

# City Council

## Regular Meeting Agenda

Tuesday, September 6, 2016  
7:00 p.m., Council Chambers



1. Call to Order
2. Invocation – Rev. Travis Wilson – Peace Lutheran Church
3. Roll Call
4. Approval of Agenda
5. **Consent Agenda: Items A through F (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 asked to approve the regular City Council minutes for August 15, 2016.
- B. Council will be asked to approve invoices totaling \$2,289,207.43 for the period ending September 4, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve Resolution 2016-78, a resolution to granting the City Manager authority to enter into a lease agreement with the State of Michigan for the property adjacent to the former Michigan State Police post.
- D. Council will be asked to approve Resolution 2016-79, a resolution ratifying and confirming the City of South Haven as an associate member of the Michigan Public Power Agency.
- E. Council will be asked to approve a contract with Kent Power Inc. of Kent City, Michigan, in the amount of \$466,871.44 for the North Shore Drive and Monroe Boulevard Line Rebuild projects.
- F. Council will be asked to approve the following meeting minutes:
  - 1) June 22, 2016 Housing Commission minutes;
  - 2) July 25, 2016 Board of Public Utilities 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.*

### NEW BUSINESS

6. Council will be asked to receive a presentation from Doug Shaffer, Vice President of Student Services, and Jeremy Burlison, South Haven Campus Director, regarding Lake Michigan College's proposed millage, to be presented to voters on November 8.
7. Council will be asked to receive an Annual Report from Senior Services of Van Buren County.

**8. Council will be asked to consider the following actions regarding the use of fireworks within the City:**

- A. Adoption of Resolution 2016-80, a resolution of support which seeks changes to the state law regarding consumer fireworks.**
- B. Introduction of an ordinance amendment which tightens the penalties for violations of the fireworks ordinance.**

**9. Council will be asked to consider introduction of an ordinance which creates local rules which protect unattended animals from being left in parked motor vehicles.**

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

**11. City Manager's Comments**

**12. Mayor and Councilperson's Comments**

**13. Adjourn**

RESPECTFULLY SUBMITTED,



**Brian Dissette, City Manager**

# City Council

## Regular Meeting Minutes

Monday, August 15, 2016  
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation – Linda Olsen – Director, WE CARE**
3. **Roll Call**

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Steve Schlack, Scott Smith, Robert Burr  
Absent: Vickiy Kozlik-Wall

Moved by Arnold, seconded by Smith, to excuse Councilmember Kozlik-Wall due to personal reasons.

Voted Yes: All. Motion carried.

4. **Approval of Agenda**

Moved by Smith, seconded by Klavins, to approve the agenda.

Voted Yes: All. Motion carried.

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

Moved by Gruber, seconded by Arnold, to approve the Consent Agenda as follows:

- A. Council will be asked to approve the regular City Council minutes for August 1, 2016.
- B. Council will be asked to approve invoices totaling \$1,915,868.83 for the period ending August 14, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve a proposal for Construction Engineering Services with Abonmarche of Benton Harbor, Michigan in an amount not to exceed 10% of the construction value (estimated to be \$1,118,034.74 for Contracts 1, 2A, and 3).
- D. Council will be asked to approve the professional services proposal from Abonmarche for the Michigan DNR Funded Projects.
- E. Council will be asked to approve the following meeting minutes:
  - 1) March 2, 2016 Downtown Development Authority minutes;
  - 2) March 17, 2016 Downtown Development Authority Special Meeting minutes;
  - 3) May 16, 2016 Brownfield Redevelopment Authority minutes;
  - 4) May 16, 2016 Local Development Finance Authority minutes;
  - 5) May 25, 2016 Housing Commission minutes
  - 6) June 27, 2016 Local Development Finance Authority Special Meeting minutes;

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Schlack, Smith, Burr

Nays: None

Motion carried.

## NEW BUSINESS

**6. Council will be asked to consider the following appointments to the corresponding boards and commissions:**

**A. Lisa Bettis-Cooper to the Zoning Board of Appeals to fill a vacant term expiring in 2019 as an alternate.**

Moved by Gruber, seconded by Smith, to appoint Lisa Bettis-Cooper to the Zoning Board of Appeals to fill a vacant term expiring in 2019 as an alternate.

Voted Yes: All. Motion carried.

**B. Suzanne Loafman to the Planning Commission for a 3-year term.**

Moved by Smith, seconded by Klavins, to appoint Suzanne Loafman to the Planning Commission for a 3-year term.

Voted Yes: All. Motion carried.

**C. Mistelle Smith to Senior Services of Van Buren County for a 3-year term.**

Moved by Klavins, seconded by Smith, to appoint Mistelle Smith to Senior Services of Van Buren County for a 3-year term.

Voted Yes: All. Motion carried.

**7. Council will be asked to approve Resolution 2016-76, a resolution approving the Transportation Alternatives Program grant for Blue Star Highway.**

Moved by Gruber, seconded by Schlack, to approve Resolution 2016-76, a resolution approving the Transportation Alternatives Program grant for Blue Star Highway.

Voted Yes: All. Motion carried.

**8. Council will be asked to approve Resolution 2016-77, a resolution authorizing issuance of sanitary sewer system revenue bonds.**

Moved by Smith, seconded by Arnold, to approve Resolution 2016-77, a resolution authorizing issuance of sanitary sewer system revenue bonds.

Voted Yes: All. Motion carried.

**9. Council will be requested to consider a License Agreement between the City of South Haven and Phillip D. Hogg and Peggy Murnigan.**

Moved by Gruber, seconded by Smith, to approve a License Agreement between the City of South Haven and Phillip D. Hogg and Peggy Murnigan.

Voted Yes: All. Motion carried.

#### **10. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda**

Rosalie Plechaty of the National Blueberry Festival thanked the Council, City staff and residents, and volunteers for their support of the event. Ms. Plechaty informed the Council that surveys will be going out soon, and feedback will be included in the board report. Ms. Plechaty also stated that although the adult pie eating contest was not big fundraiser, it did raise awareness regarding the City's proposed splash pad.

#### **11. City Manager's Comments**

City Manager Brian Dissette summarized the Blueberry Festival and the cleanup effort, as well as the events planned for the coming weekend, including a bicycle road rally and a back-to-school event in Elkenberg Park.

#### **12. Mayor and Councilperson's Comments**

Councilmember Steve Schlack thanked all of the volunteers from the Blueberry Festival.

Councilmember Clark Gruber also thanked the Blueberry Festival volunteers, as well as brought up questions regarding the upcoming construction projects on North Shore Drive and Monroe Boulevard. Mr. Gruber emphasized that included in the FAQ on the City's website are the findings of an arborist related to trees that will be affected by the projects, and that the City plans to plant new trees where possible.

Councilmember Jeff Arnold commented on the upcoming school sports season, including Ratcliffe Field's 100<sup>th</sup> anniversary celebration. Mr. Arnold also thanked the Blueberry Festival volunteers.

Councilmember Scott Smith asked about the progress of the proposed Water/Sewer Authority. Smith also asked about rental registration totals, and asked when the first round of special assessment collections is set to take place. City Manager Dissette addressed all of the questions posed by Mr. Smith.

Councilmember Andy Klavins asked for an update regarding whether or not the upcoming construction projects could indeed be completed in one season, as opposed to two. City Manager Dissette and City Engineer Larry Halberstadt addressed Mr. Klavins' question.

Mayor Robert Burr commented on the South Haven Steelheaders' Salute to Veterans event, which is scheduled to take place over the coming weekend of.

#### **13. Adjourn**

Moved by Klavins, seconded by Gruber, to adjourn the meeting.  
Voted Yes: All. Motion carried, meeting adjourned at 7:37 p.m.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Travis Sullivan". The signature is written in a cursive style with a prominent initial "T".

**Travis Sullivan, City Clerk**

**CITY OF SOUTH HAVEN  
SEPTEMBER 6, 2016**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 112,858.66	\$ 79,583.81	\$ 192,442.47
202-MAJOR STREET FUND	\$ 383.33	\$ 174.00	\$ 557.33
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ 335.08	\$ -	\$ 335.08
226-GARBAGE/REFUSE FUND	\$ -	\$ -	\$ -
250-DOWNTOWN DEVELOPMENT	\$ -	\$ 78,600.00	\$ 78,600.00
251-LDFA #1	\$ 1.49	\$ -	\$ 1.49
252- LDFA #2	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ -	\$ -	\$ -
265-NARCOTICS UNIT	\$ 320.91	\$ -	\$ 320.91
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	\$ -	\$ -	\$ -
498-BUILDINGS/ADDITIONS IMPR	\$ -	\$ 10,300.00	\$ 10,300.00
545-BLACK RIVER PARK	\$ 46.51	\$ 2,205.54	\$ 2,252.05
577-BEACH FUND	\$ 610.22	\$ -	\$ 610.22
582-ELECTRIC FUND	\$ 1,074,580.23	\$ 60,809.17	\$ 1,135,389.40
591-WATER FUND	\$ 5,434.91	\$ 20,779.47	\$ 26,214.38
592-SEWER FUND	\$ 8,768.38	\$ 35,188.38	\$ 43,956.76
594-MUNICIPAL MARINA	\$ 7,208.51	\$ 10,459.59	\$ 17,668.10
636-INFORMATION SERVICES	\$ 785.02	\$ 23,354.38	\$ 24,139.40
661-MOTOR POOL	\$ 1,341.09	\$ 1,209.74	\$ 2,550.83
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ 752,969.01	\$ -	\$ 752,969.01
718-TRUST & AGENCY	\$ 900.00	\$ -	\$ 900.00
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 1,966,543.35</b>	<b>\$ 322,664.08</b>	<b>\$ 2,289,207.43</b>

08/26/2016 04:52 PM  
User: MARGUE  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK DATE FROM 08/12/2016 - 08/12/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
08/12/2016	1	55174	000517	CONSUMERS CONCRETE CORP	ROCKWOOD MINI CAPS	322.50
08/12/2016	1	55175	000843	FRONTIER COMMUNICATIONS	TELEPHONE 269-637-1402-071613-5	119.31
					TELEPHONE 269-639-1795-082214-5	70.72
					TELEPHONE 269-637-1386-071613-5	64.67
						<u>254.70</u>
08/12/2016	1	55176	002754	VAN BUREN COUNTY REGISTER	RECORDING FEE	<u>35.00</u>
1 TOTALS:						
Total of 3 Disbursements:						612.20

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
<b>Bank 1 FIFTH THIRD BANK</b>						
08/22/2016	1	109 (E)	000087	AMERICAN ELECTRIC POWER	ELECTRIC USAGE	1,064,801.93
08/18/2016	1	55177	000016	ABSHIRE, ROBIN	RESET BUOYS FOR BEACHES	232.50
08/18/2016	1	55178	003383	APPLIED IMAGING	MONTHLY CONTRACT	168.54
08/18/2016	1	55179	000178	AUTOZONE, INC	SUPPLIES	21.44
08/18/2016	1	55180	000309	A.D. BOS OFFICE COFFEE SERVICE	COFFEE & SUPPLIES	73.36
08/18/2016	1	55181	000514	CONSTRUCTION ASSOCIATES INC	BUILDING INSPECTIONS	1,689.10
08/18/2016	1	55182	003127	ADAM DEBOER	CLOTHING REIMBURSEMENT	220.32
08/18/2016	1	55183	UB REFUND	FLORES, FEDERICO	UB refund for account: 20716009	166.02
08/18/2016	1	55184	000843	FRONTIER COMMUNICATIONS	TELEPHONE 269-637-3251-010165-5	92.64
					TELEPHONE 269-637-5493-070711-5	128.17
					TELEPHONE 616-040-1864-120202-5	29.28
						<u>250.09</u>
08/18/2016	1	55185	003187	RODERICK HATHAWAY	CLOTHING REIMBURSEMENT	123.12
08/18/2016	1	55186	UB REFUND	HORIZON BANK	UB refund for account: 21077001	519.07
08/18/2016	1	55187	001162	INTERSTATE BATTERY SYSTEMS	BATTERIES	202.90
08/18/2016	1	55188	001186	JENSEN'S EXCAVATING INC	DWS	132.00
08/18/2016	1	55189	UB REFUND	JORDAN, MICHELLE M	UB refund for account: 20017617	128.08
08/18/2016	1	55190	UB REFUND	KEYS, NATHAN J	UB refund for account: 40376020	86.09
08/18/2016	1	55191	UB REFUND	KIKER, MEGAN D	UB refund for account: 30959025	23.25
08/18/2016	1	55192	003183	GERALD KIRSCH	MEALS REIMBURSEMENT	197.79
08/18/2016	1	55193	UB REFUND	KRIEGER, KIMBERLY A	UB refund for account: 20879003	644.54
08/18/2016	1	55194	UB REFUND	LATHAM, BROOK L	UB refund for account: 20019613	80.92
08/18/2016	1	55195	UB REFUND	LEADINGHAM, DUWAYNE M	UB refund for account: 30690003	640.00
08/18/2016	1	55196	001491	TOM MARTIN	CONSULTATION CONTRACT	3,750.00
08/18/2016	1	55197	001544	MENARDS	MAINTENANCE SUPPLIES	43.49
					MAINTENANCE SUPPLIES	55.46
					MAINTENANCE SUPPLIES	18.46
					MAINTENANCE SUPPLIES	23.96
					MAINTENANCE SUPPLIES	21.48
					MAINTENANCE SUPPLIES	54.45
					MAINTENANCE SUPPLIES	71.81
					MAINTENANCE SUPPLIES	39.96
					MAINTENANCE SUPPLIES	13.99
					MAINTENANCE SUPPLIES	275.31
					MAINTENANCE SUPPLIES	77.51
						<u>695.88</u>
08/18/2016	1	55198	001657	MICHIGAN TOWNSHIP SERVICES	ELECTRICAL INSPECTIONS	850.50
08/18/2016	1	55199	UB REFUND	NATIONSTAR MORTGAGE	UB refund for account: 10778001	298.06
08/18/2016	1	55200	001853	NORTHERN FIRST AID	FIRST AID SUPPLIES - DPW	95.59
08/18/2016	1	55201	UB REFUND	PLEASANT VIEW MHP-SOUTH HAVEN	UB refund for account: 20428003	57.64
08/18/2016	1	55202	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	60.18
08/18/2016	1	55203	003469	PRECISION TACTICS	WOMEN'S SELF DEFENSE CLASS	800.00
08/18/2016	1	55204	002395	SOUTH HAVEN COMMUNITY HOSPITAL	ER SERVICES	251.00
					ER SERVICES	251.00
						<u>502.00</u>
08/18/2016	1	55205	002478	STAPLES ADVANTAGE	SUPPLIES	760.40
08/18/2016	1	55206	002499	STATE OF MICHIGAN	WATER TESTS	525.00
08/18/2016	1	55207	UB REFUND	STSCHERBAN, PAUL	UB refund for account: 41202500	219.17
08/18/2016	1	55208	002589	TERMINIX PROCESSING CENTER	EXTERMINATING SERVICE	45.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
08/18/2016	1	55209	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	18.97
					MAINTENANCE SUPPLIES	26.99
					MAINTENANCE SUPPLIES	1.49
					MAINTENANCE SUPPLIES	37.98
					MAINTENANCE SUPPLIES	6.99
					MAINTENANCE SUPPLIES	86.77
					MAINTENANCE SUPPLIES	11.99
						<u>191.18</u>
08/23/2016	1	55210	000059	ALLEGAN COUNTY TREASURER	PROPERTY TAX COLLECTIONS	2,729.53
08/23/2016	1	55211	MISC	JARED KNOX	RIVERFRONT CONCERT SERIES	500.00
08/23/2016	1	55212	001329	LAKE MICHIGAN COLLEGE	PROPERTY TAX COLLECTIONS	44,599.12
					PROPERTY TAX COLLECTIONS	1,204.84
						<u>45,803.96</u>
08/23/2016	1	55213	002410	SOUTH HAVEN MEMORIAL LIBRARY	PROPERTY TAX COLLECTION	14,737.23
					PROPERTY TAX COLLECTION	398.13
						<u>15,135.36</u>
08/23/2016	1	55214	002415	SOUTH HAVEN PUBLIC SCHOOLS	PROPERTY TAX COLLECTION	429,364.61
					PROPERTY TAX COLLECTION	3,239.28
						<u>432,603.89</u>
08/23/2016	1	55215	002757	VAN BUREN COUNTY TREASURER	PROPERTY TAX COLLECTION	253,678.52
					PROPERTY TAX COLLECTION	3,017.75
						<u>256,696.27</u>
08/26/2016	1	55216	000043	AIRGAS USA, LLC	CYLINDER RENTAL	54.19
08/26/2016	1	55217	003030	CELLEBRITE USA INC	CELLIBRITE CERT PHYSICAL ANALYZER ONLIN	1,995.00
08/26/2016	1	55218	003213	DALE CLAYTON	MILEAGE REIMBURSEMENT	64.80
08/26/2016	1	55219	000484	COASTAL LANDSCAPING INC	TREE WATERING	456.00
08/26/2016	1	55220	000502	COMMUNITY ANSWERING SERVICE	ANSWERING SERVICES	685.85
08/26/2016	1	55221	003180	COPS HEALTH TRUST	INSURANCE	1,896.27
08/26/2016	1	55222	000601	DAVIS, KATHLEEN	REFUND RENTAL REGISTRATION FEE	20.00
08/26/2016	1	55223	000624	DELTA DENTAL	INSURANCE	5,569.23
08/26/2016	1	55224	003178	EXTERIOR SITE SERVICES	APPLY DUST CONTROL TO WWTP	455.00
08/26/2016	1	55225	000843	FRONTIER COMMUNICATIONS	TELEPHONE 269-639-8034-092904-5	41.59
					TELEPHONE 269-637-5084-060311-5	280.71
					TELEPHONE 269-637-8578-032095-5	59.88
					TELEPHONE 616-040-3325-112972-5	63.81
					TELEPHONE 269-637-2877-050814-5	65.41
					TELEPHONE 269-637-9127-080204-5	84.42
					TELEPHONE 616-001-2946-100103-5	74.32
					TELEPHONE 616-040-6480-021893-5	26.34
						<u>696.48</u>
08/26/2016	1	55226	000847	FUEL MANAGEMENT SYSTEM	FUEL	4,262.39
08/26/2016	1	55227	001031	HAVEN HEATING AND AIR CONDITIONING	MAINTENANCE & REPAIRS	248.00
08/26/2016	1	55228	001067	HI TEC BUILDING SERVICES	JANITORIAL SERVICE	4,182.90
08/26/2016	1	55229	001086	HOME CITY ICE COMPANY, THE	ICE AT MARINA	972.10
08/26/2016	1	55230	001120	HYDRO DESIGNS INC	CROSS CONNECTION CONTROL PROGRAM	995.00
08/26/2016	1	55231	001262	KIMBALL-MIDWEST	SUPPLIES	524.86
08/26/2016	1	55232	001343	LAKESHORE PAINT & ARTWORKS	STREET SUPPLIES	150.09



08/26/2016 04:53 PM  
 User: MARGUE  
 DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
 CHECK DATE FROM 08/18/2016 - 08/26/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
08/26/2016	1	55245	001989	PHOENIX STREET CAFE	FOOD	163.99
08/26/2016	1	55246	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	2,923.86
					MAINTENANCE SUPPLIES	735.00
					MAINTENANCE SUPPLIES	1,404.16
						<u>5,063.02</u>
08/26/2016	1	55247	003406	PREFERRED PLUMBING, LLC	MARINA REPAIRS	2,263.00
08/26/2016	1	55248	003464	RESURRECTION LIFE MINISTRIES	MIDNIGHT BASKETBALL & ELKENBURG PARK REC	3,750.00
08/26/2016	1	55249	003326	RICE'S LOCKSMITH SERVICE	SERVICE CALL	50.00
08/26/2016	1	55250	002188	ROME'S STANDARD SERVICE INC	TIRE	130.00
08/26/2016	1	55251	UB REFUND	SALINAS, ADOLFO	UB refund for account: 13611904	101.08
08/26/2016	1	55252	002478	STAPLES ADVANTAGE	SUPPLIES	1,715.81
					SUPPLIES	578.46
						<u>2,294.27</u>
08/26/2016	1	55253	003331	STATE OF MICHIGAN-MDOT	SIGNAL ENERGY	383.33
08/26/2016	1	55254	003327	UNITED HEALTHCARE INSURANCE CO	HEALTH INSURANCE PREMIUMS	63,778.11
08/26/2016	1	55255	002721	UPLINK SECURITY LLC	MONTHLY SERVICE FEES	7.45
08/26/2016	1	55256	002728	USA BLUE BOOK	LAB SUPPLIES	19.49
					LAB SUPPLIES	334.99
						<u>354.48</u>
08/26/2016	1	55257	002756	VAN BUREN COUNTY	FIREWORKS & PARADE TRAFFIC DETAIL	3,412.50
08/26/2016	1	55258	002792	VERIZON WIRELESS	CELL PHONES 542074882-00001	69.12
					CELL PHONES 486573081-00001	822.14
					CELL PHONES 486573081-00002	69.80
					CELL PHONES 742053338-00001	472.37
					CELL PHONES 886568152-00001	942.92
						<u>2,376.35</u>
08/26/2016	1	55259	002800	VILLAGE MARKET #869	FUEL	34.06
					FUEL	28.86
					FUEL	239.58
					FUEL	97.58
						<u>400.08</u>
08/26/2016	1	55260	002822	WAGNER'S PLUMBING & HEATING	REPAIRS - SOUTH BEACH	160.00
08/26/2016	1	55261	003465	BOBBY WALKER MINISTRIES	SUMMER YOUTH RECREATION PROGRAM - ELKENB	1,875.00
08/26/2016	1	55262	UB REFUND	WALKER, JOYCE M	UB refund for account: 30667002	177.77
08/26/2016	1	55263	002754	VAN BUREN COUNTY REGISTER	RECORDING FEE	29.00

1 TOTALS:

Total of 88 Disbursements:

1,965,931.15

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
09/06/2016	1	55264	000014	ABONMARCHE CONSULTANTS INC	LAKE VIEW CEMETERY IMPROVEMENTS - PHASE	10,300.00
09/06/2016	1	55265	000050	ALEXANDER CHEMICAL CORP	CHLORINE	1,942.00
					CHLORINE	1,469.00
					DEPOSIT REFUND	(400.00)
					DEPOSIT REFUND	(800.00)
						<u>2,211.00</u>
09/06/2016	1	55266	003073	ALS GROUP USA, CORP	CHEMICAL ANALYSIS	645.00
09/06/2016	1	55267	000177	AUTO-WARES GROUP	REPAIR/MAINT SUPPLIES- ACCT #23300720	149.99
					REPAIR/MAINT SUPPLIES- ACCT #23300720	31.28
					REPAIR/MAINT SUPPLIES- ACCT #23300720	32.07
					REPAIR/MAINT SUPPLIES- ACCT #23300720	2.47
					REPAIR/MAINT SUPPLIES- ACCT #23300720	20.67
						<u>236.48</u>
09/06/2016	1	55268	000200	H. BARBER & SONS, INC	SUPPLIES	243.49
09/06/2016	1	55269	000453	CHIEF SUPPLY CORP	UNIFORMS	91.38
09/06/2016	1	55270	000505	COMPTON INC	WATER SERIVCE - 429 SUPERIOR ST	2,565.00
09/06/2016	1	55271	003428	CONNECTION SERVICE CO. INC.	SUPPLIES	109.66
09/06/2016	1	55272	000637	DICKINSON WRIGHT	LEGAL SERVICES	57.00
					LEGAL SERVICES	171.00
					LEGAL SERVICES	7,043.00
						<u>7,271.00</u>
09/06/2016	1	55273	000708	EGAN COMPANY INC, ANDY J	MECHANICAL MAINTENANCE CONTRACT WWTP FY1	349.00
09/06/2016	1	55274	003466	THE GARLAND COMPANY, INC.	INFRARED SCAN	750.00
09/06/2016	1	55275	003066	GLOBAL ENVIRONMENTAL CONSULTING	CHRONIC TOXICITY TEST	600.00
09/06/2016	1	55276	000913	GRAINGER	MAINTENANCE SUPPLIES	723.55
09/06/2016	1	55277	000963	GRP ENGINEERING INC	SCADA INSTALLATION	382.82
					NORTH SHORE DR LINE REBUILD	20,000.00
					MONROE BLVD LINE REBUILD	5,000.00
					DUNKLEY AVE UNDERGROUND	139.38
						<u>25,522.20</u>
09/06/2016	1	55278	000994	HAPA LLC	MARINA & BLACK RIVER PARK OPERATIONS EXP	12,385.13
09/06/2016	1	55279	001082	HOLLAND SUPPLY INC	MONUMENT LIFT-ALL	1,396.00
09/06/2016	1	55280	001102	HUBBELL, ROTH & CLARK INC	SOUTH HAVEN AMP WWTP & PUMP STATIONS	895.94
09/06/2016	1	55281	001140	INDIANA & MICHIGAN MUNICIPAL	PROFESSIONAL/LEGAL SERVICE FEE	4,270.41
09/06/2016	1	55282	001162	INTERSTATE BATTERY SYSTEMS	BATTERIES	237.90
09/06/2016	1	55283	001171	J & L ORCHARD SUPPLY LLC	SUPPLIES	82.96
09/06/2016	1	55284	001196	JOHN'S STEREO INC	LAPTOP BATTERY	49.99
09/06/2016	1	55285	001248	KENNEDY INDUSTRIES INC	M800 MISSION REAL TIME STREAMING & 1 YEA	2,595.16
09/06/2016	1	55286	001255	KERR PUMP AND SUPPLY	REPAIRS	548.12
09/06/2016	1	55287	001343	LAKESHORE PAINT & ARTWORKS	STREETS SUPPLIES	469.50
					STREETS SUPPLIES	7.95
						<u>477.45</u>
09/06/2016	1	55288	MISC	LOCAL COMMUNITY	OVERPAYMENT ON LCSA DISTRIBUTION	14,001.45
09/06/2016	1	55289	001544	MENARDS	MAINTENANCE SUPPLIES	45.92
					MAINTENANCE SUPPLIES	209.99

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					MAINTENANCE SUPPLIES	24.76
					MAINTENANCE SUPPLIES	99.00
					MAINTENANCE SUPPLIES	41.37
					MAINTENANCE SUPPLIES	80.71
					MAINTENANCE SUPPLIES	12.95
					MAINTENANCE SUPPLIES	156.62
					MAINTENANCE SUPPLIES	174.00
					MAINTENANCE SUPPLIES	28.00
					MAINTENANCE SUPPLIES	15.96
					MAINTENANCE SUPPLIES	23.86
					MAINTENANCE SUPPLIES	59.98
						<u>973.12</u>
09/06/2016	1	55290	001561	METRON-FARNIER, LLC	METERS & SUPPLIES	15,790.01
09/06/2016	1	55291	MISC	MEYER WOOD PRODUCTS	GABLE	1,609.00
09/06/2016	1	55292	001619	MICHIGAN MUNICIPAL LEAGUE	CLASSIFIED AD	134.10
					CLASSIFIED AD	134.80
						<u>268.90</u>
09/06/2016	1	55293	001670	MID-CITY SUPPLY CO INC	COPPER TUBE	1,937.00
09/06/2016	1	55294	002002	PLUMBER'S PORTABLE TOILETS	RENTALS	280.00
09/06/2016	1	55295	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES	1,556.30
					MAINTENANCE SUPPLIES	2,827.27
					MAINTENANCE SUPPLIES	81.60
					MAINTENANCE SUPPLIES	157.50
					MAINTENANCE SUPPLIES	122.43
					MAINTENANCE SUPPLIES	225.50
					SHIRTS	171.50
					SHIRTS	106.00
					SHIRTS	162.00
					SHIRTS	116.00
					MAINTENANCE SUPPLIES	2,383.77
					MAINTENANCE SUPPLIES	848.59
					SHIRTS	79.00
					SHIRTS	237.00
					SHIRTS & PANTS	350.50
					SHIRTS & PANTS	542.50
					SHIRTS & PANTS	448.00
					SHIRTS & PANTS	610.50
					SHIRTS & PANTS	556.50
					SHIRTS & PANTS	792.00
					PANTS	399.00
					SHIRTS & PANTS	215.00
					SHIRTS & PANTS	880.50
					CLEAN & TEST GLOVES	1,197.54
					MAINTENANCE SUPPLIES	223.00
					MAINTENANCE SUPPLIES	495.51
					MAINTENANCE SUPPLIES	285.48
					MAINTENANCE SUPPLIES	120.60
					MAINTENANCE SUPPLIES	188.86
					CREDIT MEMO	(780.64)
						<u>15,599.31</u>
09/06/2016	1	55296	003471	REVIZE LLC	WEBSITE REDESIGN PROJECT	19,874.00
09/06/2016	1	55297	002155	RIDGE AND KRAMER AUTO PARTS	MAINTENANCE SUPPLIES	94.07
					MAINTENANCE SUPPLIES	54.71

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
						148.78
09/06/2016	1	55298	002161	RISKY BUSINESS	DEMO & ASBESTOS ABATEMENT - 1068 WELLS &	31,730.00
09/06/2016	1	55299	002203	RS TECHNICAL SERVICES, INC	SERVICE CHLORINE LEAK DETECTOR	1,363.45
09/06/2016	1	55300	002267	SECANT TECHNOLOGIES	SANDISK ULTRA 8 GB REACTIVE SUPPORT	35.00 <u>3,445.38</u>
						3,480.38
09/06/2016	1	55301	002385	SOUTH HAVEN AIRPORT AUTHORITY	QUARTERLY CONTRIBUTION	11,605.85
09/06/2016	1	55302	003132	SOUTH HAVEN HEALTH SYSTEM	LAB SERVICES PHYSICALS	14.00 <u>493.32</u>
						507.32
09/06/2016	1	55303	003331	STATE OF MICHIGAN-MDOT	TRAFFIC SIGNAL PROJECT - CONTRACT 16-508	78,600.00
09/06/2016	1	55304	002599	THAYER INC	DPW & CITY HALL SUPPLIES PARKS SUPPLIES PARKS SUPPLIES	850.92 183.84 <u>1,989.72</u>
						3,024.48
09/06/2016	1	55305	002644	TRACE ANALYTICAL LAB INC	CHEMICAL ANALYSIS CHEMICAL ANALYSIS	365.00 <u>106.10</u>
						471.10
09/06/2016	1	55306	002665	TREECORE	TREE WORK	23,713.00
09/06/2016	1	55307	002728	USA BLUE BOOK	LAB SUPPLIES LAB SUPPLIES LAB SUPPLIES	569.51 641.33 <u>219.31</u>
						1,430.15
09/06/2016	1	55308	003407	WASTE RECOVERY SYSTEMS	CLEANED SEWER LINES	21,206.88
09/06/2016	1	55309	003220	WINGFOOT COMMERCIAL TIRE SYSTEMS	TIRES	<u>493.08</u>

1 TOTALS:

Total of 46 Disbursements:

322,664.08



# City of South Haven

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

## MEMORANDUM

To: Brian Dissette, City Manager  
From: Travis Sullivan, City Clerk  
Date: August 25, 2016  
RE: Michigan State Police Post Lease

### **Background Information:**

The City Council will be asked to approve a resolution which would grant the City Manager authority to enter into a lease agreement between the City of South Haven and the State of Michigan for the former Michigan State Police Post located on Le Grange Street. In December 2014, the City Council approved a lease agreement with the State of Michigan for the use of the Post. This agreement would serve as a continuation of the original month-to-month lease, retroactive to February 1, 2016. It is the hope of both the City and the State of Michigan that the property will be turned over to the City of South Haven in 2017.

### **Recommendation:**

The City Council should consider approval of Resolution 2016-78, a resolution which would approve the lease of the former Michigan State Police Post.

### **Support Material:**

Resolution 2016-78  
MSP Property Map

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-78

A RESOLUTION AUTHORIZING ENTERING INTO A LEASE FOR THE  
FORMER STATE POLICE POST STORAGE BUILDING AND PARKING AREA

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 September 6, 2016 at 7:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

WHEREAS, Section 12.4 of the South Haven Charter authorizes the City Council to enter into a lease for property with an affirmative vote of four or more members of the Council; and,

WHEREAS, the City Council desires to continue use of all of Lots 2 and 3 of Block 1, Ravinia Park Addition to the City of South Haven and also that part of Lot 35 of the Merrill Addition to the City of South Haven which is described as beginning at a point on the South Line of Lot 35, Assessor's Plat of the Merrill Addition to South Haven, that is 41 feet West of the Southeast corner of Lot 35: thence North 22° 46' 10" East 64.99 feet to the Northerly line of lot 35; thence Southwesterly 79.70 feet, more or less, to the West corner of Lot 35; thence East along the South line of Lot 35, a distance of 77.00 feet to the point of beginning (collectively "The Premises"). The Premises include an (approximately) 864 square foot, two-story, two-bay garage and other improvements thereon.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of South Haven as follows:

The City Manager is hereby authorized to execute the lease on behalf of the City of South Haven.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

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 \_\_\_\_\_, 2016, 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*).

\_\_\_\_\_  
Travis Sullivan, City Clerk



**MONTH-TO-MONTH AGREEMENT #11687**  
**Between**  
**The City of South Haven,**  
**A Michigan Municipality, As Tenant**  
**And The**  
**State Of Michigan, As Landlord**

**THIS MONTH-TO-MONTH AGREEMENT** ("Agreement") is entered into by and between the City of South Haven a Michigan Municipality, as ("Tenant"), whose address is 539 Phoenix Street, South Haven, MI 49090, and the State of Michigan, by the Department of Technology, Management & Budget, whose address is 7150 Harris Drive, Suite 3B, Dimondale, MI 48821, on behalf of the Michigan Department of State Police ("Landlord"), and establishes the following terms, conditions, performance obligations, and covenants between the parties.

**WITNESSETH:**

The parties, for the considerations herein mentioned, agree as follows:

1. **DESCRIPTION OF THE PREMISES:** Landlord hereby rents to Tenant all of Lots 2 and 3 of Block 1, Ravinia Park Addition to the City of South Haven and also that part of Lot 35 of the Merrill Addition to the City of South Haven which is described as beginning at a point on the South Line of Lot 35, Assessor's Plat of the Merrill Addition to South Haven, that is 41 feet West of the Southeast corner of Lot 35: thence North 22° 46' 10" East 64.99 feet to the Northerly line of lot 35; thence Southwesterly 79.70 feet, more or less, to the West corner of Lot 35; thence East along the South line of Lot 35, a distance of 77.00 feet to the point of beginning (collectively "The Premises"). The Premises include an (approximately) 864 square foot, two-story, two-bay garage and other improvements thereon. The Premises are further illustrated and described in Attachment A to this Agreement. The Premises are to be used by the Tenant exclusively to facilitate the official policing and public safety activities and purposes of the City of South Haven Police Department.
2. **TERM:** The term of this Agreement is month-to month beginning February 1, 2016 and ending January 31, 2017, subject to the cancellation provisions of this Agreement.
3. **RENT:** In lieu of rent, Tenant shall provide Landlord with the following good and valuable services as compensation for use of the Premises:
  - A. Maintenance and repair of the Premises as set forth in Section 5 below.
  - B. Liability insurance coverage for Landlord and Tenant as set forth in Section 11 below.
4. **SERVICES BY THE LANDLORD:** The Landlord shall furnish to the Tenant the following to a usual and customary standard of due diligence: None

5. **SERVICES AND RESPONSIBILITIES OF THE TENANT:** Tenant shall furnish the following at its own expense:
  - 5.1. All exterior and interior maintenance of the Premises, including but not limited all maintenance and repairs to any structural, mechanical, plumbing and electrical components or systems serving the garage and other improvements on the Premises as needed to keep them in sound working order and in compliance with applicable legal codes. Tenant shall provide Landlord with manufacturer instructions, warranties and correspondence associated with said maintenance and repairs within ten (10) business days of receiving same.
  - 5.2. All utilities serving the Premises, including water, sewer, gas, electricity and/or steam. Tenant shall provide Landlord with copies of paid utility bills on request.
  - 5.3. Telecommunication services used by Tenant.
  - 5.4. Janitorial services and supplies.
  - 5.5. Snow removal from the Premises, including but not limited to, parking areas, driveways and points of ingress/egress thereto in compliance with City of local snow removal ordinances.
  - 5.6. Replacement of interior and exterior light bulbs and tubes as needed.
  - 5.7. Removal of trash and refuse from the Premises at least weekly.
  - 5.8. Security services for the Premises and its contents as Landlord and Tenant may agree are reasonable and necessary.
6. **ASSIGNMENT AND SUBLETTING:** Tenant shall neither assign nor sublet the Premises without the advance written consent of the Landlord, other than in the normal course of allowing Tenant's employees and guests to park motor vehicles at the Premises.
7. **ALTERATIONS:** No alterations, modifications, or improvements shall be made to the Premises without the written consent of the Landlord. At the expiration of the Agreement, all such alterations, modifications, and improvements to the Premises shall become the property of the Landlord, unless otherwise agreed in writing or the Tenant acquires fee title to the Premises. Landlord shall not unreasonably deny a request from Tenant to have certain of the rented parking spaces painted to indicate they are reserved for handicap parking only.
8. **CODES AND PERMITS:** Tenant shall comply with all applicable codes and obtain any necessary permits in connection with its use of the Premises.
9. **DAMAGE:** Tenant shall be liable for any damage to Premises caused by sole action of the Tenant, Tenant's employees or Tenant's guests or by any casualty insured under the Tenant's insurance policy, less reasonable wear and tear or damage by the elements.
10. **ENVIRONMENTAL:** The Landlord and Tenant mutually agree that they shall not release on, in, or below the Premises any hazardous substance. The Tenant assumes responsibility to the extent provided by law, for a release or threatened release of a hazardous substance by the Tenant. The Landlord shall not indemnify or defend the Tenant if the release or threatened release is caused solely by the Tenant.

11. **LIABILITY INSURANCE:** The Tenant shall, at Tenant's expense, during the term of this Agreement, insure the premises with general liability insurance naming the State, its several departments, boards, agencies, commissions, officers, and employees, as an additional insured and which protects against all claims, demands, actions, suits, or causes of action, and judgments, settlements or recoveries, for bodily injury or property damage arising out of a condition of the Premises. The Tenant agrees to maintain minimum policy limits in the amount of \$500,000 per occurrence for property damage and \$1,000,000 per occurrence for bodily injury, with a \$2,000,000 aggregate. The Tenant shall provide the State with a certificate of insurance, naming the State, its several departments, boards, agencies, commissions, officers, and employees as an additional insured party, within thirty (30) calendar days following execution and delivery of this Agreement to Tenant. This provision shall not apply to liability for damages arising out of bodily injury to any person or damage to property of others resulting from the sole negligence of the State, its several departments, boards, agencies, commissions, officers and employees. The policy insurance shall provide that it may not be modified, cancelled, or allowed to expire without thirty (30) days prior written notice given to the State or the additional insured.
  
12. **NON-DISCRIMINATION:** Tenant shall comply with the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq. the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 et seq., and all other federal, state and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this real estate contract, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Tenant agrees to include in every subcontract entered into for the performance of this real estate contract this covenant not to discriminate in employment. A breach of this covenant is a material breach of this real estate contract.
  
13. **CANCELLATION RIGHTS:** This Agreement may be cancelled by the Tenant or the Landlord upon thirty (30) days written notice to the other party delivered either in person or by certified mail, return receipt requested, to the other party's address as set forth under the "Notices" Section of this Agreement or to such other address as either party may designate, from time to time, in writing for the delivery of notices under this Agreement. The following contingency provisions may also apply:
  - 13.1. If at any time the Tenant vacates the Premises prior to the expiration of the Agreement, the Tenant will be responsible for all rental payments, repairs above and beyond normal wear and tear, until and including the date of the Agreement cancellation.
  - 13.2. If this Agreement shall be canceled pursuant to the provisions of this Section, Tenant shall surrender possession of the Premises within forty-five (45) days of the date of cancellation. Upon cancellation of this Agreement as provided in this Section, Tenant shall surrender possession of the Premises in the same condition as when delivered to the Tenant, reasonable wear and tear excepted.
  - 13.3. This Agreement may be cancelled by the Landlord provided the Tenant is notified in writing at least thirty (30) days prior to the effective date of cancellation and any one of the following occur:
    - 13.3.1. The Tenant or any subcontractor, manufacturer or supplier of the Tenant appears in the register compiled by the Michigan Department of Consumer and Industry Services (or its successors) pursuant to 1980 PA 278, as amended, MCL 423.321 et seq. (Employers Engaging in Unfair Labor Practices Act).

- 13.3.2. The Tenant or any subcontractor, manufacturer or supplier of the Tenant is found guilty of discrimination, pursuant to 1976 PA 453, as amended, MCL 37.2101 et seq. (Elliott-Larsen Civil Rights Act); or 1976 PA 220, as amended, MCL 37.1101 et seq. (Persons with Disabilities Civil Rights Act).
- 13.3.3. The Tenant's use of the Premises is in violation of local adopted ordinance, or recorded deed restrictions, or Landlord determines that Tenant is not using the Premises for the purposes allowed and provided in Section 1.
- 13.3.4. The Tenant fails to repair or restore the Premises for damage specified in Section 9.

14. **QUIET ENJOYMENT:** Tenant, upon payment of the aforementioned rent and the performance of the conditions outlined herein may peacefully and quietly have, hold, and enjoy the Premises - providing Tenant's use of the Premises shall at no time interfere with the Operations of the Landlord in the same and adjacent facilities belonging to the Landlord. Landlord may access the Premises as needed to perform its responsibilities under this Agreement and to make reasonable inspections of Landlord's property.

15. **NOTICES:** Any notice due the Landlord shall be complete if submitted in writing and transmitted by certified or registered mail return receipt requested. Unless changed by the Landlord, notices shall be transmitted to:

Tenant	Landlord
City Manager	Director
City of South Haven	Property Services Section
539 Phoenix Street	Michigan Department of State Police
South Haven, MI 49090	P.O. Box 30634
	Lansing, Michigan 48913
	Director
	Real Estate Division
	Michigan Dept. of Technology, Management and Budget
	P.O. Box 30026
	Lansing, Michigan 48909

Notices either issued or received shall be deemed effective as of 12:00 noon Lansing, Michigan time on the third business day following the date of mailing. Business day is defined as any day other than a Saturday, Sunday, legal holiday, or day preceding a legal holiday. A receipt from a U.S. Postal Service, or successor agency, performing such function shall be conclusive evidence of the date of mailing.

16. **MISCELLANEOUS PROVISIONS:**

- 16.1. **GOVERNING LAW:** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan.
- 16.2. **MUTUAL DRAFTING:** The Agreement shall be interpreted and construed as drafted mutually by all parties.
- 16.3. **ENTIRE AGREEMENT AND ENCLOSURES:** This Agreement, with all Attachments as listed herein, constitutes the entire agreement between the parties with regard to this transaction and may be amended only in writing.

- 16.4. **SEVERABILITY:** Should any provision of this Agreement or any addenda thereto be found to be illegal or otherwise unenforceable by a court of law, such provision shall be severed from the remainder of the Agreement, and such action shall not affect the enforceability of the remaining provisions of the Agreement.
- 16.5. **WAIVER:** Failure to enforce any term of this Agreement shall not be deemed a waiver of the enforcement of that or any other term of this Agreement.
- 16.6. **EFFECTIVE DATE:** The effective date of this Agreement shall be the date of the last signature executing this Agreement.
- 16.7. **BINDING EFFECT:** This Agreement shall be binding upon and to the benefit of the heirs, executors, administrators and assigns of the Landlord and Tenant.
- 16.8. **REQUIRED APPROVALS:** This Agreement shall not be binding or effective on either party until approved by the Landlord and the Tenant.

17. **ATTACHMENT(S):**

Attachment A: Illustration and description of the Premises subject to this Agreement, five (5) pages.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties to this Agreement subscribe their names on the date set forth below.

Witness:

Tenant: City of South Haven

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Witness:

Landlord: Michigan Dept. of State Police

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

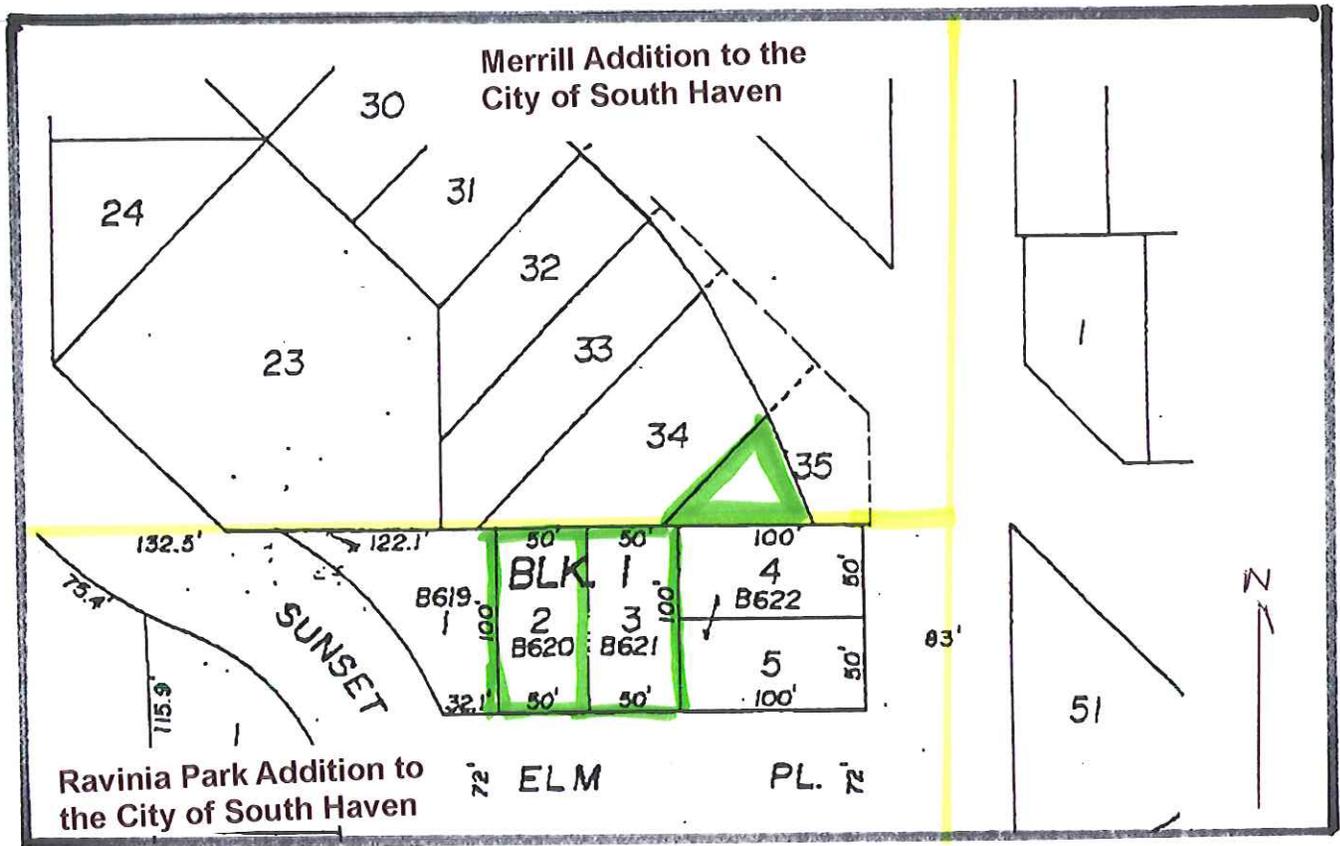
\_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Witness:

Landlord: Michigan Dept. of Technology, Management & Budget

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Robert M. Burns  
Director, Real Estate Division  
Michigan Dept. of Technology, Management & Budget



Detail view of a portion of the Plat Map  
of the City of South Haven, Michigan  
showing the Premises subject to Month-  
to-Month Agreement #11687

 indicates the Premises  
subject to MTMA # 11687



This Indenture, Made this 25th day of July

in the year of our Lord one thousand nine hundred and fifty-five (1955)

BETWEEN PEOPLES RAPID TRAILER CORPORATION, a Michigan Corporation,

of the City of Kalamazoo County of Kalamazoo State of Michigan, a corporation organized and existing under and by virtue of the laws of the State of Michigan party of the first part, and

STATE OF MICHIGAN, MICHIGAN STATE POLICE

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One (\$1.00) and other valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors, and assigns, FOREVER, All that certain piece or parcel of land, situate, and being in the City of South Haven County of Van Buren and State of Michigan, known and described as follows, to-wit:

Lot Three (3), Block One (1), Ravinia Park Addition to the City of South Haven, according to the recorded plat thereof.

RECEIVED FOR RECORDS JUL 8 PM 4 17

I hereby certify that there are no Tax Liens or Taxes held by the State or any individuals against the within description, and all Taxes on same are paid for 1 year previous to the date of this instrument, as appears by the records of my office. This does not apply to any Taxes now in the process of collection by Twp., city or village collecting officers.

Charles Chawton 7/8/55 County Treasurer, Van Buren County, Michigan

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said premises, as herein described, with the appurtenances unto the said party of the second part, and to its successors, heirs and assigns, FOREVER.

And the said party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said party of the second part its successors, heirs and assigns, that at the time of the ensembling and delivery of these presents it is well seized of the above granted premises in FEU SIMPLE; that they are free from all encumbrances whatever,

and that it will and its successors shall forever WARRANT AND DEFEND the same against all lawful claims whatsoever,

Attachment A to Month-To-Month Agreement #11687 Between The City of South Haven as Tenant and The State Of Michigan As Landlord (Page 2 of 5).

RECORDED IN DEEDS

RECORDED

WARRANTY DEED—STATUTORY FORM—89

OCT 15 3 30 PM 1970

This Indenture, Made 13th July 1970

WITNESSETH, That GRACE I. NOVAK of 604 Superior Street, South Haven, Michigan,

in consideration of Two Thousand and No/100 (\$2,000.00) Dollars CONVEYS AND WARRANTS to STATE OF MICHIGAN, DEPARTMENT OF STATE POLICE, Lansing, Michigan,

Charles E. Henry  
Notary Public  
Van Buren Co., Mich.

the following described lands and premises situated in the City of South Haven County of Van Buren and State of Michigan, viz:

Lot Two (2) of Block One (1) of the Ravinia Park Addition to the City of South Haven according to the recorded Plat thereof, being a part of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Ten (10), Township One (1) South, Range Seventeen (17) West, Michigan, subject to any unpaid special assessments and any taxes for the year 1970, which the grantee assumes and agrees to pay

B-620

Signed in Presence of

*[Handwritten signatures]*  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\*

Signed on the Date first above written

*Grace I. Novak*  
\* Grace I. Novak  
\* \_\_\_\_\_  
\*

STATE OF MICHIGAN, }

COUNTY OF Van Buren } ss. On 13th July 1970

before me, a Notary Public, in and for said County, personally appeared

Grace I. Novak

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed.

3. This Instrument Prepared by:  
D. H. WORCESTER, of  
WORCESTER & SCHINDERLE  
117 $\frac{1}{2}$  South Michigan Ave.  
Big Rapids, Michigan

CHARLES E. HENRY Van Buren County, Michigan  
Notary Public, My Commission Expires Dec. 23, 1972

*Charles E. Henry*  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\*

I Herby Certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection.

Date Oct 15 1970 County Treasurer, *[Signature]* Van Buren County, Michigan

SEE FOOT NOTES ON OTHER SIDE.

Attachment A to Month-To-Month Agreement #11687  
Between The City of South Haven as Tenant and  
The State Of Michigan As Landlord (Page 3 of 5).

DEED OF MICHIGAN STATE HIGHWAY COMMISSION

**This Indenture**, Made this 14th day of April A.D. 19 71,

Between the Michigan State Highway Commission whose address is Lansing, Michigan, first party,  
and State of Michigan, Department of State Police, Lansing, Michigan  
..... second party,

Witnesseth, That first party, for and in consideration of the sum of  
ONE AND NO/100 (\$1.00) Dollars,

receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, remise, re-  
lease, alien and confirm unto second party, and the ~~heirs~~ <sup>successors</sup> and assigns thereof, forever, the certain  
parcel of land described as:

Beginning at a point on the South Line of Lot 35, Assessor's  
Plat of the Merrill Addition to South Haven, City of South Haven,  
Michigan, as recorded in Liber 3 of Plats, Page 88, Van Buren County  
Records that is 41.00 feet West of the Southeast corner of Lot 35;  
thence North 22° 46' 10" East 64.99 feet to the Northerly line of  
Lot 35; thence Southwesterly 79.70 feet, more or less, to the West  
corner of Lot 35; thence East along the South line of Lot 35 a distance  
of 77.00 feet, more or less, to the point of beginning.

RECORDED

MAY 17 4 06 PM 1972

*Frank Blaney*  
REGISTER OF DEEDS  
VAN BUREN CO., MICH.

I hereby certify that there are no Tax Liens or Titles  
held by the State or any individuals against the within  
description, and all Taxes on same are paid for the five  
years previous to the date of this instrument, as appears  
by the records of the State. This does not apply to any  
Taxes now in the process of collection by Twp., city or  
village collecting officers.

5-17-72 *AA Smith*  
County Treasurer, Van Buren County, Michigan

This conveyance is given subject to provisions of Act 333, P. A. of 1966, as amended and to the follow-  
ing restrictive covenants which shall be construed as covenants running with the land, and shall be binding  
upon the Grantee named herein and the ~~heirs~~ <sup>successors</sup> and assigns thereof:

1. No junk yard, automobile salvage or automobile graveyard, garbage dump, or sanitary fill shall be maintained on any part of the described premises within 1,000 feet from an interstate or a primary highway, except as provided in Act 219, P. A. of 1966, as amended.
2. The right to maintain public utility facilities existing on, under or over the land herein described is hereby reserved unto the owners of said facilities together with the right to go upon said lands for the purpose of maintaining said utility facilities.
3. That all water run-off and drainage from the abutting highway right-of-way shall be allowed a free and un-interrupted flow over the above-described parcel of land, and grantee shall not change the physical condition of the above-described parcel of land so as to impede the free flow of water run-off and drainage from the abutting highway right-of-way.

Attachment A to Month-To-Month Agreement #11687  
Between The City of South Haven as Tenant and  
The State Of Michigan As Landlord (Page 4 of 5).

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the said premises, as hereby described, with the appurtenances, unto second party, and to the ~~heirs~~ <sup>successors</sup> and assigns thereof forever; and first party, for itself and its successors in office, does covenant, grant, bargain and agree to and with second party, that it has not heretofore done, committed or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is or shall or may be charged or encumbered in title, estate or otherwise howsoever; and that first party will warrant and defend the said granted premises, with the appurtenances, unto second party, the ~~heirs~~ <sup>successors</sup> and assigns thereof, forever, against the lawful claims and demands of all persons claiming by, from or under the first party but against no other person.

In Witness Whereof, First party has hereunto set its hand and seal the day and year first above written.

Signed and delivered in presence of:

*Wanda M. Pickett*  
Wanda M. Pickett  
*Eleanor Mellios*  
Eleanor Mellios

Michigan State Highway Commission  
by *Charles H. Hewitt*  
Charles H. Hewitt Chairman  
*Henrik E. Stafseth*  
Henrik E. Stafseth  
State Highway Director

FORM NO. 10  
4/13/71  
KSV  
ASSISTANT ATTORNEY GENERAL

STATE OF MICHIGAN } ss.  
COUNTY OF INGHAM }

On this 14th day of April, A.D. 1971, before me personally appeared Charles H. Hewitt and Henrik E. Stafseth to me known to be the same persons who executed the within instrument, who being by me duly sworn, did say that they are respectively, the Chairman of the Michigan State Highway Commission and the State Highway Director, and who acknowledged the above conveyance to be their free act and deed and the free act and deed of the Michigan State Highway Commission.

*Wanda M. Pickett*  
Notary Public Ingham County, Michigan  
Acting in Ingham County, Michigan.

My commission expires Feb. 15, 1975.

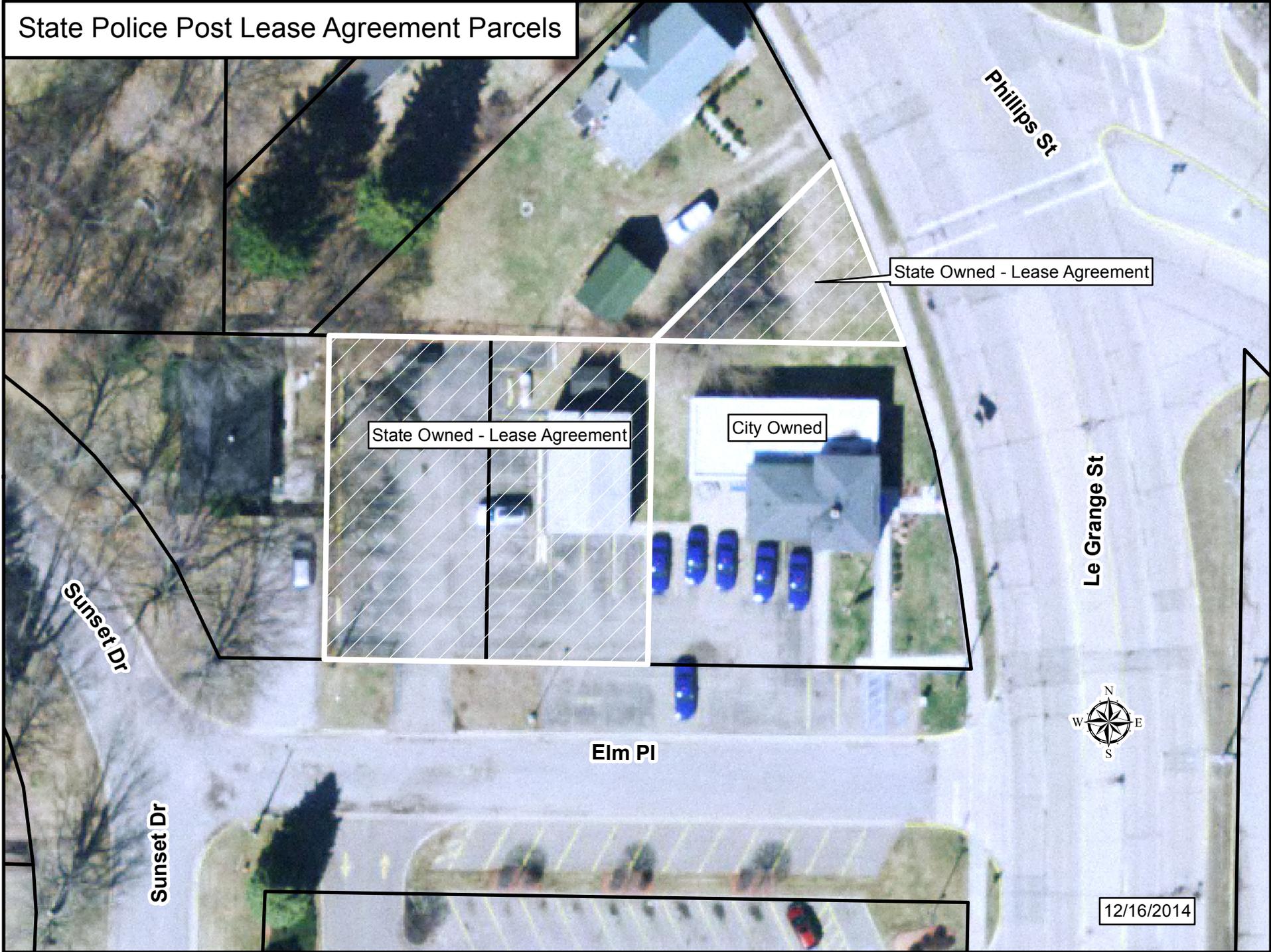
DRAFTED BY: Leonard L. Farr  
BUSINESS ADDRESS:  
Michigan State Highway Commission  
Lansing, Michigan

WANDA M. PICKETT  
Notary Public, Ingham County, Mich.  
My Commission Expires Feb. 15, 1975

Form 2415-R (Rev. 4/68)  
**DEED**  
MICHIGAN STATE HIGHWAY COMMISSION  
-TO-  
REGISTER'S OFFICE } ss.  
County \_\_\_\_\_  
This instrument was presented and received for record this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_ at \_\_\_\_\_ M. and recorded in liber \_\_\_\_\_ of deeds on page \_\_\_\_\_, as a proper tax certification was furnished in compliance with law.  
REGISTRAR OF DEEDS  
WILLIAMS BUREAU CO., MICH.  
RECORDED  
MICHIGAN DEPARTMENT OF STATE  
Lansing, Michigan  
P. K. KOP

Attachment A to Month-To-Month Agreement #11687  
Between The City of South Haven as Tenant and  
The State Of Michigan As Landlord (Page 5 of 5).

State Police Post Lease Agreement Parcels



State Owned - Lease Agreement

State Owned - Lease Agreement

City Owned

Le Grange St

Phillips St

Elm Pl

Sunset Dr

Sunset Dr



12/16/2014



# City of South Haven

## Department of Public Works

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

### MEMORANDUM

**To:** Brian Dissette, City Manager  
Bill Hunter, DPW Director

**From:** Larry Halberstadt, PE, City Engineer

**Date:** September 6, 2016

**RE:** Michigan Public Power Agency Associate Membership

#### Background Information:

Over the past several years, the City has been an associate member of the Michigan Public Power Agency (MPPA). The mission of the MPPA is to help local public power utilities realize the benefits of joint action in the planning, development, acquisition, and management of services that meet their needs.

The primary benefit of participating as an associate member is the ability to participate in various service committees that do not require financing or the acquisition of assets while also exploring and studying potential new projects.

Recently, South Haven provided a letter of termination to Indiana-Michigan Power Company which cancels our Amended and Restated Cost-Based Formula Rate Agreement for Full Requirements Electric Service as of May 31, 2020. Although South Haven intends to continue to participate with other IMMDA members to seek a replacement for this contract, participating as an associate member of MPPA is beneficial to keep abreast of various power supply options and alternatives that could potentially be utilized by the City in the future.

MPPA is filing revised documentation with the State of Michigan pursuant to Act 488 of the Public Acts of 1976. As part of this filing, MPPA is requesting that each member or associate member pass a resolution ratifying and confirming their membership status.

The cost of associate membership is currently set at \$1,000 per year.

At their August 29, 2016 regular meeting, the Board of Public Utilities approved a motion recommending that Council pass a resolution ratifying and confirming our associate membership in MPPA.

**Memorandum**

September 6, 2016

Michigan Public Power Agency Associate Membership

Page 2 of 2

**Recommendation:**

Council should consider adoption of Resolution 2016-79: A Resolution Ratifying and Confirming the City of South Haven as an Associate Member of the Michigan Public Power Agency, at their September 6, 2016 regular meeting.

**Support Material:**

Resolution 2016-79

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-79

A RESOLUTION RATIFYING AND CONFIRMING THE  
CITY OF SOUTH HAVEN AS AN ASSOCIATE MEMBER OF  
THE MICHIGAN PUBLIC POWER AGENCY

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 15, 2016 at 7:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

WHEREAS, the electric department previously determined that additional power supply capacity will be required in order to meet the future needs of its customers; and

WHEREAS, the Michigan Public Power Agency ("MPPA") was established pursuant to Act 448 of the Public Acts of 1976 (the Michigan Energy Employment Act) for the purpose of undertaking various projects authorized by the Act; and

WHEREAS, the existence of MPPA and membership in MPPA by the City of South Haven, and other municipalities will foster the continuation of joint planning and undertaking of projects, and the resulting economies and efficiencies to be realized thereby will serve the interests of the residents of the City of South Haven; and

WHEREAS, Member municipalities may elect to participate in only those MPPA projects from which they determine they will benefit; and

WHEREAS, the electric department has recommended and the City Council determines it to be in the best interest of the City of South Haven to become a member of MPPA for the purpose of undertaking and planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment operation or maintenance of the projects authorized under and pursuant to Act 448;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Council hereby ratifies and confirms:
  - a. Staff seeking admission of the City of South Haven as an Associate Member of MPPA.
  - b. The City of South Haven electing to become an Associate Member of MPPA.

- c. The initial appoint of Bill Hunter of the electric department to be its representative on the MPPA's Board of Commissioners, and the Larry Halberstadt to be its alternate representative.
2. The City of South Haven may at a later date make a request to MPPA's Board that it desires to become a Full Member of MPPA.
3. This resolution shall take effect upon passage by the City Council.

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 6<sup>th</sup> day of September, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was give 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*).

\_\_\_\_\_  
Travis Sullivan, City Clerk



# City of South Haven

## Department of Public Works

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

### MEMORANDUM

**To:** Brian Dissette, City Manager  
Bill Hunter, DPW Director  
Bill Conklin, Electric Engineer

**From:** Larry Halberstadt, PE, City Engineer

**Date:** September 6, 2016

**RE:** North Shore Dr. and Monroe Blvd. Electric Line Rebuild, Contract Award

### Background Information:

The City recently awarded a contract to Milbocker & Sons, Inc for reconstruction of North Shore Drive. In addition, Kalin Construction was awarded a contract for reconstruction of Monroe Boulevard. Both of these construction projects are scheduled to begin in the fall of 2016. Each project will require the relocation of electric poles and conductors to permit roadway widening and other improvements such as the addition of sidewalks to Monroe Boulevard.

To plan for these relocations, the City contracted with GRP Engineering, Inc. to design the improvements and to solicit bids from qualified contractors. Bids were solicited from six contractors with offices in Michigan or Indiana. On August 18, 2016 we received bids from three contractors for the North Shore Drive & Monroe Blvd Line Rebuild projects. Kent Power, Inc. submitted the low bid for the project in the amount of \$466,871.44. The two other bids were significantly higher than this amount.

The City budgeted \$385,000 for construction of these two projects, including materials. The low bid amount of \$466,871.44 does not include the materials cost. Materials for these projects are estimated to cost an additional \$110,000. GRP Engineering has discussed the bid results with the three firms that submitted bids and determined that the high bid results are due to a competitive marketplace where qualified contractors are already extremely busy.

Because the roadway reconstruction projects are beginning in the next few weeks, the City does not have the option of rebidding the line rebuild project without impacting the completion schedule for these two projects. As a result, staff recommends moving forward with Kent Power, Inc. for this project.

At their August 29, 2016 regular meeting, the Board of Public Utilities reviewed the bids and passed a motion recommending that Council award the North Shore Dr. and Monroe Blvd. Line Rebuild projects to Kent Power, Inc. of Kent City, Michigan in the amount of \$466,871.44.

**Memorandum**

September 6, 2016

North Shore Dr. and Monroe Blvd. Electric Line Rebuild, Contract Award

Page 2 of 2

**Recommendation:**

Council should pass a motion awarding the North Shore Dr. and Monroe Blvd. Line Rebuild projects to Kent Power, Inc. of Kent City, Michigan in the amount of \$466,871.44 and authorizing the City Manager to sign the construction contracts on behalf of the City.

**Support Material:**

GRP Bid Recommendation Letter

Bid Tabulation

August 22, 2016  
16-0817.01

Mr. Bill Hunter  
DPW Director  
City of South Haven  
1199 8<sup>th</sup> Avenue  
South Haven, MI 49090

**RE: North Shore Dr & Monroe Blvd Line Rebuilds  
Contractor Bid Evaluation & Recommendation**

Dear Bill:

GRP Engineering, Inc. has completed reviewing the bids submitted on August 18, 2016 for construction of the North Shore Drive & Monroe Blvd Line Rebuild projects. Of the six contractors solicited for bids, three (3) bids were received. Kent Power, Inc. submitted the low bid for the project in the amount of \$466,871.44. A complete bid tabulation is attached to this letter.

Kent Power, Inc. has submitted a complete and conforming bid. Kent Power's bid is significantly higher than the engineering estimate, although the project scope was revised by South Haven staff during the design phase. GRP Engineering, Inc. sees no reason not to accept their bid in the full amount for these projects.

Please contact me should you have any questions regarding this evaluation.

Sincerely,  
**GRP Engineering, Inc.**



Michael P. McGeehan, P.E.  
Project Manager

cc: City of South Haven  
Bill Conklin, Jim Pezzuto, Larry Halberstadt

# BID TABULATION #2016-01

**OWNER:**  
**CITY OF SOUTH HAVEN**  
**1199 8TH AVENUE**  
**SOUTH HAVEN, MI 49090**

**NORTHSHORE DRIVE LINE REBUILD**  
**MONROE BOULEVARD LINE REBUILD**

**ENGINEER:**  
**GRP ENGINEERING, INC.**  
**459 BAY STREET**  
**PETOSKEY, MI 49770**

BIDDERS	BID BOND	TOTAL CONTRACTOR BASE BID PRICE	REMARKS
<b>CC Power</b> 3850 Beebe Road Kalkaska, MI 49646	10% Bid Bond	\$798,934.50	
<b>Henkels &amp; McCoy</b> 985 Jolly Rd Blue Bell, PA 19422			No Bid
<b>The Hydaker-Wheatlake Company</b> 420 N. Roth Street Reed City, MI 49677			No Bid
<b>Kent Power</b> 90 Spring St Kent City, MI 49330	10% Bid Bond	\$466,871.44	
<b>NG Gilbet</b> 101 S. Main St Parker City, IN 47368			No Bid
<b>Newkirk Electric, Inc.</b> 1875 Roberts Street Muskegon, MI 49442	10% Bid Bond	\$1,101,155.50	

This is to certify that at 2:00p.m., local time on Thursday, August 18, 2016, the bids tabulated herein were publicly opened and read.

**GRP Engineering, Inc.**



Michael P. McGeehan, PE

Note: The Regular Housing Commission Meeting for June 22, 2016 was Cancelled  
Due to Major Construction at Both Senior Apartment Sites.

**SOUTH HAVEN HOUSING COMMISSION**  
**Regular Meeting**  
**Warren Senior Community Center**  
**540 Williams Street, South Haven, Michigan 49090**  
**July 27, 2016**

**CALL TO ORDER:** The Regular Meeting of the South Haven Housing Commission (SHHC) was called to order at 5:15 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, Commissioner John DeCardy, Commissioner Letitia Wilkins and City Council Representative Scott Smith.  
Absent: Commissioner Teresa Mahone-Jordan and Resident Commissioner Tom Thomson.  
Also present: Executive Director and Secretary Charles Fullar. Executive Director Fullar reported that Commissioner Mahone-Jordan and Resident Commissioner Thomson communicated their meeting absence. It was moved by Commissioner Wilkins to excuse Commissioner Mahone-Jordan and Resident Commissioner Thomson; the motion was seconded by Commissioner DeCardy. All votes in favor. Motion carried. Executive Director Fullar introduced newly appointed John DeCardy to the Commissioners.

**INVOCATION:** Commissioner Wilkins delivered the invocation.

**PUBLIC COMMENTS:** None.

**CONSENT AGENDA:** 1) Minutes of the Regular Meeting May 25, 2016. 2) Current Operating Expenses - \$45,340.09; 3) June Operating Expenses - 49,264.08; 4) Homeownership Expenses - \$0.00; 2014 Capital Fund - \$0.00; 2015 Capital Fund - \$0.00; and 2016 Capital Fund - \$0.00. 5) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; Income and Expenditures Report for June 2016; and Material Disposition. 6) Correspondence: Kalamazoo Gazette December 22, 2015, The Par Plan News June 2016, Herald Palladium June 1, 2016, Foundry Hall April 12 and July 1, 2016, and HUD Correspondence July 1, 2016. 7) Other Reports: None.

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

**UNFINISHED BUSINESS:** 1) Foundry Hall Correspondence, April 5, 2016 and Rent Adjustment Request: Executive Director Fullar reviewed and discussed the April 5, 2016, Foundry Hall correspondence that requests a monthly adjustment in rent paid to the Housing Commission for leased office space. Also reviewed and discussed was the correspondence form Foundry Hall dated July 1, 2016. By consensus, the Commissioners agreed that although Foundry Hall was experiencing financial stress related to sustaining a physical office location, their presence in the South Haven Community and at the Warren Senior Community Center is truly of value to the public and to our residents. It was moved by Commissioner Wilkins to provide a rent reduction for one year in an effort to retain Foundry Hall and allow time for the organization to attain financial stability; to authorize Executive Director Fullar to draft a new rental agreement contract with Foundry Hall specifying the new monthly rent amount for a one year period and to be effective for

August 1, 2016, when the contract is signed; the motion was seconded by Commissioner DeCardy. All votes in favor. Motion carried.

2) Status of the FY 2016 Emergency Safety and Security Grant Application: Executive Director Fullar reviewed the HUD Correspondence dated July 1, 2016. The grant application was not funded.

**NEW BUSINESS:** 1) Resolution No. 16-07, Write-Off Bad Debts FYE 2016:

Resolution No. 16-07

Write-Off Bad Debts FYE 2016

**WHEREAS**, the South Haven Housing Commission in an effort to perform bookkeeping clean up to remove delinquent account bad debts, and

**WHEREAS**, delinquent account bad debts will be written off by resolution, and

**WHEREAS**, the herein listed delinquent account bad debts will be removed from Housing Commission current tenant accounting and the Housing Commission will pursue these accounts for collection,

**NOW THEREFORE BE IT RESOLVED**, by the Housing Commission of the City of South Haven, Michigan, which the following former tenant accounts are written off for FYE 2016, effective June 30, 2016: Account Number: 0037-12 in the amount of \$486.73; and Account Number: 0034-11 in the amount of \$644.24; Totaling \$1,130.97.

It was moved by Commissioner Wilkins to approve the foregoing Resolution No. 16-07 as introduced and read; Seconded by Commissioner DeCardy. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

2) Parking Lot Paving, Project CF-MI 82-2 & 3, Change Order #3:

Executive Director Fullar provided copies and reviewed Contract Change Order Number 3 for the Parking Lots Paving, Project 2014 CF-MI 82-2 & 3.

It was moved by Commissioner DeCardy to affirm Contract Change Order Number 3 in the amount of \$3,264.00; Seconded by Commissioner Wilkins. All votes in favor. Motion carried.

3) Parking Lot Paving, Project CF-MI 82-2 & 3, Change Order #4:

Executive Director Fullar provided copies and reviewed Contract Change Order Number 4 for the Parking Lots Paving, Project 2014 CF-MI 82-2 & 3.

It was moved by Commissioner DeCardy to affirm Contract Change Order Number 4 for an additional 10 calendar days to complete the project due to a weather related delay; Seconded by Commissioner Wilkins. All votes in favor. Motion carried.

4) Commissioner Training August 10, 11, and 12: Executive Director Fullar affirmed the Commissioner Training dates. Participation will exceed the minimum 10 required to present the training. NARHO has promoted the Commissioner Training in South Haven and nine of the eleven regional Housing Commissions contacted directly by Executive Director Fullar expressed an interest in the training.

5) Commissioner Recognition for Sandra Seroke: A letter of appreciation for her years of service to the South Haven Housing Commission was presented and signed by all commissioners.

6) Assign Housing Commissioner for Housing Commission Vice-Chairperson: Executive Director Fullar reported Commissioner Mahon-Jordan's interest to serve as the Housing Commission's Vice-Chairperson. It was moved by Commissioner DeCardy to appoint Commissioner Mahon-Jordan as the South Haven Housing Commission Vice-Chairperson; Seconded by Commissioner Wilkins. All votes in favor. Motion carried.

**EXECUTIVE DIRECTOR'S REPORT:** None.

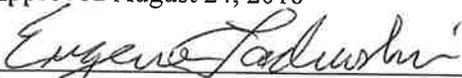
**COMMISSIONER'S COMMENTS:** Commissioner Wilkins expressed concern with the potential of losing affordable rental housing through the Housing Commission's Home Ownership Program.

**ADJOURNMENT:** It was moved by Commissioner Wilkins to adjourn; the motion was seconded by Commissioner DeCardy. All votes in favor. Motion carried. Meeting adjourned at 6:21 p.m.

Respectfully submitted:

  
Charles R. Fullar, Secretary

Approved August 24, 2016

  
Eugene Ladewski, Chairperson

# Board of Public Utilities

## Regular Meeting Minutes

Monday, July 25, 2016  
4:00 p.m., DPW Conference Room  
1199 8<sup>th</sup> Avenue



City of South Haven

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

### 2. Roll Call

Present: Robert Burr, William Roberts, Barry Winkel, Robert Stickland

Absent: Mike Henry, Alan Overhiser (ex-officio), Barbara Rose (ex-officio), Ross Stein (ex-officio)

Also present: Larry Halberstadt, City Engineer; William Hunter, DPW Director

### 3. Approval of Agenda

Motion by Winkel, second by Roberts to approve the July 25, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes for the Record

A. June 27, 2016 Regular Meeting Minutes

Motion by Burr, second by Roberts to approve the June 27, 2016 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.

## REPORTS

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

A. 2016 Billings – All Charges

**B. 2015 Billings – All Charges**

Halberstadt noted that an adjustment by I & M for the PJM Transmission Charge has been made. I & M had been incorrectly charging us, which resulted in a new charge of \$7,072.97.

Burr asked when the rate increases went into effect which Stickland stated was July 1. Halberstadt noted these are the city's increases. I & M increases take place the first of the year.

**7. Financial Reports**

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

Stickland noted going up from 2.5 to 2.9, assuming our income on all three utilities, when auditing is complete and capital account amounts will be moved into the capital fund, at which time our earnings increase.

Burr explained that there is still money coming in that was billed in June.

Burr asked the new Department of Public Works Director, William Hunter, whether he used fund balance accounting at his last position to which Mr. Hunter responded yes.

It was noted that until the auditors get done in November it is difficult to determine exactly where the funds stand.

**8. Quarterly Outage Report**

Burr pointed out that the failed device category has decreased. Stickland noted that failed devices are still the number one cause of failures and that staff is trying to install more squirrel guards on transformers. Discussion ensued regarding the types and efficacy of such guards. Stickland would like to have Jim Pezzuto, from the Electric Department, come in and talk to us about outage causes. Burr noted that wherever he has been, squirrels are a problem while Stickland commented that the city still has the best service record around the state.

**9. SRF Project Bid Results**

Halberstadt said City Council has looked at and approved the tentative award of the SRF Projects with intent to continue working with the DEQ to get our loan with them finalized. Bid tabs for most projects turned out pretty well. North Shore Drive came in below the engineering estimate. Monroe Boulevard and Indian Grove came in a little more than the engineer's estimate. Staff will be having a conversation with Kalin Construction about that, due to demolition and replacement, for which the bid came in very high. Halberstadt stated staff thinks a whole lift station could be purchased for that money and staff will try to find out how we can knock that figure down.

Stickland asked how much of the cost was due to appearance; Halberstadt stated that it could be partly that, noting that Kalin Construction based their estimate on the cost of the precast panels required in the bid documents.

Halberstadt noted that staff decided to award Contract 2B to Millbocker & Sons because other bids received were not complete.

Halberstadt also explained that Dunkley and Black River Street turned out a little sideways; staff is going to try to do some changes to get that cost down a bit. Roberts asked what is involved in the project. Halberstadt said there are two streets and there has to be a lot of extra work to get through peat and it includes a pump station and a river crossing.

Stickland asked how the river crossing will be done to which Halberstadt responded, "Directional drilling." Burr said the pilings are supposed to be at least 38 feet and they are going to go 45 feet. Discussion continued regarding the intervals, which Halberstadt explained are one thing that is going to be considered; whether the space between piles can be widened. Halberstadt noted this is going to be done in the muck with two sets of piles every few feet to support the sewer. Burr asked if they can have a longer span, specifically, what the span on sewer pipe is. Halberstadt noted that it's the sheet pile that will be the support for the pipe.

Roberts noted there is a big cost difference due to the pilings. Halberstadt drew a diagram to illustrate the way the design is done; Stickland commented that he does not see a lot of strength in that sheet pile. Discussion ensued regarding the type of pipe; Halberstadt said he thinks the specifications are for PVC pipe, noting that it is important to maintain really tight tolerance on that pipe. Stickland speculated that it is probably a cost factor, noting that sheet pile is a lot cheaper than I-beam. In response to a question about rusting, Hunter noted that peat is constantly deteriorating, and asked, "How acidic is it?" Halberstadt explained the contractors will dig a trench, install everything and backfill with sand.

Roberts asked what the stats are for, whether it will flow or will not flow.

Discussion ensued regarding chemical corrosion from industry in the past, causing the problems with the current lift station.

Stickland suggested that Hunter contact Abonmarche and ask them about their choice of materials.

Roberts noted on Millbocker and Sons' bid, their signage estimate was higher than others. Halberstadt said he thinks Millbocker & Sons may be unbalancing their bid to get more money up front, noting that this is a lump sum bid item. Roberts asked, "So you just make progress payments?" Halberstadt noted that a contractor that is on the ball will try to bid high on sewer because they know they will get paid for a certain number of feet of sewer. In response to a question, Halberstadt noted that staff looks at both of these contractors (Kalin and Millbocker & Sons) as they have done work like this for the city in the past.

Discussion ensued about which projects were designed by whom.

Roberts asked whether they temporarily keep a lift station up while building the new one. Halberstadt noted that they will build and test the new station before they ever send a drop of water to the sewer.

Discussion ensued regarding the total amount of bonds and what rate increases will be necessary to support those bonds.

## **10. Biosolids Removal and Land Application Agreement**

Halberstadt explained the background regarding the contracts and when hauling was done. The most recent contractor, Nutrigo, hauled in March and December and then did not come through for the June hauling, saying they had no farmland lined up. The city arranged for some solids to be hauled to the Muskegon County Wastewater Management System for disposal, giving staff time to talk to both Bio Tech and Synagro about performing hauling for us. Halberstadt explained the difficulties in acquiring farmland by Synagro, based on that staff felt it better to go with Bio Tech, because they were willing to offer us a fixed rate.

Halberstadt said he believes it may get harder and harder to find farmland. In response to a question, Halberstadt said Muskegon has lagoons which they drain, dredge out and haul it to a landfill next door.

Halberstadt said City Council has already reviewed and approved a 36-month contract with Agronomics, Inc. at their last meeting due to the nature of the contract with Bio Tech being contingent on getting the contract by mid-July.

Stickland noted the city was over a barrel. Winkel explained that this material cannot be put on land that is growing crops for human consumption; it has to be crops for animals. Discussion ensued regarding the City of South Haven's drying beds and how many of them are in use.

It was noted that the agreement with is a three-year agreement. Roberts asked if drying beds have to be close to the plant to which Stickland responded, "No, but then you have to pay to truck it." Halberstadt noted that is what Muskegon does, they own and rent out farmland and use the effluent from the plant to irrigate it. Halberstadt noted that it costs more than we have been paying to apply it to fields. In response to a question, it was noted that Albermarle has a pre-treatment plant on site. Halberstadt stated the city has had an agreement that Albemarle pays for half of the cost.

Burr explained Muskegon has had a loss in industry which has given them tons of unused capacity. Hunter will call the Muskegon plant and find out some details.

Halberstadt expects that there will be times in the future when we will be coming to the board asking for hauling to Muskegon.

Stickland said if we improve capacity we will have to get rid of it by hauling.

Burr questioned whether the billing people are billing that cost. Hunter will find out whether this is being billed. Halberstadt estimates our cost going from about \$60,000 /year to \$90,000.

### **11. City Engineer Comments**

We have a new DPW director. Appreciates the boards support while doing double duty and looking forward to having someone on board to help.

### **12. Board Member Comments**

Burr: Regarding the old city barn building, when is Prism is going to start digging and hauling stuff away? Halberstadt said the contract was just approved at the last City Council meeting. Burr noted the money will come out of the motor pool.

Stickland: Questioned Halberstadt regarding an issue that he is concerned about. Halberstadt said he believes we need to have more discussion. Stickland said if you need me to be involved I will.

There were no other comments.

### **13. Adjourn**

Motion by Burr, second by Winkel to adjourn at 5:00 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



LMC Update *July 30, 2016*



# THREE CAMPUSES

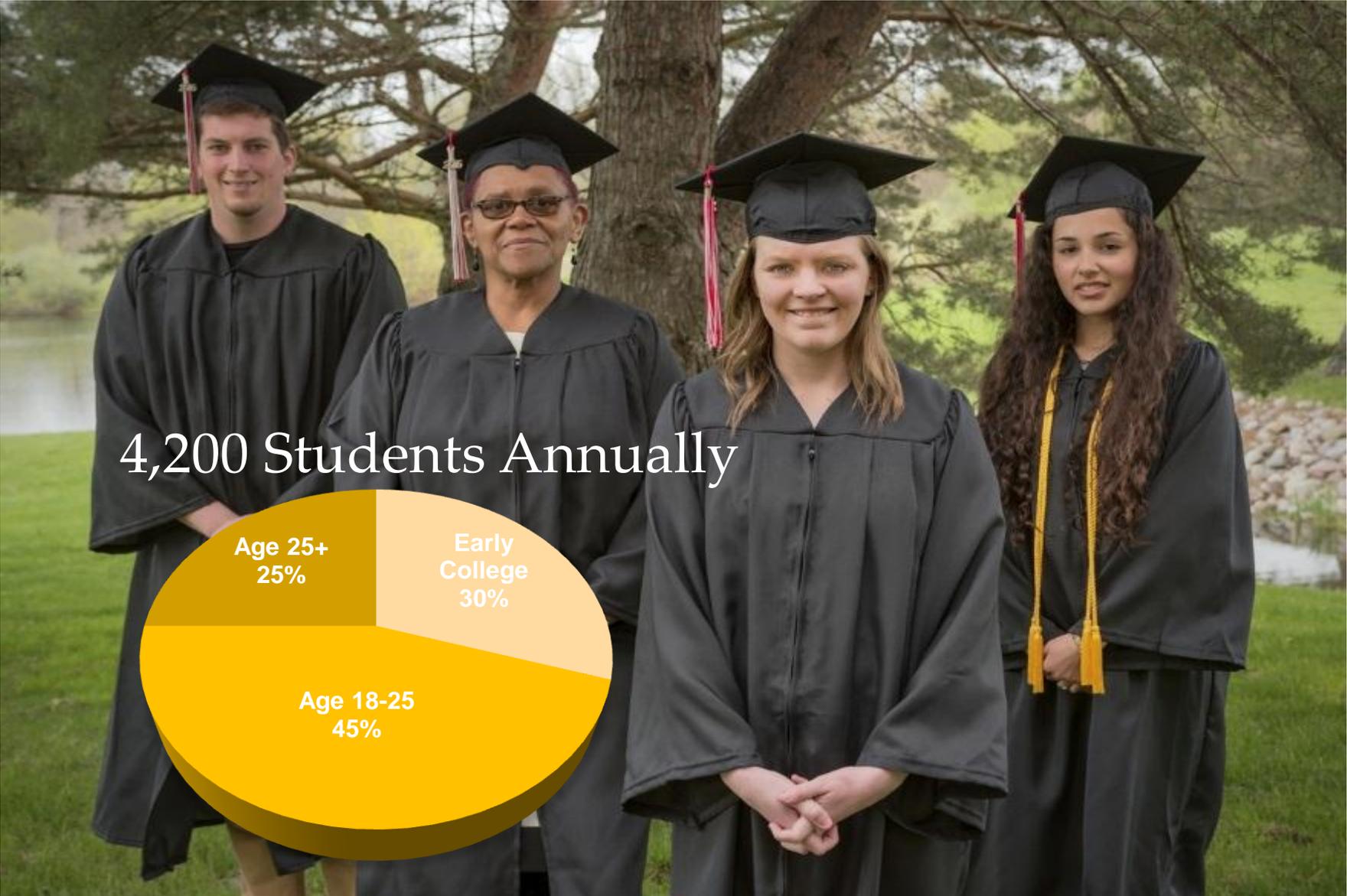
 SOUTH HAVEN

 BENTON HARBOR

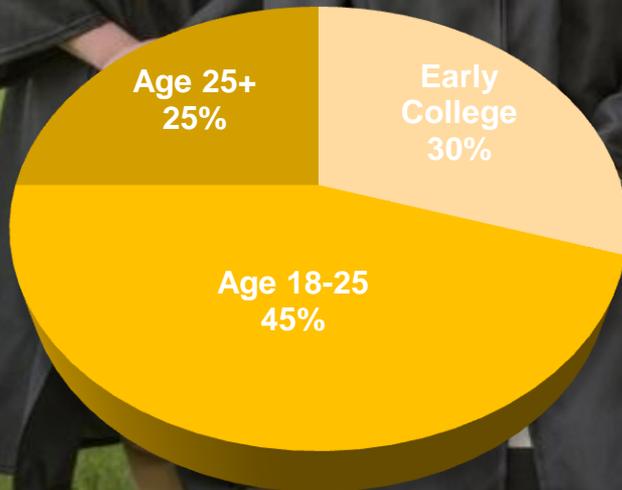
- Allegan Tech Center
- Four Winds
- Brandywine
- Online

 NILES

INDIANA



4,200 Students Annually



# Early / Middle College

“With the Early College program through LMC, I was able to transfer 14 credits to Michigan State University, saving my parents and I thousands of dollars in college tuition.”

**JUSTIN GAMBRELL**  
St. Joseph High School Graduate



- 8,834 students since 2009
- \$12 million saved by families
- 50+ high school partnerships



# Employer Services

- Custom Workforce Training
- Job Postings
- Advisory Committees
- Apprenticeships
- Internships
- Career Fairs



# 2013 Industry Summit Revelations

## Problem

- 60% of jobs require some college or training after high school \*
- 65% of Berrien & Van Buren County is under prepared

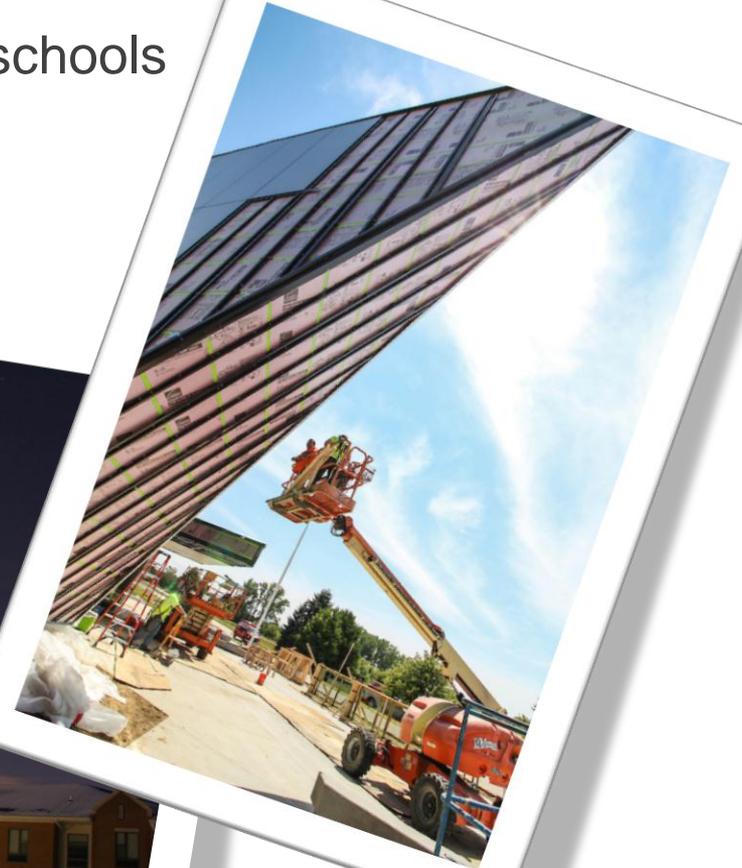
## Solutions

- Train a skilled workforce
- Modern Programs & Facilities
- Affordability & Accessibility
- Early College

\* per Lumina Foundation

## Progress: 2013-2016

- ✓ Bachelor of Applied Science in Energy Production
- ✓ LMC's first residence hall
- ✓ Wine & Viticulture Program
- ✓ Early / Middle College in 50 high schools
- ✓ Hanson Technology Center



# What's Next?



## Safety & Security Improvements

- All Campuses

## Modernize Classrooms

- 50 Classrooms
- Science Labs
- Lecture Halls
- Tech Upgrades



# What's Next?



## Hanson Technology Center

- Opens August 23
- Robotics, Mechatronics, 3-D Printing
- Simulation & Fabrication Labs

## Edward J Todd Business Center

- Supports Entrepreneurship



## Wine & Culinary Center

- Midwest's only commercial teaching winery
- Supports Hospitality & Tourism

# What's Next?

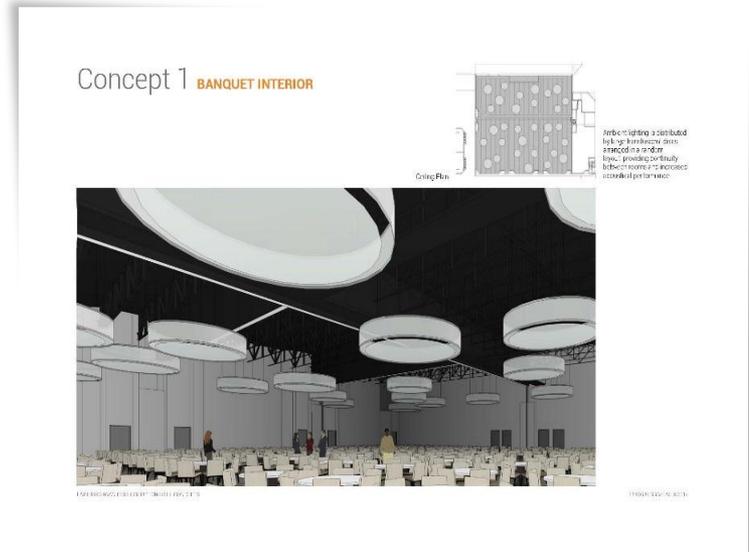


## Student Success Centers

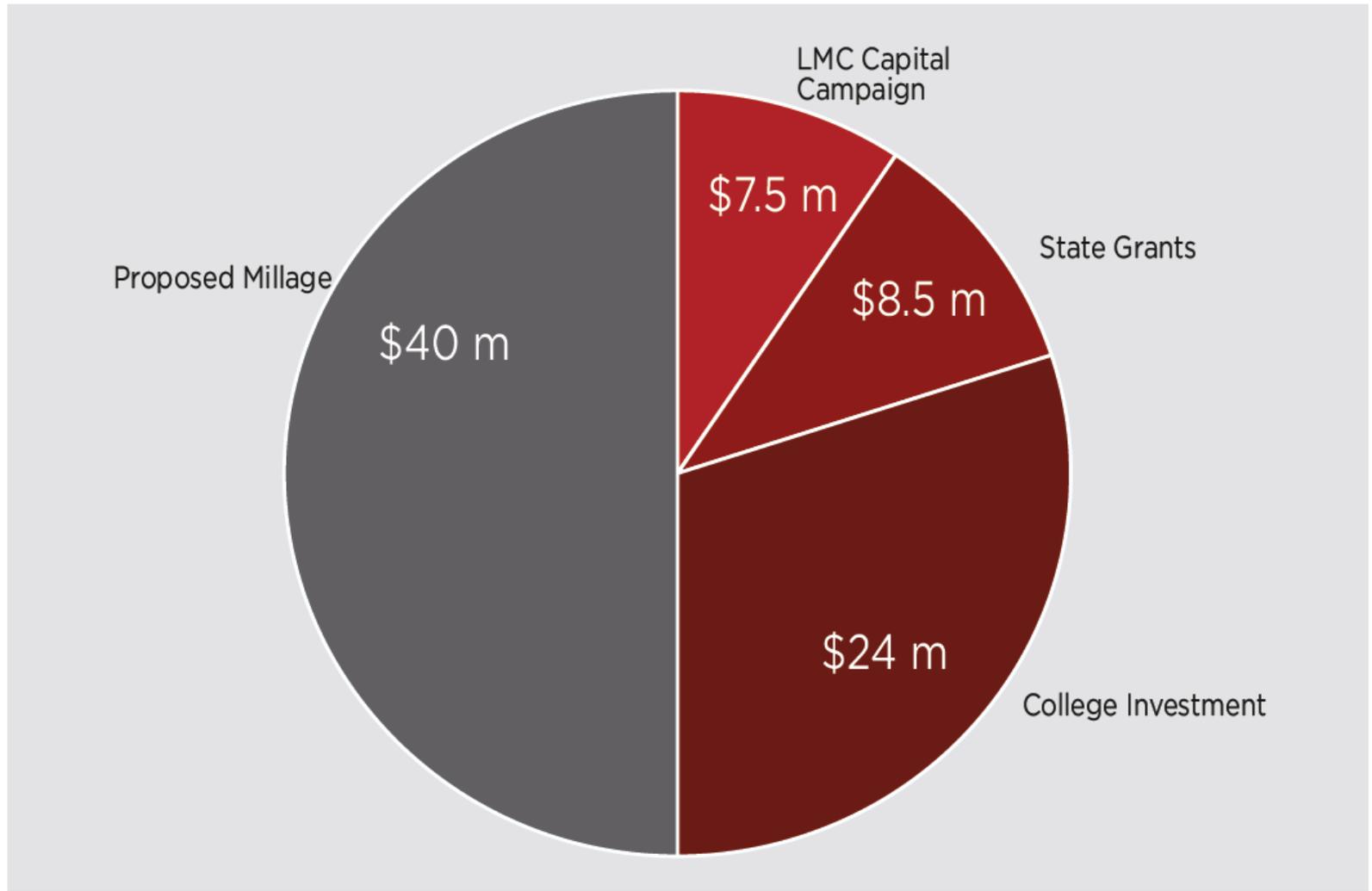
- Services in one location
- Meeting spaces
- Career counseling
- Academic Advising
- Financial Services

## Critical Facility Upgrades

- Save money through energy efficiency
- Replace 50-year-old HVAC
- Extend life of existing facilities
- Preserve Mendel Center Experience
  - 100,000 annual visitors
  - Music & Theatre Programs



# \$16 Million Raised Since 2013



# Millage Proposal Consideration

- *Capital* millage
  - November election ballot
  - 0.48 mills for 10 years
  - Approximate cost to property owner with a \$50,000 taxable value = **\$2/month, or \$24/year**
- LMC's Current millage = 1.78 mills
- 24<sup>th</sup> lowest of 28 MI community colleges
- 20 years since LMC received increase (0.25 mills in 1996)

# Why Now?

- Construction costs continue to rise
- Interest rates are near historic lows
- Needs are immediate
- Large voter turnout is advantage
- Polls show support



*Every \$1 invested on higher ed yields  
\$6.80 in returns to taxpayers*

## Next Steps

- Citizen Task Force, April-July
- Mail survey & Phone poll, June
- Community Conversations, Ongoing
- Recommendation to Board, August 2
- Ballot deadline, August 16
- Public Campaign, August - November
- General Election, November 8

QUESTIONS?  
COMMENTS?

[growinglmc@gmail.com](mailto:growinglmc@gmail.com)



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REPORT

**8,394**  
Seniors  
Served  
—To Date—



*Igniting the Lives of  
Our Senior Citizens!*



<b>2,730 Seniors Served All Programs</b>	<b>400+ Volunteers</b>	<b>36,842 Volunteer Hours</b>	<b>70,000+ Occurrences</b>
<b>\$867,998 Value of Volunteer Time</b>	<b>600 Round Trip Medical Rides</b>	<b>20,000 + Senior Meals Served</b>	<b>48,000 Pounds of Food Distributed</b>



**82 Handicap Ramps Built Since 2011**

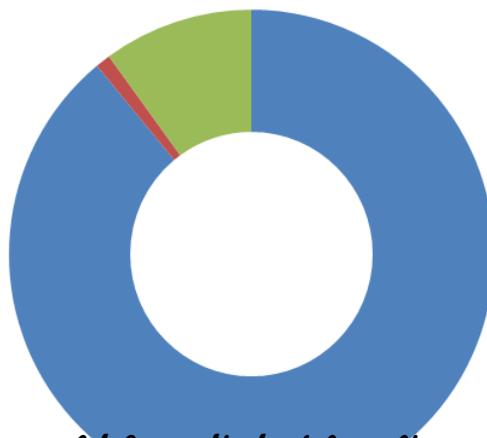


**Average Portion of every dollar we spend that goes to direct service to seniors =**

**89¢**



**THE IMPACT OF YOUR DOLLAR**



- PROGRAMS & SERVICES 89%
- FUNDRAISING 1%
- ADMINISTRATION 10%



*"I would have died of loneliness if Senior Services had not found me...they truly saved my life".* Karen Little



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# Senior Services Of Van Buren County

## 2015-2016 ANNUAL REPORT



Puts the Heart in Service

# Senior Services of Van Buren County

## Monthly Food Trucks

of Van Buren County

This past year Senior Services has helped serve over 100 seniors per month with our Food Trucks. With the help of Feeding America we have provided food to low income seniors who are in desperate need.



Our volunteers donate their time every month to help with the Food Trucks. Senior Services and our volunteers are out serving the community no matter the weather! These Food Trucks serve all of Van Buren County, and we alternate them between South Haven, Paw Paw, and Hartford.





This year's Senior Services Variety Show was based off of a WWII USO theme. Performers were: Senior Services Silver Bells (Lawton) Merry Ringers (South Haven), Gray Matters Band (Lawton), Women's Ensemble (Lawton), Moovin' and Groovin' Exercise Group (Paw Paw), Mary Burkett pianist/singer from Paw Paw, Dale Kline Lawton comedian, Cheryl Erickson Paw Paw vocalist, Willis Bouma Watervliet story teller, Jim McCloughin vocalist from South Haven, Paul (Ralph) Forrst musician from Mattawan, and George and Cindy Heffner singer/comedy of Mattawan. The show was attended by 100 people and the night was followed by an ice cream social enjoyed by all.

Our new addition to the music groups is going well. This is the Gray Matters Band that meets in Lawton on Mondays. This group has played for the variety show, Paw Paw Patriotic celebration and the Senior Services Summer Picnic.



The South Haven Merry Ringers were busy performing for Christmas performances, St. Patrick's Day Dinner, Memorial Day lunch and The Variety show!



**November, 2015, Senior City hosted a Craft Show with 20 vendors and 90 participants. Near 100 people ate lunch that day at the Café on 76th Street.**



**In January we offered an Ebay class for the first time at the Senior City in South Haven . It was 3 sessions with approximately 20 people. New volunteer Dennis Raven taught this class.**

*"I am so grateful that Care Watch Care Manager Amy came to see me...and she keeps coming back. She is my great friend".*      *Rose G.*



**The Senior City celebrated St Patrick's Day Luncheon with entertainment, Joe Foster and our very own Merry Ringers. Approx 90 guests attended the Luncheon event.**



**In March, Senior City featured a Free Sample Party. 40 guests were treated to free samples of 20 different foods from local stores . Caprese skewers, strawberry brownie skewers, and quiche were three of the offerings.**



**Guests at the tea learn to play the chimes.**

**The Spring Tea was held in April and the entertainment was provided by Ann Habicht. 60 guests were in attendance.**



**Paul & Maureen Moravec and their gift of a lighthouse replica at the 2<sup>nd</sup> Anniversary Party.**

**In April we held our 2<sup>nd</sup> Anniversary Party and Dinner to celebrate being at the Senior City for 2 years. We had door prizes and classical guitar music for entertainment. We served 130 guests.**

**We offered 3 Free Senior Lunches in coordination with the South Haven Schools with 50-70 seniors at each luncheon.**



Enjoying lunch at L C Mohr High School



**The new Senior City crafters group is going strong and meets once a month., approximately 15 people each time.**

**South Haven Pickleball is going strong and the number of participants continues to increase. We use 3 courts now and still have play waiting time. We've added additional times to accommodate the growing number of players.**



**CareWatch Care Management has helped hundreds of seniors this year with utilities, food, home help, taxes, insurances and finding resources for other needs to achieve their maximum independence. CareWatch Managers also had the opportunity to interact with area seniors during our Feeding America Food truck sponsorship, monthly Commodity delivery, Bingo and other outreach activities, MMAP appointments or visits to Senior Services sites.**

**This year we formed a partnership with Van Buren County Community Mental Health . We are the Call Center for the new ‘Senior Reach’ program. We are fortunate to have the opportunity now to refer certain seniors who are struggling with some depression or other mental health issues for short term counseling assistance. The professional counselors we work with at Community Mental Health are an integral part in helping us to maintain our mission to provide services, opportunities and support for seniors to enhance their quality of life.**



Senior Odyssey provides an opportunity for seniors to utilize their minds and spirits by immersing older



adults in creative problem solving with others. Paw Paw Area Seniors have placed in the top 3 for the last 5 years.

Senior Services of Van Buren County is proud to announce their Senior Odyssey team took second place at the Senior Odyssey of Michigan competition held in Walker, Michigan on Saturday, April 16.



A five year anniversary celebration was held at the Paw Paw center to recognize this year's participants along with those who have participated in the past.



**Summer afternoon tea was held at the Paw Paw Senior Center with guest speaker Peg**



**Heinzelman, owner of *Misty Willow Tea & Spa Essentials* sharing the history and benefits of tea.**



The Paw Paw Christmas Tea

High Tea At PP Senior Center



**Paw Paw Senior Center High Tea & Fashion Show. Lori from Lori's Hallmark Store provided the clothing and senior services provided the models for an evening of tea, food, fun and fashion.**



Exercise opportunities abound to encourage members to stay active. Moovin' & Groovin' class Monday and Thursday morning at 10am with Sandy Rose.



**Hoola hooping, yoga, bowling and monthly dances were just a few of the fun activities held this past year at the Paw Paw Senior Center located at the PP Lions Club.**



The Paw Paw Senior Center is full of fun and games. Over the past year there have been hundreds of games played each week at the center. New players are welcomed anytime and are helped by the eager volunteers who willing share their expertise. Popular games include: Mahjong, Euchre, Pinochle, Bridge, Hand & Foot and Chess.



**Holiday Parties Abound in Paw Paw!**





## Health & Fitness



## Games & Cards



## Crafts, Quilting, Knitting, Crotcheting, Coloring & More



## Special Events & Meals



## Social Activities



## Education



## RSVP (Retired and Senior Volunteer Program)

**This past year was another record breaker! We have 365 active volunteers who worked at non-profits in Van Buren County donating 36,842 hours.**



**Our medical ride program gave Seniors over 600 round trip rides to and from medical appointments this past year!**



**We've constructed 12 handicap ramps within Van Buren County in 2015/2016 which brings our total to 82 ramps since the RSVP program started in 2011. We have partnered with Church's, Youth Groups, Walgreens and United Way in order to make this happen.**





**Senior Services would not be the same without our Volunteers!**



**Our theme at this year's award ceremony was "Honoring Our Veterans, those who served and continue to serve". 41 of our volunteers are US Veterans, they received special pins sent from the National CNCS to honor their continuing service. At this year's volunteer luncheon 54 volunteers donated over 200 hours and received certificates. Another 17 received other awards for outstanding service. These volunteers are located at over 25 non-profits within Van Buren County!**



# South Haven City Annual Report 2015 – 2016

Senior Services provided services to 575 different seniors living in the City of South Haven, 44% of the South Haven City Senior Population. These services include Senior Center programs, Care Watch Care Management including food distribution, congregate meals and In-home Care and Volunteer Opportunities.

There were almost 11,000 different incidents of service provided to South Haven City Seniors.

Since 2011, Senior Services has served 1,657 different (unduplicated number) South Haven City seniors with a myriad of services.

Over 1100 different seniors receive the monthly newsletter, *The Sentinel*, either through direct mail or Newspaper distribution. This is 13,200 newsletters each year.

This year Senior Services built 2 ramps in the City of South Haven for seniors with mobility issues. Ramps cost near \$1,500 each and countless volunteer hours are donated for the construction of these ramps.

Senior Services has provided additional outreach (seek and find activities, correspondences, vendor fairs, senior center informational visits and Call Center calls) to over 450 different seniors living in the City. With outreach and general programs combined, 1,024 different City of South Haven Seniors have been touched and served by Senior Services of Van Buren County (South Haven Area Senior Services and the Senior City on 76<sup>th</sup> Street).



## Agenda Item 8

### Fireworks Ordinance and Resolution

#### Background Information:

City Council will be asked to consider the following actions regarding the use of fireworks within the city: (1) adoption of Resolution 2016-80, a resolution of support which seeks changes to the state law regarding consumer fireworks, and (2) an introduction of an ordinance amendment which tightens the penalties for violations of the fireworks ordinance.

The Michigan Fireworks Safety Act (“MFSA”) prohibits a local unit of government from enacting or enforcing an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks, except as provided in that Act. The MFSA does not allow a local unit of government to enact an ordinance regulating the ignition, discharge, or use of consumer fireworks on the day preceding, the day of, or the day after a national holiday, except that a local unit of government with a population of less than 50,000 located in a county with a population of less than 750,000 may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1 a.m. and 8 a.m.

The South Haven City Council has enacted a local ordinance regulating the ignition, discharge, or use of consumer fireworks to the fullest extent permissible under the MFSA. The city and its employees and officials have nonetheless observed numerous consumer fireworks being discharged within the city limits during the course of each year since the MFSA was enacted, and determined that these activities are greatly disruptive to the harmony, peace, tranquility, public safety and best interests of its residents and visitors.

For these reasons, the City Council is asked to support the resolution respectfully requesting that the Michigan Legislature consider repeal of the MFSA. The resolution also asks that if the Michigan Legislature is unwilling to repeal the MFSA, the City of South Haven requests for an increased ability on the part of local units of government to regulate the hours of the day and night during which a person may ignite, discharge, or use consumer fireworks would be in the best interests of the city’s residents and visitors. The resolution is a petition to its representatives in the Michigan Legislature to reconsider the overall wisdom of the MFSA, and to consider loosening the restrictions on the ability of local units of government to regulate the hours of the day or night when a person may ignite, discharge, or use consumer fireworks.

Secondly, the City Council is also being asked to introduce an ordinance amending the penalties for violations of Section 54-167, the sale, possession and transportation of fireworks in the Code of Ordinances. Currently, the penalty is a civil infraction; however, with the proposed changes, the following schedule of fines will apply:

- (1) \$150.00, plus costs for first violation (a change from \$50.00);
- (2) \$250.00, plus costs for first repeat offense (a change from \$100.00); and
- (3) \$500.00, plus costs for any subsequent repeat offense (up from \$250.00).

These changes will serve to act as more of a deterrent to violators and help to maintain the harmony, peace, tranquility, public safety and best interests of city residents and visitors.

**Recommendation:**

City Council will be asked to consider the following actions regarding the use of fireworks within the city: (1) adoption of Resolution 2016-80, a resolution of support for changes to the state law regarding consumer fireworks, and (2) an introduction for an ordinance to amending the penalties for violations of the fireworks ordinance.

**Support Material:**

Resolution 2016-80  
Draft Ordinance

CITY OF SOUTH HAVEN  
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN

RESOLUTION NO. 2016-80

A RESOLUTION TO ENCOURAGE THE MICHIGAN LEGISLATURE TO CONSIDER  
CHANGES IN STATE LAW REGARDING CONSUMER FIREWORKS

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 \_\_\_\_\_, 2016 at 7:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

WHEREAS, the Michigan Fireworks Safety Act ("MFSA") prohibits a local unit of government from enacting or enforcing an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks, except as provided in the MFSA; and

WHEREAS, the MFSA allows a local unit of government to enact an ordinance regulating the ignition, discharge, and use of consumer fireworks, including, but not limited to an ordinance prescribing the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks, but only within certain parameters; and

WHEREAS, the MFSA does not allow a local unit of government to enact an ordinance regulating the ignition, discharge, or use of consumer fireworks on the day preceding, the day of, or the day after a national holiday, except that a local unit of government with a population of less than 50,000 located in a county with a population of less than 750,000 may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1 a.m. and 8 a.m.; and

WHEREAS, the South Haven City Council has enacted a local ordinance regulating the ignition, discharge, or use of consumer fireworks to the fullest extent permissible under the MFSA; and

WHEREAS, the City of South Haven and its employees and officials have nonetheless observed numerous consumer fireworks being discharged within the City limits during the course of each year since the MFSA was enacted, and determined that these activities are greatly disruptive to the harmony, peace, tranquility, public safety and best interests of its residents and visitors; and

WHEREAS, the City of South Haven respectfully requests that the Michigan Legislature consider repeal of the MFSA; and

WHEREAS, if the Michigan Legislature is unwilling to repeal the MFSA, the City of South Haven believes that an increased ability on the part of local units of government to regulate the hours of the day and night during which a person may ignite, discharge, or use consumer fireworks would be in the best interests of the City's residents and visitors.

NOW THEREFORE, it is resolved that the City of South Haven petitions its representatives in the Michigan Legislature to reconsider the overall wisdom of the MFSA, and to consider loosening the restrictions on the ability of local units of government to regulate the hours of the day or night when a person may ignite, discharge, or use consumer fireworks.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Robert 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 \_\_\_\_\_, 2016, 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.*).

\_\_\_\_\_  
Travis Sullivan, City Clerk

CITY OF SOUTH HAVEN  
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE VII, DIVISION 1, SECTION 54-167 TO  
AMEND THE SCHEDULE OF FINES RELATED TO THE DISCHARGE OF CONSUMER  
FIREWORKS

The City of South Haven Ordains:

SECTION 1

Amendment. Chapter 54 "Offenses", Article VII "Offenses Against Public Safety", Division 1 "Generally", Section 54-167, is amended in its entirety to read as follows:

**Sec. 54-167. Sale, possession and transportation of fireworks; permit for public display.**

(a) No person shall explode, or cause to explode any firework as defined in the Michigan Fireworks Safety Act, Michigan Compiled Laws 28.452(j) except on the day preceding, the day of, or the day after a national holiday. On the day preceding, the day of, or the day after a national holiday, no person shall explode or cause to explode any firework between the hours of 1 a.m. and 8 a.m.

(b) A person shall not ignite, discharge, or use consumer fireworks on property owned or controlled by the City of South Haven without permission granted by resolution of the City Council. Property owned or controlled by the City of South Haven includes but is not limited to public right of way, city beaches, parks, city facilities, municipal marinas, vacant land and industrial park property owned by the City or its authorities.

(c) The council may, upon application in writing on forms provided by the Michigan Department of Licensing and Regulatory Affairs and payment of a fee as set by resolution of city council, if any, grant a permit for the use of fireworks within the city, subject to the provisions of the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(d) A violation of this ordinance shall be subject to a civil infraction, to which the following schedule of fines shall apply:

- (1) The fine for a violation shall be \$150.00, plus costs, for each infraction.
- (2) The fine for any offense which is a first repeat offense as defined in Section 1-16 of this Code shall be \$250.00, plus costs.
- (3) The fine for any offense which is a second repeat offense or any subsequent repeat offense as defined in Section 1-16 of this Code shall be \$500.00, plus costs.

Ordinance No. \_\_\_\_

SECTION 2

Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Introduced: \_\_\_\_\_, 2016

Adopted: \_\_\_\_\_, 2016

Published: \_\_\_\_\_, 2016

Effective: \_\_\_\_\_, 2016

\_\_\_\_\_  
Robert Burr, Mayor

CERTIFICATION

I, Travis Sullivan, Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Travis Sullivan, City Clerk

Ordinance No. \_\_\_\_\_



# City of South Haven

**POLICE DEPARTMENT**

90 Blue Star Highway, Suite 1 • South Haven, Michigan 49090  
Telephone (269) 637-5151 • Fax (269) 637-9346

Natalie Thompson  
Acting Chief of Police

## **MEMORANDUM**

**To: City Manager, Brian Dissette**

**From: Natalie Thompson, Acting Chief of Police**

**Re: Unattended Animal Ordinance**

**Date: August 27, 2016**

On behalf of the South Haven Police Department, I am requesting the City Council consider the introduction of an ordinance which, if approved, will provide local rules to protect unattended animals from being left in parked motor vehicles.

A few months ago, Officer Michaela Pauly approached me with concerns regarding the current laws governing dogs left in hot cars. In South Haven, such cases are handled as animal cruelty which has a high burden of proof to successfully prosecute. Officer Pauly researched Michigan ordinances and statutes and found most simply follow the state statutes. Ordinance language from another state was found and forwarded to City Attorney Mark Manning who readily welcomed the idea of a local ordinance regarding animals (dogs in particular and most commonly reported) left in hot cars. He conveyed that he had suggested this a couple years ago but nothing came to fruition. The ordinance proposal he drafted offers an easier burden of proof and is straight forward in the elements to be met. Furthermore, it is a misdemeanor offense that is citable and specific intent to intentionally cause harm is not an element.

Thankfully, in South Haven we have not had any reports of a dog suffering a fatality from being left in a hot car. Nevertheless, we annually receive about a dozen reports of these situations. While this number may not seem significant, one is too many. This past summer we responded to and saved a dog that almost died. It was such an extreme case that cruelty was easily authorized. This dog, Gunner, was featured on a Fox 17 story to help illustrate the dangers. Luckily, the excellent rapport the police department has with local veterinarians enabled me to contact one after business hours who responded directly to the department to administer aid.

Coupled with the ordinance, the goal is education. As with Gunner, the owner was not aware of the dangers, although that is arguable after he left Gunner in a car for over six hours with an open can of gasoline emitting dangerous fumes within the enclosed van in addition to the heat. Part of the approval of this proposed ordinance will include educating the public. The ASPCA has offered free posters and literature warning of the dangers as part of their campaign to get the word out.

An alarming fact from the ASPCA: When it is 80 degrees outside, your car will be a staggering 114 degrees in less than 30 minutes. Worse still, dogs can't cool themselves down as easily as people, and once they overheat, they can suffer extensive organ damage or die.

We approached the Al-Van Humane Society and they were enthusiastic about being consulted on the topic. Grace Gilmore, Al-Van Humane Society Board member, sent me correspondence supporting the idea and also provided me the ASPCA and National Humane Society contacts to further public education.

Attached is an ordinance proposal draft which I am very hopeful will be considered and be adopted by the City of South Haven.

Respectfully Submitted,

Natalie Thompson, Acting Chief of Police

CITY OF SOUTH HAVEN  
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO PROTECT ANIMALS IN UNATTENDED MOTOR VEHICLES

The City of South Haven Ordains:

SECTION 1

Amendment. Chapter 6 “Animals”, Article I “In General”, Section 6-12 “Animals in Unattended Motor Vehicles”, is hereby enacted to read as follows:

**Sec. 6-12 Animals in Unattended Motor Vehicles.**

- (a) No person shall confine an animal in any unattended motor vehicle, or leave an animal confined in any unattended motor vehicle, under conditions that endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or any other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (b) A peace officer, animal control officer or first responder is authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (c) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
- (d) A peace officer, animal control officer or first responder is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle pursuant to this section, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible for the motor vehicle.
- (e) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.
- (f) Nothing in this ordinance shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.
- (g) A violation of Section 6-12(a) shall be a criminal misdemeanor, subject to the following penalties:

Ordinance No. \_\_\_\_

(1) If the animal did not suffer great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$100.00, imprisonment in a county jail not exceeding 30 days, or by both a fine and imprisonment.

(2) If the animal suffered great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$500.00, imprisonment in a county jail not exceeding 90 days, or by both a fine and imprisonment.

SECTION 2

Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Introduced: \_\_\_\_\_, 2016

Adopted: \_\_\_\_\_, 2016

Published: \_\_\_\_\_, 2016

Effective: \_\_\_\_\_, 2016

\_\_\_\_\_  
Robert Burr, Mayor

CERTIFICATION

I, Travis Sullivan, Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Travis Sullivan, City Clerk

Ordinance No. \_\_\_\_\_

**August 18, 2016**

**Dear Chief Thompson:**

**First, I want to thank you for reaching out to Al-Van Humane Society for feedback on the Ordinance for Animals left in hot cars. There is a critical need in South Haven for better laws and education for residents and visitors about the dangers of leaving an animal in the car - most people are not aware that their animal is at risk and they could be making a deadly mistake.**

**Secondly, I wanted to pass some further information along to you. Enclosed is a blog from the ASPCA (American Society for the Prevention of Cruelty to Animals), and also a website for the National Humane Education Society. At this website, you can order (free of charge, except for postage) posters and brochures that educate the public about leaving animals in hot cars. The website:**

**[www.nhes.org](http://www.nhes.org)**

**The poster is entitled "Dogs in Hot Cars", which would be wonderful to post in high-risk areas such as restaurants in town, beach parking lots, and of course, Walmart/Meijer/Menard's/etc.**

**The brochure is called "Summer Care Tips", which could be handed to a person who has left their dog in a hot car. What matters most is education!**

**Thanks again. Please feel free to call me anytime if you have questions or need any further assistance from Al-Van.**

**Sincerely,**

**Grace Gilmore  
Al-Van Humane Society, Board Member  
269-214-4888  
[grace.gilmore@icloud.com](mailto:grace.gilmore@icloud.com)**