiate between short-term rental and regular rental signs.

Chair Lewis questioned how the rental sign issue pertains to this matter to which Borgfjord responded that she just wants to explain her position.

Wheeler asked if Borgfjord's point is that the letter writer has no standing to oppose her and Borgfjord said yes.

Borgfjord explained about the ADA (Americans with Disabilities Act) requirements and how the Borgfjords could build the house to the correct coverage and come back next year if they have the need for it and add ramps as required. Borgfjord also explained that they thought about putting a detached garage in the southeast corner but decided that putting a two-car garage so close to the property lines would be not as nice for the neighbors. "We thought this would be nicer for the neighbors."

Borgfjord explained that their current house is ADA, she was able to care for her mother during her final days and that she has an older brother who has cerebral palsy who does quite well usually but after his surgery, during his recovery, he stayed with the Borgfjords who cared for him. Borgfjord stated, "We value being able to build a house like this to be able to do this."

Miller noted that the plan shows one level at seventeen hundred twenty (1720) square feet and asked if the Borgfjord's reason for not having a second floor was because the person with disability would not be able to use the second floor. Borgfjord responded, "Yes, that is

the reason.” Discussion ensued regarding building a house with a smaller footprint and a second floor which could be accessed via elevator.

Paull asked, “Given the fact that you desire to have a completely barrier-free home, why do you have a lot that is too small for such a home? There are many sites in the city that are larger that would accommodate such a home. Why did you buy a lot that is too small?” Borgfjord said she and her husband wanted to be close to town with the ability to walk to town, noting, “We wanted a place closer to town and there is not much for sale that close; it’s always been my dream to live in a walkable neighborhood.” Paull replied that he could walk to town and he lives on the north side.

Pat Gaston, 97 Superior Street. Stated she is opposed to the variances; that she understands what the applicants want but Gaston lives in the city and built here, noting, “I don’t know, I could be wrong, but I don’t know of any variance that has been granted on an empty lot building in this town. If you have an empty lot, you know the zoning code and build to that specification. I know these are responsible intelligent people and when they purchased the lot they knew the zoning code. We built a home in the past ten (10) years; we were told that we were too big and too high, we lived by the zoning code.” Gaston stated that in the past, some people have ignored the zoning code, built over the lot requirements and had to slice off a part of their home because they over-built on the lot. Gaston believes that if you allow this variance, you are allowing them what they want but taking away from the neighbors. “The neighbors expect you to go by the site ordinances. I understand what they want, but we have a code, we should abide by the code. This is not some weird house built forty (40) years ago and they want to build a little thing here.”

Lewis noted that the city did have one empty lot which the ZBA had to grant a variance on; otherwise the house would have been one foot (1’) wide. Anderson explained that it was a fifty foot (50’) lot with twenty-five foot (25’) setbacks.

Brian Pennings, Pennings & Sons, 5829 West KL Avenue, Kalamazoo, MI 49009: Stated that as the builder he has a vested interest in seeing this go through. Noted that the applicants’ main desire is to be a resident in the City of South Haven; they realize they are getting toward retirement age and planning for future eventualities. Pennings noted that building a house that is ADA compliant does require building a house that is larger. “Could we build a smaller house? Yes, we could, but not with the addition of the ADA compliance.” Pennings noted that the ramps have been granted in the past. “We are trying to make the house livable without the need to add ramps. Want to put in a driveway that can be parked on without hanging over the sidewalk. We have taken less space in the rear to offset that.”

Lewis pointed out that city code only requires that enough space be provided to park two (2) vehicles and added, “Last time you requested 50% lot coverage, that was reduced in this request but added nine feet (9’) of setback variance.”

Pennings explained that the previous house was designed based on an incorrect idea of the rear and side setbacks. “We widened the house and were able to take less lot coverage, but that encroaches into the rear set back.”

Bugge noted the applicants “did not have a back yard on the first one.”

Bugge pointed out that handicap accessible ramps are not variances. Anderson explained, "That is correct; they are approved administratively, due to requirements we have to follow. They have to be certain sizes; cannot come straight out from the door to the sidewalk; have certain curves; cannot be enclosed and is the one structure allowed in the front yard."

Penning asked, "If we were to design a new home with the ramp encroaching on the front yard that would be acceptable?" Anderson said as long as there is no other reasonable place to put it a ramp may go in the front yard and can be approved administratively.

Lewis asked if anyone else wants to speak.

Motion by Paull, second by Bugge to close the public hearing.

All in favor. Motion carried.

Lewis stated that he is disappointed that the applicants did not try to comply more, noting that Gaston is right, when you start with an empty lot, you build to the criteria.

Wheeler noted that he is having a hard time jumping the "self-created" hurdle. Lewis agreed, giving examples to support his agreement.

Paull: "It's fairly clear that both requests being made are self-created based on what they want and/or need and even given the fact that this is a larger than normal lot for that block, it still doesn't conform. We have requests for non-conformance heaped on each other. If you want a house of this size, there are plenty of lots available, even in my neighborhood, to be able to build a house this size and enjoy it. And you can walk to town; you do may have to cross the bridge." Paull stated that these requests appear to be 'This is what I want, so grant it.'

Bugge agreed and noted there is nothing exceptional about the lot; there is no barrier to building a single-family house; it is self-created; you could build a smaller house; compliance with set-backs would not prevent use of the property and it is not the minimum request possible. "They could build a second floor with an elevator."

Stegeman likes that the applicants are trying to think ahead and not have to have ramps on the outside. If that's what you like in that neighborhood, that's fine, but he would vote to approve their deal.

Wheeler would like the idea of building a ramp in advance – would be more comfortable if the house itself without the ramp were compliant, and building the ramp would make the house non-compliant. Boyd concurred with Wheeler on that point.

Bugge agreed that the first floor could be compliant done on a smaller scale with a ramp. ~~out of compliance.~~

Miller is in agreement of approving this request along with Stegeman; he does not see where it would affect anyone else in the community; does not see it as being such that a year from anyone would notice the rear yard setback. Miller understands 'you have to stay in the code' but at the same time that is why we have a ZBA, which was implemented at the same time as these stipulations were made. "No one can anticipate all the variances. That's

why we have a ZBA. I think it would affect the neighborhood positively and would not affect the neighbors negatively. What we are here for is to maybe show a sense of reason and common sense.”

Wheeler has a quick question about the letter from the property owner at 306 Michigan. “Were they for/against or with condition?” Bugge said they wanted to shift the side setback and produced the letter for Wheeler to read.

Motion by Bugge, based on criteria that we have to judge zoning variance requests by in the Zoning Ordinance, that these requests be denied as the request does not meet #3, #4, #6, #7 or #8. Second by Paull.

A roll call vote was taken with a yes vote denying the variance:

Yeas: Bugge, Paull, Wheeler, Boyd, Lewis
Nays: Miller, Stegeman

Variance denied.

7. Election of Officers 2015-16

Bugge nominated officers “as they are now” with Lewis as Chair and Paull as Vice Chair. Second by Boyd.

All in favor. Motion carried.

Both Lewis and Paull thanked the board.

8. Commissioner Comments

Anderson: Thanked the board for the date change for the next meeting, which will be held on Monday, July 20, 2015 at 7:00 p.m.

There were no other comments.

9. Adjourn

Motion by Paull, second by Bugge to adjourn at 7:37 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

SOUTH HAVEN HOUSING COMMISSION
Regular Meeting
Warren Senior Community Center
540 Williams Street, South Haven, Michigan 49090
June 24, 2015

CALL TO ORDER: The Regular Meeting of the South Haven Housing Commission was called to order at 5:07 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Warren Senior Community Center, 540 Williams Street, South Haven, Michigan.

ROLL CALL: Present: Chairperson Eugene Ladewski, Resident Commissioner Tom Thomson, Commissioner Letitia Wilkins and City Council Representative Gail Patterson. Absent: Vice-Chairperson Sandra Seroke and Commissioner Teresa Mahone-Jordan. Also present: Executive Director and Secretary Charles Fullar.

INVOCATION: A few moments of silence was observed.

PUBLIC COMMENTS: None.

CONSENT AGENDA: 1) Minutes of the Regular Meeting May 27, 2015. 2) Current Operating Expenses - \$41,903.71. 3) Homeownership Expenses - \$0.00; 2011 Capital Fund - \$0.00; 2012 Capital Fund - \$0.00; 2013 Capital Fund - \$0.00; and 2014 Capital Fund - \$0.00. 4) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; and Income and Expenditures Report for May 2015. 5) Correspondence: HUD May 29, 2015; NAHRO Article May 30, 2015; and HP Article June 10, 2015. 6) Other Reports: None.

It was moved by Commissioner Thomson to approve the Consent Agenda; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

UNFINISHED BUSINESS: 1) Status Report Updating and Adapting the HDC: Executive Director Fullar reported that work continues on putting the HDC administrative records in order. Executive Director Fullar supplied a list of 2015 HDC Board Appointees. It was moved by Commissioner Thomson to appoint the following persons to the HDC board of directors: Housing Commission representatives, Executive Director Charles Fullar, Commissioner Mahone-Jordan, Commissioner Wilkins; and members of the public Gale Patterson, Charles Beatty, Ray Llorens, Anthony Borowiak and Carol Ouellette; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

2) Status of the FY15 Emergency Safety and Security Grant Application: Executive Director Fullar reported that application status notification was received. The Housing Commission's grant application was not selected from the lottery of eligible grant applications. Details of the grant selection process are in the HUD May 29, 2015, correspondence.

3) Executive Directors Evaluation: Chairperson Ladewski reported the evaluation was complete and Executive Director received a good evaluation.

NEW BUSINESS: 1) Recognize New Housing Commissioner Letitia Wilkins: The commissioners welcomed newly appointed Commissioner Wilkins. Commissioner Wilkins informed the commissioners that she is a graduate of Western Michigan University. She teaches at the local L.C. Mohr High School and instructs students in accounting, computers, business finance and personal finance.

2) 5(h) Homeownership Mortgage Discharge: Executive Director Fullar supplied copies of a Discharge of Mortgage document for a home purchase dated June 14, 2005. The home purchase through the 5(h) Homeownership program has met the ten year affordability requirement. The soft second mortgage held by the Housing Commission is due to be discharged. It was moved by Commissioner Thomson to discharge the second mortgage for the home purchaser and to have Chairperson Ladewski execute the Mortgage Discharge document; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

3) Par Plan Grant Application Status: Executive Director Fullar reported that the awards for this grant will not be announced until July 30, 2015.

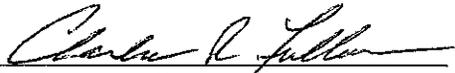
EXECUTIVE DIRECTOR'S REPORT: Executive Director Fullar reported on the HUD Fathers Day event at the Warren Center. The event celebrated fathers and affirms uniting fathers with their families. The event occurred on Monday June 22, 2015. There were 24 participants. Senior Nutrition Services provided the food for this breakfast event. Of the two applicants received for the Homeownership program, one is eligible and the other is not. Determination letters will be sent out. The next RAB meeting is July 16, 2015. The next CDC meeting is scheduled for July 8, 2015;

COMMISSIONER'S COMMENTS:

ADJOURNMENT: It was moved by Commissioner Wilkins to adjourn; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried. Meeting adjourned at 6:10 p.m.

Respectfully submitted:

Approved July 22, 2015



Charles R. Fullar, Secretary

Eugene Ladewski, Chairperson

Board of Public Utilities

Regular Meeting Minutes

Monday, June 29, 2015
4:00 p.m., DPW Conference Room
1199 8th Avenue



1. Call to Order by Stickland at 4:00 p.m.

2. Roll Call

Present: Burr, Roberts, Stein (ex-officio), Winkel, Stickland

Absent: Henry, Overhiser (ex-officio), Rose (ex-officio)

Also present: Wendy Hochstedler, Finance Director; Larry Halberstadt, City Engineer

3. Approval of Agenda

Motion by Burr, second by Roberts to approve the June 29, 2015 regular meeting agenda with the removal of item 13.

All in favor. Motion carried.

4. Approval of Minutes for the Record – May 18, 2015 Regular Meeting Minutes

Motion by Burr, second by Winkel to approve the May 18, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Marilyn Miller was present to dispute a large water bill she received the first of June for \$828.96. Customer Service at City Hall reviewed her account and suggested they could divide the bill into three installments. Customer Service also informed her about this board.

Burr noted that this is a sprinkler meter which had not been billed for four years. Burr explained that according to the utility policy the city can only go back twelve (12) months in the case of a billing issue.

Discussion ensued regarding the city installing a new sidewalk in front of Miller's house, which necessitated her landscaper, DeBest, to dig up her sprinkler system and redo it. Halberstadt noted that if the meter had been changed at the time of the sidewalk installation, the Department of Public Works would have a record of it. "We may have had to adjust the meter pit," Halberstadt stated. Miller cannot believe that she used that much water over that period of time. Stated she always has paid both bills which Burr clarified as a bill for the house and a bill for the sprinkler.

Miller noted that she recently called a plumber to fix a small leak under a sink. The plumber said he heard water running and tracked down a leak which she paid \$600 to get fixed.

Miller said it was beyond her comprehension how there could be such a large bill when you say it was not metered because the record she was given at city hall stated "meter read". Huff explained that the physical meter was registering but the remote which the meter reader was using was not.

Stickland asked where the meter is to which Miller responded that the meter is in the parkway in a pit.

Burr asked whether there was zero consumption on the billing. Hochstedler explained the initial bill Miller received for \$828.96 included all usage; that because this was not a leak Miller was initially billed from the time that it was not being read by the remote. Then it was brought to Hochstedler's attention who suggested that Miller only be billed for twelve (12) months. Miller responded that on Friday she got a reminder notice for the \$828.96 bill. Then on Saturday she received a corrected bill of \$252.65 which Hochstedler confirmed as the twelve (12) month updated billing. Stickland reiterated that if there is a billing error the policy says the city can only bill for the past twelve (12) months.

Miller said she pays over \$32.00 a month even though she is not there most of the year. Discussion ensued regarding the \$32.00 being the stand-by charges which are charged to everyone whether or not there is usage.

Miller was advised that all she needs to pay is the corrected billing amount of \$252.65.

Burr asked whether the remotes are reconciled annually at which Stickland raised the question, "Do we have a way to check whether the bills are out of range?" Halberstadt noted that there are people who never use their sprinklers and get zero reads so a zero read does not raise a red flag.

REPORTS

6. Cost of Energy from Indiana-Michigan Power Company (AEP)

- A. 2015 Billings – All Charges
- B. 2014 Billings – All Charges

Stickland remarked on the cost of true-up and Burr commented that the average is still good.

7. Financial Reports

- A. Electric Fund – Financial Statement
- B. Electric Fund – Review of Percentage Billed
- C. Electric Fund – Capital Projects
- D. Water Fund – Financial Statement
- E. Water Fund – Review of Percentage Billed
- F. Sewer Fund – Financial Statement

Hochstedler noted she does not have the capital projects sheet. Winkel asked if there was an extra pay period; operating expenses were higher than anticipated. Halberstadt noted there were three pay periods in May.

Stickland asked if it is possible that the monthly expenditure on the sewer fund is higher than usual to which Hochstedler responded that she would have to check.

8. Unresolved Issues Report

Huff noted there is nothing new; said he has started to look into what needs to be added to the building services bulletin board about tampering. Hochstedler asked whether people who have now tampered three (3) times can be turned over to the Police Department since it is theft. Discussion ensued regarding whether we are authorized to penalize a customer. Stickland said stealing is an offense that you go to the Police Department to resolve to which Hochstedler responded that the city clerk is planning to call the Police Department.

9. SAW Grant Project Progress Report

Huff updated the board on Abonmarche's progress: continuing work on inventory; planning an area for additional sewer cleaning; have started design work on some individual projects.

In response to a question by Roberts, Halberstadt noted that "missing" manholes are often buried under landscaping or off pavement areas. Huff noted that Abonmarche initially went out and visually found as many as they could and entered them by GPS coordinates onto maps. Burr asked whether some of those "missing" manholes have been retired to which Halberstadt noted, "We need to go through the list and determine if those manholes are still there or were removed at some time."

Roberts asked whether there are any manholes at Sherman Hills to which Halberstadt responded Sherman Hills is not connected to the city sewer system and many of the manholes are uncovered. Halberstadt noted that this report covers both storm and sanitary sewers; this is the first ever effort the city has made to inventory our storm sewers.

Halberstadt noted that while the city has numerous old maps, staff is not sure whether everything on them actually exists.

Discussion ensued regarding a recent occurrence of water coming up on Center Street; whether that got corrected and if the city has plans to do infrastructure improvements when Center Street paving is done.

UNFINISHED BUSINESS

10. Board will be requested to review electric rates for the 2015-2016 fiscal year.

Stickland explained the idea is to recapture our costs and put the PJM (transmission) charges on a monthly cost adjustment because we have no way to predict what they will be. "Anything over and above five hundred thousand dollars (\$500,000) will become monthly adjustable, like fuel rates. These rates will affect your commodity charge. The biggest cost increase we had last year is transmission; that is not going to be fun if that continues next year. People are going to get some hefty cost adjustments," according to Stickland. Roberts wondered whether we are high enough to which Burr responded that we want to earn about six hundred thousand dollars (\$600,000) per year so that should cover it.

Hochstedler noted that they did add some wording that will be in the ordinance, which is where we have the "\$500,000 annually"; the number could change if needed.

Burr said we ran some comparisons with the City of Holland and with Consumers Energy. Holland was 11.7 per kilowatt hour and will have a rate increase of 3% starting July 1. Consumers Energy's rates are also higher than the city's rates. Discussion ensued regarding whether the increase will be enough. Stickland noted that if the cost goes up in a year the city will have to raise our rates; we want to keep our rates as low as we can and keep the system going.

Hochstedler asked if staff is going to start working on a five (5) year plan. Discussion ensued regarding projects coming up in the near future with Halberstadt noting that around year four is when you want to start a study. Burr commented that demand charges went up; residential customers supply the demand in June/July/August. Burr noted the trend in classifying by demand and non-demand meters.

Roberts asked whether we have checked other meters for multiplier errors like Meijer's problem and Huff noted they did check that right after the issue with the Meijer's meter.

Halberstadt explained the difference between Holland and South Haven being that Holland has generator and South Haven does not. Burr noted the Energy Optimization program is supposed to go away at the end of the year. Halberstadt stated, "We don't know that for sure. There is talk of phasing it out like it was phased in."

Motion by Roberts to recommend to City Council the draft ordinance as proposed to amend Section 86-36 rates for the city of South Haven as presented at today's Board of Public Utilities. Second by Winkel.

All in favor. Motion carried.

11. Board will be requested to review the DRAFT South Haven Area Water-Sewer Authority Contract (presented at the June 11, 2015 workshop) and provide comments.

After questions, Huff commented on the background information in the staff report for this item.

Roberts: Page 2, Section Q. What are those legally binding documents. Halberstadt said he believes that refers to the various ownerships of debt service. Stein noted that some of South Haven Township's bonds are underwritten by the township sewer/water authority and the rest are underwritten by the county. Stein said the Allegan one will expire in two (2) years; the county one will expire in four (4) years; there is another small one held by a bank.

Roberts: Page 3. Seven-member board, of which six members appoint a seventh member. Discussion ensued about how many members were discussed at the meeting; Stein noted that the make-up of the board is up for discussion.

It was noted that Covert will not be included in this discussion; there may be some contractual agreements with Covert in the future.

Roberts: Special meetings being called by officers; who are the officers? Stickland noted they would be members of the board elected to serve as President, Vice President, Secretary and Treasurer.

Roberts asked if the Covert Generating Facility water intake will be included as part of the assets to which Stickland responded yes.

Roberts: Page 8, section B. What is meant by "the county"? Stein said the County Board of Commissioners or the Road Commission.

Roberts questioned the city's rights as lessor to which Stickland stated it is the same as driving a leased car. Discussion ensued with examples.

Roberts: Page 10, Section 33. "This does not preclude SHAWSA providing . . . ". Stickland said if you are on an existing line you are a customer. Stein said this is outside the jurisdictional boundaries, so you could contract with them. Covert is going to be outside this and they would fit into this.

Roberts: Last sentence in Section 3.4. Halberstadt explained that if mains are being extended into Geneva Township, permission will have to be obtained from Geneva Township. It was noted that if the service is already there the SHAWSA can do the repairs. SHAWSA will have to negotiate with Geneva Township to do work in Geneva, not with all the other jurisdictions.

Stickland noted that the SHAWSA would run the plant, but the city would provide leased employees.

Roberts: Section 3-7. "Do we have people that have not been required to connect that will then have to be required to connect?" Stein stated that the township is working on this; we are down to about twenty (20) people who have not connected.

Roberts asked about easements for sewer and water. "Will SHAWSA be able to access the easements?" Halberstadt explained that newer easements will have a sentence at the end stating that the rights are assignable. Roberts asked if only a municipality can draw water from Lake Michigan, how can SHAWSA, to which Halberstadt responded that he would assume that SHAWSA would also be considered a municipal entity. Discussion ensued that this would be an attorney question. Stein stated there are about three different ways that municipalities can cooperate.

Discussion ensued regarding accounting procedures and tracking time.

NEW BUSINESS

12. Board will be requested to review the opt-out provision of Public Act 95 of 2013 and make a recommendation to City Council.

Stickland said this is the same as last year and nothing has changed. Burr explained that we do not participate as we do not do shut-offs during the time Public Act 95 of 2013 covers.

Motion by Burr, second by Winkel to recommend to City Council to opt out of Public Act 95 of 2013.

All in favor. Motion carried.

13. Board will be requested to review a request to grant an exception to Sec. 86-156 of the Code of Ordinances and make a recommendation to City Council.

This item was deleted during approval of the agenda.

14. Public Works Director Comments

A. Next Meeting is scheduled for July 27, 2015

Commented on last Wednesday's storm.

Huff asked whether anyone wants to discontinue getting paper copies. Burr said his could be placed in his mailbox at city hall. Stickland said he could pick his up.

15. Board Member Comments

There were none.

16. Adjourn

Motion by Winkel, second by Roberts to adjourn at 5:45 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item # 6

Long Grass Ordinance

Background Information:

The City Council will be asked to take no action on the city's adopted long grass code.

At the July 6th regular meeting of the City Council, the Council discussed potential changes to the city's long grass ordinance. At that meeting, the Council discussed a desire to increase the long grass threshold for enforcement from 6" to 9". Further, the Council discussed a desire to expedite the enforcement process, in an effort to reduce the time needed for the city to take enforcement efforts. Finally, the Council discussed a desire to increase the administrative fee from \$50 per occurrence to \$150 per occurrence.

The city's staff is currently working to develop an updated code amendment, for the City Council's consideration, related to the long grass enforcement ordinance. At this time, the city's staff has completed a review of enforcement procedures from other West Michigan communities. Staff has found a variety of enforcement procedures which are embraced by other communities. Staff are now working with the city's attorney to develop an updated code amendment draft for the City Council's review and consideration.

The city's staff anticipates having a code amendment draft ready for the City Council's review and comment at the August 3rd work session.

Recommendation:

At this time, no action is needed on the city's adopted long grass code.

Support Material:



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

Date: July 14, 2015
To: Brian Dissette, City Manager
From: Kate Hosier, Deputy City Clerk
Re: City Approval to Reclassify Liquor License

Background Information

Ballock Holdings, LLC is requesting city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams, formerly known as York's Tavern, which has been closed due to bankruptcy proceedings. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee and, as part of the purchase, they've submitted an application requesting the transfer of the current liquor license attached to that location. However, in the approval process it was determined that due to the sale of condo units and a change in ownership, the Class B Hotel license that York's was operating under no longer conformed to the requirements of the Michigan Liquor Control Commission (MLCC).

As such, the current license must be reclassified to the more appropriate license, a Class C Resort license which requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. To complete the property purchase and MLCC licensing, the MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort license.

Detective Adam DeBoer reviewed the materials and found no problems with the reclassification request. Wendy Hochstedler, the Finance Director, did note that there are outstanding taxes on the property under two accounts in the following amounts: \$42.37 and \$1,680.29.

Staff Recommendation

Approve the Resolution 2015-33, a resolution giving local government approval to the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License to Ballock Holdings, LLC.

Support

Resolution 2015-33
Ballock Holdings, LLC Attorney Letter
Delinquent Tax Notice, Sue York, 515 Williams
Delinquent Tax Notice, York's Landing, 515 Williams



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 Constitution Hall - 525 W. Allegan, Lansing, MI 48933
 Mailing Address: PO Box 30005, Lansing, MI 48909
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Government Approval
 (Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new license application and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, along with certification from the clerk, or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ City of South Haven _____ council/board
(regular or special) (township, city, village)
 called to order by _____ on _____ at _____
(date) (time)
 the following resolution was offered:

Moved by _____ and supported by _____
 that the application from Ballock Holdings, LLC
(name of applicant)

for the following license(s): Reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License

to be located at 515 Williams Unit 23 and 25 South Haven, MI 49090

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
 council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Name and title of authorized clerk (please print): _____

Signature of authorized clerk and date: _____

Phone number and e-mail of authorized officer: _____

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



07/09/2015

City Clerk of South Haven
Attn: Kate Hosier, Deputy Clerk or any South Haven Clerk
539 Phoenix Street
South Haven, MI 49090

RE: Local Government Approval – MLCC Request
Ballock Holdings, LLC
For Reclassification of License

Dear City Clerk and City Counsel;

Reed Law represents Ballock Holdings, LLC. This letter is a formal request seeking city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams. Currently, this bar and restaurant has been closed due to bankruptcy proceedings. It was formerly known as York's Tavern and is a part of the Old Harbor Inn. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee with hopes of increasing the quality of the location and running a bar and restaurant that will serve the citizens of South Haven as well as its visitors. As part of this purchase, Ballock Holdings, LLC submitted an application requesting the transfer of the current liquor license attached to this location. Through the approval process, it was discovered that due to the sale of condo units and a change in ownership the Class B Hotel license that York's was operating under no longer conforms to MLCC requirements. Due to these changes, the current license must be reclassified appropriately to a Class C resort license.

A class C resort license requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. Ballock Holdings, LLC is excited about this opportunity and reclassification. In order to complete this purchase and complete MLCC licensing, MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort. This approval will allow this location to operate in conformity with MLCC. We would like to thank you in advance for your attention to this matter, and if there are any questions, please contact Attorney Phillip Reed at Reed Law Office to answer any all questions that you may have.

Regards,

Phillip J. Reed
Phillip J. Reed

7200 Angling Rd. Suite G. Portage, MI 49024
P.O. Box 1088 – Portage – Michigan – 49081
Direct - 269-217-3642 – Fax -269-585-6047
www.ReedLawPLC.com

**CITY OF SOUTH HAVEN
DELINQUENT TAX NOTICE**

<p>539 PHOENIX ST SOUTH HAVEN, MI 49090</p> <p>269-637-0714</p> <p>SOUTH-HAVEN.COM</p> <p align="center">YORK SUE</p> <p>515 WILLIAMS ST SOUTH HAVEN MI 49090</p>	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: center; border-bottom: 1px solid black;">DELINQUENT TAXES DUE</th> </tr> <tr> <th style="width:15%;"></th> <th style="width:15%; text-align: center;">TOTAL DUE</th> <th style="width:15%; text-align: center;">TOTAL DUE</th> <th style="width:15%; text-align: center;">TOTAL DUE</th> <th style="width:15%;"></th> </tr> <tr> <th style="text-align: left;">TAX YEAR</th> <th style="text-align: center;">TAX DUE</th> <th style="text-align: center;">IF PAID BY</th> <th style="text-align: center;">IF PAID BY</th> <th style="text-align: center;">IF PAID BY</th> </tr> <tr> <td></td> <td></td> <th style="text-align: center;">07/31/15</th> <th style="text-align: center;">08/31/15</th> <th style="text-align: center;">09/30/15</th> </tr> </thead> <tbody> <tr> <td style="border-top: 1px dotted black;">2014</td> <td style="border-top: 1px dotted black; text-align: center;">37.24</td> <td style="border-top: 1px dotted black; text-align: center;">42.37</td> <td style="border-top: 1px dotted black; text-align: center;">42.74</td> <td style="border-top: 1px dotted black; text-align: center;">43.12</td> </tr> <tr> <td style="border-top: 1px solid black;">TOTAL</td> <td style="border-top: 1px solid black; text-align: center;">37.24</td> <td style="border-top: 1px solid black; text-align: center;">42.37</td> <td style="border-top: 1px solid black; text-align: center;">42.74</td> <td style="border-top: 1px solid black; text-align: center;">43.12</td> </tr> </tbody> </table>	DELINQUENT TAXES DUE						TOTAL DUE	TOTAL DUE	TOTAL DUE		TAX YEAR	TAX DUE	IF PAID BY	IF PAID BY	IF PAID BY			07/31/15	08/31/15	09/30/15	2014	37.24	42.37	42.74	43.12	TOTAL	37.24	42.37	42.74	43.12
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2014	37.24	42.37	42.74	43.12																											
TOTAL	37.24	42.37	42.74	43.12																											
<p align="center">PROPERTY INFORMATION</p> <p>Property Number: 80-53-900-628-00 School Dist: 80010 Property Address: 515 WILLIAMS ST SOUTH HAVEN MI 49090</p> <p align="center">LEGAL DESCRIPTION:</p> <p>1-17 PERSONAL PROPERTY</p>																															
<p>PLEASE REMIT THE APPROPRIATE AMOUNT DUE IN ORDER TO AVOID PROPERTY SEIZURE BY THE CITY TREASURER.</p>																															

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

539 PHOENIX ST
SOUTH HAVEN, MI 49090

Delinquent Tax for Property Number:

80-53-900-628-00

TAXPAYER NOTE: Are your name & mailing address correct? If not, please make corrections below. Thank You.

Due if paid by 07/31/15	42.37
Due if paid by 08/31/15	42.74
Due if paid by 09/30/15	43.12

Property Address:
515 WILLIAMS ST
SOUTH HAVEN MI 49090

Make check payable to:

YORK SUE

515 WILLIAMS ST
SOUTH HAVEN MI 49090

Amount Remitted: _____

**CITY OF SOUTH HAVEN
DELINQUENT TAX NOTICE**

539 PHOENIX ST SOUTH HAVEN, MI 49090 269-637-0714 SOUTH-HAVEN.COM YORK'S LANDING 515 WILLIAMS ST SOUTH HAVEN MI 49090	DELINQUENT TAXES DUE				
			TOTAL DUE	TOTAL DUE	TOTAL DUE
			IF PAID BY	IF PAID BY	IF PAID BY
			07/31/15	08/31/15	09/30/15
	TAX YEAR	TAX DUE			
	2014	293.83	334.40	337.34	340.28
	2013	284.06	357.25	360.09	362.93
	2012	225.78	311.06	313.31	315.57
	2011	176.00	263.95	265.71	267.47
	2010	139.48	218.98	220.36	221.76
2009	112.02	194.65	195.77	196.89	
		TOTAL	1,680.29	1,692.58	
	1,231.17			1,704.90	

PROPERTY INFORMATION

Property Number: 80-53-900-681-00
 School Dist: 80010
 Property Address:
 515 WILLIAMS ST
 SOUTH HAVEN MI 49090
 LEGAL DESCRIPTION:

1-17 PERSONAL PROPERTY

PLEASE REMIT THE APPROPRIATE AMOUNT DUE IN ORDER
 TO AVOID PROPERTY SEIZURE BY THE CITY TREASURER.

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

539 PHOENIX ST
 SOUTH HAVEN, MI 49090

Delinquent Tax for Property Number:
80-53-900-681-00

TAXPAYER NOTE: Are your name & mailing address correct? If not, please make corrections below. Thank You.

Due if paid by 07/31/15	1,680.29
Due if paid by 08/31/15	1,692.58
Due if paid by 09/30/15	1,704.90

Property Address:
 515 WILLIAMS ST
 SOUTH HAVEN MI 49090

Make check payable to:

YORK'S LANDING

515 WILLIAMS ST
 SOUTH HAVEN MI 49090

Amount Remitted: _____



Agenda Item #8

Outdoor Dining Agreements for Black River Tavern

Background Information:

The City Council will be asked to reauthorize staff to issue a license agreement, to add outdoor dining along Phoenix Street, to the restaurant owner of Black River Tavern.

Black River Tavern is a local restaurant, located at 403 Phoenix Street. The owner of Black River Tavern, Mr. Scott Maxwell, is seeking an updated approval of the license agreement with the city. That agreement allows Maxwell to add outdoor dining along Phoenix Street. The Planning Commission approved the special use permit for outdoor dining at their regular meeting on December 5, 2013. Two (2) conditions were placed on the approval: the noise level currently heard outside the building may not increase with the outdoor seating and that the Downtown Development Authority (DDA) approve the outdoor furniture. The DDA approved the outdoor furniture plan at the February 12, 2014 regular meeting. The City Council approved the original license agreement with Black River Tavern as part of the March 3, 2014 regular meeting. Maxwell is requesting the agreement be reauthorized with Black River Tavern's proper name included in the agreement. That designation notes that the agreement will be held by RAPA Development, LLC d/b/a Black River Tavern.

The license agreement for Black River Tavern has been actively reviewed by staff, the city's attorney, and the restaurant owner. The license agreement requires a payment of \$250 per year to the City of South Haven. The fee is based on comparison to other lake front communities, and mirrors the fees charged by the City of Grand Haven. The agreement has a variety of requirements. Some of the highlights of the agreements are:

- The agreement allows customer seating to occur until 11:00 p.m.,
- The agreement requires the city be provided with a certificate of insurance,
- The agreement requires that a designated clear path be maintained, to allow pedestrians to use the city's sidewalks,
- The agreement also requires that if alcohol service is to be provided at the outdoor dining location that the owner be in compliance with Michigan Liquor Control Commission rules and regulations.

Recommendation:

The City Council should consider a motion to authorize staff to issue an updated license agreement to RAPA Development, LLC d/b/a Black River Tavern, for the purpose of permitting outdoor dining and alcohol service at 403 Phoenix Street.

Support Material:

License Agreement; Black River Tavern

**OUTDOOR SIDEWALK CAFÉ LICENSE AGREEMENT
BETWEEN
THE CITY OF SOUTH HAVEN
AND
RAPA Development, LLC d/b/a BLACK RIVER TAVERN
403 PHOENIX STREET**

This Outdoor Sidewalk Café License Agreement shall apply to food establishments and eating or drinking places including restaurants, delicatessen, café, bars, taverns or other similar establishments which serve food and/or beverages to the general public for personal consumption in or on outdoor facilities known as Outdoor Sidewalk Cafes.

This License Agreement shall be accompanied by Exhibit A, the Licensed Premises, which is a site plan drawing showing the location of the Owner's Parcel, the public right-of-way, the sidewalk, curb, landscaped areas, any structures or obstacles, the Designated Clear Path area and the Outdoor Sidewalk Café Licensed Premises area. The Licensed Premises shall be clearly designated by shading or cross-hatching and shall not include the Designated Clear Path.

This License Agreement shall be accompanied by certificates of insurance or other evidence reasonably acceptable to the City indicating that the Owner maintains a policy or policies of insurance as described in Section 11.

This License Agreement shall be accompanied by a copy of the Owner's Food Service License and a statement by the owner on the number of food service related seats within the owner's building, and the number of food-service related seats in the Outdoor Sidewalk Café.

This Outdoor Sidewalk Café License Agreement is made between the City of South Haven, a Michigan home rule city, of 523 Phoenix Street, South Haven, Michigan 49090-1499 (the "City"), and RAPA Development, LLC d/b/a Black River Tavern, 403 Phoenix Street, South Haven, Michigan 49090 (the "Owner") with respect to the following facts and circumstances.

RECITALS

- A. Phoenix Street is a public right-of-way and/or public open-space within the corporate limits of the City.
- B. The Owner owns, or has a leasehold interest, in a building and land commonly known as 403 Phoenix Street, South Haven, Michigan ("Owner's Parcel"), and on that property operates a food establishment or eating or drinking place.
- C. The Owner desires to establish and operate an Outdoor Sidewalk Café on the public right-of-way and/or public spaces in front of or adjacent to the building or land described in Recital B, which would encroach upon the public right-of-way or City owned property at 403 Phoenix Street.
- D. The Owner has been granted a special use permit by the City Planning Commission on the --- day of ---, 2013, to establish and operate an Outdoor Sidewalk Café at the location described in Recital B.
- E. The City is willing to permit such Outdoor Sidewalk Café in strict accordance with the terms and conditions of this Agreement.

DEFINITIONS

"Outdoor Sidewalk Café" means any portion of a food establishment or eating or drinking place located on a public sidewalk or public open-space on a City right-of-way or City-owned property.

"*Excess Sidewalk or Excess Open-Space Area*" means the remaining area or sidewalk or open-space in front of or adjacent to the Owner's Parcel after five (5') feet of clear unobstructed sidewalk or open-space is made available to pedestrians for free passage.

"*Food Establishment or Eating or Drinking Place*" means a business which has been licensed by the Van Buren County Health Department or the Department of Agriculture to sell food and/or drinks for consumption on the premises, and which provides food service seating or restaurant seating inside a building on the Owner's Parcel.

"*Owner's Parcel*" means the private property under control of the Owner as described in Recital B.

"*Designated Clear Path*" means the area designated in Exhibit A as an unobstructed public walkway. A Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, trash containers, railings, planters and signage.

"*Licensed Premises*" means the area designated for use as an Outdoor Sidewalk Café in Exhibit A. The Licensed Premises shall not include any part of the Designated Clear Path or other area required to remain unobstructed.

"*Readily Removable*" means any such furniture that is **not** leaded, cemented, nailed, bolted, power riveted, screwed in or affixed even in a temporary manner to the public sidewalk or an public open-space area.

NOW, IN CONSIDERATION of the covenants contained in this Agreement, the City grants to Owner a License as provided below:

1. License. The City licenses to the Owner and the Owner accepts from the City the use of the premises located in the City described and depicted in the attached Exhibit A (the "Licensed Premises").

2. Term. The term of this License shall commence on the date of signature and will terminate at midnight on _____, ____, unless earlier terminated or revoked as provided below.

3. Use. The Licensed Premises shall be used by the Owner to establish and operate an Outdoor Sidewalk Café in compliance with the standards and conditions of the special use permit granted by the City Planning Commission. The Owner will use the Licensed Premises in a clean, wholesome and lawful manner, in compliance with all applicable City ordinances, and permit requirements, and any applicable state laws, rules or regulations.

4. License Fee. The Owner shall pay the City, or its successors and assigns, an annual License Fee of \$250. The annual License Fee shall be paid in advance, with the first payment due on the date this Agreement is signed, and subsequent payments due each year on the anniversary of the signing. The City may, at its discretion, increase the amount of the annual License Fee each year by providing written notice to the owner not less than 30 days prior to the payment due date. The total amount of the annual License Fee shall not exceed the product of \$250 compounded annually at a rate of 5% for each year that this Agreement has been in effect. To illustrate, the fee due on the first anniversary of the signing shall not exceed \$262.50, and the fee due on the second anniversary of the signing shall not exceed \$275.63.

5. No Assignment/Sublicensing. This License is personal with the Owner and does not run with the land. This License shall not be assigned or transferred in any manner by the Owner to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this License to a third party by amendment to this Agreement or by a separate License Agreement.

6. Acceptance of the Premises. The Owner acknowledges and agrees that Owner has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Owner's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis.

7. Compliance with Law. The Owner shall comply with and observe all applicable laws, ordinances, rules, regulations and orders of all public authorities including but not limited to health rules, laws and regulations.

8. General Restrictions, Standards and Conditions. In addition to any restrictions, standards, or conditions placed on the Owner by the Planning Commission in granting special use approval, and without limitation, the License is subject to the following general restrictions designed to control the design, materials, installation and maintenance of Outdoor Sidewalk Cafés:

A. The licensed Outdoor Sidewalk Café shall not be conducted in such a way as to become a public nuisance as proscribed by City ordinance. The licensed Outdoor Sidewalk Café shall not interfere with vehicular or pedestrian traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.

B. Sale of Alcoholic Beverages. A Food Establishment or Eating or Drinking Place operating an Outdoor Sidewalk Café and possessing a valid liquor license issued by the Michigan Liquor Control Commission may serve alcoholic beverages subject to the following provisions:

1. The service of liquor on the Outdoor Sidewalk Café shall occur only in compliance with all rules and regulations promulgated by the Michigan Liquor Control Commission, including any prior Liquor Control Commission approval that may be required.
2. All alcoholic beverages to be served at Outdoor Sidewalk Cafés shall be prepared within the existing Food Establishment or Eating or Drinking Place, and alcoholic beverages shall only be served to patrons seated at tables.
3. The consumption of alcoholic beverages at an Outdoor Sidewalk Café shall be limited to the confines of the Licensed Premises. Any consumption of alcoholic beverages occurring within the confines of the Licensed Premises shall not be construed as a violation of any ordinance controlling open alcohol containers in a public area.
4. Employees of the Food Establishment or Eating or Drinking Place shall continuously supervise Outdoor Sidewalk Cafés serving alcoholic beverages.
5. Upon application for the License authorized under this Agreement, the Owner shall submit to the City all documentation submitted to the Michigan Liquor Control Commission in applying for the liquor license, and a full history of the liquor license holder including all complaints filed with the Michigan Liquor Control Commission.
6. A violation of any provision of this Agreement relating to the sale of alcoholic beverages is a material breach of this Agreement, and may result in immediate termination of the License as provided by this Agreement.

C. Outdoor Sidewalk Café Hours of Operation.

Except as otherwise provided in this Agreement, Outdoor Sidewalk Café Owners may begin conducting business in Outdoor Sidewalk Cafés upon City right-of-way or public space areas daily at 7:00 A.M. No customer shall be seated in an Outdoor Sidewalk Café after 11:00 P.M., and the Owner shall make all reasonable efforts to ensure that no customers remain in the Café area after 12:00 P.M.

D. Service Requirements.

1. The number of seats in an Outdoor Sidewalk Café shall not exceed the number of seats inside the building of the Food Establishment or Eating or Drinking Place.
2. The number of seats in an Outdoor Sidewalk Café shall be included in the Food Service License of the Food Establishment or Eating or Drinking Place.
3. Trash and/or refuse containers are required in an Outdoor Sidewalk Café and shall be located on the Licensed Premises.

4. Outdoor bussing or service stations are prohibited.
5. The presetting of tables with utensils, dinnerware, glasses, napkins, condiments and the like is prohibited.
6. The outdoor preparation of food is prohibited.
7. All exterior surfaces within the Outdoor Sidewalk Café shall be easily cleanable and shall be kept clean at all times by the Owner, Owner's agent, or the employees of the Owner.
8. The Owner shall be responsible for maintaining the Outdoor Sidewalk Café, including the sidewalk surface and furniture and adjacent areas in a clean, wholesome and safe condition.
9. Maintenance of the Outdoor Sidewalk Café shall include the immediate cleaning and sweeping/brooming of any trash, food, debris, liquid, broken glass or other trash to be placed in trash receptacles.

E. Outdoor Sidewalk Café Area Limitations

1. The area of an Outdoor Sidewalk Café shall be limited to the excess sidewalk and/or excess open-space area located directly in front of or adjacent to a food establishment or eating or drinking place.
2. No Outdoor Sidewalk Café shall encroach or extend beyond the property lines of the Owner's Parcel extended into the City right-of-way or City-owned property.
3. No Outdoor Sidewalk Café or associated furniture shall block or impede the passage and free movement of pedestrians entering the sidewalk from a legally parked vehicle.
4. No Outdoor Sidewalk Café shall encroach upon the Designated Clear Path. The Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, railings, trash containers, planters and signage.
5. No Outdoor Sidewalk Café shall interfere with any public service facility, such as a telephone, mailbox, or bench located on a right-of-way or other City-owned property.
6. An Outdoor Sidewalk Café shall leave sufficient space to allow access to the Food Establishment or Eating or Drinking Place in accordance with accessibility requirements under the Americans with Disabilities Act.

F. Outdoor Sidewalk Café Designated Clear Path

1. A Designated Clear Path shall be provided with a minimum width of five (5') feet, free of all obstructions in order to allow adequate pedestrian movement along sidewalks and public places as shown in Exhibit A.
2. The Designated Clear Path shall be marked upon the pavement where it is adjacent to any Licensed Premises.
3. The Designated Clear Path shall be located on the sidewalk between the Owner's building and a line drawn between the two nearest tree landscaping cut-outs in the sidewalk.
4. If an adjacent property owner has an established Outdoor Sidewalk Café, the Designated Clear Path must be aligned with the established Designated Clear Path.
5. The minimum height clearance for the Designated Clear Path shall be seven (7') feet measured vertically from the sidewalk to any Outdoor Sidewalk Café furniture in order to allow adequate pedestrian movement along sidewalks and public places.
6. The Owner shall be responsible for preserving the Designated Clear Path area at all times. The Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, trash containers, railings, planters and signage.
7. The Owner shall take such action as is necessary to prevent patrons and/or employees from encroaching beyond the Licensed Premises into the Designated Clear Path at all times.

G. Outdoor Sidewalk Café Furniture.

1. All Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters shall be approved by the Downtown Development Authority to insure the integrity and to preserve the character and compatibility of the local business district. Furniture

which is identical in design, material and character to furniture previously approved by the Downtown Development Authority for an Outdoor Sidewalk Café shall be considered to have Downtown Development Authority Approval.

2. All outdoor dining furniture, including tables, chairs, umbrellas, trash containers, railing and planters shall be readily removable.
3. Outdoor heaters or fans are prohibited.
4. Outdoor Sidewalk Café furniture shall not be stored in the public right-of-way at any time.
5. Umbrellas shall be removed from the Licensed Premises during hours when the Outdoor Sidewalk Café is not open for business.
6. Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters, shall be removed from the Licensed Premises during periods of inclement weather which might cause injury or harm to staff, customers or passersby, including periods of high winds, tornadoes, lightning and thunder storms, hail or ice storms, or snowstorms.
7. Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters, shall be removed from the Licensed Premises at the close of the outdoor dining season. The Owner may exercise reasonable discretion in determining, based on weather conditions, when the outdoor dining season has come to a close. However, the Owner shall be in violation of this section if Outdoor Sidewalk Café furniture remains in the Licensed Premises more than 2 weeks after the date when the Outdoor Sidewalk Café was last open for business.

H. Outdoor Sidewalk Café Table Umbrella Restrictions.

Table umbrellas shall be permitted as Outdoor Sidewalk Café furniture under the following conditions that:

1. All table umbrellas shall be properly supported, retractable, and made of a non-combustible frame, covered with flameproof canvas or cloth only.
2. No table umbrella shall exceed seven (7') feet in diameter.
3. No table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.
4. No table umbrella shall contain or display any type sign or signage except on the fringe or valance
5. No table umbrella lower than seven (7') feet measured perpendicular from the sidewalk surface shall encroach into the designated clear path.
6. The valance or fringe of a table umbrella shall not exceed six (6") inches.
7. All table umbrellas must be properly secured with a base of not less than 60 pounds minimum.

I. Planters or Railings.

1. In order to maintain maximum visual access, the height of the planter or railing including vegetation therein, shall not be higher than thirty-six (36") inches.
2. All planters or railings utilized as part of the Outdoor Sidewalk Café for decoration or delineation of the Outdoor Sidewalk Café area shall be self-supporting.
3. All planters and railings shall be readily removable and shall be removed from the sidewalk right-of-way or open-space area during those hours when an Outdoor Sidewalk Café is prohibited.

J. Elevation and Surface Coverings Prohibited.

1. An Outdoor Sidewalk Café shall have the same surface elevation as the adjoining sidewalk.
2. Paint, artificial turf, carpets, platforms or any other surface cover or treatment of any kind are prohibited from being placed upon the area designated as an Outdoor Sidewalk Café at any time, except that the pavement may be marked to show the location of the Designated Clear Path.

K. The Outdoor Sidewalk Café shall be made available to patrons of the Owner only.

L. Noise Restrictions.

Stereo systems, stereo speakers or other audio devices for sound reproduction shall not be operated in or on Outdoor Sidewalk Cafes, and shall not be directed to an Outdoor Sidewalk Café from the Owner's Parcel.

M. Sign Restrictions.

Signs, signboards, or advertisements recognizing an Outdoor Sidewalk Café are prohibited in the Licensed Premises except for the name of the establishment on the fringe or valance of a table umbrella or on the valance of any awning.

N. Fire Code Compliance.

A permitted Outdoor Sidewalk Café is required to comply at all times with all requirements of the BOCA National Fire Prevention Code and other related fire ordinances to the satisfaction of the South Haven Emergency Services Fire Marshal or his designee.

O. Outdoor Sidewalk Café Limitation.

No more than one Outdoor Sidewalk Café license agreement shall be issued by the South Haven City Council for each parcel.

9. Maintenance. The Owner shall, during the term of this License, and at his sole expense, do and perform all maintenance necessary to keep the Licensed Premises in good repair and in a safe condition.

10. Improvements, Restoration, Construction Liens.

A. No improvements shall be made to the Licensed Premises without the prior written consent of the City.

B. The Owner shall not permit any construction lien to be filed against the fee of the Licensed Premises or against the Owner's interest in the Licensed Premises by reason of work, labor, services, or materials supplied, or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Owner. The Owner shall indemnify the City against such liens or other liens arising out of the making of any alteration, repair or additional improvement by the Owner. This paragraph is not construed as an admission by the City that a construction lien can properly be filed against the Licensed Premises. It is intended solely as additional protection to that afforded by law that no such lien will be enforced against the Licensed Premises. The City will have the right to post the Licensed Premises from any such liens.

11. Public Liability and Indemnity. The City shall not be responsible for any loss or damage from whatever cause to personal property located on the Licensed Premises. The Owner shall hold the City (defined for purposes of this paragraph to include the City's officers and employees) harmless from, indemnify it for, and defend it (with legal counsel reasonably acceptable to the City) against any demand, claim, judgment, award, legal proceeding or loss of any kind arising from the Owner's use, occupancy, maintenance (or failure to maintain), or repair (or failure to repair) the Licensed Premises. The Owner shall obtain and maintain a general liability insurance policy covering the Licensed Premises and the Owner's activities on the Licensed Premises in minimal coverage amounts of \$1,000,000 per occurrence and fire and casualty insurance with an extended coverage endorsement on any improvements placed or constructed by the Owner on the Licensed Premises equal to the amount to the full insurable value of such improvements. All policies shall name the City as an additional insured and certificate holder. Copies of certificates of insurance showing the coverage to be in place, that the premiums are fully paid, and that coverage cannot be terminated or modified except after 30 days prior written notice to the City, shall be provided to the City. Upon request, the City shall be provided copies of the policies of insurance and all endorsements.

12. Casualty. In the event of damage to or destruction of the Licensed Premises by fire, storm or any other casualty or accident, this License shall not terminate if the Owner gives written notice to the City that the Owner desires the License to continue, unless the Licensed Premises are so destroyed that it will require material reconstruction. The Owner shall have the right to repair any such damage to a condition

prior to the damage; however such repair must be completed within sixty (60) days of the loss. If written notice is not given, or if repairs are not timely completed, the License shall terminate sixty (60) days after the loss. If the damages destroy the building on the Owner's Parcel in whole or in substantial part, then this License shall terminate immediately. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Owner or placed on the Licensed Premises by the Owner, which are caused by fire, theft, loss, vandalism or other casualty.

13. Breach. The Owner shall be in breach of this Agreement upon the occurrence of the following events: If at any time any fee, insurance premium or other charge or payment payable by the Owner pursuant to the terms of this Agreement shall become in arrears and unpaid for a period of thirty (30) days after notice of default in performance; or if default in the Owner's requirements, obligations and duties hereunder is not cured within fourteen (14) days from written notice of such default, then at the option of the City it may terminate this Agreement and all rights of the Owner as to the Licensed Premises shall terminate. The City shall also have such other lawful remedies as are required to enforce the terms of this Agreement.

14. Temporary Suspension of License. The City Manager shall have the right and power, acting through the City Police Department, to suspend this license for an Outdoor Sidewalk Café and cause removal of the Owner's furniture and other personal property from the licensed premises at any time because of anticipated or actual problems or conflicts in the use of the public right-of-way, sidewalk or a public open-space area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or from demonstrations or emergencies occurring on, in, adjacent to, or near the Licensed Premises. To the extent possible, the City shall give the Owner prior written notice of any time period during which the operation of the Outdoor Sidewalk Café will be suspended by the City due to a specific problem or conflict; however, any failure to give prior written notice shall not affect the right and power of the City to suspend the license for operation of any Outdoor Sidewalk Café at any particular time.

15. Exceptions. Exceptions to the conditions of this agreement may be granted by the South Haven City Council during planned and organized festival events and sidewalk sales.

16. Termination. This Agreement and the License granted under it shall terminate upon any of the following events:

- A. The expiration of the term of this Agreement without a written amendment or extension by the parties.
- B. At any time by the Owner, upon fourteen (14) days prior written notice to the City.
- C. At any time by the City, upon fourteen (14) days prior written notice to the Owner. Whenever notice of early termination is provided to the Owner under this subsection, the Owner shall be afforded an opportunity to appear before the City Council at its next regularly scheduled meeting to show cause as to why this Agreement should continue.
- D. The License granted under this Agreement shall be suspended immediately upon verbal or written notice to the Owner, where the City Manager determines that the use of the Licensed Premises has become a hazard or presents an imminent risk or danger to the public health, safety and welfare. Unless the City Manager subsequently rescinds such suspension, the City Council, at its next regular meeting shall consider whether to reinstate the License, continue the suspension, or terminate this Agreement, in its sole discretion. The Owner shall be afforded an opportunity to appear before the City Council to show cause as to why the License should be reinstated.
- E. Immediately upon any default of the Owner without timely cure as provided in Section 13.

F. In accordance with Section 12, upon the destruction in whole or substantial part of the building on Owner's Parcel or upon the damage to or destruction of the Licensed Premises if the Owner does not make timely repairs.

G. Immediately upon the issuance of a judgment, order, rule or regulation of a governmental unit or agency having jurisdiction, other than the City, requiring that the improvements and encroachments be removed from the Licensed Premises.

H. Immediately, at the option of the City Manager, upon the Owner's failure to meet, observe or fulfill any obligation, general restrictions, standards, condition, or requirement of this Agreement.

17. Effect of Termination. Upon termination of this Agreement, the Owner, and at the Owner's sole expense, shall promptly remove all furniture and materials from the Licensed Premises and restore the Licensed Premises to the condition as existed prior to making use of the Licensed Premises. If the Owner fails to take such action promptly, the City shall be entitled, after giving the Owner seven (7) days prior written notice, to remove all such furniture and materials from the Licensed Premises. Provided that, the City shall not be required to give such notice in the event of an emergency or imminent risk or danger to the health, safety and welfare of the public. Any costs and expenses, including without limitation legal expenses and attorney's fees, incurred by the City in enforcing this Section shall be the responsibility of and paid by the Owner.

18. Owner's Acknowledgements. The Owner acknowledges and agrees that the City owns the Licensed Premises, that the License granted under this Agreement involves the permission to enter and use property which is a public right of way and/or City owned property, that the public's rights are paramount, and that the Owner's use under this License may not interfere with the public's rights to the reasonable use of the Licensed Premises. The Owner further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other property interest in the Licensed Premises. The Owner further acknowledges that it has no claim to any amount of lost revenues due to suspension, termination or any other interruption in the use of the Licensed Premises.

19. Notices. Any notices, reports or statements required to be served hereunder shall be sufficiently given if mailed by first class mail addressed to the City and the Owner at their respective addresses stated above. Notice shall be deemed to have been given upon the date of mailing.

20. No Waiver. The failure of either party to enforce any covenant or condition of this License shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this License shall be deemed to have been waived unless such waiver shall be in writing.

21. Payment. In the event that the Owner shall default in his obligations hereunder or become delinquent in the payment of any taxes, insurance or other charges to be paid by the Owner under the terms of this Agreement, then the City shall have the right, at its option, to perform such obligation or pay any such item. Upon such payment or performance by the City, said item shall be deemed an additional License Fee due hereunder and shall be immediately due and payable to the City. This provision shall not relieve Owner of any default.

22. Miscellaneous.

A. This Agreement is written pursuant to the laws of the State of Michigan and was made in Van Buren County, Michigan. This is the entire agreement between the parties regarding its subject matter. There are no prior or contemporaneous agreements. This Agreement may not be modified or amended except in writing, signed by the parties. It shall not be affected by any course of dealing.

B. The captions of this Agreement are for convenience only and shall not be considered as part of this License or in any way limiting or amplifying its terms and provisions. The recitals, however, are an integral part of this Agreement. More than one copy of this Agreement may be signed, but all constitute one agreement.

The parties have caused this Agreement to be executed as of the date first written above.

CITY OF SOUTH HAVEN

APPLICANT

By: _____
Robert Burr, Mayor

By: _____

By: _____
Amanda Morgan, Clerk

Its: _____

By: _____

Date signed: _____, 2015

Its: _____

Date signed: _____, 2015

**EXHIBIT A
LICENSED PREMISES**

GRAPIDS 57671-1 315778v1

July 16, 2015

TO: Brian Dissette

FR: Paul VandenBosch

RE: Overton Brownfield Plan

On July 13, the Brownfield Redevelopment Authority recommended the attached brownfield plan for the Overton building at 229 Elkenburg Avenue. It also authorized use of the Local Site Remediation Revolving Fund to pay for demolition and related environmental work.

An approved brownfield plan is required by state law to use the Local Site Remediation Revolving Fund.

The brownfield plan includes estimates for demolition and associated expenses, and an estimate of tax capture for a future development. At this time it is not known what type of future development will be permitted on this site. The Local Development Finance Authority will be the owner of the site. The site is currently zoned Light Industrial, and it is likely that the LDFA will request a change in zoning. The site appears to have only minor environmental issues, although further testing is recommended. Because of these unknown items, the estimate for taxable value after development is a rough estimate of \$1,000,000. This value is used to estimate the repayment of the demolition costs through tax capture.

The estimated expenses of demolition which may be recovered through a brownfield plan total \$500,000. The actual cost of demolition and remediation will be determined through a bid process for the demolition and remediation work, and actual costs may be different than the estimate. We hope that the actual cost will be lower. The plan will reimburse actual expenses to the Brownfield Redevelopment Authority.

The plan estimate of cost recovery is based on a development with a taxable value of \$1,000,000 and estimates a payback period over 30 years, the maximum length of a brownfield plan under state law. This is a rough estimate. While the surrounding neighborhood would suggest that a residential development may be the highest and best use, no decision has been made on what the potential development may be.

The Local Development Finance Authority is the entity which will own the parcel and carry out the demolition and remediation. Because the LDFA works through the City of South Haven budget and accounting system, the City of South Haven purchasing policy will be used. City Council and the LDFA will have approval authority over contracts and expenditures.

The resolution would approve the brownfield plan.

Staff Recommendation:

Hold a public hearing on the Overton brownfield plan.
Approve the Overton Brownfield Plan Resolution.

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2015-36

A RESOLUTION APPROVING A COMBINED BROWNFIELD PLAN FOR THE OVERTON
BUILDING DEMOLITION AND REDEVELOPMENT PROJECT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on August 3, 2015 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven Brownfield Redevelopment Authority (the "Authority"), has prepared and recommended a Brownfield Plan Amendment for the Overton Building Demolition and Redevelopment Project, attached as Exhibit A (the "Plan"), for approval by the City Council pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 382, as amended MCL 125.2651 et seq. (the "Act"); and

WHEREAS, at least ten days before the meeting at which this resolution was considered, the Authority provided notice to and fully informed all taxing jurisdictions that are affected by the Plan (the "Taxing Jurisdictions") about the Plan's potential effect on their tax revenues; and

WHEREAS, the City Council has previously provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in the Act;
3. The Plan's proposed method of financing the costs of the eligible activities is reasonable, and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to approve the Plan.

THEREFORE, BE IT RESOLVED:

1. Plan Approved. Pursuant to the authority vested in the City Commission by the act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is approved in the form attached as Exhibit A to this Resolution.
2. Severability. Should any section, clause or phase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
3. Repeals. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the ___ day of _____, 2015, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

Amanda Morgan, City Clerk

CITY OF SOUTH HAVEN

**NOTICE OF PUBLIC HEARING ON A
PROPOSED AMENDMENT TO BROWNFIELD PLAN**

NOTICE IS HEREBY GIVEN that the City Council of the City of South Haven will hold a public hearing at 7:00 p.m. on Monday, August 3, 2015 at South Haven City Hall, 539 Phoenix Street, South Haven, Michigan 49090, to consider the adoption of a proposed amendment to the Brownfield Plan for the Brownfield Redevelopment Authority of the City of South Haven (the “Brownfield Plan Amendment”).

The Brownfield Plan Amendment would provide for the Brownfield Redevelopment Authority to be reimbursed approximately \$500,000 from tax increment revenues to cover the cost of demolishing a structure and remediating environmental conditions at 229 Elkenburg Street, South Haven, MI 49090.

All aspects of the Brownfield Plan Amendment will be open for discussion at the public hearing. The City Council will provide an opportunity for interested persons to be heard and shall review and consider communications received in writing prior to the hearing.

The proposed Brownfield Plan Amendment and a map of the property are available for public inspection during regular office hours in the office of the City Clerk. For additional information, please contact Paul VandenBosch, Assistant City Manager, at (269) 637-0775.

Dated: July 14, 2015

Amanda Morgan, City Clerk



Act 381 Brownfield Plan Amendment
Overton Building Demolition Redevelopment Project
229 Elkenburg Street, South Haven, MI 49090

Prepared by: Dickinson Wright PLLC
July 2015

EXHIBITS

TABLES

Table 1	Summary of Costs for Eligible Activities
Table 2	Tax Capture/Reimbursement Schedule

ATTACHMENTS

Attachment A	Resolution Approving Brownfield Plan
Attachment B	Blight Resolution

FIGURES

Figure 1	Scaled Property Location Map
Figure 2	Eligibility Property Map
Figure 3	Color Site Photographs

1.0 INTRODUCTION

On July 20, 1998, the City of South Haven Brownfield Redevelopment Authority (the “BRA”) adopted a brownfield plan (the “Original Plan”) pursuant to Public Act 381 of 1996, as amended (“Act 381”). This plan amendment (the “Plan”) would amend the Original Plan and authorize reimbursement to the BRA for eligible activities to be performed at a property located at 229 Elkenburg Street (the “Property”).

The Property consists of a single parcel that was recently acquired by the City of South Haven Local Development Finance Authority (the “LDFA”), and is a “facility” as defined in Section 20101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 *et seq.* (“NREPA”). There is a single building on the Property that was built in the early 1900s and used primarily as a factory for manufacturing gun stocks (the “Building”). The Building is blighted and in imminent danger of collapse.

The BRA plans to expend funds from its local site remediation revolving fund to demolish the Building and remediate environmental conditions on the Property (the “Project”). The LDFA would coordinate the Project and coordinate the needed labor, and would then sell the Property to a third party to be developed.

The Project is seeking tax increment financing to reimburse the BRA’s local site remediation revolving fund for the cost of eligible activities. The following sections provide a more detailed summary of the Project and the proposed tax increment financing, in accordance with the requirements of Act 381.

1.1 Proposed Redevelopment and Future Use

The Building on the Property was built in the early 1900s and used primarily as a factory for manufacturing gun stocks. The Building has been vacant and unused for several years and is falling into disrepair.

The Project consists of demolishing the Building and remediating environmental conditions on the Property. After the demolition, the LDFA will consider sale of the property for development, which may be a residential complex. The demolition, environmental remediation, and subsequent development of the Property would eliminate a threat to public safety, improve the aesthetics of the area, and increase the tax base in the City.

1.2 Eligible Property Information

The following sections provide details regarding the Property’s location, ownership, and use.

1.2.1 Description of Eligible Property; Basis of Eligibility

The Property is located at the northwest corner of the intersection of Indiana Street and Elkenburg Street in the City of South Haven. Its mailing address is 229 Elkenburg Street, MI 49544, and its tax parcel ID number is 80-53-260-006-00. It is legally described as follows:

BEG 90’ W OF THE E LINE & 33’ N OF THE S LINE OF NW 1/4 OF SW 1/4 OF SEC 10, TH N 2.64’, TH N 24 DEG 40’ W 48.67’, TH ALG CURVE TO RT WITH RAD OF 861.41’ & CHORD BEARING N 20 DEG 40’ 30” W 119.3’, TH ALG CURVE TO RT WITH RAD OF 708.17’ & CHORD BEARING N 13 DEG 30’ W 79.26’, TH ALG CURVE TO RT WITH RAD OF 822.55’ & CHORD BEARING N 7 DEG W 80.87’ TO PT 12.5’ E OF CEN L MAIN TRACK OF RR, TH N PAR

SD CEN L 230.2', TH N 5 DEG 50' E 10', TH N 9 DEG 21' E 37.9' TO PT 627' A856 10-1-17 1049-664-666 1474-596 1490-583 N OF S L OF NW1/4 SW1/4 OF SEC, TH S 89 DEG 52' E PAR SD S L 174' TO N & S 1/8 L OF SW1/4 OF SEC, TH N ALG SD 1/8 L 85.79', TH E TO A PT 160' W OF W L OF INDIANA AVE, THE S 93.88', TH E 160' TO SD W L OF INDIANA AVE, THE S ALG SD W L 50', TH W 122.58', TH S 150', TH E 122.58' TO SD W L, TH S 385.91', TH W TO BEG. BEING PART OF BLK 1 OF ELKENBURG ADD & UNPLATTED SECTION 10.

A Scaled Property Location Map is attached as Figure 1, and an Eligible Property Boundary Map is attached as Figure 2. Photographs are included in Figure 3.

The Property is considered "eligible property" as defined by Act 381 because it is blighted, functionally obsolete, and a facility. The bases for these classifications are further described in Sections 1.7 and 1.8 of this Plan.

1.2.2 Current Ownership

The Property is owned by the LDFA, which has a principal business address of:

539 Phoenix Street
South Haven, MI 49090

1.2.3 Proposed Future Ownership

It is expected that the site will be transferred to a private developer.

1.2.4 Delinquent Taxes, Interest, and Penalties

The Van Buren County Treasurer foreclosed on the Property in March 2015, pursuant to Section 78 *et seq.* of the General Property Tax Act, 1893 PA 206, as amended, MCL 211.78 *et seq.* (the "GPTA"). The tax foreclosure which extinguished the tax liens on the Property.

1.2.5 Existing and Proposed Future Zoning

The Property is located in the City's I-1 Industrial Zoning District. The City plans to consider rezoning the Property to allow for development other than industrial.

1.3 Historical & Previous Use and Ownership

The oldest portions of the Building on the Property were built in the early 1900s, prior to World War I. From that time up until 1995, the Overton Company used the building primarily as a factory for manufacturing gun stocks. The Overton Company also manufactured other wood products, such as guitar products, from time to time.

In 1995, the Overton Company sold the Property to ELC Corporation ("ELC"). ELC used the Building as a rental property for warehousing and light manufacturing, including manufacture of tarps for the trucking industry. In 2006, Satori Corporation ("Satori") foreclosed on the Property after ELC defaulted on its mortgage. Satori then transferred the Property to Sitties, LLC ("Sitties"), which initially used the building for various storage uses. However, Sitties later ceased operations in the Building. It has remained vacant and unused since approximately 2010, and its physical condition has deteriorated substantially during that time. It is now in imminent danger of collapse.

The Van Buren County Treasurer foreclosed on the Property in March 2015, pursuant to the GPTA. The City then purchased the Property from Van Buren County and transferred it to the LDFA.

1.4 Current Use

The Building on the Property is currently vacant and unused.

1.5 Summary of Liability

The LDFA plans to complete a Baseline Environmental Assessment (“BEA”) and to disclose the BEA to the Michigan Department of Environmental Quality (“MDEQ”) in accordance with Part 201 of NREPA. Accordingly, the LDFA will not be considered a liable party.

Sitties LLC was the previous owner/operator and potential liable party.

1.6 Summary of Environmental Study Documents

The following Environmental Study Documents have been completed for the Property:

- Phase I Environmental Site Assessment, June 6, 2014.
- Phase II Environmental Site Assessment, March 19, 2015.
- NESHAP Asbestos Inspection Report, June 26, 2015.

1.7 Summary of Environmental / Brownfield Conditions

The Phase I Environmental Site Assessment identified the historical use of stains, paints and thinners on the Property, an oil tank that was removed, a coal bunker, an adjacent foundry which may have distributed foundry sand on the Property, a site of groundwater contamination to the west and a number of unlabeled drums in the Building.

The Phase II Environmental Site Assessment determined that the Property is a “facility” for purposes of Section 20101 of NREPA based on concentrations of arsenic, cadmium, benzo(a)pyrene, benzo(b)fluoranthene, and dibenzo(a,h)anthracene. It further determined that a BEA and due care plan needs to be obtained, and that the unlabeled drums in the Building should be submitted for further sampling when the liquids in the drums thaw.

The NESHAP Asbestos Inspection Report determined that there are asbestos-containing materials throughout the Building that need to be removed. It specifically concluded that the roofing material should be removed by a trained and experienced demolition contractor, and that the asbestos-containing pipe insulation needs to be removed during the demolition process because it is likely unsafe to remove prior to demolition.

1.8 Summary of Functionally Obsolete, Blighted, and/or Adjacent Contiguous Conditions

1.8.1 Functionally Obsolete

The Property has not been formally declared to be functionally obsolete, although it would likely qualify under the statutory standards.

1.8.2 Blighted

On April 21, 2014, the City Council adopted a resolution declaring that the Building on the Property is a public nuisance a risk to human safety because it is dilapidated and in imminent danger of collapse, thereby qualifying it as “blighted” under Act 381. The resolution is attached as Attachment B.

1.8.3 Adjacent and Contiguous

The Property consists of a single parcel.

1.9 Summary of Historic Qualities

The Property does not have historic qualities, as that term is defined under Act 381.

2.0 DESCRIPTION OF COSTS & SCOPE OF WORK

2.1 Summary of Eligible Activities

The BRA will conduct activities including demolition, asbestos and lead abatement, due care and/or additional response activities involving the disposal of chemical drums and remediation of Polychlorinated biphenyl (“PCB”), and preparation of this Plan. A summary of the estimated costs for each eligible activity is provided in the attached Table 1. The eligible activities are more thoroughly described as follows:

2.1.1 Demolition

Building demolition includes a demolition survey and the actual demolition of the Building. Site demolition includes leveling, backfilling and seeding of the site.

2.1.2 Asbestos and Lead Abatement

The Project involves abating lead and asbestos-containing materials prior to demolition. All asbestos removal will be performed in accordance to OSHA Class 1 asbestos removal requirements as found in 29 C.F.R. § 1926.1101.

2.1.3 Disposal of Chemical Drums

The LDFA will contract with an environmental specialist to remove and dispose of the unidentified chemical drums in the Building, classifying the drums as needed for proper disposal.

2.1.4 PCB Remediation

The LDFA will contract with an environmental specialist to remediate PCB contamination on the Property.

2.1.5 Development and Preparation of Brownfield Plan

Dickinson Wright PLLC, has prepared this Plan in accordance with the requirements of Act 381 and the applicable MSF guidance.

3.0 TAX INCREMENT REVENUE ANALYSIS

3.1 Estimate of Captured Taxable Value and Tax Increment Revenues

This Project is seeking capture of tax increment revenues to reimburse the BRA’s local site remediation revolving fund for the cost of eligible activities. A table of estimated tax increment revenues is attached as Table 2.

It is projected that the total estimated cost of the eligible activities will be \$500,000, which will be reimbursed to the BRA’s local site remediation revolving fund with interest accruing at the

Federal Funds rate, not to exceed 5%. The initial taxable value of the Property is \$0. The City projects that the Property will reach a true cash value of \$2 million when it is redeveloped.

Captured tax increment revenues will be based on the actual increase in taxable value resulting from the Project and the millage rates levied by the various taxing jurisdictions in the City of South Haven. These figures are shown in the attached Table 2.

3.2 Method of Financing and Description of Advances Made by the Municipality

The BRA will finance the eligible activities with money from the BRA's local site remediation revolving fund.

3.3 Maximum Amount of Note or Bonded Indebtedness

This Plan does not contemplate note or bonded indebtedness.

3.4 Duration of Brownfield Plan

It is estimated that the Project will take approximately 25 years to capture the \$500,000, plus interest, in tax increment revenues needed to provide full reimbursement for the eligible activities. Accordingly, the Plan tax increment capture is estimated to endure until approximately 2043, but in no event will last more than 30 years.

3.5 Local Site Remediation Revolving Fund

The Project will be financed with money from the local site remediation revolving fund.

3.6 Effective Date of Inclusion in Brownfield Plan

The Property will become a part of this Plan on the date that this Plan is approved by the South Haven City Council. Tax capture will commence in 2017 or 2018 as increment revenue becomes available as a result of the Project and the planned redevelopment.

3.7 Displacement/Relocation of Individuals on Eligible Property

There are no persons or businesses on the Property, so no displacement or relocation will occur under this Plan.

4.0 SCHEDULE OF ACTIVITIES

4.1 Schedule

The demolition and initial environmental remediation is scheduled to commence in October 2015 and reach completion in December 2015. However, further environmental testing and remediation may be needed in 2016. The LDFA hopes to then sell the Property to a private developer, with development being completed in 2017.

4.2 Estimated Costs

The estimated costs of completing the eligible activities are provided in the attached Table 1.

4.3 Additional Information

None.

TABLE 1
Summary of Costs for Eligible
Activities

Table 1

Summary of Costs for Eligible Activities

Eligible Activities	Estimated Cost
Demolition	\$ 380,000
Lead and/or Asbestos Abatement	\$ 50,000
Chemical Drum Removal	\$ 30,000
PCB Remediation	\$ 15,000
Brownfield Plan Preparation	\$ 5,000
Interest	\$ 20,000
TOTAL	\$ 500,000

TABLE 2
Tax Capture/Reimbursement
Schedule

Table 2

Available Tax Increments

	Rate	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Original Land and Real Property Taxable Value		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Taxable Value of Development				\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Estimated Increment Available for Reimbursement				\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Local Taxes															
Charter	10.2860	\$0	\$0	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286
Garbage	1.2000	\$0	\$0	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
Drug Enforcement	0.6798	\$0	\$0	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680
Library	0.5900	\$0	\$0	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590
Community College	1.7854	\$0	\$0	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785
City Road	1.5813	\$0	\$0	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581
County Operating	4.4719	\$0	\$0	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472
Total Amounts Available	20.5944	\$0	\$0	\$20,594											

Capture & Reimbursement Schedule

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Revolving Fund Reimbursement	\$0	\$0	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594
Principal on Eligible Activities Remaining	\$500,000	\$500,000	\$479,406	\$458,811	\$438,217	\$417,622	\$397,028	\$376,434	\$355,839	\$335,245	\$314,650	\$294,056	\$273,462	\$252,867
Interest Accumulated Per Year*		\$1,250	\$1,250	\$1,199	\$1,147	\$1,096	\$1,044	\$993	\$941	\$890	\$838	\$787	\$735	\$684
Total Balance Remaining (Including Interest)	\$500,000	\$501,250	\$481,906	\$462,510	\$443,062	\$423,563	\$404,013	\$384,411	\$364,758	\$345,053	\$325,297	\$305,489	\$285,630	\$265,719

*Interest calculated at the Federal Funds rate, not to exceed 5%.

Estimated Taxable Value is based on attracting a 20 unit development with assessed value of \$50,000 per unit.

2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
\$0	\$0	\$0											
\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286
\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680
\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590
\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785
\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581
\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472
\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594

2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$2,194
\$232,273	\$211,678	\$191,084	\$170,490	\$149,895	\$129,301	\$108,706	\$88,112	\$67,518	\$46,923	\$26,329	\$5,734	\$0	\$0
\$632	\$581	\$529	\$478	\$426	\$375	\$323	\$272	\$220	\$169	\$117	\$66	\$14	\$0
\$245,757	\$225,743	\$205,678	\$185,561	\$165,393	\$145,173	\$124,902	\$104,580	\$84,206	\$63,780	\$43,303	\$22,774	\$2,194	\$0

ATTACHMENT A
Resolution Approving
Brownfield Plan

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2015-___

A RESOLUTION APPROVING A BROWNFIELD PLAN FOR THE OVERTON BUILDING
DEMOLITION AND REDEVELOPMENT PROJECT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on _____, 2015 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven Brownfield Redevelopment Authority (the "Authority"), has prepared and recommended a Brownfield Plan Amendment for the Overton Building Demolition and Redevelopment Project, attached as Exhibit A (the "Plan"), for approval by the City Council pursuant to Section 13 of the Brownfield Redevelopment Financing Act, 1996 PA 382, as amended MCL 125.2651 et seq. (the "Act"); and

WHEREAS, at least ten days before the meeting at which this resolution was considered, the Authority provided notice to and fully informed all taxing jurisdictions that are affected by the Plan (the "Taxing Jurisdictions") about the Plan's potential effect on their tax revenues; and

WHEREAS, the City Council has previously provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in the Act;
3. The Plan's proposed method of financing the costs of the eligible activities is reasonable, and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to approve the Plan.

THEREFORE, BE IT RESOLVED:

1. Plan Approved. Pursuant to the authority vested in the City Commission by the act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is approved in the form attached as Exhibit A to this Resolution.
2. Severability. Should any section, clause or phase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
3. Repeals. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the ___ day of _____, 2015, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

Amanda Morgan, City Clerk

ATTACHMENT B

Blight Resolution

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-17

A RESOLUTION TO LEVY A SINGLE-LOT SPECIAL ASSESSMENT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 21, 2014 at 7:00 p.m. local time.

PRESENT: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

ABSENT: None

The following preamble and resolution was offered by Member Patterson and supported by Member Kozlik Wall.

WHEREAS, the City's building inspector determined that the building located at 229 Elkenburg Street (the "Overton Building") is dilapidated and at imminent risk of collapsing, making it a nuisance *per se* under Section 30-91 of the South Haven Code of Ordinances (the "City Code");

WHEREAS, the City's fire inspector determined that the Overton Building is a fire hazard and is imminently dangerous and menacing to public safety, making it a nuisance *per se* under MCL 29.23;

WHEREAS, City Code § 72-18 authorizes the City Council to levy a special assessment against a single parcel of real property to recover an expense incurred by the City that is chargeable to the property owner by law;

WHEREAS, the City Manager made a preliminary determination that the City should construct and install a temporary fence around the Overton Building to abate imminently dangerous nuisance conditions, pursuant to City Code §§ 30-93 and 30-94, if the property owner failed to abate such conditions by April 21, 2014;

WHEREAS, on April 10, 2014, the City sent a notice by first class mail informing the property owner that the City Council would hold a hearing on April 21, 2014, at 7:00 p.m. at City Hall to consider levying a single-lot special assessment in the amount of \$25,000 to recover the cost of constructing and installing a temporary fence; and

WHEREAS, after hearing any persons interested in the proposed levy of the special assessment and giving due consideration to any written objection filed with the City Clerk, the City Council deemed the proposed special assessment to be fair, equitable, just, and proportional to the benefits to be derived by the parcel of land assessed.

THEREFORE, BE IT RESOLVED:

1. The City Manager shall cause a temporary fence to be constructed and installed around the Overton Building as soon as possible in order to abate imminently dangerous nuisance conditions.

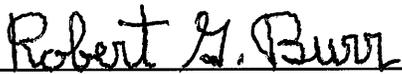
2. A special assessment in the amount of \$25,000 is levied against the parcel of real estate located at 229 Elkenburg Street to recover the cost of constructing and installing the temporary fence.
2. This resolution shall be treated as a confirmation of a special assessment roll, pursuant to City Code § 72-18(c).
3. On or before May 1, 2014, the City Treasurer shall send a copy of this resolution by first-class mail to the owner of the property at 229 Elkenburg Street.
4. The special assessment shall be paid to the City Treasurer in a single installment on or before May 16, 2014.
5. If the special assessment is not paid in full by May 16, 2014, the assessment shall be considered delinquent and the City shall collect interest at the rate of 1% per month on any amount that remains unpaid.
6. Pursuant to City Code § 72-11, the special assessment authorized in this resolution shall constitute a lien upon the property located at 229 Elkenburg Street.
7. All resolutions or parts of resolutions in conflict with this resolution are rescinded.

RECORD OF VOTE:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

RESOLUTION DECLARED ADOPTED.



Robert G. Burr, Mayor

CERTIFICATION

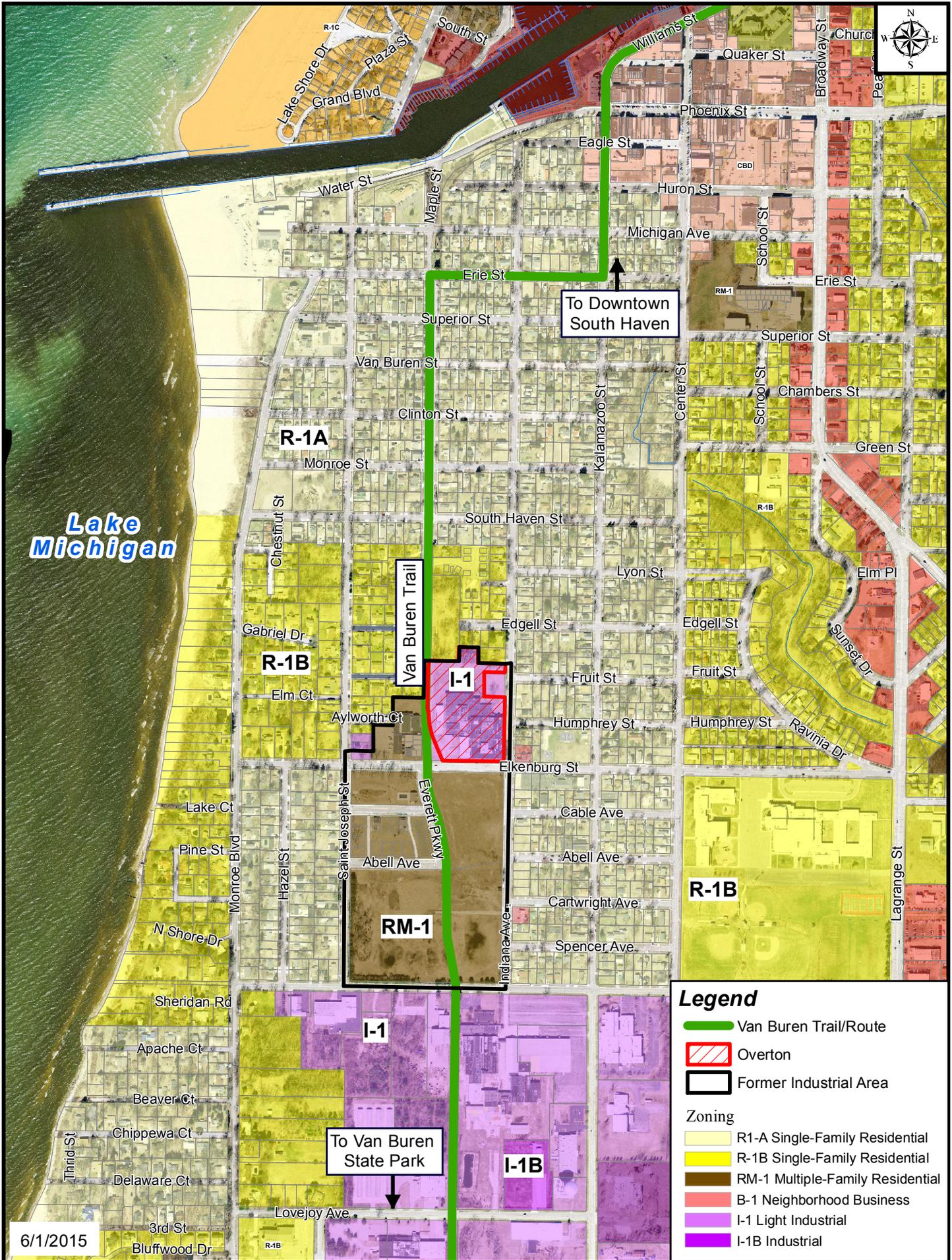
I certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on April 21, 2014.



Amanda Morgan, City Clerk

FIGURE 1

Scaled Property Location Map



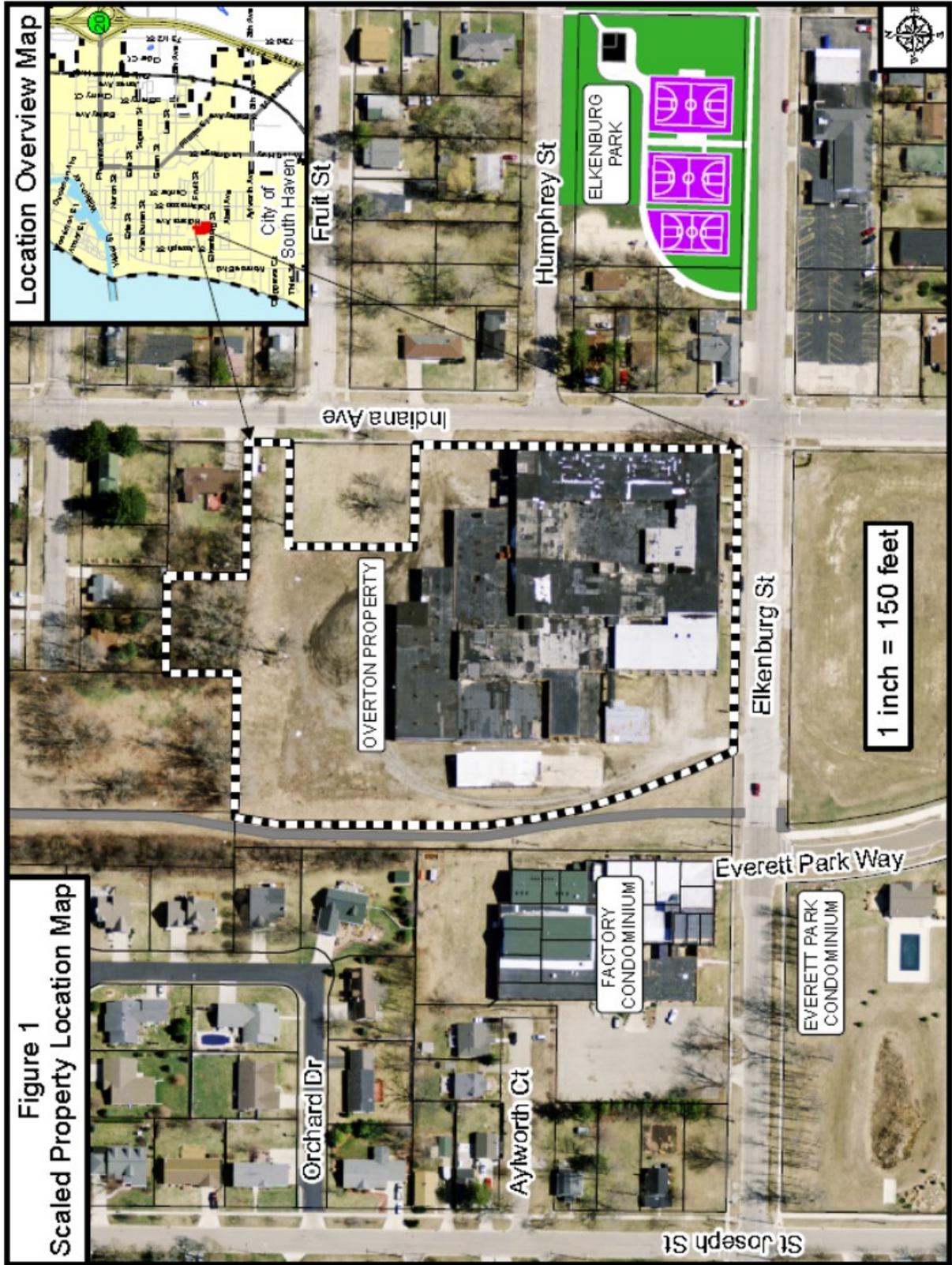


FIGURE 2
Eligible Property Map

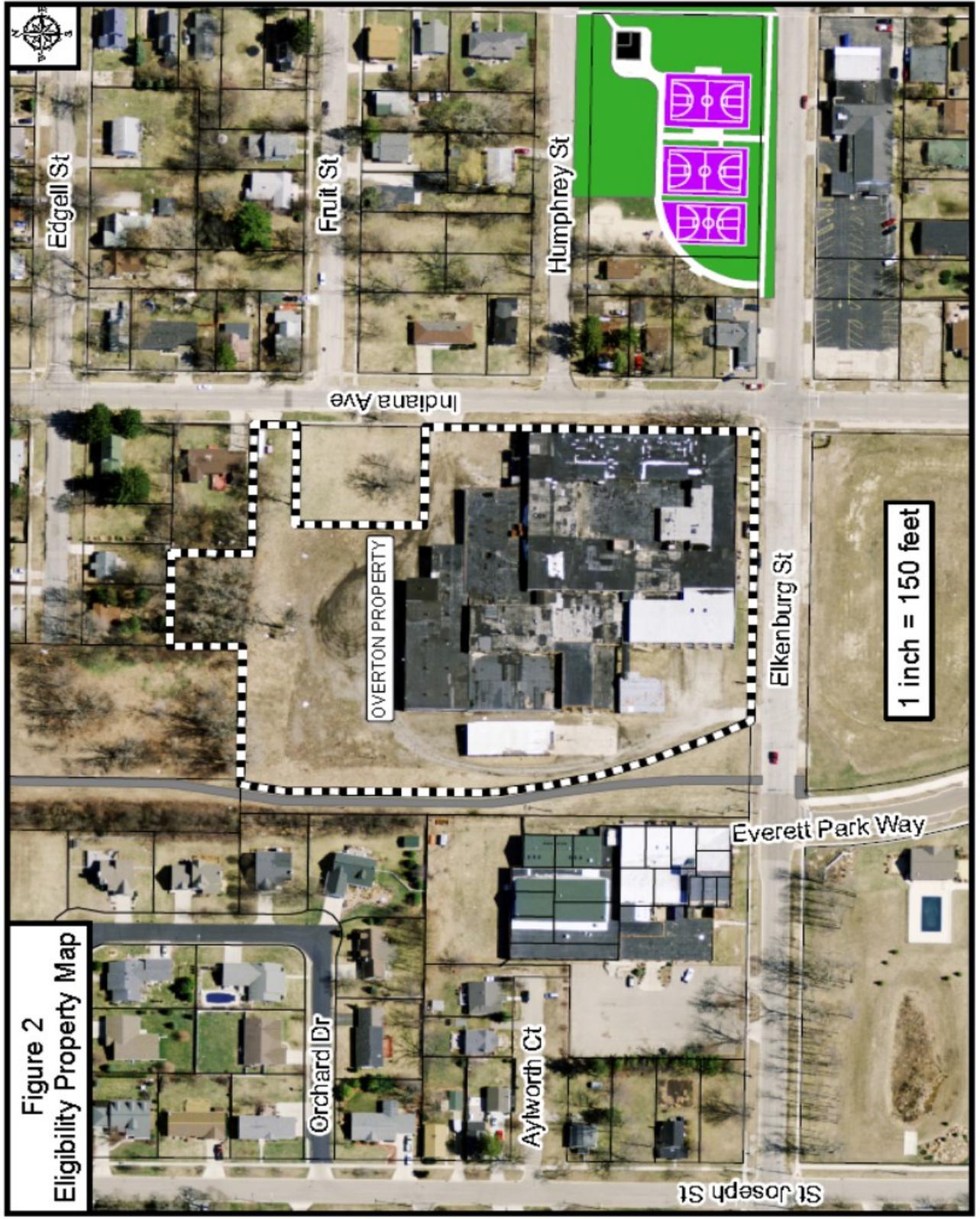


FIGURE 3

Color Site Photographs

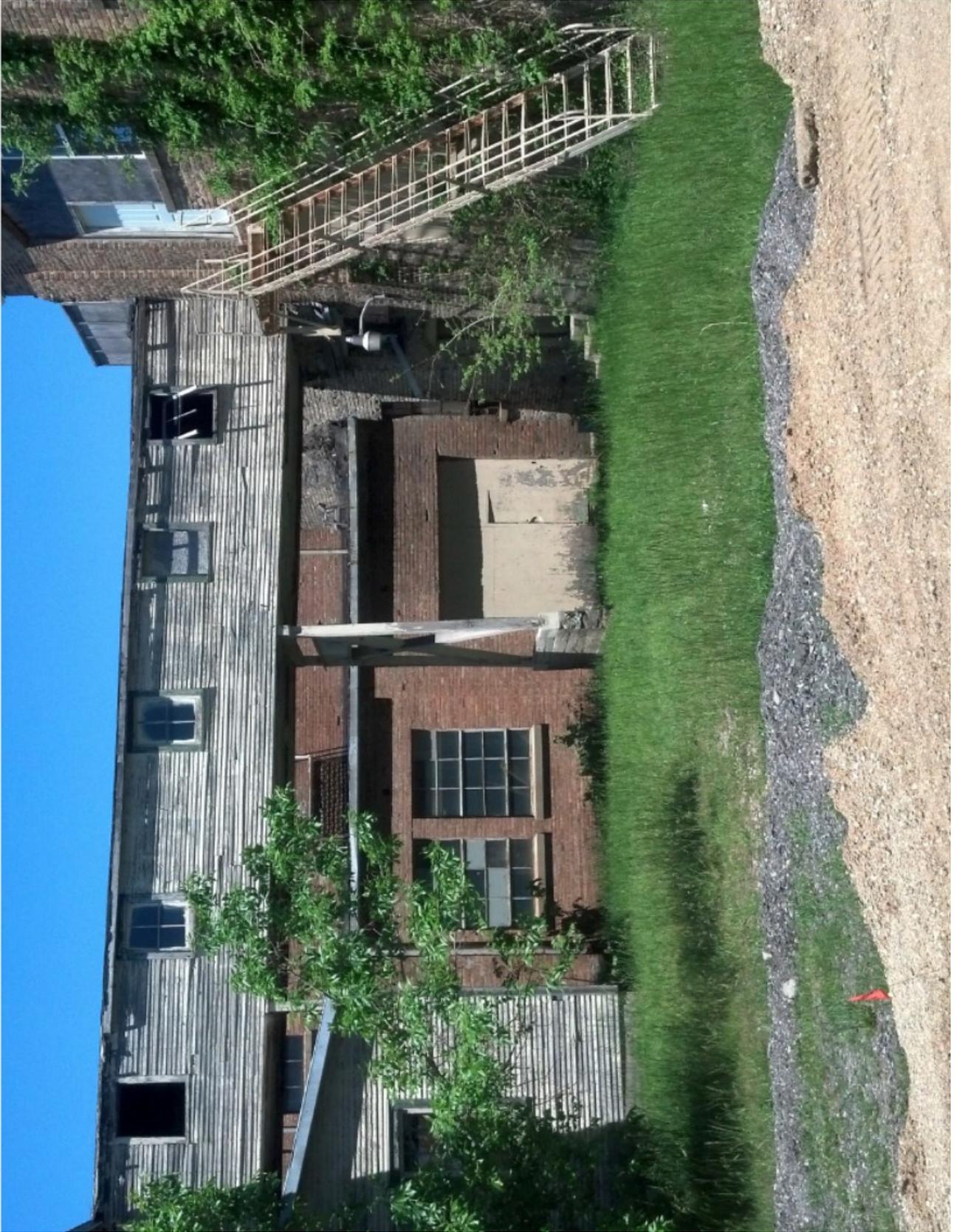












City Council

Regular Meeting Minutes

Monday, July 20, 2015
7:00 p.m., Council Chambers



1. Call to Order by Mayor Burr at 7:00 p.m.

2. Invocation – Mr. Art Ayers, Moderator at the First Congregational Church

3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, and Burr
Absent: None.

4. Approval of Agenda

Moved by Klavins, seconded by Kozlik Wall to amend the agenda to include item 9a, a sign permit request for Soha Surf Shop.

Voted Yes: All. Motion carried.

5. Consent Agenda: Items A thru E (Roll Call Vote Required)

Moved by Patterson, seconded by Fitzgibbon to approve the consent agenda.

- A. Council will be requested to approve the City Council Minutes for July 6, 2015.
- B. Bills totaling \$460,385.34 for the period ending July 19, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be requested to review and approve Traffic Control Orders 15-001 through 15-006.
- D. Council will be asked to approve Resolution 2015-33, a resolution recognizing the Rams Boosters as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.
- E. Council will be asked to approve the following minutes:
 - 1) 03-17-2015 SHARA minutes;
 - 2) 05-18-2015 ZBA minutes;
 - 3) 05-27-2015 Housing Commission minutes; and
 - 4) 06-17-2015 Airport Authority minutes.

A Roll Call Vote was taken:

Yeas: Fitzgibbon, Gruber, Klavins, Arnold, Kozlik Wall, Patterson, and Burr
Nays: None.

Motion Carried.

OLD BUSINESS

6. Council will be updated on potential changes to the code of ordinances, related to the lawn mowing ordinance.

Background Information:

The City Council will be asked to take no action on the city's adopted long grass code.

At the July 6th regular meeting of the City Council, the Council discussed potential changes to the city's long grass ordinance. At that meeting, the Council discussed a desire to increase the long grass threshold for enforcement from 6" to 9". Further, the Council discussed a desire to expedite the enforcement process, in an effort to reduce the time needed for the city to take enforcement efforts. Finally, the Council discussed a desire to increase the administrative fee from \$50 per occurrence to \$150 per occurrence.

The city's staff is currently working to develop an updated code amendment, for the City Council's consideration, related to the long grass enforcement ordinance. At this time, the city's staff has completed a review of enforcement procedures from other West Michigan communities. Staff has found a variety of enforcement procedures which are embraced by other communities. Staff are now working with the city's attorney to develop an updated code amendment draft for the City Council's review and consideration.

The city's staff anticipates having a code amendment draft ready for the City Council's review at the August 3rd regular meeting.

No action taken on this item. Item will be discussed in a workshop session on August 3rd at 6pm.

7. Council will be asked to consider approval of the utility rate ordinance, related to the proposed increases to the city's electric utility rates.

Background Information:

During the month of June, 2015 the Board of Public Utilities (BPU) and the City Council approved an increase of 2% for the various components of the water and sewer utility rates to be effective July 1, 2015. At that time the BPU wanted to obtain more information about the actual energy cost charges proposed by our supplier for the upcoming year before making any recommendation for possible changes to the electric utility rates. Upon analysis of the data the BPU recommends a 4% increase in the residential energy rate, no change in the commercial energy rate and a 3% increase in the Commercial Power and Industrial energy rates. The Demand customers will also see an increase of 3.1% in the demand rate.

Electric customers have shared in the fluctuations in fuel charges being charged by our supplier by way of the "Fuel Adjustment" shown on the monthly utility bill. The Utility is also charged monthly by our supplier for fluctuations in a PJM open access transmission tariff that appears on our monthly power invoice. These PJM fees were historically an average of \$500,000 - \$600,000 annually and were absorbed by the existing energy rates in effect. The fees now exceed those levels so the BPU has recommended that we share the fluctuations in the PJM fees costs with the electric customers in excess of a base amount of \$500,000 annually. The PJM and fuel cost adjustments will be included on one line on the monthly utility bill called "Energy Cost Adjustment".

Moved by Patterson, seconded by Klavins to approve a utility rate ordinance as presented in the packet.

Voted Yes: All. Motion carried.

NEW BUSINESS

- 8. Council will be asked to approve Resolution 2015-34, a resolution to grant local government approval on the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License.**

Background Information:

Ballock Holdings, LLC is requesting city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams, formerly known as York's Tavern, which has been closed due to bankruptcy proceedings. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee and, as part of the purchase, they've submitted an application requesting the transfer of the current liquor license attached to that location. However, in the approval process it was determined that due to the sale of condo units and a change in ownership, the Class B Hotel license that York's was operating under no longer conformed to the requirements of the Michigan Liquor Control Commission (MLCC).

As such, the current license must be reclassified to the more appropriate license, a Class C Resort license which requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. To complete the property purchase and MLCC licensing, the MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort license.

Detective Adam DeBoer reviewed the materials and found no problems with the reclassification request. Wendy Hochstedler, the Finance Director, did note that there are outstanding taxes on the property under two accounts in the following amounts: \$42.37 and \$1,680.29.

Moved by Gruber, seconded by Kozlik Wall to table Resolution 2015-34 until August 3rd City Council meeting.

Vote Yes: All. Motion carried.

- 9. Council will be asked to approve Resolution 2015-35, a resolution to opt out of the electric utility surcharge for the LIEAF program, and to ensure compliance with PA 95 of 2013.**

Background Information:

On July 1, 2013, Gov. Snyder signed Senate Bill 284 creating Public Act 95 of 2013. The bill authorizes the Public Service Commission to raise up to \$50 million annually for low income energy assistance in Michigan. The money will be placed in the Low Income Energy Assistance Fund (LIEAF) and will be dispensed by the Department of Human Services. The legislation requires that the money collected from a geographic area is returned, to the extent possible, to that geographic area. Low income customers will be able to receive State assistance to pay electric, natural gas, and propane bills.

In order to raise the \$50 million annual stipend, the legislation requires all electric utilities in Michigan, including municipal utilities, to place a monthly surcharge on customer bills and send the collected money to the State on a monthly basis. The monthly surcharge will be established by the State but will not be more than \$1.00 per customer. A customer who has multiple meters at their residence is to be billed the surcharge on only one meter.

The legislation does include an opt-out provision for all utilities. Each year, a utility may file a notice with the Public Service Commission by July 1 indicating that they desire to opt out of collecting the surcharge. A utility that opts out may not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Michigan's two largest electric providers, Consumers Energy and DTE, both intend to collect the surcharge.

In 2009, the legislature passed a series of bills that placed winter shutoff restrictions on municipal utilities. These bills place restrictions on performing winter shutoffs for certain customers. Eligible military customers, critical care customers, and senior citizens are provided certain shutoff protections by these bills. In addition, there are specific steps outlined that must be followed by the City to legally shut off a residential customer during the heating season (defined as November 1 through March 31). Due to the complexity of the legislation, the City's practice has been to restrict all residential shutoffs during the heating season. If the City elects to opt out of collecting the low income surcharge, we will not be permitted to shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Since we already limit winter shutoffs, utility operations will not be substantially changed if the City elects to opt out.

On July 15, 2013, Council passed Resolution 2013-44, electing to not collect the low income energy assistance funding factor between July 1, 2013 and June 30, 2014. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2013 and April 15, 2014. On May 5, 2014, Council passed Resolution 2014-18, electing to not collect the low income energy assistance funding factor between July 1, 2014 and June 30, 2015. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2014 and April 15, 2015.

Council cited the following three primary reasons for adoption of Resolutions 2013-44 and 2014-18:

1. Council was concerned that a portion of the surcharge would be used to assist customers outside of the City's service territory.
2. Council felt that it was unfair to subsidize customers of the investor owned gas utility operating in the City's service territory.
3. Since 2009, the City has implemented an unwritten policy restricting residential customer shutoffs during the heating season.

At the beginning of the 2013-14 heating season, there was some confusion related to the types of assistance available to City electric customers. The Michigan Department of Human Services (DHS) denied State Emergency Relief (SER) funding to customers of any electric utility that elected to opt out of collecting the surcharge. The SER program is funded with federal Low Income Home Energy Assistance Program (LIHEAP) dollars and not through the LIEAF program. DHS determined that City customers seeking SER funding were not in threat of shutoff and ineligible to receive SER funds.

The \$50 million collected through the LIEAF program is distributed to customers via the Michigan Energy Assistance Program (MEAP) established by Public Act 615 of 2012. The purpose of the Michigan Energy Assistance Program is to implement preventative programs designed to help low-income customers reach energy self-sufficiency. This program distributes \$50 million of LIEAF money and \$40 million in LIHEAP funds via grants to 14 various entities. South Haven electric customers are eligible to seek assistance from the following six agencies providing services in Van Buren County:

DHS - Bureau of Community Action and Economic Opportunity
Michigan Community Action Agency Association
The Salvation Army
SEMCO Energy Gas Company
The Heat and Warmth Fund
True North Community Services

MEAP Grant Program Fact Sheets can be downloaded from the State's website:
http://www.michigan.gov/mpsc/0,4639,7-159-52493_52588-317123--,00.html.

During the 2013-2014 heating season, 14 municipal electric utilities elected to collect the surcharge while 27 elected to opt out. The Michigan Public Service Commission requires an annual filing on each utility's opt-out choice. If the City does not opt out, approximately \$100,000 will be paid to the state in the upcoming fiscal year.

At their June 29, 2015 regular meeting, the Board of Public Utilities reviewed PA 95 and passed a motion recommending that Council elect to opt out of collecting the surcharge for the upcoming 12 month period.

Moved by Fitzgibbon, seconded by Kozlik Wall to approve Resolution 2015-35, a resolution to opt out of the electric utility surcharge for the LIEAF program, and to ensure compliance with PA 95 of 2013.

Voted Yes: All. Motion carried.

9a. Council will be asked to consider a request for a sign application for public property for SoHa Surf Shop.

Background Information:

SoHa Surf Shop is requesting a permit to place signs at their South Beach sports equipment location. The applicant has a license agreement for the use but signs were not included in the agreement. The zoning administrator is unable to issue sign permits as the property is publicly owned.

The applicant is asking to place a sandwich board sign at the top of the dune (near the sidewalk) and a freestanding 4' by 6' sign at the rental location. The signs would be in place from the time of the approval until September 15, 2015. In future years the signs would be in place from May 15 to September 15.

Moved by Kozlik Wall, seconded by Fitzgibbon to approve the placement of signs at the South Beach and that the sandwich board sign must be removed daily.

Voted Yes: All. Motion carried.

10. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Richard Austen, 365 Jones Avenue – Spoke to the Council regarding the Fireworks ordinance that prohibits fireworks displays except for July 3, 4, and 5.

11. City Manager's Comments

None.

12. Mayor and Councilperson's Comments

Kozlik Wall – No comment.

Gruber – No comment.

Fitzgibbon – No comment.

Patterson – Notes that our beaches are well used and our rental housing has been praised. Reminder to tourists and visitors that dogs are not allowed on the sand or in the water at the beach. Pets must remain in the paved areas of the beaches.

Arnold – No comment.

Klavins – Reminder that Friends of the Blue Star Trail will be hosting the 4th Annual Lakeshore Harvest Country Bike Tour on August 15th, a 15 to 100 mile ride and tour of local fruit and produce farms, wineries, orchards, and cider mills. If you order ½ barrel of fruit juice, they will deliver it back to your staging area.

Burr – MDOT has put out to bid the paving of the Van Buren State Park Trail and expects to have the paving completed in October. This is the final phase in a 3 year project.

13. Adjourn

Moved to adjourn by Patterson, seconded by Fitzgibbon.

Voted Yes: All. Motion carried, meeting adjourned at 7:25 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier
Deputy City Clerk

Approved by City Council: **Draft**



City of South Haven

Department of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Brian Dissette, City Manager

Cc: Roger Huff, PE, DPW Director
Wendy Hochstedler, Finance Director
Deb Davidson, DDA Director

From: Larry Halberstadt, PE, City Engineer

Date: August 3, 2015

RE: FY 2015-16 Street Resurfacing Projects

Background Information

As part of the budgeting process for the 2015-16 fiscal year, Council recommended that funds be allocated for street resurfacing. A total of \$553,543.00 was budgeted for street repaving and rehabilitation. Typically, this work consists of removing and replacing the surface course to improve ride quality, installing barrier free ramps for compliance with the Americans with Disabilities Act, and performing other minor repairs.

At the time that budgets were developed, the streets selected for repaving included:

- Michigan Street from Center Street to Broadway Street
- Center Street from Elkenburg Street to Superior Street

On July 23, bids were opened for the paving project. A total of two bids were received. The bid tabulation and engineer's estimate is attached. The low bid is from Compton, Inc. of South Haven, MI in the amount of \$432,890.95.

Engineering services for this project were previously awarded to Abonmarche in the amount of \$75,700. The budgeted amount also included a contingency equal to 10% of the construction cost (approximately \$44,000) to accommodate unforeseen site conditions or changes to the scope of work. The most common scope change on this type of project would be additional sidewalk removal and replacement to correct trip and fall hazards. Awarding the contract to the low bidder will permit the project to be completed for less than the budgeted amount.

Recommendation

It is recommended that Council take action at its August 3, 2015 regular meeting authorizing the City Manager to award the contract to Compton, Inc. in the amount of \$432,890.95. It is anticipated that construction will begin within 1 week of award. The work is scheduled for substantial completion on or before September 4, 2015.

Memorandum

August 3, 2015

FY 2015-16 Street Resurfacing Projects

Page 2 of 2

Attachments

Bid Tabulation

Abonmarche Award Recommendation Letter

Owner: City of South Haven
Project Name: 2015 Center & Michigan Street Resurfacing
Project Number: 15-0416
Date and Time: July 23, 2015 at 2:00 p.m.

Legend: Correction

Bid Tabulation

Item	Unit	Estimated Quantity	Engineer's Estimate		Compton, Inc.		Rieth-Riley		
			Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization, Max \$10,000	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	Temporary Traffic Control	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 9,000.00	\$ 9,000.00	\$ 22,000.00	\$ 22,000.00
3	Traffic Signs, Permanent	SFT	256.25	\$ 17.00	\$ 4,356.25	\$ 17.00	\$ 4,356.25	\$ 20.00	\$ 5,125.00
4	Post, Steel, 3 LB	EA	40	\$ 75.00	\$ 3,000.00	\$ 75.00	\$ 3,000.00	\$ 89.60	\$ 3,584.00
5	HMA Surface Rem.	SYD	12,370	\$ 2.00	\$ 24,740.00	\$ 2.00	\$ 24,740.00	\$ 2.50	\$ 30,925.00
6	Pavt. Rem.	SYD	1,269	\$ 20.00	\$ 25,380.00	\$ 14.00	\$ 17,766.00	\$ 16.80	\$ 21,319.20
7	Sidewalk Rem.	SYD	540	\$ 15.00	\$ 8,100.00	\$ 5.00	\$ 2,700.00	\$ 7.20	\$ 3,888.00
8	Curb Rem.	LFT	1,172	\$ 20.00	\$ 23,440.00	\$ 5.00	\$ 5,860.00	\$ 7.20	\$ 8,438.40
9	Utility Str. Rem., Storm	EA	4	\$ 300.00	\$ 1,200.00	\$ 500.00	\$ 2,000.00	\$ 720.00	\$ 2,880.00
10	Sign, Rem.	EA	39	\$ 75.00	\$ 2,925.00	\$ 25.00	\$ 975.00	\$ 24.00	\$ 936.00
11	Subbase	CYD	120	\$ 15.00	\$ 1,800.00	\$ 20.00	\$ 2,400.00	\$ 30.00	\$ 3,600.00
12	Conc Base, Cse, Nonreinf, 7 inch	SYD	279	\$ 30.00	\$ 8,370.00	\$ 55.00	\$ 15,345.00	\$ 66.00	\$ 18,414.00
13	Aggregate Base, 22A, 8 inch	SYD	350	\$ 10.00	\$ 3,500.00	\$ 15.00	\$ 5,250.00	\$ 19.25	\$ 6,737.50
14	HMA, 3E1	TON	60	\$ 100.00	\$ 6,000.00	\$ 137.00	\$ 8,220.00	\$ 140.00	\$ 8,400.00
15	HMA, 5E1	TON	1,430	\$ 85.00	\$ 121,550.00	\$ 83.00	\$ 118,690.00	\$ 86.00	\$ 122,980.00
16	Sidewalk, 4 inch	SFT	1,550	\$ 4.00	\$ 6,200.00	\$ 4.25	\$ 6,587.50	\$ 5.10	\$ 7,905.00
17	Sidewalk Ramp, 6 inch	SFT	2,891	\$ 5.00	\$ 14,455.00	\$ 7.00	\$ 20,237.00	\$ 8.30	\$ 23,995.30
18	Detectable Warning Surface, C.I.	LFT	250	\$ 70.00	\$ 17,500.00	\$ 81.00	\$ 20,250.00	\$ 97.50	\$ 24,375.00
19	Curb & Gutter, Det F4	LFT	1,133	\$ 20.00	\$ 22,660.00	\$ 19.00	\$ 21,527.00	\$ 23.00	\$ 26,059.00
20	Driveway Opening, Conc, Det M	LFT	200	\$ 20.00	\$ 4,000.00	\$ 18.00	\$ 3,600.00	\$ 21.65	\$ 4,330.00
21	Driveway, Nonreinf Conc, 6 inch	SYD	301	\$ 40.00	\$ 12,040.00	\$ 48.00	\$ 14,448.00	\$ 57.70	\$ 17,367.70
22	Legend Mrkg, Ovly Cold Plastic, White, School	EA	1.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 235.00	\$ 235.00
23	Line Mrkg, Waterborne, Yellow, 4 inch	LFT	850	\$ 2.00	\$ 1,700.00	\$ 0.40	\$ 340.00	\$ 0.42	\$ 357.00
24	Line Mrkg, Ovly Cold Plastic, 6 inch, Crosswalk	LFT	1,096	\$ 5.00	\$ 5,480.00	\$ 2.10	\$ 2,301.60	\$ 2.40	\$ 2,630.40
25	Line Mrkg, Ovly Cold Plastic, 12 inch, Stop Bar	LFT	168	\$ 10.00	\$ 1,680.00	\$ 4.20	\$ 705.60	\$ 4.90	\$ 823.20
26	Topsoil Surface, Furn, 4 inch	SYD	1,010	\$ 12.00	\$ 12,120.00	\$ 10.00	\$ 10,100.00	\$ 13.20	\$ 13,332.00
27	Erosion Fabric	SYD	1,010	\$ 5.00	\$ 5,050.00	\$ 1.20	\$ 1,212.00	\$ 1.60	\$ 1,616.00
28	Seed	LBS	210	\$ 30.00	\$ 6,300.00	\$ 30.00	\$ 6,300.00	\$ 42.10	\$ 8,841.00
29	Fertilizer	LBS	210	\$ 10.00	\$ 2,100.00	\$ 10.00	\$ 2,100.00	\$ 13.25	\$ 2,782.50
30	Structure, Stm. MH, 24 inch Dia	EA	1	\$ 1,200.00	\$ 1,200.00	\$ 1,300.00	\$ 1,300.00	\$ 1,560.00	\$ 1,560.00
31	Structure, Stm. MH, 48 inch Dia	EA	3	\$ 2,000.00	\$ 6,000.00	\$ 2,000.00	\$ 6,000.00	\$ 3,000.00	\$ 9,000.00
32	Structure Cover, EJ 7030	EA	2	\$ 1,000.00	\$ 2,000.00	\$ 1,400.00	\$ 2,800.00	\$ 1,750.00	\$ 3,500.00
33	Structure Cover, EJ 1040	EA	1	\$ 800.00	\$ 800.00	\$ 950.00	\$ 950.00	\$ 1,200.00	\$ 1,200.00
34	Structure Cover, EJ 1040, Sanitary w/City Logo	EA	17	\$ 800.00	\$ 13,600.00	\$ 950.00	\$ 16,150.00	\$ 1,200.00	\$ 20,400.00
35	Structure Cover, EJ 1040 Storm w/City Logo	EA	2	\$ 800.00	\$ 1,600.00	\$ 950.00	\$ 1,900.00	\$ 1,200.00	\$ 2,400.00
36	Structure Cover, EJ 1040, Water w/City Logo	EA	8	\$ 800.00	\$ 6,400.00	\$ 950.00	\$ 7,600.00	\$ 1,200.00	\$ 9,600.00
37	Structure Cover, EJ 5100	EA	1	\$ 800.00	\$ 800.00	\$ 1,100.00	\$ 1,100.00	\$ 1,450.00	\$ 1,450.00
38	Structure Cover, EJ 7045	EA	23	\$ 800.00	\$ 18,400.00	\$ 1,150.00	\$ 26,450.00	\$ 1,450.00	\$ 33,350.00
39	Structure Adjust, Case 1	EA	50	\$ 300.00	\$ 15,000.00	\$ 460.00	\$ 23,000.00	\$ 550.00	\$ 27,500.00
40	Valve Box Adjust	EA	2	\$ 300.00	\$ 600.00	\$ 300.00	\$ 600.00	\$ 385.00	\$ 770.00
41	Stm. Swr. 12 inch, RCP	LFT	69	\$ 70.00	\$ 4,830.00	\$ 70.00	\$ 4,830.00	\$ 84.20	\$ 5,809.80
Total:				\$ 442,076.25	\$ 432,890.95		\$ 520,416.00		
					% of Eng. Est.	97.92%	% of Eng. Est.	117.72%	

July 24, 2015

Mr. Larry Halberstadt, P.E.
City of South Haven
1199 8th Avenue
South Haven, MI 49090

RE: City of South Haven
2015 Resurfacing Project
Center Street and Michigan Avenue
Recommendation for Award

Dear Larry:

On July 23, 2015, we received two (2) bids for the 2015 Resurfacing Project. The project included resurfacing Center Street from Elkenburg Street to Superior Street and resurfacing Michigan Avenue from Center Street to Broadway Street.

A summary of the attached bid tabulation is provided below.

BID SUMMARY

<u>Prepared By:</u>	<u>Total Amount</u>
Compton Inc.	\$432,890.95
Rieth-Riley Construction Co., Inc.	\$520,416.00

After review, we have found all bidders to be qualified and their bids to be properly prepared and responsive. The bids were under the engineering estimate.

Abonmarche recommends that the city award to the low bidder of Compton Inc. for a total awarded contract amount of **\$432,890.95**.

Should you have any questions or comments, please feel free to contact us at our office.

Sincerely,

ABONMARCHE



Jason W. Marquardt, P.E.
Senior Project Engineer

JWM/jkr



City of South Haven

Dept. of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Brian Dissette, City Manager
From: Roger Huff, PE, DPW Director
RE: Center for the Arts ADA Renovations
Date: August 3, 2015

Background Information:

In February 2013, the City of South Haven contracted with Abonmarche to provide an Overview Facilities Survey / Needs Assessment of the South Haven Center for the Arts (SHCA) building. The purpose of this survey and assessment was to assist in planning short-term and long-term needs for the city-owned building with regards to all building systems (plumbing, heating, cooling, electrical, structural, etc.). The final report prioritized the needs requiring attention immediately, in the near future, and the years ahead (5-20 years).

The Facilities Survey / Needs Assessment was completed in May 2013 and presented to the SHCA staff and board. Recommendations included the addition of a limited use, limited access elevator, and widening of doorways to create an ADA compliant path through the building to the elevator to achieve full accessibility to the second floor gallery space.

In February 2014, the Board of Directors of the SHCA confirmed that it is in agreement with Abonmarche's May 2013 report on cost projections and priorities for facility repair.

Bid documents were prepared for the ADA Renovations. On June 30, 2015, bids were opened. A copy of the bid tabulation prepared by Abonmarche is attached. Five (5) bids were received. As described in the attached recommendation letter, Abonmarche has reviewed the bids and deems the apparent low bid non-responsive and recommends the contract be awarded to Wagenmaker's Construction for the value engineered amount of \$127,500.

The SHCA in partnership with the City was awarded a grant from the Michigan Council for Arts and Cultural Affairs (MCACA) for these renovations. The \$40,625 grant will be matched with local funds to complete the work, as follows:

MCACA Grant	\$ 40,625
SHCA Funding	\$ 42,187.50
City Participation	\$ 44,687.50
SHCA Volunteer / In-Kind Labor and Donations	\$ 2,500
Total Project Cost	\$130,000

Memorandum

August 3, 2015

Center for the Arts ADA Renovations

Page 2 of 2

The attached commitment letter pledges the South Haven Center for the Arts' funding and in-kind labor to complete the project.

Recommendation:

Award the ADA Renovations contract to Wagenmaker's Construction for the total value engineered amount of \$127,500.

Support Material:

SHCA Board Approval

Bid Tabulation

Abonmarche Recommendation Letter

SHCA Commitment Letter

TO: Brian Dissette & Roger Huff, City of South Haven, MI
FROM: Thea Grigsby, South Haven Center for the Arts
RE: Comments on Abonmarche's May 2013 Facility Survey
DATE: Feb 28, 2014



The Board of Directors of South Haven Center for the Arts (SHCA) confirms that it is in agreement with Abonmarche's May 2013 report on cost projections and priorities for facility repair for 600 Phoenix Street.

For the first year, the city will concentrate its resources on fire escape repair for liability reasons, and SHCA will work with the city to seek funding for window replacement.

SHCA would like to clarify its preferences for the interior repair work undertaken for the following 2-5 years as defined in the Abonmarche report. The six listed ADA compliance repairs and the ADA elevator for access to the second floor are extremely important to SHCA.

The building is also in urgent need of hot water plumbing to bathrooms and work areas, which is highly important, but not mentioned in the Abonmarche report. Wired smoke detectors would also be good.

South Haven Center for the Arts is grateful for the city's dedication to the building and is committed to assist in any way possible to make this project successful.



95 West Main Street
P.O. Box 1088
Benton Harbor, MI 49023
T 269.927.2295
F 269.934.7146
www.abonmarche.com

City of South Haven
South Haven Center for the Arts ADA Renovations
Tuesday, June 30, 2015 at 2:00 p.m.
Project No. 15-0011

CONTRACTOR:	Pearson Construction	Olson Brothers Construction	BCI Construction	David Noosbond	Wagenmakers Construction
LOCATION:	Benton Harbor, MI	South Haven, MI	Grand Rapids, MI	South Haven, MI	Coopersville, MI
Base Bid:	\$ 152,900.00	\$ 142,075.00	\$ 141,000.00	\$ 82,400.00	\$ 137,000.00
Bid Bond (yes/no)	yes	yes	yes	yes	yes
Alternate #1	\$12,900.00	\$14,811.00	\$13,000.00	\$46,200.00	\$37,000.00
Voluntary Alternates	-	-	-	-	-
Non-Collusion Affidavit	yes	yes	yes	yes	yes
Non-Asbestos Affidavit	yes	yes	yes	yes	-
Addendum #1 (yes/no)	yes	yes	yes	-	yes
Addendum #2 (yes/no)	yes	yes	yes	yes	yes
Subcontractor List	yes	yes	yes	yes	yes
Notes:	One qualification attached	7 clarifications attached			

MEMORANDUM

DATE: July 20, 2015

TO: Mr. Brian Dissette, City of South Haven

Cc: Tony McGhee, Abonmarche

FROM: Jeff Saylor

RE: Center for the Arts ADA Renovations Project – Bids Received

Bids were received Tuesday, June 30th, 2015 for the above project (see attached bid tabulation form). Five bids were received. The low bidder, David Noosbond, from South Haven, made an error with his bid; the base bid is too low. He cannot perform base bid work for the amount listed. It's not possible at this time to determine an accurate breakdown of base bid and Alternate #1 cost from David's bid. When talking with David, he could not explain how he determined his base bid or alternate so we deemed his bid non-responsive.

The bids are higher than estimated due to changing market conditions since late spring. All subcontractors are very busy and they are marking up prices significantly. Though the project was re-bid with reduced scope, subcontractor pricing is still very high. We have value engineered every part of this project we could to keep the cost down.

The second low bidder was Wagenmaker's Construction of Coopersville. Their low bid amount of \$137,000 was verified to be complete. Wagenmaker's quote for Alternate #1 was in error – it was priced as a stand-alone project rather than an add-on. Paul Wagenmaker confirmed that his actual pricing for Alternate #1 if added on to the base bid would be similar to that priced by the other contractors. Additional discussions with Wagenmaker's Construction indicated that the project could be value engineered to a firm \$127,500 (they are confirmed and locked into this) without compromising the overall scope of work required in the base bid.

Total project cost including estimated in-kind work is \$130,000. Funding for this project consists of a MCACA Grant in the amount of \$40,625 with the remaining balance of \$89,375 to be split by the City and the Center for the Arts. The City of South Haven will contribute \$44,687.50, while the Center for the Arts will contribute \$42,187.50 in funds and \$2,500.00 in volunteer/in-kind labor and donations which will consist of a first floor storage room partition with door and all finish painting on the project.

We recommend award of contract to Wagenmaker's Construction for the value engineered amount of \$127,500. Wagenmaker's bid is a solid price given the current bidding environment.

We have confidence that Wagenmaker's can complete the project on time, which is not the case with David Noosbond. On-time completion is critical with this project since the state grant is dependent on it.

If you have any questions or need further information, please contact me at jsaylor@abonmarche.com or 269-927-2295 x 128.





Brian Dissette, City Manager
City of South Haven
539 Phoenix Street
South Haven, MI 49090

July 23, 2015

RE: Elevator Project

Dear Brian,

South Haven Center for the Arts (SHCA) is honored to be the caretaker of the historic, Neoclassic Revival, Carnegie Library building at 600 Phoenix Street, one of the top three landmarks in South Haven. Owned by the city of South Haven, the 1905 building is one of 61 Carnegie Library buildings in Michigan and one of only 1,687 in the United States, the vast majority of which have been declared national landmarks.

Currently, the building serves as a beautiful showcase for exhibitions, workshops, live performances and community forums. SHCA administers a variety of cultural programming geared to encourage creativity for all ages, including exhibitions, events, lectures, classes, music and scholarships in collaboration with South Haven schools each year.

The building also functions as the gateway to the downtown and the lakeshore. SHCA is a frequent tourist stop and is a central destination for cultural networking. This summer alone, SHCA has welcomed close to 2,000 out of town visitors to our Chagall exhibition.

In 2013, Abonmarche conducted a thorough survey of the building which identified key areas in need of repair. As custodians of the building, SHCA offered to write grants to help restore the building. Additionally, last year, SHCA funded \$5,000 in capital improvements to the building including improved lighting, painting, wall repair and exterior cleaning.

Over the past two years, SHCA has written a number of capital grants for the building, including several to Michigan Council for Arts and Cultural Affairs (MCACA), which fund capital improvements that expand cultural opportunities for an organization and its community. Last year, SHCA wrote a grant to MCACA for an elevator to allow the top floor to be ADA (American Disabilities Act) compliant.

Currently, only the first floor of the building is accessible for the disabled. Although the top floor is ideal multi-purpose space, with its high ceilings and beautiful Palladian windows

overlooking downtown, SHCA is unfortunately required to confine its official events to the first floor, leaving the large top floor inaccessible by many citizens and visitors. This is particularly a problem as over 20% of South Haven citizens are retired and many guests are unable to navigate the stairs.

As SHCA's MCACA grant stated, installing an elevator will double the building's space for cultural programming, and will allow SHCA to share the top floor with other organizations that do not have a venue. We currently host a number of events downstairs and have numerous requests for the second floor when it has full access. This past year, our center hosted local festivals and organizations such as Foundry Hall, Waterfront Film Festival, Childrens Coastline Film Festival, Our Town Players, Chamber of Commerce and local business events. We would like to share the top floor with other organizations as well.

Another important reason why this elevator is needed, is that after the building is ADA compliant, it will be eligible for many more types of capital grants, including additional MCACA ones.

In December 2014, SHCA was awarded a capital grant by MCACA to install an elevator. As per Abonmarche, we requested \$60,000 of a \$120,000 estimated project. (MCACA stipulated that the grant have 1:1 matching funds.) We were awarded \$40,625 by MCACA for the project. This funding must be spent by mid-November or SHCA will be forced to return the funds as well as be ineligible for any operating funding for 2016. SHCA currently receives operating funding from MCACA, so not completing this project is highly detrimental to SHCA in 2016 and beyond. That being said, MCACA would probably fund additional capital improvement grants if we can prove success with this one.

SHCA has a strong commitment as a service organization to our community. Since the beginning, this project was defined as \$120,000 by Abonmarche, but due to changing market conditions, the project has risen to approximately \$130,000. Along with the \$40,625 SHCA was awarded for this project by MCACA, SHCA pledges the organization's savings to fund the \$42,187.50 and \$2,500 in-kind labor to complete this project. From its 250 members, to date, SHCA has raised over \$38,000 toward the elevator and is continuing fundraising.

SHCA is deeply committed to the project and hopes that it can continue to work toward completion of a major step in restoring this important landmark and community resource.

Sincerely,



Thea Grigsby
Executive Director



Sally Hamlin-Householder
Board President

Downtown Development Authority

Workshop Minutes

Wednesday, January 7, 2015
Noon, City Hall Council Chambers



City of South Haven

Roll Call:

Present: Burr, Marcoux, Frederick, Newton, Olson
Absent: Braun, Maxwell, Whiteford

Also present: Brian Disette, City Manager; Steve Oosting, Civil Engineer; Wendy Hoschstedler, Finance Director; Deb Davidson, DDA Director

Davidson welcomed Sue Frederick to the DDA Board. Mary Whiteford has also been appointed but could not make today's meeting.

1. DDA discussed proposed future projects.

Former Baars Building

Davidson noted previous DDA Board discussion regarding the need to expand parking. Option 1 will provide twenty-eight (28) redeveloped public parking spaces at a cost of \$240,000. Option 2 will provide twenty-three (23) redeveloped public parking spaces along with a public restroom at a cost of \$360,000.

Davidson noted that in the past, the DDA has discussed a need for an additional restroom. There is intent to make the added restroom a year round facility. At present, the ice rink in the nearby Huron St parking lot is serviced by two (2) public restrooms in Dyckman Park.

Disette noted that the city is currently underserving the ice rink with only two restrooms available; vandalism to restrooms has occurred several times. With separate men's and separate women's restrooms in one building and multiple stalls, the occurrence of vandalism is greatly decreased. During Farm Market and ice rink hours, service could be improved to the area reducing vandalism issues.

Concerns were voiced that a restroom constructed at the former Baars building property may be too distant for users of the ice rink. Also, a drive currently directs traffic through the parking lot, over the proposed path to new restrooms. However, existing sewer and water hookups are available at the Baar's site. Disette noted that a big part of the expense is eliminated because of the hookups already existing. There is some dead space in either of the layouts which could possibly house restrooms and ice rink storage and rentals.

Newton noted the ice skating rink has a fairly short season and asked if the rentals could be located in a shed structure similar to where the Zamboni is stored. Newton asked what activities occur in the current skate rental site and whether heat is a necessity to which Dissette responded that currently the rental site provides a changing area; storage; rentals; and sales.

It was pointed out that parking spaces are gained with either option. The new restroom could mirror the Huron / Kalamazoo restroom.

It was stated that if the board chose Option 2 the restroom would not have to be done right away. Dissette added, "If you like Option 2 but don't want to spend the money on the restroom, the Engineering Department could get started on the parking engineering."

Marcoux pointed out delaying the restroom might buy some time to figure exactly how the restroom and a potential skate rental/storage could best be laid out; suggested changing the layout to have an entrance from the skate/rental building into the restroom.

It was noted that demolition of the existing building has to occur with either option. Oosting noted that demolition of the existing building could be done concurrently with construction of the new parking lot or it could be done prior.

Dissette explained that city staff will work with Engineering to get the design in place, to get it ready for bidding then bring it back to this board for a motion. The Planning Commission would review the project. Oosting believes that prior to Memorial Day would be too optimistic. Consensus is to target right after Labor Day to begin the project.

Center Street

Davidson noted that the DDA approved a Streetscape Master Plan in 2010 which gave staff a base to follow for all downtown projects. The plan is to continue what was done on Phoenix Street; concrete walks, brick paving, outdoor seating, trash cans and benches. The thought is that now that the intersection of Phoenix and Center is complete, the Center Street project can be done in two (2) phases so traffic could use that intersection. Davidson stated that grant opportunities come up without much prior notice and turnaround is short. Pre-planning gives staff an opportunity to have a plan ready for another DIG grant. Davidson noted that city staff wants to get the DDA board's feedback and future review of the concept plans. Pat Cornelisse, landscape designer on Phoenix Street, has been chosen for the design work to keep plans consistent.

Phase 1 is Center Street south of Phoenix and allows Phoenix to stay open during the construction. This project would be done in two phases over two years' time, with the city applying for a grant each year. Cornelisse will be directed to work with interested property owners to develop outdoor seating.

The number one (1) goal is to get Center Street rebuilt avoiding additional borrowings, using local funds for a local match. Doing this in phases provides convenience and cash flow (no additional borrowings). Marcoux stated that this assumes getting the grants. Dissette said with the DIG grants, the city provides a healthy match, and has been very successful with

Deb and Steve working on this. Dissette noted that the state is using South Haven as an example to others in how to best use the funds.

Phase 2 will be Center Street north of Phoenix and finally Phase 3 will cover Broadway, according to Dissette.

Oosting explained that with the DIG grant the state wants a project ready to go when grant opportunities are announced. A city with a plan and approval in place makes a compelling application.

Wi-Fi / Broadway

Davidson stated that at the Board's May meeting wi-fi was discussed and it was pointed out that not all DDA area was covered. Thirsty Perch, the Vineyard, Joe's Bar & Grill and others were underserved and city staff was directed to look at expanding coverage. Dissette explained that Secant has been working with the city on this and apologized for not responding more rapidly. Dissette noted that the city could go low-cost with antennas on top of the Warren Center but he feels the ideal is to mirror what has been done on Quaker Street and elsewhere, using street lights as bases for wi-fi components. Since 2006 the City's Department of Public Works has been planning to expand on the street lights going along Broadway to the bridge. The wi-fi expansion should be packaged with the street lighting, which would mean work with the Board of Public Utilities, the Electric Fund and Secant to be sure lighting installed is equipped with wi-fi sending units. City staff has planning in place but not yet executed. Broadway can look like an extension of Phoenix. Over the next two (2) to three (3) years this is very do-able.

Davidson pointed out the conceptual drawing with the streetscape and outdoor seating included in the agenda packet, noting that Thirsty Perch and Lakeshore Patio have looked at this drawing and agreed with the plan. This proposal is part of the whole bundle of rebuilding Broadway.

Dissette said the plan is to have the green service area available to the entire Central Business District on the streets, sidewalks and outdoor cafés. Marcoux noted businesses will still need to have their own system. Dissette said the city does encourage people to use the city-provided wi-fi but an inside signal is not guaranteed.

Burr noted that the beach was added which Dissette pointed out was done to get the marinas fully serviced.

Broadway

See discussion above.

Water Street

Dissette pointed out that Water Street looks great if you look west but if you look the other way it is a hodge-podge with no theme. Dissette's biggest issue is that because there has not been a plan, city staff has been adding pine trees which are blocking views. Dissette wants, over the next five (5) years, to work to make landscape improvements; to have one

overall theme. Contracted with Pat Cornelisse to make a plan adding in stairs, so it's easier for people on the bluff to get down to Water Street. Dissette said people are walking down that hillside, naturally making foot paths. Dissette would like to have a stairway executed and planned so people do not walk through new landscaping. Staff will be looking for funding from various sources including the DDA, perhaps even Housing and Urban Development through River Terrace, and by spring, plans will be starting to take shape. Dissette intends to bring plans to the DDA for board review and present estimated costs. The property is a mix of privately and city owned.

Marcoux asked if the city will try to get private owners to buy in and spend some money toward the project. Dissette said the contract with the landscaper will include having her meet with the private owners and get their input; then the city will work with the Parks Commission and DDA board and begin putting aside money on an annual basis to have approx. twenty-five (25) to fifty (50) thousand per year to make these improvements. Marcoux stated it sounds like a plan.

Hochstedler reported on financials. The debt related to the DDA 1 is paid off in 2015 so school taxes will no longer be captured which reduces that figure from the \$950,000 to the \$768,000. Hochstedler stated there are no new property tax values, nothing will change, and the financials will be updated when figures become available.

Hochstedler pointed out that DDA 2 has been adjusted in accord with new plan adopted, which reduces taxes from five hundred forty (540) thousand to five hundred twenty-eight (528) thousand. Expenses are relatively stable throughout for operating expenses; one change is "other" under operating expenses. The 2015 approved budget is higher than where it has been; that is to begin repayment to the Electric Fund for the downtown portion of the wi-fi installed so far. Hochstedler noted that is about a five (5) year payback which explains why that increased.

Hochstedler said everything else is quite stable. Marcoux asked what he is missing on personal property taxes. Discussion ensued regarding how the personal property tax rules have changed. Hochstedler said when she gets updated numbers she will update these figures. For now, Hochstedler explained that she has included them, as there is only eight thousand dollars (\$8,000) captured total; as they fall off we will follow the state assessor's office's lead.

Hochstedler pointed out the five (5) year payments from the drain commission for the amount the city paid for the Peterson Drain ends in 2016.

Debt and transfers out, per Hochstedler, DDA Bonds drops off after 2015, so that's an amount not paid in debt service any longer. Looking at what is budgeted for 2015, Hochstedler noted that the Kentucky Avenue Reconstruction was estimated at three-hundred eighty-three thousand (\$383,000) and also downtown paving, Woodman, was estimated at twenty-seven thousand (\$27,000). In the past, DDA funding towards the rehabilitation of the bridge was kept lower because the city was having fund balance issues. In 2014, the DDA put in two hundred ninety thousand (\$290,000). Recently some additional costs over and above budget were discovered so the DDA was sitting on a fund balance and actually put in more towards the bridge. The Street Fund and the DDA have put in the extra for engineering and other expenses.

Dissette noted that the DDA is sitting on half a million dollars. Hochstedler explained this is how the city can maintain operations and still do projects. According to Hochstedler, the city has come a long way since 2012.

Dissette said staff will get the numbers for the demolition of the parking lot.

2. Board Member Comments

Marcoux: Spoke about his sadness to see Foundry Hall sold, noting that this board needs to look at the potential down the road of having a center where a lot of these groups could be pulled together. It would add a lot to the community.

Discussion ensued regarding the DDA board's mission. Marcoux noted that the Film Festival is looking for a permanent home.

Meeting adjourned 1:15 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Downtown Development Authority

Special Meeting Minutes

Wednesday, February 25, 2015
Noon, Council Chambers



City of South Haven

MISSION STATEMENT: The Downtown Development Authority (DDA) is to be a leader in helping to fulfill the City of South Haven Municipal Plan; through planning, funding, and development of projects within the DDA District which promote, encourage and contribute to the overall economic growth and development of the community.

1. Call to Order by Burr at 12:00 noon.

2. Roll Call

Present: Braun (arrived 12:02 p.m.), Burr, Frederick, Marcoux, Maxwell, Newton, Olson (arrived 12:04 p.m.)

Absent: Whiteford

Also present: Brian Dissette, City Manager

3. Approval of Agenda

Motion by Marcoux, second by Frederick to approve the February 25, 2015 Special Meeting Agenda as presented.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

5. DDA will be asked to consider approval of funding the Black River Parking Expansion Project in the amount of \$62,633.00.

Dissette gave an overview of the city's recent attempts to improve the area where the City Electric Garage was formerly located. This past year, river dredging was dumped on the site. The site has been compacted, topped with gravel and can now be used as parking. Reasons given why this is a good DDA project: 1) additional parking to the DDA district (43 spaces) which can serve as overflow parking of the downtown and north side; 2) serve as a local match to the Department of Agriculture, RBEG (Rural Business Enterprise) Grant which this project meets goals of the RBEG; 3) the site is located next to the Kal-Haven Trail

which serves as access to the downtown; and 4) the city owns the land so acquisition is not necessary nor are permits.

Other nearby amenities: Directly across from the site, through a Coastal Zone Management Grant, the city is adding a barrier-free launch ramp which will offer free public parking. Also, a Great Lakes Fisheries Trust grant has been awarded to upgrade the Black River Park site.

DDA funds are available for the match in the 2015-2016 Fiscal Year. It is anticipated that it will be a twelve (12) to forty-eight (48) month project. Funds will remain available for the other previously committed capital improvement projects.

Motion by Marcoux, second by Braun to approve the funding of the Black River Park Expansion Project in the amount of \$62,633.00.

All in favor. Motion carried.

6. DDA will be asked to consider approval of a contract in the amount of \$9450.00 with Abonmarche Consultants, Inc. for project planning and implementation of the former Baars Building demolition.

Davidson explained that the board has previously discussed and approved the demolition of the former Baars Building and noted that Steve Oosting is no longer working for the city. Abonmarche Consultants, Inc. has submitted a proposal to complete planning and technical assistance for the demolition management to allow the project to continue as planned and complete the demolition. The scope of work is for full service from preliminary design and adjoining property meetings through construction and close-out, including management of asbestos removal and lead abatement. A high level of communication with the property owners will be conducted to make sure they are not negatively impacted.

Once demolition is complete, the DDA will be asked to consider the parking layout, including whether a building should be constructed on the site.

Motion by Newton, second by Marcoux to approve a contract in the amount of \$9,450.00 with Abonmarche Consultants, Inc. for project planning and implementation of the former Baars Building demolition.

All in favor. Motion carried.

7. Adjourn

Motion by Burr, second by Newton to adjourn at 12:17 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Brownfield Redevelopment Authority

Regular Meeting Minutes

Monday, April 13, 2015
4:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Bolt at 4:00 p.m.

2. Roll Call

Present: Dotson, Erdmann, Gawreliuk, Klavins, Schaffer (arrived 4:18 p.m.), Valentine, Bolt
Absent: Henry, Herrera, Timmer

3. Approval of Agenda

Motion by Valentine, second by Erdmann to approve the April 13, 2015 regular meeting agenda as presented:

All in favor. Motion carried.

4. Approval of Minutes – January 12, 2015

Motion by Erdmann, second by Klavins to approve the January 12, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

6. Financial Report

VandenBosch reviewed the Financial Report.

7. Factory Condo Memorandum of Understanding

VandenBosch reviewed the background of the Factory Condominium project in which the city was partner with the Department of Environmental Quality (DEQ) regarding contamination on that site. The DEQ is willing to come back and perform a remediation if the health club building is demolished. The city now owns the health club through tax foreclosure, allowing the city to authorize demolition. The building has to be demolished so

the DEQ can access the contamination which currently is located under the health club foundation.

The various agreements contained in the packet are explained in the memo VandenBosch provided. VandenBosch noted that the city will quit claim the property to the condo association to be converted to open space.

VandenBosch explained that the estimated figure of \$125,000 in the memo has been updated to \$160,000. The estimate from the contractor is just one piece of the expenses involved. The estimate should be higher than what we expect to spend on the project, because if the estimate is low, there will be a problem in getting additional funds.

The reimbursement agreement, which was originally between the City and the owner/developer, is being amended to allow the demolition expenses to be reimbursed to the City. That agreement and the new brownfield plan will allow the city to be reimbursed for demolition costs.

VandenBosch explained the Act 381 Work Plan as a technical report sent to the DEQ by the city requesting the use of school operating tax capture. The city has captured a large amount of school operating funds in the Factory Condominium Brownfield Plan. If the DEQ will permit use of those funds, the city will be able to receive payment for demolition soon after being invoiced for the demolition expenses.

VandenBosch noted that the resolution is to consolidate all these agreements; the Factory Condominium board has approved the resolution.

Motion by Erdmann, second by Dotson to approve Resolution 2015-02, a resolution authorizing agreements and actions to enable environmental remediation at the Factory Condominium site.

Ayes: Erdmann, Dotson, Gawreliuk, Klavins, Bolt

Nays: None

Valentine abstained as a condominium unit owner in The Factory Condominium.

Motion carried.

8. Overton Report

VandenBosch noted that there is still no action on the Overton building. This collapsing building is near a city park and not far from an elementary school. The property owner did not pay the property taxes; therefore the property is going to go into tax foreclosure. The city will have first option whether to take ownership before it goes into auction. VandenBosch explained that it is not like it is a free gift; the back taxes will have to be paid.

VandenBosch noted that the proposed Brownfield budget has some money in it reserved for the Overton Building; approval of the budget is not an approval of demolition, but it gives the Finance Director has an idea what we might be spending in the next fiscal year.

9. Budget

VandenBosch pointed out the amounts for the Overton property and Factory Condos, noting that the other expenditure items are guesstimates of how much the Brownfield Authority might reimburse the developers who have already incurred expenses and are waiting for tax capture to allow them to be reimbursed.

VandenBosch noted the budgeted amount for Administrative Expense and explained that it covers the costs of city staff and overhead.

VandenBosch explained that this budget is an item that the City Council would like to have a recommendation on.

Erdmann asked if there is any alternative for the Overton demolition, if part of the building could be saved. VandenBosch explained even the part of the building that does not have a collapsed roof is kind of rough, noting that parts of the complex were built hurriedly during World War II to expedite production.

In response to a question from Erdmann regarding recycling of bricks VandenBosch explained that usually the recycling of materials is reflected in the bid and the demolition contractor takes care of the recycling of materials. By allowing the contractor to sell the salvaged materials, it lowers the bid amount.

Valentine recalled that VandenBosch said there is some contamination but not enough to apply for a grant. VandenBosch confirmed that, noting that staff is working with an environmental firm in checking for other contamination.

Bolt shared his fear this is going to be a long drawn out process; determining ownership of the property will have to make its way through the courts.

Valentine asked about the budget which VandenBosch explained is not a decision but a planning tool.

Motion by Valentine, second by Klavins to recommend that City Council approve the budget as presented.

All in favor. Motion carried.

10. General Comments

There were none.

11. Adjourn

Motion by Klavins, second by Erdmann to adjourn at 4:22 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Board of Public Utilities

Regular Meeting Minutes

Monday, May 18, 2015
4:00 p.m., DPW Conference Room
1199 8th Avenue



City of South Haven

1. Call to Order by Stickland at 4:00 p.m.

2. Roll Call

Present: Burr, Henry, Overhiser (ex-officio), Stein (ex-officio), Winkel, Stickland

Absent: Roberts, Rose

Also present: Lou Adamson, Matt Super, Mike DeGrandchamp, Al Dubuisson (South Haven Township and Casco Township Water and Sewage Treatment Authority)

3. Approval of Agenda

Henry asked if the Abonmarche presentation could be moved up in the agenda.

Motion by Henry, second by Winkel to approve the May 18, 2015 regular meeting agenda as amended:

Move Item 6, Cost of Energy from Indiana-Michigan Power Company (AEP) to become Item 5a.

Move Item 10, Abonmarche update of the Sewer System Evaluation Study to become Item 5b.

All in favor. Motion carried.

4. Approval of Minutes for the Record – April 27, 2015 Regular Meeting Minutes

Motion by Henry, second by Burr to approve the April 27, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Robert Adams, 10925 Portage Road, Portage, Michigan. Stated he owns a house on Edgell Street which had an abnormally high water bill. Was billed for over 10,000 cu. ft of usage. Noted that the water was shut down in the winter.

Roger Huff: Stated that Adams has been working with staff in the Water Department and Customer Service/Utility Billing. A public works crew was sent out; the meter was not turning when they inspected it but they replaced it anyway so they could test the original meter, which tested one hundred percent (100%). "There was no leak when our crew was out there."

Burr asked if anyone pressure tested the service to see if it holds. Halberstadt said that would be on the customer side to which Burr responded, "Yes, you test it at the meter." Halberstadt pointed out that the crew would have to be able to get in the house to test the system on the customer side. Roger added that staff read and reread over a couple weeks and got normal reads. There was not any sign of a leak.

Burr said a reading of 10,000 is obviously an incorrect read/usage amount. Discussion ensued regarding the reads before and after changing out the meter. Stickland noted that the time period of the billing was not even a full month.

Burr suggested looking at the last twelve (12) months and substituting an average of those readings for the inaccurate reading. Henry noted that seems like a reasonable solution. Stickland said the usage after the abnormal read appeared normal.

Hochstedler asked who does the pressure test of the service to which Roger responded, "City staff does but we don't test past the meter." Burr pointed out that the new meter is in place; the dials are not turning; everything is shut off in the house. Burr concludes that Adams evidently does not have a leak inside the house.

Motion by Henry to use the historical usage numbers to calculate a twelve (12) month consumption average. Second by Winkel.

Discussion of estimates and actual. All in favor. Motion carried.

5a. Cost of Energy from Indiana-Michigan Power Company (AEP)

- A. 2015 Billings – All Charges
- B. 2014 Billings – All Charges

Discussion ensued regarding the increase in the true-up from last year to this year. Multiple questions were posed regarding how the cost per kilowatt hour is calculated and what the increase in cost equates to in dollars. Burr stated before the board adjusts any rates we have to know what the increase is.

Stickland gave a couple of scenarios of how the rates could be adjusted to which Burr responded that the transmission fee has to be captured. After further questions and discussion, Stickland noted that the board will table this discussion until next month.

5b. Abonmarche will present an update of the Sewer System Evaluation Study.

Chris Cook, P. E., President/Chief Executive Officer, Abonmarche. Noted this is a new and revised presentation; new information was received and is noted in this draft. Informed that this project was a grant that funded the study to figure out what is going on with the sewer systems. The Department of Environmental Quality (DEQ) requires that a theoretical storm be modeled and tested. Explained what the data showed and did sewer televising to define whether the pipes met a certain criteria for cracks, displaced joints, root intrusions etc. which culminated into this plan. Noted this study began in 2011 and Cook expects to have it complete and ready for review by council in June before the July grant application deadline.

Cook explained why they smoke tested certain areas and the areas that were televised to find problematic areas. Combined thoughts on sewer system with the thoughts from the previous study on the Waste Water Treatment Plant. Looked at a program that might take us over twenty (20) years to accomplish but meet the goal of the city to keep the costs to about \$1M per year; some years were problematic as projects got bigger. Noted the Dyckman area has already been done. Reviewed the various years and what is budgeted for those years to be funded. Stepped through the various phased areas; noted the city would be into the late 2020s before all the work could be complete in the system and beyond that date for the Waste Water Treatment Plant.

Cook reviewed the various years and in the later years some of the projects have to exceed the \$1M per year to accomplish the larger projects. Cook also explained the benefits of combining some of the projects rather than using the pay-as-you-go approach.

Explained the Alternative Phasing beginning with Dyckman (already complete), then the Peterson Ravine and Kalamazoo Street which are budgeted for 2016. After the first segment, Abell, Edgell and Lyon at one per year for three (3) years, which are about four hundred thousand dollar (\$400,000) projects, the plan gives a few years to catch up; pay off initial debt and get ready for the next project, which would be completion of Indiana Avenue and north and south ends of Center Street. Cook noted that the center portion of Center Street is being studied at present; the city is currently putting a cap on that street that will last for the ten (10) years we need. Then the last couple of Waste Water Treatment Plant projects would be done.

Tony McGhee, Business Development Director, Abonmarche: Noted that the cost of treating the extraneous flow is higher than actually fixing the problem.

Cook noted that they have engaged a rate consultant to do a detailed analysis.

Burr requested that Cook show everyone what projects qualify for township users rates to change. Looking at the overall project map, Cook noted that the Indian Grove lift station, the main lift station consolidation and all the plant work are the projects that will affect the township rates.

Dubuisson asked how you figure out what percentage of the rate change will be city and what will be township. Cook responded that it is based on each user. Stickland commented that technically the township should share in the drain work to which Cook said, "Arguably, but the city has that budgeted, and it's only a sixty-three thousand (63,000) to eighty-three thousand (83,000) dollar project."

There were questions and discussion regarding capacity to handle the needs and Cook noted that they have built in accommodation for growth.

Super asked questions and expressed concern about the lack of budgeting in the past for these projects and the cost of the studies being conducted. Stein noted that twenty (20) years ago when the water and sewer agreement was made, the infiltration rate was much higher. "They have been working on the infiltration problem; there is funded depreciation. It is tough, at least politically, to sell putting the money aside." Overhiser noted there is funded depreciation with the water plant; it was easy to keep rates low back then; people do not want to pay any more than they have to. Stickland pointed out the differences between running a city and running a business.

DeGrandchamp and Dubuisson indicated that they like the second alternative where the projects are completed sooner. Cook noted that the cost ends up being less. Stein noted these numbers are all today's numbers. Discussion ensued regarding the costs rising in the future and the need to do these projects.

At Burr's request, Cook explained that the rate consultant has been engaged and we will have them do a sensitivity analysis of the first segment, noting that in a month or so "we hope to have the results of that. Over the remainder of the calendar year, the rate consultant will look deeper to see how this will shake out and look at what we can do to reduce the impact on the users. There will also be a commercial, industrial, residential breakdown."

Burr asked if a consensus from this group regarding the phasing of the project is needed. Stickland noted procrastination is not a good plan.

Cook explained the required steps: a public hearing where he will do a similar presentation with the addition of some environmental and other things. At that point we will look for council to adopt the plan to be sent to the Department of Environmental Quality (DEQ). July 1st is the deadline for submittals for this fiscal year; you hear in October whether you made the cut; your borrowing goes into earnest of filling out the forms to borrow for a spring/summer borrowing. Dubuisson asked the probability of making the cut to which Cook

responded, that there is a good probability; “The DEQ is looking for applications and that is not always the case.”

Overhiser brought up what he sees as a missing piece: how future capacity will be handled for the township. Discussion ensued regarding the new plant construction. Halberstadt said if the city takes on debt and need to recover that debt, somehow we need to raise rates. Super asked if the townships will be on equal footing with the city. Halberstadt noted Stein and the City Manager are in discussions regarding that. Stein said we want to know if the Water and Sewer authority is in agreement to go with the second alternative plan for the funding.

Motion by Henry that the Board of Public Utilities supports the South Haven Sewer System Evaluation Study prepared by Abonmarche that the projects be broken down into three (3) separate projects over a ten (10) year period and that members of the South Haven Township and Casco Township Water and Sewer Authority were in general agreement with proceeding with this plan. Second by Burr.

All in favor. Motion carried.

REPORTS

6. Cost of Energy from Indiana-Michigan Power Company (AEP)

(moved to 5a.)

7. Financial Reports

- A. Electric Fund – Financial Statement
- B. Electric Fund – Review of Percentage Billed
- C. Electric Fund – Capital Projects
- D. Water Fund – Financial Statement
- E. Water Fund – Review of Percentage Billed
- F. Sewer Fund – Financial Statement

Motion by Burr, second by Winkel to accept the Financial Reports.

All in favor. Motion carried.

8. Unresolved Issues Report

Huff noted no changes in the report.

9. SAW Grant Project Progress Report

NEW BUSINESS

10. Abonmarche will present an update of the Sewer System Evaluation Study.

(moved to 5b.)

11. Public Works Director Comments

A. Next Meeting is scheduled for June 29, 2015

12. Board Member Comments

Winkel: Questioned how to prevent storm water being plumbed into the sanitary sewer.

13. Adjourn

Motion by Winkel, second by Burr to adjourn at 6:45 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Harbor Commission

Regular Meeting Minutes

Tuesday, May 19, 2015, 5:30 p.m.
Council Chambers, South Haven City Hall



City of South Haven

1. Call to Order

Present: Sullivan, Pyle, Stephens, Arnold
Absent: Reineck, Silverman, Stegeman

2. Approval of Agenda

Motion by Stephens, second by Pyle to approve the May 19, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

3. Approval of Minutes: April 21, 2015 Regular Meeting April 21, 2015 Workshop Meeting

Motion by Stephens, second by Pyle to approve the April 21, 2015 regular meeting minutes and the April 21, 2015 workshop meeting minutes as written.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

5. Black River Park Accessible Launch

VandenBosch noted that we are close to the deadline for permitting by the Department of Environmental Quality (DEQ) and wanted the board to have a chance to review the plan and suggest any modifications.

VandenBosch explained that the launch area needs to be usable by dinghies as well as kayaks; there is plenty of free space and we are working on getting cleats and tie-offs that will work on this. The dock is a floating dock and there is a pivoting mechanism so it will move

with the surface of the river. The parking nearest is paid parking and there is also free parking a little further away.

A brief discussion ensued regarding sidewalks and preventing vehicles from driving on sidewalks.

VandenBosch noted that the water trail sign is going to be relocated as the existing sign is in the middle of what will be new sidewalk. The existing drainage, including catch basins, will be utilized via some sloping of the soil to allow this water to continue to move.

VandenBosch explained the kayak launch is a \$100,000 project with a \$50,000 match. The launch will be pulled out in winter.

The schedule indicates October construction; the submittal will be sent to the DEQ soon; they will finish the design in June or July; bid it out in July, and begin construction in August to October.

6. South Haven Municipal Marina Website

VandenBosch explained staff has been working hard on designing the website; volunteers and staff have been doing photography. It is a work in process but getting better. Open to comments tonight or at any time by email.

There are pages that describe the marinas; then we have the “call to action” pages with step-by-step instructions to get a reservation which can be done via telephone call or email. The seasonal page has some promotional language, links to the marinas and phone or email contact information.

The activities section of the website promotes our marinas by showing what boaters can do within walking distance with interactive map. VandenBosch clicked through the various areas of the website.

Suggestions and comments:

- Information on safety and safe fueling
- Budget Travel, a global site, named Packard Park one of nine “secret” beaches
- Information on local tournaments.
- Links to Visitor’s Bureau website.

VandenBosch stated that the focus of this website is to attract boaters to the marinas and show how attractive our downtown and activities are.

7. Marina Reports

VandenBosch reviewed the Marina reports.

Member and Staff Comments

Sullivan: Commented on the bridge warning lights and noted that he didn't hear the bells. VandenBosch stated everything was operational yesterday.

Arnold: At the ribbon cutting when the tender brought the bridge down the stop light remained green. VandenBosch will make sure they check that.

Stephens: Asked if they have video. VandenBosch said there is one in the tender's cabin; they can see upriver and downriver. We are looking to connect to the security system but have to run internet to the bridge tender's station.

Sullivan: Asked if there is any thought to having rafts for kayaks and renting space. VandenBosch said it has been talked about but the constraint is budget. This is something that could easily be added later.

VandenBosch: Distributed maps for boaters, noting maps will be available at the marinas and have been brought to lodging facilities where staff were happy to receive them. Regarding any errors, VandenBosch noted we are making changes as they are brought to our attention.

Adjourn

Motion by Sullivan, second by Stephens to adjourn at 6:07 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

**South Haven Area Recreation Authority (SHARA)
Regular Meeting**

**Tuesday, May 19, 2015
7:00 p.m., South Haven Charter Township Hall**

MINUTES

1. Call to Order

Meeting Opened at 7:00 p.m.

2. Roll Call

Members Present: Mr. Ross Stein, Mr. Dennis Fitzgibbon, Mr. Dana Getman, Dr. Robert Herrera

Absent: Mr. Mark McClendon

Guests: Mr. Brian Dissette, City Manager, City of South Haven
Mr. Lloyd Tippman, South Haven Charter Township
Planning Commission

3. Approval of Meeting Minutes:

March 17, 2015 Board Meeting: Motion by Getman, seconded by Fitzgibbon to approve the minutes as presented. All in favor, motion carried.

4. Approval of Agenda:

Motion by Herrera, seconded by Getman to approve the agenda of the May 19, 2015 meeting. All in favor, motion carried.

5. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda:

6. Approval of the SHARA Finance Reports:

a) The board discussed the SHARA Finance Report, noting the SHARA account now has a balance of \$118,346.96.

Motion by Fitzgibbon, seconded by Herrera to approve the SHARA finance report. All in favor, motion carried.

b) The board was updated on the SHARP account, which now has a balance of \$33,625.58.

7. SHARA Board received an update on the site plan approval for the Pilgrim Haven Project:

The board was provided an update on the status of the site plan approval for the first phase of the Pilgrim Haven natural area. Dissette updated the board on the recent approvals issued by the South Haven Charter Township Planning Commission and the Township Board, for the Pilgrim Haven Natural Area's first phase site plan. Dissette noted that the site plan approval was issued, but a variety of rules and requirements were included in the approvals. Dissette and Stein described the site plan requirements to the board. Dissette noted that at the board's July meeting, he will attempt to have a resolution prepared for the board's usage, which will formally adopt the stated rules. Further, Dissette noted that he will work to prepare cost estimates for the additional site plan requirements, and present those items to the board at the July meeting.

8. SHARA Board received an update on the SHARP project site:

The board was provided an update on the status of the SHARP project site. Dissette reviewed the SHARP site alternative property listing with the board. The board discussed the properties included in the listing. Dissette sought the board's position on the submission of a Michigan Natural Resources Trust Fund grant application for the acquisition of SHARP site alternate property. Dissette noted that the grant application would be due in April, 2016. Dissette described an interest in submitting a grant application that could cover potentially two thirds of the cost of land acquisition. The board expressed interest in the grant application process. Dissette noted that the sale of the Casco land could be used to fund the local match for the grant application, and the remaining sale proceeds could be earmarked for capital improvements to the site. The board expressed support for the proposed process.

The board discussed short term improvements for the current soccer fields, located at the intersection of Broadway & Aylworth, owned by South Haven Public Schools. Dissette presented a brief report on proposed "short term" improvements for the fields. The board expressed support for the proposed improvements. Herrera expressed support for the improvements and an interest in working on a field use policy for the site. Dissette agreed to have refined cost estimates and funding plans for the board's review at the July meeting.

9. Staff member comments:

No comments.

10. Board member comments:

No comments.

11. Adjourn

Motion by Getman, seconded by Fitzgibbon to adjourn the meeting. All in favor, motion carried. The meeting was adjourned at 8:08 p.m.

Respectfully submitted by,

Brian Dissette
City Manager, City of South Haven

Planning Commission

Regular Meeting Minutes Thursday, June 4, 2015 7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Paull at 7:00 p.m.

2. Roll Call

Present: Heinig, Miles, Peterson, Smith, Stimson, Wall, Webb, Paull
Absent: Frost

Motion by Heinig, second by Stimson to excuse John Frost.

All in favor. Motion carried.

Point of order: Stimson asked for confirmation that members should say “yes” and “no” instead of “Yay” and “Nay” and “second” instead of “support.”

3. Approval of Agenda

Motion by Wall, second by Heinig to approve the agenda as presented.

All in favor. Motion carried.

4. Election of Officers 2015-2016

Paull explained two ways nominations could be made.

Motion by Stimson, second by Smith to retain the current chair, Dave Paull and the current vice-chair, Larry Heinig.

All in favor. Motion carried.

5. Approval of Minutes – May 7, 2015

Motion by Wall, second by Peterson to approve the May 7, 2015 minutes as written.

All in favor. Motion carried.

6. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Joe Wilkins, 11 Indiana Street. Spoke about his concerns regarding the city's dog ordinance.

7. New Business – Site Plan Review

a. Site plan review for reuse of industrial building located at 1400 Kalamazoo Street

Anderson: This is a reuse of an industrial building that has been used for boat storage in the off-season. Ben Brush, the applicant, is proposing to use this building for engine repair. He received a variance so he could have trucks drive into his building and through and out. The city engineer has no issues with the proposal. Anderson recommends the approval of the site plan; there are no outstanding issues and it is a good reuse of the property.

Paull noted the city appreciates the applicant bringing his business from the township into the city.

Motion by Smith, second by Stimson to approve the site plan with the condition that the city engineer has no remaining issues with the plan.

All in favor. Motion carried.

b. Site plan review for reuse of commercial building at 237 Broadway (former Save-a-Lot)

Anderson: This property went before the Zoning Board of Appeals which granted the landscaping variance request and denied the parking variance. This property is in the B-2 General Business zone which requires parking based on square footage unlike the Central Business District (CBD). That application involved a brew pub and a restaurant. There was not enough parking. Since then, the proposed large restaurant dropped out of the application and the owner of the brew pub has decided to just put in the brew pub. The building will be divided up into usable floor area for the pub determined by what is permitted based on the existing parking, space for the large brewing equipment and a third area to age and store beer in kegs onsite instead of offsite as planned with the original request.

Regarding the landscaping variance, Anderson noted that the Zoning Board granted the requested landscaping variance allowing the applicant to omit landscaping from the front of the building which goes right up to the sidewalk. Other landscaping requirements have been met by the applicant.

Anderson also pointed out that this request does not need a special use or any variances and is a permitted use by right and she recommends that the request be approved.

Tim Woodhams, 1503 East Center, Portage, Michigan: Pointed out that this project has completely changed from what was originally proposed. "A much more intense use was presented last time; we are scaling back to just the brewery and tap room."

Wall asked if the applicant has applied for a liquor license to which Woodhams responded that it is not a liquor license, it is a brewery license. "That process begins today if this is approved and takes over six (6) months."

After further questions by Wall about neighbor approval, Anderson explained that the Planning Commission cannot consider certain other aspects of the proposal because it is a permitted use. "We can only consider what we have control over and that is limited to zoning. Anything that may happen with other agencies at other times we are not concerned with."

Smith commented that it sounds like a good project.

Barry Fidelman, 220 Broadway, South Haven. Had questions about where delivery trucks are going to be pulling into that building and the density of the place because of the parking situation.

Woodhams responded that as a part of the city engineers review the old loading dock and drive on the south side next to the synagogue is being removed as part of the site plan. The truck traffic will go to the loading dock on the north side of the property. "Our usable floor area will be no more than supported by existing parking under the ordinance." Noted his brewer is excited to have the storage right on site for "sours" which are beers stored in large barrels and take six (6) or nine (9) months to a year to age.

Motion by Wall to recommend the approval of the reuse of the commercial building at 237 Broadway, as submitted. Second by Heinig.

All in favor. Motion carried.

8. Commissioner Comments

Peterson: Seems like we are having fun tonight.

Wall: Reminded that since this weekend is the car show, the farmer's market will be in the park in front of the parking lot instead of under the pavilion.

Heinig: Thanked the commission for the vote of confidence.

Smith: Nice to have new businesses come to town.

Paull: Thanked the commission for the vote of confidence to continue in this chair and for their good work.

There were no other commissioner comments.

9. Adjourn

Motion by Wall, second by Miles to adjourn at 7:27 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

LIBERTY HYDE BAILEY MUSEUM MEMORIAL, INC. "FOUNDATION"

Tuesday

June 16, 2015

6:10 P. M.

Board Members Present: Anne Long, Joan Hiddema, Todd Robbins, Melanie Gleiss, Becky Linstrom, Bill Lundy, Cindy McAlear

Board Members Absent: John Stempien (Excused), Robin Reva (Excused)

City Council Representative Absent: Clark Gruber (Excused)

Interim Director Present: Michael Fiedorowicz

Anne Long, Chair, called the June 16, 2015 meeting to order and asked for a motion to accept the May 19, 2015 LHBM Board Meeting minutes.

It was moved by Joan Hiddema to accept the May 19, 2015 LHBM Board Meeting minutes. Seconded by Todd Robbins. Motion Carried.

TREASURER'S REPORT – JOAN HIDDEMA

Checking Account Balance: \$21,392.17

McNeil Endowment: \$13,098.90

SH Community Foundation: \$5,000

DIRECTOR'S REPORT – MICHAEL FIEDOROWICZ

- A. **MANAGEMENT:** Mike has written a new Policy Regarding Museum Keys to help manage keys that access the building. This was tabled until the July board meeting.
- B. **EDUCATION AND PROGRAMS:** Registration for the Bailey Budding Naturalists is going well. As of June 12th we have 23 signed-up for the June 22 session and 15 signed-up for the July session. The "Voices from the Land Workshop" is still on. Fourteen people have signed-up. Brian Hayes from the EIRC will give a talk on June 18th at 7:00. A potluck has been added at 6:00. The first Sunday Social of the summer is June 28th at 2:00 with the band Whiskey Before Breakfast performing. Joan Hiddema is planning a second Art & Antique Sale from November 12, 13, 14, 20 and 21. The opening even will be on Friday, November 12th.
Cindy McAlear reported that Bill Bird will be coming to speak at the August 23, Sunday Social which will be at 7:00 P.M. He will talk for 45 minutes on different plants that we might want to plant for the Fall along with getting people to think about what was in their past that brought them to gardening. Bill will also lead us in thinking about what we need to be doing to pass this on to the next generation. He will mail a handout for us to run off for the audience.

- C. PUBLIC RELATIONS AND ADVOCACY: Andrew Lersten interviewed Mike; the article was on the front page of Herald Palladium Monday, June 1st. Mike is working on a newsletter for July 1st. If you can think of anyone who needs to be thanked, let Mike know.
- D. GRANTS: Mike submitted a grant to the South Haven Community Foundation for a tablet computer with interactive links for children so they can further explore the Bailey story while visiting the gallery. It also covers a laptop computer for museum helpers to use. Greeters will have access information of the web and our website. They will be able to assist Mike with data management, too. A portable computer would be helpful in many ways. Mike submitted the grant to Michigan Council for Arts and Cultural Affairs. He requested \$12,000 and feels confident that we will receive more than \$6,000, which we received in 2014/2015. We still have outstanding requests to the Youth Advisory Committee of the South Haven Community Foundation for the Bailey Budding Naturalists and Walmart. We did not receive the Meijer Grant for the upcoming "The Holy Earth Exhibit". We have been invited to apply again.
- E. COLLECTIONS AND EXHIBITIONS: "The Hold Earth Centennial: Bailey's Vision at 100" exhibition is scheduled from July 18 until November 7. The end date has been moved to accommodate a second annual Art & Antique Sale. Three banners are being printed for the front of the Museum. John Linstrom will come to South Haven to deliver a talk on Sunday, July 19 at 7:00 P. M. He will not be able to attend the opening reception which is on Friday, July 17, at 7:00 P. M. Mike will be hanging the exhibition, working with John Linstrom in New York. The show will be mounted the week before the opening. Mike shared a prospective budget for expenses for the show that may be incurred.
- F. SWOT: Mike announced that we will be meeting with Evie Kirkwood on Monday, July 27 at 9-4. The meeting will be held at LMC.

NEW BUSINESS

- A. Derek Nightengale will be starting work at the museum on June 17, 2015 as a part time curator this summer. Mike and Anne interviewed two other people for the position but Derek was the best qualified for the position. We needed someone who had knowledge of the Bailey family and Derek had that knowledge. Derek will be working 28 hours a week.
- B. Ad Hoc Committee needed to determine facility usage policy. Committee members are: Anne Long, Joan Hiddema, Bill Lundy, Mike Fiedorowicz and Becky Linstrom. They will meet Tuesday, June 30, at 9 A. M.

CONTINUING BUSINESS

- A. Outreach Education Committee Report
 - 1. Budding Naturalists – Anne Long reported that the program will start this Monday, June 22nd and materials are ready for the program.
 - 2. Voices from the Land – Becky Linstrom will be meeting Brian Hayes (facilitator) and helpers Cindy & Paul Wacherbarth tomorrow, June 17, when they arrive in town. The conference

will begin at 8:00 A.M. Thursday, June 18. Becky reported that there are now a total of 17 participants, primarily from South Haven. We will be providing lunches for everyone from Café' Julia. Thursday evening, June 18, Brian will speak at the museum at 7:00, with a potluck preceding the talk at 6:00.

FLOOR

1. Joan Hiddema - reminded people to come to the Sunday Social, June 28th at 2-4 P.M. and to come to the Thursday, August 6th outing at Fennvalley.
2. Anne Long – talked about Joan Hiddema and her going to Fennvalley to arrange the outing on the “Grape Train” through the vineyard. They can accommodate up to 40 people. We will meet there at 3:30, go on the tour and afterward have a picnic style dinner. The price is \$45 for the tour, dinner and one glass of wine or cider. Additional glasses of wine or cider may be purchased for \$5. Todd Robbins will be conducting the tour for us. This will be fund raiser for LHBM.
3. Bill Lundy – Bill had an estimate from Gregory’s Plastic Fence Company for the railing on the side porch. It was \$735. We will ask the City of South Haven to pay for the railing since it was in the Ablemarsh Survey. Anne Long also has another estimate that can be shown to the city for the railing.

It was moved by Joan Hiddema to adjourn.

6:45 P. M.

Cordially submitted by,

Cindy McAlear, Board Secretary

Construction Board of Appeals

Regular Meeting Minutes

Wednesday, June 17, 2015
3:30 PM, Conference Room A
City Hall, 539 Phoenix Street



1. Call to Order by Chair Morse at 3:30 p.m.

2. Roll Call

Present: Dibble, Heinig, Stickland, Neiphaus, Morse
Absent: None

Also present: Ross Rogien, Building Official; Linda Anderson, Zoning Administrator

3. Approval of Agenda

Motion by Heinig, second by Stickland to approve the June 17, 2015 meeting agenda as revised.

All in favor. Motion carried.

**4. Approval of Minutes – February 6, 2015
November 11, 2013**

Motion by Dibble, second by Neiphaus to approve the February 6, 2015 and November 11, 2013 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. NEW BUSINESS

a) 321 Aylworth

Anderson reviewed the background of the building, noting that the city wanted the owner to either get it fixed or taken down. The hearing officer upheld the recommendation of the building official that the building be demolished. The Construction Board of Appeals

(CBA) has convened to hear an appeal to the recommendation. Anderson noted that the board had today received the cost comparison done by John Brush with an estimate for the cost of repair versus the cost of demolition.

Mary Smith, 231 Chippewa Road, Benton Harbor, Michigan. Identified as the owner of record who is making the appeal. Ms. Smith stated that her son, also present, is taking care of this for her.

Anderson explained that the building official, hearing officer and cost estimator have all recommended that the building be demolished, so the board could recommend and order demolition within twenty-one (21) days. Anderson noted that the applicant has the option of demolishing it herself which would be cheaper than if the city has to do it, because the city will charge legal fees and administrative fees over the cost of the demolition. Anderson also pointed out that if the applicant is planning to restore the building, the city would have to see some plans and documentation of the plan to restore with an estimated time frame, noting, "This is your opportunity to explain your plans for the building."

Keith Smith, 291 Linden, Benton Harbor, Michigan, son of Mary Smith, Applicant. Stated him and his mother plan to restore the building. Noting the photos of the areas that are out of code, that the city says are out of code, Mr. Smith stated that he feels that they could be brought up to code "in a timely manner so it wouldn't be a blight on the city."

Morse asked whether the applicants have contacted any contractors to which K. Smith responded that he has, but has had difficulty getting anyone to return his calls, due to it being the busy season for contractors but expressed his confidence that within a week he should have an idea what it would take.

Dibble asked whether the applicants have any idea what the costs are going to be, to which Smith answered, "No, I'm not a professional, but just looking at it I would say about twenty thousand (20,000) dollars to bring it up to code," citing the replacement of windows, doors, and the repairs to the structural foundation,

Dibble pointed out that while he does not see cracks in the foundation, his observation is that the roof needs to be taken off and reframed and inquired as to the size of the structure. Stickland noted the building is about eight hundred (800) square feet to which Dibble commented that the structure is quite small.

Dibble inquired of the applicants' plans for the building and Smith responded that they want to turn it into a welcome center. Anderson asked what that entails. Smith noted that this is "a gateway to the city; people from out of town could come through South Haven and the welcome center would have brochures, roster of events in the summertime, directions; just a lot of possibilities of things that take place here in South Haven."

Anderson left to get her Zoning Ordinance to check if that is a permitted use in that zone, noting that she does not think that is a permitted use.

Stickland asked about the ownership of the property. After some discussion, it was noted that Silvena Ben, the grandmother of the applicant, Mary Smith, was the one who

originally owned the property, which ultimately passed down to Mary Smith's mother, and at Ms. Smith's mother's decease the property passed to Ms. Mary Smith. Morse noted that the ownership of the property is outside the scope of the discussion, reminding that the board is tasked with determining whether the structure is to be repaired or demolished.

Upon Anderson's return she noted that the only uses permitted in this zoning district are single family homes, municipal buildings, churches and schools. "This is a very restrictive zone, probably the most restrictive single family zone because of the small size of the lots," Anderson stated.

Smith then commented that possibly he and the applicant would consider converting the structure into a single family home.

Heinig pointed out that the cost estimate questioned the electrical service; the cost estimator said the electrical had to be completely redone and wondered if that was included in Smith's estimate which Smith said the replacement of the electrical was included in his estimate.

Dibble asked the original use of the structure. Smith said it was a restaurant/conference center. Anderson noted that the structure is an old, old non-conforming building. Stickland asked about using it for storage. Anderson said that is not a principal use allowed in the ordinance, noting that the structure cannot be an accessory building without a main use structure on the property. Anderson also pointed out that future use is a tough call because it is a totally nonconforming building, built too close to the street and non-conforming on many fronts.

In response to discussion regarding how this commercial use was permitted in the residential neighborhood, Mary Smith said the residential built up around it, noting that the Bohn plant is still there. Anderson said it could have been a restaurant at one time, but once it stops being used as a restaurant for a year, that use is no longer permitted because restaurants are not allowed in that zoning district now. Anderson reminded that the structure has to be one of the allowed uses in the zoning ordinance. Ms. Smith asked that the uses be repeated again.

Anderson read from the Zoning Ordinance, "Single family homes, publicly owned buildings, schools and churches." According to Anderson there are not a lot of options for that building.

Stickland asked why the applicants want to save the building to which Ms. Smith responded, "It has been in the family for a long time; it was my mother's. There was a lot of things she wanted to do but never did."

Stickland asked if the applicants had considered that value of the property might be improved if the building was not there.

K. Smith asked what the cost of demolition would be. Rogien estimated that demolition would be six thousand (6,000) dollars, maybe less, to hire the demolition done. Rogien

noted that the applicant's estimate of twenty thousand (20,000) dollars is low, and stated that replacing the electric alone will burn up a lot.

Morris commented that the applicants might be money ahead by tearing it down and putting a single family home there.

Ms. Smith asked how much time they have to which Anderson said "Twenty-one (21) days; for demolition it is twenty-one (21) days." Anderson noted that the board could expand that, but cannot do less than that. If the board decides to allow a rebuild there would have to be a schedule for that.

Morris inquired of the applicants, "You tried to contact contractors and they haven't gotten back to you?" to which Smith responded, "Not at this point, no."

Morris asked if he and the contractors had much dialogue about what the applicant wants to do. Smith responded that he briefly gave a description of the city wanting to demolish it and that he was opposed and showed the photos but no one has gotten back with him to give an estimate.

Stickland asked how many rooms the building has. Smith stated that there are three; one big room in front; one on the side and a restroom. Stickland asked if they would continue that configuration or gut the building and start over. Smith said the configuration could probably be used. Stickland asked what the inside walls are, framed or block. Smith said they are drywall.

Dibble pointed out that his estimation would be that twenty thousand (20,000) dollars is a really low number, noting the exterior alone needs to be tuck pointed and painted; new trusses are needed for the roof; that the applicants are probably looking at more than forty thousand (40,000) dollars even if you bought vinyl windows at three (3) to four (4) hundred dollars apiece. Dibble noted that the applicants are easily looking at fifty thousand (50,000) dollars plus, pointing out that the applicants could save by doing some of the work themselves. Dibble noted that he understands the sentimental value, that the structure means something to the applicants, but also pointed out that the applicants have to make a decision about whether you have the resources to put into this building.

Anderson asked for the sense of members at this point. "Are you leaning toward holding up the demolition order or allowing time for renovation?"

Dibble asked whether Ms. Smith wants to put that kind of money into the building to which Mary Smith responded, "Fifty (50) to sixty (60) thousand dollars? No."

Stickland suggested the board look at the assessed value of property. Anderson said according to the assessor it is valued at twelve thousand (12,000) dollars for the building and property, noting that the property is worth more with the house off of it. Ms. Smith questioned what that means and Stickland responded, "You'd be better off financially to tear it down and sell it." Dibble commented, "Or put a single family home on it."

In response to a comment by Stickland, Dibble noted there is probably no insulation in the structure. It was noted that when the structure was built heat costs were very low.

Ms. Smith asked why the property is worth more without the building. Stickland explained the building, as it stands, is a detriment to the property and you would have to put that much more money into it; there is probably more value with the building gone. Stickland pointed out that he lives in the area, drives by it frequently, and has not seen any change in twenty (20) years, noting "The building has not changed its appearance in twenty (20) years."

K. Smith asked if he and the applicant have to make a decision now as to whether to go ahead with demolition. Anderson responded that the board of appeals will go ahead with the demolition order but the question is, "Do you want to demolish that building in twenty-one (21) days or could you come up with the money to fix it in the next two (2) months. If you can't we can't let this go on."

K. Smith said the fifty (50) to sixty (60) thousand would not be possible to which Anderson responded, "Then you need to demolish it." Smith asked when the demolition needs to take place. After a comment regarding sixty (60) days, Morse suggested splitting the difference and asked about giving the applicants forty (40) days commenting, "That will allow you to see if you can find someone to take it down," and noted that if the city does the demolition it will cost more due to legal and administrative fees, which will be assessed to the property.

Motion by Stickland that within forty (40) days the actual demolition of the structure located at 321 Aylworth, including obtaining a demolition permit is in process. Second by Dibble.

All in favor. Motion carried.

b) 1008 Kalamazoo

Anderson noted that this property has been a real eyesore for years and years. The city has been trying to work with the property owners. The city has delayed moving forward on demolition due to other properties needing to be dealt with, but the time came to do this so the building official posted it for demolition and the hearing officer agreed. Anderson noted that the numbers that came in by the estimator obviously show that fixing it up is hardly a consideration given it would be over seventy-nine thousand (79,000) dollars and the structures are not worth anything near that. The good news, according to Anderson, is that the owners are moving forward with demolition; they have a demolition contractor lined up but have not pulled a permit yet. Anderson asked that the board be sure to include the garage in the motion, noting, "It is time to move forward, and the question is how much time to give them."

Rogien agreed that with no permit yet issued the board needs to give the applicants a time limit.

Neiphaus asked whether the footings also must be removed to which Rogien responded, "Yes, that's in the code; remove everything, backfill it and seed it." After a question by

Dibble regarding discussion of the Sherman Hills structure, Ross noted that these things are considered on a case by case basis, but if the board really moves ahead on demolition of the structures on this property, all of the basement, including footings, will need to be removed. Stickland asked, "How deep?" Rogien responded that typically we want everything out of there.

Motion by Stickland to accept the recommendation of the hearing officer to demolish the house and garage at 1008 Kalamazoo Street within twenty-one (21) days. Second by Heinig.

All in favor. Motion carried.

7. Election of Officers 2015-16

Heinig nominated the current chair and vice chair be retained. Second by Stickland.

Morse called the vote.

All in favor. Motion carried.

8. Adjourn

Motion by Dibble, second by Heinig to adjourn at 4:08 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Zoning Board of Appeals

Regular Meeting Minutes

Monday, June 22, 2015
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Boyd, Bugge, Miller, Paull, Stegeman, Wheeler, Lewis
Absent: None

3. Approval of Agenda

Motion by Bugge second by Wheeler to approve the June 22, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – May 18, 2015

Motion by Bugge second by Miller to approve the May 18, 2015 regular meeting minutes as corrected.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. New Business – Public Hearings

- a. Haraldur and Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo, are seeking two variances for a proposed residence at 302 Michigan which will have 46.5% lot coverage where 40% lot coverage is the maximum allowed. The residence will also have a rear yard setback of 16 feet 3 inches for a portion of the building where the minimum allowed is 25 feet.

Anderson noted that the Borgfjords made some adjustments to the previously submitted variance requests; the neighbors were re-noticed and the request was published.

Motion by Paull, second by Bugge to open the public hearing.

All in favor. Motion carried.

Grace Borgfjord distributed handouts to the board which she stated are numbered to follow her presentation.

Borgfjord stated that the board got four letters including one today.

Borgfjord spoke to the first letter from Mr. Nulty, noting several points made by Nulty, including that Nulty states he built the home, he did not say it is not his home but is a rental. Stated Nulty's letter says all ordinances were complied with, but stated that the driveway to the unit is less than fifteen feet (15') and referenced pictures #1 & #2, stating that this truck encroaches on the sidewalk and neighbors have said that anyone that rents that unit hang over the sidewalk. Borgfjord noted that Mr. Nulty said the Borgfjord requests are not in order.

Boyd interjected and asked whether the applicant plans to give a dissertation on every point in each letter received. Borgfjord said she just wanted to present her side.

Borgfjord referenced a meeting on previous other business; this board contemplating complaints about a free standing "for rent" signs. Borgfjord stated that it is interesting that Mr. Paull said the difference was between real estate signs and temporary seasonal rentals. Borgfjord stated that Paull said when he worked on the ordinance he tried to differentiate between short-term rental and regular rental signs.

Chair Lewis questioned how the rental sign issue pertains to this matter to which Borgfjord responded that she just wants to explain her position.

Wheeler asked if Borgfjord's point is that the letter writer has no standing to oppose her and Borgfjord said yes.

Borgfjord explained about the ADA (Americans with Disabilities Act) requirements and how the Borgfjords could build the house to the correct coverage and come back next year if they have the need for it and add ramps as required. Borgfjord also explained that they thought about putting a detached garage in the southeast corner but decided that putting a two-car garage so close to the property lines would be not as nice for the neighbors. "We thought this would be nicer for the neighbors."

Borgfjord explained that their current house is ADA, she was able to care for her mother during her final days and that she has an older brother who has cerebral palsy who does quite well usually but after his surgery, during his recovery, he stayed with the Borgfjords who cared for him. Borgfjord stated, "We value being able to build a house like this to be able to do this."

Miller noted that the plan shows one level at seventeen hundred twenty (1720) square feet and asked if the Borgfjord's reason for not having a second floor was because the person with disability would not be able to use the second floor. Borgfjord responded, "Yes, that is

the reason.” Discussion ensued regarding building a house with a smaller footprint and a second floor which could be accessed via elevator.

Paull asked, “Given the fact that you desire to have a completely barrier-free home, why do you have a lot that is too small for such a home? There are many sites in the city that are larger that would accommodate such a home. Why did you buy a lot that is too small?” Borgfjord said she and her husband wanted to be close to town with the ability to walk to town, noting, “We wanted a place closer to town and there is not much for sale that close; it’s always been my dream to live in a walkable neighborhood.” Paull replied that he could walk to town and he lives on the north side.

Pat Gaston, 97 Superior Street. Stated she is opposed to the variances; that she understands what the applicants want but Gaston lives in the city and built here, noting, “I don’t know, I could be wrong, but I don’t know of any variance that has been granted on an empty lot building in this town. If you have an empty lot, you know the zoning code and build to that specification. I know these are responsible intelligent people and when they purchased the lot they knew the zoning code. We built a home in the past ten (10) years; we were told that we were too big and too high, we lived by the zoning code.” Gaston stated that in the past, some people have ignored the zoning code, built over the lot requirements and had to slice off a part of their home because they over-built on the lot. Gaston believes that if you allow this variance, you are allowing them what they want but taking away from the neighbors. “The neighbors expect you to go by the site ordinances. I understand what they want, but we have a code, we should abide by the code. This is not some weird house built forty (40) years ago and they want to build a little thing here.”

Lewis noted that the city did have one empty lot which the ZBA had to grant a variance on; otherwise the house would have been one foot (1’) wide. Anderson explained that it was a fifty foot (50’) lot with twenty-five foot (25’) setbacks.

Brian Pennings, Pennings & Sons, 5829 West KL Avenue, Kalamazoo, MI 49009: Stated that as the builder he has a vested interest in seeing this go through. Noted that the applicants’ main desire is to be a resident in the City of South Haven; they realize they are getting toward retirement age and planning for future eventualities. Pennings noted that building a house that is ADA compliant does require building a house that is larger. “Could we build a smaller house? Yes, we could, but not with the addition of the ADA compliance.” Pennings noted that the ramps have been granted in the past. “We are trying to make the house livable without the need to add ramps. Want to put in a driveway that can be parked on without hanging over the sidewalk. We have taken less space in the rear to offset that.”

Lewis pointed out that city code only requires that enough space be provided to park two (2) vehicles and added, “Last time you requested 50% lot coverage, that was reduced in this request but added nine feet (9’) of setback variance.”

Pennings explained that the previous house was designed based on an incorrect idea of the rear and side setbacks. “We widened the house and were able to take less lot coverage, but that encroaches into the rear set back.”

Bugge noted the applicants “did not have a back yard on the first one.”

Bugge pointed out that handicap accessible ramps are not variances. Anderson explained, "That is correct; they are approved administratively, due to requirements we have to follow. They have to be certain sizes; cannot come straight out from the door to the sidewalk; have certain curves; cannot be enclosed and is the one structure allowed in the front yard."

Penning asked, "If we were to design a new home with the ramp encroaching on the front yard that would be acceptable?" Anderson said as long as there is no other reasonable place to put it a ramp may go in the front yard and can be approved administratively.

Lewis asked if anyone else wants to speak.

Motion by Paull, second by Bugge to close the public hearing.

All in favor. Motion carried.

Lewis stated that he is disappointed that the applicants did not try to comply more, noting that Gaston is right, when you start with an empty lot, you build to the criteria.

Wheeler noted that he is having a hard time jumping the "self-created" hurdle. Lewis agreed, giving examples to support his agreement.

Paull: "It's fairly clear that both requests being made are self-created based on what they want and/or need and even given the fact that this is a larger than normal lot for that block, it still doesn't conform. We have requests for non-conformance heaped on each other. If you want a house of this size, there are plenty of lots available, even in my neighborhood, to be able to build a house this size and enjoy it. And you can walk to town; you do may have to cross the bridge." Paull stated that these requests appear to be 'This is what I want, so grant it.'

Bugge agreed and noted there is nothing exceptional about the lot; there is no barrier to building a single-family house; it is self-created; you could build a smaller house; compliance with set-backs would not prevent use of the property and it is not the minimum request possible. "They could build a second floor with an elevator."

Stegeman likes that the applicants are trying to think ahead and not have to have ramps on the outside. If that's what you like in that neighborhood, that's fine, but he would vote to approve their deal.

Wheeler would like the idea of building a ramp in advance – would be more comfortable if the house itself without the ramp were compliant, and building the ramp would make the house non-compliant. Boyd concurred with Wheeler on that point.

Bugge agreed that the first floor could be compliant done on a smaller scale with a ramp. ~~out of compliance.~~

Miller is in agreement of approving this request along with Stegeman; he does not see where it would affect anyone else in the community; does not see it as being such that a year from anyone would notice the rear yard setback. Miller understands 'you have to stay in the code' but at the same time that is why we have a ZBA, which was implemented at the same time as these stipulations were made. "No one can anticipate all the variances. That's

why we have a ZBA. I think it would affect the neighborhood positively and would not affect the neighbors negatively. What we are here for is to maybe show a sense of reason and common sense.”

Wheeler has a quick question about the letter from the property owner at 306 Michigan. “Were they for/against or with condition?” Bugge said they wanted to shift the side setback and produced the letter for Wheeler to read.

Motion by Bugge, based on criteria that we have to judge zoning variance requests by in the Zoning Ordinance, that these requests be denied as the request does not meet #3, #4, #6, #7 or #8. Second by Paull.

A roll call vote was taken with a yes vote denying the variance:

Yeas: Bugge, Paull, Wheeler, Boyd, Lewis
Nays: Miller, Stegeman

Variance denied.

7. Election of Officers 2015-16

Bugge nominated officers “as they are now” with Lewis as Chair and Paull as Vice Chair. Second by Boyd.

All in favor. Motion carried.

Both Lewis and Paull thanked the board.

8. Commissioner Comments

Anderson: Thanked the board for the date change for the next meeting, which will be held on Monday, July 20, 2015 at 7:00 p.m.

There were no other comments.

9. Adjourn

Motion by Paull, second by Bugge to adjourn at 7:37 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

SOUTH HAVEN HOUSING COMMISSION
Regular Meeting
Warren Senior Community Center
540 Williams Street, South Haven, Michigan 49090
June 24, 2015

CALL TO ORDER: The Regular Meeting of the South Haven Housing Commission was called to order at 5:07 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Warren Senior Community Center, 540 Williams Street, South Haven, Michigan.

ROLL CALL: Present: Chairperson Eugene Ladewski, Resident Commissioner Tom Thomson, Commissioner Letitia Wilkins and City Council Representative Gail Patterson. Absent: Vice-Chairperson Sandra Seroke and Commissioner Teresa Mahone-Jordan. Also present: Executive Director and Secretary Charles Fullar.

INVOCATION: A few moments of silence was observed.

PUBLIC COMMENTS: None.

CONSENT AGENDA: 1) Minutes of the Regular Meeting May 27, 2015. 2) Current Operating Expenses - \$41,903.71. 3) Homeownership Expenses - \$0.00; 2011 Capital Fund - \$0.00; 2012 Capital Fund - \$0.00; 2013 Capital Fund - \$0.00; and 2014 Capital Fund - \$0.00. 4) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; and Income and Expenditures Report for May 2015. 5) Correspondence: HUD May 29, 2015; NAHRO Article May 30, 2015; and HP Article June 10, 2015. 6) Other Reports: None.

It was moved by Commissioner Thomson to approve the Consent Agenda; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

UNFINISHED BUSINESS: 1) Status Report Updating and Adapting the HDC: Executive Director Fullar reported that work continues on putting the HDC administrative records in order. Executive Director Fullar supplied a list of 2015 HDC Board Appointees. It was moved by Commissioner Thomson to appoint the following persons to the HDC board of directors: Housing Commission representatives, Executive Director Charles Fullar, Commissioner Mahone-Jordan, Commissioner Wilkins; and members of the public Gale Patterson, Charles Beatty, Ray Llorens, Anthony Borowiak and Carol Ouellette; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

2) Status of the FY15 Emergency Safety and Security Grant Application: Executive Director Fullar reported that application status notification was received. The Housing Commission's grant application was not selected from the lottery of eligible grant applications. Details of the grant selection process are in the HUD May 29, 2015, correspondence.

3) Executive Directors Evaluation: Chairperson Ladewski reported the evaluation was complete and Executive Director received a good evaluation.

NEW BUSINESS: 1) Recognize New Housing Commissioner Letitia Wilkins: The commissioners welcomed newly appointed Commissioner Wilkins. Commissioner Wilkins informed the commissioners that she is a graduate of Western Michigan University. She teaches at the local L.C. Mohr High School and instructs students in accounting, computers, business finance and personal finance.

2) 5(h) Homeownership Mortgage Discharge: Executive Director Fullar supplied copies of a Discharge of Mortgage document for a home purchase dated June 14, 2005. The home purchase through the 5(h) Homeownership program has met the ten year affordability requirement. The soft second mortgage held by the Housing Commission is due to be discharged. It was moved by Commissioner Thomson to discharge the second mortgage for the home purchaser and to have Chairperson Ladewski execute the Mortgage Discharge document; the motion was seconded by Commissioner Wilkins. All votes in favor. Motion carried.

3) Par Plan Grant Application Status: Executive Director Fullar reported that the awards for this grant will not be announced until July 30, 2015.

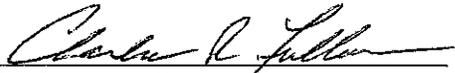
EXECUTIVE DIRECTOR'S REPORT: Executive Director Fullar reported on the HUD Fathers Day event at the Warren Center. The event celebrated fathers and affirms uniting fathers with their families. The event occurred on Monday June 22, 2015. There were 24 participants. Senior Nutrition Services provided the food for this breakfast event. Of the two applicants received for the Homeownership program, one is eligible and the other is not. Determination letters will be sent out. The next RAB meeting is July 16, 2015. The next CDC meeting is scheduled for July 8, 2015;

COMMISSIONER'S COMMENTS:

ADJOURNMENT: It was moved by Commissioner Wilkins to adjourn; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried. Meeting adjourned at 6:10 p.m.

Respectfully submitted:

Approved July 22, 2015



Charles R. Fullar, Secretary

Eugene Ladewski, Chairperson

Board of Public Utilities

Regular Meeting Minutes

Monday, June 29, 2015
4:00 p.m., DPW Conference Room
1199 8th Avenue



1. Call to Order by Stickland at 4:00 p.m.

2. Roll Call

Present: Burr, Roberts, Stein (ex-officio), Winkel, Stickland

Absent: Henry, Overhiser (ex-officio), Rose (ex-officio)

Also present: Wendy Hochstedler, Finance Director; Larry Halberstadt, City Engineer

3. Approval of Agenda

Motion by Burr, second by Roberts to approve the June 29, 2015 regular meeting agenda with the removal of item 13.

All in favor. Motion carried.

4. Approval of Minutes for the Record – May 18, 2015 Regular Meeting Minutes

Motion by Burr, second by Winkel to approve the May 18, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Marilyn Miller was present to dispute a large water bill she received the first of June for \$828.96. Customer Service at City Hall reviewed her account and suggested they could divide the bill into three installments. Customer Service also informed her about this board.

Burr noted that this is a sprinkler meter which had not been billed for four years. Burr explained that according to the utility policy the city can only go back twelve (12) months in the case of a billing issue.

Discussion ensued regarding the city installing a new sidewalk in front of Miller's house, which necessitated her landscaper, DeBest, to dig up her sprinkler system and redo it. Halberstadt noted that if the meter had been changed at the time of the sidewalk installation, the Department of Public Works would have a record of it. "We may have had to adjust the meter pit," Halberstadt stated. Miller cannot believe that she used that much water over that period of time. Stated she always has paid both bills which Burr clarified as a bill for the house and a bill for the sprinkler.

Miller noted that she recently called a plumber to fix a small leak under a sink. The plumber said he heard water running and tracked down a leak which she paid \$600 to get fixed.

Miller said it was beyond her comprehension how there could be such a large bill when you say it was not metered because the record she was given at city hall stated "meter read". Huff explained that the physical meter was registering but the remote which the meter reader was using was not.

Stickland asked where the meter is to which Miller responded that the meter is in the parkway in a pit.

Burr asked whether there was zero consumption on the billing. Hochstedler explained the initial bill Miller received for \$828.96 included all usage; that because this was not a leak Miller was initially billed from the time that it was not being read by the remote. Then it was brought to Hochstedler's attention who suggested that Miller only be billed for twelve (12) months. Miller responded that on Friday she got a reminder notice for the \$828.96 bill. Then on Saturday she received a corrected bill of \$252.65 which Hochstedler confirmed as the twelve (12) month updated billing. Stickland reiterated that if there is a billing error the policy says the city can only bill for the past twelve (12) months.

Miller said she pays over \$32.00 a month even though she is not there most of the year. Discussion ensued regarding the \$32.00 being the stand-by charges which are charged to everyone whether or not there is usage.

Miller was advised that all she needs to pay is the corrected billing amount of \$252.65.

Burr asked whether the remotes are reconciled annually at which Stickland raised the question, "Do we have a way to check whether the bills are out of range?" Halberstadt noted that there are people who never use their sprinklers and get zero reads so a zero read does not raise a red flag.

REPORTS

6. Cost of Energy from Indiana-Michigan Power Company (AEP)

- A. 2015 Billings – All Charges
- B. 2014 Billings – All Charges

Stickland remarked on the cost of true-up and Burr commented that the average is still good.

7. Financial Reports

- A. Electric Fund – Financial Statement
- B. Electric Fund – Review of Percentage Billed
- C. Electric Fund – Capital Projects
- D. Water Fund – Financial Statement
- E. Water Fund – Review of Percentage Billed
- F. Sewer Fund – Financial Statement

Hochstedler noted she does not have the capital projects sheet. Winkel asked if there was an extra pay period; operating expenses were higher than anticipated. Halberstadt noted there were three pay periods in May.

Stickland asked if it is possible that the monthly expenditure on the sewer fund is higher than usual to which Hochstedler responded that she would have to check.

8. Unresolved Issues Report

Huff noted there is nothing new; said he has started to look into what needs to be added to the building services bulletin board about tampering. Hochstedler asked whether people who have now tampered three (3) times can be turned over to the Police Department since it is theft. Discussion ensued regarding whether we are authorized to penalize a customer. Stickland said stealing is an offense that you go to the Police Department to resolve to which Hochstedler responded that the city clerk is planning to call the Police Department.

9. SAW Grant Project Progress Report

Huff updated the board on Abonmarche's progress: continuing work on inventory; planning an area for additional sewer cleaning; have started design work on some individual projects.

In response to a question by Roberts, Halberstadt noted that "missing" manholes are often buried under landscaping or off pavement areas. Huff noted that Abonmarche initially went out and visually found as many as they could and entered them by GPS coordinates onto maps. Burr asked whether some of those "missing" manholes have been retired to which Halberstadt noted, "We need to go through the list and determine if those manholes are still there or were removed at some time."

Roberts asked whether there are any manholes at Sherman Hills to which Halberstadt responded Sherman Hills is not connected to the city sewer system and many of the manholes are uncovered. Halberstadt noted that this report covers both storm and sanitary sewers; this is the first ever effort the city has made to inventory our storm sewers.

Halberstadt noted that while the city has numerous old maps, staff is not sure whether everything on them actually exists.

Discussion ensued regarding a recent occurrence of water coming up on Center Street; whether that got corrected and if the city has plans to do infrastructure improvements when Center Street paving is done.

UNFINISHED BUSINESS

10. Board will be requested to review electric rates for the 2015-2016 fiscal year.

Stickland explained the idea is to recapture our costs and put the PJM (transmission) charges on a monthly cost adjustment because we have no way to predict what they will be. "Anything over and above five hundred thousand dollars (\$500,000) will become monthly adjustable, like fuel rates. These rates will affect your commodity charge. The biggest cost increase we had last year is transmission; that is not going to be fun if that continues next year. People are going to get some hefty cost adjustments," according to Stickland. Roberts wondered whether we are high enough to which Burr responded that we want to earn about six hundred thousand dollars (\$600,000) per year so that should cover it.

Hochstedler noted that they did add some wording that will be in the ordinance, which is where we have the "\$500,000 annually"; the number could change if needed.

Burr said we ran some comparisons with the City of Holland and with Consumers Energy. Holland was 11.7 per kilowatt hour and will have a rate increase of 3% starting July 1. Consumers Energy's rates are also higher than the city's rates. Discussion ensued regarding whether the increase will be enough. Stickland noted that if the cost goes up in a year the city will have to raise our rates; we want to keep our rates as low as we can and keep the system going.

Hochstedler asked if staff is going to start working on a five (5) year plan. Discussion ensued regarding projects coming up in the near future with Halberstadt noting that around year four is when you want to start a study. Burr commented that demand charges went up; residential customers supply the demand in June/July/August. Burr noted the trend in classifying by demand and non-demand meters.

Roberts asked whether we have checked other meters for multiplier errors like Meijer's problem and Huff noted they did check that right after the issue with the Meijer's meter.

Halberstadt explained the difference between Holland and South Haven being that Holland has generator and South Haven does not. Burr noted the Energy Optimization program is supposed to go away at the end of the year. Halberstadt stated, "We don't know that for sure. There is talk of phasing it out like it was phased in."

Motion by Roberts to recommend to City Council the draft ordinance as proposed to amend Section 86-36 rates for the city of South Haven as presented at today's Board of Public Utilities. Second by Winkel.

All in favor. Motion carried.

11. Board will be requested to review the DRAFT South Haven Area Water-Sewer Authority Contract (presented at the June 11, 2015 workshop) and provide comments.

After questions, Huff commented on the background information in the staff report for this item.

Roberts: Page 2, Section Q. What are those legally binding documents. Halberstadt said he believes that refers to the various ownerships of debt service. Stein noted that some of South Haven Township's bonds are underwritten by the township sewer/water authority and the rest are underwritten by the county. Stein said the Allegan one will expire in two (2) years; the county one will expire in four (4) years; there is another small one held by a bank.

Roberts: Page 3. Seven-member board, of which six members appoint a seventh member. Discussion ensued about how many members were discussed at the meeting; Stein noted that the make-up of the board is up for discussion.

It was noted that Covert will not be included in this discussion; there may be some contractual agreements with Covert in the future.

Roberts: Special meetings being called by officers; who are the officers? Stickland noted they would be members of the board elected to serve as President, Vice President, Secretary and Treasurer.

Roberts asked if the Covert Generating Facility water intake will be included as part of the assets to which Stickland responded yes.

Roberts: Page 8, section B. What is meant by "the county"? Stein said the County Board of Commissioners or the Road Commission.

Roberts questioned the city's rights as lessor to which Stickland stated it is the same as driving a leased car. Discussion ensued with examples.

Roberts: Page 10, Section 33. "This does not preclude SHAWSA providing . . . ". Stickland said if you are on an existing line you are a customer. Stein said this is outside the jurisdictional boundaries, so you could contract with them. Covert is going to be outside this and they would fit into this.

Roberts: Last sentence in Section 3.4. Halberstadt explained that if mains are being extended into Geneva Township, permission will have to be obtained from Geneva Township. It was noted that if the service is already there the SHAWSA can do the repairs. SHAWSA will have to negotiate with Geneva Township to do work in Geneva, not with all the other jurisdictions.

Stickland noted that the SHAWSA would run the plant, but the city would provide leased employees.

Roberts: Section 3-7. "Do we have people that have not been required to connect that will then have to be required to connect?" Stein stated that the township is working on this; we are down to about twenty (20) people who have not connected.

Roberts asked about easements for sewer and water. "Will SHAWSA be able to access the easements?" Halberstadt explained that newer easements will have a sentence at the end stating that the rights are assignable. Roberts asked if only a municipality can draw water from Lake Michigan, how can SHAWSA, to which Halberstadt responded that he would assume that SHAWSA would also be considered a municipal entity. Discussion ensued that this would be an attorney question. Stein stated there are about three different ways that municipalities can cooperate.

Discussion ensued regarding accounting procedures and tracking time.

NEW BUSINESS

12. Board will be requested to review the opt-out provision of Public Act 95 of 2013 and make a recommendation to City Council.

Stickland said this is the same as last year and nothing has changed. Burr explained that we do not participate as we do not do shut-offs during the time Public Act 95 of 2013 covers.

Motion by Burr, second by Winkel to recommend to City Council to opt out of Public Act 95 of 2013.

All in favor. Motion carried.

13. Board will be requested to review a request to grant an exception to Sec. 86-156 of the Code of Ordinances and make a recommendation to City Council.

This item was deleted during approval of the agenda.

14. Public Works Director Comments

A. Next Meeting is scheduled for July 27, 2015

Commented on last Wednesday's storm.

Huff asked whether anyone wants to discontinue getting paper copies. Burr said his could be placed in his mailbox at city hall. Stickland said he could pick his up.

15. Board Member Comments

There were none.

16. Adjourn

Motion by Winkel, second by Roberts to adjourn at 5:45 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item # 6

Long Grass Ordinance

Background Information:

The City Council will be asked to take no action on the city's adopted long grass code.

At the July 6th regular meeting of the City Council, the Council discussed potential changes to the city's long grass ordinance. At that meeting, the Council discussed a desire to increase the long grass threshold for enforcement from 6" to 9". Further, the Council discussed a desire to expedite the enforcement process, in an effort to reduce the time needed for the city to take enforcement efforts. Finally, the Council discussed a desire to increase the administrative fee from \$50 per occurrence to \$150 per occurrence.

The city's staff is currently working to develop an updated code amendment, for the City Council's consideration, related to the long grass enforcement ordinance. At this time, the city's staff has completed a review of enforcement procedures from other West Michigan communities. Staff has found a variety of enforcement procedures which are embraced by other communities. Staff are now working with the city's attorney to develop an updated code amendment draft for the City Council's review and consideration.

The city's staff anticipates having a code amendment draft ready for the City Council's review and comment at the August 3rd work session.

Recommendation:

At this time, no action is needed on the city's adopted long grass code.

Support Material:



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

Date: July 14, 2015
To: Brian Dissette, City Manager
From: Kate Hosier, Deputy City Clerk
Re: City Approval to Reclassify Liquor License

Background Information

Ballock Holdings, LLC is requesting city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams, formerly known as York's Tavern, which has been closed due to bankruptcy proceedings. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee and, as part of the purchase, they've submitted an application requesting the transfer of the current liquor license attached to that location. However, in the approval process it was determined that due to the sale of condo units and a change in ownership, the Class B Hotel license that York's was operating under no longer conformed to the requirements of the Michigan Liquor Control Commission (MLCC).

As such, the current license must be reclassified to the more appropriate license, a Class C Resort license which requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. To complete the property purchase and MLCC licensing, the MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort license.

Detective Adam DeBoer reviewed the materials and found no problems with the reclassification request. Wendy Hochstedler, the Finance Director, did note that there are outstanding taxes on the property under two accounts in the following amounts: \$42.37 and \$1,680.29.

Staff Recommendation

Approve the Resolution 2015-33, a resolution giving local government approval to the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License to Ballock Holdings, LLC.

Support

Resolution 2015-33
Ballock Holdings, LLC Attorney Letter
Delinquent Tax Notice, Sue York, 515 Williams
Delinquent Tax Notice, York's Landing, 515 Williams



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 Constitution Hall - 525 W. Allegan, Lansing, MI 48933
 Mailing Address: PO Box 30005, Lansing, MI 48909
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Local Government Approval
 (Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new license application and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, along with certification from the clerk, or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ City of South Haven council/board
(regular or special) (township, city, village)
 called to order by _____ on _____ at _____
(date) (time)
 the following resolution was offered:

Moved by _____ and supported by _____
 that the application from Ballock Holdings, LLC
(name of applicant)

for the following license(s): Reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License

to be located at 515 Williams Unit 23 and 25 South Haven, MI 49090

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
 council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Name and title of authorized clerk (please print): _____

Signature of authorized clerk and date: _____

Phone number and e-mail of authorized officer: _____

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



07/09/2015

City Clerk of South Haven
Attn: Kate Hosier, Deputy Clerk or any South Haven Clerk
539 Phoenix Street
South Haven, MI 49090

RE: Local Government Approval – MLCC Request
Ballock Holdings, LLC
For Reclassification of License

Dear City Clerk and City Counsel;

Reed Law represents Ballock Holdings, LLC. This letter is a formal request seeking city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams. Currently, this bar and restaurant has been closed due to bankruptcy proceedings. It was formerly known as York's Tavern and is a part of the Old Harbor Inn. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee with hopes of increasing the quality of the location and running a bar and restaurant that will serve the citizens of South Haven as well as its visitors. As part of this purchase, Ballock Holdings, LLC submitted an application requesting the transfer of the current liquor license attached to this location. Through the approval process, it was discovered that due to the sale of condo units and a change in ownership the Class B Hotel license that York's was operating under no longer conforms to MLCC requirements. Due to these changes, the current license must be reclassified appropriately to a Class C resort license.

A class C resort license requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. Ballock Holdings, LLC is excited about this opportunity and reclassification. In order to complete this purchase and complete MLCC licensing, MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort. This approval will allow this location to operate in conformity with MLCC. We would like to thank you in advance for your attention to this matter, and if there are any questions, please contact Attorney Phillip Reed at Reed Law Office to answer any all questions that you may have.

Regards,

Phillip J. Reed
Phillip J. Reed

7200 Angling Rd. Suite G. Portage, MI 49024
P.O. Box 1088 – Portage – Michigan – 49081
Direct - 269-217-3642 – Fax -269-585-6047
www.ReedLawPLC.com

**CITY OF SOUTH HAVEN
DELINQUENT TAX NOTICE**

539 PHOENIX ST SOUTH HAVEN, MI 49090 269-637-0714 SOUTH-HAVEN.COM YORK'S LANDING 515 WILLIAMS ST SOUTH HAVEN MI 49090	DELINQUENT TAXES DUE				
			TOTAL DUE	TOTAL DUE	TOTAL DUE
			IF PAID BY	IF PAID BY	IF PAID BY
			07/31/15	08/31/15	09/30/15
	TAX YEAR	TAX DUE			
	2014	293.83	334.40	337.34	340.28
	2013	284.06	357.25	360.09	362.93
	2012	225.78	311.06	313.31	315.57
	2011	176.00	263.95	265.71	267.47
	2010	139.48	218.98	220.36	221.76
2009	112.02	194.65	195.77	196.89	
	TOTAL	1,231.17	1,680.29	1,692.58	1,704.90
<p align="center">PROPERTY INFORMATION</p> Property Number: 80-53-900-681-00 School Dist: 80010 Property Address: 515 WILLIAMS ST SOUTH HAVEN MI 49090 LEGAL DESCRIPTION: 1-17 PERSONAL PROPERTY					
PLEASE REMIT THE APPROPRIATE AMOUNT DUE IN ORDER TO AVOID PROPERTY SEIZURE BY THE CITY TREASURER.					

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

539 PHOENIX ST
SOUTH HAVEN, MI 49090

Delinquent Tax for Property Number:

80-53-900-681-00

TAXPAYER NOTE: Are your name & mailing address correct? If not, please make corrections below. Thank You.

Due if paid by 07/31/15	1,680.29
Due if paid by 08/31/15	1,692.58
Due if paid by 09/30/15	1,704.90

Property Address:
515 WILLIAMS ST
SOUTH HAVEN MI 49090

Make check payable to:

YORK'S LANDING

Amount Remitted: _____

515 WILLIAMS ST
SOUTH HAVEN MI 49090



Agenda Item #8

Outdoor Dining Agreements for Black River Tavern

Background Information:

The City Council will be asked to reauthorize staff to issue a license agreement, to add outdoor dining along Phoenix Street, to the restaurant owner of Black River Tavern.

Black River Tavern is a local restaurant, located at 403 Phoenix Street. The owner of Black River Tavern, Mr. Scott Maxwell, is seeking an updated approval of the license agreement with the city. That agreement allows Maxwell to add outdoor dining along Phoenix Street. The Planning Commission approved the special use permit for outdoor dining at their regular meeting on December 5, 2013. Two (2) conditions were placed on the approval: the noise level currently heard outside the building may not increase with the outdoor seating and that the Downtown Development Authority (DDA) approve the outdoor furniture. The DDA approved the outdoor furniture plan at the February 12, 2014 regular meeting. The City Council approved the original license agreement with Black River Tavern as part of the March 3, 2014 regular meeting. Maxwell is requesting the agreement be reauthorized with Black River Tavern's proper name included in the agreement. That designation notes that the agreement will be held by RAPA Development, LLC d/b/a Black River Tavern.

The license agreement for Black River Tavern has been actively reviewed by staff, the city's attorney, and the restaurant owner. The license agreement requires a payment of \$250 per year to the City of South Haven. The fee is based on comparison to other lake front communities, and mirrors the fees charged by the City of Grand Haven. The agreement has a variety of requirements. Some of the highlights of the agreements are:

- The agreement allows customer seating to occur until 11:00 p.m.,
- The agreement requires the city be provided with a certificate of insurance,
- The agreement requires that a designated clear path be maintained, to allow pedestrians to use the city's sidewalks,
- The agreement also requires that if alcohol service is to be provided at the outdoor dining location that the owner be in compliance with Michigan Liquor Control Commission rules and regulations.

Recommendation:

The City Council should consider a motion to authorize staff to issue an updated license agreement to RAPA Development, LLC d/b/a Black River Tavern, for the purpose of permitting outdoor dining and alcohol service at 403 Phoenix Street.

Support Material:

License Agreement; Black River Tavern

**OUTDOOR SIDEWALK CAFÉ LICENSE AGREEMENT
BETWEEN
THE CITY OF SOUTH HAVEN
AND
RAPA Development, LLC d/b/a BLACK RIVER TAVERN
403 PHOENIX STREET**

This Outdoor Sidewalk Café License Agreement shall apply to food establishments and eating or drinking places including restaurants, delicatessen, café, bars, taverns or other similar establishments which serve food and/or beverages to the general public for personal consumption in or on outdoor facilities known as Outdoor Sidewalk Cafes.

This License Agreement shall be accompanied by Exhibit A, the Licensed Premises, which is a site plan drawing showing the location of the Owner's Parcel, the public right-of-way, the sidewalk, curb, landscaped areas, any structures or obstacles, the Designated Clear Path area and the Outdoor Sidewalk Café Licensed Premises area. The Licensed Premises shall be clearly designated by shading or cross-hatching and shall not include the Designated Clear Path.

This License Agreement shall be accompanied by certificates of insurance or other evidence reasonably acceptable to the City indicating that the Owner maintains a policy or policies of insurance as described in Section 11.

This License Agreement shall be accompanied by a copy of the Owner's Food Service License and a statement by the owner on the number of food service related seats within the owner's building, and the number of food-service related seats in the Outdoor Sidewalk Café.

This Outdoor Sidewalk Café License Agreement is made between the City of South Haven, a Michigan home rule city, of 523 Phoenix Street, South Haven, Michigan 49090-1499 (the "City"), and RAPA Development, LLC d/b/a Black River Tavern, 403 Phoenix Street, South Haven, Michigan 49090 (the "Owner") with respect to the following facts and circumstances.

RECITALS

- A. Phoenix Street is a public right-of-way and/or public open-space within the corporate limits of the City.
- B. The Owner owns, or has a leasehold interest, in a building and land commonly known as 403 Phoenix Street, South Haven, Michigan ("Owner's Parcel"), and on that property operates a food establishment or eating or drinking place.
- C. The Owner desires to establish and operate an Outdoor Sidewalk Café on the public right-of-way and/or public spaces in front of or adjacent to the building or land described in Recital B, which would encroach upon the public right-of-way or City owned property at 403 Phoenix Street.
- D. The Owner has been granted a special use permit by the City Planning Commission on the --- day of ---, 2013, to establish and operate an Outdoor Sidewalk Café at the location described in Recital B.
- E. The City is willing to permit such Outdoor Sidewalk Café in strict accordance with the terms and conditions of this Agreement.

DEFINITIONS

"Outdoor Sidewalk Café" means any portion of a food establishment or eating or drinking place located on a public sidewalk or public open-space on a City right-of-way or City-owned property.

"*Excess Sidewalk or Excess Open-Space Area*" means the remaining area or sidewalk or open-space in front of or adjacent to the Owner's Parcel after five (5') feet of clear unobstructed sidewalk or open-space is made available to pedestrians for free passage.

"*Food Establishment or Eating or Drinking Place*" means a business which has been licensed by the Van Buren County Health Department or the Department of Agriculture to sell food and/or drinks for consumption on the premises, and which provides food service seating or restaurant seating inside a building on the Owner's Parcel.

"*Owner's Parcel*" means the private property under control of the Owner as described in Recital B.

"*Designated Clear Path*" means the area designated in Exhibit A as an unobstructed public walkway. A Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, trash containers, railings, planters and signage.

"*Licensed Premises*" means the area designated for use as an Outdoor Sidewalk Café in Exhibit A. The Licensed Premises shall not include any part of the Designated Clear Path or other area required to remain unobstructed.

"*Readily Removable*" means any such furniture that is **not** leaded, cemented, nailed, bolted, power riveted, screwed in or affixed even in a temporary manner to the public sidewalk or an public open-space area.

NOW, IN CONSIDERATION of the covenants contained in this Agreement, the City grants to Owner a License as provided below:

1. License. The City licenses to the Owner and the Owner accepts from the City the use of the premises located in the City described and depicted in the attached Exhibit A (the "Licensed Premises").

2. Term. The term of this License shall commence on the date of signature and will terminate at midnight on _____, ____, unless earlier terminated or revoked as provided below.

3. Use. The Licensed Premises shall be used by the Owner to establish and operate an Outdoor Sidewalk Café in compliance with the standards and conditions of the special use permit granted by the City Planning Commission. The Owner will use the Licensed Premises in a clean, wholesome and lawful manner, in compliance with all applicable City ordinances, and permit requirements, and any applicable state laws, rules or regulations.

4. License Fee. The Owner shall pay the City, or its successors and assigns, an annual License Fee of \$250. The annual License Fee shall be paid in advance, with the first payment due on the date this Agreement is signed, and subsequent payments due each year on the anniversary of the signing. The City may, at its discretion, increase the amount of the annual License Fee each year by providing written notice to the owner not less than 30 days prior to the payment due date. The total amount of the annual License Fee shall not exceed the product of \$250 compounded annually at a rate of 5% for each year that this Agreement has been in effect. To illustrate, the fee due on the first anniversary of the signing shall not exceed \$262.50, and the fee due on the second anniversary of the signing shall not exceed \$275.63.

5. No Assignment/Sublicensing. This License is personal with the Owner and does not run with the land. This License shall not be assigned or transferred in any manner by the Owner to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this License to a third party by amendment to this Agreement or by a separate License Agreement.

6. Acceptance of the Premises. The Owner acknowledges and agrees that Owner has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Owner's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis.

7. Compliance with Law. The Owner shall comply with and observe all applicable laws, ordinances, rules, regulations and orders of all public authorities including but not limited to health rules, laws and regulations.

8. General Restrictions, Standards and Conditions. In addition to any restrictions, standards, or conditions placed on the Owner by the Planning Commission in granting special use approval, and without limitation, the License is subject to the following general restrictions designed to control the design, materials, installation and maintenance of Outdoor Sidewalk Cafés:

A. The licensed Outdoor Sidewalk Café shall not be conducted in such a way as to become a public nuisance as proscribed by City ordinance. The licensed Outdoor Sidewalk Café shall not interfere with vehicular or pedestrian traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.

B. Sale of Alcoholic Beverages. A Food Establishment or Eating or Drinking Place operating an Outdoor Sidewalk Café and possessing a valid liquor license issued by the Michigan Liquor Control Commission may serve alcoholic beverages subject to the following provisions:

1. The service of liquor on the Outdoor Sidewalk Café shall occur only in compliance with all rules and regulations promulgated by the Michigan Liquor Control Commission, including any prior Liquor Control Commission approval that may be required.
2. All alcoholic beverages to be served at Outdoor Sidewalk Cafés shall be prepared within the existing Food Establishment or Eating or Drinking Place, and alcoholic beverages shall only be served to patrons seated at tables.
3. The consumption of alcoholic beverages at an Outdoor Sidewalk Café shall be limited to the confines of the Licensed Premises. Any consumption of alcoholic beverages occurring within the confines of the Licensed Premises shall not be construed as a violation of any ordinance controlling open alcohol containers in a public area.
4. Employees of the Food Establishment or Eating or Drinking Place shall continuously supervise Outdoor Sidewalk Cafés serving alcoholic beverages.
5. Upon application for the License authorized under this Agreement, the Owner shall submit to the City all documentation submitted to the Michigan Liquor Control Commission in applying for the liquor license, and a full history of the liquor license holder including all complaints filed with the Michigan Liquor Control Commission.
6. A violation of any provision of this Agreement relating to the sale of alcoholic beverages is a material breach of this Agreement, and may result in immediate termination of the License as provided by this Agreement.

C. Outdoor Sidewalk Café Hours of Operation.

Except as otherwise provided in this Agreement, Outdoor Sidewalk Café Owners may begin conducting business in Outdoor Sidewalk Cafés upon City right-of-way or public space areas daily at 7:00 A.M. No customer shall be seated in an Outdoor Sidewalk Café after 11:00 P.M., and the Owner shall make all reasonable efforts to ensure that no customers remain in the Café area after 12:00 P.M.

D. Service Requirements.

1. The number of seats in an Outdoor Sidewalk Café shall not exceed the number of seats inside the building of the Food Establishment or Eating or Drinking Place.
2. The number of seats in an Outdoor Sidewalk Café shall be included in the Food Service License of the Food Establishment or Eating or Drinking Place.
3. Trash and/or refuse containers are required in an Outdoor Sidewalk Café and shall be located on the Licensed Premises.

4. Outdoor bussing or service stations are prohibited.
5. The presetting of tables with utensils, dinnerware, glasses, napkins, condiments and the like is prohibited.
6. The outdoor preparation of food is prohibited.
7. All exterior surfaces within the Outdoor Sidewalk Café shall be easily cleanable and shall be kept clean at all times by the Owner, Owner's agent, or the employees of the Owner.
8. The Owner shall be responsible for maintaining the Outdoor Sidewalk Café, including the sidewalk surface and furniture and adjacent areas in a clean, wholesome and safe condition.
9. Maintenance of the Outdoor Sidewalk Café shall include the immediate cleaning and sweeping/brooming of any trash, food, debris, liquid, broken glass or other trash to be placed in trash receptacles.

E. Outdoor Sidewalk Café Area Limitations

1. The area of an Outdoor Sidewalk Café shall be limited to the excess sidewalk and/or excess open-space area located directly in front of or adjacent to a food establishment or eating or drinking place.
2. No Outdoor Sidewalk Café shall encroach or extend beyond the property lines of the Owner's Parcel extended into the City right-of-way or City-owned property.
3. No Outdoor Sidewalk Café or associated furniture shall block or impede the passage and free movement of pedestrians entering the sidewalk from a legally parked vehicle.
4. No Outdoor Sidewalk Café shall encroach upon the Designated Clear Path. The Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, railings, trash containers, planters and signage.
5. No Outdoor Sidewalk Café shall interfere with any public service facility, such as a telephone, mailbox, or bench located on a right-of-way or other City-owned property.
6. An Outdoor Sidewalk Café shall leave sufficient space to allow access to the Food Establishment or Eating or Drinking Place in accordance with accessibility requirements under the Americans with Disabilities Act.

F. Outdoor Sidewalk Café Designated Clear Path

1. A Designated Clear Path shall be provided with a minimum width of five (5') feet, free of all obstructions in order to allow adequate pedestrian movement along sidewalks and public places as shown in Exhibit A.
2. The Designated Clear Path shall be marked upon the pavement where it is adjacent to any Licensed Premises.
3. The Designated Clear Path shall be located on the sidewalk between the Owner's building and a line drawn between the two nearest tree landscaping cut-outs in the sidewalk.
4. If an adjacent property owner has an established Outdoor Sidewalk Café, the Designated Clear Path must be aligned with the established Designated Clear Path.
5. The minimum height clearance for the Designated Clear Path shall be seven (7') feet measured vertically from the sidewalk to any Outdoor Sidewalk Café furniture in order to allow adequate pedestrian movement along sidewalks and public places.
6. The Owner shall be responsible for preserving the Designated Clear Path area at all times. The Designated Clear Path shall be maintained free from any obstruction, including those amenities associated with an Outdoor Sidewalk Café that impede or delay free pedestrian passage along a public sidewalk or public open-space and including but not limited to chairs, umbrellas, tables, trash containers, railings, planters and signage.
7. The Owner shall take such action as is necessary to prevent patrons and/or employees from encroaching beyond the Licensed Premises into the Designated Clear Path at all times.

G. Outdoor Sidewalk Café Furniture.

1. All Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters shall be approved by the Downtown Development Authority to insure the integrity and to preserve the character and compatibility of the local business district. Furniture

which is identical in design, material and character to furniture previously approved by the Downtown Development Authority for an Outdoor Sidewalk Café shall be considered to have Downtown Development Authority Approval.

2. All outdoor dining furniture, including tables, chairs, umbrellas, trash containers, railing and planters shall be readily removable.
3. Outdoor heaters or fans are prohibited.
4. Outdoor Sidewalk Café furniture shall not be stored in the public right-of-way at any time.
5. Umbrellas shall be removed from the Licensed Premises during hours when the Outdoor Sidewalk Café is not open for business.
6. Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters, shall be removed from the Licensed Premises during periods of inclement weather which might cause injury or harm to staff, customers or passersby, including periods of high winds, tornadoes, lightning and thunder storms, hail or ice storms, or snowstorms.
7. Outdoor Sidewalk Café furniture, including tables, chairs, umbrellas, trash containers, railing and planters, shall be removed from the Licensed Premises at the close of the outdoor dining season. The Owner may exercise reasonable discretion in determining, based on weather conditions, when the outdoor dining season has come to a close. However, the Owner shall be in violation of this section if Outdoor Sidewalk Café furniture remains in the Licensed Premises more than 2 weeks after the date when the Outdoor Sidewalk Café was last open for business.

H. Outdoor Sidewalk Café Table Umbrella Restrictions.

Table umbrellas shall be permitted as Outdoor Sidewalk Café furniture under the following conditions that:

1. All table umbrellas shall be properly supported, retractable, and made of a non-combustible frame, covered with flameproof canvas or cloth only.
2. No table umbrella shall exceed seven (7') feet in diameter.
3. No table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.
4. No table umbrella shall contain or display any type sign or signage except on the fringe or valance
5. No table umbrella lower than seven (7') feet measured perpendicular from the sidewalk surface shall encroach into the designated clear path.
6. The valance or fringe of a table umbrella shall not exceed six (6") inches.
7. All table umbrellas must be properly secured with a base of not less than 60 pounds minimum.

I. Planters or Railings.

1. In order to maintain maximum visual access, the height of the planter or railing including vegetation therein, shall not be higher than thirty-six (36") inches.
2. All planters or railings utilized as part of the Outdoor Sidewalk Café for decoration or delineation of the Outdoor Sidewalk Café area shall be self-supporting.
3. All planters and railings shall be readily removable and shall be removed from the sidewalk right-of-way or open-space area during those hours when an Outdoor Sidewalk Café is prohibited.

J. Elevation and Surface Coverings Prohibited.

1. An Outdoor Sidewalk Café shall have the same surface elevation as the adjoining sidewalk.
2. Paint, artificial turf, carpets, platforms or any other surface cover or treatment of any kind are prohibited from being placed upon the area designated as an Outdoor Sidewalk Café at any time, except that the pavement may be marked to show the location of the Designated Clear Path.

K. The Outdoor Sidewalk Café shall be made available to patrons of the Owner only.

L. Noise Restrictions.

Stereo systems, stereo speakers or other audio devices for sound reproduction shall not be operated in or on Outdoor Sidewalk Cafes, and shall not be directed to an Outdoor Sidewalk Café from the Owner's Parcel.

M. Sign Restrictions.

Signs, signboards, or advertisements recognizing an Outdoor Sidewalk Café are prohibited in the Licensed Premises except for the name of the establishment on the fringe or valance of a table umbrella or on the valance of any awning.

N. Fire Code Compliance.

A permitted Outdoor Sidewalk Café is required to comply at all times with all requirements of the BOCA National Fire Prevention Code and other related fire ordinances to the satisfaction of the South Haven Emergency Services Fire Marshal or his designee.

O. Outdoor Sidewalk Café Limitation.

No more than one Outdoor Sidewalk Café license agreement shall be issued by the South Haven City Council for each parcel.

9. Maintenance. The Owner shall, during the term of this License, and at his sole expense, do and perform all maintenance necessary to keep the Licensed Premises in good repair and in a safe condition.

10. Improvements, Restoration, Construction Liens.

A. No improvements shall be made to the Licensed Premises without the prior written consent of the City.

B. The Owner shall not permit any construction lien to be filed against the fee of the Licensed Premises or against the Owner's interest in the Licensed Premises by reason of work, labor, services, or materials supplied, or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Owner. The Owner shall indemnify the City against such liens or other liens arising out of the making of any alteration, repair or additional improvement by the Owner. This paragraph is not construed as an admission by the City that a construction lien can properly be filed against the Licensed Premises. It is intended solely as additional protection to that afforded by law that no such lien will be enforced against the Licensed Premises. The City will have the right to post the Licensed Premises from any such liens.

11. Public Liability and Indemnity. The City shall not be responsible for any loss or damage from whatever cause to personal property located on the Licensed Premises. The Owner shall hold the City (defined for purposes of this paragraph to include the City's officers and employees) harmless from, indemnify it for, and defend it (with legal counsel reasonably acceptable to the City) against any demand, claim, judgment, award, legal proceeding or loss of any kind arising from the Owner's use, occupancy, maintenance (or failure to maintain), or repair (or failure to repair) the Licensed Premises. The Owner shall obtain and maintain a general liability insurance policy covering the Licensed Premises and the Owner's activities on the Licensed Premises in minimal coverage amounts of \$1,000,000 per occurrence and fire and casualty insurance with an extended coverage endorsement on any improvements placed or constructed by the Owner on the Licensed Premises equal to the amount to the full insurable value of such improvements. All policies shall name the City as an additional insured and certificate holder. Copies of certificates of insurance showing the coverage to be in place, that the premiums are fully paid, and that coverage cannot be terminated or modified except after 30 days prior written notice to the City, shall be provided to the City. Upon request, the City shall be provided copies of the policies of insurance and all endorsements.

12. Casualty. In the event of damage to or destruction of the Licensed Premises by fire, storm or any other casualty or accident, this License shall not terminate if the Owner gives written notice to the City that the Owner desires the License to continue, unless the Licensed Premises are so destroyed that it will require material reconstruction. The Owner shall have the right to repair any such damage to a condition

prior to the damage; however such repair must be completed within sixty (60) days of the loss. If written notice is not given, or if repairs are not timely completed, the License shall terminate sixty (60) days after the loss. If the damages destroy the building on the Owner's Parcel in whole or in substantial part, then this License shall terminate immediately. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Owner or placed on the Licensed Premises by the Owner, which are caused by fire, theft, loss, vandalism or other casualty.

13. Breach. The Owner shall be in breach of this Agreement upon the occurrence of the following events: If at any time any fee, insurance premium or other charge or payment payable by the Owner pursuant to the terms of this Agreement shall become in arrears and unpaid for a period of thirty (30) days after notice of default in performance; or if default in the Owner's requirements, obligations and duties hereunder is not cured within fourteen (14) days from written notice of such default, then at the option of the City it may terminate this Agreement and all rights of the Owner as to the Licensed Premises shall terminate. The City shall also have such other lawful remedies as are required to enforce the terms of this Agreement.

14. Temporary Suspension of License. The City Manager shall have the right and power, acting through the City Police Department, to suspend this license for an Outdoor Sidewalk Café and cause removal of the Owner's furniture and other personal property from the licensed premises at any time because of anticipated or actual problems or conflicts in the use of the public right-of-way, sidewalk or a public open-space area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or from demonstrations or emergencies occurring on, in, adjacent to, or near the Licensed Premises. To the extent possible, the City shall give the Owner prior written notice of any time period during which the operation of the Outdoor Sidewalk Café will be suspended by the City due to a specific problem or conflict; however, any failure to give prior written notice shall not affect the right and power of the City to suspend the license for operation of any Outdoor Sidewalk Café at any particular time.

15. Exceptions. Exceptions to the conditions of this agreement may be granted by the South Haven City Council during planned and organized festival events and sidewalk sales.

16. Termination. This Agreement and the License granted under it shall terminate upon any of the following events:

- A. The expiration of the term of this Agreement without a written amendment or extension by the parties.
- B. At any time by the Owner, upon fourteen (14) days prior written notice to the City.
- C. At any time by the City, upon fourteen (14) days prior written notice to the Owner. Whenever notice of early termination is provided to the Owner under this subsection, the Owner shall be afforded an opportunity to appear before the City Council at its next regularly scheduled meeting to show cause as to why this Agreement should continue.
- D. The License granted under this Agreement shall be suspended immediately upon verbal or written notice to the Owner, where the City Manager determines that the use of the Licensed Premises has become a hazard or presents an imminent risk or danger to the public health, safety and welfare. Unless the City Manager subsequently rescinds such suspension, the City Council, at its next regular meeting shall consider whether to reinstate the License, continue the suspension, or terminate this Agreement, in its sole discretion. The Owner shall be afforded an opportunity to appear before the City Council to show cause as to why the License should be reinstated.
- E. Immediately upon any default of the Owner without timely cure as provided in Section 13.

F. In accordance with Section 12, upon the destruction in whole or substantial part of the building on Owner's Parcel or upon the damage to or destruction of the Licensed Premises if the Owner does not make timely repairs.

G. Immediately upon the issuance of a judgment, order, rule or regulation of a governmental unit or agency having jurisdiction, other than the City, requiring that the improvements and encroachments be removed from the Licensed Premises.

H. Immediately, at the option of the City Manager, upon the Owner's failure to meet, observe or fulfill any obligation, general restrictions, standards, condition, or requirement of this Agreement.

17. Effect of Termination. Upon termination of this Agreement, the Owner, and at the Owner's sole expense, shall promptly remove all furniture and materials from the Licensed Premises and restore the Licensed Premises to the condition as existed prior to making use of the Licensed Premises. If the Owner fails to take such action promptly, the City shall be entitled, after giving the Owner seven (7) days prior written notice, to remove all such furniture and materials from the Licensed Premises. Provided that, the City shall not be required to give such notice in the event of an emergency or imminent risk or danger to the health, safety and welfare of the public. Any costs and expenses, including without limitation legal expenses and attorney's fees, incurred by the City in enforcing this Section shall be the responsibility of and paid by the Owner.

18. Owner's Acknowledgements. The Owner acknowledges and agrees that the City owns the Licensed Premises, that the License granted under this Agreement involves the permission to enter and use property which is a public right of way and/or City owned property, that the public's rights are paramount, and that the Owner's use under this License may not interfere with the public's rights to the reasonable use of the Licensed Premises. The Owner further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other property interest in the Licensed Premises. The Owner further acknowledges that it has no claim to any amount of lost revenues due to suspension, termination or any other interruption in the use of the Licensed Premises.

19. Notices. Any notices, reports or statements required to be served hereunder shall be sufficiently given if mailed by first class mail addressed to the City and the Owner at their respective addresses stated above. Notice shall be deemed to have been given upon the date of mailing.

20. No Waiver. The failure of either party to enforce any covenant or condition of this License shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this License shall be deemed to have been waived unless such waiver shall be in writing.

21. Payment. In the event that the Owner shall default in his obligations hereunder or become delinquent in the payment of any taxes, insurance or other charges to be paid by the Owner under the terms of this Agreement, then the City shall have the right, at its option, to perform such obligation or pay any such item. Upon such payment or performance by the City, said item shall be deemed an additional License Fee due hereunder and shall be immediately due and payable to the City. This provision shall not relieve Owner of any default.

22. Miscellaneous.

A. This Agreement is written pursuant to the laws of the State of Michigan and was made in Van Buren County, Michigan. This is the entire agreement between the parties regarding its subject matter. There are no prior or contemporaneous agreements. This Agreement may not be modified or amended except in writing, signed by the parties. It shall not be affected by any course of dealing.

B. The captions of this Agreement are for convenience only and shall not be considered as part of this License or in any way limiting or amplifying its terms and provisions. The recitals, however, are an integral part of this Agreement. More than one copy of this Agreement may be signed, but all constitute one agreement.

The parties have caused this Agreement to be executed as of the date first written above.

CITY OF SOUTH HAVEN

APPLICANT

By: _____
Robert Burr, Mayor

By: _____

Its: _____

By: _____
Amanda Morgan, Clerk

By: _____

Date signed: _____, 2015

Its: _____

Date signed: _____, 2015

**EXHIBIT A
LICENSED PREMISES**

GRAPIDS 57671-1 315778v1



City of South Haven

Department of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Brian Dissette, City Manager

From: Michelle Coffey, Special Events Coordinator

Date: July 30, 2015

RE: Special Event 2015-23 – Bobby Walker Basketball Tournament

Background Information

Bobby Walker would like to host a basketball tournament at Elkenburg Park to raise awareness for The American Cancer Society. There will be a ceremony honoring outstanding leadership in the community, children's games, and 5 on 5 basketball! Great fun for all ages.

Attachments

Special Event 2015-23 Special Event Application

CITY OF SOUTH HAVEN

Special Events & Festivals Application

Special Event # _____

Date Received _____

The Special Events & Festivals Information Pamphlet must be read before filling out this application.

Complete and return this application to the Parks and Recreation Office at least 21 business days prior to the start of the event.

A new application must be submitted each year.

I have read the Special Events & Festivals Information Pamphlet and will fill out this application completely; agreeing to follow all policies and regulations set by the City of South Haven.

Initial BW

Date 7/30/15

CONTACT INFORMATION

Event Title: Bobby Walker Basketball Tournament 2015

Sponsoring Organization: _____

Applicants Name: Bobby Walker

Telephone #: 269-906-5125 Phone # During Event: 269-906-5125

E-mail Address: _____

Other contacts for/during event

Name: _____ Telephone: _____

Name: _____ Telephone: _____

EVENT SPECIFIC INFORMATION

Event Location: Elkenburg Park

Date(s) Requested: 8/6/15 - 8/8/15 Alternative Date(s): N/A

Start Time: 5:00pm End Time: by 9:00pm latest

Any event that exceeds 10:00 P.M. has to be approved by City Council

Number of people expected to attend: 500 throughout event

150 @ one time

EVENT DESCRIPTION

Please give a description of the event (Please attach a separate sheet with details if there is not enough space below).

Children's games + relays, Opening ceremony - outstanding leadership award honoring 5 or 5 basketball tournaments. All do raise awareness for the American Cancer Society. See attached schedule of events.

MAPS/LOCATION – mark event items on map(s)

Check items below that apply to your event. **All items checked below must be indicated on the MAP(S).** Maps can be found on the city's website. Please note, **map(s) must be submitted with the Special Events & Festivals Application.**

City property or city park use. **Show locations of fencing, barriers, or barricades. Include streets and/or sidewalks to be closed or barricaded on map(s).** To ensure requested items, such as cones or barricades, are reserved and available for the day of the event, please complete the **CONES AND BARRICADE REQUEST FORM** and submit it with the Special Events & Festival Application. Requested items are available Monday through Friday during office hours between 7:00am and 3:30pm; the office is closed during lunch from 12:00pm to 1:00pm. Should you require an alternate time a **\$50 After Hour Charge** will be assessed. Please note, if the Cones and Barricade Request Form is not submitted, the City of South Haven can not guarantee the requested items will be available for the event, **first come - first served, limited quantity available.**

Barricade Request: Mark locations on maps. Barricades that are damaged or not returned to the Public Works Department will be charged \$25.00 per barricade.

Cone Request: Mark locations on maps. Cones that are damaged or not returned to the Public Works Department will be charged \$10.00 per cone.

Explain closure _____

Entertainment, dance, tent or stage. Mark locations on maps.

Event Command Post. Mark location on maps.

Dumpsters and/or trash containers. The Mark location on maps.

Portable toilet facilities. Mark locations on maps. How many? _____
The City requires the use of portable facilities for events expecting over 500 attendants.

Parade. Mark beginning area, the route* (with arrows) and finish area on maps

*If Business Route I-196 needs to be closed for the Parade you will need to contact Department of Public Works at 269-637-0737 to obtain a MDOT permit for road closure.

Participants. Mark parking areas, bus locations, and special passengers on maps.

Relay event. Indicate "hand-off" points and areas of participant equipment impact.

Aircraft landing / hot air balloons. Mark location on maps.

Fireworks/pyrotechnics site. Mark location on maps.

Vendors/General Merchandise concession areas. Mark areas on maps. Name of contact person for vendor(s)

Vendors and General Merchandise Concessions will not be allowed in the Central Business District (CBD). Please refer to the Special Events & Festivals Information Pamphlet for a detailed map of this area.

Name: _____ Telephone: _____

Note: Number will be given for all vendor inquiries. It is suggested that the Sponsoring Organization issue a paper permit to be displayed by vendor to let city and event staff now they are an approved vendor.

First Aid facilities. Mark location on maps. List agency providing staff and equipment

Name: _____ Telephone: _____

- Live animal sites. Mark location on maps and describe: _____

- Any other item(s) that should be included on maps. Explain: _____

ADDITIONAL EVENT INFORMATION

- Liquor License
The sale and consumption of alcoholic beverages may occur on publicly-owned property located with the approved Downtown South Haven Special Event Area. Guidelines for such special event liquor licensing are available in the Special Event & Festivals Alcohol Policy. These policies require that an application be filed with the City of South Haven and the Michigan Liquor Control Commission.
[City of South Haven Liquor License Application](#)
[Michigan Liquor Control Commission Website](#)

Liquor license application must be submitted before the city will process this special event application.

- Noise: Please describe i.e. music, sound, amplification and any other noise that impacts surrounding area. Provide dates and times noise will occur. **All noise must stay with in the city's noise ordinance. Noise Ordinance Sec. 30-28. City Noise Ordinance will be enforced.** If you have any questions about the noise ordinance please contact the local police department 269-637-5151.

Date: _____ Time: _____

Date: _____ Time: _____

Date: _____ Time: _____

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required.
- Street Marking: Painting and marking on roads and sidewalks should be held to a minimum, and paint specifically designed to wear away in a short period of time and approved by the city shall be used. Please contact the Parks and Recreation Supervisor for approved list.

CITY SERVICES

Are you requesting any utility services to be provided: Yes No
If yes, explain: _____

If electric utilities requested, name of festival person or electrician who will be responsible:
Name: _____ Telephone: _____

Will vendors be using electric utilities: Yes No
If yes, the city's Electrical Inspector will be making inspections of all vendors using electric during events. A charge of \$10.00 per vendor will be billed to the Sponsoring Organization (NOT the vendor) following the event.

Will you require additional police services: Yes No
If yes, explain: _____

Will you require additional fire/ambulance services: Yes No
If yes, explain: _____

Additional fire information: Mark all that apply

- Tents Concessions Exits Compressed Gases
- Extinguishers Electrical Exposed Flames
- Other: _____

If you checked any box in the "Additional fire information" section, you **MUST** obtain a "**FIRE & LIFE SAFETY (Form A3) REQUIREMENT FOR VENDORS, PARTICIPATING IN FESTIVALS, FAIRS AND ALL OTHER OUTSIDE EVENTS/ACTIVITIES**" information form from the Deputy Fire Chief. Please contact the South Haven Area Emergency Services at 269-637-5151 located at 90 Blue Star Hwy.

The primary concern during an event is Public Safety. In the event of inclement weather the City of South Haven has the right to cancel or postpone any special event; this includes the City Manager, Police Chief or his designee and Fire Chief or his designee.

INSURANCE

The city requires proof of insurance (\$1,000,000) naming the City of South Haven as "additionally insured". The Proof of Insurance Certification needs to be turned in with the Special Event application.

Is the Proof of Insurance Certification Provided with Special Event Application? Yes No

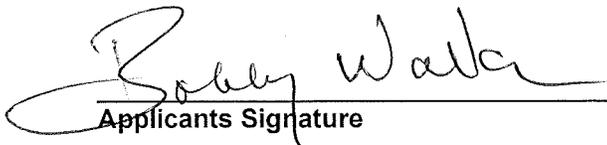
REMINDERS

Please make sure the following items are turned in with the Special Events & Festivals Application

- Map(s)
- Proof of Insurance Certification
- Cones and Barricade Request Form (if applicable)
- Submitted liquor license application (if applicable)

INDEMNIFICATION AGREEMENT

The undersigned agrees and promises, as a condition of approval of this Special Events & Festivals Application to defend, indemnify, and save harmless the City of South Haven, its agents, officials and employees from all suits, claims, damages, causes of action or demands of any kind and character arising out of resulting from or in connection with the use of said Public Property



 Applicants Signature

7-30-15
 Date

Please return to:
Parks and Recreation Supervisor
Department of Public Works
City of South Haven
1199 8th Ave
South Haven, MI 49010
Phone: 269-637-0772 / Fax: 269-637-4778
Hours: Monday-Friday 7:00a.m. – 3:30p.m.

Please remember this application must be submitted to the Parks and Recreation Office at least 21 business days prior to the start of the event.

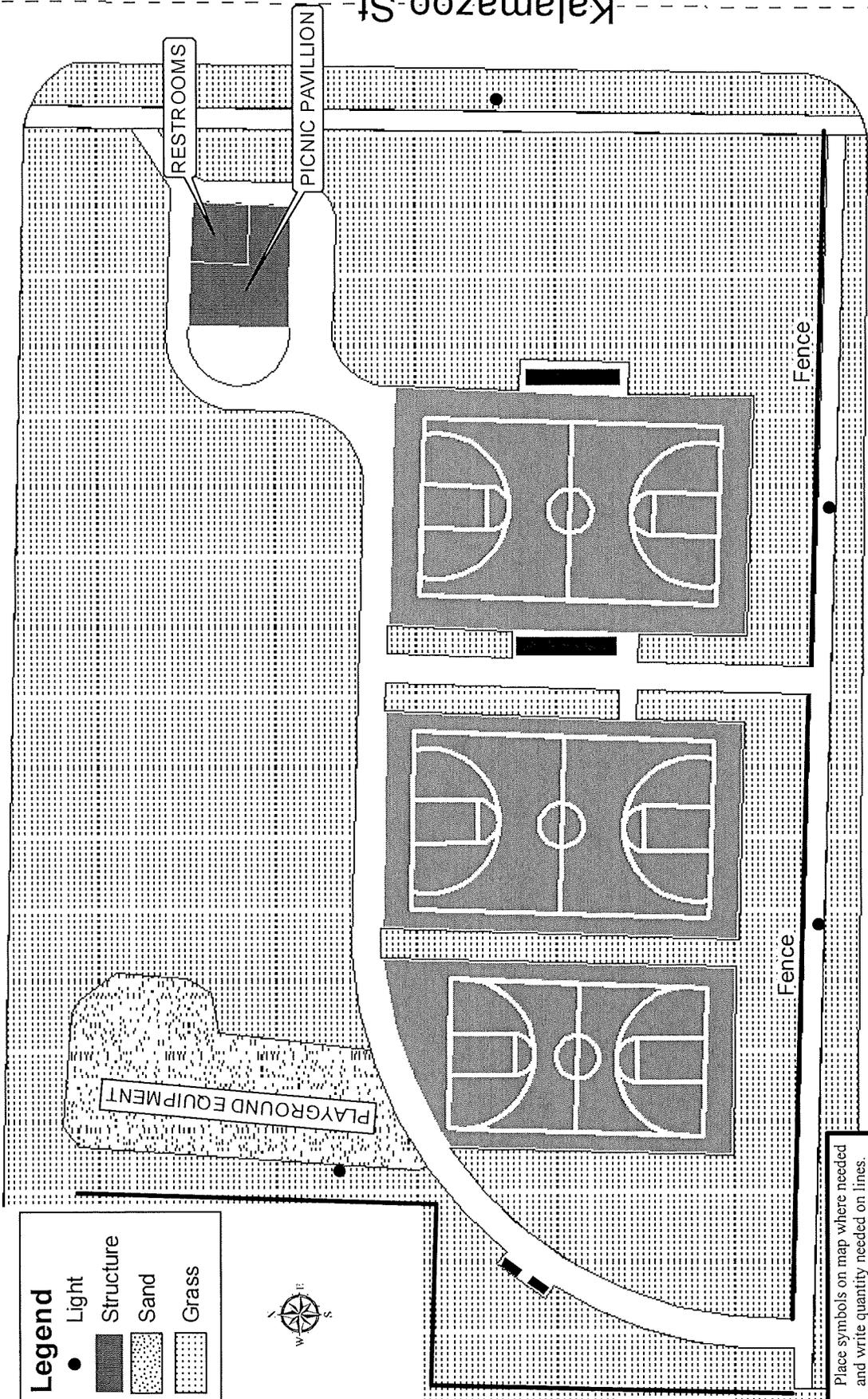
Humphrey St

Kalamazoo St

Elkenburg St

Legend

- Light
- Structure
- ▨ Sand
- ▩ Grass



Place symbols on map where needed and write quantity needed on lines.

- △ Cones* _____
 - ◇ Barricades: _____
 - ▩ Dumpsters: _____
 - Ⓟ Porta-Potties: _____
- *If making requests for barricades and cones be sure to also fill out: Cones and Barricade Request Form.

Elkenburg Park 10

Bobby Walker Basketball Tournament

August 2015

Welcome!

It's been 30 years and we are better than ever. Our thanks go out to all of you for participating in the Bobby Walker Blueberry Tournament. You may have played, helped, or came out to support this event, and for that "You are the BEST!"

This Year's tournament:

PLAYERS vs. CANCER GAME

Location: South Haven, Michigan

Players, teams, and individuals will be empowered to fight against cancer by participating in awareness efforts with The American Cancer Society.

This year Bobby Walker Blueberry Tournament Kick Off

Thursday, August 6

5:00PM with children games and relays

Friday, August 7

Open Ceremony – Outstanding Leadership Award Honoring

(Different people, businesses, Veterans, School teachers, Nuclear Plant workers, Law Enforcement, Doctors, Church Leaders, Political Leaders, Coaches, Fire Fighters, etc)

Saturday, August 8

5 on 5 Basketball Tournament Player from across the U.S. give you a weekend of fun and Entertainment

Mark 1:33: "And the city was gathered together at the door."

Thank you and may GOD Bless you!

Bobby Walker

Bobby Walker Basketball Tournament

Schedule of Events

Thursday, August 6

5:00 pm - 8:00 pm

1. Children's Games with Harmoniee
2. 5 seat Shooting Contest
3. "Fear Factor"
4. Sack Races

Friday, August 7

5:00 pm - 7:00 pm: 103.7 Live

5:00 pm: Opening Ceremony

- 6:00 pm:
1. Law Enforcement Game
 2. Three Point Shoot
 3. Mini Golf
 4. Children's Games with Harmoniee
 5. Basketball Camp
 6. Football Camp

7:00pm: Players vs. Cancer Game

Saturday, August 8

9:00 am:

1. 5 on 5 Basketball
2. Three Point Shoot Out
3. Junior High School Basketball
4. Children's Grand Prize Giveaway

Sunday, August 9

9:00 am: 5 on 5 Basketball

July 16, 2015

TO: Brian Dissette

FR: Paul VandenBosch

RE: Overton Brownfield Plan

On July 13, the Brownfield Redevelopment Authority recommended the attached brownfield plan for the Overton building at 229 Elkenburg Avenue. It also authorized use of the Local Site Remediation Revolving Fund to pay for demolition and related environmental work.

An approved brownfield plan is required by state law to use the Local Site Remediation Revolving Fund.

The brownfield plan includes estimates for demolition and associated expenses, and an estimate of tax capture for a future development. At this time it is not known what type of future development will be permitted on this site. The Local Development Finance Authority will be the owner of the site. The site is currently zoned Light Industrial, and it is likely that the LDFA will request a change in zoning. The site appears to have only minor environmental issues, although further testing is recommended. Because of these unknown items, the estimate for taxable value after development is a rough estimate of \$1,000,000. This value is used to estimate the repayment of the demolition costs through tax capture.

The estimated expenses of demolition which may be recovered through a brownfield plan total \$500,000. The actual cost of demolition and remediation will be determined through a bid process for the demolition and remediation work, and actual costs may be different than the estimate. We hope that the actual cost will be lower. The plan will reimburse actual expenses to the Brownfield Redevelopment Authority.

The plan estimate of cost recovery is based on a development with a taxable value of \$1,000,000 and estimates a payback period over 30 years, the maximum length of a brownfield plan under state law. This is a rough estimate. While the surrounding neighborhood would suggest that a residential development may be the highest and best use, no decision has been made on what the potential development may be.

The Local Development Finance Authority is the entity which will own the parcel and carry out the demolition and remediation. Because the LDFA works through the City of South Haven budget and accounting system, the City of South Haven purchasing policy will be used. City Council and the LDFA will have approval authority over contracts and expenditures.

The resolution would approve the brownfield plan.

Staff Recommendation:

Hold a public hearing on the Overton brownfield plan.
Approve the Overton Brownfield Plan Resolution.

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2015-36

A RESOLUTION APPROVING A COMBINED BROWNFIELD PLAN FOR THE OVERTON
BUILDING DEMOLITION AND REDEVELOPMENT PROJECT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on August 3, 2015 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven Brownfield Redevelopment Authority (the "Authority"), has prepared and recommended a Brownfield Plan Amendment for the Overton Building Demolition and Redevelopment Project, attached as Exhibit A (the "Plan"), for approval by the City Council pursuant to the Brownfield Redevelopment Financing Act, 1996 PA 382, as amended MCL 125.2651 et seq. (the "Act"); and

WHEREAS, at least ten days before the meeting at which this resolution was considered, the Authority provided notice to and fully informed all taxing jurisdictions that are affected by the Plan (the "Taxing Jurisdictions") about the Plan's potential effect on their tax revenues; and

WHEREAS, the City Council has previously provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in the Act;
3. The Plan's proposed method of financing the costs of the eligible activities is reasonable, and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to approve the Plan.

THEREFORE, BE IT RESOLVED:

1. Plan Approved. Pursuant to the authority vested in the City Commission by the act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is approved in the form attached as Exhibit A to this Resolution.
2. Severability. Should any section, clause or phase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
3. Repeals. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the ___ day of _____, 2015, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

Amanda Morgan, City Clerk

CITY OF SOUTH HAVEN

**NOTICE OF PUBLIC HEARING ON A
PROPOSED AMENDMENT TO BROWNFIELD PLAN**

NOTICE IS HEREBY GIVEN that the City Council of the City of South Haven will hold a public hearing at 7:00 p.m. on Monday, August 3, 2015 at South Haven City Hall, 539 Phoenix Street, South Haven, Michigan 49090, to consider the adoption of a proposed amendment to the Brownfield Plan for the Brownfield Redevelopment Authority of the City of South Haven (the “Brownfield Plan Amendment”).

The Brownfield Plan Amendment would provide for the Brownfield Redevelopment Authority to be reimbursed approximately \$500,000 from tax increment revenues to cover the cost of demolishing a structure and remediating environmental conditions at 229 Elkenburg Street, South Haven, MI 49090.

All aspects of the Brownfield Plan Amendment will be open for discussion at the public hearing. The City Council will provide an opportunity for interested persons to be heard and shall review and consider communications received in writing prior to the hearing.

The proposed Brownfield Plan Amendment and a map of the property are available for public inspection during regular office hours in the office of the City Clerk. For additional information, please contact Paul VandenBosch, Assistant City Manager, at (269) 637-0775.

Dated: July 14, 2015

Amanda Morgan, City Clerk



Act 381 Brownfield Plan Amendment
Overton Building Demolition Redevelopment Project
229 Elkenburg Street, South Haven, MI 49090

Prepared by: Dickinson Wright PLLC
July 2015

EXHIBITS

TABLES

Table 1	Summary of Costs for Eligible Activities
Table 2	Tax Capture/Reimbursement Schedule

ATTACHMENTS

Attachment A	Resolution Approving Brownfield Plan
Attachment B	Blight Resolution

FIGURES

Figure 1	Scaled Property Location Map
Figure 2	Eligibility Property Map
Figure 3	Color Site Photographs

1.0 INTRODUCTION

On July 20, 1998, the City of South Haven Brownfield Redevelopment Authority (the “BRA”) adopted a brownfield plan (the “Original Plan”) pursuant to Public Act 381 of 1996, as amended (“Act 381”). This plan amendment (the “Plan”) would amend the Original Plan and authorize reimbursement to the BRA for eligible activities to be performed at a property located at 229 Elkenburg Street (the “Property”).

The Property consists of a single parcel that was recently acquired by the City of South Haven Local Development Finance Authority (the “LDFA”), and is a “facility” as defined in Section 20101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 *et seq.* (“NREPA”). There is a single building on the Property that was built in the early 1900s and used primarily as a factory for manufacturing gun stocks (the “Building”). The Building is blighted and in imminent danger of collapse.

The BRA plans to expend funds from its local site remediation revolving fund to demolish the Building and remediate environmental conditions on the Property (the “Project”). The LDFA would coordinate the Project and coordinate the needed labor, and would then sell the Property to a third party to be developed.

The Project is seeking tax increment financing to reimburse the BRA’s local site remediation revolving fund for the cost of eligible activities. The following sections provide a more detailed summary of the Project and the proposed tax increment financing, in accordance with the requirements of Act 381.

1.1 Proposed Redevelopment and Future Use

The Building on the Property was built in the early 1900s and used primarily as a factory for manufacturing gun stocks. The Building has been vacant and unused for several years and is falling into disrepair.

The Project consists of demolishing the Building and remediating environmental conditions on the Property. After the demolition, the LDFA will consider sale of the property for development, which may be a residential complex. The demolition, environmental remediation, and subsequent development of the Property would eliminate a threat to public safety, improve the aesthetics of the area, and increase the tax base in the City.

1.2 Eligible Property Information

The following sections provide details regarding the Property’s location, ownership, and use.

1.2.1 Description of Eligible Property; Basis of Eligibility

The Property is located at the northwest corner of the intersection of Indiana Street and Elkenburg Street in the City of South Haven. Its mailing address is 229 Elkenburg Street, MI 49544, and its tax parcel ID number is 80-53-260-006-00. It is legally described as follows:

BEG 90’ W OF THE E LINE & 33’ N OF THE S LINE OF NW 1/4 OF SW 1/4 OF SEC 10, TH N 2.64’, TH N 24 DEG 40’W 48.67’, TH ALG CURVE TO RT WITH RAD OF 861.41’ & CHORD BEARING N 20 DEG 40’ 30” W 119.3’, TH ALG CURVE TO RT WITH RAD OF 708.17’ & CHORD BEARING N 13 DEG 30’ W 79.26’, TH ALG CURVE TO RT WITH RAD OF 822.55’ & CHORD BEARING N 7 DEG W 80.87’ TO PT 12.5’ E OF CEN L MAIN TRACK OF RR, TH N PAR

SD CEN L 230.2', TH N 5 DEG 50' E 10', TH N 9 DEG 21' E 37.9' TO PT 627' A856 10-1-17 1049-664-666 1474-596 1490-583 N OF S L OF NW1/4 SW1/4 OF SEC, TH S 89 DEG 52' E PAR SD S L 174' TO N & S 1/8 L OF SW1/4 OF SEC, TH N ALG SD 1/8 L 85.79', TH E TO A PT 160' W OF W L OF INDIANA AVE, THE S 93.88', TH E 160' TO SD W L OF INDIANA AVE, THE S ALG SD W L 50', TH W 122.58', TH S 150', TH E 122.58' TO SD W L, TH S 385.91', TH W TO BEG. BEING PART OF BLK 1 OF ELKENBURG ADD & UNPLATTED SECTION 10.

A Scaled Property Location Map is attached as Figure 1, and an Eligible Property Boundary Map is attached as Figure 2. Photographs are included in Figure 3.

The Property is considered "eligible property" as defined by Act 381 because it is blighted, functionally obsolete, and a facility. The bases for these classifications are further described in Sections 1.7 and 1.8 of this Plan.

1.2.2 Current Ownership

The Property is owned by the LDFA, which has a principal business address of:

539 Phoenix Street
South Haven, MI 49090

1.2.3 Proposed Future Ownership

It is expected that the site will be transferred to a private developer.

1.2.4 Delinquent Taxes, Interest, and Penalties

The Van Buren County Treasurer foreclosed on the Property in March 2015, pursuant to Section 78 *et seq.* of the General Property Tax Act, 1893 PA 206, as amended, MCL 211.78 *et seq.* (the "GPTA"). The tax foreclosure which extinguished the tax liens on the Property.

1.2.5 Existing and Proposed Future Zoning

The Property is located in the City's I-1 Industrial Zoning District. The City plans to consider rezoning the Property to allow for development other than industrial.

1.3 Historical & Previous Use and Ownership

The oldest portions of the Building on the Property were built in the early 1900s, prior to World War I. From that time up until 1995, the Overton Company used the building primarily as a factory for manufacturing gun stocks. The Overton Company also manufactured other wood products, such as guitar products, from time to time.

In 1995, the Overton Company sold the Property to ELC Corporation ("ELC"). ELC used the Building as a rental property for warehousing and light manufacturing, including manufacture of tarps for the trucking industry. In 2006, Satori Corporation ("Satori") foreclosed on the Property after ELC defaulted on its mortgage. Satori then transferred the Property to Sitties, LLC ("Sitties"), which initially used the building for various storage uses. However, Sitties later ceased operations in the Building. It has remained vacant and unused since approximately 2010, and its physical condition has deteriorated substantially during that time. It is now in imminent danger of collapse.

The Van Buren County Treasurer foreclosed on the Property in March 2015, pursuant to the GPTA. The City then purchased the Property from Van Buren County and transferred it to the LDFA.

1.4 Current Use

The Building on the Property is currently vacant and unused.

1.5 Summary of Liability

The LDFA plans to complete a Baseline Environmental Assessment (“BEA”) and to disclose the BEA to the Michigan Department of Environmental Quality (“MDEQ”) in accordance with Part 201 of NREPA. Accordingly, the LDFA will not be considered a liable party.

Sitties LLC was the previous owner/operator and potential liable party.

1.6 Summary of Environmental Study Documents

The following Environmental Study Documents have been completed for the Property:

- Phase I Environmental Site Assessment, June 6, 2014.
- Phase II Environmental Site Assessment, March 19, 2015.
- NESHAP Asbestos Inspection Report, June 26, 2015.

1.7 Summary of Environmental / Brownfield Conditions

The Phase I Environmental Site Assessment identified the historical use of stains, paints and thinners on the Property, an oil tank that was removed, a coal bunker, an adjacent foundry which may have distributed foundry sand on the Property, a site of groundwater contamination to the west and a number of unlabeled drums in the Building.

The Phase II Environmental Site Assessment determined that the Property is a “facility” for purposes of Section 20101 of NREPA based on concentrations of arsenic, cadmium, benzo(a)pyrene, benzo(b)fluoranthene, and dibenzo(a,h)anthracene. It further determined that a BEA and due care plan needs to be obtained, and that the unlabeled drums in the Building should be submitted for further sampling when the liquids in the drums thaw.

The NESHAP Asbestos Inspection Report determined that there are asbestos-containing materials throughout the Building that need to be removed. It specifically concluded that the roofing material should be removed by a trained and experienced demolition contractor, and that the asbestos-containing pipe insulation needs to be removed during the demolition process because it is likely unsafe to remove prior to demolition.

1.8 Summary of Functionally Obsolete, Blighted, and/or Adjacent Contiguous Conditions

1.8.1 Functionally Obsolete

The Property has not been formally declared to be functionally obsolete, although it would likely qualify under the statutory standards.

1.8.2 Blighted

On April 21, 2014, the City Council adopted a resolution declaring that the Building on the Property is a public nuisance a risk to human safety because it is dilapidated and in imminent danger of collapse, thereby qualifying it as “blighted” under Act 381. The resolution is attached as Attachment B.

1.8.3 Adjacent and Contiguous

The Property consists of a single parcel.

1.9 Summary of Historic Qualities

The Property does not have historic qualities, as that term is defined under Act 381.

2.0 DESCRIPTION OF COSTS & SCOPE OF WORK

2.1 Summary of Eligible Activities

The BRA will conduct activities including demolition, asbestos and lead abatement, due care and/or additional response activities involving the disposal of chemical drums and remediation of Polychlorinated biphenyl ("PCB"), and preparation of this Plan. A summary of the estimated costs for each eligible activity is provided in the attached Table 1. The eligible activities are more thoroughly described as follows:

2.1.1 Demolition

Building demolition includes a demolition survey and the actual demolition of the Building. Site demolition includes leveling, backfilling and seeding of the site.

2.1.2 Asbestos and Lead Abatement

The Project involves abating lead and asbestos-containing materials prior to demolition. All asbestos removal will be performed in accordance to OSHA Class 1 asbestos removal requirements as found in 29 C.F.R. § 1926.1101.

2.1.3 Disposal of Chemical Drums

The LDFA will contract with an environmental specialist to remove and dispose of the unidentified chemical drums in the Building, classifying the drums as needed for proper disposal.

2.1.4 PCB Remediation

The LDFA will contract with an environmental specialist to remediate PCB contamination on the Property.

2.1.5 Development and Preparation of Brownfield Plan

Dickinson Wright PLLC, has prepared this Plan in accordance with the requirements of Act 381 and the applicable MSF guidance.

3.0 TAX INCREMENT REVENUE ANALYSIS

3.1 Estimate of Captured Taxable Value and Tax Increment Revenues

This Project is seeking capture of tax increment revenues to reimburse the BRA's local site remediation revolving fund for the cost of eligible activities. A table of estimated tax increment revenues is attached as Table 2.

It is projected that the total estimated cost of the eligible activities will be \$500,000, which will be reimbursed to the BRA's local site remediation revolving fund with interest accruing at the

Federal Funds rate, not to exceed 5%. The initial taxable value of the Property is \$0. The City projects that the Property will reach a true cash value of \$2 million when it is redeveloped.

Captured tax increment revenues will be based on the actual increase in taxable value resulting from the Project and the millage rates levied by the various taxing jurisdictions in the City of South Haven. These figures are shown in the attached Table 2.

3.2 Method of Financing and Description of Advances Made by the Municipality

The BRA will finance the eligible activities with money from the BRA's local site remediation revolving fund.

3.3 Maximum Amount of Note or Bonded Indebtedness

This Plan does not contemplate note or bonded indebtedness.

3.4 Duration of Brownfield Plan

It is estimated that the Project will take approximately 25 years to capture the \$500,000, plus interest, in tax increment revenues needed to provide full reimbursement for the eligible activities. Accordingly, the Plan tax increment capture is estimated to endure until approximately 2043, but in no event will last more than 30 years.

3.5 Local Site Remediation Revolving Fund

The Project will be financed with money from the local site remediation revolving fund.

3.6 Effective Date of Inclusion in Brownfield Plan

The Property will become a part of this Plan on the date that this Plan is approved by the South Haven City Council. Tax capture will commence in 2017 or 2018 as increment revenue becomes available as a result of the Project and the planned redevelopment.

3.7 Displacement/Relocation of Individuals on Eligible Property

There are no persons or businesses on the Property, so no displacement or relocation will occur under this Plan.

4.0 SCHEDULE OF ACTIVITIES

4.1 Schedule

The demolition and initial environmental remediation is scheduled to commence in October 2015 and reach completion in December 2015. However, further environmental testing and remediation may be needed in 2016. The LDFA hopes to then sell the Property to a private developer, with development being completed in 2017.

4.2 Estimated Costs

The estimated costs of completing the eligible activities are provided in the attached Table 1.

4.3 Additional Information

None.

TABLE 1
Summary of Costs for Eligible
Activities

Table 1

Summary of Costs for Eligible Activities

Eligible Activities	Estimated Cost
Demolition	\$ 380,000
Lead and/or Asbestos Abatement	\$ 50,000
Chemical Drum Removal	\$ 30,000
PCB Remediation	\$ 15,000
Brownfield Plan Preparation	\$ 5,000
Interest	\$ 20,000
TOTAL	\$ 500,000

TABLE 2
Tax Capture/Reimbursement
Schedule

Table 2

Available Tax Increments

	Rate	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Original Land and Real Property Taxable Value		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Taxable Value of Development				\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Estimated Increment Available for Reimbursement				\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Local Taxes															
Charter	10.2860	\$0	\$0	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286
Garbage	1.2000	\$0	\$0	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
Drug Enforcement	0.6798	\$0	\$0	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680
Library	0.5900	\$0	\$0	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590
Community College	1.7854	\$0	\$0	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785
City Road	1.5813	\$0	\$0	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581
County Operating	4.4719	\$0	\$0	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472
Total Amounts Available	20.5944	\$0	\$0	\$20,594											

Capture & Reimbursement Schedule

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Revolving Fund Reimbursement	\$0	\$0	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594
Principal on Eligible Activities Remaining	\$500,000	\$500,000	\$479,406	\$458,811	\$438,217	\$417,622	\$397,028	\$376,434	\$355,839	\$335,245	\$314,650	\$294,056	\$273,462	\$252,867
Interest Accumulated Per Year*		\$1,250	\$1,250	\$1,199	\$1,147	\$1,096	\$1,044	\$993	\$941	\$890	\$838	\$787	\$735	\$684
Total Balance Remaining (Including Interest)	\$500,000	\$501,250	\$481,906	\$462,510	\$443,062	\$423,563	\$404,013	\$384,411	\$364,758	\$345,053	\$325,297	\$305,489	\$285,630	\$265,719

*Interest calculated at the Federal Funds rate, not to exceed 5%.

Estimated Taxable Value is based on attracting a 20 unit development with assessed value of \$50,000 per unit.

2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
\$0	\$0	\$0											
\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286	\$10,286
\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680	\$680
\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590	\$590
\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785	\$1,785
\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581	\$1,581
\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472	\$4,472
\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594

2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$20,594	\$2,194
\$232,273	\$211,678	\$191,084	\$170,490	\$149,895	\$129,301	\$108,706	\$88,112	\$67,518	\$46,923	\$26,329	\$5,734	\$0	\$0
\$632	\$581	\$529	\$478	\$426	\$375	\$323	\$272	\$220	\$169	\$117	\$66	\$14	\$0
\$245,757	\$225,743	\$205,678	\$185,561	\$165,393	\$145,173	\$124,902	\$104,580	\$84,206	\$63,780	\$43,303	\$22,774	\$2,194	\$0

ATTACHMENT A
Resolution Approving
Brownfield Plan

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2015-___

A RESOLUTION APPROVING A BROWNFIELD PLAN FOR THE OVERTON BUILDING
DEMOLITION AND REDEVELOPMENT PROJECT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on _____, 2015 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven Brownfield Redevelopment Authority (the "Authority"), has prepared and recommended a Brownfield Plan Amendment for the Overton Building Demolition and Redevelopment Project, attached as Exhibit A (the "Plan"), for approval by the City Council pursuant to Section 13 of the Brownfield Redevelopment Financing Act, 1996 PA 382, as amended MCL 125.2651 et seq. (the "Act"); and

WHEREAS, at least ten days before the meeting at which this resolution was considered, the Authority provided notice to and fully informed all taxing jurisdictions that are affected by the Plan (the "Taxing Jurisdictions") about the Plan's potential effect on their tax revenues; and

WHEREAS, the City Council has previously provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) and 14(1) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in the Act;
3. The Plan's proposed method of financing the costs of the eligible activities is reasonable, and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council desires to approve the Plan.

THEREFORE, BE IT RESOLVED:

1. Plan Approved. Pursuant to the authority vested in the City Commission by the act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is approved in the form attached as Exhibit A to this Resolution.
2. Severability. Should any section, clause or phase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
3. Repeals. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the ___ day of _____, 2015, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

Amanda Morgan, City Clerk

ATTACHMENT B

Blight Resolution

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-17

A RESOLUTION TO LEVY A SINGLE-LOT SPECIAL ASSESSMENT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 21, 2014 at 7:00 p.m. local time.

PRESENT: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

ABSENT: None

The following preamble and resolution was offered by Member Patterson and supported by Member Kozlik Wall.

WHEREAS, the City's building inspector determined that the building located at 229 Elkenburg Street (the "Overton Building") is dilapidated and at imminent risk of collapsing, making it a nuisance *per se* under Section 30-91 of the South Haven Code of Ordinances (the "City Code");

WHEREAS, the City's fire inspector determined that the Overton Building is a fire hazard and is imminently dangerous and menacing to public safety, making it a nuisance *per se* under MCL 29.23;

WHEREAS, City Code § 72-18 authorizes the City Council to levy a special assessment against a single parcel of real property to recover an expense incurred by the City that is chargeable to the property owner by law;

WHEREAS, the City Manager made a preliminary determination that the City should construct and install a temporary fence around the Overton Building to abate imminently dangerous nuisance conditions, pursuant to City Code §§ 30-93 and 30-94, if the property owner failed to abate such conditions by April 21, 2014;

WHEREAS, on April 10, 2014, the City sent a notice by first class mail informing the property owner that the City Council would hold a hearing on April 21, 2014, at 7:00 p.m. at City Hall to consider levying a single-lot special assessment in the amount of \$25,000 to recover the cost of constructing and installing a temporary fence; and

WHEREAS, after hearing any persons interested in the proposed levy of the special assessment and giving due consideration to any written objection filed with the City Clerk, the City Council deemed the proposed special assessment to be fair, equitable, just, and proportional to the benefits to be derived by the parcel of land assessed.

THEREFORE, BE IT RESOLVED:

1. The City Manager shall cause a temporary fence to be constructed and installed around the Overton Building as soon as possible in order to abate imminently dangerous nuisance conditions.

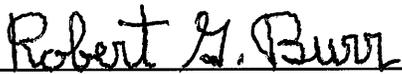
2. A special assessment in the amount of \$25,000 is levied against the parcel of real estate located at 229 Elkenburg Street to recover the cost of constructing and installing the temporary fence.
2. This resolution shall be treated as a confirmation of a special assessment roll, pursuant to City Code § 72-18(c).
3. On or before May 1, 2014, the City Treasurer shall send a copy of this resolution by first-class mail to the owner of the property at 229 Elkenburg Street.
4. The special assessment shall be paid to the City Treasurer in a single installment on or before May 16, 2014.
5. If the special assessment is not paid in full by May 16, 2014, the assessment shall be considered delinquent and the City shall collect interest at the rate of 1% per month on any amount that remains unpaid.
6. Pursuant to City Code § 72-11, the special assessment authorized in this resolution shall constitute a lien upon the property located at 229 Elkenburg Street.
7. All resolutions or parts of resolutions in conflict with this resolution are rescinded.

RECORD OF VOTE:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

RESOLUTION DECLARED ADOPTED.



Robert G. Burr, Mayor

CERTIFICATION

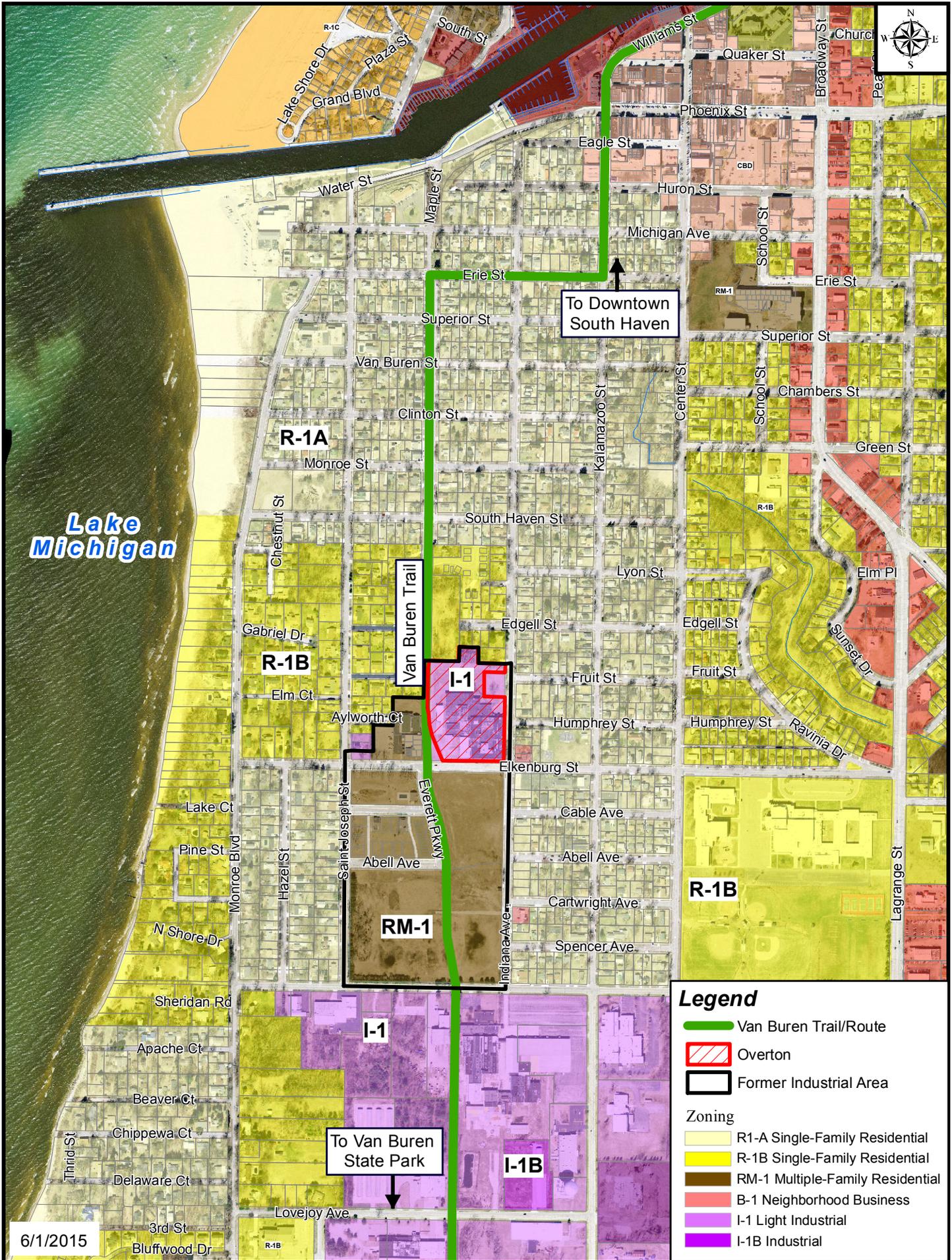
I certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on April 21, 2014.



Amanda Morgan, City Clerk

FIGURE 1

Scaled Property Location Map



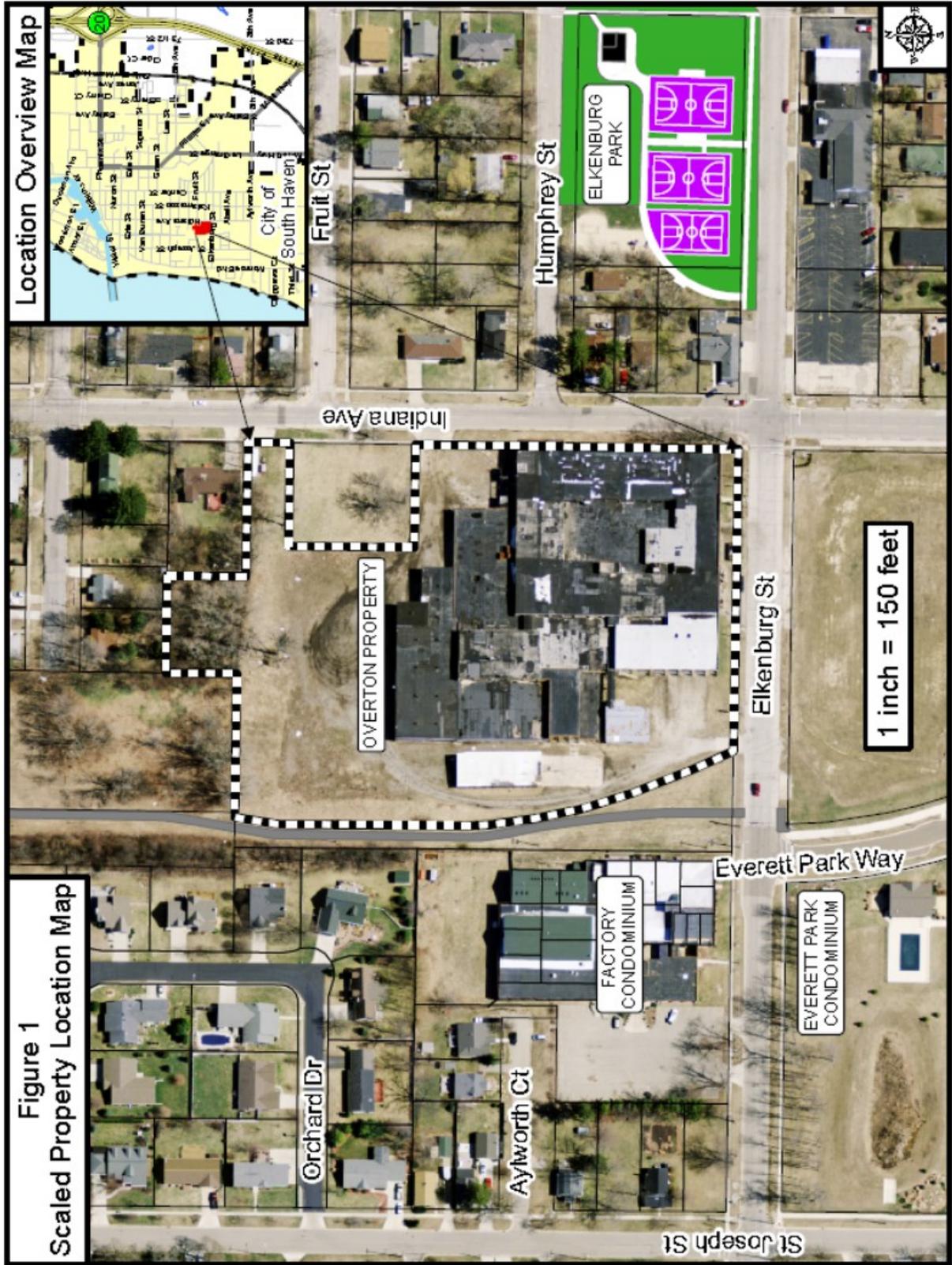


FIGURE 2
Eligible Property Map

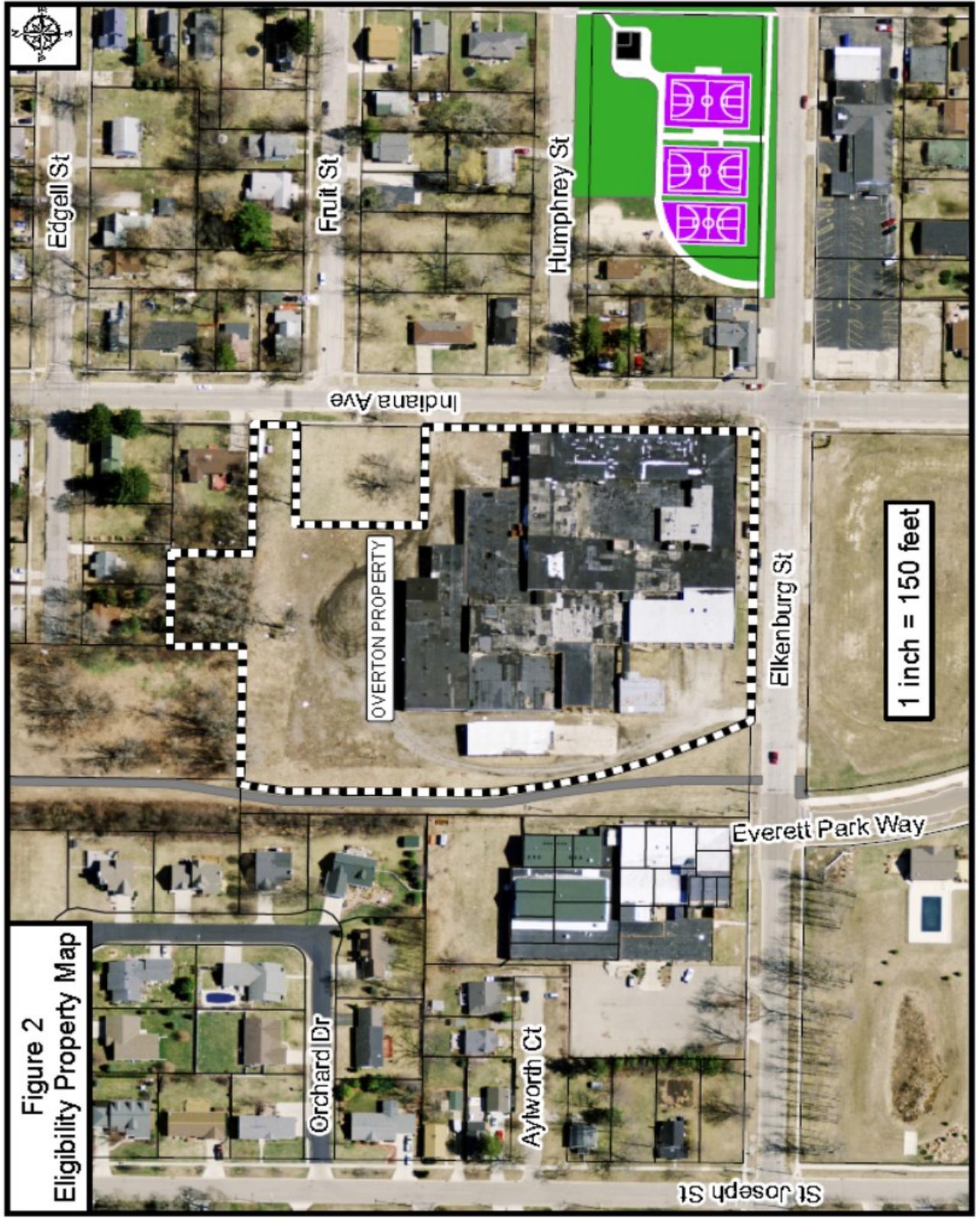


FIGURE 3

Color Site Photographs











