

# City Council

## Regular Meeting Agenda

Monday, January 20, 2014  
7:00 p.m., Council Chambers



### 1. Call to Order

### 2. Invocation

- Pastor Ken Kruithoff – Kibbie Christian Reformed Church

### 3. Roll Call

### 4. Approval of Agenda

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

(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)

- A. Council will be requested to approve the City Council Minutes of January 13, 2014.
- B. Bills totaling \$2,095,710.86 for the period ending January 21, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 12-05-2013 Planning Commission 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.*

### UNFINISHED BUSINESS

- 6. Council will be asked to approve an ordinance to amend the city code by adding chapter 10, article IX, "Dangerous Buildings and Structures".

### NEW BUSINESS

- 7. Council will be asked to approve Resolution 2014-02, a resolution to order the immediate demolition of the building located at 335 Center Street, South Haven, Michigan.
- 8. Council will be asked to receive the 2013 Comprehensive Annual Financial Report presentation.

- 9. Council will be asked to approve Resolution 2014-03, a resolution updating state required poverty level income standards for property tax poverty exemption guidelines for tax year 2014.**
- 10. Council will be asked to approve the Charter Fishing License Agreement.**
- 11. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**  
*(You will be given up to 5 minutes to address your concerns.)*
- 12. City Manager's Comments**
- 13. Mayor and Councilperson's Comments**
- 14. Adjourn**

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "B. Dissette", written in a cursive style.

Brian Dissette, City Manager

# DRAFT

## City Council

### Special Meeting Minutes

Monday, January 13, 2014  
7:00 p.m., Council Chambers



**PRIOR TO THE BEGINNING OF BUSINESS, A CEREMONIAL SWEARING-IN OF NEWLY ELECTED OFFICIALS TOOK PLACE.**

**Invocation by Pastor Eric Jarvis, – First Assembly of God**

**Swearing-in of Mayor Robert Burr**

**Swearing-in of newly elected City Councilmembers:**

**Ward 1 – Vickiy Kozlik Wall**

**Ward 2 – Jeff Arnold**

**Ward 3 – Andy Klavins**

---

**Call to Order by Mayor Burr at 7:03 p.m.**

#### **1. Roll Call**

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

Absent: None

#### **2. Approval of Agenda**

Moved by Fitzgibbon to approve the agenda. Seconded by Klavins.

Voted Yes: All. Motion Carried.

#### **3. Consent Agenda: Items A thru E (Roll Call Vote Required)**

Moved by Kozlik Wall, seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of December 16, 2013.
- B. Bills totaling \$1,319,548.95 for the period ending January 7, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive an annual report from the Planning Commission.
- D. Council will be asked to approve the motor pool purchase of two (2) cubic yard leaf collection trucks in the amount of \$151,139.20.

E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:

- 1) 10-15-2013 Harbor Commission Minutes
- 2) 11-11-2013 Library Minutes
- 3) 11-19-2013 Liberty Hyde Bailey Museum Minutes
- 4) 11-19-2013 Library Special Meeting Minutes
- 5) 11-20-2013 Housing Commission Minutes

A Roll Call Vote was taken:

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

Nays: None

Voted Yes: All. Motion Carried.

**4. City Council will be asked to select a Mayor Pro-Tem.**

Moved by Klavins to appoint Councilmember Fitzgibbon as the Mayor Pro-Tem. Seconded by Patterson.

Voted Yes: All. Motion carried.

**5. Most Boards/Commissions/Authorities have one seat designated for a city council member so that information is shared between council and its advisory committees. The following actions will be considered:**

**A. Council will make Council Representative appointments to the following boards and commissions:**

- a. Board of Public Utilities – Mayor Burr
- b. Harbor Commission – Councilmember Arnold
- c. Housing Commission – Councilmember Patterson
- d. Liberty Hyde Bailey Museum Board – Councilmember Gruber
- e. Parks Commission – Councilmember Fitzgibbon

**B. Council will be asked to confirm the following Mayoral appointments:**

- a. Airport Authority – Councilmember Gruber
- b. Community Development Commission – Councilmember Patterson
- c. Local Development Finance Authority – Councilmember Klavins
- d. Brownfield Redevelopment Authority – Councilmember Klavins
- e. Planning Commission – Councilmember Kozlik Wall
- f. Downtown Development Authority– Mayor Burr
- g. South Haven Area Emergency Services – Mayor Burr

Moved by Fitzgibbon, seconded by Kozlik Wall to make Council Representative appointments to the following boards and commissions:

- a. Board of Public Utilities – Mayor Burr
- b. Harbor Commission – Councilmember Arnold
- c. Housing Commission – Councilmember Patterson
- d. Liberty Hyde Bailey Museum Board – Councilmember Gruber
- e. Parks Commission – Councilmember Fitzgibbon

Voted Yes: All. Motion carried.

Moved by Fitzgibbon, seconded by Kozlik Wall to confirm the following Mayoral appointments:

- a. Airport Authority – Councilmember Gruber
- b. Community Development Commission – Councilmember Patterson
- c. Local Development Finance Authority – Councilmember Klavins
- d. Brownfield Redevelopment Authority – Councilmember Klavins
- e. Planning Commission – Councilmember Kozlik Wall
- f. Downtown Development Authority– Mayor Burr
- g. South Haven Area Emergency Services – Mayor Burr

Voted Yes: All. Motion carried.

### UNFINISHED BUSINESS

6. **Council will be asked to approve the following to amend Chapter 86 Section 86-172 of the code of ordinances regarding the summer sanitary sewer credit:**
  - A. **Ordinance No. 1008, an ordinance to amend rates for the City of South Haven utilities.**
  - B. **Resolution 2014-01: A Resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013.**

*Background Information:* In accordance with Chapter 86 Section 86-172 of the City of South Haven Code of Ordinances, the sewer usage volume charge for single-family and duplex residential structures for utility bills dated June 1 through September 30 will be based on the average monthly water use billed for the five month period from the November water meter readings through the April water meter readings with a minimum volume charge of 1000 cubic feet per month. This is commonly known as the “summer sewer credit” which provides for water usage for irrigation without sewer usage charges since this water does not enter the sewer system. This provides a credit allowance without the need for an additional meter.

The Board of Public Utilities (BPU) requested to include churches as residential for the purpose of providing the summer sewer credit. At the November 26, 2012 Regular Meeting, the BPU reviewed information prepared by the Finance Department based on the current utility policy at that time which included an estimate of \$3,595 summer sewer credit for churches (\$2,710 - city, \$885 - rural). The BPU provided unanimous approval of a recommendation to City Council to include churches as residential for the purpose of providing the summer sewer credit. An effective date of June 1, 2013 is requested to include the 2013 season.

If City Council chooses to adopt the ordinance, then Council needs to adopt a resolution indicating that it is intended to apply the rate change to the 2013 summer season and directing staff to make the needed adjustments on upcoming bills. This resolution will be presented to City Council at the January 6, 2014 Regular Meeting, after the ordinance has taken effect.

**Item A: Ordinance No. 1008, an ordinance to amend rates for the City of South Haven utilities.**

Moved by Fitzgibbon to approve an Ordinance No. 1008 that would amend Chapter 86 Section 86-172 of the code of ordinances regarding the summer sanitary sewer credit. Seconded by Patterson.

Voted Yes: All. Motion Carried.

**Item B: Resolution 2014-01: A Resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013.**

Moved by Patterson to approve Resolution 2014-01, a resolution to apply Ordinance No. 1008 retroactively to charges incurred in the summer of 2013. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

**NEW BUSINESS**

**7. Council will be asked to approve a contract agreement with South Haven Charter Township to continue providing police services in the Township for an additional five (5) years.**

*Background Information:* For the past three (3) years, the South Haven Police Department (SHPD) has provided police services in the Township, with a total coverage of eighty (80) hours per week. Prior to that period, the Township had contracted for additional police services from the Van Buren County Sheriff's Department.

Prior to the police services contract award, the SHPD had been handling an average of one hundred forty (140) calls for service, in the Township, on an annual basis. In the past, those incidents had occurred without cost recovery from the Township. The initial contract provided annual compensation, in the amount of \$175,000 per year, to the City of South Haven in exchange for eighty hours of dedicated patrol per week and random patrols on the remaining hours during the week. The proposed contract extends the terms of the agreement from three (3) years to five (5) years. Further, the proposed contract increases the initial cost of service to \$185,711.40. The contract includes an annual cost increase of two percent (2%).

The benefit to the Township is more responsive police coverage throughout the week. Some of the benefits to the City of South Haven are:

- The recovery for the cost of services provided by the City of South Haven
- Improved safety for area citizens
- Infusion of \$185,711.40 to the city budget
- Enhanced Intergovernmental cooperation

The South Haven Charter Township Board recently approved the updated contract, as presented.

Moved by Fitzgibbon to approve a contract agreement with South Haven Charter Township to continue providing police services in the Township for an additional five (5) years. Seconded by Klavins.

Voted Yes: All. Motion Carried.

**8. Council will be asked to affirm the color choice for the roofing materials at City Hall.**

*Background Information:* As part of the approximately \$3,000,000 renovation of the Police/Fire Complex, improvements are planned for City Hall and the DPW Building. Both buildings will be equipped with back-up power generators. City Hall improvements will also include the replacement of exterior windows, office renovations, and the replacement of the exterior roofing material (e.g., mansard style roof material.) In preparation for the project, staff has been worked with a committee of staff and elected officials (Council members Fitzgibbon and Kozlik-Wall.) The roof selection committee has completed the review of dozens of aluminum roofing options for City Hall. The committee has recommended the selection of a copper colored roof material for the exterior roofing material.

Moved by Fitzgibbon to affirm the color choice of copper for the roof project at City Hall. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

**9. Council will be asked to introduce an ordinance to amend the zoning ordinance to establish regulations for wind energy turbines with provisions for special use permit requests.**

*Background Information:* For many months, beginning in 2009, the City's Planning Commission actively worked to review and consider the possible use of wind turbine generators within the City of South Haven. The ordinance recommended by the city's planning commission establishes two categories of wind turbines, requires a special use permit for all wind turbines, and places height restrictions on the proposed units. (Attached is a chronology of the planning commission activities related to the development of that draft ordinance.) In April of 2010, the planning commission forwarded the draft ordinance to the city council for review and action.

On May 3, 2010, the council discussed the draft ordinance, which if approved would amend Article XVII, Section 1732, and establish Article XVII, Section 1742 and Article XV, Section 1510.35, and further establish regulations for wind energy turbines, with provisions for special use permit requests. The city council had some concerns with the draft ordinance and sent it back to the planning commission for further study. In September of that year, a joint workshop was held with the planning commission and city council to discuss the few remaining points of disagreement. The discussion at the meeting focused on:

1. Whether to limit all turbine heights to 40' in the areas west of Blue Star Highway, and
2. Remove 200' height limitation in areas east of the interchange and revise the fall zone provision to a one to one ratio, in the areas east of Blue Star Hwy.

At the November 4, 2010 meeting of the planning commission, the commission discussed the proposed modifications as offered by the city council and, after considering the potential impacts, voted to retain the originally drafted language. Most specifically, the commission agreed that no wind turbines over 200 feet should be permitted in the city and that the fall zone should remain at one to one and one half (1:1.5) except when adjacent to occupied buildings at which time the fall zone is increased to one to three (1:3).

The draft ordinance was sent back to city council late in 2010 but no action was taken.

Moved by Kozlik Wall to introduce the draft Wind Turbine Generator Ordinance, for consideration on to the January 20th regular meeting, with the following amendment to Section 3, Location Requirements: Category Two: A Wind Turbine greater than 40 feet and less than 200 feet in Turbine Height shall be considered an accessory structure requiring a special use permit which may be allowed in the B-4 and I-1 zoning districts east of Blue Star Highway, subject to the standards and requirements of this Section 1500. Seconded by Arnold.

Pat Miller, 1439 Clarke Place – expressed concerns with a couple of sections of the proposed ordinance.

Moved by Fitzgibbon to table the item until a future meeting to allow staff to make additional amendments to the draft ordinance. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**10. Council will be asked to introduce an ordinance to amend the city code by adding chapter 10, article IX, “Dangerous Buildings and Structures”.**

*Background Information:* In May of 2006, the City Council adopted Ordinance Number 942 to regulate the repair or demolition of dangerous buildings and structures in the city. That ordinance was codified in Chapter 10, Article IX, of the South Haven Code of Ordinances. On May 1, 2013, that ordinance expired, effectively repealing Ordinance 942.

Staff requested city council assistance in preparing the ordinance for readoption with some modifications. The most notable change to the ordinance is found in Section 10-277, b-c. This addition to the ordinance allows the city council to hold a hearing which will expedite the demolition process in emergency situations. (An emergency situation would involve a structure which is in imminent danger of collapse or which is causing an immediate hazard to persons or property.) This provision bypasses the construction board of appeals and court order requirements of the process, reducing the demolition process from several months to a few weeks. One provision is the agreement of the property owner to the demolition and application of liens to the property. This expedited process will be used in the demolition of the building at 335 Center Street.

Moved by Patterson to introduce an ordinance to amend the city code by adding chapter 10, article IX, “Dangerous Buildings and Structures”. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

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

Mike Henry, County Commissioner – Updated City Council on the recent activity of the Van Buren County Commission.

**12. City Manager’s Comments**

**13. Mayor and Councilperson’s Comments**

Kozlik Wall: Thank you to all the City Staff for all the hard work during the blizzard.

Gruber: Thanks to City Staff for work on getting trash services running again after the blizzard.

Fitzgibbon: Thanked all the City workers for their hard work at keeping the City streets cleared during the storm.

Patterson: Also thanked staff for all the hard work. Looking forward to 2014.

Arnold: Also thanked public works staff for hard work at clearing snow. Please make sure to watch for kids walking in the street during snow.

Klavins: City has increased the number of parking spaces in the downtown since 2003.

Burr: Palisades is working on the outage and re-fueling.

**14. Adjourn**

Moved by Fitzgibbon to adjourn. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried. Meeting adjourned at 7:56 p.m.

RESPECTFULLY SUBMITTED,



Amanda Morgan, CMC  
City Clerk

Approved by City Council: **DRAFT**

**CITY OF SOUTH HAVEN**

**JANUARY 21, 2014**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 19,768.99	\$ 15,770.51	\$ 35,539.50
202-MAJOR STREET FUND	\$ -	\$ -	\$ -
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ -	0	\$ -
226-GARBAGE/REFUSE FUND	\$ -	\$ -	\$ -
250-DOWNTOWN DEVELOPMENT	\$ -	\$ 118,684.40	\$ 118,684.40
251-LDFA #1	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ -	\$ -	\$ -
265-NARCOTICS UNIT	\$ 184.32	\$ -	\$ 184.32
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	\$ -	\$ 9,518.92	\$ 9,518.92
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ -	\$ -	\$ -
577-BEACH FUND	\$ -	\$ -	\$ -
582-ELECTRIC FUND	\$ 898,679.17	\$ 19,655.12	\$ 918,334.29
591-WATER FUND	\$ 37,622.95	\$ 11,263.59	\$ 48,886.54
592-SEWER FUND	\$ 48,895.63	\$ 2,295.46	\$ 51,191.09
594-MUNICIPAL MARINA	\$ 5,183.33	\$ -	\$ 5,183.33
636-INFORMATION SERVICES	\$ 40.99	\$ 6,448.07	\$ 6,489.06
661-MOTOR POOL	\$ 187.28	\$ 5,655.75	\$ 5,843.03
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ 895,856.38	\$ -	\$ 895,856.38
718-TRUST & AGENCY	\$ -	\$ -	\$ -
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
<b>TOTAL</b>	\$ 1,906,419.04	\$ 189,291.82	\$ 2,095,710.86

User: ksteinman  
DB: South Haven

BANK CODE: 1 CHECK DATE: 01/21/2014 INVOICE PAY DATE FROM 01/21/2014 TO 01/21/2014

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
01/21/2014	1	46647	003184	ALTA EQUIPMENT COMPANY	9.50	1
01/21/2014	1	46648	000145	ARISTA TRUCK SYSTEMS, INC	1,147.38	2
01/21/2014	1	46649	000174	AUTO GLASS BY GOBLES	272.55	1
01/21/2014	1	46650	000309	A.D. BOS OFFICE COFFEE SERVICE	33.45	1
01/21/2014	1	46651	000346	BRUSH ENTERPRISES	650.88	3
01/21/2014	1	46652	000372	C.C. JOHNSON & MALHOTRA PC	1,585.70	2
01/21/2014	1	46653	000453	CHIEF SUPPLY CORP	151.60	1
01/21/2014	1	46654	000533	CORNELISSE DESIGN ASSOC INC	1,182.00	1
01/21/2014	1	46655	000622	DELL MARKETING L P	5,728.07	6
01/21/2014	1	46656	000716	EJ USA INC	300.24	1
01/21/2014	1	46657	000718	ELECSYS INTERNATIONAL CORP	267.00	1
01/21/2014	1	46658	002992	FREIGHTLINER OF GRAND RAPIDS	233.71	1
01/21/2014	1	46659	000837	FREIGHTLINER OF KALAMAZOO	85.86	1
01/21/2014	1	46660	000846	FTC & H, INC	1,140.00	1
01/21/2014	1	46661	000922	GRANICUS, INC	150.00	1
01/21/2014	1	46662	000963	GRP ENGINEERING INC	1,650.72	2
01/21/2014	1	46663	001007	HARDESTY & HANOVER, LLP	9,518.92	1
01/21/2014	1	46664	001067	HI TEC BUILDING SERVICES	365.00	1
01/21/2014	1	46665	001107	HULL LIFT TRUCK INC	652.73	1
01/21/2014	1	46666	001120	HYDRO DESIGNS INC	995.00	1
01/21/2014	1	46667	001161	INTERSTATE ALL BATTERY CENTER	84.78	1
01/21/2014	1	46668	MISC	JACK J. JOHNS APPRAISAL COMPANY	6,500.00	1
01/21/2014	1	46669	001223	KAL-BLUE	98.06	1
01/21/2014	1	46670	001246	KENDALL ELECTRIC INC	14.70	1
01/21/2014	1	46671	001255	KERR PUMP AND SUPPLY	25.05	1
01/21/2014	1	46672	001467	MARK A MANNING	7,140.00	1
01/21/2014	1	46673	001633	MICHIGAN PUBLIC POWER AGENCY	1,000.00	1
01/21/2014	1	46674	001657	MICHIGAN TOWNSHIP SERVICES	1,132.50	1
01/21/2014	1	46675	001691	MILBOCKER & SONS INC	124,894.40	2
01/21/2014	1	46676	001881	OFFICE MAX INC	88.27	1
01/21/2014	1	46677	003042	OMM ENGINEERING INC	348.00	1
01/21/2014	1	46678	002188	ROME'S STANDARD SERVICE INC	337.58	1
01/21/2014	1	46679	003124	RPM MACHINERY	170.64	2
01/21/2014	1	46680	002268	SECURALARM SYSTEMS INC	720.00	1
01/21/2014	1	46681	002286	SHARE CORP	175.93	1
01/21/2014	1	46682	002312	SHULTS EQUIPMENT INC	1,536.00	1
01/21/2014	1	46683	002372	SOCIETY FOR HUMAN RESOURCE MGMNT	185.00	1
01/21/2014	1	46684	002425	SOUTH HAVEN VISITORS BUREAU	528.00	1
01/21/2014	1	46685	002478	STAPLES ADVANTAGE	448.03	2
01/21/2014	1	46686	002665	TREECORE	16,566.00	1
01/21/2014	1	46687	002728	USA BLUE BOOK	229.65	2
01/21/2014	1	46688	003220	WINGFOOT COMMERCIAL TIRE SYSTEMS	558.92	1
01/21/2014	1	46689	002936	WINKEL'S COMMUNICATION INC	390.00	1

Num Checks: 43

Num Invoices: 57

Total Amount: 189,291.82

## INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN

INVOICE DUE DATES 01/21/2014 - 01/21/2014

BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID

BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
V20535							
36390	ALTA EQUIPMENT COMPANY	12/20/2013	01/21/2014	9.50	0.00	P	Y
	FREIGHT	ksteinman					01/14/2014
	661-450-741-003	REPAIR & MAINT SUPPLIES		9.50			
11033							
36413	ARISTA TRUCK SYSTEMS, INC	12/13/2013	01/21/2014	847.38	0.00	P	Y
	MAINTENANCE SUPPLIES	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		847.38			
26876							
36414	ARISTA TRUCK SYSTEMS, INC	12/02/2013	01/21/2014	300.00	0.00	P	Y
	MAINTENANCE SUPPLIES	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		300.00			
WO 9000002319							
36412	AUTO GLASS BY GOBLES	01/06/2014	01/21/2014	272.55	0.00	P	Y
	REPLACED BACK WINDOW	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		272.55			
600074							
36419	A.D. BOS OFFICE COFFEE SERVICE	01/02/2014	01/21/2014	33.45	0.00	P	Y
	COFFEE SUPPLIES	ksteinman					01/14/2014
	101-265-741-000	OPERATING SUPPLIES		33.45			
5780							
36383	BRUSH ENTERPRISES	01/07/2014	01/21/2014	154.00	0.00	P	Y
	REPAIRS	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		154.00			
5770							
36415	BRUSH ENTERPRISES	01/05/2014	01/21/2014	229.00	0.00	P	Y
	REPAIRS	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		229.00			
5752							
36416	BRUSH ENTERPRISES	12/31/2013	01/21/2014	267.88	0.00	P	Y
	REPAIRS	ksteinman					01/14/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		267.88			
01/08/14							
36377	C.C. JOHNSON & MALHOTRA PC	01/08/2014	01/21/2014	475.71	0.00	P	Y
	WWTP IPP PROGRAM	ksteinman					01/14/2014
	592-560-801-000	PROFESSIONAL/CONSULTING FEES		475.71			

01/15/2014 11:45 AM  
 User: ksteinman  
 DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 01/21/2014 - 01/21/2014  
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
12/31/13 36407	C.C. JOHNSON & MALHOTRA PC PROFESSIONAL SERVICES 11/17/13-12/ 592-559-801-000	12/31/2013 ksteinman	01/21/2014	1,109.99 1,109.99	0.00	P	Y 01/14/2014
360901 36398	CHIEF SUPPLY CORP CLOTHING 101-301-729-000	12/12/2013 ksteinman	01/21/2014	151.60 151.60	0.00	P	Y 01/14/2014
201220-07 CD 36389	CORNELISSE DESIGN ASSOC INC LANDSCAPE ARCHITECTURE SERVICE- RE 250-729-974-018-0150	12/31/2013 ksteinman	01/21/2014	1,182.00 1,182.00	0.00	P	Y 01/14/2014
XJ93XNKT2 36379	DELL MARKETING L P COMPUTER HARDWARE AND SUPPLIES 636-258-980-001	12/16/2013 ksteinman	01/21/2014	2,834.22 2,834.22	0.00	P	Y 01/14/2014
XJ9764P21 36380	DELL MARKETING L P COMPUTER HARDWARE 636-258-980-001	12/23/2013 ksteinman	01/21/2014	1,087.40 1,087.40	0.00	P	Y 01/14/2014
XJ96F7625 36381	DELL MARKETING L P COMPUTER HARDWARE 636-258-980-001	12/22/2013 ksteinman	01/21/2014	1,061.13 1,061.13	0.00	P	Y 01/14/2014
XJ928CDN8 36393	DELL MARKETING L P HARDWARE 636-258-980-001	12/12/2013 ksteinman	01/21/2014	278.76 278.76	0.00	P	Y 01/14/2014
XJ949JX31 36394	DELL MARKETING L P HARDWARE 636-258-980-001	12/17/2014 ksteinman	01/21/2014	23.79 23.79	0.00	P	Y 01/14/2014
XJ931XJ56 36395	DELL MARKETING L P HARDWARE 636-258-980-001	12/13/2013 ksteinman	01/21/2014	442.77 442.77	0.00	P	Y 01/14/2014

01/15/2014 11:45 AM  
 User: ksteinman  
 DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 01/21/2014 - 01/21/2014  
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
3681035 36408	EJ USA INC SUPPLIES 591-558-741-000	01/09/2014 ksteinman OPERATING SUPPLIES	01/21/2014	300.24 300.24	0.00	P	Y 01/14/2014
120877 36392	ELECSYS INTERNATIONAL CORP MONTHLY MAINTENANCE CHARGE 582-558-802-000 591-558-802-000 592-558-802-000	12/28/2013 ksteinman OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES OTHER CONTRACTUAL SERVICES	01/21/2014	267.00 186.90 40.05 40.05	0.00	P	Y 01/14/2014
X001504886:01 36409	FREIGHTLINER OF GRAND RAPIDS SUPPLIES 661-450-741-003	12/17/2013 ksteinman REPAIR & MAINT SUPPLIES	01/21/2014	233.71 233.71	0.00	P	Y 01/14/2014
X002173805:01 36384	FREIGHTLINER OF KALAMAZOO PURGE KITS 661-450-741-003	01/10/2014 ksteinman REPAIR & MAINT SUPPLIES	01/21/2014	85.86 85.86	0.00	P	Y 01/14/2014
298855 36404	FTC & H, INC WATER SYSTEM RELIABILITY STUDY 591-558-801-000 591-563-801-000 591-564-801-000 591-565-801-000	12/30/2013 ksteinman CASCO SH TOWNSHIP COVERT	01/21/2014	1,140.00 285.00 285.00 285.00 285.00	0.00	P	Y 01/14/2014
50699 36396	GRANICUS, INC MONTHLY MANAGED SERVICE 101-294-802-000	12/15/2013 ksteinman OTHER CONTRACTUAL SERVICES	01/21/2014	150.00 150.00	0.00	P	Y 01/14/2014
20131084 36401	GRP ENGINEERING INC ENGINEERING SERVICES 582-558-802-000	12/03/2013 ksteinman OTHER CONTRACTUAL SERVICES	01/21/2014	1,000.00 1,000.00	0.00	P	Y 01/14/2014
20131087 36402	GRP ENGINEERING INC ELECTRICAL ENGINEER 582-558-802-000	12/03/2013 ksteinman OTHER CONTRACTUAL SERVICES	01/21/2014	650.72 650.72	0.00	P	Y 01/14/2014

01/15/2014 11:45 AM  
 User: ksteinman  
 DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 01/21/2014 - 01/21/2014  
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
1/9/14 36373	HARDESTY & HANOVER, LLP ENGINEERING SERVICES DYCKMAN BRIDG 402-202-988-010	01/09/2014 ksteinman	01/21/2014	9,518.92 9,518.92	0.00	P	Y 01/14/2014
006559 36423	HI TEC BUILDING SERVICES JANITORIAL SERVICE 592-559-802-000	12/30/2013 ksteinman	01/21/2014	365.00 365.00	0.00	P	Y 01/14/2014
WO-289077-1 36411	HULL LIFT TRUCK INC PARTS 661-450-935-000	12/19/2013 ksteinman	01/21/2014	652.73 652.73	0.00	P	Y 01/14/2014
0030993-IN 36376	HYDRO DESIGNS INC CROSS CONNECTION CONTROL PROGRAM 591-559-802-000	12/31/2013 ksteinman	01/21/2014	995.00 995.00	0.00	P	Y 01/14/2014
1901802006187 36388	INTERSTATE ALL BATTERY CENTER BATTERIES 582-558-741-000	12/26/2013 ksteinman	01/21/2014	84.78 84.78	0.00	P	Y 01/14/2014
13-0176 36372	JACK J. JOHNS APPRAISAL COMPANY APPRAISAL SERVICES 101-209-801-000	11/10/2013 ksteinman	01/21/2014	6,500.00 6,500.00	0.00	P	Y 01/14/2014
2003 36410	KAL-BLUE SUPPLIES 101-447-727-000 101-446-727-000 591-558-727-000 592-558-727-000 582-558-727-000	01/10/2014 ksteinman	01/21/2014	98.06 19.62 19.61 19.61 19.61 19.61	0.00	P	Y 01/14/2014
S102248610.001 36424	KENDALL ELECTRIC INC LAMP 592-559-933-000	01/02/2014 ksteinman	01/21/2014	14.70 14.70	0.00	P	Y 01/14/2014

## INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN

INVOICE DUE DATES 01/21/2014 - 01/21/2014

BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID

BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
INV153742							
36399	KERR PUMP AND SUPPLY GASKET 591-559-933-000	12/23/2013 ksteinman REPAIRS/MAINTENANCE - EQUIPM	01/21/2014	25.05 25.05	0.00	P	Y 01/14/2014
293							
36382	MARK A MANNING ATTORNEY SERVICES 101-210-801-000	01/07/2014 ksteinman PROFESSIONAL/CONSULTING FEES	01/21/2014	7,140.00 7,140.00	0.00	P	Y 01/14/2014
201421							
36405	MICHIGAN PUBLIC POWER AGENCY 2014 ASSOCIATES DUES 582-558-958-000	01/10/2014 ksteinman SUBSCRIPTIONS/MEMBERSHIPS	01/21/2014	1,000.00 1,000.00	0.00	P	Y 01/14/2014
2700							
36426	MICHIGAN TOWNSHIP SERVICES ELECTRICAL INSPECTIONS 101-371-802-021	01/03/2014 ksteinman ELECTRICAL INSPECTIONS	01/21/2014	1,132.50 1,132.50	0.00	P	Y 01/15/2014
PAY APP #4							
36427	MILBOCKER & SONS INC PHOENIX ST IMPROVEMENTS 250-729-974-018-0150	12/31/2013 ksteinman CAPITAL PROJECTS	01/21/2014	116,974.40 116,974.40	0.00	P	Y 01/15/2014
3630							
36428	MILBOCKER & SONS INC FIRE SUPPRESSION WATER SERVICE FOR 591-558-802-000	12/30/2013 ksteinman FIRE SUPPRESSION WATER SERVICE	01/21/2014	7,920.00 7,920.00	0.00	P	Y 01/15/2014
334962							
36397	OFFICE MAX INC SUPPLIES 101-301-727-000	12/13/2013 ksteinman OFFICE SUPPLIES	01/21/2014	88.27 88.27	0.00	P	Y 01/14/2014
3958-10							
36418	OMM ENGINEERING INC ENGINEERING SERVICES 591-002-255-002	01/03/2014 ksteinman OTHER CUSTOMER DEPOSITS	01/21/2014	348.00 348.00	0.00	P	Y 01/14/2014
30859							
36406	ROME'S STANDARD SERVICE INC BRAKE REPAIR 661-450-935-000	12/27/2013 ksteinman REPAIRS/MAINTENANCE - VEHICLES	01/21/2014	337.58 337.58	0.00	P	Y 01/14/2014

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 01/21/2014 - 01/21/2014  
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
002583 36420	RPM MACHINERY PARTS 661-450-741-003	01/08/2014 ksteinman	01/21/2014	85.54	0.00	P	Y 01/14/2014
	REPAIR & MAINT SUPPLIES			85.54			
002575 36421	RPM MACHINERY SUPPLIES 661-450-741-003	01/08/2014 ksteinman	01/21/2014	85.10	0.00	P	Y 01/14/2014
	REPAIR & MAINT SUPPLIES			85.10			
89279 36375	SECURALARM SYSTEMS INC SOFTWARE PROTECTION AGREEMENT 636-258-802-000	01/01/2014 ksteinman	01/21/2014	720.00	0.00	P	Y 01/14/2014
	OTHER CONTRACTUAL SERVICES			720.00			
863383 36385	SHARE CORP DISINFECTING WIPES 591-559-741-000	01/03/2014 ksteinman	01/21/2014	175.93	0.00	P	Y 01/14/2014
	OPERATING SUPPLIES			175.93			
0031056-IN 36374	SHULTS EQUIPMENT INC CURB GUARD 661-450-741-003	01/02/2014 ksteinman	01/21/2014	1,536.00	0.00	P	Y 01/14/2014
	REPAIR & MAINT SUPPLIES			1,536.00			
9005619578 36400	SOCIETY FOR HUMAN RESOURCE MGMT MEMBERSHIP RENEWAL 101-227-958-000 591-564-958-000	01/03/2014 ksteinman	01/21/2014	185.00	0.00	P	Y 01/14/2014
	SUBSCRIPTIONS/MEMBERSHIPS			138.75			
	SUBSCRIPTIONS/MEMBERSHIPS			46.25			
20141 36429	SOUTH HAVEN VISITORS BUREAU PUBLIC RESTROOM EXPENSES 250-729-944-000	01/03/2014 ksteinman	01/21/2014	528.00	0.00	P	Y 01/15/2014
	BUILDING LEASE			528.00			
7111392277-000001 36386	STAPLES ADVANTAGE SUPPLIES 582-558-741-000 591-558-741-000 592-558-741-000 101-446-741-000 101-447-741-000 582-558-727-000	01/08/2014 ksteinman	01/21/2014	248.04	0.00	P	Y 01/14/2014
	OPERATING SUPPLIES			23.01			
	OPERATING SUPPLIES			23.01			
	OPERATING SUPPLIES			23.01			
	OPERATING SUPPLIES			23.02			
	OPERATING SUPPLIES			23.02			
	OFFICE SUPPLIES			26.60			

01/15/2014 11:45 AM  
 User: ksteinman  
 DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
 INVOICE DUE DATES 01/21/2014 - 01/21/2014  
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
 BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	591-558-727-000	OFFICE SUPPLIES		26.60			
	592-558-727-000	OFFICE SUPPLIES		26.59			
	101-446-727-000	OFFICE SUPPLIES		26.59			
	101-447-727-000	OFFICE SUPPLIES		26.59			
<hr/>							
7110321862-00004							
36387	STAPLES ADVANTAGE	01/04/2014	01/21/2014	199.99	0.00	P	Y
	SUPPLIES	ksteinman					01/14/2014
	101-447-727-000	OFFICE SUPPLIES		199.99			
<hr/>							
0576							
36378	TREECORE	01/02/2014	01/21/2014	16,566.00	0.00	P	Y
	TREE WORK	ksteinman					01/14/2014
	582-558-802-000	OTHER CONTRACTUAL SERVICES		16,566.00			
<hr/>							
230278							
36403	USA BLUE BOOK	12/26/2013	01/21/2014	106.35	0.00	P	Y
	LAB SUPPLIES	ksteinman					01/14/2014
	591-559-741-000	OPERATING SUPPLIES		106.35			
<hr/>							
230777							
36422	USA BLUE BOOK	12/27/2013	01/21/2014	123.30	0.00	P	Y
	LAB SUPPLIES	ksteinman					01/14/2014
	592-559-741-000	OPERATING SUPPLIES		123.30			
<hr/>							
159-1047776							
36391	WINGFOOT COMMERCIAL TIRE SYSTEMS	12/12/2013	01/21/2014	558.92	0.00	P	Y
	TIRES	ksteinman					01/14/2014
	661-450-741-003	REPAIR & MAINT SUPPLIES		558.92			
<hr/>							
3267							
36417	WINKEL'S COMMUNICATION INC	01/01/2014	01/21/2014	390.00	0.00	P	Y
	RADIO SYSTEM MAINTENANCE	ksteinman					01/14/2014
	582-558-802-000	OTHER CONTRACTUAL SERVICES		97.50			
	101-446-802-000	OTHER CONTRACTUAL SERVICES		97.50			
	591-558-802-000	OTHER CONTRACTUAL SERVICES		97.50			
	592-558-802-000	OTHER CONTRACTUAL SERVICES		97.50			
<hr/>							
# of Invoices:	57	# Due:	0	Totals:	189,291.82	0.00	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					189,291.82	0.00	

01/15/2014 11:45 AM  
User: ksteinman  
DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
INVOICE DUE DATES 01/21/2014 - 01/21/2014  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Page: 8/8

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			15,770.51	0.00		
	250 - DOWNTOWN DVLP AUTHORITY			118,684.40	0.00		
	402 - CAPITAL PROJECTS FUND 2			9,518.92	0.00		
	582 - ELECTRIC FUND			19,655.12	0.00		
	591 - WATER FUND			11,263.59	0.00		
	592 - SEWER FUND			2,295.46	0.00		
	636 - INFORMATION SERVICES FUND			6,448.07	0.00		
	661 - MOTOR POOL FUND			5,655.75	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	002 - LIABILITIES			348.00	0.00		
	202 - CITY TREASURER			9,518.92	0.00		
	209 - ASSESSOR			6,500.00	0.00		
	210 - LEGAL & PROFESSIONAL			7,140.00	0.00		
	227 - PERSONNEL			138.75	0.00		
	258 - DATA PROCESSING			6,448.07	0.00		
	265 - BUILDINGS & GROUNDS			33.45	0.00		
	294 - CATV BROADCASTING			150.00	0.00		
	301 - POLICE			239.87	0.00		
	371 - BUILDING INSPECTIONS			1,132.50	0.00		
	446 - HIGHWAYS & STREETS			166.72	0.00		
	447 - ENGINEERING			269.22	0.00		
	450 - EQUIPMENT MAINTENANCE			5,655.75	0.00		
	558 - OPERATIONS			28,573.89	0.00		
	559 - TREATMENT			2,915.32	0.00		
	560 - IPP PROGRAM			475.71	0.00		
	563 - OPERATIONS - CASCO TOWNSHI			285.00	0.00		
	564 - OPERATIONS - SOUTH HAVEN TW			331.25	0.00		
	565 - OPERATIONS - COVERT			285.00	0.00		
	729 - DOWNTOWN DEVELOPMENT			118,684.40	0.00		

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
01/10/2014	1	46610	003075	WILLIAM CONKLIN	47.89
01/10/2014	1	46611	003213	DALE CLAYTON	75.67
01/10/2014	1	46612	003127	ADAM DE BOER	213.50
01/10/2014	1	46613	000660	DOMESTIC LINEN-KALAMAZOO	2,128.82
01/10/2014	1	46614	MISC	ECO DEMOLITION	500.00
01/10/2014	1	46615	000843	FRONTIER	58.00
01/10/2014	1	46616	000959	GRIFFITH, KYLE	16.71
01/10/2014	1	46617	001065	HISTORICAL ASSOCIATION OF	5,000.00
01/10/2014	1	46618	001286	KNOX, JARED	78.20
01/10/2014	1	46619	001544	MENARDS	291.11
01/10/2014	1	46620	001642	MICHIGAN SECTION AWWA	150.00
01/10/2014	1	46621	MISC	MTA	442.00
01/10/2014	1	46622	MISC	NIEBOER HEATING & COOLING	100.00
01/10/2014	1	46623	003047	ERIC SMITH	75.67
01/10/2014	1	46624	002388	SOUTH HAVEN AREA RECREATION	8,806.00
01/10/2014	1	46625	003132	SOUTH HAVEN HEALTH SYSTEM	681.32
01/10/2014	1	46626	002424	SOUTH HAVEN/CASCO	84,735.64
01/10/2014	1	46627	002465	SPRINT	40.99
01/10/2014	1	46628	002645	TRACTOR SUPPLY CREDIT PLAN	242.62
01/10/2014	1	46629	002724	UPS STORE #5080	28.23
01/10/2014	1	46630	002774	PAUL VANDEN BOSCH	71.20
01/10/2014	1	46631	002949	WOLVERINE HARDWARE	34.22
01/10/2014	1	46632	UB REFUND	COLE, JENDA J	89.74
01/10/2014	1	46633	UB REFUND	ECOVA	64.02
01/10/2014	1	46634	UB REFUND	LEYVA, STEPHANIE	84.70
01/10/2014	1	46635	UB REFUND	NIXON, HUGH	179.39
01/10/2014	1	46636	UB REFUND	RUPPERT, AL	69.99
01/13/2014	1	46637	MISC	AARON BLACKSTON	211.66
01/13/2014	1	46638	000339	BROUSSEAU APPRAISAL SERVICES I	3,690.00
01/13/2014	1	46639	000994	HAPA LLC	5,183.33
01/13/2014	1	46640	000059	ALLEGAN COUNTY TREASURER	1,268.52
01/13/2014	1	46641	001329	LAKE MICHIGAN COLLEGE	1,340.21
01/13/2014	1	46642	002395	SOUTH HAVEN COMMUNITY HOSPITAL	31,290.32
01/13/2014	1	46643	002415	SOUTH HAVEN PUBLIC SCHOOLS	11,995.37
01/13/2014	1	46644	002417	SOUTH HAVEN SENIOR SERVICES	23,709.44
01/13/2014	1	46645	002757	VAN BUREN COUNTY TREASURER	260,680.05
01/13/2014	1	46646	002758	VAN BUREN INTERMEDIATE	565,572.47

1 TOTALS:

Total of 37 Checks:	1,009,247.00
Less 0 Void Checks:	0.00
Total of 37 Disbursements:	1,009,247.00

01/15/2014 11:48 AM  
User: ksteinman  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK DATE FROM 01/09/2014 - 01/15/2014

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
01/09/2014	1	39(E)	003062	MCAAA	23,026.42
01/15/2014	1	40(E)	000087	AMERICAN ELECTRIC POWER	874,145.62

1 TOTALS:

Total of 2 Checks:					897,172.04
Less 0 Void Checks:					0.00
Total of 2 Disbursements:					<u>897,172.04</u>

# Planning Commission

## Regular Meeting Minutes Thursday, December 5, 2013 7:00 p.m., Council Chambers



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

### 2. Roll Call

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

Motion by Smith, second by Webb to excuse Miles and Wall.

All in favor. Motion carried.

### 3. Approval of Agenda

Paull noted that each year the Planning Commission is required to approve a meeting calendar for the upcoming year; approval of the agenda should include the addition of such approval in place of the current Item #7.

Motion by Smith, second by Frost to approve the December 5, 2013 regular Planning Commission agenda as amended.

All in favor. Motion carried.

### 4. Approval of Minutes – November 7, 2013

Motion by Frost, second by Heinig to approve the November 7, 2013 minutes as written.

All in favor. Motion carried.

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

Elaine Herbert, 140 No. Shore Drive. Expressed concerns regarding allowing single family residential homes in the B-3 waterfront business district and adding Old Harbor Village into the Central Business District.

Paull noted that the Planning Commission will be discussing B-3 at the January 9, 2014 meeting.

## 6. New Business – PUBLIC HEARINGS

### A. Taste Restaurant – Special Use Permit, Outdoor Dining

**Joel Gesiakowski, representing Taste Restaurant at 402 Phoenix Street requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-001-008-00 and the owner of record is JWILCO Properties, LLC of South Haven.**

Motion by Smith, second by Heinig to open the public hearing.

All in favor. Motion carried.

Joel Gesiakowski, owner of Taste, explained his request as outdoor service for food and/or alcohol, with seating for twelve (12) to twenty (20) people, wrought iron seating with umbrella tables with service provided by Taste's wait staff from inside the restaurant.

In response to a query by Frost regarding the liquor license, Gesiakowski explained that there will just be an extension of the existing license and there will not be an outdoor bar.

There were no public comments made.

Motion by Heinig, second by Peterson to close the public hearing.

All in favor. Motion carried.

Paull expressed his concern about outdoor sound and music. Gesiakowski stated that Taste does have two (2) outdoor speakers and they will be no louder, explaining "We are a restaurant first, a bar second; we will have the same hours, the same philosophy as the restaurant, the same dinner music."

Peterson noted that 11:00 p.m. is the closing time stipulated in the regulations and thinks outdoor dining is a great idea; it is all spelled out as far as how it will be done, what can and cannot be out there.

Smith questioned the railings and snow removal. Anderson said railings located on public property will have to come down during the winter to facilitate snow removal. Discussion ensued regarding who will install railings initially, the property owner or the city.

Heinig stated his concern about wait staff and patrons using the same doorway for ingress and egress as well as wait staff crossing the pedestrian pathway. Gesiakowski said he will be offering a limited menu out there and staff will not seat more than four (4) people at one table which limits the size of trays coming out.

Anderson read a letter from Keith Huffman of 323 Eagle Street expressing concerns about additional speakers and increased volume. Gesiakowski assured that they do

not plan to add speakers or turn up the existing volume, which is dinner music for atmosphere.

Paull noted this special use permit is conditional on traffic issues, noise, etc. so advised that applicants keep that in mind as this permit can be revoked if there are problems.

Paull noted that the city's limit of ninety (90) decibels at the property line is quite loud. Smith felt noise issues could easily become a problem.

Motion by Smith, second by Heinig to approve the special use permit, as requested for 402 Phoenix Street, contingent upon approval of the proposed furniture by the Downtown Development Authority, recommending that City Council approve the license agreement for seating on public property.

All in favor. Motion carried.

#### **B. Black River Tavern Restaurant – Special Use Permit, Outdoor Dining**

**Scott Maxwell, representing Black River Tavern at 401 Phoenix Street, requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-123-008-00 and the owner of record is BPO Elks #1509 of South Haven.**

Motion by Smith, second by Heinig to open the public hearing.

All in favor. Motion carried.

Joel Gesiakowski, representing Black River Tavern at Scott Maxwell's request. Gesiakowski noted that Black River Tavern is a bar as well as a restaurant, so it is a little different concept. In response to questions, Gesiakowski stated that as far as he knows Maxwell has no intention of piping live performances outdoors.

There was no public comment offered.

Motion by Smith, second by Frost to close the public hearing.

All in favor. Motion carried.

Smith asked whether live entertainment will be permitted on the street and whether they may add speakers. Anderson noted that those items are not included in the license agreement. An amendment to the license agreement would be required if a live performer were requested.

Paull noted that the special use requirements limit outdoor speaker systems. Upon questions, Anderson noted that the Planning Commission may make approval contingent on the establishment not installing additional speakers or increasing the current volume.

Peterson asked if there is a capacity rule to which Anderson responded that the fire marshal will set the capacity limit and that will have to be adhered to.

Motion by Heinig, second by Smith to approve the special use permit for Black River Tavern at 401 Phoenix Street contingent on having no additional speakers and no additional volume and on the Downtown Development Authority's approval of the proposed furniture. He also recommended that City Council approve the license agreement allowing outdoor seating on public property.

Frost clarified that the restriction of additional speakers does not disallow installation of new speakers in the case of the present speakers breaking, but again, to be no louder than the current level of music. Smith noted that live music can be piped outside but at the same volume level.

All in favor. Motion carried.

## 7. Meeting calendar for 2014.

Anderson noted that the January and July meetings were moved a week to avoid meetings conflicting with holidays. Anderson noted that sometimes there will need to be a change in the date of the meeting and that can be done as long as it is posted.

Discussion regarding the timing of spring break April 7 through 11; there will not be a conflict with meeting on the regularly scheduled first Thursday of the month.

(Generally, the Planning Commission meets on the first Thursday of the month.)

January	9*
February	6
March	6
April	3
May	1
June	5
July	10*
August	7
September	4
October	2
November	6
December	4

\* Due to holiday conflicts, these meetings will not take place on the first Thursday of the month. (SHPS spring break is April 7-11 in 2014.)

Motion by Heinig, second by Frost to approve the calendar as presented for 2014.

All in favor. Motion carried.

## 8. Commissioner Comments

Webb: none  
Heinig: none

Frost: none

Smith and Peterson: happy holidays

Paul: The Central Business District designation recommended for Old Harbor Village is rather restrictive and essentially recognizes what is already there. In the 1980s Old Harbor Village was given a dispensation for parking by buying into a now defunct parking program; they already do not provide parking for their guests. Incorporating Old Harbor Village into the Central Business District will probably encourage business development.

## **9. Adjourn**

Motion by Smith, second by Frost to adjourn at 7:34 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,  
Marsha Ransom  
Recording Secretary



## Proposed Amendments and Re-adoption of the Dangerous Buildings and Structures Ordinance

City of South Haven

**Background Information:** In May of 2006, the City Council adopted Ordinance Number 942 to regulate the repair or demolition of dangerous buildings and structures in the city. That ordinance was codified in Chapter 10, Article IX, of the South Haven Code of Ordinances. On May 1, 2013, that ordinance expired, effectively repealing Ordinance 942.

Staff requested city counsel assistance in preparing the ordinance for readoption with some modifications. The most notable change to the ordinance is found in Section 10-277, b-c. This addition to the ordinance allows the city council to hold a hearing which will expedite the demolition process in emergency situations. (An emergency situation would involve a structure which is in imminent danger of collapse or which is causing an immediate hazard to persons or property.) This provision bypasses the construction board of appeals and court order requirements of the process, reducing the demolition process from several months to a few weeks. One provision is the agreement of the property owner to the demolition and application of liens to the property. This expedited process will be used in the demolition of the building at 335 Center Street.

**Recommendation:** Staff requests that the City Council adopt the proposed Dangerous Buildings and Structures Ordinance as written.

At the current meeting, the City Council members may elect, through a simple majority vote, to adopt the ordinance as presented, deny the ordinance or adopt the ordinance with some modifications. If the amendment is adopted, it will become effective ten (10) days after the City Council vote. A draft ordinance is included in this packet.

**Support Material:**

Proposed Dangerous Buildings and Structures Ordinance

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY CODE BY ADDING CHAPTER  
10, ARTICLE IX, "DANGEROUS BUILDINGS AND STRUCTURES"**

WHEREAS, the City Council previously adopted Ordinance Number 942 to regulate dangerous buildings and structures in the city, and that ordinance was codified in Chapter 10, Article IX, of the South Haven Code of Ordinances.

WHEREAS, Ordinance Number 942 expired on May 1, 2013.

WHEREAS, the expiration of Ordinance 942 effectively repealed Chapter 10, Article IX, of the South Haven Code of Ordinances.

The City of South Haven Ordains:

Section 1. Amendment. Chapter 10, Article IX, "Dangerous Buildings and Structures," is added to the South Haven Code of Ordinances to provide as follows:

**Article IX. Dangerous Buildings and Structures**

**Sec. 10-222. Dangerous building and structures ordinance.**

This Ordinance shall be known and cited as the City of South Haven Dangerous Buildings and Structures Ordinance. An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the City of South Haven, Van Buren County, Michigan, by regulating dangerous buildings and structures injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings and structures; to provide for the appointment of a hearing officer; and to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings and structures. This Ordinance is adopted pursuant to MCL 117.3(k), MCL 117.4(i) and MCL 125.401, *et seq.*

**Sec. 10-223. Dangerous building and structures defined.**

As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- (a) A door, aisle, passageway, stairway, or other means of exit does not conform to the requirements of the fire code.
- (b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is significantly impaired and the structure does not meet the minimum requirements of the building code of the city involving structural integrity.
- (c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the building code.

(e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

(g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants or criminals or enables persons to resort to the building or structure for committing a nuisance or an unlawful acts.

(h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

**Sec. 10-224. Dangerous building unlawful.**

It shall be unlawful for any owner, agent, lessee or party in interest to keep or maintain any building or part thereof which is a dangerous building or structure as defined in this ordinance.

**Sec. 10-225. Notice of dangerous building; Contents service.**

(a) Notwithstanding any other provision of this act, if a building or structure is found to be a dangerous building, the enforcing agency, being the South Haven Building Inspection Department, shall issue a notice that the building or structure is a dangerous building.

(b) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency. If an owner, agent, or lessee is not registered with the Building Inspection Department, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(c) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) The hearing officer shall be appointed by the mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part

of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

**Sec. 10-226. Hearing.**

(a) At a hearing, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under the provisions of this Ordinance, the order may require the owner or agent, to bring and maintain the exterior of the building and adjoining grounds into compliance with Sections 30-91 and 30- 92 of the South Haven City Code.

**Sec. 10-227. Appeal to Construction Board of Appeals.**

(a) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under Section 10-226(b), the hearing officer shall file a report of the findings and a copy of the order with the construction board of appeals not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed above.\

(b) The construction board of appeals of the city shall set a date not less than 30 days after the hearing for an appellate hearing on the findings and order of the hearing officer. The construction board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed above of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The construction board of appeals of the city shall either approve, disapprove, or modify the order. If the construction board of appeals approves or modifies the order, the city shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the construction board of appeals of the city determines that the building or structure requires expedited demolition because it has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, there exists a rebuttable presumption that the building or structure requires expedited demolition. The owner of a building or structure determined to be in need of expedited demolition may, in writing, waive the 21-day period for complying with the order, consent to demolition by the city, and consent to the city's lien for the cost of demolition.

(c) After the hearing officer issues an order of demolition, the owner of the building or structure may submit a written petition to the city manager requesting an expedited appellate hearing before the city council. Such petitions shall be placed on the agenda for consideration at the next regularly scheduled meeting of the city council. The owner or his or her representative shall appear at the meeting to show cause as to why an expedited

hearing should be granted. The city council may then, at its discretion, vote to conduct the hearing at that same meeting.

(d) The cost of demolition includes, but is not limited to, legal fees and expenses, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this Ordinance. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city to bring the property into conformance with this act shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(e) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city shall have a lien for the cost incurred by the city to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

#### **Sec. 10-228. Additional remedies.**

In addition to the other remedies provided under this Ordinance, the city may:

(a) Bring an action against the owner of a dangerous building or structure to recover the full cost of demolition, of making the building safe, or of maintaining the exterior or grounds adjoining a dangerous building or structure. The city shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

- (1) A judgment in an action brought pursuant to this Ordinance may be enforced against assets of the owner other than the dangerous building or structure.
- (2) The city shall have a lien for the amount of a judgment obtained against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the dangerous building or structure against whom the judgment is obtained.

(b) Recover the full cost of demolition of a dangerous building or structure or of maintaining the exterior or grounds adjoining a dangerous building or structure by single-lot special assessment pursuant to Section 72-18 of this Code.

(c) In addition to the remedies above, a person who fails or refuses to comply with an order approved or modified by the construction board of appeals within the time prescribed by the order is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days, or a fine of not more than \$1,000.00, or both.

**Sec. 10-229. Appeal to circuit court, scope of appeal.**

(a) An owner or party in interest aggrieved by any final decision of the construction board of appeals may appeal the decision or order to the Circuit Court for the County of Van Buren by filing an appeal within twenty one days from the date of such decision. Upon appeal the Circuit Court shall review the record and decision of the board of appeals to ensure that the decision:

- (1) Complies with the constitution and laws of the state.
- (2) Is based upon proper procedure.
- (3) Is supported by competent, material, and substantial evidence on the record.
- (4) Represents the reasonable exercise of discretion granted by law to the board of appeals.

(b) If the court finds the record of the construction board of appeals inadequate to make the review required by this ordinance, or that there is additional evidence which is material and with good reason was not presented to the construction board of appeals, the court shall order further proceedings before the construction board of appeals on conditions which the court considers proper. The construction board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court.

(c) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the construction board of appeals.

**Sec. 10-230. Orders issued prior to the sunset of Ordinance 942.**

Any order issued by a hearing officer or by the construction board of appeals prior to May 1, 2014, shall remain in effect and shall be treated as if issued under this Ordinance.

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: \_\_\_\_\_

**CERTIFICATION**

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2014.

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

\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2014  
Adopted: \_\_\_\_\_, 2014  
Published: \_\_\_\_\_, 2014  
Effective: \_\_\_\_\_, 2014



## **335 Center Street Demolition Request**

**City of South Haven**

### **Background Information:**

Enforcement efforts for the structure at 335 Center Street date back to 2006. In 2011, the city filed in court either demolish the structure or compel the owner to make the needed repairs. The owner subsequently made the minimum repairs needed and the building was allowed to remain. There have been no additional attempts at maintenance of the building and the structure has continued to deteriorate.

On April 5, 2013, amid complaints of falling glass and shingles, the city building official posted the building as dangerous and ordered that it be secured to halt the falling debris.

In August of 2013, certain areas of the building was observed by the building inspector to be in danger of collapse. He ordered that the sidewalk and parking spaces on the west side of the building be blocked from pedestrian or vehicular traffic.

The condition of this building is rapidly deteriorating with the west wall beginning to bow outward and the east side by the open stairway now sinking into the ground about 12 inches.

### **Recommendation:**

City staff recommends that the City Council approve the attached resolution authorizing the State of Michigan to demolish the structure at 335 Center Street as soon as possible.

### **Support Material:**

Demolition Resolution

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-02

A RESOLUTION TO ORDER THE IMMEDIATE DEMOLITION  
OF THE BUILDING LOCATED AT 335 CENTER STREET, SOUTH HAVEN, MI

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 January 20<sup>th</sup>, 2014 at 7:00 p.m. local time.

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

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

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

WHEREAS, the structure located at 335 Center Street, South Haven, MI has been in a deteriorating condition for several years, and

WHEREAS, in February 2013 the building official for the City of South Haven declared the building at 335 Center Street to be so deteriorated as to be termed a dangerous building under the State Building Code and City of South Haven Ordinances, and

WHEREAS, on April 26, 2013, the City Construction Hearing Officer concurred with the Building Official's ruling and ordered that the building be demolished, and

WHEREAS, the building owner presented a letter to the City requesting that the building be demolished, and

WHEREAS, the City has been working with the State of Michigan *Michigan Works!* program to fund the demolition, and

WHEREAS, the owner sent a letter to the state grant coordinator accepting all costs for any additional environmental remediation and authorizing the state of Michigan to demolish the building,

NOW THEREFORE, the City Council of the City of South Haven, under the authority granted in City Code Chapter 10, Article IX, Section 10-227, orders that the demolition of the property at 335 Center Street, South Haven, MI be completed at the earliest time possible.

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 20<sup>th</sup> day of January, 2014, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

---

Amanda Morgan, City Clerk



# City of South Haven

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

REPORT TO: Honorable Mayor and City Council

FROM: Wendy J. Hochstedler, Finance Director

SUBJECT: Fiscal Year 2012-13 Comprehensive Annual Financial Report

MEETING DATE: January 20, 2014

BACKGROUND: The City of South Haven's annual audit has been completed for the fiscal year ended June 30, 2013. Mr. Doug Vredeveld from the City's independent auditing firm Vredeveld Haefner, LLC will present an overview of the Comprehensive Annual Financial report and respond to any questions the City Council may have. Below is a link to the audit report that is posted on the City's website.

[http://www.south-haven.com/pages/finance/pdf/2013\\_cafr\\_report.pdf](http://www.south-haven.com/pages/finance/pdf/2013_cafr_report.pdf)

RECOMMENDATION: If the audit report, as submitted, is satisfactory, the City Council should accept the audit report for Fiscal Year 2012-13 and place it on file in the Finance Department.

ALTERNATIVES: As suggested by the Council

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy J. Hochstedler". The signature is written in black ink and is positioned above a horizontal line.

Wendy J. Hochstedler  
Finance Director



## Agenda Item 9

### Poverty Exemption Guidelines

#### Background Information:

The City Council will be asked to consider the 2014 property tax poverty exemption guidelines for approval and adoption. The poverty exemption guidelines are used by the Assessing Department when considering tax relief requests at the annual Board of Review meeting(s).

Several years ago, at a meeting of the City Council, there was debate over the proposed Federal Poverty Guidelines and whether or not they should be adopted. Ultimately the City Council opted not to adopt the guidelines, stating that the proposed levels were set too low, and should be adjusted to a more acceptable level.

In an effort to create a more acceptable local level for the poverty guidelines, staff modified the asset standards to reflect the asset eligibility limitation to not exceed \$5,000 (as opposed to the original \$2,000). Further, the guidelines were modified to reflect that an individual's primary motor vehicle would not be included in the asset calculation. The final adjustment that staff made to the proposed guidelines was to increase the poverty threshold maximum income level by \$5,000 per unit of family. Ultimately the adjustments made by staff were accepted by the City Council and the guidelines were approved and adopted. These modified guidelines have been used since 2009.

For tonight's meeting, the City Council will again be asked to approve and adopt the poverty guidelines. Staff has mirrored the levels set forth in the 2009 guidelines, in an effort to continue the levels offered in the prior years, in doing so, the 2014 guidelines continue to be less restrictive than the Federal poverty guidelines, but appear to be locally acceptable.

#### Recommendation:

The City Council should consider adoption of Resolution 2014-03, a resolution adopting the 2014 property tax poverty exemption guidelines.

#### Support Material:

2014 Poverty Exemption Filing Requirements  
Resolution 2014-03; Poverty Exemption Guidelines

## CITY OF SOUTH HAVEN

### PROPERTY TAX POVERTY EXEMPTION GUIDELINES (Pursuant to State Tax Commission Bulletin No. 5, 1995 And Public Act 390 of 1994)

Adopted by the South Haven City Council on February 19, 1996  
Amended for Tax Year 2014 on January 20, 2014

#### FILING REQUIREMENTS

In order to file and qualify for the property tax poverty exemption the claimant must do *all* of the following, and meet *each* of the following requirements, annually:

1. Own and occupy the *homestead* property for which the exemption is requested.
2. File a claim with the assessor or board of review after January 1 but before the day prior to the last day of the board of review on a form provided by the assessor. (Note: The filing of the form constitutes an appearance before the board of review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.)
3. Report divestment of assets on the required application form.
4. Sign a sworn, notarized statement on the application form swearing that the information provided in the application is true and accurate.
5. Provide federal and state income tax returns, and property tax credit returns, for all persons residing in the homestead. These returns may be those filed in the current or immediately preceding year.
6. Provide a valid driver license or other form of identification if requested by the assessor or board of review.
7. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is being requested if required by the assessor or board of review.
8. Meet the poverty income standards as set in the attached schedule and schedule below.
9. Meet the asset standards set by the City Council of the City of South Haven.
10. Meet any other standards which may be set by the City Council of the City of South Haven

## ASSET STANDARDS

### Asset Eligibility Limitation

In order to meet the requirement for assets, the total current fair market cash value of the claimant's household assets cannot exceed \$5,000.

### Divestment of Assets

Divestment means a transfer of a resource. Transfer of a resource means giving up all or partial ownership in (or rights to) a resource. Examples include, but are not limited to, selling an asset, giving an asset away, refusing an inheritance, giving up the right to receive income, and other similar divestment actions.

If an applicant for property tax poverty exemption has divested any assets during the period of 36 months preceding the date of the application, then such divestment shall be considered in the determination of eligibility.

### Definition of Assets (Non-Inclusive)

Assets include, but are not limited to, the cash value of savings accounts and shares, certificates of deposit, investments such as stocks, bonds, mutual funds, deferred compensation accounts, equity in real estate other than the homestead for which the exemption is claimed, motor vehicles (primary vehicle will not be included in the asset calculation), jewelry, coins and other collectables, precious metals, and other similar possessions which are not essential to the subsistence or health and wellbeing of the claimant. Gifts, lump-sum inheritances, dividends, interest, rental proceeds, royalties, and other receipts received in the form of a gift, or as a result of asset divestment, shall be considered an asset if received on a one-time lump-sum basis and shall be included in the determination of asset eligibility.

## INCOME STANDARDS

The following are current poverty threshold income standards as set by the City Council.

In order to meet the requirements of the income standards, the claimant's annual gross household income cannot exceed the amounts stated below. Qualification under these income standards, provided the claimant is qualified in all other respects, indicates the claimant should reasonably be expected to pay annual property taxes, exclusive of Michigan Homestead Property Tax Credit refunds, amounting to 5 percent of total annual gross household income.

### Tax Year 2014 Poverty Threshold – Maximum Household Income

<u>Size of Family Unit</u>	<u>Poverty Guidelines</u>
1	\$15,000
2	\$20,000
3	\$25,000
4	\$30,000
5	\$35,000
6	\$40,000
7	\$45,000
8	\$50,000
For each additional person, add	\$ 5,000

Ordinary income includes the following:

1. Money wages and salaries before any deductions.
2. Net receipts from non-farm self-employment. These receipts are from a person's own business, professional enterprise, or partnership, after deductions for business expenses.
3. Net receipts from farm self employment. These are receipts from a farm which one operates as an owner, renter, or share cropper, after deductions for farm operating expenses.
4. Regular payments from Social Security, Railroad Retirement, unemployment compensation, strike benefits from union funds, workers compensation, veteran payments, and public assistance.
5. Alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household.

6. Private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments.
7. College or university scholarships, grants, fellowships, and assistantships.
8. Dividends, interest, net rental income, net royalties, periodic receipts from estates or trust, and net gambling or lottery winnings.

Ordinary income does *not* include the following, except as provided in No. 6 below:

1. Money received from the sale of property, such as stocks, bonds, a house, or a car, unless the claimant is in the business of selling such property.
2. Withdrawals of bank deposits and borrowed money.
3. Income tax refunds and one-time insurance payments.
4. Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.
5. Federal non-cash benefit programs such as Medicare, Medicaid, food stamps, and school lunches.
6. Gift and lump-sum inheritances are not considered as *ordinary income*; however, dividends, interest, rental proceeds, royalties, inheritances, and other similar receipts received on a period basis, which may be in the form of a gift or other form, including receipts resulting from divestment of assets, and which may have the appearance of income, shall be considered as *unearned income* and shall be included in the determination of income eligibility.

## PRIOR PROPERTY TAXES AND UTILITY BILLS

All prior property tax bills and City utility bills for the homestead property for which the exemption is claimed shall be current and fully paid as an additional condition of eligibility for property tax exemption.

## MICHIGAN HOMESTEAD PROPERTY TAX CREDIT

In calculating the applicant's property tax liability and possible reduction thereof, any refunds received or due to be received from a Michigan Homestead Property Tax Credit Claim (MI-1040CR) shall be reported by the applicant and taken into account in regard to the granting of any property tax exemption.

## DEFINITION OF HOMESTEAD

"Homestead" means that portion of a dwelling or unit in a multiple-unit dwelling which is subject to ad-valorem taxes and is owned and occupied as a principal residence by an owner of the dwelling or unit. Homestead also includes all of an owner's unoccupied property classified as residential which is adjoining or contiguous to the dwelling subject to ad-valorem taxes and which is owned and occupied as a principal residence by the owner. Contiguity is not broken by a road right-of-way. Homestead also includes any portion of a principal residence of an owner which is rented to another as a residence as long as that portion of the principal residence which is rented or leased is less than 50 percent of the total square footage of living space in that principal residence. Homestead also includes a life care facility registered under the living care disclosure act, Act 440 of the Public Acts of 1976, being sections 554.801 to 554.844 of Michigan Compiled Laws. Homestead also includes property owned by a cooperative housing corporation and occupied as a principal residence by tenant stockholders.

## PARTIAL POVERTY EXEMPTION

Act No. 390 of Public Acts of 1994 authorizes partial poverty exemptions. A partial poverty exemption is an exemption of only part of the taxable value of the property for which an exemption is claimed, rather than the entire taxable value.

## APPEAL

A property owner may appeal the March Board of review's decision on a poverty exemption to the Michigan Tribunal by July 31. An appeal of a July or December Board of Review poverty exemption decision may be made to the Michigan Tax Tribunal within 30 days of the decision. Appeals are to be made in writing to the Michigan Tax Tribunal, P.O. Box 30232, Lansing MI 48909.

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-03

A RESOLUTION UPDATING STATE REQUIRED POVERTY LEVEL INCOME STANDARDS  
FOR PROPERTY TAX POVERTY EXEMPTION GUIDELINES  
FOR TAX YEAR 2014

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 January 20, 2014 at 7:00 p.m. local time.

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

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

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

WHEREAS, on February 19, 1996, the South Haven City Council adopted Resolution No. 96-04, "A Resolution Adopting Property Tax Exemption Guidelines"; and

WHEREAS, said guidelines include state required Poverty Level Income Standards; and

WHEREAS, the State Tax Commission has issued Bulletin No. 14 of 2013, dated November 4, 2013 which requires that Poverty Level Income Standards be updated for tax year 2014 in accordance with current Federal Poverty Income Standards: and

WHEREAS, the South Haven City Council has given due consideration to the requirement for updating the City's Poverty Level Income Standards.

BE IT THEREFORE RESOLVED, that, the following Poverty Level Income Standards for Property Tax Exemption Guidelines for Tax Year 2014 are hereby adopted:

<b>Size of Family Unit</b>	<b>Poverty Guidelines</b>
1	\$15,000
2	\$20,000
3	\$25,000
4	\$30,000
5	\$35,000
6	\$40,000
7	\$45,000
8	\$50,000
For each additional person, add	\$5,000

Important Note: PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit SHALL also include an asset level test.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded; and

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 20<sup>th</sup> day of January, 2014, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

\_\_\_\_\_  
Amanda Morgan, City Clerk

MEMORANDUM

DATE: January 9, 2014  
TO: Brian Dissette, City Manager  
FROM: Connie Phillips, Deputy Assessor  
SUBJECT: 2014 Federal Poverty Guidelines

Starting in 1995, PA 390 of 1994 states that the governing body of the local assessing unit shall determine the policies and guidelines, which the local assessing unit will use when deciding whether to grant poverty exemptions.

One of the provisions of PA 620 of 2002 is that local governing bodies are required to set income levels for their poverty exemption guidelines and that those income levels shall not be set lower by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services.

The following is the **federal poverty guidelines** as of 12/31/13 for use in setting poverty exemption guidelines for 2014:

Size of Family Unit	Poverty Guidelines *
1	\$11,490
2	\$15,510
3	\$19,530
4	\$23,550
5	\$27,570
6	\$31,590
7	\$35,610
8	\$39,630
For each additional person, add	\$4,020

PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit SHALL also include an asset level test. (Please see filing requirements)

**\* Please note that on the Resolution and the Property Tax Poverty Exemption Guidelines for 2014, the amounts are based on what the city council approved last year.**

January 13, 2014

TO: Brian Dissette

FR: Paul VandenBosch

RE: Charter Fishing Boat at the South Side Marina

Chad Bard has requested that he be allowed to operate a charter fishing boat out of the South Side Marina again in 2014. This would be the second year of operation for It'll Do Charters.

The attached license agreement provides for insurance requirements, operational requirements, and a provision for termination in case of breach of agreement.

The agreement is a 3 year agreement, which may be terminated by either party after each year.

The marina slip fee has been doubled for this commercial use and the boater will be charged \$5,830 for the season as a commercial rate.

Staff Recommendation:

Approve the Charter Fishing License Agreement.

## LICENSE AGREEMENT

This License Agreement is made as of \_\_\_\_\_, 2014, between the City of South Haven, a Michigan municipal corporation, the principal business address of which is 539 Phoenix Street, South Haven, MI 49090 (the “City”), and IT-IL-DO Charters, LLC, a Michigan Limited Liability Company, the principal business address of which is 46379 Leedy Point Road, Bloomingdale, MI 49026 (the “Licensee”).

### RECITALS

- A. The City owns and operates the Southside Municipal Marina (“Marina”) as is described and depicted on the attached **Exhibit A**.
- B. The Licensee wishes to provide a charter fishing boat operation on Lake Michigan to be operated primarily from the Marina during fishing season.
- C. The City wishes to accommodate the Licensee’s request in accordance with the terms and conditions of this Agreement.

### TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

1. License. The City grants the Licensee a license to use seasonal slip number 26 in the South Side Marina (the “Marina Slip”) to operate a commercial charter fishing boat business, subject to the terms and conditions of this Agreement and for no other purpose or use. Each year that this Agreement remains in effect, license to use the Marina Slip shall commence at 5:45 a.m. on April 15 and shall expire at 9:30 p.m. on October 15 (the “License Period”).
2. Term. Unless terminated earlier as provided in this Agreement, this Agreement shall remain in effect until 9:30 p.m. on October 15, 2016.
3. License Fee. Within 30 days of the execution of this Agreement the Licensee shall pay to the City a nonrefundable license fee of \$1 and an annual Marina Seasonal Slip Fee of \$5,830. In each year thereafter while this Agreement remains in effect, the Licensee shall pay the Marina Seasonal Slip Fee of \$5,830 prior to March 15.
4. Property Rights. This Agreement grants only a license to use and does not grant or convey to the Licensee any rights, title, or interest in the Marina Slip. The City retains all property rights in the Marina Slip. Except as otherwise provided by this Agreement, no changes may be made to the Marina Slip, including no modifications or additions, without the City’s prior written consent. At the expiration of this Agreement, or any renewal, the Licensee shall return the Marina Slip to the condition it was in prior to the effective date of this Agreement. The Licensee shall pay any costs incurred by the City to repair or restore the Marina Slip to its pre-Agreement condition.
5. Parking. No parking will be provided specifically for the Licensee’s charter fishing boat operation. Customers must use the general public parking area provided at the Marina. Customers may also use the Marina loading area on Water Street for a maximum of 15 minutes.
6. Nonexclusive License. The license is not exclusive to the Licensee. The City may license other charter fishing boat operations at its marinas.
7. Requirements of Licensee. The license is subject to the following terms and conditions:

- (a) The Licensee's charter fishing boat business shall consist only of offering chartered fishing excursions on Lake Michigan to the public for a fee. No other use is permitted by the license.
- (b) The Licensee may advertise its charter fishing boat business at the Marina by displaying the Licensee's name, phone number and other contact information on a dock box near the Marina Slip, by placing advertising literature in a flier box on or near the southwest side of the Marina, and by displaying a flag or banner flown on its vessel. All advertising is subject to City of South Haven Zoning Ordinance regulations and subject to approval of the Marina Manager.
- (c) The Licensee shall ensure that its operation of the charter fishing boat business, and the use and operation of its vessel complies at all times with applicable local, state and federal laws, rules, regulations, ordinances, orders, permits, and licenses.
- (d) The Licensee may operate its business from the licensed Marina slip from 5:45 a.m. to 9:30 p.m., seven days per week, during each License Period throughout the term of this Agreement.
- (e) The Licensee understands and acknowledges that, from time to time, its vessel may be required to be relocated from the Marina to accommodate special events. At the time of the execution of this Agreement, there are no such events scheduled. If an event is scheduled that requires the Licensee to remove its vessel, the City shall notify the Licensee in writing at least 60 days in advance.
- (f) The Licensee understands and acknowledges that from time to time, its ability to access the Marina slip licensed under this Agreement may be affected by festivals and other events.
- (g) The Licensee shall make no representations to any person or entity as to any affiliation with, endorsement by, or sponsorship with the City. The City is in no way and at no time during the term of this Agreement affiliated with the City. The Licensee shall not use the City's logo at any time for any purpose.
- (h) The Licensee shall remove and dispose of all fish and fish remains, including bait, offsite.

8. Indemnification. The City shall not be responsible for any loss, damage or injury from the Licensee's operation of the charter fishing boat business or its use of the Marina Slip under this Agreement. The Licensee shall hold the City (defined for purposes of this paragraph to include the City's officers and employees) harmless from, indemnify it for and defend it (with legal counsel reasonably acceptable to the City) against any demands, claims or causes of action arising from the Licensee's operation of the charter fishing boat business or its use of the Marina Slip under this Agreement.

9. Insurance. Throughout the term of this Agreement, or any renewals thereof, the Licensee shall obtain and maintain commercial general liability insurance with limits of not less than \$1,000,000.00 dollars per occurrence and \$3,000,000.00 dollars in the aggregate. All policies shall name the City (including its officers and employees) as an additional insured and certificate holder. Copies of certificates of insurance showing the coverage to be in place, that the premiums are fully paid, and that coverage cannot be terminated or modified except after 30 days

prior written notice to the City, shall be provided to the City. Upon request, the Licensee shall provide the City with copies of the policies of insurance and all endorsements.

10. Assignment or Use by Others Prohibited. The Licensee may not assign this Agreement or its rights, privileges, duties or obligations under this Agreement and may not allow any other person or entity to use the Licensed Property for any purpose without the City’s prior written consent.

11. Early Termination. Either party may terminate this Agreement for any reason by providing written notice to the other party prior to November 15 of each year. Further, the City Manager may, upon a reasonable belief that a breach of this Agreement has occurred suspend the license granted by this Agreement, effective immediately. In case of suspension, Licensee may appeal such suspension to the City Council in writing. Upon receipt of the written appeal, the City shall give the Licensee written notice of the date and time of the next City Council meeting at which such appeal will be considered so that the Licensee may address the City Council. Upon the early termination of this Agreement, the Licensee shall, unless the City otherwise consents by resolution of the City Council, without cost to the City, remove any advertising dock box and restore the Marina Slip to the condition it was in prior to the date of this Agreement.

12. Miscellaneous.

(a) This is the entire agreement between the parties regarding its subject matter. There are no prior or contemporaneous agreements. It may not be modified or amended except in writing, signed by all parties. It shall not be affected by any course of dealing. The captions are for reference only and shall not affect its interpretation. This Agreement shall be construed as though it was mutually drafted.

(b) Any notices shall be made in writing to the addresses first written above or such other addresses as indicated by notice and shall be made by personal delivery or by postage prepaid United States first-class mail and shall be deemed completed when actually received or, if by first-class mail, three business days after mailing.

The parties have signed this Agreement as of the date first above written.

CITY OF SOUTH HAVEN

IT-IL-DO CHARTERS, LLC

By: \_\_\_\_\_  
Robert Burr, Mayor

By: \_\_\_\_\_  
Chad Bard, Co-Owner

By: \_\_\_\_\_  
Amanda Morgan, Clerk

Date Signed: \_\_\_\_\_, 2014

Date Signed: \_\_\_\_\_, 2014

**SOUTHSIDE MUNICIPAL MARINA PREMISES**

# Southside Marina



DOCK #	SIZE
1-6	HW
7-11	45'
12-13	40'
14-17	35'
18-29	30'
30-31	35'
32-35	40'
36-39	45'
40	50'



## Marina Locator Map

