

# City Council

## Regular Meeting Agenda

Monday, March 3, 2014  
7:00 p.m., Council Chambers



### 1. Call to Order

### 2. Invocation

- Pastor Devon Herrell – First UMC

### 3. Roll Call

### 4. Approval of Agenda

### 5. Consent Agenda: Items A thru D (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 February 17, 2014.
- B. Bills totaling \$1,679,561.52 for the period ending March 4, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to consider the following regarding Phoenix Road Substation Equipment Bids:
  - 1) Approve award of four (4) 12 kV circuit breakers to ABB in the amount of \$75,060.
  - 2) Approve award of one (1) 69kV transformer circuit switcher to Siemens Energy in the amount of \$34,785.
  - 3) Approve award of six (6) regulators and base stands to GE in the amount of \$89,166.
- D. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 10-02-2013 DDA Minutes
  - 2) 01-21-2014 Harbor Commission Minutes
  - 3) 01-21-2014 LHBM Minutes
  - 4) 01-22-2014 Housing Commission Minutes
  - 5) 01-27-2014 BPU Minutes

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

### UNFINISHED BUSINESS

6. Council will be asked to introduce the zoning ordinance amendment, modifying certain general provisions and establishing regulations for wind energy turbines with provisions for special use permit requests.

NEW BUSINESS

7. **South Haven Area Senior Services will provide an update to Council.**
8. **Council will be asked to adopt the Title VI plan per MDOT requirement.**
9. **Council will be asked to introduce an ordinance to amend the official zoning map of the South Haven zoning ordinance to allow for one family detached dwellings in the B-3 waterfront business zone.**
10. **Council will be asked to take the following actions regarding a liquor license transfer to JWILCO, Inc.:**
  - A. **Hold a public hearing regarding the request.**
  - B. **Consider Resolution 2014-10, a resolution to transfer a Class C & SDM liquor license from Porter Township to JWILCO, Inc. at 515 Williams St, South Haven.**
11. **Council will be asked to consider the following items regarding two Michigan Department of Natural Resources grant applications for improvements at Black River Park:**
  - A. **Resolution 2014-11, a resolution allowing for the application of an Aquatics Habitat Grant.**
  - B. **Resolution 2014-12, a resolution allowing for the application of a Land and Water Conservation Fund Grant.**
12. **Council will be asked to approve outdoor seating license agreements for Black River Tavern, 401 Phoenix Street, and Taste, 402 Phoenix Street.**
13. **Council will be asked to approve the Van Buren Trail project bid, budget amendment, and additional signage expense.**
14. **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.)*
15. **City Manager's Comments**
16. **Mayor and Councilperson's Comments**
17. **Adjourn**

RESPECTFULLY SUBMITTED,



Brian Dissette, City Manager

South Haven City Hall is Barrier-free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Clerk. Individuals with disabilities requiring services should contact the City Clerk by writing or calling South Haven City Hall at (269) 637-0750.

# City Council

## Regular Meeting Minutes

Monday, February 17, 2014  
7:00 p.m., Council Chambers



### 1. Call to Order

### 2. Invocation

- Pastor Jeffrey Dick – First Congregational

### 3. Roll Call

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

Moved by Kozlik Wall and seconded by Patterson to excuse Councilmember Fitzgibbon for personal reasons.

Voted Yes: All. Motion Carried.

### 4. Approval of Agenda

Moved by Kozlik Wall to approve the agenda. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

Moved by Patterson seconded by Klavins to approve the Consent Agenda as follows:

- A. Council will be requested to approve the following City Council Minutes:
  - 1) Regular Meeting Minutes: February 3, 2014.
  - 2) Workshop Meeting Minutes: February 10, 2014.
- B. Bills totaling \$801,841.49 for the period ending February 18, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve a 2014 employment agreement with the City Manager, Brian Dissette.
- D. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 09-09-2013 BRA Minutes
  - 2) 11-25-2013 BPU Minutes
  - 3) 12-05-2013 Planning Commission Minutes
  - 4) 12-17-2013 Harbor Commission Minutes

5) 01-09-2014 Planning Commission Minutes

A Roll Call Vote was taken:

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

Nays: None

Voted Yes: All. Motion Carried.

NEW BUSINESS

**6. Council will be asked to consider Resolution 2014-06, a resolution authorizing the City Manager to apply for a Michigan Department of Natural Resources grant for Optimist Tot Lot Improvements.**

*Background Information:* Discussions with City Staff, particularly the Parks Department, led to the decision to make improvements to Optimist Tot Lot Park. Users of the park and residents of the neighborhood have voiced the need for a climbing structure at the park. Also, it was suggested that while making improvements to the park, installation of a rubber playground surface underneath the new and existing equipment also be completed. As a result of the improvements, the City of South Haven anticipates a surface that is resilient, attractive, slip-resistant, requires less maintenance, and is ADA compliant. The new surface will allow use of the playground equipment by all users making it universally accessible. Universally-designed projects are a critical factor in MDNR scoring.

The funding request will be \$37,300, and the City's match of \$12,500 (25%) of a total \$49,800 project cost, during the 2014-2015 fiscal year.

The source of funds shall be from the City of South Haven Parks Department Capital Projects Fund.

Moved by Patterson, to approve Resolution 2014-06, a resolution authorizing the City Manager to apply for a Michigan Department of Natural Resources grant for Optimist Tot Lot Improvements. Seconded by Arnold.

Voted Yes: All. Motion Carried.

**7. Council will be asked to consider the approval of a grant amendment and budget adjustment for the Elkenburg Park grant.**

*Background Information:* After working with residents and the Parks Commission, staff requested an amendment of the Elkenburg Park grant to add a number of items and use up the remaining grant dollars.

- Addition of new playground equipment and safety surface to be installed with a community build (no installation fee) with supervision by a Certified Playground Installer.
- Security Camera System.
- Bike Racks
- Additional bleachers – the new basketball court amenities have become very popular and the existing bleachers are not servicing the number of users.
- Park Decorative Sign
- Players Benches

Moved by Patterson, to approve a grant amendment and budget adjustment for the Elkenburg Park grant. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

**8. Council will be asked to consider the following items regarding SHAES:**

**A. Resolution 2014-07, a resolution to amend ambulance rates and charges.**

**B. Resolution 2014-08, a resolution to amend fees for fire fighting operations.**

*Background Information:* The City Council will be asked to authorize the City Manager to issue a farm lease agreement for the city's property in Casco Township.

The City of South Haven owns approximately 96 acres of farmland in Casco Township, located north of 103<sup>rd</sup> Street and 71<sup>st</sup> Street. The property is generally known as the "SHARP Park." The property was purchased by the City of South Haven using community donations for the development of a recreation facility. The SHARP property has been leased to the South Haven Area Recreation Authority "SHARA" for the development of a recreation facility. SHARA has discussed the property and noted that funds are not currently available to construct improvements to the site. As a result, SHARA has expressed support for the property being farmed during the 2014 farming season. The benefits to farming the property are twofold: 1) the farm lease will generate revenue; 2) the farming work will provide maintenance to the property, through the removal of trash/debris from the site, which has accumulated in recent years.

The city's staff has prepared an updated farm lease agreement, with Mr. Matthew Hamlin, which will pay \$160.00 per tillable acre. The lease provides for maintenance of the field, to be deducted from the lease amount. Further, the lease calls for GPS data to confirm the total tillable acreage of the property. The city's staff has met with Mr. Hamlin and found him to be in agreement with the terms of the lease. The city's staff has consulted with SHARA about the farm lease agreement, and found the board to be supportive of the farm lease. Finally, the city's staff has consulted with Casco Township's Assessor and confirmed that the farm lease agreement will force the SHARP site to be added to the township's tax roll. Staff has confirmed that the farm lease revenue should generate approximately \$9,500 in net revenue (after maintenance and tax expenses are paid.)

Should the lease agreement proceed, staff will plan to deposit the lease revenue into the SHARP account. A portion of the lease revenue will be used to pay the taxes for the SHARP property.

**Item A: Resolution 2014-07, a resolution to amend ambulance rates and charges.**

Moved by Kozlik Wall, to approve Resolution 2014-07, a resolution to amend ambulance rates and charges. Seconded by Klavins.

Voted Yes: All. Motion Carried.

**Item B: Resolution 2014-08, a resolution to amend fees for fire fighting operations.**

Moved by Patterson, to approve Resolution 2014-08, a resolution to amend fees for fire fighting operations. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

**9. City Council will be asked to consider adopting Fiscal Year 2014/2015 Priorities.**

*Background Information:* The City Council will be asked to adopt the annual priorities for the upcoming fiscal year 2014-15.

Attached is a listing of the priorities discussed at the City Council's priority setting workshop session, which was held on February 10, 2014. As part of the workshop session, Council members were asked to provide guidance to staff on their priorities for the City of South Haven. Those goals/priorities were described by the attendees in broad terms and then focused towards the upcoming fiscal year. The list indicates a strong commitment to addressing both the long-term and short-term needs of the community. Some of the highlights of the proposed priorities includes: improved roads and infrastructure, development of bike/pedestrian pathways, building improvements, and economic development.

Council has received a listing of the proposed annual priorities that intends to focus time and resources on for the fiscal year 2014-15.

Moved by Patterson, to adopt Fiscal Year 2014/2015 Priorities. Seconded by Klavins.

Voted Yes: All. Motion Carried.

**10. City Council will be asked to consider the approval of the SHARP farm lease.**

*Background Information:* The City Council will be asked to authorize the City Manager to issue a farm lease agreement for the city's property in Casco Township.

The City of South Haven owns approximately 96 acres of farmland in Casco Township, located north of 103<sup>rd</sup> Street and 71<sup>st</sup> Street. The property is generally known as the "SHARP Park." The property was purchased by the City of South Haven using community donations for the development of a recreation facility. The SHARP property has been leased to the South Haven Area Recreation Authority "SHARA" for the development of a recreation facility. SHARA has discussed the property and noted that funds are not currently available to construct improvements to the site. As a result, SHARA has expressed support for the property being farmed during the 2014 farming season. The benefits to farming the property are twofold: 1) the farm lease will generate revenue; 2) the farming work will provide maintenance to the property, through the removal of trash/debris from the site, which has accumulated in recent years.

The city's staff has prepared an updated farm lease agreement, with Mr. Matthew Hamlin, which will pay \$160.00 per tillable acre. The lease provides for maintenance of the field, to be deducted from the lease amount. Further, the lease calls for GPS data to confirm the total tillable acreage of the property. The city's staff has met with Mr. Hamlin and found him to be in agreement with the terms of the lease. The city's staff has consulted with SHARA about the farm lease agreement, and found the board to be supportive of the farm lease. Finally, the city's staff has consulted with Casco Township's Assessor and confirmed that the farm lease agreement will force the SHARP site to be added to the township's tax roll.

Staff has confirmed that the farm lease revenue should generate approximately \$9,500 in net revenue (after maintenance and tax expenses are paid.)

Should the lease agreement proceed, staff will plan to deposit the lease revenue into the SHARP account. A portion of the lease revenue will be used to pay the taxes for the SHARP property.

Moved by Patterson, to approve the SHARP farm lease. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

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

No Public Comment

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

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

Klavins – No Comment

Arnold – No Comment

Patterson – Spoke about keeping safe the rest of this winter, spring is on the way.

Gruber – Spoke about software on Councilmember's computers.

Kozlik Wall – Spoke about ice safety on Lake Michigan.

Burr – Spoke about the DNR recently purchasing land that will help keep us bike friendly.

#### **14. Adjourn**

Moved by Kozlik Wall to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:26 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey,  
Deputy City Clerk

Approved by City Council: **DRAFT**

**CITY OF SOUTH HAVEN**

**MARCH 4, 2014**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 96,248.08	\$ 18,567.43	\$ 114,815.51
202-MAJOR STREET FUND	\$ -	\$ -	\$ -
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ 594.39	608.00	\$ 1,202.39
226-GARBAGE/REFUSE FUND	\$ -	\$ -	\$ -
250-DOWNTOWN DEVELOPMENT	\$ 85,607.65	\$ 5,197.70	\$ 90,805.35
251-LDFA #1	\$ 1.29	\$ -	\$ 1.29
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ -	\$ -	\$ -
265-NARCOTICS UNIT	\$ -	\$ 268.32	\$ 268.32
266-POLICE TRAINING	\$ 9.69	\$ -	\$ 9.69
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	\$ 2,813.94	\$ 456,811.81	\$ 459,625.75
402-CAPITAL PROJECTS #2	\$ -	\$ -	\$ -
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ -	\$ -	\$ -
577-BEACH FUND	\$ -	\$ -	\$ -
582-ELECTRIC FUND	\$ 891,879.19	\$ 5,889.88	\$ 897,769.07
591-WATER FUND	\$ 4,862.25	\$ 14,225.81	\$ 19,088.06
592-SEWER FUND	\$ 2,488.43	\$ 24,730.96	\$ 27,219.39
594-MUNICIPAL MARINA	\$ 5,183.33	\$ -	\$ 5,183.33
636-INFORMATION SERVICES	\$ -	\$ 10,191.32	\$ 10,191.32
661-MOTOR POOL	\$ 32,577.22	\$ 8,400.38	\$ 40,977.60
677-SELF INSURANCE	\$ 69.30	\$ -	\$ 69.30
703-TAX FUND	\$ 12,335.15	\$ -	\$ 12,335.15
718-TRUST & AGENCY	\$ -	\$ -	\$ -
750-EMPLOYEE WITHHOLDING	\$ -	\$ -	\$ -
<b>TOTAL</b>	\$ 1,134,669.91	\$ 544,891.61	\$ 1,679,561.52

User: ksteinma  
DB: South Haven

BANK CODE: 1 CHECK DATE: 03/04/2014 INVOICE PAY DATE FROM 03/04/2014 TO 03/04/2014

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
03/04/2014	1	47003	000014	ABONMARCHE CONSULTANTS INC	11,480.44	7
03/04/2014	1	47004	000018	ACCESS DATA GROUP LLC	1,119.00	1
03/04/2014	1	47005	000050	ALEXANDER CHEMICAL CORP	1,695.00	1
03/04/2014	1	47006	000065	ALLIED MECHANICAL SERVICES INC	2,937.41	1
03/04/2014	1	47007	003184	ALTA EQUIPMENT COMPANY	166.98	1
03/04/2014	1	47008	000145	ARISTA TRUCK SYSTEMS, INC	1,361.82	2
03/04/2014	1	47009	000174	AUTO GLASS BY GOBLES	803.87	2
03/04/2014	1	47010	000247	BENTLEY SYSTEMS INC	2,669.00	1
03/04/2014	1	47011	000303	MERLE BOES INC	1,340.94	1
03/04/2014	1	47012	000346	BRUSH ENTERPRISES	349.25	2
03/04/2014	1	47013	000372	C.C. JOHNSON & MALHOTRA PC	1,427.13	1
03/04/2014	1	47014	000418	CDW GOVERNMENT INC	498.90	1
03/04/2014	1	47015	000475	CLARK HILL PLC	589.00	1
03/04/2014	1	47016	000505	COMPTON INC	14,665.00	2
03/04/2014	1	47017	000677	DR LAB SERVICES	740.00	1
03/04/2014	1	47018	000716	EJ USA INC	934.96	1
03/04/2014	1	47019	000738	ENVIRONMENTAL RESOURCE ASSOCIATES	292.22	1
03/04/2014	1	47020	000747	EVIDENT	389.00	1
03/04/2014	1	47021	000837	FREIGHTLINER OF KALAMAZOO	236.46	1
03/04/2014	1	47022	003238	GARCIA, RICARDO	528.35	1
03/04/2014	1	47023	000872	GEMPLER'S	226.00	1
03/04/2014	1	47024	000913	GRAINGER	2,699.52	1
03/04/2014	1	47025	000921	GRANDVILLE TRACTOR & EQUIPMENT CO	565.00	1
03/04/2014	1	47026	000963	GRP ENGINEERING INC	3,139.44	3
03/04/2014	1	47027	001053	HEWLETT -PACKARD COMPANY	2,493.60	1
03/04/2014	1	47028	003198	HOFFMAN BOOTS	842.99	1
03/04/2014	1	47029	001107	HULL LIFT TRUCK INC	1,391.05	2
03/04/2014	1	47030	001159	INTERNATIONAL INSTITUTE OF	145.00	1
03/04/2014	1	47031	001162	INTERSTATE BATTERY SYSTEMS	175.90	1
03/04/2014	1	47032	001171	J & L ORCHARD SUPPLY LLC	72.54	3
03/04/2014	1	47033	001246	KENDALL ELECTRIC INC	106.72	1
03/04/2014	1	47034	001248	KENNEDY INDUSTRIES INC	1,672.40	1
03/04/2014	1	47035	001346	LAKEWOOD INC	450,151.00	1
03/04/2014	1	47036	001523	MC FADDEN FRIENDLY MOTORS INC	29.91	1
03/04/2014	1	47037	003059	MICHIGAN GAS UTILITIES	1,284.76	1
03/04/2014	1	47038	001863	NTH CONSULTANTS, LTD	930.70	1
03/04/2014	1	47039	001913	OUDBIER INSTRUMENT CO	408.00	1
03/04/2014	1	47040	003052	PERCEPTIVE CONTROLS INC	979.50	1
03/04/2014	1	47041	002020	POWER LINE SUPPLY CO	460.18	3
03/04/2014	1	47042	002033	PRI MAR PETROLEUM INC	1.46	1
03/04/2014	1	47043	002080	QUALITY DOOR OF SO HAVEN INC	90.00	1
03/04/2014	1	47044	002114	RATHCO SAFETY SUPPLY INC	60.00	1
03/04/2014	1	47045	002155	RIDGE AND KRAMER AUTO PARTS	171.52	2
03/04/2014	1	47046	003143	ROLAND ELECTRIC LLC	668.91	2
03/04/2014	1	47047	003124	RPM MACHINERY	1,043.23	2
03/04/2014	1	47048	002267	SECANT TECHNOLOGIES	8,049.42	2
03/04/2014	1	47049	003237	SETON IDENTIFICATION PRODUCTS	70.90	1
03/04/2014	1	47050	002385	SOUTH HAVEN AIRPORT AUTHORITY	7,855.10	1
03/04/2014	1	47051	003132	SOUTH HAVEN HEALTH SYSTEM	520.32	1
03/04/2014	1	47052	002461	SPRING BROOK SUPPLY	596.37	1
03/04/2014	1	47053	002478	STAPLES ADVANTAGE	675.25	2
03/04/2014	1	47054	002580	TECHNICAL ENERGY SOLUTIONS	523.30	1
03/04/2014	1	47055	002599	THAYER INC	1,040.63	2
03/04/2014	1	47056	003240	THOMPSON, KIRK PLUMBING & HEATING	1,281.69	1
03/04/2014	1	47057	002698	U S BUSINESS SYSTEMS INC	115.85	1
03/04/2014	1	47058	002721	UPLINK SECURITY LLC	13.90	1
03/04/2014	1	47059	002728	USA BLUE BOOK	2,794.94	18
03/04/2014	1	47060	002748	VAN BUREN COUNTY	4,633.00	1

User: ksteinman  
DB: South Haven

BANK CODE: 1

CHECK DATE: 03/04/2014 INVOICE PAY DATE FROM 03/04/2014 TO 03/04/2014

Check Date	Bank	Check #	Vendor Code	Vendor Name	Amount	# Invoices
03/04/2014	1	47061	002750	VAN BUREN COUNTY ASSOC OF	45.00	1
03/04/2014	1	47062	002931	WILTSE FENCING & KENNELS, INC	110.00	1
03/04/2014	1	47063	002953	WOODHAMS, INC , DON	105.08	6
03/04/2014	1	47064	003208	XYLEM	2,373.50	1
03/04/2014	1	47065	002977	ZEE MEDICAL, INC	53.30	1

Num Checks: 63

Num Invoices: 108

Total Amount: 544,891.61

02/26/2014 11:16 AM  
User: ksteinman  
DB: South Haven

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN  
INVOICE DUE DATES 03/04/2014 - 03/04/2014  
JOURNALIZED OPEN AND PAID  
BANK CODE: 1 - CHECK TYPE: PAPER CHECK

Page: 1/14

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
108353							
37070	ABONMARCHE CONSULTANTS INC SEWER SYSTEM EVALUATION 592-558-801-008	02/10/2014 ksteinman SANITARY SEWER EVALUATION SURV	03/04/2014	1,239.75  1,239.75	0.00	P	Y 02/24/2014
108401							
37144	ABONMARCHE CONSULTANTS INC BAILEY/CHERRY STREET DRAINAGE REVI 101-447-801-000	02/20/2014 ksteinman PROFESSIONAL/CONSULTING FEES	03/04/2014	1,054.80  1,054.80	0.00	P	Y 02/26/2014
108394							
37146	ABONMARCHE CONSULTANTS INC SEWER SYSTEM EVALUATION 592-558-801-008	02/19/2014 ksteinman SANITARY SEWER EVALUATION SURV	03/04/2014	1,986.82  1,986.82	0.00	P	Y 02/26/2014
108409							
37147	ABONMARCHE CONSULTANTS INC VAN BUREN TRAIL CONNECTION DEVELOP 401-751-972-000	02/20/2014 ksteinman PARKS/TRAILS	03/04/2014	3,807.07  3,807.07	0.00	P	Y 02/26/2014
108369							
37152	ABONMARCHE CONSULTANTS INC PHOENIX & CENTER TRAFFIC SIGNAL 250-729-974-018-0150	02/11/2014 ksteinman CAPITAL PROJECTS	03/04/2014	760.00  760.00	0.00	P	Y 02/26/2014
108402							
37166	ABONMARCHE CONSULTANTS INC PAYROLL REVIEW SERVICES 250-729-974-018-0150	02/20/2014 ksteinman CAPITAL PROJECTS	03/04/2014	1,202.00  1,202.00	0.00	P	Y 02/26/2014
108400							
37167	ABONMARCHE CONSULTANTS INC PHOENIX & CENTER TRAFFIC SIGNAL 250-729-974-018-0150	02/20/2014 ksteinman CAPITAL PROJECTS	03/04/2014	1,430.00  1,430.00	0.00	P	Y 02/26/2014
52445							
37055	ACCESS DATA GROUP LLC SOFTWARE MAINTENANCE & SUPPORT 101-350-802-000	02/04/2014 ksteinman OTHER CONTRACTUAL SERVICES	03/04/2014	1,119.00  1,119.00	0.00	P	Y 02/24/2014
SLS 10014764							
37069	ALEXANDER CHEMICAL CORP CHEMICALS 592-559-741-000	02/05/2014 ksteinman OPERATING SUPPLIES	03/04/2014	1,695.00  1,695.00	0.00	P	Y 02/24/2014

INVOICE DUE DATES 03/04/2014 - 03/04/2014

JOURNALIZED 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
113749							
37071	ALLIED MECHANICAL SERVICES INC MISCELLANEOUS SERVICE 591-559-933-000	01/31/2014 ksteinman	03/04/2014	2,937.41	0.00	P	Y 02/24/2014
	REPAIRS/MAINTENANCE - EQUIPM			2,937.41			
I63602							
37072	ALTA EQUIPMENT COMPANY SUPPLIES FOR VOLVO 661-450-741-003	01/22/2014 ksteinman	03/04/2014	166.98	0.00	P	Y 02/24/2014
	REPAIR & MAINT SUPPLIES			166.98			
29295							
37143	ARISTA TRUCK SYSTEMS, INC CAST WING SHOE 661-450-741-003	02/20/2014 ksteinman	03/04/2014	1,011.00	0.00	P	Y 02/26/2014
	REPAIR & MAINT SUPPLIES			1,011.00			
29126							
37155	ARISTA TRUCK SYSTEMS, INC SIDE DEFLECTOR KIT 661-450-741-003	02/13/2014 ksteinman	03/04/2014	350.82	0.00	P	Y 02/26/2014
	REPAIR & MAINT SUPPLIES			350.82			
WO 9000002338							
37073	AUTO GLASS BY GOBLES INSTALL CUSTOM GLASS 661-450-935-000	01/31/2014 ksteinman	03/04/2014	410.00	0.00	P	Y 02/24/2014
	REPAIRS/MAINTENANCE - VEHICLES			410.00			
WO 9000002347							
37135	AUTO GLASS BY GOBLES WINDSHIELD 661-450-741-003 661-450-802-000	02/11/2014 ksteinman	03/04/2014	393.87	0.00	P	Y 02/24/2014
	REPAIR & MAINT SUPPLIES			268.87			
	OTHER CONTRACTUAL SERVICES			125.00			
47569761							
37050	BENTLEY SYSTEMS INC MICROSTATION SELECT SUBSCRIPTION C 582-558-958-000 591-558-958-000 592-558-958-000 204-447-741-000 591-558-958-000	01/26/2014 ksteinman	03/04/2014	2,669.00	0.00	P	Y 02/24/2014
	SUBSCRIPTIONS/MEMBERSHIPS			279.00			
	SUBSCRIPTIONS/MEMBERSHIPS			279.00			
	SUBSCRIPTIONS/MEMBERSHIPS			279.00			
	OPERATING SUPPLIES			608.00			
	SUBSCRIPTIONS/MEMBERSHIPS			1,224.00			
447122							
37149	MERLE BOES INC SHELL TELLUS S2 M 32 BULK 661-450-748-000	02/11/2014 ksteinman	03/04/2014	1,340.94	0.00	P	Y 02/26/2014
	MOTOR FUEL & LUBRICANTS			1,340.94			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
5914 37060	BRUSH ENTERPRISES REPAIRS 661-450-935-000	02/10/2014 ksteinman	03/04/2014	283.93	0.00	P	Y 02/24/2014
		REPAIRS/MAINTENANCE - VEHICLES		283.93			
5936 37074	BRUSH ENTERPRISES FILTER KIT 661-450-741-003	02/13/2014 ksteinman	03/04/2014	65.32	0.00	P	Y 02/24/2014
		REPAIR & MAINT SUPPLIES		65.32			
02/04/14 37076	C.C. JOHNSON & MALHOTRA PC WWTP IPP PROGRAM 592-560-801-000	02/04/2014 ksteinman	03/04/2014	1,427.13	0.00	P	Y 02/24/2014
		PROFESSIONAL/CONSULTING FEES		1,427.13			
JP90332 37078	CDW GOVERNMENT INC ZEBRA GK420 101-350-802-000	02/03/2014 ksteinman	03/04/2014	498.90	0.00	P	Y 02/24/2014
		OTHER CONTRACTUAL SERVICES		498.90			
527494 37051	CLARK HILL PLC LEGAL SERVICES 101-210-801-000	02/11/2014 ksteinman	03/04/2014	589.00	0.00	P	Y 02/24/2014
		PROFESSIONAL/CONSULTING FEES		589.00			
021416 37075	COMPTON INC REPLACEMENT OF THE DIGESTER CONDEN 592-559-802-000 592-566-802-000 592-567-802-000	02/18/2014 ksteinman	03/04/2014	11,565.00	0.00	P	Y 02/24/2014
		REPLACE DIGESTER CONDENSATE DRAIN PIPIN		8,211.15			
				1,006.15			
				2,347.70			
021417 37165	COMPTON INC COOPER WATER SERVICE INTO CRESCENT 591-558-802-000	02/18/2014 ksteinman	03/04/2014	3,100.00	0.00	P	Y 02/26/2014
		OTHER CONTRACTUAL SERVICES		3,100.00			
193 37077	DR LAB SERVICES ANNUAL LAB AND EQUIPMENT SERVICE/P 591-559-802-000	02/10/2014 ksteinman	03/04/2014	740.00	0.00	P	Y 02/24/2014
		OTHER CONTRACTUAL SERVICES		740.00			
3668462 37132	EJ USA INC SUPPLIES 591-558-741-000	12/05/2013 ksteinman	03/04/2014	934.96	0.00	P	Y 02/24/2014
		OPERATING SUPPLIES		934.96			

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
709905							
37068	ENVIRONMENTAL RESOURCE ASSOCIATES	02/10/2014	03/04/2014	292.22	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	591-559-802-000	OTHER CONTRACTUAL SERVICES		292.22			
83578A							
37079	EVIDENT	02/10/2014	03/04/2014	389.00	0.00	P	Y
	SUPPLIES	ksteinman					02/24/2014
	101-350-741-000	OPERATING SUPPLIES		389.00			
X002175527:01							
37154	FREIGHTLINER OF KALAMAZOO	02/19/2014	03/04/2014	236.46	0.00	P	Y
	SUPPLIES	ksteinman					02/26/2014
	661-450-741-003	REPAIR & MAINT SUPPLIES		236.46			
7143							
37062	GARCIA, RICARDO	01/29/2014	03/04/2014	528.35	0.00	P	Y
	FILL HOSE, HOSE ENDS	ksteinman					02/24/2014
	401-301-980-000-0145	POLICE/FIRE COMPLEX		528.35			
1019987771							
37134	GEMPLER'S	02/14/2014	03/04/2014	226.00	0.00	P	Y
	SUPPLIES	ksteinman					02/24/2014
	582-558-741-000	OPERATING SUPPLIES		226.00			
9354811151							
37080	GRAINGER	01/31/2014	03/04/2014	2,699.52	0.00	P	Y
	PUMP	ksteinman					02/24/2014
	592-559-973-001	SEWER SYSTEM EQUIPMENT		1,916.66			
	592-566-973-001	SEWER SYSTEM EQUIPMENT		548.00			
	592-567-973-001	SEWER SYSTEM EQUIPMENT		234.86			
IN19815							
37090	GRANDVILLE TRACTOR & EQUIPMENT CO	02/17/2014	03/04/2014	565.00	0.00	P	Y
	PUSHER RUBBER EDGE	ksteinman					02/24/2014
	661-450-741-003	REPAIR & MAINT SUPPLIES		565.00			
20140012							
37052	GRP ENGINEERING INC	01/07/2014	03/04/2014	139.44	0.00	P	Y
	ENGINEERING SERVICES	ksteinman					02/24/2014
	582-558-802-000	OTHER CONTRACTUAL SERVICES		139.44			
20140014							
37081	GRP ENGINEERING INC	01/07/2014	03/04/2014	1,000.00	0.00	P	Y
	ENGINEERING SERVICES	ksteinman					02/24/2014
	582-558-802-000	OTHER CONTRACTUAL SERVICES		1,000.00			

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20140015 37082	GRP ENGINEERING INC ENGINEERING SERVICES 582-558-802-000	01/07/2014 ksteinman	03/04/2014	2,000.00	0.00	P	Y 02/24/2014
	OTHER CONTRACTUAL SERVICES			2,000.00			
53897425 37083	HEWLETT -PACKARD COMPANY SUPPLIES 636-258-980-001	02/06/2014 ksteinman	03/04/2014	2,493.60	0.00	P	Y 02/24/2014
	COMPUTER HARDWARE			2,493.60			
144705 37150	HOFFMAN BOOTS BOOTS 582-558-729-001	12/27/2013 ksteinman	03/04/2014	842.99	0.00	P	Y 02/26/2014
	OTHER CLOTHING & SUPPLIES			842.99			
WO-291569 37053	HULL LIFT TRUCK INC PARTS 661-450-741-003	01/31/2014 ksteinman	03/04/2014	1,292.05	0.00	P	Y 02/24/2014
	REPAIR & MAINT SUPPLIES			1,292.05			
WO-293788 37084	HULL LIFT TRUCK INC PARTS 661-450-935-000	01/30/2014 ksteinman	03/04/2014	99.00	0.00	P	Y 02/24/2014
	REPAIRS/MAINTENANCE - VEHICLES			99.00			
RENEWAL 37057	INTERNATIONAL INSTITUTE OF ANNUAL MEMBERSHIP 101-215-958-000	02/11/2014 ksteinman	03/04/2014	145.00	0.00	P	Y 02/24/2014
	SUBSCRIPTIONS/MEMBERSHIPS			145.00			
10039399 37087	INTERSTATE BATTERY SYSTEMS BATTERY 661-450-741-003	02/21/2014 ksteinman	03/04/2014	175.90	0.00	P	Y 02/24/2014
	REPAIR & MAINT SUPPLIES			175.90			
18916 37059	J & L ORCHARD SUPPLY LLC SUPPLIES 582-558-741-000	01/30/2014 ksteinman	03/04/2014	9.96	0.00	P	Y 02/24/2014
	OPERATING SUPPLIES			9.96			
18935 37085	J & L ORCHARD SUPPLY LLC PVC FLEXCP 582-558-741-000	02/05/2014 ksteinman	03/04/2014	29.88	0.00	P	Y 02/24/2014
	OPERATING SUPPLIES			29.88			

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
19012							
37139	J & L ORCHARD SUPPLY LLC	02/24/2014	03/04/2014	32.70	0.00	P	Y
	PVC FLEXCP	ksteinman					02/25/2014
	591-558-741-000	OPERATING SUPPLIES		32.70			
S102348101.001							
37086	KENDALL ELECTRIC INC	02/06/2014	03/04/2014	106.72	0.00	P	Y
	RED DOT UNIVERSAL COVER	ksteinman					02/24/2014
	582-558-933-000	REPAIRS/MAINTENANCE - EQUIPM		106.72			
551878							
37148	KENNEDY INDUSTRIES INC	02/10/2014	03/04/2014	1,672.40	0.00	P	Y
	EQUIPMENT	ksteinman					02/26/2014
	592-559-973-001	SEWER SYSTEM EQUIPMENT		1,187.40			
	592-566-973-001	SEWER SYSTEM EQUIPMENT		339.50			
	592-567-973-001	SEWER SYSTEM EQUIPMENT		145.50			
PAY APP #8							
37140	LAKWOOD INC	01/31/2014	03/04/2014	450,151.00	0.00	P	Y
	PUBLIC SAFETY PROJECTS	ksteinman					02/26/2014
	401-301-980-000-0145	POLICE/FIRE COMPLEX		359,836.00			
	401-002-211-114	CONT RETAINAGE-LAKWOOD		90,315.00			
321940							
37088	MC FADDEN FRIENDLY MOTORS INC	01/20/2014	03/04/2014	29.91	0.00	P	Y
	OIL CHANGE	ksteinman					02/24/2014
	661-450-935-000	REPAIRS/MAINTENANCE - VEHICLES		29.91			
02/14/14							
37089	MICHIGAN GAS UTILITIES	02/14/2014	03/04/2014	1,284.76	0.00	P	Y
	DPW GENERATOR INSTALLATION	ksteinman					02/24/2014
	401-301-980-000-0145	POLICE/FIRE COMPLEX		1,284.76			
593316							
37153	NTH CONSULTANTS, LTD	02/18/2014	03/04/2014	930.70	0.00	P	Y
	MATERIALS TESTING FOR PHOENIX ST I	ksteinman					02/26/2014
	250-729-974-018-0150	CAPITAL PROJECTS		930.70			
7297							
37063	OUDBIER INSTRUMENT CO	12/23/2013	03/04/2014	408.00	0.00	P	Y
	CHECKED COVERT WATER TOWER RADIO T	ksteinman					02/24/2014
	591-559-933-000	REPAIRS/MAINTENANCE - EQUIPM		408.00			
10607							
37091	PERCEPTIVE CONTROLS INC	02/13/2014	03/04/2014	979.50	0.00	P	Y
	SUPPORT	ksteinman					02/24/2014

02/26/2014 11:16 AM  
 User: ksteinman  
 DB: South Haven

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	GL Distribution 591-559-933-000	REPAIRS/MAINTENANCE - EQUIPM		979.50			
5801283 37092	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	02/11/2014 ksteinman REPAIRS/MAINTENANCE - EQUIPM	03/04/2014	261.00	0.00	P	Y 02/24/2014
5802642 37093	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-729-001	02/17/2014 ksteinman OTHER CLOTHING & SUPPLIES	03/04/2014	102.00	0.00	P	Y 02/24/2014
5801285 37094	POWER LINE SUPPLY CO MAINTENANCE SUPPLIES 582-558-933-000	02/11/2014 ksteinman REPAIRS/MAINTENANCE - EQUIPM	03/04/2014	97.18	0.00	P	Y 02/24/2014
01/31/14 37095	PRI MAR PETROLEUM INC SERVICE CHARGES 101-301-941-000	01/31/2014 ksteinman MOTOR POOL FEES	03/04/2014	1.46	0.00	P	Y 02/24/2014
SH140129 37061	QUALITY DOOR OF SO HAVEN INC LABOR TO ADJUST DOOR 101-265-802-000	02/05/2014 ksteinman OTHER CONTRACTUAL SERVICES	03/04/2014	90.00	0.00	P	Y 02/24/2014
145001 37097	RATHCO SAFETY SUPPLY INC SIGN 101-446-741-000	02/11/2014 ksteinman OPERATING SUPPLIES	03/04/2014	60.00	0.00	P	Y 02/24/2014
490-014274 37098	RIDGE AND KRAMER AUTO PARTS MAINTENANCE SUPPLIES 661-450-741-000	02/19/2014 ksteinman OPERATING SUPPLIES	03/04/2014	130.28	0.00	P	Y 02/24/2014
490-014126 37099	RIDGE AND KRAMER AUTO PARTS MAINTENANCE SUPPLIES 661-450-741-003	02/11/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	41.24	0.00	P	Y 02/24/2014
130 37136	ROLAND ELECTRIC LLC REPAIRS 582-558-802-000	02/23/2014 ksteinman OTHER CONTRACTUAL SERVICES	03/04/2014	368.91	0.00	P	Y 02/24/2014

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
129 37137	ROLAND ELECTRIC LLC LIGHT POLE REPAIR W PHOENIX ST/KAL 582-558-802-000	02/23/2014 ksteinman OTHER CONTRACTUAL SERVICES	03/04/2014	300.00 300.00	0.00	P	Y 02/24/2014
P05178 37066	RPM MACHINERY SUPPLIES 661-450-741-003	01/29/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	486.37 486.37	0.00	P	Y 02/24/2014
W00443 37067	RPM MACHINERY WHEEL LOADER 661-450-935-000	01/30/2014 ksteinman REPAIRS/MAINTENANCE - VEHICLES	03/04/2014	556.86 556.86	0.00	P	Y 02/24/2014
INVO55303 37141	SECANT TECHNOLOGIES REACTIVE SUPPORT 636-258-802-000	02/14/2014 ksteinman OTHER CONTRACTUAL SERVICES	03/04/2014	7,174.42 7,174.42	0.00	P	Y 02/26/2014
INVO055278 37151	SECANT TECHNOLOGIES WIFI SYSTEM DESIGN 250-729-974-018-0151	02/15/2014 ksteinman CAPITAL PROJECTS	03/04/2014	875.00 875.00	0.00	P	Y 02/26/2014
9323521027 37100	SETON IDENTIFICATION PRODUCTS BARRICADE TAPE 101-446-741-000	02/05/2014 ksteinman OPERATING SUPPLIES	03/04/2014	70.90 70.90	0.00	P	Y 02/24/2014
9716 37054	SOUTH HAVEN AIRPORT AUTHORITY QUARTERLY CONTRIBUTION 101-895-959-001	02/28/2014 ksteinman QUARTERLY CONTRIBUTION	03/04/2014	7,855.10 7,855.10	0.00	P	Y 02/24/2014
02/0714 37096	SOUTH HAVEN HEALTH SYSTEM PHYSICALS 265-301-801-011 582-558-801-000 591-558-801-000 592-558-801-000 661-450-801-000	02/07/2014 ksteinman EMPLOYEE PHYSICAL EXAMS PROFESSIONAL/CONSULTING FEES PROFESSIONAL/CONSULTING FEES PROFESSIONAL/CONSULTING FEES PROFESSIONAL/CONSULTING FEES	03/04/2014	520.32 268.32 103.32 34.02 51.66 63.00	0.00	P	Y 02/24/2014

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
180467							
37101	SPRING BROOK SUPPLY	01/27/2014	03/04/2014	596.37	0.00	P	Y
	BALL VALVE- BRASS	ksteinman					02/24/2014
	661-450-741-003	REPAIR & MAINT SUPPLIES		596.37			
7113314486-00001							
37058	STAPLES ADVANTAGE	02/12/2014	03/04/2014	117.37	0.00	P	Y
	SUPPLIES	ksteinman					02/24/2014
	591-558-727-000	OFFICE SUPPLIES		21.99			
	592-558-727-000	OFFICE SUPPLIES		21.99			
	101-447-727-000	OFFICE SUPPLIES		22.00			
	101-446-727-000	OFFICE SUPPLIES		22.00			
	582-558-727-000	OFFICE SUPPLIES		22.00			
	591-558-741-000	OPERATING SUPPLIES		1.48			
	592-558-741-000	OPERATING SUPPLIES		1.48			
	101-446-741-000	OPERATING SUPPLIES		1.48			
	101-447-741-000	OPERATING SUPPLIES		1.47			
	582-558-741-000	OPERATING SUPPLIES		1.48			
7113814396-000001							
37130	STAPLES ADVANTAGE	02/21/2014	03/04/2014	557.88	0.00	P	Y
	SUPPLIES	ksteinman					02/24/2014
	101-101-727-000	OFFICE SUPPLIES		36.57			
	101-265-727-000	OFFICE SUPPLIES		394.88			
	101-202-727-000	OFFICE SUPPLIES		42.47			
	101-215-727-000	OFFICE SUPPLIES		83.96			
742937							
37102	TECHNICAL ENERGY SOLUTIONS	12/27/2013	03/04/2014	523.30	0.00	P	Y
	TELEPHONE SUPPORT	ksteinman					02/24/2014
	636-258-802-000	OTHER CONTRACTUAL SERVICES		523.30			
388644							
37103	THAYER INC	01/22/2014	03/04/2014	281.60	0.00	P	Y
	TOILET TISSUE	ksteinman					02/24/2014
	401-301-980-000	POLICE/FIRE COMPLEX		281.60			
388472							
37104	THAYER INC	01/13/2014	03/04/2014	759.03	0.00	P	Y
	SUPPLIES	ksteinman					02/24/2014
	401-301-980-000	POLICE/FIRE COMPLEX		759.03			
1/20/14							
37056	THOMPSON, KIRK PLUMBING & HEATING	01/20/2014	03/04/2014	1,281.69	0.00	P	Y
	INSTALL WASH BAY WATER TRUCK AREA	ksteinman					02/24/2014

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	101-265-802-000	OTHER	CONTRACTUAL SERVICES	1,281.69			
IN27417							
37133	U S BUSINESS SYSTEMS INC	02/14/2014	03/04/2014	115.85	0.00	P	Y
	CONTRACTUAL SERVICES	ksteinman					02/24/2014
	101-265-802-000	OTHER	CONTRACTUAL SERVICES	115.85			
0802318							
37105	UPLINK SECURITY LLC	02/01/2014	03/04/2014	13.90	0.00	P	Y
	SERVICE FEES	ksteinman					02/24/2014
	101-350-802-000	OTHER	CONTRACTUAL SERVICES	13.90			
260408							
37064	USA BLUE BOOK	02/04/2014	03/04/2014	154.95	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	591-559-741-000	OPERATING	SUPPLIES	154.95			
24538							
37106	USA BLUE BOOK	01/16/2014	03/04/2014	66.80	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	66.80			
266281							
37107	USA BLUE BOOK	02/11/2014	03/04/2014	60.24	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	60.24			
266676							
37108	USA BLUE BOOK	02/11/2014	03/04/2014	84.38	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	84.38			
266375							
37109	USA BLUE BOOK	02/11/2014	03/04/2014	144.00	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	144.00			
251070							
37110	USA BLUE BOOK	01/23/2014	03/04/2014	109.90	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	109.90			
251178							
37111	USA BLUE BOOK	01/23/2014	03/04/2014	43.96	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING	SUPPLIES	43.96			

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
238988							
37112	USA BLUE BOOK	01/09/2014	03/04/2014	290.46	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	591-559-741-000	OPERATING SUPPLIES		290.46			
238720							
37113	USA BLUE BOOK	01/09/2014	03/04/2014	60.57	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING SUPPLIES		60.57			
236672							
37114	USA BLUE BOOK	01/07/2014	03/04/2014	306.54	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING SUPPLIES		306.54			
236261							
37115	USA BLUE BOOK	01/07/2014	03/04/2014	110.08	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	591-559-741-000	OPERATING SUPPLIES		110.08			
242696							
37116	USA BLUE BOOK	01/14/2014	03/04/2014	40.19	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING SUPPLIES		40.19			
241284							
37117	USA BLUE BOOK	01/13/2014	03/04/2014	193.90	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING SUPPLIES		193.90			
241516							
37118	USA BLUE BOOK	01/13/2014	03/04/2014	325.20	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-933-000	REPAIRS/MAINTENANCE - EQUIP		47.60			
	592-559-729-001	OTHER CLOTHING & SUPPLIES		277.60			
252568							
37119	USA BLUE BOOK	01/24/2014	03/04/2014	258.24	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	591-559-741-000	OPERATING SUPPLIES		258.24			
263546							
37120	USA BLUE BOOK	02/07/2014	03/04/2014	63.87	0.00	P	Y
	LAB SUPPLIES	ksteinman					02/24/2014
	592-559-741-000	OPERATING SUPPLIES		63.87			

INVOICE DUE DATES 03/04/2014 - 03/04/2014

JOURNALIZED 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	Jrnlized Post Date
263885							
37121	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	02/07/2014 ksteinman OPERATING SUPPLIES	03/04/2014	421.09 421.09	0.00	P	Y 02/24/2014
200638							
37131	USA BLUE BOOK LAB SUPPLIES 592-559-741-000	11/13/2013 ksteinman OPERATING SUPPLIES	03/04/2014	60.57 60.57	0.00	P	Y 02/24/2014
2/6/14							
37142	VAN BUREN COUNTY DEED & LEGAL VERIFICATION, SITE MA 101-209-801-000	02/06/2014 ksteinman PROFESSIONAL/CONSULTING FEES	03/04/2014	4,633.00 4,633.00	0.00	P	Y 02/26/2014
2014							
37122	VAN BUREN COUNTY ASSOC OF MEMBERSHIP DUES 101-301-958-000	12/10/2013 ksteinman SUBSCRIPTIONS/MEMBERSHIPS	03/04/2014	45.00 45.00	0.00	P	Y 02/24/2014
2/13/14							
37123	WILTSE FENCING & KENNELS, INC GATE REPAIR 592-559-933-000	02/13/2014 ksteinman REPAIRS/MAINTENANCE - EQUIP	03/04/2014	110.00 110.00	0.00	P	Y 02/24/2014
T64995							
37124	WOODHAMS, INC , DON HANDLE ASY 661-450-741-003	01/20/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	19.51 19.51	0.00	P	Y 02/24/2014
T64922							
37125	WOODHAMS, INC , DON ARM ASY- WIPER 661-450-741-003	01/10/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	33.68 33.68	0.00	P	Y 02/24/2014
T64904							
37126	WOODHAMS, INC , DON BLADE ASY- WIPER 661-450-741-003	01/08/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	10.14 10.14	0.00	P	Y 02/24/2014
T64930							
37127	WOODHAMS, INC , DON BLASE ASY- WIPER 661-450-741-003	01/11/2014 ksteinman REPAIR & MAINT SUPPLIES	03/04/2014	20.28 20.28	0.00	P	Y 02/24/2014

INVOICE REGISTER REPORT FOR CITY OF SOUTH HAVEN

INVOICE DUE DATES 03/04/2014 - 03/04/2014

JOURNALIZED 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	Jrnlized Post Date
T64712 37128	WOODHAMS, INC , DON INDICATOR ASY 661-450-741-003	12/02/2013 ksteinman	03/04/2014	6.37	0.00	P	Y 02/24/2014
		REPAIR & MAINT SUPPLIES		6.37			
T64833 37129	WOODHAMS, INC , DON BULB-9005 661-450-741-003	12/23/2013 ksteinman	03/04/2014	15.10	0.00	P	Y 02/24/2014
		REPAIR & MAINT SUPPLIES		15.10			
400379307 37145	XYLEM SUPPLIES 591-558-741-000	02/11/2014 ksteinman	03/04/2014	2,373.50	0.00	P	Y 02/26/2014
		OPERATING SUPPLIES		2,373.50			
0139383057 37065	ZEE MEDICAL, INC SUPPLIES 591-559-741-000	01/28/2014 ksteinman	03/04/2014	53.30	0.00	P	Y 02/24/2014
		OPERATING SUPPLIES		53.30			
# of Invoices:	108	# Due:	0	Totals:	544,891.61	0.00	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					544,891.61	0.00	

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			18,567.43	0.00		
	204 - STREET FUND			608.00	0.00		
	250 - DOWNTOWN DVLP AUTHORITY			5,197.70	0.00		
	265 - NARCOTICS FUND			268.32	0.00		
	401 - CAPITAL PROJECTS FUND 1			456,811.81	0.00		
	582 - ELECTRIC FUND			5,889.88	0.00		
	591 - WATER FUND			14,225.81	0.00		
	592 - SEWER FUND			24,730.96	0.00		
	636 - INFORMATION SERVICES FUND			10,191.32	0.00		
	661 - MOTOR POOL FUND			8,400.38	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	002 - LIABILITIES			90,315.00	0.00		
	101 - CITY COUNCIL			36.57	0.00		
	202 - CITY TREASURER			42.47	0.00		
	209 - ASSESSOR			4,633.00	0.00		
	210 - LEGAL & PROFESSIONAL			589.00	0.00		
	215 - CITY CLERK			228.96	0.00		
	258 - DATA PROCESSING			10,191.32	0.00		
	265 - BUILDINGS & GROUNDS			1,882.42	0.00		
	301 - POLICE			363,004.52	0.00		
	350 - INFORMATION CENTER			2,020.80	0.00		
	446 - HIGHWAYS & STREETS			154.38	0.00		
	447 - ENGINEERING			1,686.27	0.00		
	450 - EQUIPMENT MAINTENANCE			8,400.38	0.00		
	558 - OPERATIONS			17,472.23	0.00		
	559 - TREATMENT			21,325.58	0.00		
	560 - IPP PROGRAM			1,427.13	0.00		
	566 - TREATMENT - CASCO TWP			1,893.65	0.00		
	567 - TREATMENT - SH TWP			2,728.06	0.00		
	729 - DOWNTOWN DEVELOPMENT			5,197.70	0.00		
	751 - PARK DEPARTMENT			3,807.07	0.00		
	895 - OTHER FUNCTIONS			7,855.10	0.00		

User: ksteinman

CHECK NUMBERS 46929 - 47002

DB: South Haven

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
02/13/2014	1	46929	UB REFUND	CHAMBERS, TUWANNA S	24.20
02/13/2014	1	46930	UB REFUND	GOLD STAR REALTY	47.34
02/13/2014	1	46931	UB REFUND	QSP - SH MOBILE HOME PARK	58.29
02/13/2014	1	46932	MISC	SEY WILLIAM B	6.98
02/13/2014	1	46933	MISC	SMITH, ROBERT	5.00
02/14/2014	1	46934	000290	BLUE STAR SUPPLY	25.47
02/14/2014	1	46935	003103	FORREST BOOTHE	117.00
02/14/2014	1	46936	000339	BROUSSEAU APPRAISAL SERVICES I	3,815.00
02/14/2014	1	46937	000430	CENTURY LINK	30.59
02/14/2014	1	46938	000514	CONSTRUCTION ASSOCIATES INC	4,768.82
02/14/2014	1	46939	000843	FRONTIER	281.83
02/14/2014	1	46940	003238	GARCIA, RICARDO	135.52
02/14/2014	1	46941	000994	HAPA LLC	5,183.33
02/14/2014	1	46942	001352	LANDERS HARDWARE INC	9.67
02/14/2014	1	46943	001544	MENARDS	208.34
02/14/2014	1	46944	MISC	MICHAEL POHL	285.98
02/14/2014	1	46945	001657	MICHIGAN TOWNSHIP SERVICES	826.50
02/14/2014	1	46946	003239	RADISSON HOTEL LANSING	121.95
02/14/2014	1	46947	002645	TRACTOR SUPPLY CREDIT PLAN	159.99
02/14/2014	1	46948	002724	UPS STORE #5080	50.22
02/14/2014	1	46949	002949	WOLVERINE HARDWARE	371.16
02/19/2014	1	46950	MISC	BRIAR HILLS APARTMENTS	60.65
02/19/2014	1	46951	000548	COVERT TOWNSHIP	417.59
02/19/2014	1	46952	MISC	DRAGON AGRO PRODUCTS	9,168.00
02/19/2014	1	46953	000882	DUREYA GIBSON	110.00
02/19/2014	1	46954	003235	JACK J. JOHNS APPRAISAL COMPANY	550.00
02/19/2014	1	46955	001580	MICHIGAN ASSOC OF MUN CEMETERIES	35.00
02/19/2014	1	46956	001580	MICHIGAN ASSOC OF MUN CEMETERIES	75.00
02/19/2014	1	46957	001691	MILBOCKER & SONS INC	76,136.00
02/19/2014	1	46958	001989	PHOENIX STREET CAFE	144.00
02/19/2014	1	46959	002665	TREECORE	14,780.00
02/19/2014	1	46960	002724	UPS STORE #5080	14.57
02/19/2014	1	46961	002748	VAN BUREN COUNTY	5,791.25
02/19/2014	1	46962	002755	VAN BUREN COUNTY ROAD COMM	466.85
02/19/2014	1	46963	002953	WOODHAMS, INC, DON	27,589.00
02/20/2014	1	46964	000059	ALLEGAN COUNTY TREASURER	1,916.04
02/20/2014	1	46965	002395	SOUTH HAVEN COMMUNITY HOSPITAL	510.67
02/20/2014	1	46966	002417	SOUTH HAVEN SENIOR SERVICES	386.28
02/20/2014	1	46967	002758	VAN BUREN INTERMEDIATE	9,229.20
02/20/2014	1	46968	000162	ASR HEALTH BENEFITS	69.30
02/20/2014	1	46969	003195	BLUE CARE NETWORK	49,712.78
02/20/2014	1	46970	003180	COPS HEALTH TRUST	5,920.56
02/20/2014	1	46971	003213	DALE CLAYTON	75.67
02/20/2014	1	46972	000624	DELTA DENTAL OF MICHIGAN	4,596.21
02/20/2014	1	46973	000843	FRONTIER	392.35
02/20/2014	1	46974	001285	KNOX COMPANY	530.00
02/20/2014	1	46975	001286	KNOX, JARED	78.20
02/20/2014	1	46976	001405	LINCOLN NATIONAL LIFE INS CO	2,410.85
02/20/2014	1	46977	001544	MENARDS	473.33
02/20/2014	1	46978	003047	ERIC SMITH	75.67
02/20/2014	1	46979	002949	WOLVERINE HARDWARE	575.42
02/21/2014	1	46980	000177	AUTOWARES INC	938.38
02/21/2014	1	46981	000288	BLUE STAR GLASS INC	29.72
02/21/2014	1	46982	000290	BLUE STAR SUPPLY	130.20
02/21/2014	1	46983	003127	ADAM DE BOER	9.69
02/21/2014	1	46984	000660	DOMESTIC LINEN-KALAMAZOO	1,878.03
02/21/2014	1	46985	003065	FOSTER SWIFT COLLINS & SMITH PC	1,503.30
02/21/2014	1	46986	000847	FUEL MANAGEMENT SYSTEM	12,606.83
02/21/2014	1	46987	001134	IDEXX DISTRIBUTION INC	1,792.42
02/21/2014	1	46988	001298	KREIS, ENDERLE, HUDGINS & BORSOS PC	308.00
02/21/2014	1	46989	001343	LAKESHORE PAINT & ARTWORKS	30.25
02/21/2014	1	46990	001948	PAT'S PRONTO PRINT	42.40
02/21/2014	1	46991	002447	LINDA SPEARS	18.00
02/21/2014	1	46992	002513	STEEL CENTER SUPPLY CO	496.25
02/21/2014	1	46993	002774	PAUL VANDEN BOSCH	71.68
02/21/2014	1	46994	002953	WOODHAMS, INC, DON	1,818.77
02/25/2014	1	46995	001067	HI TEC BUILDING SERVICES	3,110.00
02/26/2014	1	46996	003181	PAC-VAN	2,238.19
02/26/2014	1	46997	UB REFUND	AMERICAN CHARTERED BANK	495.44
02/26/2014	1	46998	UB REFUND	PECKSTEIN, JAMIE H	327.90
02/26/2014	1	46999	UB REFUND	PLEASANT VIEW MHP - SH	37.99
02/26/2014	1	47000	UB REFUND	THOMPSON, SUSAN A	58.26
02/26/2014	1	47001	UB REFUND	WEST MICH REALTORS TITLE CO	50.07
02/26/2014	1	47002	UB REFUND	WOOTEN, DORIS J	160.21

1 TOTALS:

Total of 74 Checks:  
Less 1 Void Checks:

256,975.60  
29.72

02/26/2014 11:17 AM  
User: ksteinman  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK NUMBERS 46929 - 47002

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Total of 73 Disbursements:					<u>256,945.88</u>

02/26/2014 11:17 AM  
User: ksteinman  
DB: South Haven

CHECK REGISTER FOR CITY OF SOUTH HAVEN  
CHECK DATE FROM 02/19/2014 - 03/04/2014

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 1 FIFTH THIRD BANK					
02/20/2014	1	42(E)	000087	AMERICAN ELECTRIC POWER	<u>877,724.03</u>
1 TOTALS:					
Total of 1 Checks:					877,724.03
Less 0 Void Checks:					<u>0.00</u>
Total of 1 Disbursements:					877,724.03



# City of South Haven

## Dept. of Public Works

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

### MEMORANDUM

To: Brian Dissette, City Manager  
From: Roger Huff, PE, DPW Director  
RE: Phoenix Road Substation Equipment Bids  
Date: February 25, 2014

### Background Information:

Supporting equipment is required to construct a second transformer at Phoenix Road Substation in the fall. It takes many months to manufacture and deliver these items.

GRP Engineering has obtained quotes from three (3) reputable manufacturers. ABB submitted the low bid for four (4) 12 kV circuit breakers and Siemens submitted the low bid for one (1) 69kV transformer circuit switcher.

Quotes for purchase of six (6) regulators are very close between Siemens and GE. Siemens is low bidder of all six units by \$2,495, just under GE's quote. Because there are already fifteen existing regulators at the two city stations procured from GE several years ago, staff recommends that GE be awarded the bid over Siemens. City Electric Department workers won't have to become familiar with operation of another style regulator nor would they have to maintain and keep its associated voltage controller, as well as backup stock.

Bid tabulations and recommendation letters prepared by GRP Engineering are attached.

On February 21, 2014, the Board of Public Utilities reviewed and provided unanimous approval of a recommendation to City Council to award Phoenix Road Substation Equipment Bids.

### Recommendation:

Approve award of the Phoenix Road Substation Equipment Bids as follows:

- A. Four (4) 12 kV circuit breakers to ABB in the amount of \$75,060.
- B. One (1) 69kV transformer circuit switcher to Siemens Energy in the amount of \$34,785.
- C. Six (6) regulators and base stands to GE in the amount of \$89,166.

### Support Material:

**Memorandum**

February 25, 2014

Phoenix Road Substation Equipment Bids

Page 2 of 2

Circuit Breakers:	Bid Tabulation
	GRP Engineering Recommendation Letter
Circuit Switcher:	Bid Evaluation
	GRP Engineering Recommendation Letter
Regulators:	Bid Evaluation
	GRP Engineering Recommendation Letter

**OWNER:**  
SOUTH HAVEN DPW  
1199 8TH AVE  
SOUTH HAVEN, MI 49090

**ENGINEER:**  
GRP ENGINEERING, INC.  
660 CASCADE W PKWY SE  
GRAND RAPIDS, MI 49546

BIDDERS	Cost Per Circuit Breaker	Total Cost	Lead Time	REMARKS
ABB	\$18,765.00	\$75,060.00	19-20 Weeks	
Siemens	\$18,959.00	\$75,836.00	15 Weeks	
Mitsubishi	\$22,250.00	\$89,000.00	15 Weeks	

GRP Engineering, Inc.

By:   
Robert A. Shelley, P.E.

February 13, 2014  
13-0646.01

Mr. Roger Huff  
South Haven DPW  
1199 8<sup>th</sup> Ave  
South Haven, MI 49090

**RE: Phoenix Rd 15kV Circuit Breaker  
Bid Recommendation**

Dear Roger:

GRP Engineering, Inc. has completed reviewing the bids submitted for the four (4) 15kV Circuit Breakers for the Phoenix Rd Substation. All three bidders solicited for bids replied to the bid request. ABB submitted the low bid for the four (4) circuit breakers in the total amount of \$75,060.00.

The City of South Haven currently has all ABB circuit breakers on your system. Therefore GRP Engineering, Inc. recommends that South Haven accept the low bid from ABB for the four (4) 15kV Circuit Breakers.

ABB took no major exceptions to the bid documents however they did issue their standard terms and conditions. The bid spreadsheets are attached to this letter.

Please contact me at 616.942.7183 should you have any questions regarding this evaluation.

Sincerely,  
**GRP Engineering, Inc.**



Robert A. Shelley, P.E.  
Electrical Engineer

**OWNER:**  
SOUTH HAVEN DPW  
1199 8TH AVE  
SOUTH HAVEN, MI 49090

**ENGINEER:**  
GRP ENGINEERING, INC.  
660 CASCADE W PKWY SE  
GRAND RAPIDS, MI 49546

BIDDERS	Cost Per Circuit Switcher			REMARKS
Siemens	\$34,785.00			
S&C	\$38,337.00			
Southern States				No Bid

GRP Engineering, Inc.

By:   
Robert A. Shelley, P.E.

February 13, 2014  
13-0646.01

Mr. Roger Huff  
South Haven DPW  
1199 8<sup>th</sup> Ave  
South Haven, MI 49090

**RE: Phoenix Rd 69kVCircuit Switcher  
Bid Recommendation**

Dear Roger:

GRP Engineering, Inc. has completed reviewing the bids submitted for the 69kV Circuit Switcher for the Phoenix Rd Substation. Two of the three bidders solicited for bids replied to the bid request. Siemens submitted the low bid for the circuit switcher in the total amount of \$34,785.00.

Siemens has a good reputation in the utility market and has supplied multiple circuit switchers for other GRP clients. Therefore GRP Engineering, Inc. recommends that South Haven accept the low bid from Siemens for the 69kV Circuit Switcher.

Siemens took no major exceptions to the bid documents however they did issue their standard terms and conditions. The bid spreadsheets are attached to this letter.

Please contact me at 616.942.7183 should you have any questions regarding this evaluation.

Sincerely,  
**GRP Engineering, Inc.**



Robert A. Shelley, P.E.  
Electrical Engineer

**OWNER:**  
SOUTH HAVEN DPW  
1199 8TH AVE  
SOUTH HAVEN, MI 49090

**ENGINEER:**  
GRP ENGINEERING, INC.  
660 CASCADE W PKWY SE  
GRAND RAPIDS, MI 49546

BIDDERS	Cost Per Regulator	Cost Per Stand	Total Cost (6 Regs w/ Stands)	REMARKS
Siemens	\$13,895.00	\$550.00	\$86,670.00	
GE	\$14,216.00	\$645.00	\$89,166.00	
Cooper	\$14,637.00	\$525.00	\$90,972.00	

GRP Engineering, Inc.

By:   
Robert A. Shelley, P.E.

February 13, 2014  
13-0646.01

Mr. Roger Huff  
South Haven DPW  
1199 8<sup>th</sup> Ave  
South Haven, MI 49090

**RE: Phoenix Rd 15kV Circuit Breaker  
Bid Recommendation**

Dear Roger:

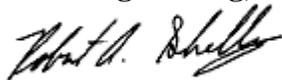
GRP Engineering, Inc. has completed reviewing the bids submitted for the six (6) Voltage Regulators for the Phoenix Rd Substation. All three bidders solicited for bids replied to the bid request. Siemens submitted the low bid for the six (6) voltage regulators breakers in the total amount of \$86,670.00. However GE submitted the next lowest bid at \$89,166.00.

GRP Engineering, Inc. recommends that South Haven accept the bid from GE for the six (6) voltage regulators for the following reasons. First, there is a relatively small cost difference between the two low bidders. Second, the City of South Haven currently has all GE voltage regulators on your system. With consistency across your system you will save on training personal on multiple controls, as well as stock backup material as needed.

GE took no major exceptions to the bid documents however they did issue their standard terms and conditions. The bid spreadsheets are attached to this letter.

Please contact me at 616.942.7183 should you have any questions regarding this evaluation.

Sincerely,  
**GRP Engineering, Inc.**



Robert A. Shelley, P.E.  
Electrical Engineer

# Downtown Development Authority

## Regular Meeting Minutes

Wednesday, October 2, 2013  
Noon, Council Chambers



City of South Haven

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

**1. Call to Order by Olson at 12:00 noon.**

**2. Roll Call**

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

Also present: Brian Dissette, City Manager; Steve Oosting, City Engineer

**3. Approval of Agenda**

Motion by Whiteford, second by Marcoux to approve the October 2, 2013 agenda as presented.

All in favor. Motion carried.

**4. Approval of Minutes – August 21, 2013 Special Meeting Minutes**

Motion by Newton, second by White to approve the August 21, 2013 Special Meeting Minutes as written.

All in favor. Motion carried.

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

None at this time.

**6. DDA will be asked to authorize the City Manager to sign closing documents for acquisition of the former Baars Building, 317 Hogan's Alley.**

Davidson reviewed the past meetings and actions leading to the meeting today, regarding the purchase of the former Baars' Building on Hogan's Alley. Today the Downtown Development Authority (DDA) is being asked to authorize the city manager as signatory on

the closing on Tuesday, October 8, 2013. The evening prior, October 7<sup>th</sup>, the City Council will be asked to authorize the city manager as signatory; the closing will be the next day (October 8<sup>th</sup>)

Motion by Whiteford, second by Marcoux to authorize the City Manager to sign closing documents for acquisition of the former Baars Building, 317 Hogan's Alley.

All in favor. Motion carried.

**7. Report of conceptual plans for parking at 317 Hogan's Alley – Steve Oosting, Project Engineer**

Marcoux was concerned about the quantity of green space in the proposed plan and asked if there could be more parking spaces. Oosting said staff tried to get more parking in this area but because of the way this property is laid out, it was difficult. Oosting stated that this is just a preliminary plan and there are no plans at this time for use of the green space.

Oosting responded that the proposed parking lot space is larger than the Baar's property in an area that the city already owns. The net increase of parking spaces is up to twenty-nine (29). However, a proposed drawing, and engineering and grading has not been done yet.

Marcoux asked the dimensions of the green space; "can it be sold for a small business?" Dissette interjected that the city could possibly do a license agreement for outdoor dining if there was interest by a nearby business. Dissette said five (5) years is the maximum for which the city can have a lease agreement. Oosting agreed that this layout is ideally suited for a building, right in the center of this space.

Burr questioned why the vertical spaces on the left (toward the west) could not be turned horizontally to get more parking spaces – maybe ten (10) or twelve (12) spaces instead of five (5). Discussion ensued regarding designing the driving area whether a one-way instead of a two-way driving lane could be incorporated to achieve more parking.

Newton asked if Hogan's Alley from the south would provide access to the five (5) parking spaces towards the west and if the most northern strip can be accessed from either direction. Oosting pointed out that the alley is currently one-way west to east.

Whiteford asked if the green space will have a finished grade – grass or dirt? Dissette said once the city has title to the property, staff will bring the DDA a variety of options. Staff can look to maximize green space or to maximize parking. Staff will work with this board to refine the plan, but as it stands there is a net increase of twenty-nine spaces.

Dissette promised that three (3) to five (5) parking variations will be provided for the board to consider.

**8. Report of communications activities for the Phoenix Street Improvement project – Deb Davidson, DDA Director**

Davidson updated the board regarding various methods being utilized to communicate with the downtown merchants.

- Brochures
- The next phase of signage + signage for back doors
- Weekly update meetings at bakery.
- Frequent updates from Steve.
- A partnership with the South Haven Tribune.
- Renderings on display in businesses (and will get more if anyone wants to put those in their businesses).
- Davidson is writing a blog for the project.

Davidson explained that the brochures (which she distributed to board members) are getting reprinted due to being improperly centered. Up-to-date ones should be available by the end of the week.

Davidson noted that the last update meeting had about fifteen attendees and questions have been concerns about water availability on the next phase, parking, time frame, etc.

Davidson presented an overview of the [www.digsoha.com](http://www.digsoha.com) website, pointing out various features which will serve to inform the public about the project.

Davidson clarified that business owners will do their own promotions and email the information to Davidson. Davidson posts the information on the Dig SoHa website. A website calendar on the website includes the events. The blog will be a weekly commentary on Davidson's personal view as she walks around the site; she will be highlighting and mentioning businesses and will keep a record so she can get to everyone throughout the time of the project. Davidson noted that she is also going to make sure outlying businesses get brochures so visitors will have parking maps and the information they need to get downtown and have a positive experience.

Marcoux pointed out the importance of opening Broadway Street when it was promised.

Board members had positive comments regarding the project and the website.

## **9. Board Comments**

None at this time.

## **10. Adjourn**

Motion by Marcoux, second by Whiteford to adjourn at 12:25 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

# Harbor Commission

## Regular Meeting Minutes

Tuesday, January 21, 2014  
5:30 p.m., City Hall Council Chambers  
South Haven City Hall



City of South Haven

### 1. Call to Order by Arnold at 5:30 p.m.

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

Also present: John Marple, Marina Manager; Tony McGhee, Abonmarche

### 2. Approval of Agenda

Motion by Strong, second by Pyle to approve the agenda as presented.

All in favor. Motion carried.

### 3. Approval of Minutes: December 17, 2013 Regular Meeting

Motion by Stephens, second by Reineck to approve the December 17, 2013 regular Meeting Minutes as written.

All in favor. Motion carried.

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

None at this time.

### 5. Marina Reports

VandenBosch gave an overview of the various Marina Reports and commented on lake levels.

VandenBosch updated the Commissioners regarding the status of the bridge rehabilitation. The project has had to be re-bid. There will be some conflicts during the boating season; the contractor may or may not do preliminary work before the boating season.

## **6. Jet Ski License Agreement**

VandenBosch noted that Linda VanDerZee, doing business as LJ Agency, Inc., is requesting to renew the license agreement for a jet ski excursion business. VandenBosch pointed out that he turned the original license agreement into a three (3) year contract to save time and paperwork. The amount is the same as last year. This will be a very similar operation to what was there before. This agreement can be terminated by either party by November 15<sup>th</sup> of the year.

Sullivan asked the rationale for the amount chosen to charge for this license agreement. VandenBosch explained the way the agreement amount was arrived at.

Strong noted that there is not really anything else that space could be used for. Sullivan noted that the area used by the jet ski business is prime real estate; suggested it would be ideal for advertising, for instance, sail boat sales.

Pyle commented that she hopes the city plans to help keep LJ Agency in business, not run them out of business.

Stephens asked about feedback regarding the operation. VandenBosch said he has only had one complaint regarding tying up the jet skis to the dinghy dock.

Arnold remarked that the original agreement requested that VanDerZee's assist the city by pulling the buoys; VandenBosch noted that the jet skis don't have the displacement to pull the buoys out of the water; pulling the buoys is dangerous work and the city has hired someone to do that. That stipulation has been removed from the agreement.

Strong noted that VanDerZee's provides available jet skis to law enforcement in case of emergency.

Motion by Stephens, second by Sullivan to recommend to City Council that the license agreement be approved.

All in favor. Motion carried.

## **7. Fish Cleaning Station**

VandenBosch explained that we have received some drawings and conservative cost estimates, and noted that unless construction costs go way up construction will probably come in below that.

VandenBosch pointed out that the fish cleaning station cannot be done by itself, because the drive around it is needed. Estimated cost at \$414,000. VandenBosch recommends that we look at it again and try to minimize the amount of driveways we are building and noted that the city will not be able to get a grant to cover the entire project. Great Lakes Fisheries Trust is probably the most promising source but is not taking applications this year. VandenBosch

noted that the grant administrator seems to think this proposal has the potential to qualify. Great Lakes Fisheries Trust awards fifty (50) percent for a project. The Water and Land Conservation Fund only pays \$100,000 which will not take us very far. VandenBosch pointed out that there is competition among city projects, as well; the North Beach project is currently in front of the Black River Fish Cleaning Station project for a grant from the Natural Resources Trust Fund.

Tony McGhee, representing Abonmarche, noted that when estimators are asked for prices for the future estimates tend to go kind of high. There are primarily four (4) grants out there for which this project can qualify. McGhee reviewed the possibilities of what could be received from those grants. Abonmarche will apply for those grants at no cost to the city. There is a lot of asphalt so the costs get up there pretty quickly. But when it is all said and done it will be the premiere fishing launch and cleaning station.

Stephens asked if you can stack these grants, to which McGhee responded, "Yes, it has been done."

Stephens asked what could be done to reduce the amount of asphalt for the first phase. "We do not have to redo all the entryways and roads in the first phase," McGhee noted, explaining that Abonmarche is looking at ways to do that and still get the functionality of the site.

VandenBosch said when the dredging project is done the city should have what is usable as a gravel snow storage area and overflow parking for the downtown.

Strong suggests that a way be found to straighten the road into the launch ramp in the first phase.

VandenBosch noted that the city may not apply for anything until 2015 and Abonmarche and staff will continue to refine the design.

Pyle expressed concern of missing the deadline for 2015, if there will be many other municipalities stockpiling projects to apply at the end of 2014.

VandenBosch said if the overflow parking area is viewed as an extension of downtown parking, it may be something we can work with the Downtown Development Authority (DDA) on. VandenBosch noted there would need to be a walkway for access and Pyle suggested "lined with pretty trees."

## **8. Cruise Ship Dockage**

VandenBosch noted that cruise ship dockage is a long term idea; he was reading an article about a lake tour done by cruise ships and wondered why they do not come to South Haven. Pointed out drawings provided in the packet that show how a cruise ship would fit in the harbor, and noted that the question is how to meld that with summer boat traffic.

Pyle said preparing that head dock for cruise ships would offer additional slipping for transients when the cruise ships are not here. Discussion regarding providing some “pay by the hour” and “pay by the day” slips on that spot when cruise ships are not here. Strong wondered whether there would be an extension of the south side dock if this plan were implemented to which VandenBosch responded, “Yes, that is a possibility.”

VandenBosch noted the symphony barge that was parked along the sea wall; surge is a very real problem. Stephens expressed her amazement that the symphony barge was not equipped with fenders to help prevent damage.

Strong likes the cruise ship dockage idea; Pyle agreed. VandenBosch remarked that this area could also be used for the Queen’s Cup. VandenBosch noted that his initial thought was of installing steel pilings and a landing but agrees that a dock might also be useful if the area were used for slipping transients.

Reineck asked for clarification of the harbor line issue which VandenBosch explained, “As long as the structure itself is within the harbor line such a project is okay.”

Strong said the South Side head dock could be extended west toward the lake. Reineck asked whether the limestone would need to be reconfigured. VandenBosch was not sure and explained that since this is a concept at this time, no one has gotten into engineering.

Stephens said such a project is historically accurate; the Maritime District would love it, but expressed concern regarding the surge. Reineck said when that rock was put there it was laid and re-laid and it was crucial to the action on the other side of the river. VandenBosch said it is something that will have to be looked into and hopefully the pilings or dock could be installed in a way that would break up surge. Strong noted that if planning for such a dock is something the city wants to move ahead with consulting with a surge expert for ideas on how to do the project to improve the issues with the surge would be wise.

VandenBosch pointed out that another concern is how slips across the river will be affected. Strong noted cruise ships, as freighters used to, might back in or out.

VandenBosch asked whether the board thought views from Riverfront Park would be affected and noted he is not sure how tall a dock would have to be to accommodate a cruise ship. VandenBosch guesses exiting from the ship is done through the side of the boat. Reineck said the boat will obstruct the view when it’s there; Strong noted that cruise ships typically do not stay in any port for long, maybe a day at most. VandenBosch noted that he does not yet know what cruise ships may need such as water, electric or sewer connections.

Strong thinks it is an idea worth looking into; suggested contacting a cruise company and seeing if South Haven is a place they would like to visit. Pyle suggested the express ships that are cropping up everywhere might also be interested. VandenBosch has contacted two cruise companies but has not heard back.

Reineck asked about cost to construct to which VandenBosch responded that we do not know because we do not know what the cruise ships require.

Arnold asked if the city were to host cruise ships whether the harbor would become a commercial harbor to which VandenBosch noted, "Yes, and might qualify for dredging."

VandenBosch will continue to look at possibilities and eventually the commission will look at all potential projects and prioritize.

### **Member and Staff Comments**

Sullivan. Hoping in the next meeting or two we could start looking at maintenance items such as sediment traps.

Stephens asked if we should revisit our Strategic Plan. VandenBosch noted that budget is coming up so this is a good time to look at that.

Pyle, Strong and Reineck had no additional comments.

VandenBosch. There is a lot of ice in the harbor so hopefully there will not be damage.

### **Adjourn**

Motion by Strong, second by Stephens to adjourn at 6:17 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

## **LIBERTY HYDE BAILEY MUSEUM BOARD OF TRUSTEE MEETING MINUTES**

Tuesday

January 21, 2014

7 PM

Board Members Present: Anne Long, Olga Lewis, Joan Hiddema, David Fenske, Robin Reva and Cindy McAlear. No Board Members Absent

City Council Representative Present: Clark Gruber

LHBM Director Absent: John Linstrom (Excused) Facilities Manager Present: Bill Lundy

Guest Present: Terry "Skip" Nagelvoort

Anne Long, Chair, called the meeting to order. A motion to accept the LHBM Board Meeting Minutes from the December 17, 2013 meeting was called for.

It was moved by Joan Hiddema to accept the minutes from the December 17, 2013 meeting. Seconded by Robin Reva. Motion Carried.

### **LIBERTY HYDE BAILEY MEMORIAL FUND/TREASURER'S REPORT – JOAN HIDDEMA**

ASSETS:	\$36,174.09
DEPOSITS:	\$ 7,841.81
EXPENSES:	\$ 3,885.16

Joan reported that the front museum sign was damaged. Mike Kiefer has offered to repair and paint the sign for \$600.

It was moved by Joan Hiddema to hire Mike Kiefer to repair and paint the front museum sign for \$600. Seconded by Robin Reva. Motion Carried.

### **LIBERTY HYDE BAILEY MUSEUM DIRECTOR'S REPORT – JOHN LINSTROM**

#### **OLD BUSINESS**

#### **1. LIBERTY HYDE BAILEY RESEARCH LIBRARY**

A. John has begun sorting the books from the Bailey Family Library, in order to have a distinct number to present to conservationists so that we can get an estimate and apply for the Americana grant.

B. John still has had no word from Hortorium re: “Baileya and Gentes Herharum” back issues. He is planning to approach Scott Peters about his collection of books from Bailey’s library before pursuing the Hortorium on these back issues.

C. Let John know if you’re interested in joining a group to sort out books.

## 2. BAILEY OUTDOOR LEARNING INITIATIVE

A. Russ Schipper will represent Kalamazoo Audubon Society later this winter.

B. Kalamazoo Nature Center has been reserved for February 11 and 12.

C. Sarett Nature Center: The school has agreed to fund this and students will travel to the nature center rather than stay on site at the Bailey Outdoor Learning Initiative Center.

## 3. TEXTILE CONSERVATION

A. The Bailey baptismal gown and Sarah’s night bonnet has been scheduled for textile conservation this spring.

## 4. GRANT WRITING

A. Americana Grant: John is waiting to hear back from them. This would hopefully fund the development of the LHB Research Library, including mold remediation for the new book acquisition.

B. Opal Apple Grant: The application will available January 1 and due at the end of February. After initial review by the grant agency, they will be up for public voting, so we will want to focus our online presence in this direction if we make it to that point of the process. This could fund children’s programming (summer and school year) for a year, as well as a children’s exhibit.

C. Stanley Smith Horticultural Trust Grant: Nothing new to report yet.

## 5. MUSEUM ATTENDANCE

A. November Museum Attendance: Main Exhibit, 37; “Near and Far” Exhibit, 33. December Museum Attendance: Main Exhibit, 10; “Near and Far” Exhibit, 10.

## NEW BUSINESS

### 1. STRATEGIC PLAN

A. An initial meeting was held on December 27, 2013 with the executive committee, director of the LHBM and several members of the Collaboration Center of West Michigan, which includes; Skip Nagelvoort, Rebecca Russcher, Michael Thorsby and Steve Wells. The meeting went exceedingly well and resulted in the first draft of a strategic planning and visioning document that the Collaboration Center compiled and is ready for review,

discussion, and revision of the Liberty Hyde Bailey Museum Board. John recommended that the board move to continue partnership with the Collaboration Center under the terms they have proposed for implementation of the strategic plan.

It was moved by Joan Hiddema that the LHBM Board hire the Collaboration Center. Seconded by Robin Reva. Motion Carried with 6 yes 1 no.

2. SUMMER INTERSHIP

A. John as sent summer internship notification to the public history programs at Central Michigan University and Western Michigan University. He received an application for a summer internship for 2014 from Craig Pennock of CMU. He will meet with Craig in person to discuss what he hopes to gain from an internship here at LHBM and to determine if it will be a good fit.

3. BAILEY BOOK CLUB

A. John plans to start a weekly book club to read through some of Bailey's books. Admission would be free or the cost of a book. The first meeting will be on March 10<sup>th</sup> at 7:00 PM (The Monday before Bailey's birthday). The book club will start with "The Holy Earth". Anne suggested that the board should offer a stipend to invite John Stempien to co-lead the discussions for this first book.

4. ALBEMARLE GRANT

A. Application for this grant is complete and under consideration. If approved, it should fund our special exhibit, "Onamanni: A Frontier Naturalist in the Boundary Waters," with \$3,000.

5. DEACCESSIONING ITEMS UPSTAIRS – NEW DEVELOPMENTS

A. Derek Nightingale has figured out how to legally claim ownership of undocumented artifacts that have been in the museum for 35 years or more. Derek compiled the legally required notice that we need to publish twice in the local paper, six weeks apart. Six months after the second publication of the ad, we can claim ownership of items having been in the museum for at least 35 years, and at that point we can deaccession. The price of the ad has been approved by our LHBM Treasurer, Joan Hiddema, so John has published this notice in the South Haven Tribune on Dec. 29, 2013 and the second notice will be put in on Feb. 9, 2014. Starting on August 9, 2014, any unclaimed artifacts become our property if they have been here at least 35 years.

## **NEW BUSINESS**

A. Change in by laws: need to eliminate clause: All members of the Board are appointed by the City Council will be subject to the term limits set by the City.

It was moved by Joan Hiddema to eliminate the clause: All members of the Board are appointed by the City Council will be subject to the term limits set by the City from the LHBM By laws. Seconded by Olga Lewis. Motion Carried.

B. Discussion on payment schedule for LHBM Director.

It was moved by Joan Hiddema for the LHBM Board to pay John Linstrom through mid-April for a 20 hour week at \$15 an hour. Seconded by Robin Reva. Motion Carried.

- C. Membership Committee: Cindy McAlear report that for 2013 the LHBM Membership was 193 members. 143 were returning members and 50 were new members. We already have nine people signed up for 2014 LHBM Membership and Pay Pal is starting to be used more. A Membership Campaign Committee for 2014 needs to be formed now, material needs to be written and taken to the printer. Anne Long, Bill Lundy, and Joan Hiddema volunteered to be on the committee. Anne will also call Skip Nagelvoort to meet with us on Thursday, January 30, 2014 to advise us how to make our campaign more successful.

## **CONTINUING BUSINESS**

- A. Lease Agreement with the City of South Haven: The City has the agreement and we are still waiting to hear from them.

## **FLOOR**

- A. Olga Lewis suggested that maybe one of these times we can use the title, "LHB A Man of all Seasons" for a program or exhibit.
- B. Cark Gruber asked that the board check to see if Skip Nagelvoort's Collaboration Center follows AFP Guidelines to the Code of Ethical Principles and Standards #21. Anne will look into this.

It was moved by Joan Hiddema for adjournment.

8:40 PM

Respectfully submitted by,

Cindy McAlear, LHBM Board Secretary

**SOUTH HAVEN HOUSING COMMISSION**  
**Regular Meeting**  
**Warren Senior Center Community Center**  
**540 Williams Street, South Haven, Michigan 49090**  
**January 22, 2014**

**CALL TO ORDER:** The Regular Meeting of the South Haven Housing Commission was called to order at 5:17 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Conference Room, 220 Broadway, South Haven, Michigan.

**ROLL CALL:** Present: Chairperson Eugene Ladewski, Vice-Chairperson Sandra Seroke, Resident Commissioner Tom Thomson and City Council Representative Gail Patterson. Absent: Commissioner Rev. Aaron Cobbs and Commissioner Daniel Mezak. Also present: Executive Director and Secretary Charles Fullar.

**INVOCATION:** A moment of silence was observed.

**PUBLIC HEARING ON AGENCY CAPITAL FUND PROGRAM 2014 ANNUAL PLAN**  
It was moved by Commissioner Seroke to open the public hearing; Seconded by Commissioner Thomson. All votes in favor. Motion carried. The Public Hearing began at 5:21 p.m. Executive Director Fullar supplied copies of the Agency Capital Fund Program 2014 Annual PHA Plan and explained the Annual Plan and 5-Year Capital Fund planning process. Executive Director Fullar reviewed the Plan including the Housing Commission Mission Statement, Strategic Goals and Goal Objectives, Housing Needs, Strategy for Addressing Housing Needs, Capital Fund budgets for 2011, 2012, 2013 and proposed 2014 budget; and additional information as required by the form HUD-50075 document. At the regular meeting held on January 16, 2014, the Housing Commission Resident Advisory Board (RAB) reviewed, approved and forwarded the 2014 Annual PHA Plan to the Housing Commission with the recommendation for approval and submission to HUD. No members of the public attended the public hearing. No additional input or comments were provided for the plan during the public hearing. No additional input or comments were received during the public comment period prior

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to the public hearing. It was moved by Commissioner Thomson to close the Public Hearing; Seconded by Vice-Chairperson Seroke. All votes in favor. Motion carried. The Public Hearing concluded at 5:42 p.m.

**PUBLIC COMMENTS:** None.

**CONSENT AGENDA:** 1) Minutes of the Regular Meeting December 18, 2013. 2) Current Operating Expenses - \$49,380.06. 3) Homeownership Expenses - \$0.00; 2011 Capital Fund - \$525.00; 2012 Capital Fund - \$49,184.50; and 2013 Capital Fund - \$69.00. 4) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; Income and Expenditures Report for December 2013. 5) Correspondence: November 26, 2013, Correspondence to SSVBC aka SHASS; PHA Score Report Date 12/5/2013; The Par Plan News December 2013; SHHC January 21, 2014, Memorandum to Senior Services; Ray Llorens January 22, 2014; and Anthony J. Borowiak January 22, 2014. 6) Other Reports: None. It was moved by Vice-Chairperson Seroke to approve the Consent Agenda; Seconded by Commissioner Thomson. All votes in favor. Motion carried.

**UNFINISHED BUSINESS:** 1) Status Report Updating and Adapting the HDC: Executive Director Fullar had no report.

**NEW BUSINESS:** 1) Resolution No. 14-01, to submit Agency Capital Fund Program 2014 Annual Plan to Department of Housing & Urban Development:

Resolution No. 14-01

Housing Agency Plan for Fiscal Year Beginning July 1, 2014

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires the development of a Housing Agency Plan, including an Annual and Five Year Plan, and WHEREAS, the Agency Plan has been developed in accordance with HUD regulations, NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that the Housing Agency Plan for the period beginning July 1, 2014, be approved for submission to HUD and the Chairperson of the Board of Commissioners is hereby authorized to sign the Certification of Compliance with the Public Housing Authority Plans and related regulations on behalf of the Board of Commissioners.

It was moved by Vice-Chairperson Seroke to approve the foregoing Resolution No. 14-01 as introduced and read; Seconded Commissioner Thomson. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

2) Michigan Township Participating Plan Insurance Renewal (2014) Property Insurance Renewal: Executive Director Fullar supplied historical data for insurance premiums from 2001 through 2013, including the proposed 2013 renewal rate from Michigan Township Participating Plan. The current 2014, premium renewal is an \$1,110.00 increase from the 2013 renewal rate. The 2014 renewal includes a Casualty and Property Terrorism Coverage option for an additional \$345.00. Executive Director Fullar affirmed that the Michigan Township Participating Plan continues to provide property insurance rates at a reasonable cost and the company is responsive to the Housing Commission's needs. It was moved by Commissioner Thomson to approve the Michigan Township Participating Plan Insurance Renewal, with the inclusion of the Casualty and Property Terrorism Coverage, in the amount of \$18,044.00 with the policy term beginning February 14, 2014, through February 14, 2015; Seconded by Vice-Chairperson Seroke. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

3) Senior Nutrition Services Region IV, Inc. Memorandum of Understanding: Executive Director supplied copies of the MOU in the agenda package. The MOU was reviewed. It was

moved by Vice-Chairperson Seroke to approve the MOU and have Executive Director Fullar sign the MOU on behalf the Housing Commission for an effective date beginning March 1, 2014, and after the MOU between Senior Services and Senior Nutrition Services ends on February 28, 2014; Seconded Commissioner Thomson. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

4) Request for Warren Center Use: Executive Director reviewed the Ray Llorens correspondence dated January 22, 2014. It was moved by Vice-Chairperson Seroke to affirm the operation of the Warren Center operations will be administered by the Housing Commission beginning March 1, 2014, and also affirm the Visually Impaired Person's group and the Alzheimer's Support Group will continue to meet at the Warren Center after February 28, 2014, with the conclusion of the contracts with Senior Services; Seconded by Commissioner Thomson. All votes in favor. Motion carried.

5) Volunteer Tax Preparation Services for RT and HV Residents: Executive Director reviewed the Anthony J. Borowiak correspondence dated January 22, 2014. Mr. Borowiak and his associate will supply tax preparation services at no cost to RT and HV senior housing residents. Executive Director will facilitate Mr. Borowiak and his associate and provide tenant notices and scheduling contact information.

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

**COMMISSIONER'S COMMENTS:** None.

**ADJOURNMENT:** It was moved by Vice-Chairperson Seroke to adjourn; Seconded by Commissioner Thomson. All votes in favor. Motion carried. Meeting adjourned at 6:17 p.m.

Respectfully submitted:

Approved February 26, 2014

  
\_\_\_\_\_  
Charles R. Fullar, Secretary

\_\_\_\_\_  
Eugene Ladewski, Chairperson

# Board of Public Utilities

## Regular Meeting Minutes

Monday, January 27, 2014  
4:00 p.m., DPW Conference Room, 1199 8<sup>th</sup> Avenue



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

### 2. Roll Call

Present: Burr, Henry, Stein, Winkel, Stickland  
Absent: Overhiser, Rose

Also present: Wendy Hochstedler, Finance Director; Amanda Morgan, Accounts Receivable Supervisor.

*Due to weather conditions, Roger Huff, Department of Public Works Director, was unable to attend, but was on speaker-phone during the meeting.*

### 3. Approval of Agenda

Motion by Burr, second by Henry to approve the January 27, 2014 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Acceptance of Minutes for the Record – November 25, 2013

Motion by Winkel, second by Henry to approve the November 25, 2013 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

## REPORTS

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

- A. 2013 Billings – All Charges
- B. 2012 Billings – All Charges

The board discussed the cost per kw hour for this year in comparison to last year. Burr noted that the actual growth was only one-tenth of a percent. Burr also pointed out the audit showed a positive gain per year as a 5-year average

## **7. Financial Reports**

- A. Water Fund CuFt Comparisons
- B. Water Fund Financial Statement
- C. Sewer Fund Financial Statement
- D. Electric Fund KWH Comparisons
- E. Electric Fund Financial Statement

Stickland wondered why the November/December water revenues were as high as they are. Huff noted that Miller did report a jump in what they are seeing in the system at the water plant. Miller has crews looking to see if there is anything abnormal but have not found anything so far.

Burr noted the grant expense and asked what SSES is to which Hochstedler responded that it is the second phase of the project. Stickland asked if Kalamazoo Street is done. Huff said the final course of paving has not been laid yet.

Electric Fund. Energy Optimization Fund. Burr noted that he doubts that this project will continue beyond the original five (5) years.

## **8. Indian Grove Infrastructure Project**

- A. No Report

## **9. Unresolved Issues Report**

Huff updated this report based on discussion at the last meeting, leaving two items related to tampering fee policy.

Stickland asked whether there are up-to-date charges available for the installation of security lighting to which Huff responded, "Yes, as of last meeting."

## **10. Electric Outage Report, 4<sup>th</sup> Quarter 2013**

Huff pointed out that this is the format we have worked on throughout the year to allow the board to see what you want to see. Burr commented on trees causing the largest number of outages to date.

Burr noted the project for the spring will be the secondary rebuild in the area of Aylworth north to Phoenix and Monroe east to Blue Star Highway and asked whether GRP Engineering has it ready to be bid. Huff said bids will be received February 21, 2014, with completion of Phase 1 June 30, 2014.

## **11. GRP Engineering – 2013-14 Projects**

Huff referred to GRP Engineering's report and noted that GRP will be reporting monthly on progress.

#102 PR-C Circuit (Overhead 2<sup>nd</sup> Avenue) – has been awarded to SKF Electrical Contracting. Construction is scheduled to start the week of January 27, 2014 with a completion date of June 13<sup>th</sup>, 2014.

#103 PR-D Circuit (Underground Veteran's Drive) – this project will go out for bid March 1, 2014 with conduit construction to start April 15, 2014 with a completion date of May 30, 2014. Construction start for Cable is scheduled for August 15, 2014 with Circuit Energization to take place September 15, 2014.

#101 Phoenix Road Substation Transformer #2 – goes out for bid March 1, 2014 with construction start scheduled for May 1, 2014; transformer delivery June 10, 2014.

Core City Secondary Upgrades - will go out for bid on February 21, 2014 with Phase I Construction to begin April 15, 2014 with a completion date of June 30, 2014.

## NEW BUSINESS

### **12. Board will be requested to approve a Customer Service Policy for Shut Off for Nonpayment for Services.**

Stickland introduced Amanda Morgan, Accounts Receivable Supervisor to present a revised policy to get people to pay their bills on time. Staff is hoping to get a policy approved so it can go City Council. Due to lack of winter shutoff mandated by the state, utility bills are often not paid until spring when sizeable delinquent amounts occur.

Amanda Morgan said the new policy encompasses our current best practices, the utility policy and state law. The proposed policy provides clear guidelines and expectations for both staff and customers. Highlights include:

- 1.) State law says we cannot cut off customer's service from November 1 to April 15.
- 2.) Policy specifies guidelines for when and how shut off notices may be sent. After delinquent for seven (7) days, customers will get a notice and have seven (7) days to pay. Notice will go to both occupant and owner if they are different.

Stein asked whether the Finance Department has that information. Morgan noted that staff is working on software that will help identify which properties have different owners and residents.

Stein asked about customers who say they did not get the shut off notice. Morgan noted that we already get those. We address those by asking for address confirmation and asking whether they get their bills. Hochstedler noted the customers receive the bills but not the shut off notices. Discussion ensued regarding whether bills are sent in-house. Morgan said the computer generates the bills and the shut off notices; they are stuffed in-house and mailed. The Customer Service Department keeps copies of all notices.

- 3.) State law requires an appeal process. This is for administrative errors, meter errors, receipting errors, any problems with billing of the usage or account. The appeal goes before the finance director who has the final word and they will be cut off. Morgan does not anticipate it getting that far.

4.) Unlike previous practice, customers now have to pay all delinquent balances. Customers may apply for two (2) fourteen (14) day extensions of their shutoff notice per year, but not on the same shut off.

Discussion ensued regarding the number of customers who receive shut offs to which Morgan responded that about four hundred (400) shut off notices per month are generated. Currently there are six hundred seven (607) people who are in line to get cut off notices today. Henry asked where the majority of shut offs are geographically to which Morgan responded that most are located in Section 8 housing and mobile home parks.

Stickland pointed out that South Haven is a low income community. Morgan agreed, noting that while working with the city attorneys on this policy, the attorneys was very shocked at the number of shut offs sent out. Stickland referred to a study done which indicated that Van Buren is the lowest income county in the state.

Burr noted that the number of shut offs is only five (5) percent of eight-thousand two-hundred (8200) customers. There was discussion of whether this is typical and Burr said it is not out of line.

Burr explained that since the state requires utilities to do a moratorium on shut offs, people know about it and the city will have a crisis in April when shut off notices are sent out.

During discussion of the extension Morgan said the new arrangements must be done in writing by the customer and there is a limit of two extensions allowed per year.

Burr said the thing that is different is that the large utility companies allow customers to make payment agreements but we do not do that. It takes much more clerical work. Burr also pointed out that we can put the delinquent bill on the property taxes. There was discussion of how that works with apartment complexes.

Stickland pointed out that Section 8 is straight forward based on State law.

Morgan noted that if a customer has been shut off, they will not be restored until the balance is paid in full including the restoration fees. Previously the city only required customers to pay the shut-off balance; now they will have to pay the total delinquent balance plus fees.

Morgan also pointed out that ~~noted that~~ up to 3:30 p.m. the restoration fee is thirty (30) dollars while after 3:30 p.m. the restoration fee is one hundred (100) dollars.

Stickland would like to send this policy to City Council next week and anticipates that there will be discussion of the collection of personal information, specifically Social Security numbers. Morgan said we have policies in place that explain how we protect personal information.

Motion by Henry, second by Winkel to recommend that the customer service policy for shut offs be forwarded to City Council ~~by Winkel~~.

All in favor. Motion carried.

**3. Board will be requested to approve a recommendation to City Council to enter into the Michigan Municipal Electric Association ("MMEA") Mutual Aid Agreement.**

Huff noted that this agreement just makes official what the city has done in the past regarding providing assistance to other utilities/municipalities in case of emergencies and disasters. Huff explained there is a loosely organized group that meets bi-monthly who just wanted to have an agreement in place. The Michigan Municipal Electric Association (MMEA) helped craft this agreement and will also help coordinate information and communication.

This agreement specifies standards and requirements of contact information procedures; insurance and liability requirements; requesting assistance; response; training; equipment; invoicing and payment for services; lodging, meals and transportation; damage to equipment and the role of MMEA. The City invoices the other municipality for our time at one and one-half (1.5) times the standard rate which will pay for the overhead and equipment. The City's agreements with our workers stay in place while we are providing aid. The agreement is set up for thirty (30) years unless terminated by mutual agreement and there is a procedure for that.

Burr asked if this agreement caused an increase in the city's insurance coverage to which Huff responded that he has asked that question but has not gotten the answer yet. Winkel asked what liability the city has and Huff responded that it is coverage for our workers.

Stein asked what the procedure would be if we are called upon to assist but have an emergency here to which Huff responded that the city sent one two-man crew to Hastings during a recent emergency; the utility does not jeopardize our own system. Stein noted that if something comes up it is possible that the city would have to call their crew back. Stickland said the advantage of agreement is it state-wide whereas nearby municipalities may be experiencing the same weather emergency as the city so more likely would be able to send crews to a different part of the state when we are not experiencing the same difficulty. Stein, Henry and Winkel verbally expressed that they feel this is a good idea. Henry asked how often this type of thing happens. Stickland said one or two times; it is very infrequent. Burr noted that contractor crews do this more often than the city does.

Motion by Henry to approve a recommendation to City Council to enter into the Michigan Municipal Electrical Association (MMEA) Mutual Aid Agreement. Second by Burr.

All in favor. Motion carried.

**4. Next meeting is scheduled for Monday, February 24, 2014 at 4:00 pm in the DPW Conference Room, 1199 8<sup>th</sup> Avenue, South Haven, Michigan.**

Due to previous commitments by some members, there was discussion of cancelling the regular February meeting and scheduling a special meeting on Friday, February 21, 2014 at 4:00 p.m. Stickland will confirm schedule with Huff who will notify members.

**5. Director's Comments**

Huff: Apologized for not being available to attend the meeting in person due to the weather.

**6. Board Member Comments**

Stein: No comment.

Henry: Noted that the street light is out at the corner of Indiana and Michigan.

Winkel: Commended the plow crews.

Burr: River Ridge Assisted Living staff asked whether they were on any kind of priority list, noting that they were concerned about Kentucky Avenue's condition for getting ambulances in and out. Stickland suggested a periodic review of the current priority list.

**7. Adjourn**

Motion by Henry, second by Winkel to adjourn at 5:03 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



## Draft Wind Turbine Generator Ordinance

City of South Haven

### Background Information:

At the January 13, 2014 city council meeting, several concerns were raised regarding the proposed Wind Turbine Ordinance. Since that meeting, staff has worked to address those concerns and make necessary adjustments to the draft text. Wind Ordinances in several Michigan cities and townships were reviewed as part of this process.

The attached draft ordinance includes the proposed changes in yellow highlight. Staff has also included a revised Wind Turbine Height Map. In summary, the changes proposed include:

**Section 2 Definitions:** *Ambient Sound Level* has been changed to *Background Sound Level*. The definition remains the same.

A definition for dB(C) (low frequency sound measurement) was added. dB(c) limits were not included in the previous version of the ordinance.

**Section 3 Locational Requirements:** This section was revised to permit turbines up to 200 feet in height in areas zoned B-4, I-1 and I-2 when located east of Blue Star Highway only. Other areas of the city have a 40 foot height limit.

**Section 4: Site Requirements:** Subsection B was revised to relate to ice throw or component failure instead of noise.

Subsection F was revised to increase the buffer area from three (3) times the rotor diameter to seven (7) times the diameter.

**Section 6: Buffering Requirements:** The previous ordinance had a sound limit of 55 decibels (dB(A)) or the ambient sound level plus 5 dB(A), whichever was less. This limit has now been reduced to 40 dB(A) between the hours of 10:00 p.m. and 6:00 a.m. and 45 dB(A) between the hours of 6:00 a.m. and 10:00 p.m.

Limits have also been added regarding the dB(C) level and acceptable vibration from the turbine. The added text reads, "Vibrations from a Wind Turbine shall not be humanly perceptible beyond the turbine property and in no case shall the sound emanating from the Wind Turbine exceed 50 dB(C) between the hours of 10:00 p.m. and 6:00 a.m. or 55 dB(C) between the hours of 6:00 a.m. to 10:00 p.m. as measured at any adjacent property line".

In Subsection d, a reference was inserted to clarify the amount of vibration allowed by a measurement of Hz.

**Recommendation:**

Staff recommends adoption of the Wind Turbine Ordinance as it now reads

**Attachments:**

Draft Ordinance

Map of proposed tower height limits

## CHRONOLOGY OF DRAFT WIND TURBINE GENERATOR ORDINANCE

1. **August 2009** – Planning commission discussed the drafting of a wind turbine generator ordinance at the request of city council. Staff begins work on a draft ordinance.
2. **September 2009** - The planning commission discusses the draft text and allows public comments.
3. **October 2009** – Public hearing continued from the September meeting,
4. **December 2009** - Public hearing continued from the October meeting,
5. **January 2010**- The planning commission again discusses the draft text and reopens the public hearing from December
6. **March 2010** – Public hearing continued. Later that month (March 11), the planning commission holds a special meeting to further discuss the matter.
7. **April 2010** – The public hearing is continued from the March meeting. Planning commissioners move to send the draft ordinance to city council.
8. **May 2010** - City council considers the draft text and decides to send it back to the planning commission for further discussion. The main issues are the planning commission's desire to limit the generators to a height of 200 feet in areas east of Blue Star Highway and 40 feet if placed on commercial/industrial rooftops.
9. **July 2010**- The planning commission considers the city council concerns and decides not to make adjustments to the draft text.
10. **August 2010** – Staff transmittal of comments and draft ordinance to city council.
11. **September 2010** – A joint work session is held between the planning commission and the city council. The planning commissioners agree to discuss the suggestions at their next meeting.

12. **November 2010** – Planning commissioners hold a final public hearing on the matter and, following deliberations, send the draft ordinance back to city council with no changes made.
13. **November 2013** – Planning commission again reviews the ordinance and, after deciding not to make further changes, sends the ordinance back to city council for action.

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO - \_\_\_\_

AN ORDINANCE TO AN ORDINANCE AMENDING THE SOUTH HAVEN ZONING ORDINANCE ARTICLE XVII SECTION 1732 AND ESTABLISHING SECTION 1742, AND ARTICLE XV SECTION 1510.35, MODIFYING CERTAIN GENERAL PROVISIONS AND ESTABLISHING REGULATIONS FOR WIND ENERGY TURBINES WITH PROVISIONS FOR SPECIAL USE PERMIT REQUESTS.

The City of South Haven Ordains:

SECTION 1 That Article XVII Section 1732 titled "Height Exceptions", Section 1743 titled "Wind Turbines", and Article XV Section 1510.35 titled "Wind Turbines" of the City of South Haven Zoning Ordinance be hereby amended and established to replace said sections with the text as indicated in Exhibit 'A' attached hereto and made a part of this ordinance.

SECTION 2

If any portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 4

This ordinance shall take effect ten (10) days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

INTRODUCED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_ day of \_\_\_\_\_, 2013.

ADOPTED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I, Amanda Morgan, Clerk of the City of South Haven, Van Buren County, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_ day of

Ordinance No. \_\_\_\_

\_\_\_\_\_, 2013; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of \_\_\_\_\_, 2013.

---

Amanda Morgan, City Clerk

## EXHIBIT A

### **SECTION 1742. WIND TURBINES**

No Wind Turbine shall be constructed or located within the City of South Haven unless a Special Use Permit has been issued by the City of South Haven Planning Commission to the Facility Owner or Operator approving the construction of the facility pursuant to Section 1500 in total. Maintenance of existing Wind Turbines shall not require a Special Use Permit modification. Replacement of existing Wind Turbines shall not require a Special Use Permit modification if the standards of Section 1510.35 have not become more restrictive subsequent to the original Special Use Permit having been approved. Any physical modification to an existing Wind Turbine that materially alters its original size, type or specifications shall require a special use permit amendment.

\* \* \*

### **SECTION 1510.35 WIND TURBINES**

Wind Turbines proposed pursuant to Section 1742 shall be subject to the following additional application requirements in addition to those required by Section 1500 in total:

- a. Name, address and contact information for the Facility Owner, Operator and landowner along with notarized signature of same on application form.
- b. An overview of the project; the project location; type and height of Wind Turbine to be constructed, dimensions and respective manufacturers, and a description of ancillary facilities.
- c. An affidavit or similar evidence of agreement between the landowner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the landowner to apply for necessary permits for construction and operation of the Wind Turbine.
- d. The legal description and tax identification numbers of the properties on which the proposed Wind Turbine will be located.
- e. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Turbine to the substation(s), ancillary equipment, building, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- f. Documents related to decommissioning pursuant to this Section 1500.
- g. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City of South Haven when required to ensure compliance with this Section 1500 including but not limited to noise analysis, shadow flicker evaluation, and vibration analysis.

**1. PURPOSE AND INTENT:** The purpose of this Section 1510.35 is to establish standards and procedures by which installment and operation of Wind Turbines shall be governed. The intent of this Section 1510.35 is:

- a. To promote public safety with the establishment of Wind Turbines installed for the purpose of creating renewable energy sources.
- b. To reduce potential adverse impacts Wind Turbines may have on residential areas and land uses through appropriate design, siting, and nuisance controls.
- c. To minimize any potential impact on adjacent properties from Wind Turbine failure through appropriate engineering and siting of Wind Turbine structures.

**2. DEFINITIONS:** As used in this Section 1510.35:

- a. "Anemometer Tower" means a structure and equipment used to determine the potential for the placement for a Wind Turbine.
- c. "Applicant" is the person or entity filing an application pursuant to Section 1742, as well as the applicant's successor(s), assign(s), heir(s) and/or transferee(s) as to any approved Wind Turbine. An applicant shall have the legal authority to represent and bind the landowner and lessee who will construct, own and operate the Wind Turbine. The duties and obligations regarding a zoning approval for any approved Wind Turbine shall be with the landowner.
- c. "Continuous Background Sound Level" means the amount of background noise at a given location prior to the installation of a Wind Turbine which may include, but is not limited to, traffic, machinery, lawnmowers, human activity, and interaction of the wind with the landscape as measured on the dB(A) weight scale defined by the American National Standards Institute.
- d. "dB(C)" means the measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to characterize the low-frequency emissions and immissions of wind turbine noise.
- e. "Facility Owner" means the entity or entities having an equity interest in a Wind Turbine, including their respective successors and assigns. The Facility Owner shall be legally responsible to the landowner.
- f. "Hub Height" means the distance measured from the average grade around the foundation to the highest element of the Wind Turbine hub, to which the blade is attached.
- g. "Operator" means the entity responsible for the day-to-day operation and maintenance of a Wind Turbine.
- h. "Occupied Building" means a residence or a building used for public gathering such as a school, hospital, church, or public library any of which is occupied or in use when the permit application is submitted.
- i. "Rotor Diameter" means the cross-sectional dimension of the circle swept by the rotating blades of a Wind Turbine.
- j. "Shadow Flicker" means the moving shadow created by a light source shining through the rotating blades of a Wind Turbine.
- k. "Tower" means the support structure for the various components of a Wind Turbine including the nacelle, tail, rotor, blades, and may include an anemometer.
- l. "Turbine Height" means the distance measured from the average grade around the foundation to the highest point of the turbine rotor blade.
- m. "Wind Turbine" means a single wind energy conversion system that converts wind energy into electricity through the use of a Wind Turbine generator, and includes the nacelle, rotor, tower, tail, foundation, and transformer, if any, may also include an anemometer.
- n. "Wind Energy Facility" means an electric generating facility, being the primary use of a property whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations,

meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

o. "Non-participation Landowner" means any landowner not included within a specific Wind Turbine Site.

p. "Setback distance" means that horizontal distance measured from the center of the Wind Turbine base to the nearest fixed edge or point of an identified element that is the subject of a specific setback regulation.

q. "Wind Turbine Site" means that property which is subject to an agreement with the Facility Owner or Operator, or is controlled through ownership or easement rights by the Facility Owner or Operator.

### 3. LOCATION REQUIREMENTS:

**a. Category One:** A Wind Turbine 40 feet in Turbine Height or less shall be considered an accessory structure requiring a special use permit which may be allowed in all zoning districts, subject to the standards and requirements of this Section 1500.

**b. Category Two:** 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, I-1 and I-2 zoning districts east of Blue Star Highway, subject to the standards and requirements of this Section 1500.

### 4. SITE REQUIREMENTS:

a. All Wind Turbines shall be classified as an accessory structure to the primary use on the site and a Wind Energy Facility is not allowed within the corporate limits of the City of South Haven.

b. To minimize potential impact from ice throw or failure of any component, all Wind Turbines shall be set back from the nearest Occupied Building on a Non-participation Landowner property a distance not less than the normal setback requirements for the applicable zoning classification or a distance equal to three (3) times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

c. To minimize potential impact from ice throw, all Wind Turbines shall be set back from the nearest Non-participation Landowner property line a distance of not less than the normal setback requirements for the applicable zoning classification or a distance equal to one and half (1.5) times the Hub Height combined with the Rotor Diameter, whichever is greater.

d. To minimize potential impact from ice throw, all Wind Turbines shall be setback from a public right-of-way, or private road/access easement controlled by those other than the Facility.

e. The minimum lot size for a Wind Turbine shall be two (2) acres and must meet required setbacks and all other standards of this Section 1510.35.

f. All Wind Turbines require a "wind access buffer" equal to a minimum of seven (7) rotor diameters from any other Wind Turbine.

## 5. WAIVER OF SECTION 1510.35(4) REQUIREMENTS:

In the event that an application for a Special Use Permit is submitted to the City requesting approval of a Wind Turbine that does not meet the minimum Site Requirements of Section 1510.35 subparagraph 4 above, said application shall be reviewed by the Planning Commission pursuant to Section 1500 with the additional requirement that said application must also be approved by the City Council and the action of the Planning Commission shall serve as a recommendation to the City Council which shall take final action on the application within 60 days of the Planning Commission's recommendation. Any such approval by the City Council shall be subject to the following requirements:

- a. Written evidence shall be provided to the City that documents how the proposed Wind Turbine shall not violate the Buffering Requirements of Section 1510.35 subparagraph 6 below.
- b. The Wind Turbine Operator shall install sound detection instrumentation that continuously collects data on a 24 hour/365 days a year basis to be located at a point along the proposed Wind Turbine Site boundary that is nearest to the closest Occupied Building of a Non-participation Landowner. Said data shall be maintained by the Wind Turbine Operator and provided to the City within 24 hours of the City requesting said data in written form.
- c. A written agreement shall be executed between the City and the Applicant for the proposed Wind Turbine that specifies how the operation of the wind Turbine shall be discontinued should the data indicate failure to meet the Buffering Requirements.

## 6. BUFFERING REQUIREMENTS:

- a. Audible sound from a Wind Turbine shall not exceed 40 dB(A) between the hours of 10:00 p.m. and 6:00 a.m. and 45 dB(A) between the hours of 6:00 a.m. and 10:00 p.m. Decibel readings shall be measured at the perimeter property lines on which the Wind Turbine is proposed and shall not exceed these readings for more than three (3) minutes in any hour of the day. Said sound level limitation shall not be exceeded at the property line on the nearest Nonparticipating Landowner's property. Wind Turbines greater than 40 feet in Turbine Height shall provide a noise analysis that shows the proposed turbine will not exceed this noise standard. Said Continuousackground Sound Level shall be established at time of application to document sounds during the quietest time of the night that the wind turbine will be able to operate and stated within the permit issued for a Wind Turbine.
- b. Vibrations from a Wind Turbine shall not be humanly perceptible beyond the turbine property and in no case shall the sound emanating from the Wind Turbine exceed 50 between the hours of 10:00 p.m. and 6:00 a.m. or 55 between the hours of 6:00 a.m. to 10:00 p.m. as measured at any adjacent property line.
- c. The applicant for a Wind Turbine greater than 40 feet in Wind Turbine Height shall provide a shadow analysis of the proposed Wind Turbine demonstrating that said shadow does not fall on any Occupied Building on a Non-participating Landowner's property.
- d. The applicant for a Wind Turbine greater than 40 feet in Wind Turbine Height shall provide a vibrations analyses which demonstrates that vibrations whether air or ground borne across the frequency spectrum of 0 to 160 Hz shall not be produced that are measurable at the perimeter Non-participation Landowner property lines that coincide with those on which the Wind Turbine is proposed.
- e. The applicant for a Wind Turbine greater than 40 feet in Wind Turbine Height shall

provide analysis demonstrating that there will be no disruption or loss of radio, telephone, television or similar signals, caused by the Wind Turbine.

f. All Special Use Permits approved pursuant to Section 1510.35 do hereby automatically include the authorization of the Zoning Administrator to order immediate operational shut down of any Wind Turbine found to be violating the above stated standards, and shall not allow said turbine to re-start until corrective action has been taken by the Facility Owner or operator.

g. The applicant for a Wind Turbine greater than 40 feet in Turbine Height shall provide an avian and wildlife impact analysis finding that no significant impact is anticipated and that the proposed location conforms to Michigan's Endangered Species Protection Law.

## **7. PERFORMANCE STANDARDS:**

a. Building permits for all Wind Turbines must be issued to a licensed contractor and applications shall be accompanied by standard drawings of the Wind Turbine structure, including the tower, base, and foundation. An engineering analysis of the tower showing structural stability and compliance with the Building Code certified by a licensed professional engineer is required.

b. All Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection, and shall not be utilized.

c. All electrical components of the Wind Turbine shall conform to relevant and applicable local, state and national codes, and relevant industry standards.

d. Visual Appearance of a Wind Turbine Site shall conform to the following:

1) All Wind Turbines shall be supported by a monopole (monolithic tube style construction), painted a non-obtrusive color such as white, off-white or gray, or be supported by a building.

2) Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

3) Wind Turbines shall not display advertising, except for one (1) sign no greater than two (2) square feet identifying the Turbine manufacturer, and one (1) sign no greater than two (2) square feet providing the owner's name, address and telephone number for emergency calls. Both signs must be located on the lowest 10 feet of the structure.

4) All on-site transmission and power lines shall be placed underground.

e. Installation Safety

1) A clearly visible warning sign concerning voltage must be placed at the base of all transformers and substations.

2) Guy wires for a temporary lattice tower supporting an anemometer shall have brightly colored and visible / reflective markings (i.e. flags, reflectors, or tape) placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground. Guy wires shall not be utilized for permanent Wind Turbine Towers.

3) Towers shall not be climbable up to twenty (20) feet above ground surface.

4) All access doors to Towers and electrical equipment shall be locked to prevent entry by non- authorized persons.

5) The lowest extension of any blade or other moving component of a Wind Turbine shall be a minimum of fifteen (15) feet above ground surface.

- 6) Wind Turbines greater than 40 feet in Turbine Height shall be equipped with ice detection sensors and rotor imbalance detection to trigger shut down of the Wind Turbine when ice or imbalance is present.
- f. Applications for Wind Turbines greater than 40 feet in Wind Turbine Height shall be accompanied with a survey by a licensed surveyor. Said survey shall show locations and heights of all adjacent buildings, structures and above ground utilities located within a distance equal to three (3) times the Wind Turbine Height from the base of the Wind Turbine.
- g. A site plan shall also accompany any application for Wind Turbines. In addition to all standard site plan requirements, said site plan shall show existing and proposed setbacks for the Wind Turbine from all structures located on the property where the Wind Turbine will be located. The site plan shall depict the setback of the Wind Turbine from any building and/or structure within a distance equal to three (3) times the Wind Turbine Height from the base of the Wind Turbine, regardless of whether or not the building is on the same property as the proposed Wind Turbine.
- h. No Wind Turbine shall be installed until evidence has been provided that the applicable utility company has agreed in writing to the applicant's intent to install an interconnected generator. Off-grid systems shall be exempt from this requirement.
- i. In the event that decommissioning is necessary, the following shall apply:
  - 1) The landowner, Facility Owner and Operator (if any) shall remain jointly and severally liable for the cost of the complete decommissioning of a Wind Turbine within twelve (12) months after the end of the useful life of the individual Wind Turbine. The individual Wind Turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
  - 2) Decommissioning shall include removal of Wind Turbines, building, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
  - 3) Disturbed earth shall be graded and re-seeded.

\* \* \*

## **SECTION 1732. HEIGHT EXCEPTIONS**

No part of a single family or multiple family dwelling in a residential district shall exceed the height regulations of the district. The following non-residential buildings and structures shall be exempt from height regulations in all zoning districts, provided no portion of the excepted structure may be used for human occupancy:

1. Church spires, flagpoles, and monuments on government owned property, provided they do not exceed seventy-five (75) feet in height.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, bulkheads, masts, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height and are setback a distance from the property line at least equal to the height of the structure. Municipally owned water tanks and water towers are not subject to any height limitation.
3. Those structural extensions on buildings which are principally non-residential (such as downtown) and which are necessary for appropriate building design such as cornices or parapet walls may extend a maximum of four (4) feet above height limitations provided they have no window openings.

4. Public utility structures, including but not limited to utility poles, but not including communication towers, except upon receipt of a Special Use Permit (see Section 1510.08).
5. Agricultural buildings and structures, such as barns, silos, grain elevators and the like that do not exceed one-hundred (100) feet in height provided they are setback a distance from the property line at least equal to the height of the structure.
6. Wind Turbine Towers shall be permitted as regulated by Section 1742 and 1510.35.

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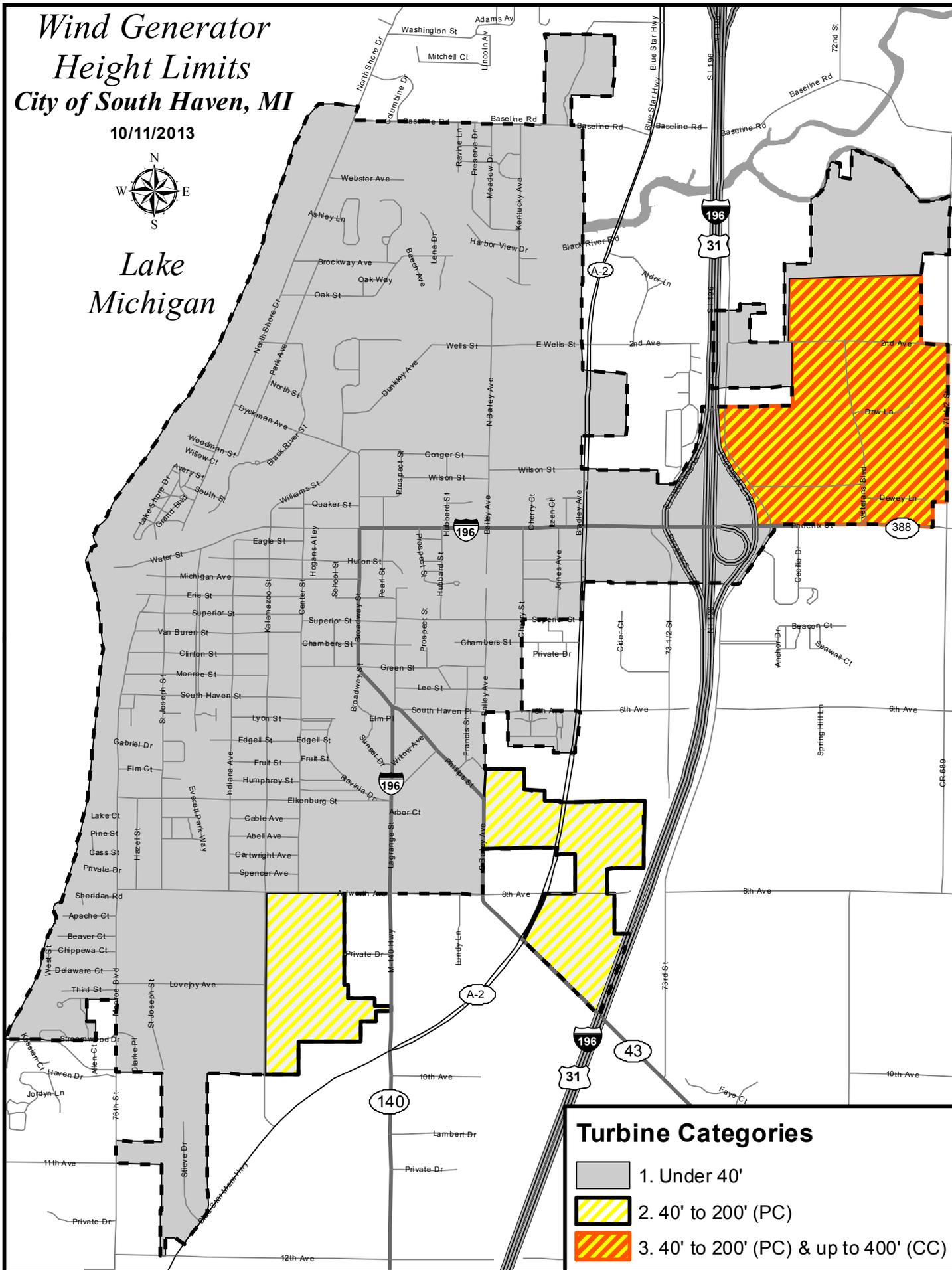
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# Wind Generator Height Limits City of South Haven, MI

10/11/2013



Lake  
Michigan



## Turbine Categories

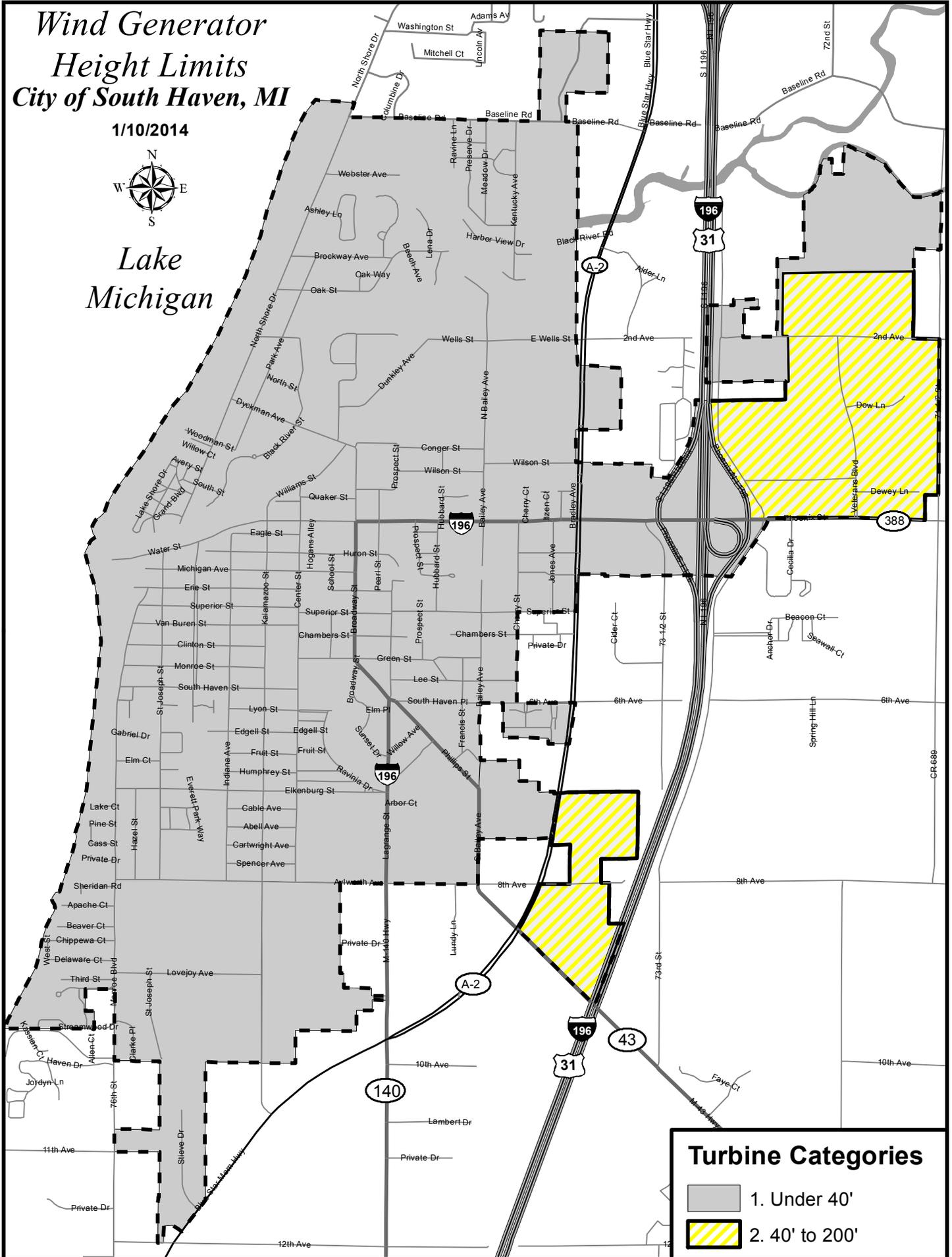
-  1. Under 40'
-  2. 40' to 200' (PC)
-  3. 40' to 200' (PC) & up to 400' (CC)

# Wind Generator Height Limits City of South Haven, MI

1/10/2014



Lake  
Michigan



## Turbine Categories

- 1. Under 40'
- 2. 40' to 200'



February 19, 2014

Dear Mayor Burr and the South Haven City Council:

As you may know, the senior millage has been the solid foundation of funding for Senior Services of Van Buren County, also doing business as South Haven Area Senior Services, for near 20 years in South Haven City and the Greater South Haven Area, 12 years in the Greater Bangor area and now almost 4 years in the rest of the county. Thank you again for your continued support and the opportunity to request the Senior Services millage be placed on the August 5, 2014 ballot for renewal so Senior Services of Van Buren County can continue to provide valuable services to the seniors of your area.

The goal of Senior Services of Van Buren County is to keep senior citizens healthy, independent and in their homes. To meet this goal, we offer programs that include health screenings and education programs, senior meals, commodity distributions, tax assistance, ramp building and minor home repair. In addition, many wellness and enrichment activities are available at Senior Services is making the difference in the lives of South Haven Seniors at various locations throughout the county. Care Watch is our senior outreach and care management program that helps extend independent living as long as possible and is available to every person 60 years of age and over living in South Haven. Care Watch case managers are available to evaluate a senior's needs with home visits and telephone contacts to make appropriate recommendations for services such as in-home care, complicated application processes, emergency response systems and more.

Overall, Senior Services continues to see incredible growth in the number of seniors who have been served through the agency. Last year, Senior Services provided service to over 4,000 different seniors. In the first 6 months of this fiscal year, we have served over 5,300 seniors and another 3,200 seniors through the Outreach Programs for a total of over 8,500 seniors (this is over 65% of the total VBC senior population).

The number of seniors we have served in the South Haven City area is on the increase. In FY 2012, we served nearly 800 seniors on a regular basis.

For the first 6 months of this fiscal year, July 1 – December 31, we have served 424 seniors with services and 338 in the Outreach Program for a total of 761 seniors in the six months. The 338 seniors in the Outreach Program means we have touched the lives of these additional 338 seniors at least once through an outreach event, a special program, phone call or through a mailing. It also means more South Haven seniors know and understand more of the services available to them. They know what we do and where to find us when they need help or assistance. Our outreach program is essential for reaching seniors and Senior Services is committed to using this continual process and approach to

bring services to all City seniors. Between the Senior Center programs, Care Watch Care Management, In-Home care, all our support services and our Outreach Program, we have served 60% of the total senior population living in the City of South Haven.

Also included is a contract (same contract used since 1996) between the City and Senior Services which further validates the ballot language in that all the collected tax funds raised from the senior millage will be given to Senior Services of Van Buren County, dba South Haven Area Senior Services, to continue the services currently available and provided by Senior Services to all seniors in your area.

It is important that the ballot language and the contract be approved as soon as possible in order for your clerk to file the ballot language with the county (before May 13) and to ensure our agency's future funding. Please forward copies of both the ballot and the contract if approved to: Senior Services, 1635 76<sup>th</sup> Street, South Haven, MI 49090.

If you have any questions or concerns, please contact Jennifer Carver at (269) 275- 0805. Thank you for your consideration in this matter.

Sincerely,

Co – Chairs James Abshagen (Decatur Township) ~ Dixie Capps (South Haven Township) ~ Kay Pyard (Paw Paw Township) ~ Pastor Jeff Williams (Hartford)

Linda Gray – Treasurer (Hartford)

Recorder – Pat Winston (Paw Paw Township)

Friends for Seniors Millage Committee 2014

## ***MEMORANDUM***

TO: Brian Dissette

FROM: Deborah Lull

DATE: February 24, 2014

SUBJECT: Title VI Plan

As a sub-recipient of federal transportation funds the City of South Haven is required to have a Title VI Non-Discrimination plan in place. The City, with assistance from MDOT, developed a plan for Council's consideration. The plan makes formal the anti-discrimination policies that are already in place at the City, but goes further to identify specific procedures for ensuring that discrimination does not occur and for addressing any violations. In summary, the plan addresses the following:

- It identifies the City Manager as the Title VI coordinator and assigns responsibility to him for initiating and monitoring Title VI activities, ensuring compliance with Title VI activities and addresses program deficiencies or violations. Any Title VI complaints will be addressed to him per the procedures outlined in the plan.
- It ensures that people affected by the City's programs and projects receive the services, benefits and opportunities to which they are entitled without regard to race, color, national origin, age, sex or disability.
- It requires the City to ensure that their sub-recipients adhere to state and federal law and include in all written contracts and agreements assurances that the sub-recipient must comply with Title VI and other related statutes.
- It also requires the City to provide access to individuals with limited ability to speak, write or understand the English language. Steps for addressing language barriers are identified in the plan.
- It establishes procedures for identifying impacts in programs, services or activities that may create adverse discrimination.
- It establishes procedures to annually review Title VI compliance within the City.
- The plan will be available on the City's website.

I request that the Title VI plan be presented to Council at its March 3, 2014, meeting for Council's consideration and approval. The signed plan document will be submitted to MDOT and placed on the City's website for viewing.

Please let me know if you have questions regarding the plan or if you would like additional information.

**SUB-RECIPIENT APPLICATION FOR CERTIFICATION OF  
TITLE VI AND EEO COMPLIANCE AND ASSURANCES**

Title VI of the Civil Rights Act of 1964, related statutes and regulations provide that no person shall on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

**If you need assistance completing this form or additional information, please contact us by phone at (517) 373-0980, Fax (517) 373-6457 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.**

COMPANY/ORGANIZATION NAME	TELEPHONE NUMBER	
STREET ADDRESS	FAX NUMBER	
P.O. BOX	CITY	
COUNTY	STATE	ZIP CODE

**Recipients of federal financial assistance must comply with the following procedures for monitoring and ensuring non-discrimination in any program, service, or activity, as required by 23 CFR Appendix A of part 230 Special Provisions.**

1. Sub-recipient must establish an Equal Opportunity Policy. Sub-recipient must accept as their operating policy the following: It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment without regard to their race, religion, gender, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship pre-apprenticeship, and/or on-the-job training.
2. Sub-recipient must designate and make known to MDOT an Equal Opportunity Officer. The individual appointed must be capable of effectively administering and promoting an active program of equal employment opportunity and must be assigned adequate authority and responsibility to do so.
3. The sub-recipient equal opportunity policy must be disseminated to all staff members authorized to hire, supervise, promote, and discharge employees, or who recommend such action. To ensure that the policy is known, periodic meetings of supervisory and personnel office employees must be conducted not less than once every six months.
4. All employees, prospective employees and potential sources of employees should be advised of the sub-recipients equal opportunity policy. Notices and posters setting forth the employer's equal opportunity policy must be placed in areas readily accessible to the aforementioned. The employer's/contractor's equal employment opportunity and the procedures to implement the policy must be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.
5. When advertising for employees, the sub-recipients must include, in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements must be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
6. Sub-recipients must establish a process to investigate all complaints of alleged discrimination and take appropriate corrective action, including a method to inform all complainants of their avenues of appeal. Complainants should be advised of their right to file a complaint with governmental agencies (i.e., the State recipient, the Federal agency providing funds to the state recipient, the Department of Civil Rights, the Department of Justice, etc.).

**A copy of 23 CFR Appendix A to Subpart A of Part 230 Special Provisions is available upon request. It provides specific information regarding equal employment opportunity responsibilities.**

**NAME AND TITLE OF THE EQUAL EMPLOYMENT OFFICER (this individual must be capable of effectively administering and promoting an active equal opportunity program and is assigned adequate authority and responsibility to carry out these duties.)**

NAME (Please Print)	COMPANY/ORGANIZATION TITLE (Please Print)
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I certify that I will abide by the equal employment opportunity requirements outlined in this application. I also understand the provisions of Title VI and related statutes. This certification is also my assurance that I will not discriminate on the grounds of race, color, national origin, gender, age, or disability.

AUTHORIZED CORPORATE OR ORGANIZATIONAL OFFICER	TITLE	DATE
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**NOTE: You must notify MDOT within 45 days if any of the information you provided on this application changes.**

**Please return this application to:**

**Cheryl Hudson, EEO Officer**  
**Michigan Department of Transportation**  
**425 W. Ottawa Street**  
**Lansing, Michigan 48933**  
**(517) 373-0980**  
[HudsonC1@michigan.gov](mailto:HudsonC1@michigan.gov)

**Do not write in this area below**

<b>Do not write in this area below</b>	
APPROVAL	DATE

**CITY OF SOUTH HAVEN**

**TITLE VI**

**NON-DISCRIMINATION PLAN**

**539 Phoenix Street**  
**South Haven, MI 49090**  
**Phone: (269) 637-0700**  
**Fax: (269) 637-5319**  
**Website: [www.south-haven.com](http://www.south-haven.com)**

**Title VI Coordinator:**  
**Brian Dissette, City Manager**  
**Phone: (269) 637-0750**  
**Fax: (269) 637-5319**  
**Email: [bdissette@south-haven.com](mailto:bdissette@south-haven.com)**

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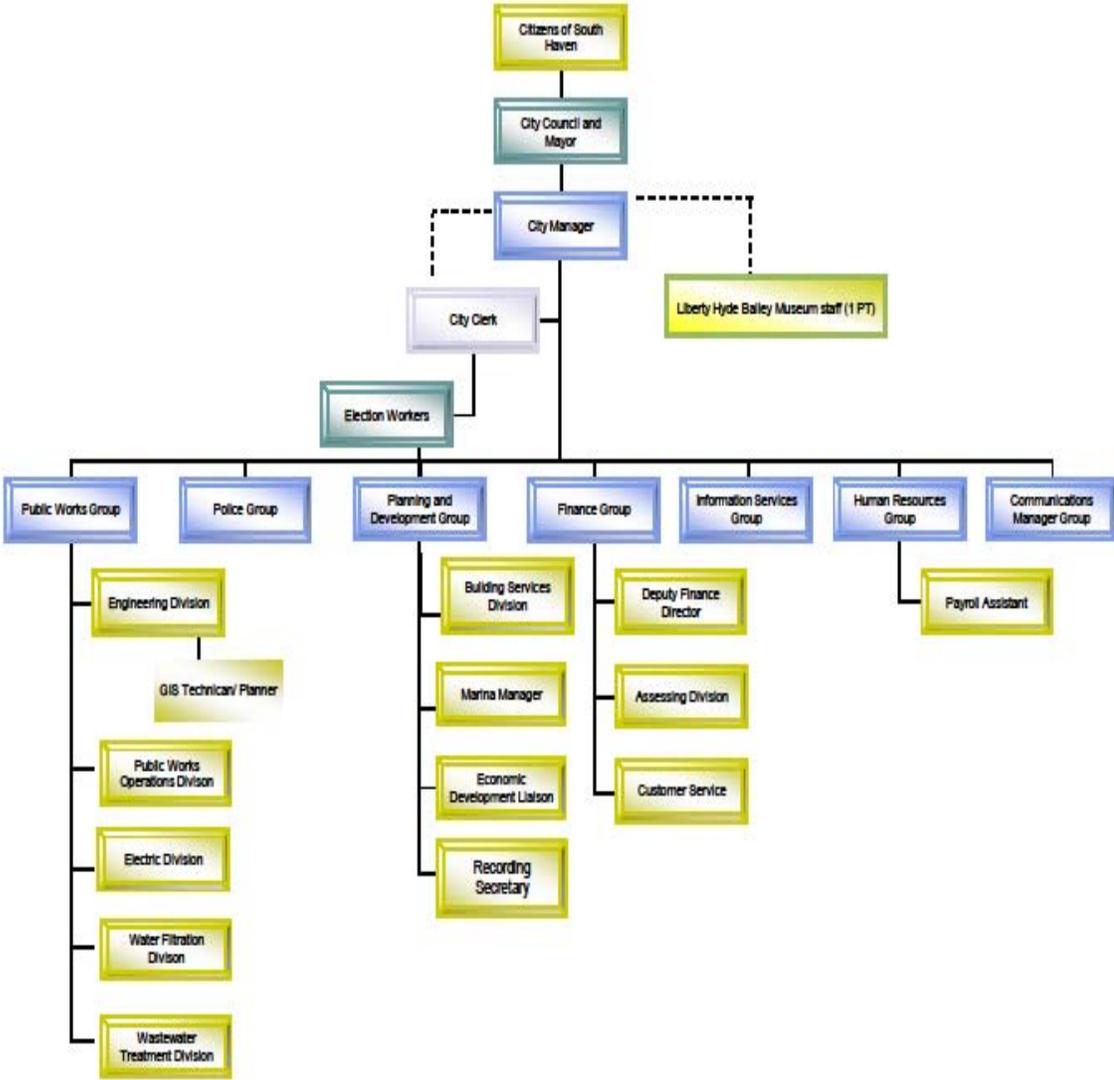
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# CITY OF SOUTH HAVEN ORGANIZATION CHART



## INTRODUCTION

South Haven is a city in the U.S. state of Michigan. Most of the city is in Van Buren County, although a small portion extends into Allegan County. Because of its position on Lake Michigan, at the mouth of the Black River, South Haven has always been a port city. During settlement, major ship lines stopped there, both passenger and freight. In the early 1900s South Haven became a resort town, sometimes referred to as "The Catskills of the Midwest". South Haven is a major regional tourist draw because of its recreational harbor and beaches.

The City of South Haven was incorporated in 1869 as a home rule city with a Council-Manager form of government. The Council is the legislative and governing body of the City. It consists of a Mayor elected at-large and two Council members elected from each of the three wards. The City Manager is the Chief Administrative Officer of the City and is appointed by the Council to serve at its pleasure. The City of South Haven serves all people of the City, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of Michigan. The City of South Haven recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to

discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of South Haven must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of South Haven's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of South Haven's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City's services, programs or activities.

As the sub-recipient of federal transportation funds, the City of South Haven must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of South Haven shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of South Haven, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary

compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of South Haven’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of South Haven has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF SOUTH HAVEN  
NON-DISCRIMINATION POLICY STATEMENT**

The City of South Haven reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of South Haven will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of South Haven designates Brian Dissette as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of South Haven complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of South Haven and Title VI may be directed to the City Manager, 539 Phoenix Street, South Haven, MI 49090; Telephone: (269) 637-0700, Fax: (269) 637-5319; Email: [bdissette@south-haven.com](mailto:bdissette@south-haven.com).

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Robert Burr  
Mayor

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Brian Dissette  
City Manager/Title VI Coordinator

**CITY OF SOUTH HAVEN  
TITLE VI ASSURANCES**

The City of South Haven (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of South Haven

---

Robert Burr, Mayor

---

Date

## AUTHORITIES

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **ADMINISTRATION – GENERAL**

The City of South Haven designates Brian Dissette, City Manager, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Dissette shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the City's Title VI Plan within 90 days of approval on the main page of the City of South Haven's internet website, at [www.south-haven.com](http://www.south-haven.com).

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

### **LIMITED ENGLISH PROFICIENCY (LEP)**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of South Haven receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies that the City of South Haven is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of South Haven and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

### **The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of South Haven services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

### **Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2012 Data for the City of South Haven shows a small number of the population that speak English less than 'very well.'

**TABLE #1**

<b>LANGUAGE SPOKEN AT HOME</b>	<b>Estimate</b>	<b>Percent</b>
<b>Population 5 years and over</b>	4,201	4,201
<b>English only</b>	4,099	97.6%
<b>Language other than English</b>	102	2.4%
<b>Speak English less than "very well"</b>	16	0.4%

Spanish	36	0.9%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	66	1.6%
Speak English less than "very well"	16	0.4%
Asian and Pacific Islander languages	0	0.0%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

**Factor 2: Frequency of Contact with LEP Individuals**

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings are held the first and third Monday of every month which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

**Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of South Haven serves individuals throughout the City in a variety of ways including managing roads, water, sewer, electric, police, elections, and other services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual’s day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services, and activities.

**Factor 4: The Resources Available to the City of South Haven and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”*

The City of South Haven serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of South Haven’s budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of South Haven to proceed with oral interpretation options for compliance with LEP regulations.

## **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of South Haven.

## **Options and Proposed Actions**

### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

The City of South Haven is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the relatively small size of the City, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

## **What the City of South Haven will do. What actions will the City of South Haven take?**

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the City’s complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

### OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

### ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

## IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

## OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

### **The City of South Haven's Staff Training**

The City of South Haven's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

## **ENVIRONMENTAL JUSTICE (EJ)**

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minority and/or low income population groups:

**STEP ONE:** Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

### **IV. Filing a Complaint**

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

## **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.

- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of South Haven, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of South Haven, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

#### Investigation Reporting Process:

- Complaints made against a City of South Haven sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Brian Dissette for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

#### Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Brian Dissette, City Manager  
539 Phoenix Street  
South Haven, MI 49090  
Telephone: (269) 637-0700  
Fax: (269) 637-5319  
Email: [bdissette@south-haven.com](mailto:bdissette@south-haven.com)

#### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

#### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

## APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or

- b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B - TRANSFER OF PROPERTY**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C - PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D - TITLE VI COMPLAINT FORM**

**CITY OF SOUTH HAVEN  
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of South Haven based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form, please contact Brian Dissette by phone at (269) 637-0750 or via e-mail at [bdissette@south-haven.com](mailto:bdissette@south-haven.com).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- |                 |                      |
|-----------------|----------------------|
| ____ Race       | ____ Religion        |
| ____ Color      | ____ National Origin |
| ____ Age        | ____ Sex             |
| ____ Disability | ____ Income          |

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** Brian Dissette, 539 Phoenix Street, South Haven, MI 49090  
Telephone: (269)-637-0750, Fax: (269) 637-5319, Email: [bdissette@south-haven.com](mailto:bdissette@south-haven.com).

**Note:** *The City of South Haven prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

## APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

## APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of South Haven's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of South Haven's Title VI Plan will be published on the main page of the City's website at [www.south-haven.com](http://www.south-haven.com), within 90 days of approval.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of South Haven's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
  - g. **Right of Way/Imminent Domain:** The number of such actions and diversity of individual(s) affected.
  - h. **Program Participants:** Racial data of program participants where possible.

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep.asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.



## Proposed Zoning Ordinance Amendment to Add Single Family Dwellings to the B-3 Zoning District Regulations

### Background Information:

The planning commission considered this amendment to the B-3 zoning district after becoming aware that there were several scattered small lots in the zone unusable for any permitted use. During a review and drive through of the B-3 zone area, a subcommittee of planning commission members also found a number of single family homes existing in the zone which are currently in nonconformance with the zoning district requirements.

On January 9, 2014, the planning commission held a public hearing on the matter of adding single family residences on individual lots to the B-3 Waterfront Business regulations. A decision on the matter was delayed until the February 6 meeting in order to give the planning commission more time to consider comments heard and determine if additional changes were needed to the proposed amendment. At the February meeting, the planning commission voted unanimously to recommend approval of the amendment to the city council.

The proposed ordinance provides that only lots of a size or configuration not adequate to support other permitted uses should be made available for single family homes.

It is not the intent of this amendment to encourage redevelopment of existing waterfront businesses. Staff and planning commission realize the importance of water related businesses to the vitality of the city. Any proposed conversion of a current permitted use to a single family home(s) will need a special use permit from the planning commission. The application for that permit shall include a compelling argument that the proposed use is more beneficial to the community than the existing use.

### Recommendation:

The city council has the option of moving the ordinance forward for adoption or to send the matter back to the planning commission for further study. The council may reject the amendment only after sending the matter back to the planning commission.

### Attachments:

Proposed Zoning Ordinance Section 901 amendment (proposed text in **highlight**)  
Planning commission minutes for January and February, 2014

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO - \_\_\_\_

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE SOUTH HAVEN ZONING ORDINANCE TO ALLOW FOR ONE FAMILY DETACHED DWELLINGS IN THE B-3 WATERFRONT BUSINESS ZONE.

The City of South Haven Ordains:

SECTION 1 Amendment: Section 901 of the South Haven Zoning Ordinance is amended to read as follows:

**ARTICLE IX  
B-3 WATERFRONT BUSINESS DISTRICT**

**SECTION 901. USE REGULATIONS**

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
  - a. The minimum size of the campground shall be three (3) acres.
  - b. Thirty (30%) percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
  - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of eighty (80') feet in width.
  - d. The campsites shall be set back from the property line a minimum distance of thirty (30') feet.
  - e. A recreational unit may be located at the campground for no more than twenty-one (21) consecutive nights. After five (5) nights out of the campground, the recreational unit may return again for no more than twenty-one (21) consecutive nights. A recreational unit shall not be located on the premises of a campground for more than forty-two (42) nights in any calendar year. Storage of recreational units for more than twenty-one (21) days is not permitted in a campground.
  - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is ninety six (96") inches. The

- campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
- g. There shall be a security fence surrounding the campground, with a minimum height of six (6') feet. There shall be security gates at the entrances.
  - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
    - 1) Allowed uses are convenience store, snack bar, laundromat, or similar uses.
    - 2) The accessory use is intended for use of occupants of campground only.
    - 3) The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
    - 4) No signs advertising the accessory use shall face public streets.
    - 5) The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
    - 6) One structure is allowed to be used as an office.
    - 7) One mobile home is allowed in a campground as a caretaker's residence.
  - i. Home occupations are not permitted within the campground.
  - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.
  - k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.
  - l. The maximum number of sites per acre of total campground area is 12 sites per acre.
  - m. The minimum area of each site is one-thousand-three-hundred (1300) square feet.
  - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
  - o. Each entrance and exit to and from the campground shall be located at least twenty-five (25') feet distant from adjacent property located in any single-family residential district.
  - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
  - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season; or 2) a solid wall or tight board fence six (6) feet in height.
  - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
  - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
- 5. Convenience store.
  - 6. Dwelling above permitted use according to the standards in Section 601.16.

7. Marinas and marine services.
8. Miniature or par 3 golf course.
9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738). (Amended 8/21/06, Ord. 946)
10. Parking lots by special use permit.
11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII:
  - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
    1. Each dwelling unit shall have one (1) floor at ground level.
    2. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.
    3. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties.  
Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.
    4. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
  - b. Multiple-family dwellings and apartments where not all the units are at ground level. (Amended 6/6/05, Ord. 933)
12. Private clubs, fraternal organizations, lodge halls and convention halls.
13. Recreation centers and facilities by special use permit.
14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
15. Retail uses.
16. Accessory buildings and structures customarily incidental to the above uses.
- 17. One family detached dwellings on existing lots when it is documented that the development of any other permitted use is not possible due to lot size or configuration.**

**Conversion of an existing permitted use to single family homes on individual lots is not permitted without a special use permit from the planning commission. In addition to the standards found in Section 1502 of this ordinance, the applicant shall demonstrate that the conversion is of substantial benefit to the city of South Haven and the waterfront business community.**

SECTION 2

If any portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 4

This ordinance shall take effect ten (10) days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

INTRODUCED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this ---- day of -----, 2014.

ADOPTED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_day of \_\_\_\_\_, 2014.

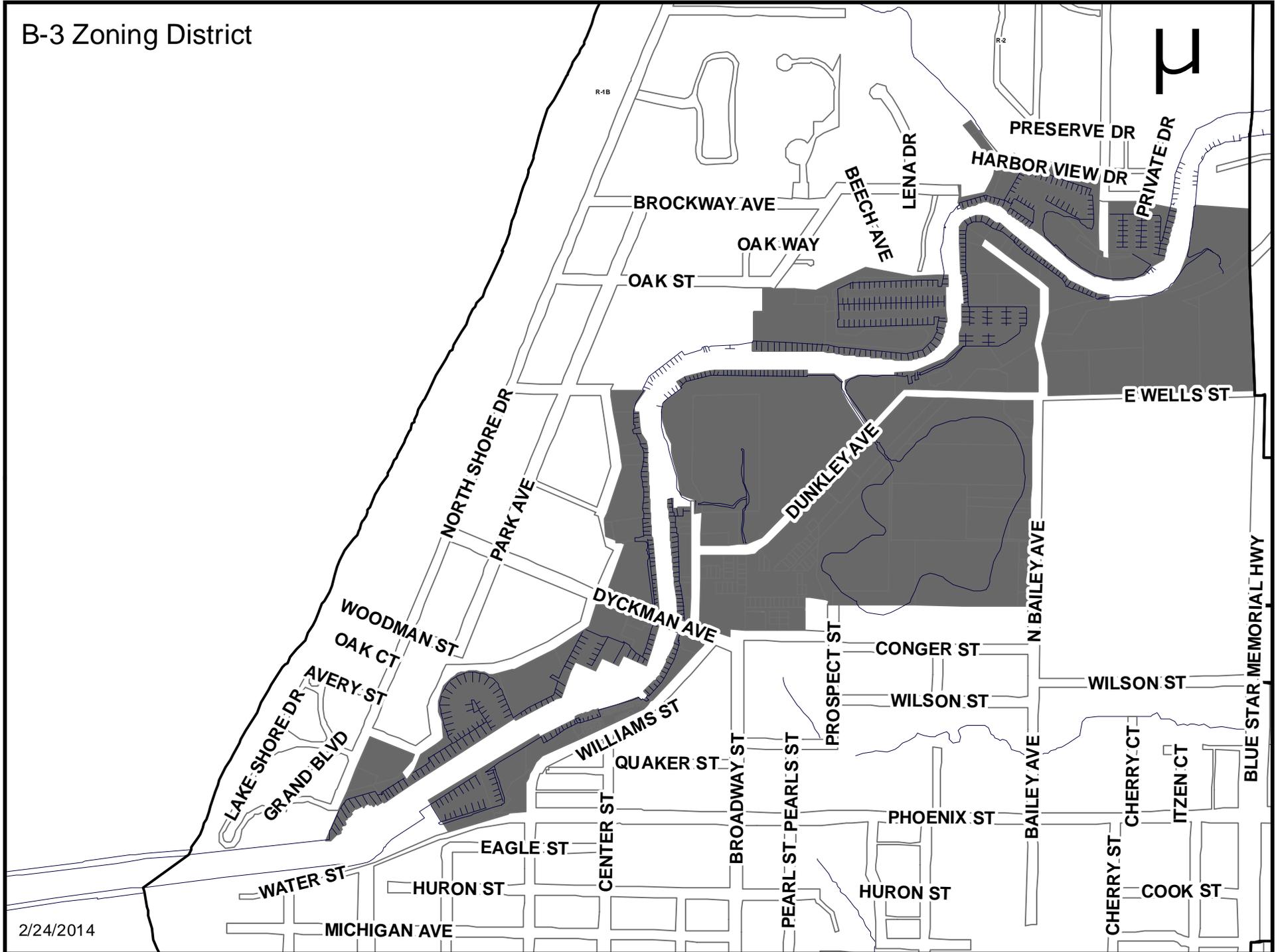
\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I, Amanda Morgan, Clerk of the City of South Haven, Van Buren County, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_ day of \_\_\_\_\_, 2014; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_ day of \_\_\_\_\_, 2014.

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

# B-3 Zoning District



# Planning Commission

## Regular Meeting Minutes Thursday, January 9, 2014 7:00 p.m., Council Chambers (Excerpt)



City of South Haven

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

### 2. Roll Call

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

Motion by Wall, second by Smith to excuse Peterson.

All in favor. Motion carried.

**New Business – PUBLIC HEARINGS** (Paull asked that all hearings be held prior to any decisions. All members agreed.)

#### **A. A zoning ordinance text amendment to add One Family Detached Dwellings to the list of uses permitted in the B-3, Waterfront Business Zone.**

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

All in favor. Motion carried.

Anderson introduced the proposed zoning ordinance amendment. Single family homes are permitted at present in the B-3 zone but only as part of a planned development; this amendment would allow an individual single family home on an individual lot.

The sub-committee added this proposal after doing a study; driving around to see the uses in the B-3 zone. It was noted that there are several lots that are large enough for single family homes but not for any commercial use. There are currently existing, non-conforming single family homes, which means the owners of those properties may have difficulty getting a variance to expand or improve their property or even experience difficulties acquiring insurance.

This amendment would allow people who own those lots to come in and ask for a dimensional variance to put that single family home in.

Anderson read the specific caveats of the above referenced amendment:

1. One family detached dwellings on existing lots when it is documented that the development of any other permitted use is not possible due to lot size or configuration.
2. Conversion of an existing permitted use to single family homes on individual lots is not permitted without a special use permit from the planning commission.
3. In addition to the standards found in Section 1502 of this ordinance, the applicant shall demonstrate that the conversion is of substantial benefit to the city of South Haven and the waterfront business community.

Those would be requirements before anything could be taken out of a current permitted use and put into a single family residential use.

Paull requested public comments.

**Elaine Herbert, 140 N. Shore Drive.** Thanked Anderson for putting her comments in the packet and the board for reading them. Noted that B-3 Waterfront Business is a restrictive zone for many serious reasons and does not feel the Planning Commission should be backing into such areas as Zoning Ordinance uses. The Waterfront Business district is precious to this town. Herbert requested that such changes be left to the Zoning Board of Appeals and that the Planning Commission should not let there be a gaping exception to the existing uses and zoning.

**John Marple, 515 Williams Street #9.** Noted the resolution from Old Harbor Village Condominium Association. Stated that when the resolution was drafted Marple did not understand this particular subject. Anderson and Marple had not spoken, so Marple wants to inform the commission that paragraph four (4) of our resolution could be stricken from the record.

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

All in favor. Motion carried.

# Planning Commission

## Regular Meeting Agenda

Thursday, February 6, 2014

7:00 p.m., Council Chambers

(Excerpt)



City of South Haven

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

### 2. Roll Call

Present: Heinig, Miles, Peterson, Wall, Webb, Paull

Absent: Frost, Smith

Anderson noted that both Frost and Smith had notified her of their inability to attend.

On motion with second, Frost and Smith were excused.

All in favor. Motion carried.

### 3. Unfinished Business – Discussion of following items from the January agenda:

- A. A zoning ordinance text amendment to add One Family Detached Dwellings to the list of uses permitted in the B-3, Waterfront Business Zone.

Paull questioned the size of lots required for one family detached dwellings in the B-3 zone. Anderson reviewed the proposed requirements for single family homes in the B-3 zone.

Paul pointed out that the proposed addition to the B-3, Waterfront Business zone would not put at risk the zone continuing as a waterfront business district. The Planning Commission sub-committee recognized approximately fifteen (15) single-family homes already in the zone plus another dozen lots that are too small to develop as a waterfront business but could possibly be used for a single family home site under the conditions as stated.

Motion by Wall, second by Miles to recommend to city council the approval of the proposed amendment to Article IX, B-3, Waterfront Business District, Section 901 Use Regulations of the South Haven Zoning Ordinance as follows:

*“One family detached dwellings on existing lots when it is documented that the development of any other permitted use is not possible due to lot size or configuration.”*

*Conversion of an existing permitted use to single family homes on individual lots is not permitted without a special use permit from the planning commission. In addition to the standards found in Section 1502 of this ordinance, the applicant shall demonstrate that the conversion is of substantial benefit to the city of South Haven and the waterfront business community.”*

All in favor. Motion carried.



## Agenda Item 10

### JWilco Liquor License Request

#### Background Information:

The City Council will be asked to hold a public hearing regarding the application for a liquor license transfer, on behalf of JWilco, Inc., for a proposed business to be located at 515 Williams Street.

Staff has received an application to transfer a liquor license from Porter Township to JWilco, Inc., for a business that is proposed to be developed at 515 Williams Street. Per the City's Liquor Control Ordinance, a public hearing must be held regarding the application. After the City Council has received public comment, the Council will be asked to consider a resolution to recommend or not recommend the license to be approved by the Michigan Liquor Control Commission.

The applicant has been asked to be present during the public hearing to answer any questions that the City Council may have regarding the license transfer.

Please note; included in the staff reports are correspondence from the city's attorney regarding the liquor license transfer request. Further, is correspondence from the city's Police Chief regarding the Police Department's review of the license application.

#### Recommendation:

The City Council will be asked to take the following actions regarding the liquor license transfer to JWilco, Inc:

- A) Hold a public hearing regarding the request.
- B) Consider adoption of Resolution 2014-10, a resolution to transfer a Class C & SDM liquor license from Porter Township to JWilco, Inc., at 515 Williams Street.

#### Support Material:

City Clerk memo RE: JWilco Application  
Police Chief memo RE: JWilco Application  
City Attorney memo RE: JWilco Application  
JWilco Application  
Resolution 2014-10

## MEMO

DATE: February 19, 2014

TO: Brian Dissette  
City Manager

FROM: Amanda Morgan  
City Clerk

SUBJECT: JWilco Liquor License Request

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The City of South Haven has received a request to transfer a liquor license from Porter Township to JWilco, Inc. for a business to be located at 515 Williams Street, South Haven.

Per the City's Liquor Control Ordinance, a public hearing must be held regarding the application. After the City Council has received public comment, they will be asked to consider a resolution to recommend/not recommend the license be approved by the Michigan Liquor Control Commission.

The applicant has been asked to be present during the public hearing to answer any questions City Council may have regarding the license transfer.

City Council will be asked to take the following actions regarding a liquor license transfer to JWilco, Inc.:

- A. Hold a public hearing regarding the request.
- B. Consider Resolution 2014-10 A Resolution to transfer a Class C & SDM liquor license from Porter Township to JWilco, Inc. at 515 Williams St, South Haven.

# South Haven Police Department

## Memorandum

**To:** City Manager Dissette

**From:** Chief Martin

**In Re:** JWilco Liquor License Transfer

**Date:** February 21, 2014

Joe Wiltgen has had a business and liquor license in downtown South Haven since May of 2010. Mr. Wiltgen has by all appearances tried to be a responsible business owner and has had have no Liquor Control Commission (LCC) violations at any of JWilco's Properties

The police department has responded on numerous occasions to complaints about noise violations at one of his businesses but all but one were determined to be unfounded. Joe's Bar was found to be in violation of the noise ordinance on one occasion. On June 29<sup>th</sup> 2013, Mr. Wiltgen was cited for that noise ordinance violation and paid his fine; we have had no other validated complaints since.

Mr. Wiltgen currently holds two liquor licenses in the City of South Haven, Joe's Bar and Grill 248 Broadway and Taste 400 Phoenix St. Both properties are well kept and are responsive when dealing with the police department.

Conversations with the LCC and a thorough background investigation by Detective DeBoer reveal that there is no reason at this point in time that JWilco Properties should be prevented from obtaining a liquor license transfer. The LCC will have final approval of the transfer after a building and fire inspection are completed.

Providing the LCC approves the license transfer and JWilco complies with/passes all inspections, the police department sees no reason to prevent the license transfer.

**M E M O R A N D U M**

To: Hon. Mayor and City Council Members  
City of South Haven

From: Scott G. Smith, City Attorney

Re: JWilco Liquor License

Date: February 26, 2014

JWilco Properties LLC has applied to the Michigan Liquor Control Commission for a transfer of a Class C & SDM liquor license to a location at 515 Williams Street in the City. In accordance with City policy reflected in sections 14-71 and following of the City's Code of Ordinances, staff is asking that you hold a public hearing and consider a resolution supporting the request for the liquor license transfer.

Many communities similarly consider liquor license transfers. However, the state statute and Liquor Control Commission rules do not require local approval and the Liquor Control Commission is not obligated to consider a local government's recommendation concerning the transfers of a liquor license.

The City's ordinance does not include criteria for consideration or proposed liquor license transfers. However, section 17-76 provides criteria to be applied when considering whether to object to the renewal or to request the revocation of a liquor license. Those criteria may be helpful to your consideration of the proposed liquor license transfer. They are as follows:

- (a) Violation of any law of the State of Michigan or United States, or an rule or regulation of the Michigan Liquor Control Commission, or a violation of any Ordinance of the City of South Haven.
- (b) Maintaining of a nuisance upon the premises, including but not limited to any of the following:
  - (1) A pattern of patron conduct in the neighborhood of the licensed establishment which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood.
  - (2) Entertainment which disturbs the peace, order, and tranquility of the neighborhood.
- (c) Making a false or fraudulent statement or answer in the application described in section 14-72 above.
- (d) Non-payment of real property taxes and/or personal property taxes as some become due.

It appears from Chief Martin's memo that Mr. Wiltgen's other licensed establishments do not violate any of the criteria in subsections (a) or (b) and staff is unaware of any false statements in Mr. Wiltgen's application or any unpaid property taxes. Accordingly, the application appears to satisfy the only requirements in City ordinances that may be applicable to the proposed liquor license transfer.

It is important that other issues, such as the suitability of the proposed location, not be a part your consideration of the liquor license transfer. As noted above, such issues may not be relevant to whether or not the applicant should hold the liquor license proposed to be transferred. It is not uncommon for a business owner to seek the transfer of a liquor license before incurring the costs of designing the restaurant, bar or other facility at which it will be used. The availability of a liquor license is often key to the viability of the business, is a key part of its contemplated cash flow and can affect the manner in which the business is built out.

Moreover, JWilco Properties LLS will need to comply with zoning ordinance and construction code requirements in the site design, construction and use of the proposed business. The suitability of the proposed site and manner in which the site is designed will be addressed during these reviews as provided in the applicable City ordinances.

Therefore, the Council can consider whether or not the liquor license should be transferred and this consideration focuses on the suitability of the proposed licensee to hold a liquor license. The Council would then adopt a resolution that functions as its recommendation to the Liquor Control Commission.

**CITY OF SOUTH HAVEN  
Liquor License Application**

Business Name and Address: J Wilco Properties LLC, 319 Virginia Ave South Haven MI 49090

Request for: Liquor License Transfer

**Applicant Information**

Applicant's Name: Joe Wilco Applicant's age: (Date of Birth)

Applicant's Home Address: South Haven MI 49090 Applicant's Area Code/Phone Number:

Social Security # \_\_\_\_\_ Drivers License # \_\_\_\_\_

If a partnership, list persons in partnership: \_\_\_\_\_ If a corporation, association or other legal entity, give names and address of the officers, directors, shareholders, or other principal individuals. (Use additional sheet if necessary)

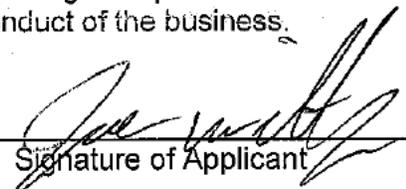
Address and property description of the premises or place of business:  
315 Wilco's St. South Haven MI 49090

Has applicant applied for a similar or other license on premises other than described in this application?  Yes  No  
What is the disposition of such application:  Approved  Disapproved  Pending

**Information Required**

Any application for approval of a new license or for approval of the transfer of any currently valid or renewal license to a new location shall be accompanied by an eight and one-half (8½) inch by eleven (11) inch building and grounds layout diagram showing the entire structure, premises, and grounds, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and, where appropriate, adequate plans for screening and noise control.

I hereby state that as the applicant I will not violate any of the laws of the State of Michigan or of the United States or any rules or regulations of the Michigan Liquor Control Commission, or any Ordinances of the City of South Haven in the conduct of the business.

  
 \_\_\_\_\_  
 Signature of Applicant Date

**Staff Use Only**

Application Received: 12/20/2013 Processing Fee Paid: 25.00 (ULT)

Date of Public Hearing: \_\_\_\_\_

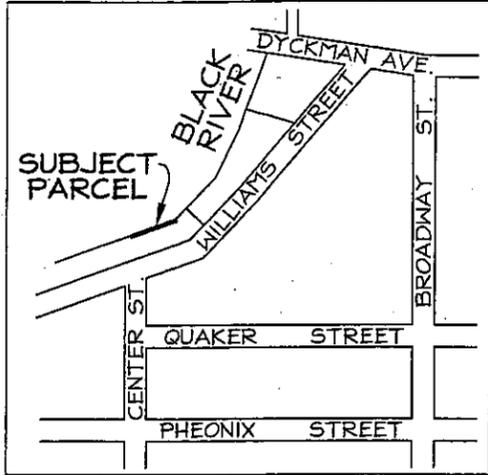
Approved:  Yes  No Date of Approval: \_\_\_\_\_

Disapproved:  Yes  No Date of Disapproval: \_\_\_\_\_

**PAID**  
DEC 20 2013  
CITY OF SOUTH HAVEN

# SITE SKETCH OF UNIT 2 NICHOLS LANDING CONDOMINIUM

**VICINITY MAP**  
NOT TO SCALE



*Proposed Barrage Restaurant*

**BLACK RIVER**  
**UNIT 2**

*Kitchen  
Rest rooms*

NE CORNER OF NICHOLS LANDING

6.26'  
N54°07'05"W

CITY HARBOR LINE  
25'  
U.S. HARBOR LINE

SHED (14.5'x7')  
Storage

GENERAL COMMON ELEMENT

FENCE

SOUTHERN LINE OF NICHOLS LANDING

OLD HARBOR VILLAGE

EAST END OF THE IDLER

WOOD PILING (TYP.)

THE IDLER

5.00'  
S20°49'00"E

142.71'  
N70°27'50"E

139.38'  
N70°27'50"E

100'

DOCK

BUILDING

*camp*

*camp*

UNIT 1

SHED (8'x4')

□ - Tables

○ - Tables

Capacity - 100

DWN. BY J. MITCHELL SCALE 1"=20'

CK. BY \_\_\_\_\_ DESC. BY \_\_\_\_\_ CK. BY \_\_\_\_\_

BOOK \_\_\_\_\_ FILE \_\_\_\_\_ PAGE \_\_\_\_\_ FILE \_\_\_\_\_ REV. \_\_\_\_\_

## MITCHELL & MORSE LAND SURVEYING

A DIVISION OF MITCHELL SURVEYS, INC.

234 VETERANS BLVD.  
SOUTH HAVEN, MICHIGAN 49090  
OFFICE: (269) 637-1107  
FAX: (269) 637-1907

CLIENT JOE WILTGEN

DATE 8-20-13 JOB No. 13-805-B SHEET 1 OF 1

BEING IN THE SE 1/4 SEC. 3 T. 1 S. R. 17 W.

SOUTH HAVEN TWP. VAN BUREN Co., MICHIGAN



**Local Government Approval**

(Authorized by MCL 436.1501)

**Instructions for Applicants:**

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

**Instructions for Local Legislative Body:**

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

At a regular meeting of the City Council council/board  
(regular or special) (township, city, village)  
called to order by Mayor Burr on Mar 3, 2014 at 7:00 p.m.  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from JWilco Properties LLC  
(name of applicant)

for the following license(s): transfer ownership of escrowed 2013 Class C & SDM licensed business from Porter Township

to be located at 515 Williams Street, South Haven

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it recommends this application be considered for  
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

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

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

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the City Council  
council/board at a regular meeting held on Mar 3, 2014 (township, city, village)  
(regular or special) (date)

Name and title of authorized clerk (please print): Amanda Morgan, City Clerk

Signature of authorized clerk and date: 3/3/2014

Phone number and e-mail of authorized officer: 269-637-0750 amorgan@south-haven.com

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



## Agenda Item 11

### MDNR Grant Applications for Black River Park

#### Background Information:

The City Council will be asked to consider resolutions authorizing the City Manager to apply for two (2) Michigan Department of Natural Resources (MDNR) grant programs for proposed improvements to Black River Park.

The grant applications seek funds for construction of a fishing area, seawall, and parking area improvements to Black River Park (at the site of the former Street Department.) The seawall design will incorporate boulders, as opposed to a steel seawall, in an effort to provide a habitat for river species. In 2011, the draft design was reviewed and approved by the City's Harbor Commission and Parks Commission. Should either of the grant applications be approved by the MDNR, staff will present an updated park design to those boards, and the Planning Commission for consideration, prior to seeking final approval from the City Council to construct the project.

The MDNR is offering two grant programs which could be sought for the proposed improvements to Black River Park. Staff desires to submit two separate applications, which should improve the city's potential for a successful grant application. The grant programs being sought are through the MDNR's Land and Water Conservation Fund (LWCF,) and through the MDNR's Aquatics Habitat (AH) program. The application to the LWCF funding request seeks \$78,100 in grant and the City will provide a local match of \$78,100, for a total project cost of \$156,200. The second application, the AH funding request, seeks \$105,000 in grant and the City will provide a local match of \$51,200, for a total project cost of \$156,200. Since both applications seek funds for the same project, the City will only accept one of the grants, should the MDNR approve the project.

Over the past three years, the City has submitted an annual application to the Great Lakes Fishery Trust Fund, to help fund the proposed improvements at Black River Park. Those applications have been denied with each submittal. As a result, staff is now seeking alternate funding options for the project.

For the City to proceed with the applications to the MDNR, staff recommends the approval of the following resolutions, which authorize the City Manager to apply to the LWCF and the AH programs.

#### Recommendation:

The City Council should consider approval of Resolution 2014-11, a resolution which authorizes the City Manager to apply for Michigan Department of Natural Resources Aquatics Habitat grant program, for funds for the Black River Park improvement project.

Further, the City Council should consider approval of Resolution 2014-12, a resolution which authorizes the City Manager to apply for Michigan Department of Natural Resources Land and Water Conservation Fund grant program, for funds for the Black River Park improvement project.

Support Material:

Resolution 2014-11  
Resolution 2014-12  
Planned Park Improvements  
Abonmarche Memo

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-11

A RESOLUTION TO ALLOW FOR THE APPLICATION OF AN AQUATICS HABITAT GRANT.

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 March 3, 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 City Commission believes the expansion of Black River Park through the project titled "Fishing Platform and Bank Stabilization Project" would not only increase public access, but universal accessibility to the Black River; and

WHEREAS, more recreational opportunities would be of great benefit for the City's year-round and seasonal residents and visitors; and

WHEREAS, increased public access for residents and tourists to the City's waterways is one of the City's most important goals; and

WHEREAS, the proposed application is supported by the City's 5-year approved recreation plan; and

WHEREAS, the City has made a financial commitment to the project in the amount of \$51,200, in cash and/or force account; and

BE IT THEREFORE RESOLVED, that the City Commission hereby authorizes submission of an Aquatics Habitat grant application for \$105,000, and further resolves to make its financial obligation amount of \$51,200 (33%) of a total \$156,200 project cost, during the 2013-2014 fiscal year.

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 3<sup>rd</sup> day of March, 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  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2014-12

A RESOLUTION TO ALLOW FOR THE APPLICATION OF A LAND AND WATER  
CONSERVATION FUND GRANT

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 March 3, 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 City Commission believes the expansion of Black River Park through the project titled "Fishing Platform and Bank Stabilization Project" would not only increase public access, but universal accessibility to the Black River; and

WHEREAS, more recreational opportunities would be of great benefit for the City's year-round and seasonal residents and visitors; and

WHEREAS, increased public access for residents and tourists to the City's waterways is one of the City's most important goals; and

WHEREAS, the proposed application is supported by the City's 5-year approved recreation plan; and

WHEREAS, the City has made a financial commitment to the project in the amount of \$78,100, in cash and/or force account; and

BE IT THEREFORE RESOLVED, that the City Commission hereby authorizes submission of a Land and Water Conservation Fund application for \$78,100, and further resolves to make its financial obligation amount of \$78,100 (50%) of a total \$156,200 project cost, during the 2013-2014 fiscal year.

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

RECORD OF VOTE:

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

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

RESOLUTION DECLARED ADOPTED.

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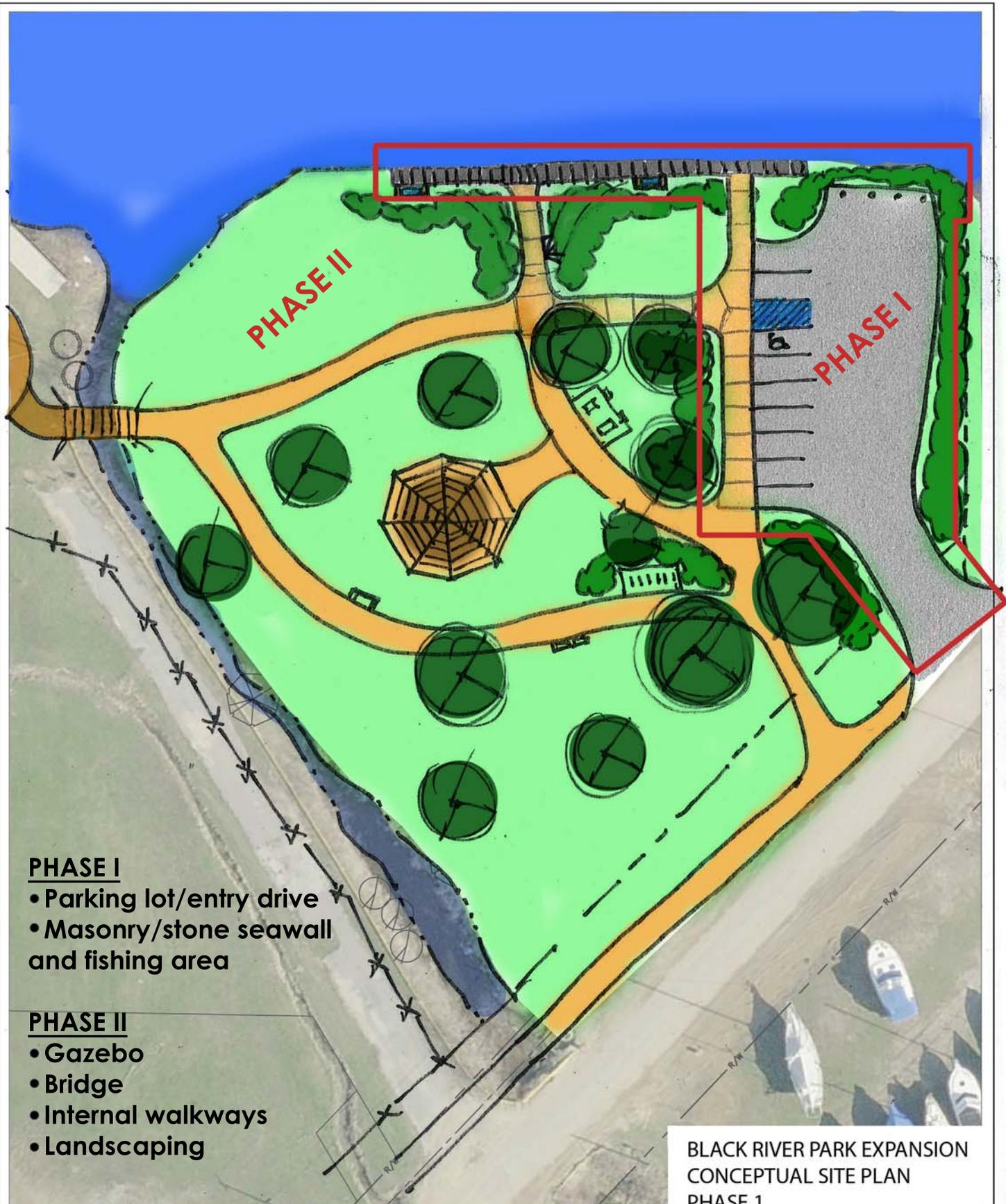
Robert G. Burr, Mayor

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 3<sup>rd</sup> day of March, 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*).

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Amanda Morgan, City Clerk



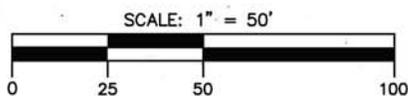
**PHASE I**

- Parking lot/entry drive
- Masonry/stone seawall and fishing area

**PHASE II**

- Gazebo
- Bridge
- Internal walkways
- Landscaping

BLACK RIVER PARK EXPANSION  
CONCEPTUAL SITE PLAN  
PHASE 1



**ABONMARCHE**

Confidence By Design

# MEMORANDUM

DATE: February 26, 2014  
TO: Brian Dissette, City Manager  
FROM: Kate Genellie  
RE: City of South Haven Black River Park expansion grant summary

**Project Name:** Fishing Platform and Bank Stabilization Project

**Outline:** The City is planning to expand Black River Park by turning an adjacent empty lot on the bank of the Black River into a park. As part of the project, a parking lot (which includes eight regular spaces and one handicapped space) would be built, the bank would be stabilized with a riprap retaining wall, and a universally accessible metal fishing platform would be installed. Further phases of the park would include landscaping and a gazebo. The plan is to take a popular fishing area (Black River Park) and expand it into a family-friendly park.

The kind of universal accessibility that this project would offer is vital to the goals of the South Haven Recreational Plan. The project would be part of the City's central strategy to offering increased recreational opportunities and enhanced public access to the community's natural resources and waterways – two of the nine goals of the City's Recreational Plan.

The City is applying to two different DNR grants. If both grants are awarded, the City has a couple of options. The City can either accept both grants and negotiate an expanded project scope, or keep the project scope discussed above and pick the grant that's most advantageous for the City.

**Grants:**

- DNR Aquatics Habitat: The funding request will be \$105,000 and the City will provide a 33% match of \$51,200 for a total project cost of \$156,200.
- DNR Land and Water Conservation Fund: The funding request will be \$78,100 and the City will provide a 50% match of \$78,100 for a total project cost of \$156,200.



## Agenda Item 12

### Outdoor Dining Agreements for Taste & Black River Tavern

#### Background Information:

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

Black River Tavern is a local restaurant, located at 401 Phoenix Street. The owner of Black River Tavern, Mr. Scott Maxwell, is seeking a license agreement to add outdoor dining along Phoenix Street. The Planning Commission approved the special use permit for outdoor dining at their regular meeting on December 5, 2013. Two (2) conditions were placed on the approval: the noise level currently heard outside the building may not increase with the outdoor seating and that the Downtown Development Authority (DDA) approve the outdoor furniture. The DDA approved the outdoor furniture plan at the February 12, 2014 regular meeting.

Taste is a local restaurant, located at 402 Phoenix Street. The owners of Taste, Mr. Joel Gesiakowski and Mrs. Heidi Gesiakowski, are seeking a license agreement to add outdoor dining along Phoenix Street. The Planning Commission approved the special use permit for outdoor dining at their regular meeting on December 5, 2013. Two (2) conditions were placed on the approval: the noise level currently heard outside the building may not increase with the outdoor seating and that the Downtown Development Authority (DDA) approve the outdoor furniture. The DDA approved the outdoor furniture plan at the February 12, 2014 regular meeting.

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

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

Recommendation:

Should the City Council wish to proceed with allowing outdoor dining at Black River Tavern and Taste, the Council should consider a motion to authorize staff to issue a license agreement, to add outdoor dining along Phoenix Street, to the restaurant owners of Black River Tavern and Taste.

Support Material:

DRAFT License Agreement; Black River Tavern

DRAFT License Agreement; Taste

Outdoor Dining Image; Black River Tavern

Outdoor Dining Image; Taste

**OUTDOOR SIDEWALK CAFÉ LICENSE AGREEMENT  
BETWEEN  
THE CITY OF SOUTH HAVEN  
AND  
BLACK RIVER TAVERN RESTAURANT  
403 PHOENIX STREET**

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

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

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

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

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

**RECITALS**

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

**DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Outdoor Sidewalk Café Hours of Operation.

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

D. Service Requirements.

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

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

E. Outdoor Sidewalk Café Area Limitations

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

F. Outdoor Sidewalk Café Designated Clear Path

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

G. Outdoor Sidewalk Café Furniture.

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

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

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

#### H. Outdoor Sidewalk Café Table Umbrella Restrictions.

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

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

#### I. Planters or Railings.

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

#### J. Elevation and Surface Coverings Prohibited.

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

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

#### L. Noise Restrictions.

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

M. Sign Restrictions.

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

N. Fire Code Compliance.

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

O. Outdoor Sidewalk Café Limitation.

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

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

10. Improvements, Restoration, Construction Liens.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Miscellaneous.

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

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

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

CITY OF SOUTH HAVEN

APPLICANT

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

By: \_\_\_\_\_

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

Its: \_\_\_\_\_

By: \_\_\_\_\_

Date signed: \_\_\_\_\_, 2014

Its: \_\_\_\_\_

Date signed: \_\_\_\_\_, 2014

**EXHIBIT A  
LICENSED PREMISES**

GRAPIDS 57671-1 315778v1

**OUTDOOR SIDEWALK CAFÉ LICENSE AGREEMENT  
BETWEEN  
THE CITY OF SOUTH HAVEN  
AND  
TASTE RESTAURANT  
402 PHOENIX STREET**

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

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

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

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

This Outdoor Sidewalk Café License Agreement is made between the City of South Haven, a Michigan home rule city, of 523 Phoenix Street, South Haven, Michigan 49090-1499 (the "City"), and Peelie, LLC, 402 Phoenix Street, South Haven, Michigan 49090 (the "Owner") with respect to the following facts and circumstances.

**RECITALS**

- A. Phoenix Street is a public right-of-way and/or public open-space within the corporate limits of the City.
- B. The Owner owns, or has a leasehold interest, in a building and land commonly known as 402 Phoenix Street, South Haven, Michigan ("Owner's Parcel"), and on that property operates a food establishment or eating or drinking place.
- C. The Owner desires to establish and operate an Outdoor Sidewalk Café on the public right-of-way and/or public spaces in front of or adjacent to the building or land described in Recital B, which would encroach upon the public right-of-way or City owned property at 402 Phoenix Street.
- D. The Owner has been granted a special use permit by the City Planning Commission on the --- day of ---, 2013, to establish and operate an Outdoor Sidewalk Café at the location described in Recital B.
- E. The City is willing to permit such Outdoor Sidewalk Café in strict accordance with the terms and conditions of this Agreement.

**DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Outdoor Sidewalk Café Hours of Operation.

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

D. Service Requirements.

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

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

E. Outdoor Sidewalk Café Area Limitations

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

F. Outdoor Sidewalk Café Designated Clear Path

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

G. Outdoor Sidewalk Café Furniture.

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

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

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

#### H. Outdoor Sidewalk Café Table Umbrella Restrictions.

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

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

#### I. Planters or Railings.

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

#### J. Elevation and Surface Coverings Prohibited.

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

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

#### L. Noise Restrictions.

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

M. Sign Restrictions.

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

N. Fire Code Compliance.

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

O. Outdoor Sidewalk Café Limitation.

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

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

10. Improvements, Restoration, Construction Liens.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Miscellaneous.

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

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

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

CITY OF SOUTH HAVEN

PEELIE, LLC

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

By: \_\_\_\_\_

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

Its: \_\_\_\_\_

Date signed: \_\_\_\_\_, 2014

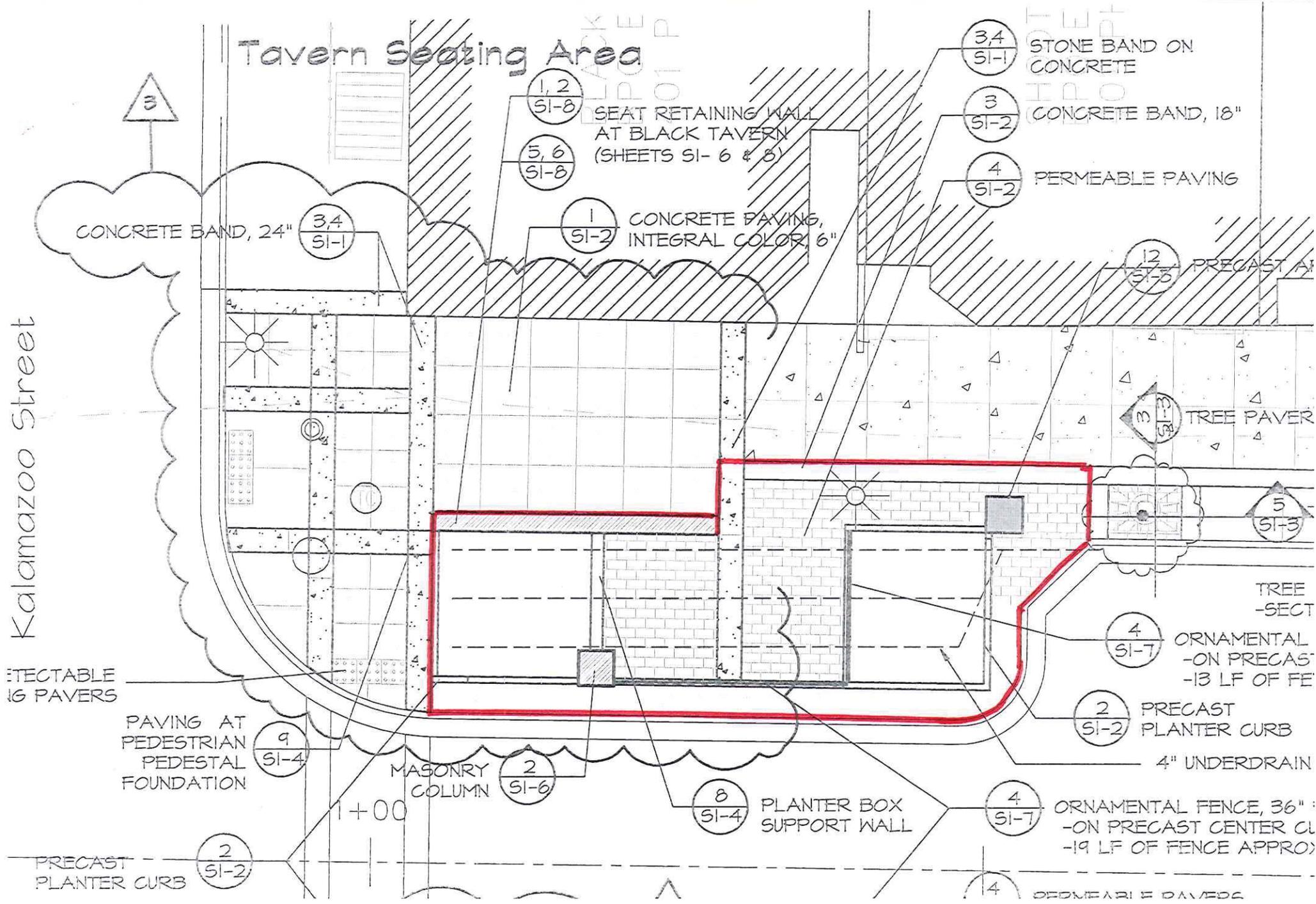
By: \_\_\_\_\_

Its: \_\_\_\_\_

Date signed: \_\_\_\_\_, 2014

**EXHIBIT A  
LICENSED PREMISES**

# Tavern Seating Area



Kalamazoo Street

DETECTABLE  
16 PAVERS

PAVING AT  
PEDESTRIAN  
PEDESTAL  
FOUNDATION

MASONRY  
COLUMN

PRECAST  
PLANTER CURB

SEAT RETAINING WALL  
AT BLACK TAVERN  
(SHEETS SI- 6 & 8)

CONCRETE PAVING,  
INTEGRAL COLOR, 6"

STONE BAND ON  
CONCRETE

CONCRETE BAND, 18"

PERMEABLE PAVING

PRECAST AT

TREE PAVER

TREE  
-SECT

ORNAMENTAL  
-ON PRECAST  
-13 LF OF FE

PRECAST  
PLANTER CURB

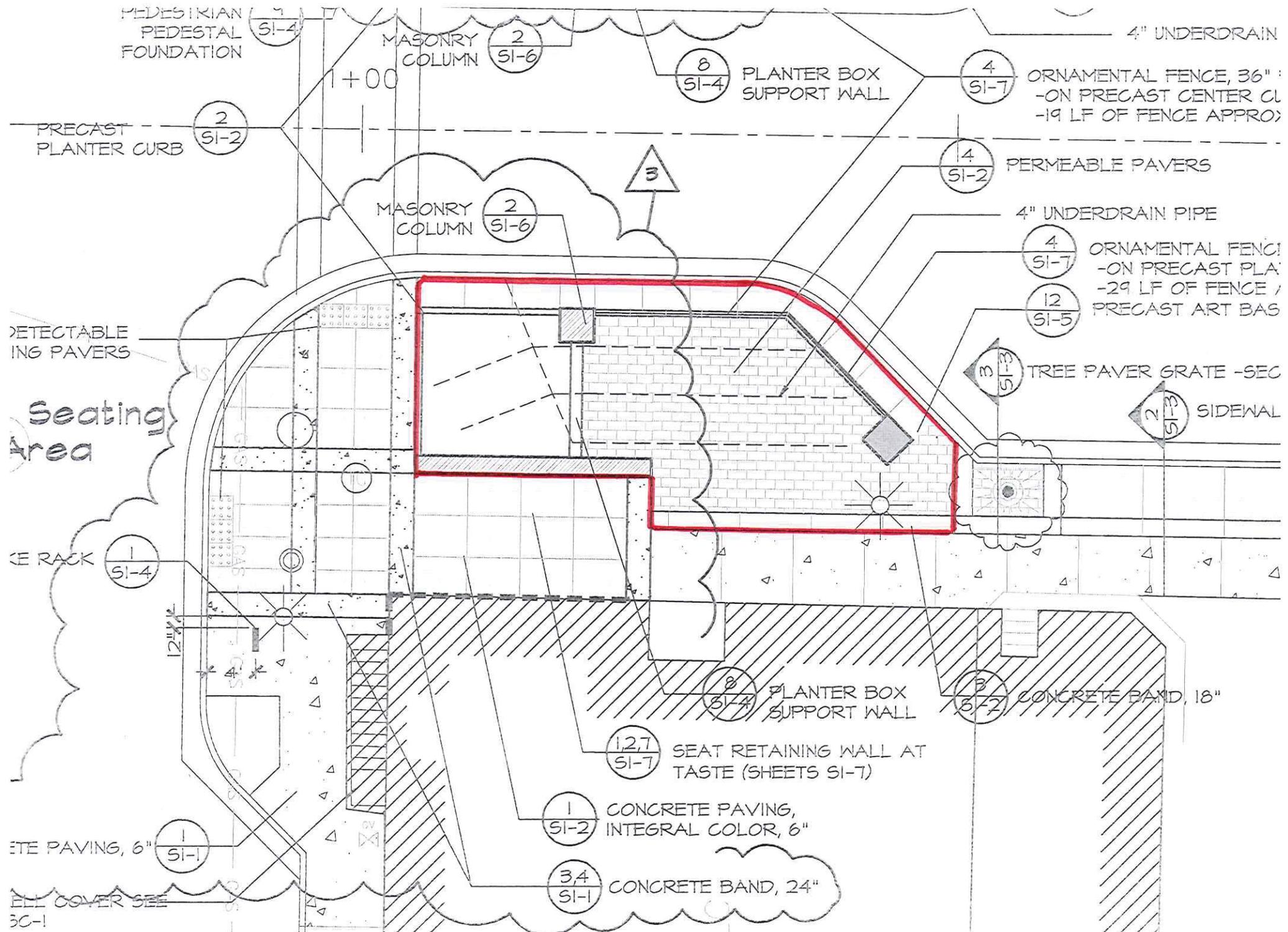
4" UNDERDRAIN

PLANTER BOX  
SUPPORT WALL

ORNAMENTAL FENCE, 36"  
-ON PRECAST CENTER CL  
-19 LF OF FENCE APPROX

PERMEABLE PAVING







February 24, 2014

TO: Brian Dissette

FR: Paul VandenBosch

RE: Van Buren Trail Bid Approval

The low bid from the Van Buren Trail project came in at \$383,425.24.

This is 5.8% over the grant amount of \$362,400.

As an addition to the Van Buren Trail project, staff is requesting signage that will direct bicyclists from the Kal-Haven Trailhead to the Downtown. This is not part of the grant project, but would be added to the contract as a City funded change order.

Staff is requesting approval of the Van Buren Trail bid and a budget amendment to cover the expense over the grant amount and the additional signage.

Recommendation:

Approve the bid and budget amendment for the Van Buren Trail.

February 21, 2014

Mr. Paul VandenBosch  
City of South Haven  
539 Phoenix Street  
South Haven, MI 49090-1499

RE: Van Buren Trail Connection Development  
Recommendation for Award  
Project No.: 13-0351  
MDNRE No.: TF12-114

Dear Mr. VandenBosch:

On February 19, 2014, we received four (4) bids for the Van Buren Trail Connection Development Project. The bids were reviewed including the specified qualifications materials.

A summary of the attached bid tabulation is provided below.

#### BID SUMMARY

<u>Prepared by:</u>	<u>Total Amount</u>
Katerberg Verhage, Inc.	\$383,425.24
Milbocker & Sons	\$391,543.18
Northern Construction Svcs Corp	\$392,701.70
Compton, Inc.	\$400,979.65

After review, we have confirmed that the low bid has been supplied by Katerberg Verhage, Inc. and is qualified to complete the work for this project. Abonmarche recommends award to Katerberg Verhage, Inc., the low bidder in the amount of \$383,425.24 upon approval by the Michigan Department of Natural Resources and Environment (MDNRE).

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

Sincerely,

ABONMARCHE



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

JWM/vsc

Attachment: Bid Tabulation  
Katerberg Verhage, Inc. Submitted Bid



Owner: City of South Haven	Legend:	Correction
Project Name: Van Buren Trail Connection		
Project Number: 13-0315		
Date and Time: Wednesday, February 19, 2014 at 2:00pm		

# Bid Tabulation

## A. Trail Development

Item	Unit	Estimated Quantity	Katerberg Verhage		Milbocker & Sons		Northern Construction Svcs Corp		Compton, Inc		
			Grand Rapids, MI		Allegan, MI						
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization, Max \$30,000	LS	1	\$ 16,660.00	\$ 16,660.00	\$ 17,500.00	\$ 17,500.00	\$ 30,000.00	\$ 30,000.00	\$ 10,000.00	\$ 10,000.00
2	Clearing	ACRE	1	\$ 1,650.00	\$ 1,650.00	\$ 1,500.00	\$ 1,500.00	\$ 100.00	\$ 100.00	\$ 3,000.00	\$ 3,000.00
3	Tree, Rem, 6 inch to 18 inch	EA	2	\$ 250.00	\$ 500.00	\$ 200.00	\$ 400.00	\$ 400.00	\$ 800.00	\$ 500.00	\$ 1,000.00
4	Sewer, Rem, Less than 24 inch	FT	15	\$ 200.00	\$ 3,000.00	\$ 7.50	\$ 112.50	\$ 25.00	\$ 375.00	\$ 33.00	\$ 495.00
5	Curb and Gutter, Rem	FT	480	\$ 4.80	\$ 2,304.00	\$ 5.20	\$ 2,496.00	\$ 7.00	\$ 3,360.00	\$ 3.00	\$ 1,440.00
6	Bollard, Rem	EA	7	\$ 50.00	\$ 350.00	\$ 80.00	\$ 560.00	\$ 100.00	\$ 700.00	\$ 100.00	\$ 700.00
7	Fence, Rem	FT	105	\$ 4.00	\$ 420.00	\$ 3.00	\$ 315.00	\$ 5.00	\$ 525.00	\$ 5.00	\$ 525.00
8	Guardrail, Rem	FT	90	\$ 8.70	\$ 783.00	\$ 7.00	\$ 630.00	\$ 7.00	\$ 630.00	\$ 10.00	\$ 900.00
9	Sidewalk, Rem	SYD	170	\$ 6.30	\$ 1,071.00	\$ 7.25	\$ 1,232.50	\$ 10.00	\$ 1,700.00	\$ 3.00	\$ 510.00
10	Pavt, Rem	SYD	850	\$ 3.75	\$ 3,187.50	\$ 5.00	\$ 4,250.00	\$ 8.00	\$ 6,800.00	\$ 5.00	\$ 4,250.00
11	Non Haz Contaminated Material Handling and Disposal, LM	CYD	1245	\$ 31.15	\$ 38,781.75	\$ 35.50	\$ 44,197.50	\$ 35.85	\$ 44,633.25	\$ 35.00	\$ 43,575.00
12	Erosion Control, Check Dam, Stone	FT	20	\$ 27.50	\$ 550.00	\$ 30.00	\$ 600.00	\$ 10.00	\$ 200.00	\$ 30.00	\$ 600.00
13	Erosion Control, Inlet Protection, Geotextile and Stone	EA	10	\$ 150.00	\$ 1,500.00	\$ 90.00	\$ 900.00	\$ 40.00	\$ 400.00	\$ 150.00	\$ 1,500.00
14	Erosion Control, Silt Fence	FT	3500	\$ 2.00	\$ 7,000.00	\$ 1.85	\$ 6,475.00	\$ 0.50	\$ 1,750.00	\$ 2.00	\$ 7,000.00
15	Aggregate Base, 8 inch	SYD	2200	\$ 7.40	\$ 16,280.00	\$ 7.95	\$ 17,490.00	\$ 8.00	\$ 17,600.00	\$ 10.00	\$ 22,000.00
16	Aggregate Base, 9 inch	SYD	865	\$ 7.95	\$ 6,876.75	\$ 8.75	\$ 7,568.75	\$ 8.50	\$ 7,352.50	\$ 10.50	\$ 9,082.50
17	Dr Structure Cover, Adj, Case 1	EA	4	\$ 275.00	\$ 1,100.00	\$ 655.00	\$ 2,620.00	\$ 550.00	\$ 2,200.00	\$ 400.00	\$ 1,600.00
18	Structure, Stm. CB, 24 inch Dia	EA	3	\$ 800.00	\$ 2,400.00	\$ 1,150.00	\$ 3,450.00	\$ 1,100.00	\$ 3,300.00	\$ 800.00	\$ 2,400.00
19	Structure, Stm. CB, 48 inch Dia	EA	2	\$ 1,553.00	\$ 3,106.00	\$ 1,650.00	\$ 3,300.00	\$ 1,600.00	\$ 3,200.00	\$ 1,200.00	\$ 2,400.00
20	Structure, Stm. MH, 48 inch Dia	EA	4	\$ 1,305.00	\$ 5,220.00	\$ 1,400.00	\$ 5,600.00	\$ 1,500.00	\$ 6,000.00	\$ 1,300.00	\$ 5,200.00
21	Dr Structure Cover, Type EJ 7045	EA	7	\$ 501.00	\$ 3,507.00	\$ 750.00	\$ 5,250.00	\$ 650.00	\$ 4,550.00	\$ 1,000.00	\$ 7,000.00
22	Dr Structure Cover, Type City Storm Logo	EA	2	\$ 382.00	\$ 764.00	\$ 1,000.00	\$ 2,000.00	\$ 550.00	\$ 1,100.00	\$ 800.00	\$ 1,600.00
23	Dr Structure Cover, Type EJ 1040, Type N Oval	EA	2	\$ 377.00	\$ 754.00	\$ 825.00	\$ 1,650.00	\$ 550.00	\$ 1,100.00	\$ 800.00	\$ 1,600.00
24	Dr Structure Cover, Type EJ 1040, O2 Beehive	EA	1	\$ 377.00	\$ 377.00	\$ 825.00	\$ 825.00	\$ 550.00	\$ 550.00	\$ 800.00	\$ 800.00
25	Sewer, CI IV, 12 inch, Tr Det B	FT	31	\$ 48.15	\$ 1,492.65	\$ 85.00	\$ 2,635.00	\$ 55.00	\$ 1,705.00	\$ 50.00	\$ 1,550.00
26	Culv, CI F, 12 inch	FT	35	\$ 38.25	\$ 1,338.75	\$ 26.00	\$ 910.00	\$ 40.00	\$ 1,400.00	\$ 40.00	\$ 1,400.00
27	Cold Milling HMA Surface	SYD	550	\$ 3.65	\$ 2,007.50	\$ 5.00	\$ 2,750.00	\$ 3.20	\$ 1,760.00	\$ 3.50	\$ 1,925.00
28	Hand Patching	TON	6.5	\$ 157.50	\$ 1,023.75	\$ 150.00	\$ 975.00	\$ 150.00	\$ 975.00	\$ 200.00	\$ 1,300.00
29	HMA, 36A	TON	65	\$ 82.10	\$ 5,336.50	\$ 78.17	\$ 5,081.05	\$ 78.17	\$ 5,081.05	\$ 100.00	\$ 6,500.00
30	Conc Pavt, Misc, Nonreinf, 6 inch	SYD	80	\$ 35.30	\$ 2,824.00	\$ 28.80	\$ 2,304.00	\$ 28.00	\$ 2,240.00	\$ 30.00	\$ 2,400.00
31	Curb and Gutter, Conc, Det F4	FT	455	\$ 17.95	\$ 8,167.25	\$ 16.00	\$ 7,280.00	\$ 17.00	\$ 7,735.00	\$ 18.00	\$ 8,190.00
32	Curb and Gutter, Conc, Det D2, Modified	FT	341	\$ 18.90	\$ 6,444.90	\$ 17.00	\$ 5,797.00	\$ 14.00	\$ 4,774.00	\$ 19.00	\$ 6,479.00
33	Conc Base Cse, Nonreinf, 6 inch	SYD	40	\$ 38.50	\$ 1,540.00	\$ 36.00	\$ 1,440.00	\$ 24.00	\$ 960.00	\$ 40.00	\$ 1,600.00
34	Driveway, Nonreinf Conc, 6 inch	SYD	175	\$ 33.70	\$ 5,897.50	\$ 28.80	\$ 5,040.00	\$ 28.00	\$ 4,900.00	\$ 30.00	\$ 5,250.00
35	Detectable Warning Surface	FT	145	\$ 68.25	\$ 9,896.25	\$ 62.00	\$ 8,990.00	\$ 57.00	\$ 8,265.00	\$ 70.00	\$ 10,150.00
36	Sidewalk, Conc, 4 inch	SFT	1500	\$ 3.30	\$ 4,950.00	\$ 3.20	\$ 4,800.00	\$ 2.50	\$ 3,750.00	\$ 3.50	\$ 5,250.00
37	Sidewalk, Conc, 6 inch	SFT	2600	\$ 2.30	\$ 5,980.00	\$ 3.20	\$ 8,320.00	\$ 3.00	\$ 7,800.00	\$ 4.00	\$ 10,400.00
38	Sidewalk Ramp, Conc, 6 inch	SFT	2200	\$ 4.70	\$ 10,340.00	\$ 4.00	\$ 8,800.00	\$ 3.00	\$ 6,600.00	\$ 5.00	\$ 11,000.00
39	Shared use Path, Grading	FT	2217	\$ 13.45	\$ 29,818.65	\$ 9.75	\$ 21,615.75	\$ 22.31	\$ 49,461.27	\$ 10.00	\$ 22,170.00
40	Shared use Path, HMA	TON	404	\$ 80.15	\$ 32,380.60	\$ 76.32	\$ 30,833.28	\$ 76.32	\$ 30,833.28	\$ 100.00	\$ 40,400.00
41	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	FT	70	\$ 4.15	\$ 290.50	\$ 3.95	\$ 276.50	\$ 3.95	\$ 276.50	\$ 4.50	\$ 315.00
42	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	FT	23	\$ 8.30	\$ 190.90	\$ 7.90	\$ 181.70	\$ 7.90	\$ 181.70	\$ 8.50	\$ 195.50
43	Pavt Mrkg, Ovly Cold Plastic, 12 inch, White	FT	800	\$ 4.15	\$ 3,320.00	\$ 3.95	\$ 3,160.00	\$ 3.95	\$ 3,160.00	\$ 4.50	\$ 3,600.00
44	Pavt Mrkg, Ovly Cold Plastic, SharroW Sym	EA	36	\$ 137.60	\$ 4,953.60	\$ 131.00	\$ 4,716.00	\$ 131.00	\$ 4,716.00	\$ 140.00	\$ 5,040.00
45	Hydrant, Relocate, Case 2	EA	1	\$ 1,095.00	\$ 1,095.00	\$ 1,150.00	\$ 1,150.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00
46	Fence, Woven Wire with Steel Post	FT	1370	\$ 5.40	\$ 7,398.00	\$ 5.10	\$ 6,987.00	\$ 4.30	\$ 5,891.00	\$ 4.30	\$ 5,891.00
47	Fence, Chainlink, 72 inch	FT	200	\$ 17.20	\$ 3,440.00	\$ 16.35	\$ 3,270.00	\$ 13.50	\$ 2,700.00	\$ 13.00	\$ 2,600.00
48	Bollard, Steel, 6 inch, Removable	EA	5	\$ 740.00	\$ 3,700.00	\$ 825.00	\$ 4,125.00	\$ 700.00	\$ 3,500.00	\$ 500.00	\$ 2,500.00
49	Bollard, Steel, 6 inch, Fixed	EA	5	\$ 475.00	\$ 2,375.00	\$ 550.00	\$ 2,750.00	\$ 600.00	\$ 3,000.00	\$ 600.00	\$ 3,000.00
50	Barricade, Type III, High Intensity, Furn	EA	8	\$ 117.60	\$ 940.80	\$ 60.00	\$ 480.00	\$ 112.00	\$ 896.00	\$ 63.00	\$ 504.00
51	Barricade, Type III, High Intensity, Oper	EA	8	\$ 1.05	\$ 8.40	\$ 5.00	\$ 40.00	\$ 1.00	\$ 8.00	\$ 6.00	\$ 48.00
52	Plastic Drum, High Intensity, Furn	EA	50	\$ 21.00	\$ 1,050.00	\$ 13.00	\$ 650.00	\$ 20.00	\$ 1,000.00	\$ 14.00	\$ 700.00
53	Plastic Drum, High Intensity, Oper	EA	50	\$ 1.05	\$ 52.50	\$ 1.00	\$ 50.00	\$ 1.00	\$ 50.00	\$ 2.00	\$ 100.00
54	Sign, Type B, Temp, Prismatic, Furn	SFT	264	\$ 5.25	\$ 1,386.00	\$ 3.00	\$ 792.00	\$ 5.00	\$ 1,320.00	\$ 4.00	\$ 1,056.00
55	Sign, Type B, Temp, Prismatic, Oper	SFT	264	\$ 0.55	\$ 145.20	\$ 1.00	\$ 264.00	\$ 0.50	\$ 132.00	\$ 1.10	\$ 290.40
<b>Total: A. Trail Development</b>				<b>\$ 277,926.20</b>		<b>\$ 277,025.53</b>		<b>\$ 305,996.55</b>		<b>\$ 293,981.40</b>	

Owner: City of South Haven					Legend:	Correction					
Project Name: Van Buren Trail Connection											
Project Number: 13-0315											
Date and Time: Wednesday, February 19, 2014 at 2:00pm											

# Bid Tabulation

## B. Benches and Bike Storage

Item	Unit	Estimated Quantity	Katerberg Verhage		Milbocker & Sons		Northern Construction Svcs Corp		Compton, Inc		
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Bike Rack, Rem	EA	1	\$ 200.00	\$ 200.00	\$ 115.00	\$ 115.00	\$ 1.00	\$ 1.00	\$ 200.00	\$ 200.00
2	Drinking Fountain, Rem	EA	1	\$ 250.00	\$ 250.00	\$ 115.00	\$ 115.00	\$ 1.00	\$ 1.00	\$ 200.00	\$ 200.00
3	Dero Bike, Bike Rack, Black	EA	1	\$ 1,020.00	\$ 1,020.00	\$ 785.00	\$ 785.00	\$ 970.00	\$ 970.00	\$ 1,000.00	\$ 1,000.00
4	MDF Drinking Fountain, 10115 SMSS, Black	EA	1	\$ 4,486.00	\$ 4,486.00	\$ 3,725.00	\$ 3,725.00	\$ 3,850.00	\$ 3,850.00	\$ 4,000.00	\$ 4,000.00
5	Kiosk, Polygon KSK-3-8MR	EA	2	\$ 8,230.00	\$ 16,460.00	\$ 15,000.00	\$ 30,000.00	\$ 8,210.00	\$ 16,420.00	\$ 8,500.00	\$ 17,000.00
6	Madrax U Rack, U238-SF-MS-Black	EA	17	\$ 298.00	\$ 5,066.00	\$ 270.00	\$ 4,590.00	\$ 240.00	\$ 4,080.00	\$ 250.00	\$ 4,250.00
7	Madrax U Rack, U238-SF-MS-Black, w/Logo	EA	2	\$ 575.00	\$ 1,150.00	\$ 550.00	\$ 1,100.00	\$ 500.00	\$ 1,000.00	\$ 300.00	\$ 600.00
8	ADA Picnic Table, Thomas Steele, CRT-3F HC	EA	1	\$ 2,605.00	\$ 2,605.00	\$ 2,300.00	\$ 2,300.00	\$ 2,400.00	\$ 2,400.00	\$ 2,700.00	\$ 2,700.00
<b>Total: B. Benches and Bike Storage</b>				<b>\$ 31,237.00</b>	<b>\$ 42,730.00</b>	<b>\$ 28,722.00</b>	<b>\$ 29,950.00</b>				

## C. Signage

Item	Unit	Estimated Quantity	Katerberg Verhage		Milbocker & Sons		Northern Construction Svcs Corp		Compton, Inc		
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Post, Steel, 3lb	FT	117	\$ 5.25	\$ 614.25	\$ 4.50	\$ 526.50	\$ 5.00	\$ 585.00	\$ 5.00	\$ 585.00
2	Sign, Type IIIA	SFT	18.75	\$ 15.75	\$ 295.31	\$ 16.00	\$ 300.00	\$ 15.00	\$ 281.25	\$ 17.00	\$ 318.75
3	Sign, Type IIIB	SFT	37.5	\$ 15.75	\$ 590.63	\$ 16.00	\$ 600.00	\$ 15.00	\$ 562.50	\$ 17.00	\$ 637.50
4	Sign, Type III, Trafx G3 Counter System	EA	3	\$ 1,000.00	\$ 3,000.00	\$ 1,100.00	\$ 3,300.00	\$ 970.00	\$ 2,910.00	\$ 1,000.00	\$ 3,000.00
5	Trailhead Signage	EA	1	\$ 567.00	\$ 567.00	\$ 875.00	\$ 875.00	\$ 540.00	\$ 540.00	\$ 919.00	\$ 919.00
6	Trailhead Signage, 2 Destination	EA	4	\$ 287.70	\$ 1,150.80	\$ 395.00	\$ 1,580.00	\$ 274.00	\$ 1,096.00	\$ 415.00	\$ 1,660.00
7	Trailhead Signage, 3 Destination	EA	6	\$ 325.50	\$ 1,953.00	\$ 435.00	\$ 2,610.00	\$ 310.00	\$ 1,860.00	\$ 457.00	\$ 2,742.00
8	Trailhead Signage, 4 Destination	EA	3	\$ 388.50	\$ 1,165.50	\$ 455.00	\$ 1,365.00	\$ 370.00	\$ 1,110.00	\$ 478.00	\$ 1,434.00
9	Trailhead Signage, 5 Destination	EA	1	\$ 430.50	\$ 430.50	\$ 495.00	\$ 495.00	\$ 410.00	\$ 410.00	\$ 520.00	\$ 520.00
10	Post Hole Through Conc for Steel Post	EA	5	\$ 126.00	\$ 630.00	\$ 50.00	\$ 250.00	\$ 120.00	\$ 600.00	\$ 53.00	\$ 265.00
11	Post Hole Through Conc for Wood Post	EA	5	\$ 126.00	\$ 630.00	\$ 125.00	\$ 625.00	\$ 120.00	\$ 600.00	\$ 132.00	\$ 660.00
<b>Total: C. Signage</b>				<b>\$ 11,026.99</b>	<b>\$ 12,526.50</b>	<b>\$ 10,554.75</b>	<b>\$ 12,741.25</b>				

## D. Landscaping

Item	Unit	Estimated Quantity	Katerberg Verhage		Milbocker & Sons		Northern Construction Svcs Corp		Compton, Inc		
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Topsoil Surface, Furn, 4 inch	SYD	3800	\$ 2.90	\$ 11,020.00	\$ 3.85	\$ 14,630.00	\$ 1.00	\$ 3,800.00	\$ 3.00	\$ 11,400.00
2	Landscaping Fabric, Pro Silver	SYD	1700	\$ 1.35	\$ 2,295.00	\$ 1.00	\$ 1,700.00	\$ 1.50	\$ 2,550.00	\$ 1.50	\$ 2,550.00
3	Fertilizer, Chemical Nutrient, CI A	LBS	225	\$ 0.71	\$ 159.75	\$ 1.65	\$ 371.25	\$ 1.30	\$ 292.50	\$ 2.00	\$ 450.00
4	Mulch Blanket	SYD	3800	\$ 1.24	\$ 4,712.00	\$ 0.75	\$ 2,850.00	\$ 0.90	\$ 3,420.00	\$ 1.00	\$ 3,800.00
5	Seeding, Mixture TUF	LBS	225	\$ 27.75	\$ 6,243.75	\$ 5.00	\$ 1,125.00	\$ 4.90	\$ 1,102.50	\$ 2.80	\$ 630.00
6	Cornus Alba 'Siberica Bloodgood', #5 cont.	EA	12	\$ 49.10	\$ 589.20	\$ 36.00	\$ 432.00	\$ 26.00	\$ 312.00	\$ 40.00	\$ 480.00
7	Hamamelis Vernalis, #10 cont.	EA	11	\$ 91.40	\$ 1,005.40	\$ 90.00	\$ 990.00	\$ 45.00	\$ 495.00	\$ 73.00	\$ 803.00
8	Viburnum P. T. Tomentosum 'Mariesii', #7 cont.	EA	10	\$ 82.26	\$ 822.60	\$ 56.50	\$ 565.00	\$ 42.00	\$ 420.00	\$ 43.00	\$ 430.00
9	Viburnum Trilobum 'Compactum', #5 cont.	EA	15	\$ 52.05	\$ 780.75	\$ 36.50	\$ 547.50	\$ 34.00	\$ 510.00	\$ 42.00	\$ 630.00
10	Pinus Strobus, 8 foot	EA	7	\$ 287.00	\$ 2,009.00	\$ 223.00	\$ 1,561.00	\$ 170.00	\$ 1,190.00	\$ 272.00	\$ 1,904.00
11	Picea Abies, 8 foot	EA	3	\$ 289.00	\$ 867.00	\$ 353.00	\$ 1,059.00	\$ 190.00	\$ 570.00	\$ 296.00	\$ 888.00
12	Amelanchier x Grandifolia 'Autumn Brilliance', 8 foot	EA	3	\$ 299.00	\$ 897.00	\$ 185.00	\$ 555.00	\$ 156.00	\$ 468.00	\$ 304.00	\$ 912.00
13	Calamagrostis x Acutiflora 'Karl Foerster', #2 cont.	EA	29	\$ 30.00	\$ 870.00	\$ 14.25	\$ 413.25	\$ 12.00	\$ 348.00	\$ 30.00	\$ 870.00
14	Shredded Hardwood Mulch, 3 inch	SYD	100	\$ 0.90	\$ 90.00	\$ 3.95	\$ 395.00	\$ 6.50	\$ 650.00	\$ 38.00	\$ 3,800.00
15	Fence Extension	FT	130	\$ 33.05	\$ 4,296.50	\$ 31.50	\$ 4,095.00	\$ 25.00	\$ 3,250.00	\$ 24.00	\$ 3,120.00
<b>Total: D. Landscaping</b>				<b>\$ 36,657.95</b>	<b>\$ 31,289.00</b>	<b>\$ 19,378.00</b>	<b>\$ 32,667.00</b>				



Project Name: Van Buren Trail Connection Development - Destination signage  
 Preliminary Estimate - February 21, 2014

**Destination Signage not currently in Van Buren Trail Project**

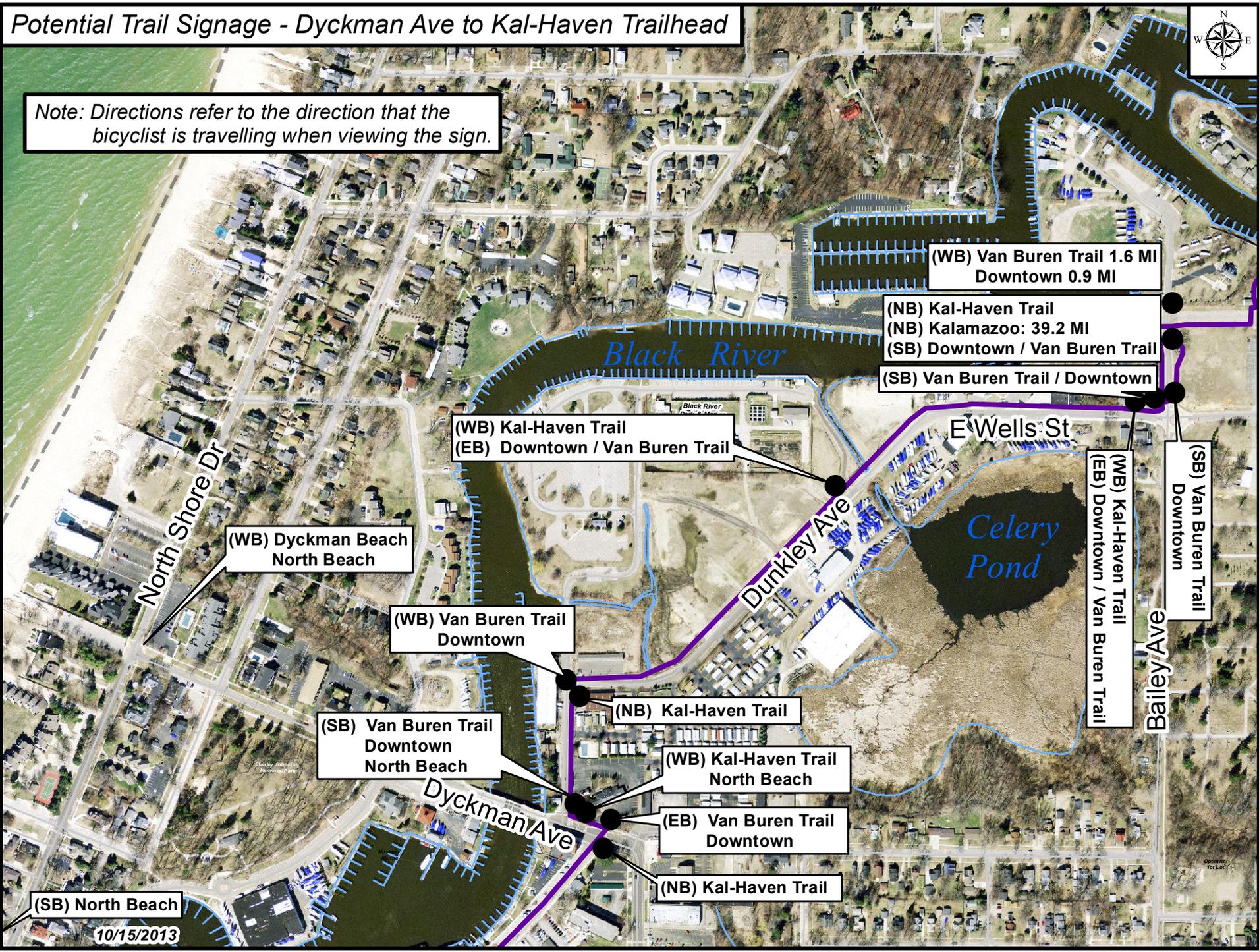
Item	Unit	Qty	Price	Total
Trailhead Signage, 1 Destination*	EA	6	\$ 287.70	\$ 1,726.20
Trailhead Signage, 2 Destination	EA	12	\$ 287.70	\$ 3,452.40
Trailhead Signage, 3 Destination	EA	6	\$ 325.50	\$ 1,953.00
Post Hole Through Conc for Steel Post	EA	7	\$ 126.00	\$ 882.00
Post Hole Through Conc for Wood Post	EA	7	\$ 126.00	\$ 882.00
			<b>Subtotal</b>	<b>\$ 8,895.60</b>
			<b>Contingency (20%)</b>	<b>\$ 1,800.00</b>
			<b>Total</b>	<b>\$ 10,695.60</b>

\* 1 Destination not bid thru Van Buren Trail. Assumed cost of 2 Destination

# Potential Trail Signage - Dyckman Ave to Kal-Haven Trailhead



Note: Directions refer to the direction that the bicyclist is travelling when viewing the sign.



(WB) Van Buren Trail 1.6 MI  
Downtown 0.9 MI

(NB) Kal-Haven Trail  
(NB) Kalamazoo: 39.2 MI  
(SB) Downtown / Van Buren Trail  
(SB) Van Buren Trail / Downtown

(WB) Kal-Haven Trail  
(EB) Downtown / Van Buren Trail

(WB) Dyckman Beach  
North Beach

(WB) Van Buren Trail  
Downtown

(SB) Van Buren Trail  
Downtown  
(WB) Kal-Haven Trail  
(EB) Downtown / Van Buren Trail

(NB) Kal-Haven Trail

(SB) Van Buren Trail  
Downtown  
North Beach

(WB) Kal-Haven Trail  
North Beach

(EB) Van Buren Trail  
Downtown

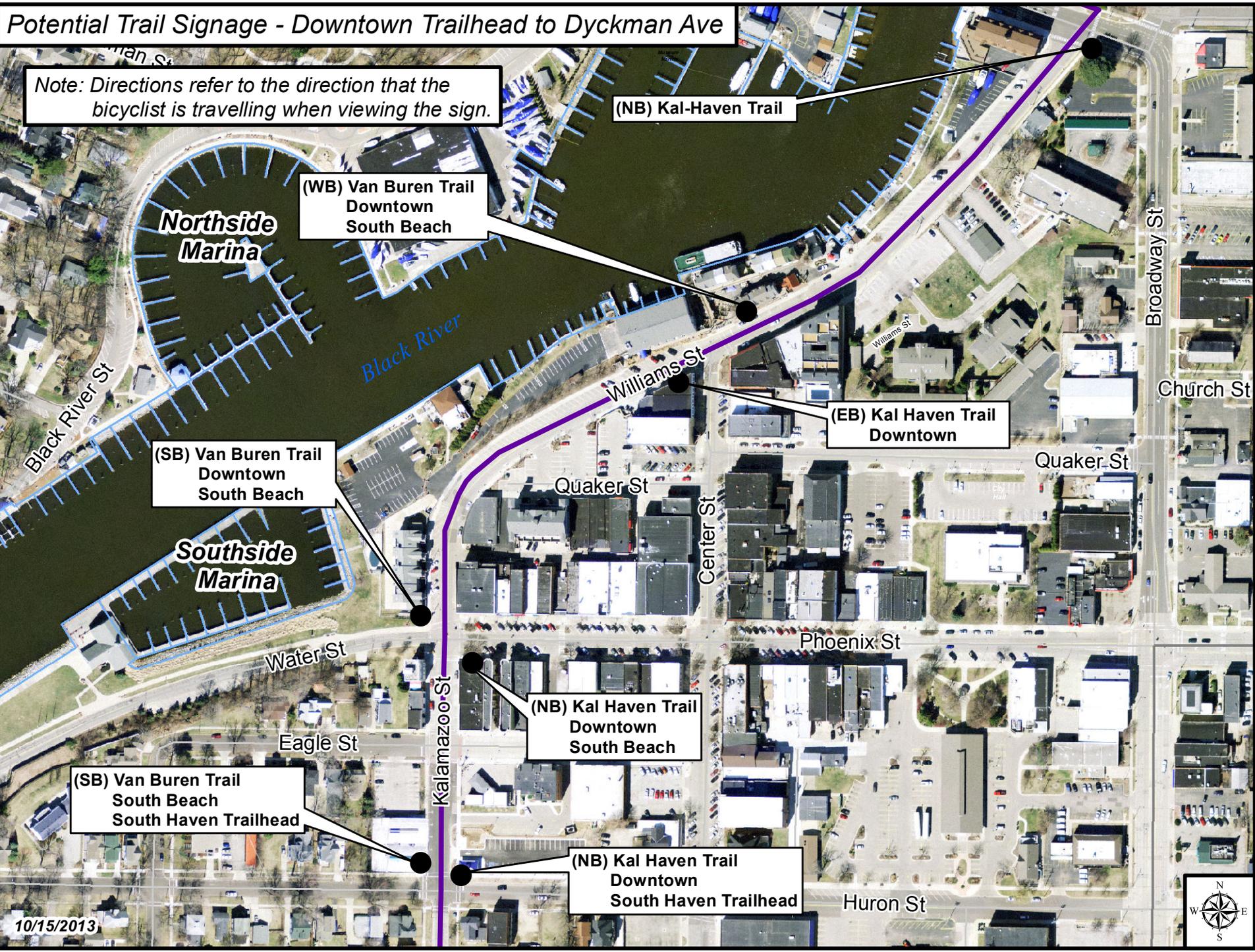
(NB) Kal-Haven Trail

(SB) North Beach

10/15/2013

# Potential Trail Signage - Downtown Trailhead to Dyckman Ave

Note: Directions refer to the direction that the bicyclist is travelling when viewing the sign.



(WB) Van Buren Trail  
Downtown  
South Beach

(NB) Kal-Haven Trail

Northside  
Marina

(SB) Van Buren Trail  
Downtown  
South Beach

(EB) Kal Haven Trail  
Downtown

Southside  
Marina

(NB) Kal Haven Trail  
Downtown  
South Beach

(SB) Van Buren Trail  
South Beach  
South Haven Trailhead

(NB) Kal Haven Trail  
Downtown  
South Haven Trailhead

10/15/2013



CITY OF SOUTH HAVEN  
FY 2014  
BUDGET ADJUSTMENT

**General Fund (Fund 101):**

Account	Fund	Activity	Description	Rev/Exp	Increase	Decrease	
101-965-999-401	General Fund	Transfer Out	Van Buren Trail Project	Expense	105,725		Add'l funding for Maple St
					105,725	-	<b>105,725</b> Net Increase in Expense
							<b>(105,725)</b> Net Change charged to Fund Balance

**Capital Projects-1 Fund (Fund 401):**

Account	Fund	Activity	Description	Rev/Exp	Increase	Decrease	
401-000-699-101	Capital Projects - 1	Transfer In	Van Buren Trail Project	Revenue	105,725		<b>105,725</b> Net Increase in Revenue
401-751-972-000	Capital Projects - 1	Parks	Van Buren Trail Project	Expense	105,725		<b>105,725</b> Net Increase in Expense

**Adjust original 2014 Budget for Van Buren Trail Project in accordance with bids**

- Net Change charged to Fund Balance

Project cost estimates	\$ 447,425
Add'l Signage	\$ 10,700
	\$ 458,125
FY 2014 Orig Budget	\$ (352,400)
	\$ 105,725

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PROPOSED OVERALL TRAIL IMPROVEMENTS
3	STANDARD DETAILS & NOTES
4	EXISTING AND PROPOSED CROSS SECTIONS
5	PROPOSED TRAIL STA. 0+04 TO 5+00
6	PROPOSED TRAIL STA. 5+00 TO 10+00
7	PROPOSED TRAIL STA. 10+00 TO 14+25
8	PROPOSED TRAIL STA. 14+25 TO 19+00
9	PROPOSED TRAIL STA. 19+00 TO 24+25
10	PROPOSED TRAIL STA. 24+25 TO 29+62
11	MAPLE STREET SIDEWALK AND GRADING DETAILS
12	TRAILHEAD REMOVAL PLAN
13	TRAILHEAD PROPOSED PLAN
14	TRAIL SIGNAGE

# CITY OF SOUTH HAVEN VAN BUREN TRAIL CONNECTION DEVELOPMENT SOUTH HAVEN, MI

## CITY OF SOUTH HAVEN OFFICIALS

MAYOR	ROBERT BURR
CITY COUNCIL MEMBER - WARD ONE	GAIL PATTERSON
CITY COUNCIL MEMBER - WARD ONE	VICKIY KOZLIK WALL
CITY COUNCIL MEMBER - WARD TWO	JEFF ARNOLD
CITY COUNCIL MEMBER - WARD TWO	CLARK GRUBER
CITY COUNCIL MEMBER - WARD THREE	ANDY KLAVINS
CITY COUNCIL MEMBER - WARD THREE	SUZIE FITZGIBBON
CITY MANAGER	BRIAN DISSETTE
CITY ENGINEER	LARRY HALBERSTADT, PE

## MDOT STANDARD PLAN SERIES

R-1	DRAINAGE STRUCTURES
R-7	COVER B
R-15	COVER K
R-18	COVER Q
R-28	SIDEWALK RAMP AND DETECTABLE WARNING DETAILS
R-29	DRIVEWAY OPENINGS & APPROACHES AND CONCRETE SIDEWALKS
R-30	CONCRETE CURB AND CONCRETE CURB & GUTTER
R-96	SOIL EROSION & SEDIMENTATION CONTROL MEASURES
R-100	SEEDING AND TREE PLANTING

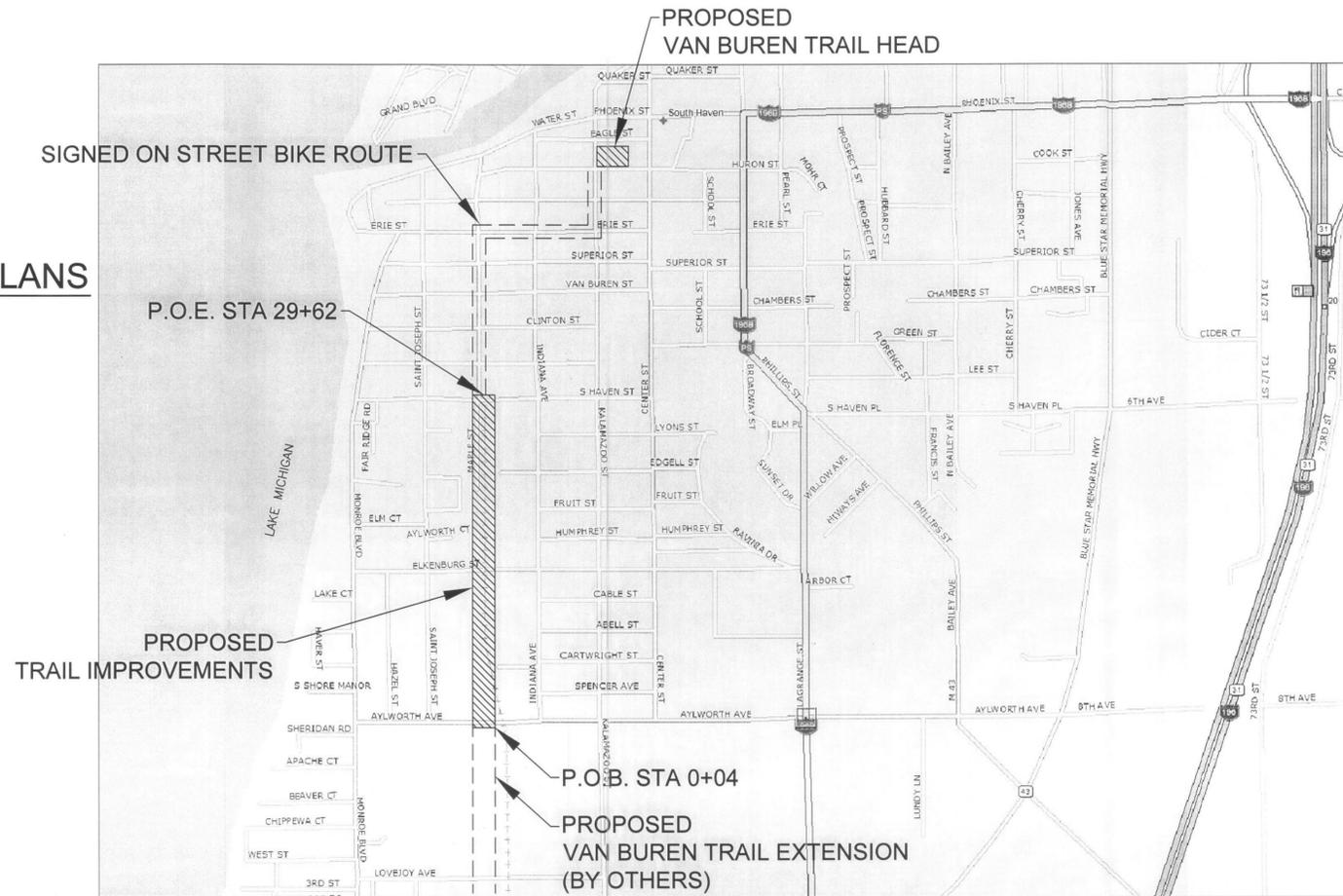
## TRAFFIC AND SAFETY STANDARD PLANS

WZD-100-A	GROUND DRIVEN SIGN SUPPORTS FOR TEMPORARY SIGNS *
WZD-125-E	TEMPORARY TRAFFIC CONTROL DEVICES*

\* DENOTES SPECIAL DETAIL



COUNTY KEY



PROJECT LOCATION MAP

NOT TO SCALE

## LOCAL UTILITIES

**GAS:**  
MICHIGAN GAS UTILITIES  
SCOTT PURUCKER  
711 STARLITE DR.  
BENTON HARBOR, MI 49022  
(269) 927-5531

**SEWER & WATER:**  
CITY OF SOUTH HAVEN  
PUBLIC WORKS  
RON DOTSON  
1199 8TH AVENUE  
SOUTH HAVEN, MI 49090  
(269) 637-0719

**ELECTRIC:**  
CITY OF SOUTH HAVEN  
ELECTRIC DEPT.  
JIM PEZZUTO  
1199 8TH AVENUE  
SOUTH HAVEN, MI 49090  
(269) 637-0756

**CABLE:**  
COMCAST  
JOE SCHOPF  
11921 EAST M-89  
RICHLAND, MI 49083  
(269) 203-7199

**TELEPHONE:**  
FRONTIER COMMUNICATIONS  
MIKE KARLE  
601 N. US-131  
THREE RIVERS, MI 49093  
(269) 273-0383

**INTERNET:**  
BLOOMINGDALE COMMUNICATIONS  
P.O. BOX 187  
101 W. KALAMAZOO STREET  
BLOOMINGDALE, MI 49026  
MR. DAN KEY  
(269) 521-7300  
DKEY@BLOOMINGDALECOM.NET

MERIT NETWORK INC.  
1000 OAKBROOK DRIVE, SUITE 200  
ANN ARBOR, MI 48104-6794  
(734) 527-5700  
WWW.MERIT.EDU

## CALL MISS DIG

1-800-482-7171 OR 811

FOR PROTECTION OF THE UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF THREE FULL WORKING DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS PRIOR TO BEGINNING CONSTRUCTION OPERATIONS. MEMBERS WILL BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE PART OF THE "MISS DIG" ALERT SYSTEM.

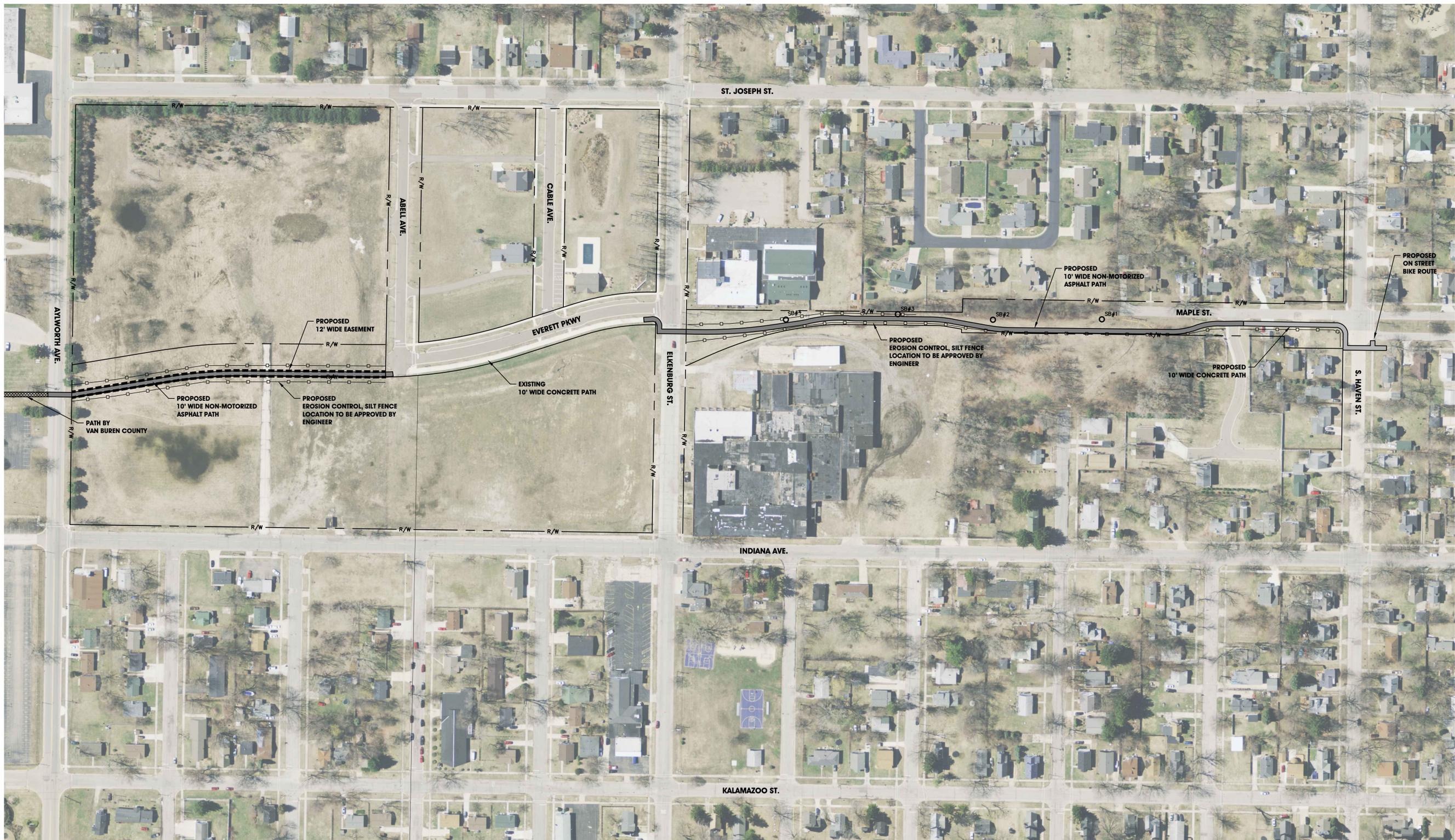


Know what's below.  
Call before you dig.

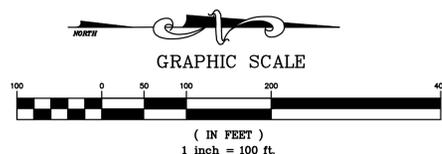


*9-12/20/13*





SOIL BORING INFORMATION		
SB - 1	0" - 3" 3" - 36"	TOPSOIL - BLACK FINE TO MEDIUM SAND, TRACE SILT - BROWNISH ORANGE GROUNDWATER AT 14" AFTER COMPLETION OF BORING
SB - 2	0" - 6" 3" - 36"	TOPSOIL - BLACK MEDIUM TO COARSE GRAVEL (MILLINGS) - BLACK
SB - 3	0" - 6" 6" - 22" 22" - 36"	TOPSOIL - BLACK FINE TO MEDIUM SAND - BLACK FINE SAND - LIGHT BROWN GROUNDWATER AT 20" AFTER COMPLETION OF BORING
SB - 4	0" - 6" 6" - 18" 18" - 36"	TOPSOIL - BLACK FINE TO MEDIUM SAND, TRACE GRAVEL - BLACK FINE TO MEDIUM SAND - BROWN



**CITY OF SOUTH HAVEN  
 VAN BUREN TRAIL  
 CONNECTION DEVELOPMENT  
 SOUTH HAVEN, MI**

**PROPOSED OVERALL  
 TRAIL IMPROVEMENTS**

PROJECT:  
 SHEET TITLE:  
 DRAWN BY: **SCR/DJL**  
 DESIGNED BY: **JWM**  
 PM REVIEW: **TRD**  
 QA/QC REVIEW: **TRT**  
 DATE: **DECEMBER 2013**  
 SEAL:

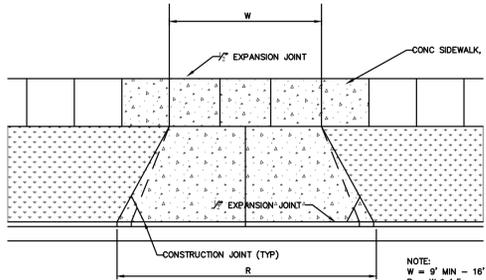
SIGNATURE:  
 DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES

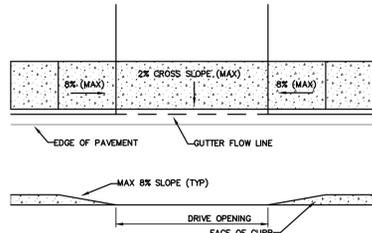
SCALE:  
 HORIZ: **1"=100'**  
 VERT: **N/A**

ACI JOB #  
**13-0351**  
 SHEET NO.

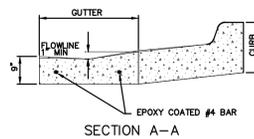
E:\CIVIL\307603\_20131205\13-0351 VAN BUREN TRAIL\13-0351-001.dwg, 2:12/28/2013 2:34:06 PM, 1:1



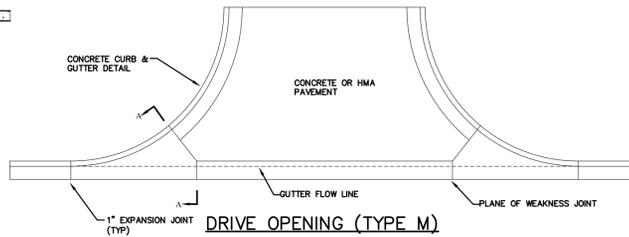
RESIDENTIAL DRIVE OPENING



RESIDENTIAL DRIVE OPENING (SIDEWALK ABUTTING CURB)



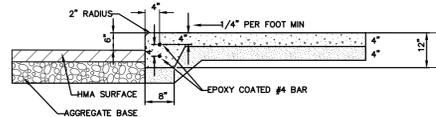
SECTION A-A



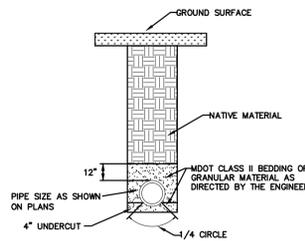
DRIVE OPENING (TYPE M)



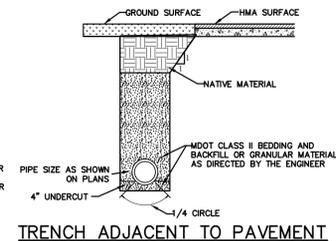
SIDEWALK DETAIL



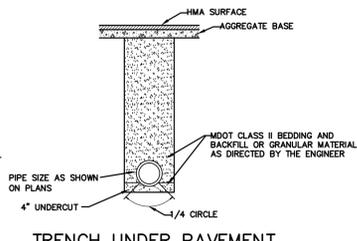
THICKENED SIDEWALK DETAIL



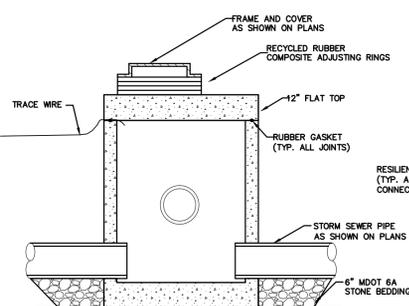
TRENCH IN OPEN FIELD  
TRENCH DETAIL 1



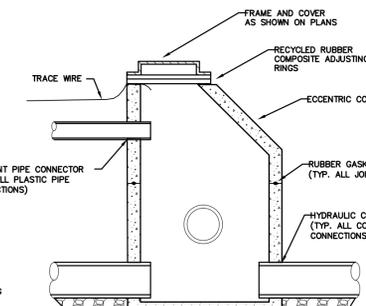
TRENCH ADJACENT TO PAVEMENT  
TRENCH DETAIL 1.5



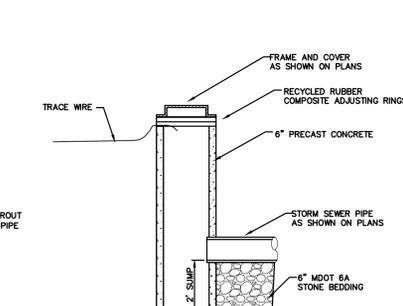
TRENCH UNDER PAVEMENT  
TRENCH DET 2



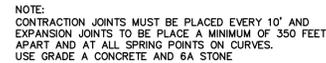
STORM MANHOLE (FLAT TOP)



STORM MANHOLE (CONE)



24\"/> CATCH BASIN



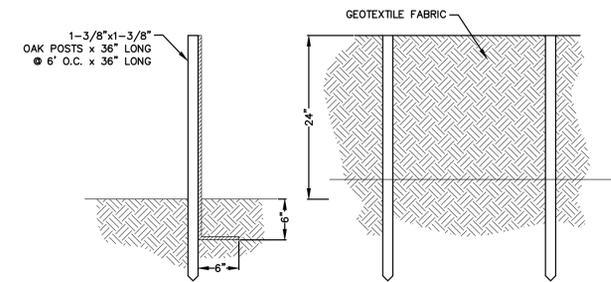
CONCRETE CURB DETAIL D2, MODIFIED  
NOT TO SCALE

STANDARD LEGEND

- CB = CATCH BASIN
- CC = CURB CATCH BASIN
- E = ELECTRIC LOCATION
- EMH = ELECTRIC MANHOLE
- EM = ELECTRIC METER
- FL = FIRE HYDRANT
- FP = FLAG POLE
- FMON = FOUND MONUMENT
- FIP = FOUND IRON PIPE
- FIR = FOUND IRON ROD
- FX = FOUND X
- GL = GAS LOCATION
- GSMH = GAS MANHOLE
- GM = GAS METER
- GV = GAS VALVE
- GMH = GENERAL MANHOLE
- GP = GUARD POST
- GR = GUARDRAIL
- GPI = GUY POLE
- GP = GUY WIRE
- LP = LIGHT POLE
- PP = POWER POLE
- PP/D = POWER POLE W/DROP
- SC = SANITARY CLEANOUT
- SMH = SANITARY MANHOLE
- SIR = SET IRON ROD
- SP = SIGN POST
- SBL = SOIL BORING LOCATION
- SMH = STORM MANHOLE
- SS = STREET SIGN
- T = TELEPHONE LOCATION
- TMH = TELEPHONE MANHOLE
- TP = TELEPHONE POLE
- TP = TELEPHONE PEDESTAL
- TS = TRAFFIC SIGN
- UP = UTILITY POLE
- UP/D = UTILITY POLE W/DROP
- UP/A = UTILITY POLE W/STREET LIGHT
- WS = WATER CURB STOP
- WL = WATER LOCATION
- WMH = WATER MANHOLE
- WM = WATER METER
- WV = WATER VALVE
- W = EXISTING WATER MAIN
- SS = EXISTING SANITARY SEWER
- SS = EXISTING STORM SEWER
- OC = OVERHEAD UTILITIES
- G = GAS MAIN/LINE
- T = BURIED TELEPHONE
- FOC = BURIED FIBER OPTIC
- E = ELECTRICAL
- BE = BURIED ELECTRICAL
- CF = CHAINLINK FENCE
- WF = WIRE FENCE
- WF = WOOD FENCE
- PW = PROP WATER MAIN
- WS = PROP WATER SERVICE
- SS = PROP SANITARY SERVICE
- R/W = RIGHT OF WAY
- X = UTILITY REMOVAL

GENERAL NOTES:

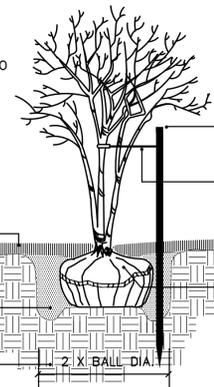
1. CITY OF SOUTH HAVEN STANDARD CONSTRUCTION SPECIFICATIONS, AND MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2012 EDITION SHALL PREVAIL, UNLESS INDICATED OTHERWISE.
2. THREE WORKING DAYS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL REQUEST THE LOCATIONS OF ALL UTILITIES BY CALLING MISS DIG.
3. A MINIMUM OF 18" VERTICAL CLEARANCE IS REQUIRED WHERE:
  - A. WATER MAIN AND SANITARY SEWER CROSS
  - B. WATER MAIN AND STORM SEWER CROSS
  - C. STORM AND SANITARY SEWER CROSS UNLESS OTHERWISE SPECIFIED.
4. ANY EXCESS/UNSUITABLE MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND THEY SHALL BE RESPONSIBLE FOR THE PROPER DISPOSAL OF THIS MATERIAL.
5. DEWATERING, IF REQUIRED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND NO EXTRA PAYMENT SHALL BE MADE THEREFOR.
6. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH "AS-RECORDED" DRAWINGS UPON COMPLETION OF THE PROJECT.
7. THE ENGINEER SHALL PROVIDE CONSTRUCTION STAKING AS DEFINED IN THE SPECIFICATIONS.
8. TREES NOT DESIGNATED FOR REMOVAL SHALL BE PROTECTED BY THE CONTRACTOR. DAMAGED TREES SHALL BE RESTORED TO THE ORIGINAL CONDITION AT THE CONTRACTORS EXPENSE. ALL TREES DAMAGED BEYOND SAVING AS DETERMINED BY THE ENGINEER SHALL BE REMOVED AND REPLACED WITH A NURSERY GROWN TREE AS SPECIFIED BY THE ENGINEER.
9. REMOVED MANHOLE COVERS AND RIMS SHALL BECOME THE PROPERTY OF THE CITY OF SOUTH HAVEN AND SHALL BE DELIVERED TO THE CITY DEPT. OF PUBLIC WORKS AREA.
10. REMOVAL OF ABANDONED CONFLICTING UTILITIES SHALL BE CONSIDERED INCLUDED WITH THE ITEM BEING CONSTRUCTED, INCLUDING BULKHEADING ALL PIPES 12" DIA. OR LESS (PIPES IN EXCESS OF 12" DIA. SHALL BE PAID FOR AS A SEWER BULKHEAD).
11. PAY ITEM "DR STRUCTURE, REM" SHALL INCLUDE REMOVAL OF MANHOLES FOR ANY TYPE OF UTILITY.
12. FITTINGS, PIPE EXTENSIONS AND APPURTENANCES NECESSARY TO CONNECT EXISTING PIPES TO PROPOSED MANHOLES, SHALL BE INCLUDED IN THE UNIT PRICE FOR THE PROPOSED STRUCTURE.
13. WHERE CONCRETE SIDEWALK IS ADJACENT TO THE BACK OF CURB, A 1/2" EXPANSION JOINT SHALL BE PLACED BETWEEN THE CURB AND SIDEWALK. PAYMENT IS INCLUDED IN CONCRETE SIDEWALK.
14. MANHOLE CASTINGS SHALL HAVE STORM SEWER, SANITARY SEWER OR WATER CAST ON STRUCTURE COVER AS APPLICABLE.
15. BACKFILL MATERIAL WITHIN THE ZONE OF INFLUENCE OF A ROADWAY SHALL BE CLASS II SAND COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DRY DENSITY IN 12" MAXIMUM LIFTS.
16. PAVEMENT DESIGNATED FOR REMOVAL SHALL BE SAWCUT FULL DEPTH AT REMOVAL LIMITS PRIOR TO REMOVAL.
17. PAVT, REM, MODIFIED SHALL INCLUDE FULL DEPTH PAVEMENT REMOVAL REGARDLESS OF MATERIAL OR DEPTH. SEE EXISTING SECTIONS FOR EXISTING PAVEMENT INFORMATION.
18. 4 INCH SAND SUBBASE SHALL BE INSTALLED BENEATH ALL CONCRETE ITEMS. PAYMENT SHALL BE INCLUDED IN CONCRETE ITEM BEING CONSTRUCTED.
19. ALL EXCAVATION, GRADING, AND FILL SHALL BE INCLUDED IN "SHARED PATH, GRADING". UNSUITABLE CONTAMINATED MATERIAL SHALL BE REMOVED FROM SITE AND WILL BE PAID FOR AS "NON HAZ CONTAMINATED MATERIAL HANDLING AND DISPOSAL, LM".
20. LANDSCAPE FABRIC FOR WARNING LAYER SHALL BE PRO SILVER (HANES GEO COMPONENTS) OR EQUAL AND SHALL BE NON-DEGRADABLE AND INSTALLED TO MANUFACTURER'S RECOMMENDATIONS.
21. TRAFX G3 COUNTER SYSTEM SHALL BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS AT LOCATIONS SHOWN ON THE PLANS. THE COUNTERS SHALL BE MOUNTED TO WOODEN POSTS OR EQUIVALENT. ALL WORK ASSOCIATED IN SUPPLYING COUNTER MECHANISM AND INSTALLING SHALL BE INCLUDED IN THE UNIT PRICE BID FOR TRAFX G3 COUNTER SYSTEM.
22. PRIOR TO CONSTRUCTION ACTIVITIES, A SITE-SPECIFIC HEALTH AND SAFETY PLAN MUST BE IMPLEMENTED (FOR THE EVERETT PARKWAY DEVELOPMENT SITE, 1070 INDIANA AVENUE). ALL CONTRACTORS WILL BE REQUIRED TO PROVIDE SIGNED AND DATED SUBMITTALS PRIOR TO WORKERS BEING PERMITTED ON SITE. A COPY OF THE EXISTING EXECUTIVE SUMMARY FOR THE INTERIM RESPONSE DESIGNED TO MEET CRITERIA (RDC) CAN BE MADE AVAILABLE UPON REQUEST. THE CONTRACTOR SHALL INCLUDE IN OTHER PRICES OF WORK THE PROPER PERSONAL PROTECTIVE EQUIPMENT (PPE) AND PROCEDURES TO PROPERLY WORK IN THIS AREA.
23. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT FROM THE VAN BUREN COUNTY DRAIN COMMISSIONER'S OFFICE.
24. CONTRACTOR SHALL INCLUDE 3 WATERING AND CULTIVATING OPERATIONS AFTER RESTORATION IS COMPLETED FOR ALL SITE RESTORATION AND PLANTINGS. PAYMENT FOR WATER AND CULTIVATING SHALL BE INCLUDED IN THE UNIT PRICE BID IN SEEDING AND PLANTING PAY ITEMS.
25. DETECTABLE WARNING PLATES SHALL BE CAST IRON.



SILT FENCE  
NOT TO SCALE

NOTE:

- GUY WIRING/STAKING MAY BE DELETED IF TREE IS STABLE W/O
- STAKE TO FIRST BRANCHES AS NECESSARY FOR FIRM SUPPORT
- STAKE ON PREDOMINANT WINDWARD SIDE
- WIRE SHALL NOT TOUCH OR RUB ADJACENT TRUNKS OR BRANCHES



MULTI-STEM TREE PLANTING SECTION  
NOT TO SCALE

NOTE: STAKE AND FLAG EVERGREEN TREES AS REQUIRED TO PROVIDE STABILITY

2" X 2" HARDWOOD STAKES DRIVEN FIRMLY A MINIMUM OF 18" INTO THE SUBGRADE PRIOR TO BACKFILLING

2 STRAND 12 GAUGE GALV. WIRE TWISTED AND ENCASED IN RUBBER HOSE 6 - 9" FROM TOP OF STAKE

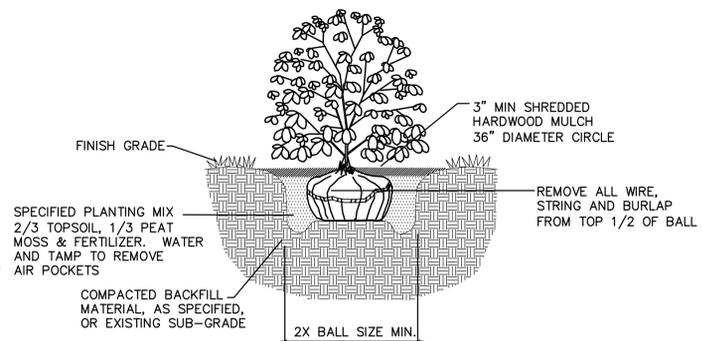
2 WIRE SUPPORTS SHALL BE USED ON MAIN STRUCTURAL BRANCHES

REMOVE ALL WIRE, STRING AND BURLAP FROM TOP OF BALL

SHREDDED HARDWOOD MULCH, 3" DEPTH, 36" DIAMETER CIRCLE

SPECIFIED PLANTING MIX WATER & TAMP TO REMOVE AIR POCKETS

COMPACTED BACKFILL OR EXISTING SUB-GRADE



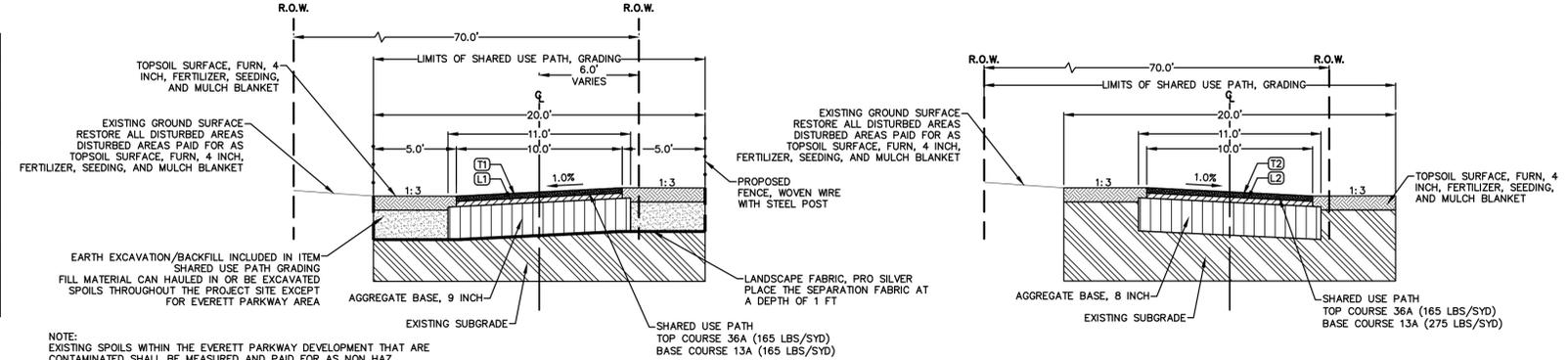
SHRUB PLANTING DETAIL  
NOT TO SCALE

E:\CIVIL\DRAWING\2013\14\031 VAN BUREN TRAIL CONNECTION DEVELOPMENT.dwg, 3/12/2013 1:24:08 PM, d:\jwm, 1:1

HATCH LEGEND	
	HMA, 36A (TOP COURSE)
	HMA, 13A (LEVELING COURSE)
	AGGREGATE BASE, 8 INCH
	SUBBASE, CIP
	CONCRETE

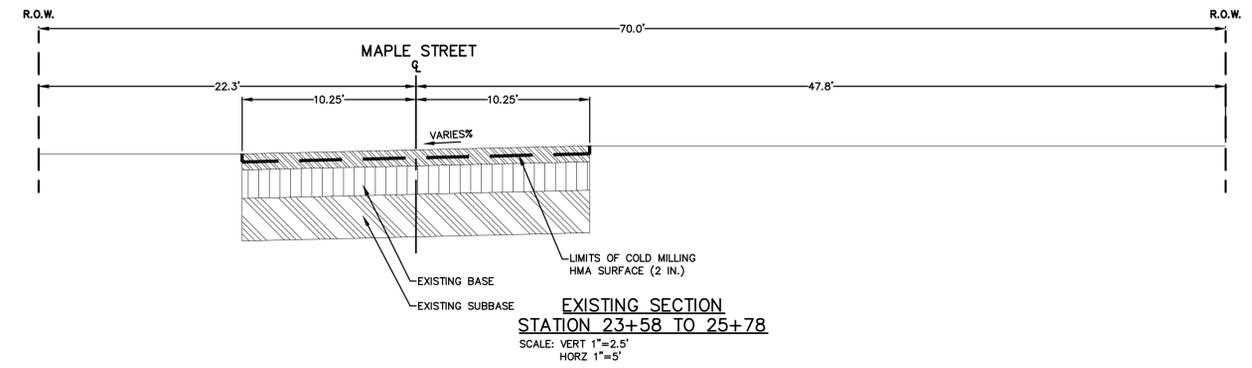
HMA APPLICATION TABLE					
IDENTIFICATION NO.	MIXTURE	RATE (LBS/SYD)	PERFORMANCE GRADE	TYPE	PAY ITEM
T1	HMA, 36A	165	58 - 28	WEARING COURSE (AM=260)	Shared use Path, HMA
L1	HMA, 13A	165	58 - 28	LEVELING COURSE	Shared use Path, HMA
T2	HMA, 36A	165	58 - 28	WEARING COURSE (AM=260)	Shared use Path, HMA
L2	HMA, 13A	275	58 - 28	LEVELING COURSE	Shared use Path, HMA
T3	HMA, 36A	220	58 - 28	WEARING COURSE (AM=260)	HMA, 36A
L3	HMA, 13A	220	58 - 28	LEVELING COURSE	HMA, 13A

\* HMA BOND COAT 0.10 GAL/SYD REQUIRED BETWEEN ASPHALT LIFTS. (NOT A PAY ITEM)  
 ALL HMA WILL BE PAID AS THEIR RESPECTIVE ITEMS.  
 INTERSECTIONS WILL BE PAID FOR AS MAINLINE PAVING AND NOT HMA APPROACH.

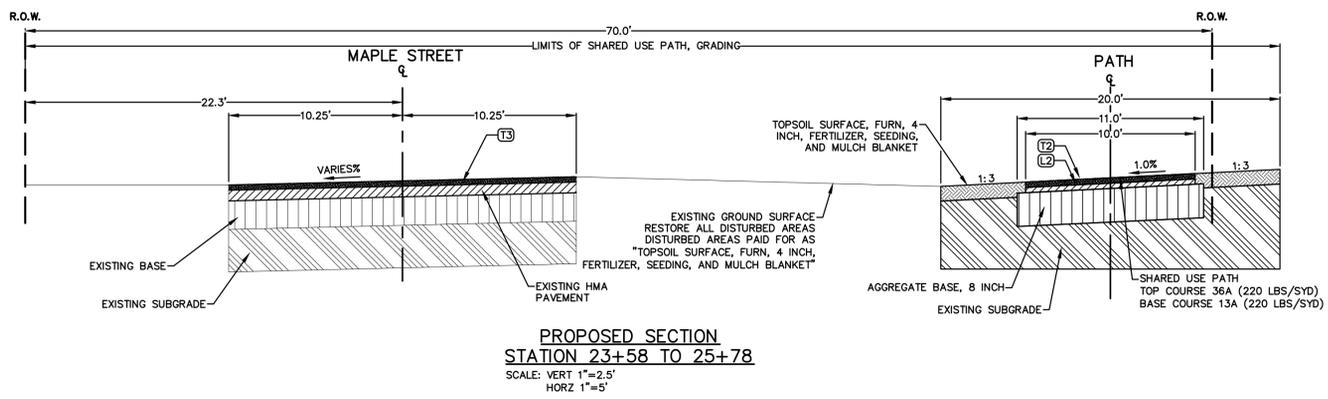


**PROPOSED CROSS SECTION**  
**STATION 0+50 (P.O.B.) TO 7+50**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'

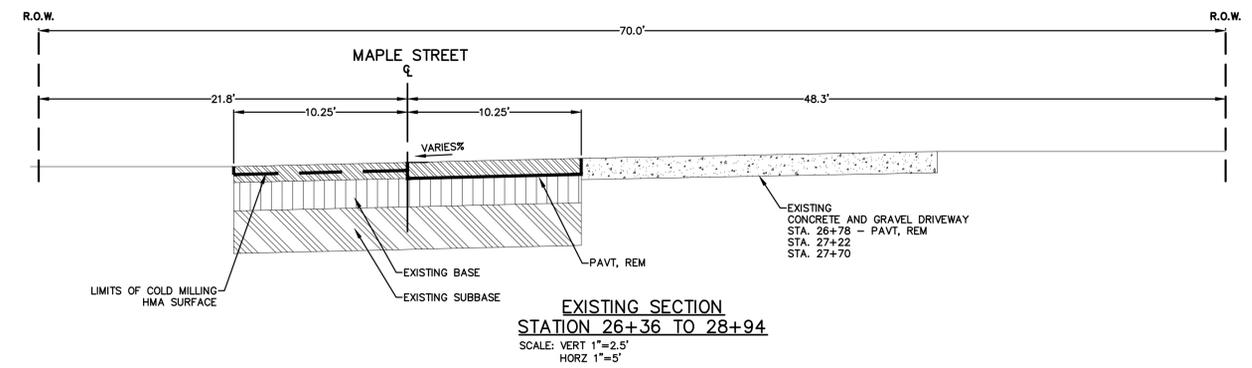
**PROPOSED CROSS SECTION**  
**STATION 14+23 TO 23+58**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'



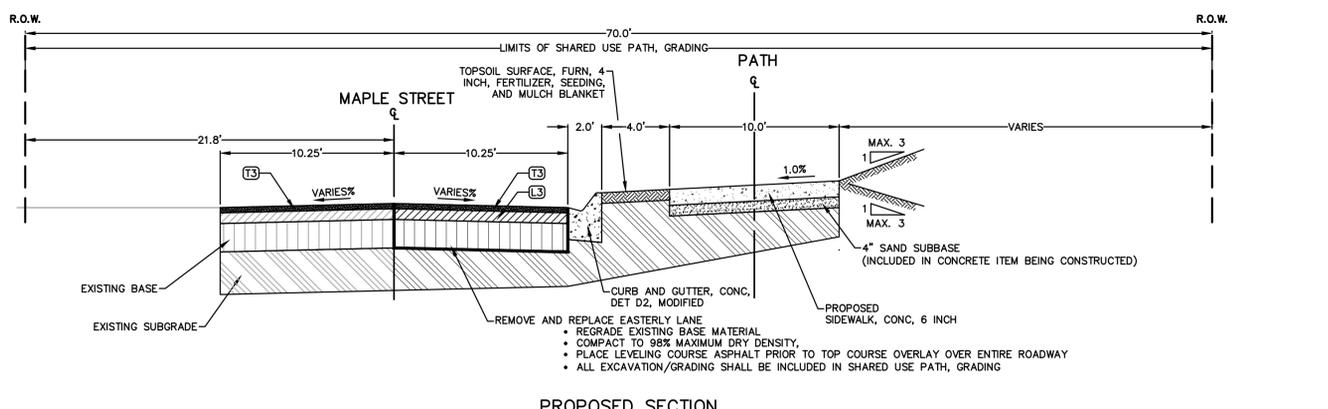
**EXISTING SECTION**  
**STATION 23+58 TO 25+78**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'



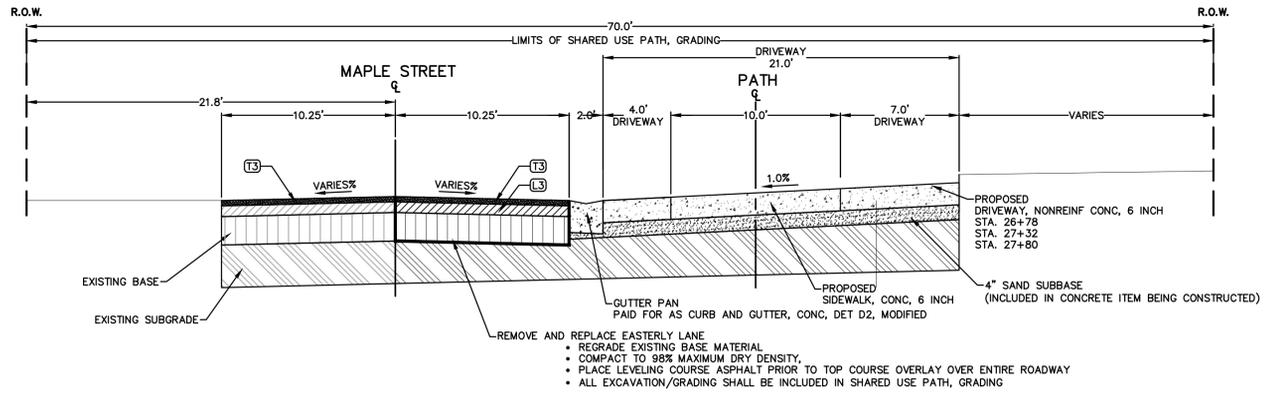
**PROPOSED SECTION**  
**STATION 23+58 TO 25+78**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'



**EXISTING SECTION**  
**STATION 26+36 TO 28+94**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'

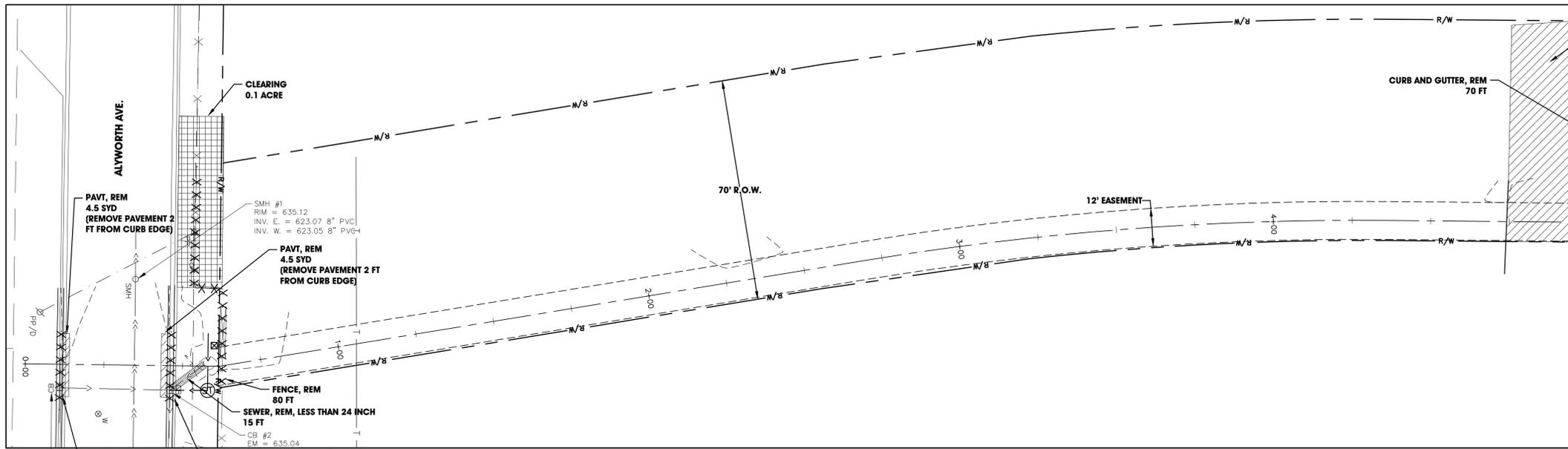


**PROPOSED SECTION**  
**STATION 26+36 TO 28+94**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'

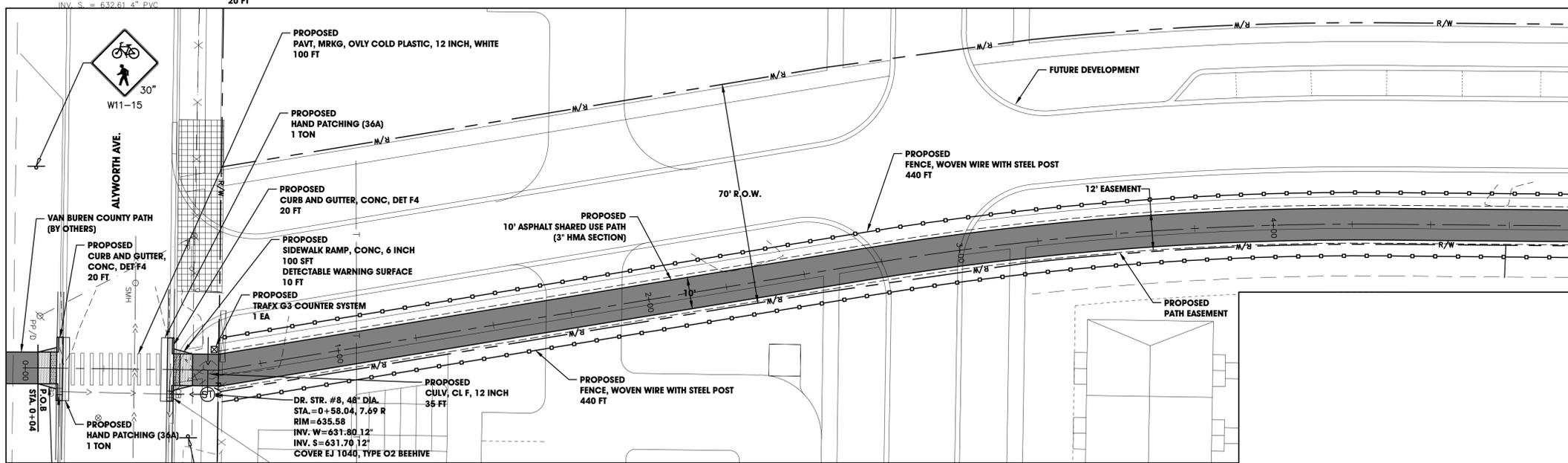


**PROPOSED DRIVEWAY SECTION**  
**STATIONS 26+78, 27+32, 27+80**  
 SCALE: VERT 1"=2.5'  
 HORZ 1"=5'

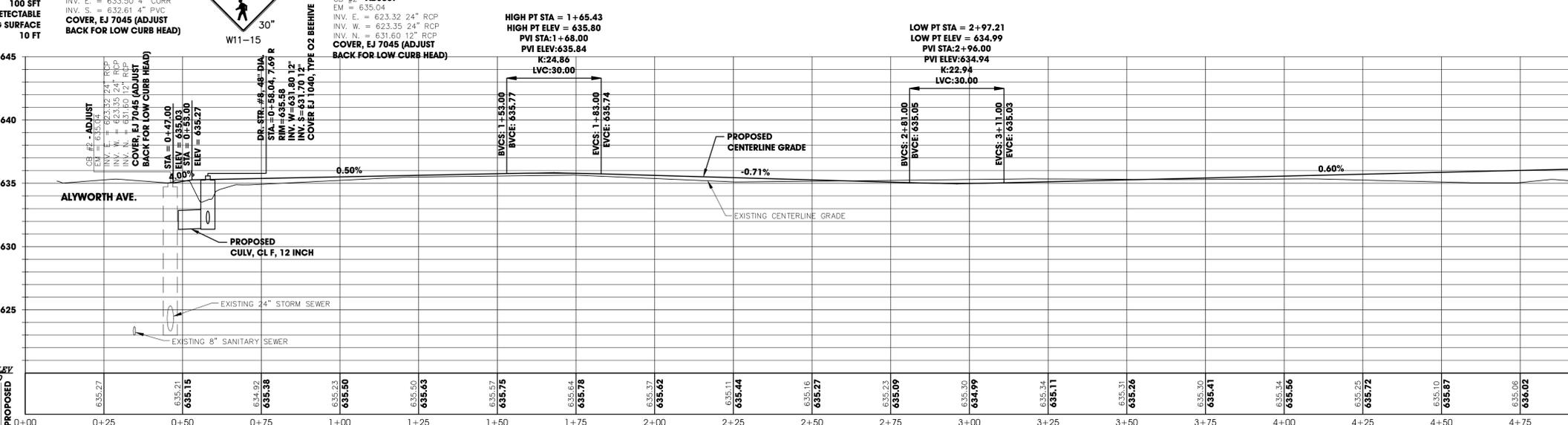
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**REMOVAL PLAN**  
SCALE: 1"=20'



**PROPOSED PLAN**  
SCALE: 1"=20'

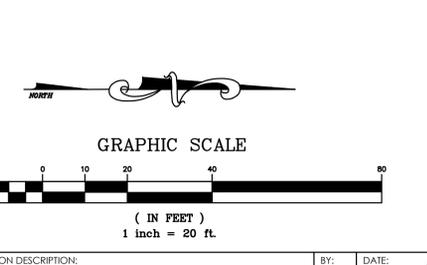


Item Description	Unit	Sht 5 Quantity
Clearing	Acre	0.10
Sewer, Rem, Less than 24 inch	Ft	15
Curb and Gutter, Rem	Ft	110
Fence, Rem	Ft	80
Pavt, Rem	Syd	9
Non Haz Contaminated Material Handling and Disposal, LM	Cyd	330
Hand Patching	Ton	2
Curb and Gutter, Conc, Det F4	Ft	40
Detectable Warning Surface	Ft	20
Sidewalk Ramp, Conc, 6 inch	Sft	200
Shared use Path, Grading	Ft	440
Shared use Path, HMA	Ton	85
Fence, Woven Wire with Steel Post	Ft	880
Post, Steel, 3 lb	Ft	26
Sign, Type III/B	Sft	12.5
Pavt Mrkg, Ovlv Cold Plastic, 12 inch, White	Ft	100
Culv, Cl F, 12 inch	Ft	35
Topsoil Surface, Furn, 4 inch	Syd	600
Trafx G3 Counter System	Ea	1
Landscaping Fabric, Pro Silver	Syd	980
Aggregate Base, 9 inch	Syd	560
Fertilizer, Chemical Nutrient, Cl A	Lb	30
Mulch Blanket	Syd	520
Seeding, Mixture TUF	Lb	30
Fence, Chain Link, 72 inch	Ft	100
Dr Structure Cover, Adj, Case 1	Ea	2
Dr Structure Cover, Type EJ 7045	Ea	2
Structure, Strm, MH, 48 inch Dia	Ea	1
Dr Structure Cover, Type EJ 1040, O2 Beehive	Ea	1

NOTE:  
1. GRADING SWALES AND EXISTING DITCH AT ALYWORTH SHALL BE COMPLETED TO PROVIDE POSITIVE DRAINAGE AND SHALL BE INCLUDED IN OTHER ITEMS OF WORK.

**HATCH LEGEND**

	DRIVEWAY, NONREINF CONC, 6 INCH		SIDEWALK, CONC, 4 INCH
	SIDEWALK, CONC, 6 INCH		PROPOSED ADA TACTILE WARNING AREA
	SIDEWALK, REM		PAVT, REM
	COLD MILLING HMA SURFACE		CURB AND GUTTER, REM
	CLEARING		PROPOSED HMA PAVEMENT
	SEWER, REM		



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**CITY OF SOUTH HAVEN  
VAN BUREN TRAIL  
CONNECTION DEVELOPMENT  
SOUTH HAVEN, MI**

**PROPOSED TRAIL  
STA. 0+04 TO 5+00**

PROJECT:  
SHEET TITLE:  
DRAWN BY: SCR/DJL  
DESIGNED BY: JWM  
PM REVIEW: TRD  
QA/QC REVIEW: TRT  
DATE: DECEMBER 2013  
SEAL:

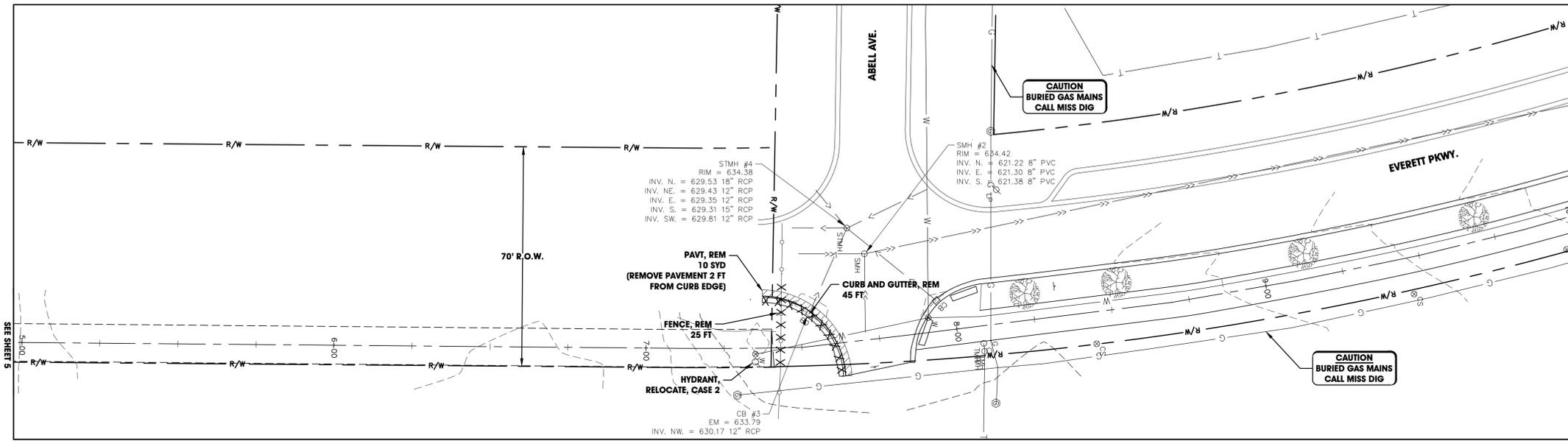
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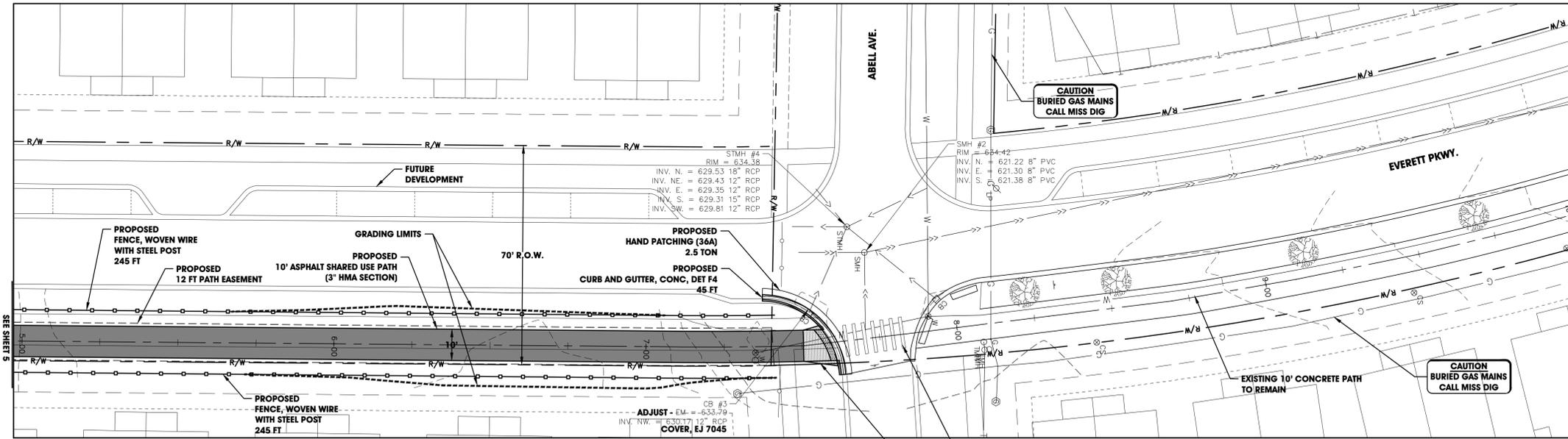
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HORIZ: 1"=20'  
VERT: 1"=5'

ACI JOB # **13-0351**  
SHEET NO. **5 of 14**

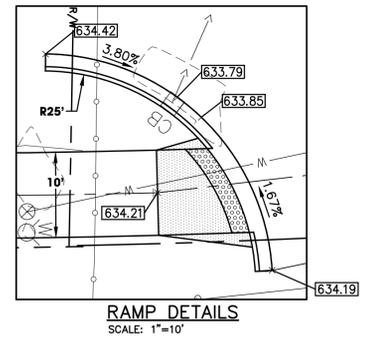
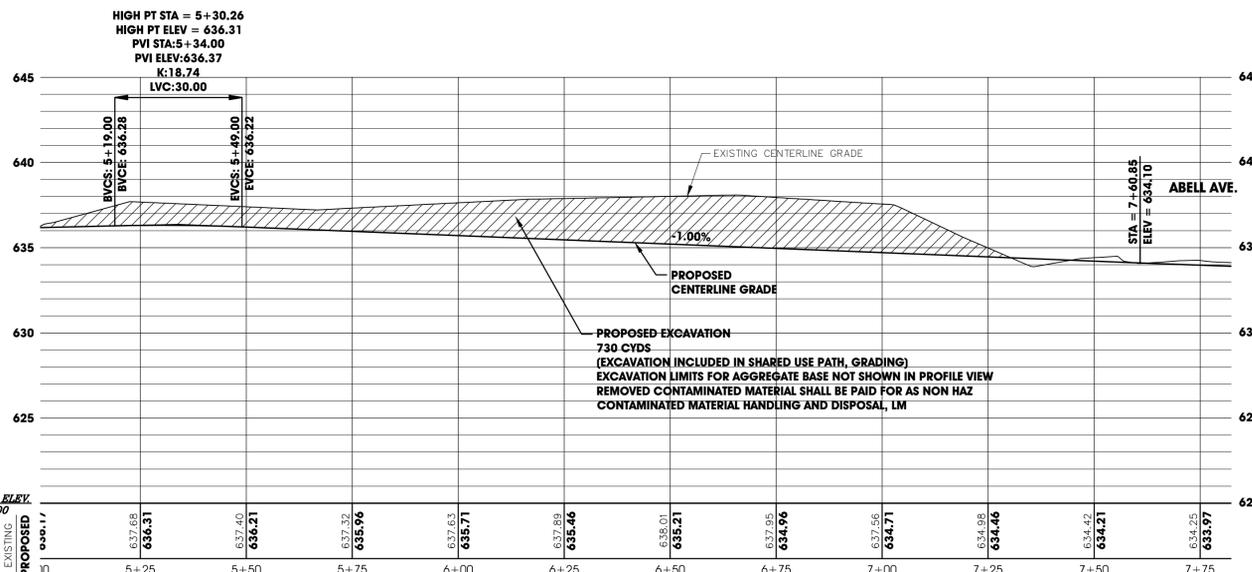
FILE: \\C:\Users\jdm\OneDrive\Documents\Projects\13-0351\13-0351.dwg, 5/12/2013 10:24:34 AM, 11



**REMOVAL PLAN**  
SCALE: 1"=20'



**PROPOSED PLAN**  
SCALE: 1"=20'

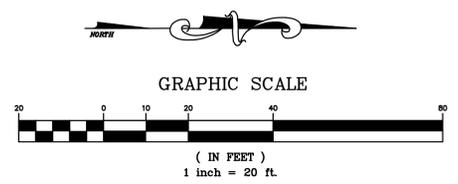


**RAMP DETAILS**  
SCALE: 1"=10'

Item Description	Unit	Sht 6 Quantity
Curb and Gutter, Rem	Ft	45
Fence, Rem	Ft	25
PAVT, Rem	Syd	10
Dr Structure Cover, Adj, Case 1	Ea	1
Hand Patching	Ton	2.5
Curb and Gutter, Conc, Det F4	Ft	45
Detectable Warning Surface	Ft	10
Sidewalk Ramp, Conc, 6 inch	Sft	100
Shared use Path, Grading	Ft	250
Shared use Path, HMA	Ton	48
Fence, Woven Wire with Steel Post	Ft	490
Pavt Mrkg, Ovlv Cold Plastic, 12 inch, White	Ft	70
Hydrant, Relocate, Case 2	Ea	1
Aggregate Base, 9 inch	Cyd	305
Non Haz Contaminated Material Handling and Disposal, LM	Cyd	915
Topsoil Surface, Furn, 4 inch	Syd	350
Landscaping Fabric, Pro Silver	Syd	560
Fertilizer, Chemical Nutrient, CI A	Lb	20
Mulch Blanket	Syd	350
Seeding, Mixture TUF	Lb	20
Fence, Chain Link, 72 inch	Ft	100
Dr Structure Cover, Type EJ 7045	Ea	1

**NOTE:**  
HYDRANT RELOCATION SHALL INCLUDE ALL BENDS, FITTINGS, PIPING, BACKFILL, ETC. AND SHALL BE INSTALLED TO CITY OF SOUTH HAVEN SPECIFICATIONS.

**HATCH LEGEND**

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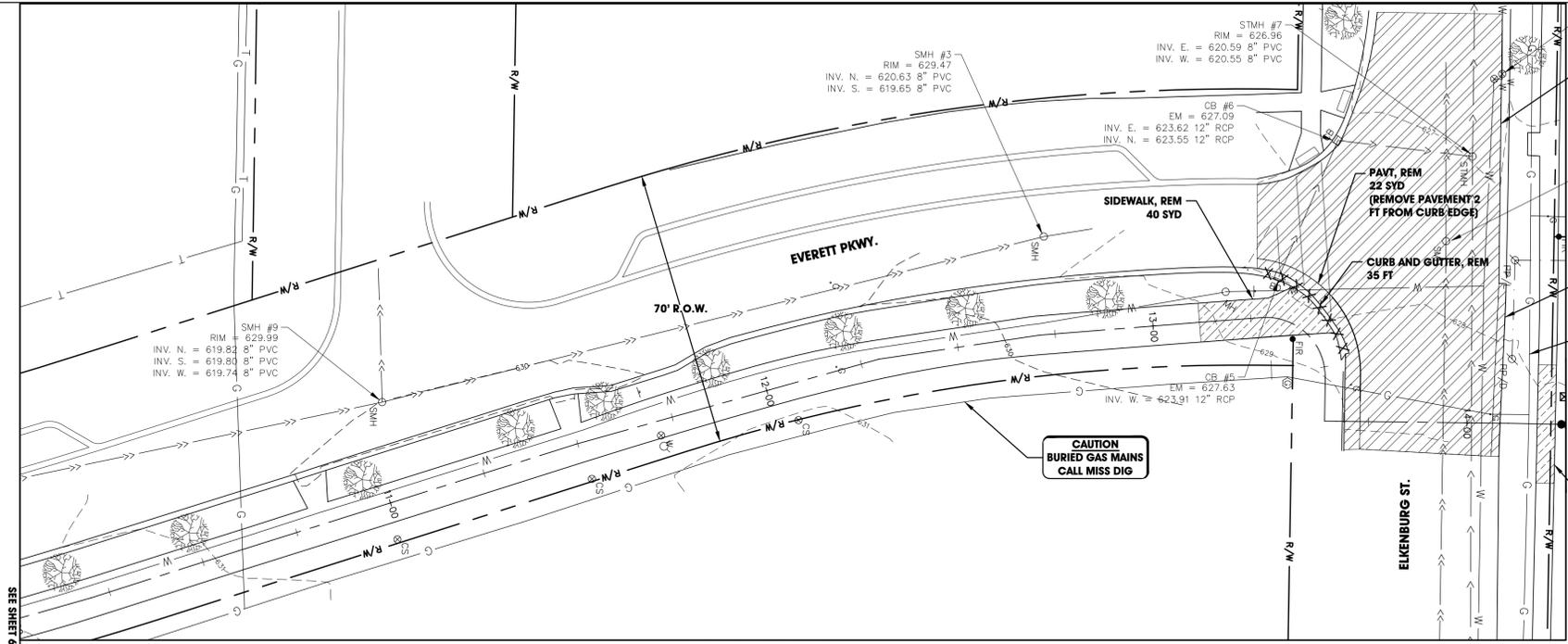
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**CITY OF SOUTH HAVEN  
VAN BUREN TRAIL  
CONNECTION DEVELOPMENT  
SOUTH HAVEN, MI**

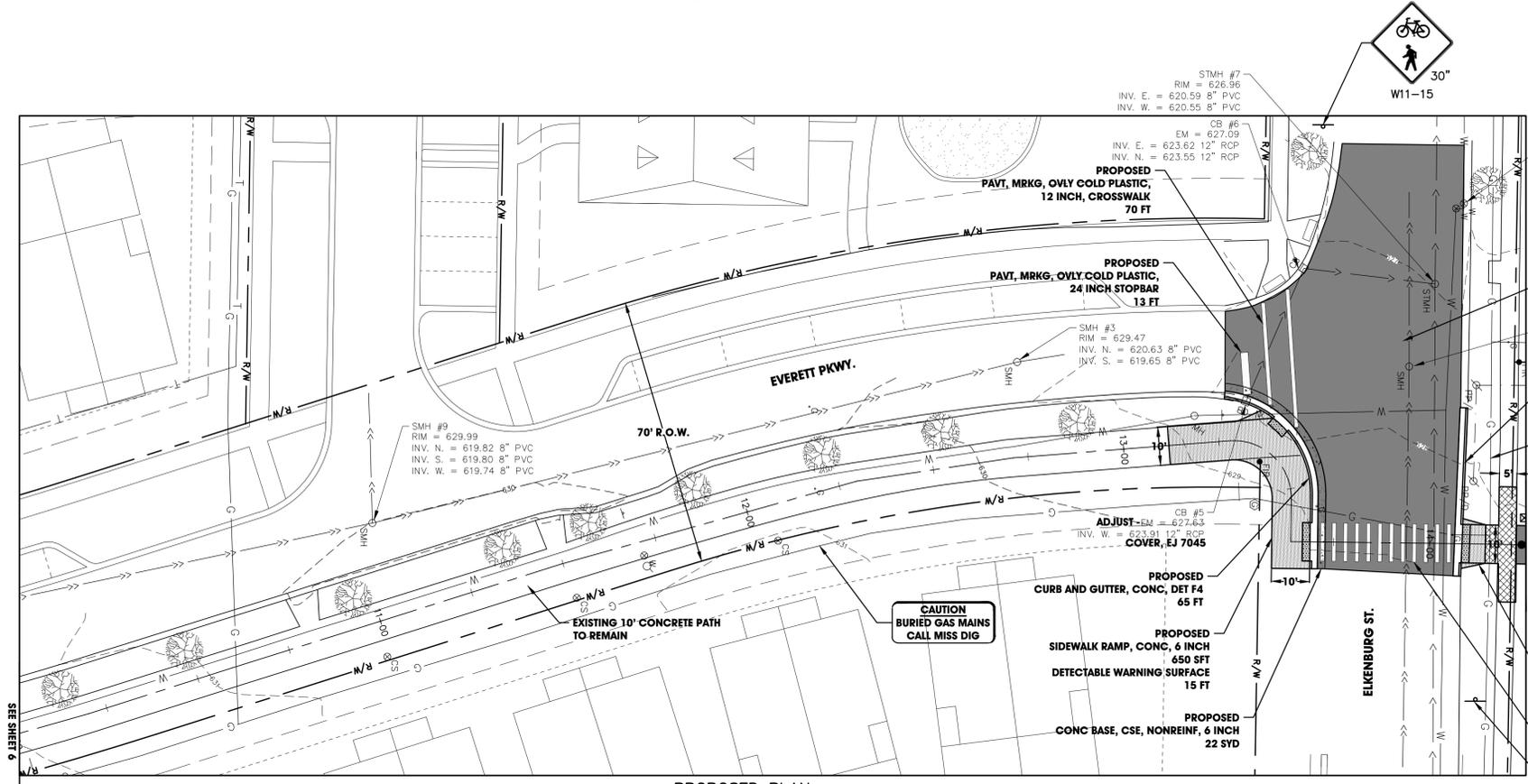
**PROPOSED TRAIL  
STA. 5+00 TO 10+00**

PROJECT: CITY OF SOUTH HAVEN  
SHEET TITLE: PROPOSED TRAIL STA. 5+00 TO 10+00  
DRAWN BY: SCR/DJL  
DESIGNED BY: JWM  
PM REVIEW: TRD  
QA/QC REVIEW: TRT  
DATE: DECEMBER 2013  
SCALE:

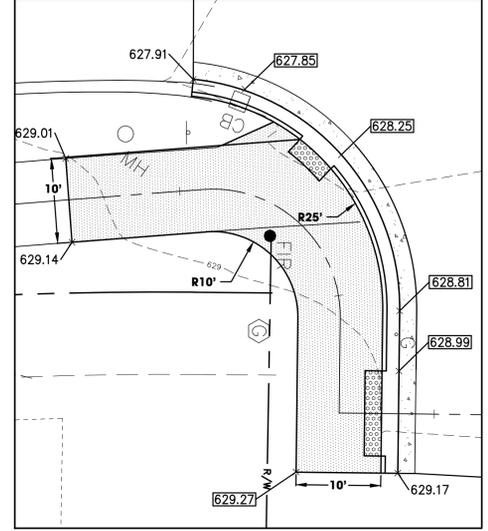
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DATE: \_\_\_\_\_  
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SCALE: HORIZ: 1"=20'  
VERT: N/A  
ACI JOB # 13-0351  
SHEET NO. 6 of 14



**REMOVAL PLAN**  
SCALE: 1"=20'



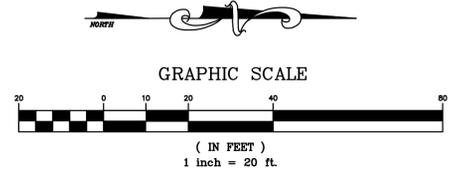
**PROPOSED PLAN**  
SCALE: 1"=20'



**RAMP DETAILS**  
SCALE: 1"=10'

Item Description	Unit	Sht 7 Quantity
Curb and Gutter, Rem	Ft	35
Pavt, Rem	Syd	32
Sidewalk, Rem	Syd	40
Dr Structure Cover, Adj, Case 1	Ea	1
Dr Structure Cover, Type EJ 7045	Ea	1
Cold Milling HMA Surface	Syd	550
HMA, 36A	Ton	65
Conc Base Cse, Nonreinf, 6 inch	Syd	22
Curb and Gutter, Conc, Det F4	Ft	110
Detectable Warning Surface	Ft	15
Sidewalk Ramp, Conc, 6 inch	Sft	650
Post, Steel, 3 lb	Ft	26
Sign, Type IIIB	Sft	12.5
Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	Ft	70
Pavt Mrkg, Ovly Cold Plastic, 12 inch, White	Ft	120
Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	Ft	13

**HATCH LEGEND**

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SOUTH HAVEN, MI**

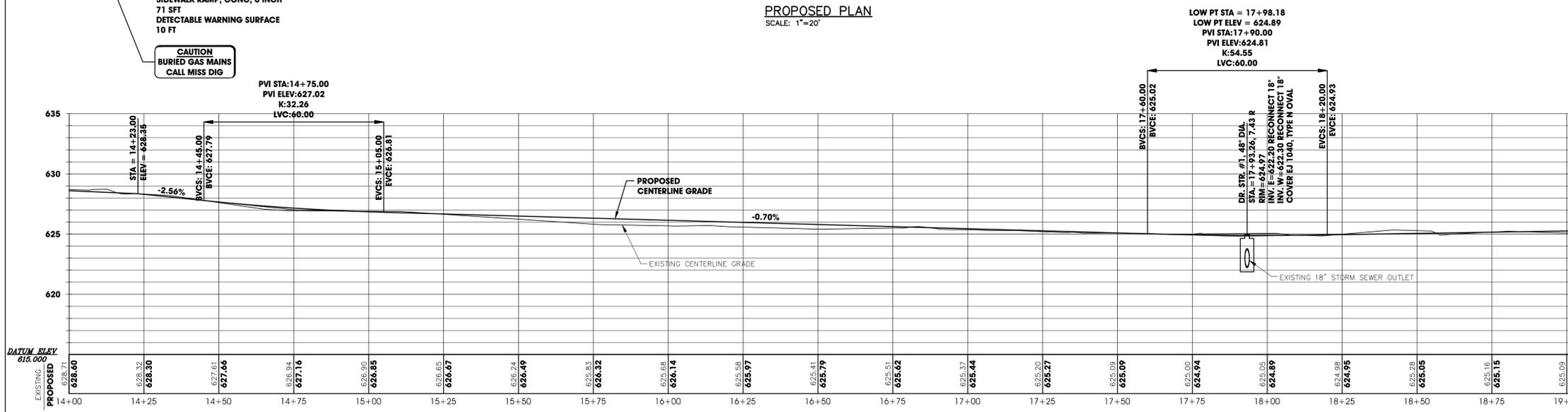
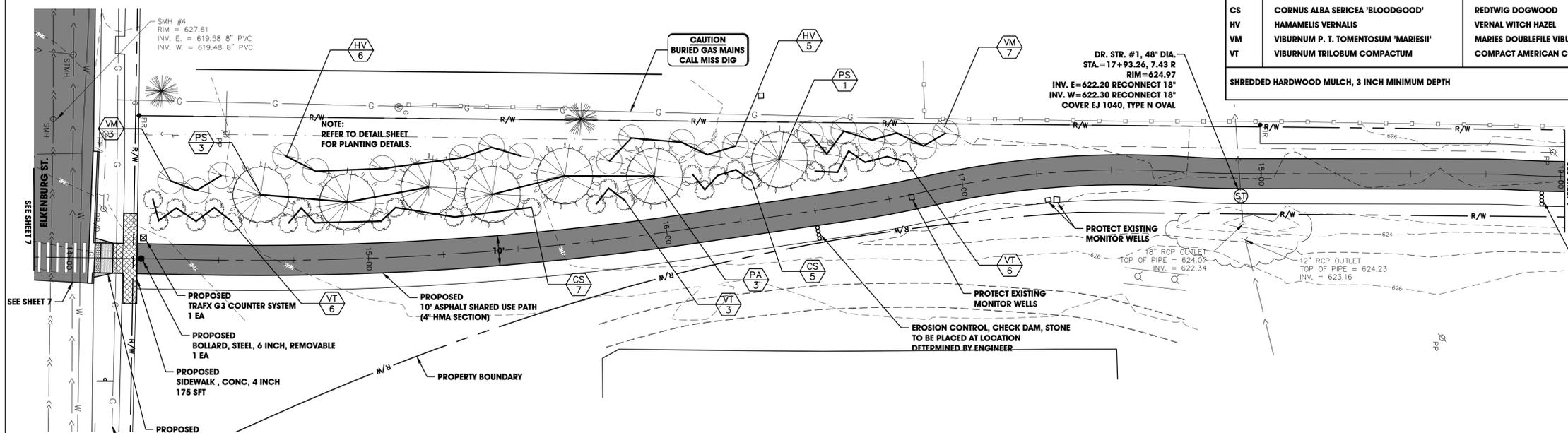
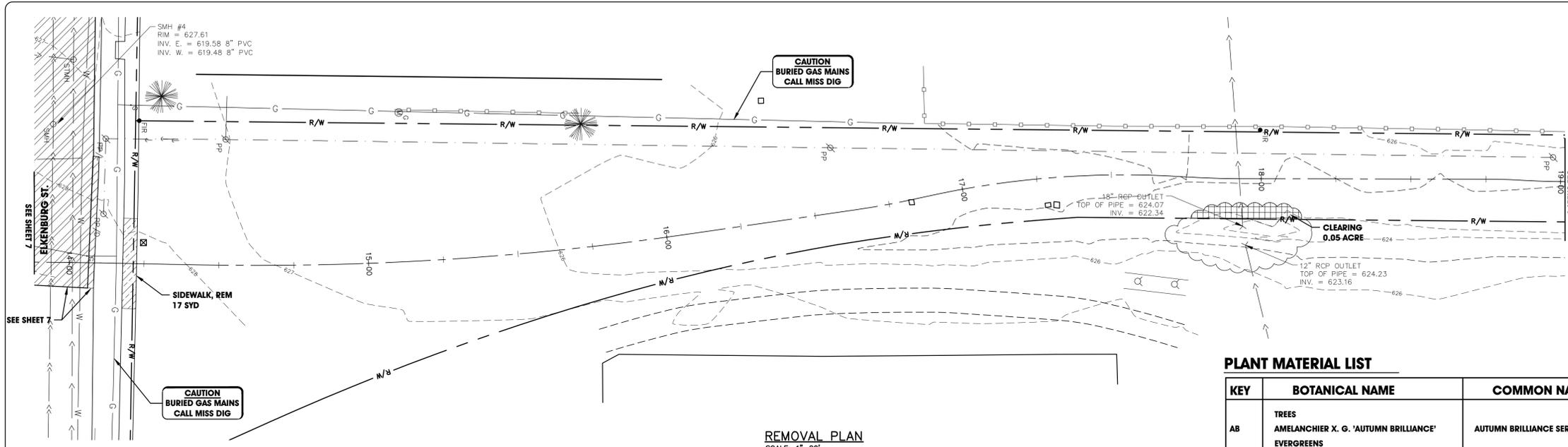
**PROPOSED TRAIL  
STA. 10+00 TO 14+25**

PROJECT:  
SHEET TITLE:  
DRAWN BY: **SCR/DJL**  
DESIGNED BY: **JWM**  
PM REVIEW: **TRD**  
QA/QC REVIEW: **TRT**  
DATE: **DECEMBER 2013**  
SEAL:  
SIGNATURE:  
DATE:

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SCALE:  
HORZ: 1"=20'  
VERT: N/A

ACI JOB # **13-0351**  
SHEET NO. **7 of 14**



Item Description	Unit	Sht 8 Quantity
Bollard, Steel, 6 inch, Removable	Ea	1
Trafx G3 Counter System	Ea	1
Structure, Slim MH, 48 inch Dia	Ea	1
Dr Structure Cover, Type EJ 1040, Type N Oval	Ea	1
Cleaning	Acre	0.05
Sidewalk, Rem	Syd	17
Detectable Warning Surface	Ft	10
Sidewalk Ramp, Conc, 6 inch	Sft	71
Sidewalk, Conc, 4 inch	Sft	175
Erosion Control, Check Dam, Stone	Ft	20
Aggregate Base, 8 inch	Syd	610
Shared use Path, Grading	Ft	477
Shared use Path, HMA	Ton	123
Amelanchier x grandifolia 'Autumn Brilliance', 8 foot	Ea	3
Cornus alba 'Siberica Bloodgood', #5 cont.	Ea	12
Hamamelis vernalis, #10 cont.	Ea	11
Picea abies, 8 foot	Ea	3
Pinus strobus, 8 foot	Ea	7
Viburnum p.t. tomentosum 'Mariesii', #7 cont.	Ea	10
Viburnum trilobum 'Compactum', #5 cont.	Ea	15
Fertilizer, Chemical Nutrient, CI A	Lb	70
Mulch Blanket	Syd	1500
Seeding, Mixture TUF	Lb	70
Topsoil Surface, Furn, 4 inch	Syd	1500
Shredded Hardwood Mulch, 3 inch	Syd	48

NOTE:  
 1. ALL EXCAVATION BETWEEN ELKENBURG AND SOUTH HAVEN STREET SHALL BE INCLUDED IN SHARED USE PATH, GRADING. ANY EXCESS OR UNSUITABLE MATERIAL SHALL BECOME PROPERTY OF CONTRACTOR.  
 2. EXCAVATION NEEDED FOR PLACEMENT OF 4" TOPSOIL INCLUDED IN SHARED USE PATH, GRADING.

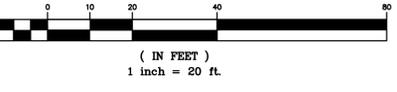
**PLANT MATERIAL LIST**

KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS
AB	TREES				
	AMELANCHIER X. G. 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	8' BB	3	3 - 5 MULTI-STEM FULL SPECIMEN
PA	EVERGREENS				
	PICEA ABIES	NORWAY SPRUCE	8' BB	3	
PS	PINUS STROBUS	WHITE PINE	8' BB	7	
	SHRUBS				
CS	CORNUS ALBA SERICEA 'BLOODGOOD'	REDTWIG DOGWOOD	NO. 5	12	
HV	HAMAMELIS VERNALIS	VERNAL WITCH HAZEL	NO. 10	11	
VM	VIBURNUM P. T. TOMENTOSUM 'MARIESI'	MARIES DOUBLEFILE VIBURNUM	NO. 7	10	
	VIBURNUM TRILOBUM COMPACTUM	COMPACT AMERICAN CRANBERRYBUSH VIBURNUM	NO. 5	15	
	SHREDDED HARDWOOD MULCH, 3 INCH MINIMUM DEPTH			48	SUBMIT SAMPLE FOR APPROVAL

\* LANDSCAPE INCLUDED IN TABLE INCLUDES ITEMS FROM SHEET 10.

**HATCH LEGEND**


**GRAPHIC SCALE**



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 SOUTH HAVEN, MI**

**PROPOSED TRAIL  
 STA. 14+25 TO 19+00**

SHEET TITLE:  
 DRAWN BY: **SCR/DJL**  
 DESIGNED BY: **JWM**  
 PM REVIEW: **TRD**  
 QA/QC REVIEW: **TRT**  
 DATE: **DECEMBER 2013**  
 SEAL:

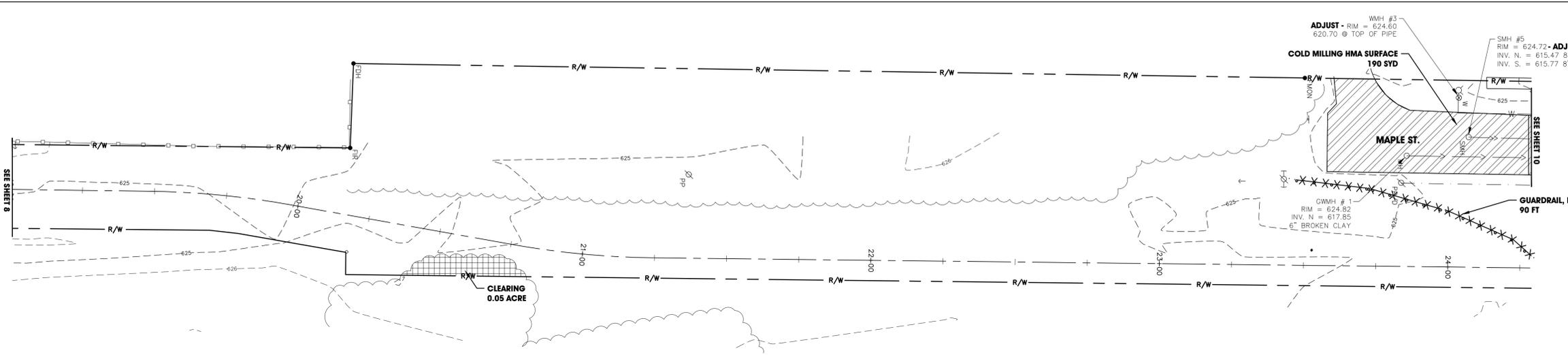
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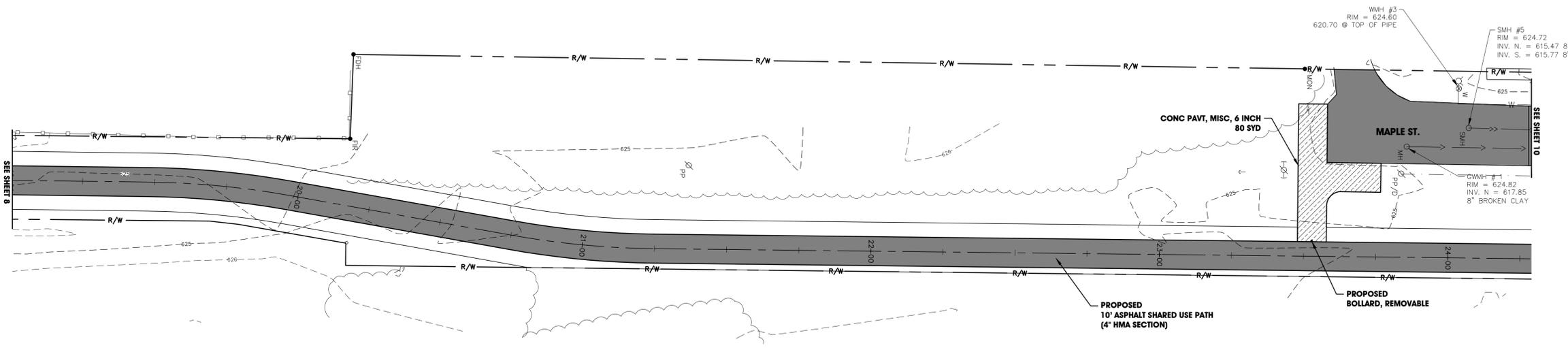
SCALE:  
 HORZ: 1"=20'  
 VERT: N/A

ACI JOB # **13-0351**  
 SHEET NO.

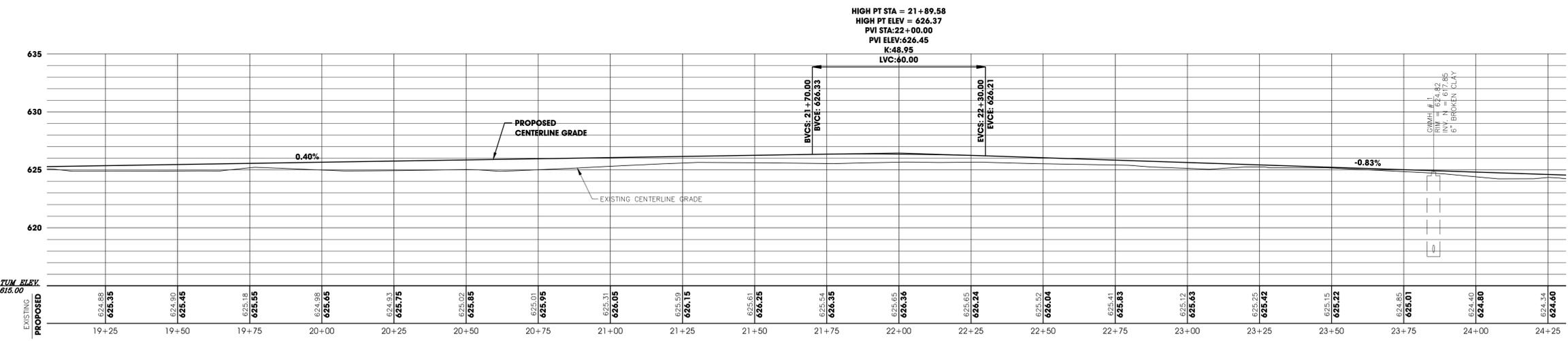
E:\CIVIL\DRAWING\2013\14031\VAN BUREN TRAIL CONNECTION DEVELOPMENT\13-0351.dwg, 8/12/2013 1:24:49 PM, d:\admin, 1



**REMOVAL PLAN**  
SCALE: 1"=20'



**PROPOSED PLAN**  
SCALE: 1"=20'

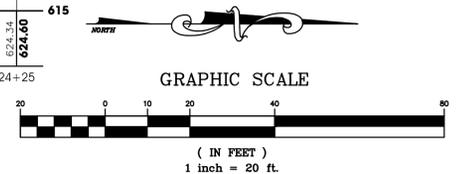


Item Description	Unit	Sht 9 Quantity
Clearing	Acre	0.05
Guardrail, Rem	Ft	90
Aggregate Base, 8 inch	Syd	642
Cold Milling HMA Surface	Syd	190
HMA, 36A	Ton	22
Conc Pavn, Misc, Nonreinf, 6 inch	Syd	80
Shared use Path, Grading	Ft	525
Shared use Path, HMA	Ton	148
Fertilizer, Chemical Nutrient, CI A	Lb	40
Mulch Blanket	Syd	730
Seeding, Mixture TUF	Lb	40
Topsoil Surface, Fur, 4 inch	Syd	730
Dr Structure Cover, Adj, Case 1	Ea	2
Bollard, Steel, 6 inch, Removable	Ea	1

NOTE:  
1. ALL EXCAVATION BETWEEN ELKENBURG AND SOUTH HAVEN STREET SHALL BE INCLUDED IN SHARED USE PATH, GRADING. ANY EXCESS OR UNSUITABLE MATERIAL SHALL BECOME PROPERTY OF CONTRACTOR.  
2. EXCAVATION NEEDED FOR PLACEMENT OF 4" TOPSOIL INCLUDED IN SHARED USE PATH, GRADING.

**HATCH LEGEND**

	DRIVEWAY, NONREINF CONC, 6 INCH		SIDEWALK, CONC, 4 INCH
	SIDEWALK RAMP, CONC, 6 INCH		PROPOSED ADA TACTILE WARNING AREA
	SIDEWALK, REM		PAVT, REM
	COLD MILLING HMA SURFACE		CURB AND GUTTER, REM
	CONC PAVT, MISC, 6 INCH		PROPOSED HMA PAVEMENT



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**CITY OF SOUTH HAVEN  
VAN BUREN TRAIL  
CONNECTION DEVELOPMENT  
SOUTH HAVEN, MI**

**PROPOSED TRAIL  
STA. 19+00 TO 24+25**

PROJECT TITLE:  
SHEET TITLE:  
DRAWN BY: **SCR/DJL**  
DESIGNED BY: **JWM**  
PM REVIEW: **TRD**  
QA/QC REVIEW: **TRT**  
DATE: **DECEMBER 2013**  
SEAL:

SIGNATURE:  
DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.  
SCALE:  
HORIZ: 1"=20'  
VERT: N/A

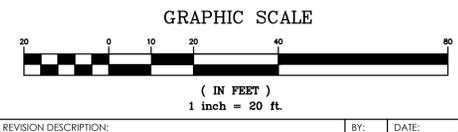
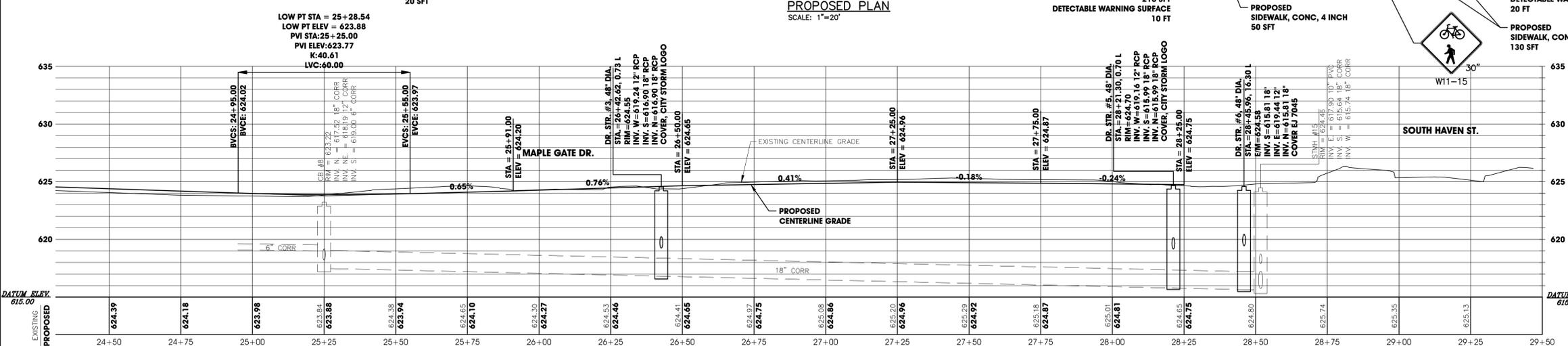
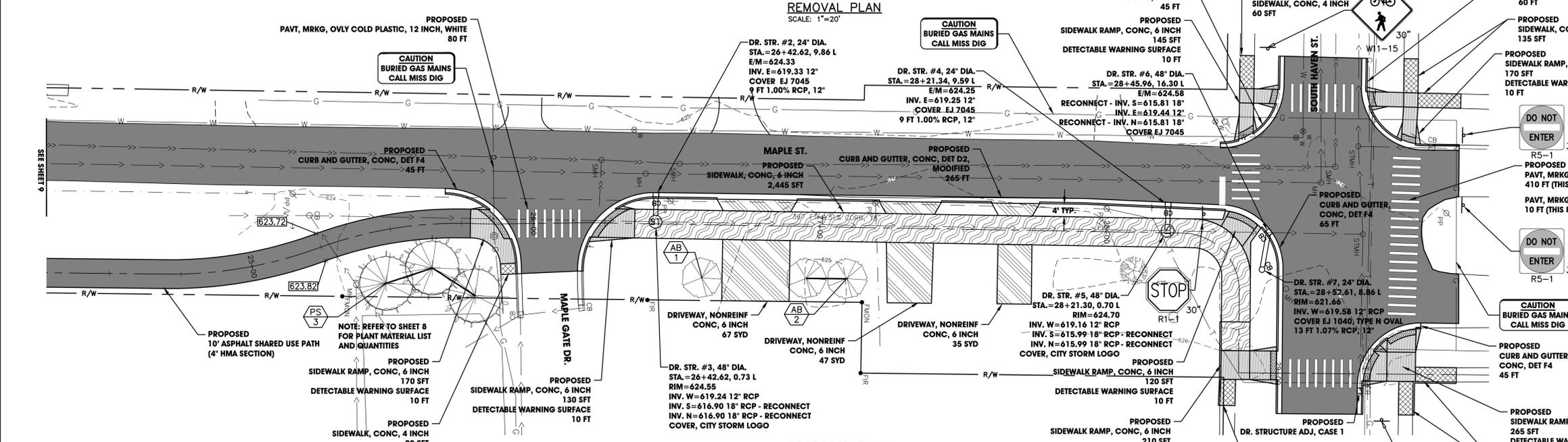
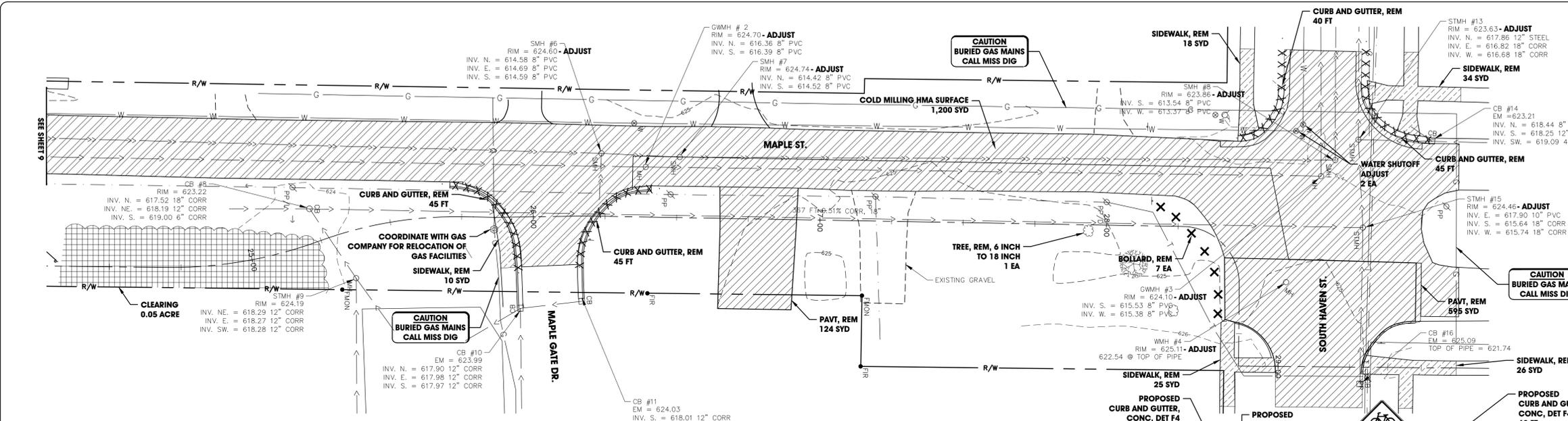
FILED: 10/10/13 10:51 AM VAN BUREN TRAIL CONNECTION DEVELOPMENT SOUTH HAVEN, MI 49023

Item Description	Unit	Sht 10 Quantity
Bollard, Rem	Ea	7
Structure, Stm. CB, 24 inch Dia	Ea	3
Structure, Stm. CB, 48 inch Dia	Ea	1
Structure, Stm. MH, 48 inch Dia	Ea	2
Curb and Gutter, Conc, Det D2, Modified	Ft	265
Dr Structure Cover, Type EJ 7045	Ea	3
Dr Structure Cover, Type City Storm Logo	Ea	2
Dr Structure Cover, Type EJ 1040, Type N Oval	Ea	1
Curb and Gutter, Rem	Ft	175
Pavt, Rem	Syd	719
Sidewalk, Rem	Syd	113
Aggregate Base, 8 inch	Syd	580
Sewer, CI IV, 12 inch, Tr Det B	Ft	31
Dr Structure Cover, Adj, Case 1	Ea	9
Cold Milling HMA Surface	Syd	1200
HMA, 13A	Ton	67
HMA, 36A	Ton	150
Driveway, Nonreinf Conc, 6 inch	Syd	149
Curb and Gutter, Conc, Det F4	Ft	260
Detectable Warning Surface	Ft	80
Sidewalk Ramp, Conc, 6 inch	Sft	1210
Sidewalk, Conc, 4 inch	Sft	395
Sidewalk, Conc, 6 inch	Sft	2445
Shared use Path, Grading	Ft	525
Post, Steel, 3 lb	Ft	65
Sign, Type IIIA	Sft	18.75
Sign, Type IIIB	Sft	12.5
Pavt Mrkg, Ovlv Cold Plastic, 12 inch, White	Ft	490
Pavt Mrkg, Ovlv Cold Plastic, 24 inch, Stop Bar	Ft	10
Fertilizer, Chemical Nutrient, CI A	Lb	40
Mulch Blanket	Syd	500
Seeding, Mixture TUF	Lb	40
Water Shutoff, Adj, Case 2	Ea	2
Topsoil Surface, Furn, 4 inch	Syd	500
Clearing	Ac	0.05
Tree, Rem, 6 inch to 18 inch	Ea	1

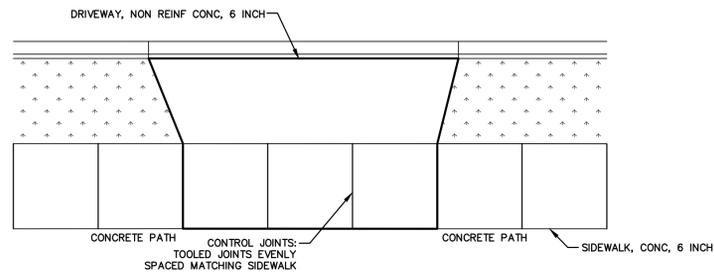
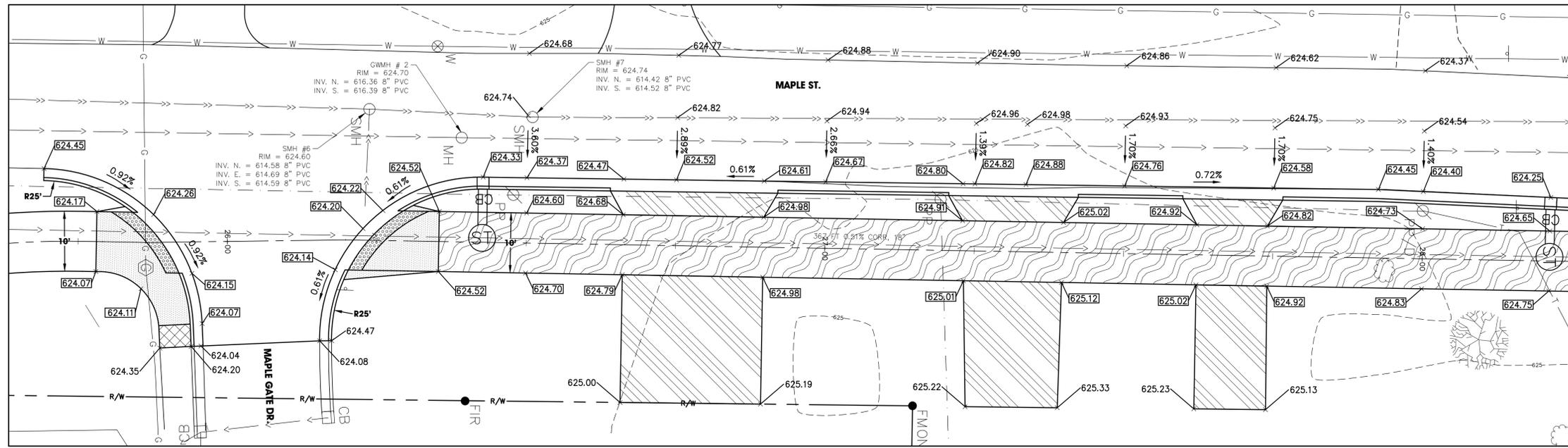
- NOTE:  
 1. ALL EXCAVATION BETWEEN ELKENBURG AND SOUTH HAVEN STREET SHALL BE INCLUDED IN SHARED USE PATH, GRADING. ANY EXCESS OR UNSUITABLE MATERIAL SHALL BECOME PROPERTY OF CONTRACTOR.  
 2. EXCAVATION NEEDED FOR PLACEMENT OF 4" TOPSOIL INCLUDED IN SHARED USE PATH, GRADING.  
 3. NORTH BOUND LANE RECONSTRUCTED FOR INSTALLATION OF CURB AND GUTTER, DRAINAGE, AND NEW CROSS SLOPE. REFER TO CROSS SECTION (SHEET 4) FOR ADDITIONAL DETAIL.

**HATCH LEGEND**

	DRIVEWAY, NONREINF CONC, 6 INCH		SIDEWALK, CONC, 4 INCH
	SIDEWALK RAMP, CONC, 6 INCH		SIDEWALK, CONC, 6 INCH
	SIDEWALK, REM		PROPOSED ADA TACTILE WARNING AREA
	COLD MILLING HMA SURFACE		PAVT, REM
	CURB AND GUTTER, REM		PROPOSED HMA PAVEMENT

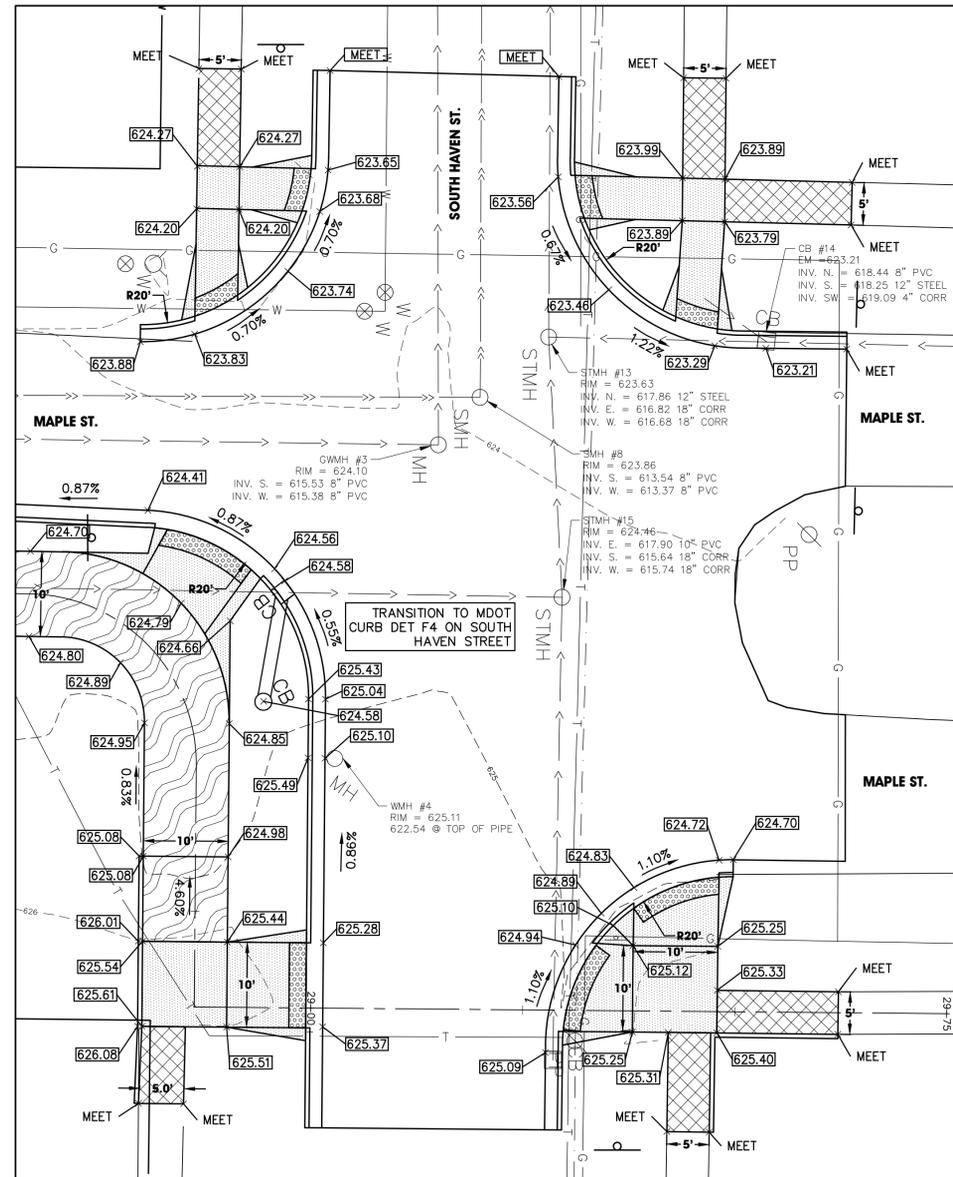


NO.	REVISION DESCRIPTION:	BY:	DATE:



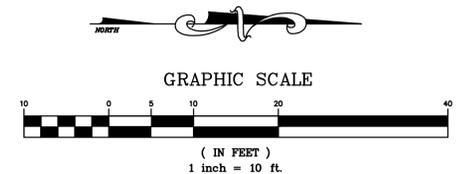
NOTE:  
JOINT LOCATION IN REMAINDER OF DRIVEWAY  
APPROACH TO BE LAID OUT BY CONTRACTOR.  
MAXIMUM SPACING SHALL NOT EXCEED 12' IN  
ANY DIRECTION

**JOINING LAYOUT ON NEW DRIVEWAY W/CONCRETE PATH**  
NOT TO SCALE



**HATCH LEGEND**

	DRIVEWAY, NONREINF CONC, 6 INCH		SIDEWALK, CONC, 4 INCH
	SIDEWALK RAMP, CONC, 6 INCH		SIDEWALK, CONC, 6 INCH
	SIDEWALK, REM		PROPOSED ADA TACTILE WARNING AREA
	COLD MILLING HMA SURFACE		PAVT, REM
	CURB AND GUTTER, REM		



Item Description	Unit	Sht 12 Quantity
Tree, Rem, 6 inch to 18 inch	Ea	1
Curb and Gutter, Rem	Ft	76
Bike Rack, Rem	Ea	1
Drinking Fountain, Rem	Ea	1
Pavt, Rem	Syd	26

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**CITY OF SOUTH HAVEN**  
**VAN BUREN TRAIL**  
**CONNECTION DEVELOPMENT**  
**SOUTH HAVEN, MI**

**TRAILHEAD REMOVAL PLAN**

PROJECT: TRAILHEAD REMOVAL PLAN  
 SHEET TITLE:  
 DRAWN BY: KB  
 DESIGNED BY: JWM  
 PM REVIEW: TRD  
 QA/QC REVIEW: TRT  
 DATE: DECEMBER 2013  
 SEAL:

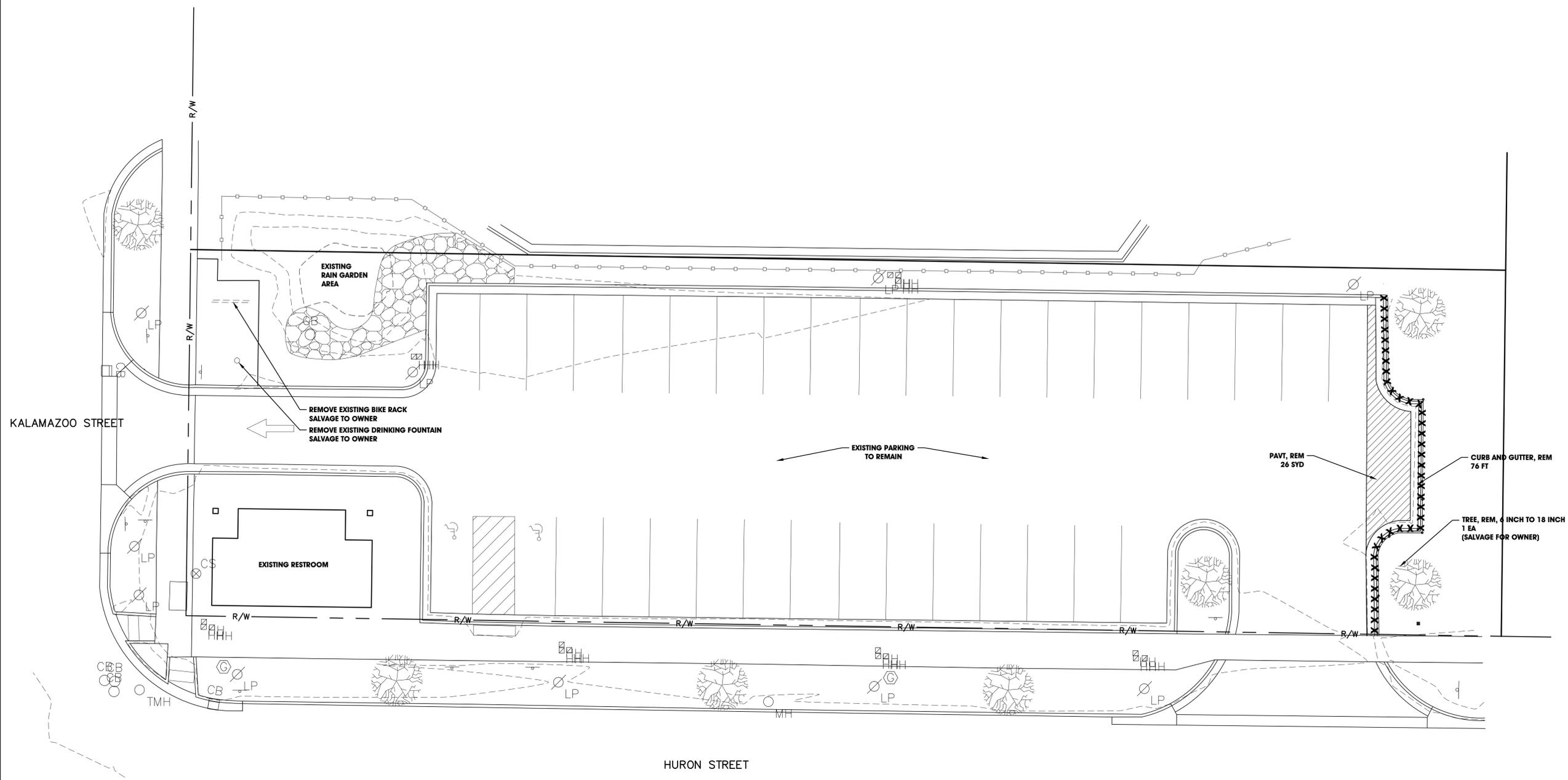
SIGNATURE:  
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SCALE:  
 HORZ: 1"=10'  
 VERT: N/A

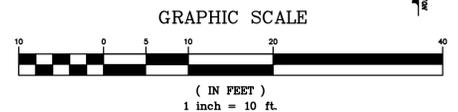
ACI JOB # 13-0351  
 SHEET NO.

12 of 14



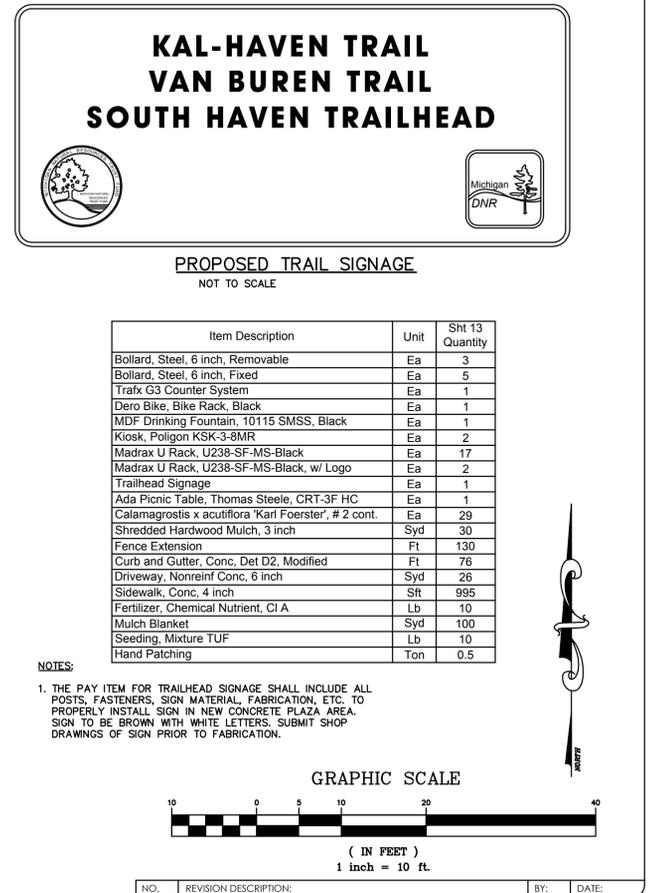
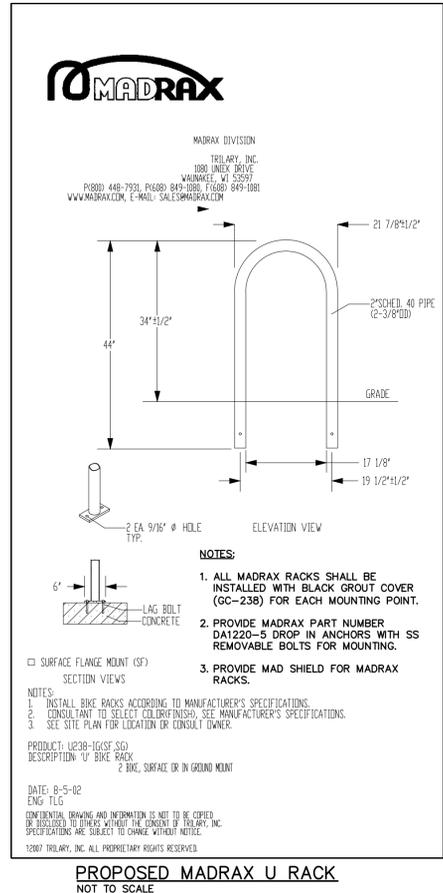
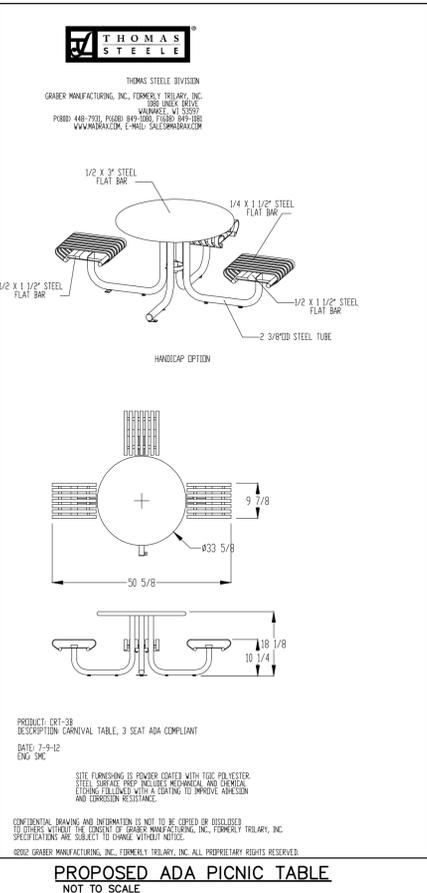
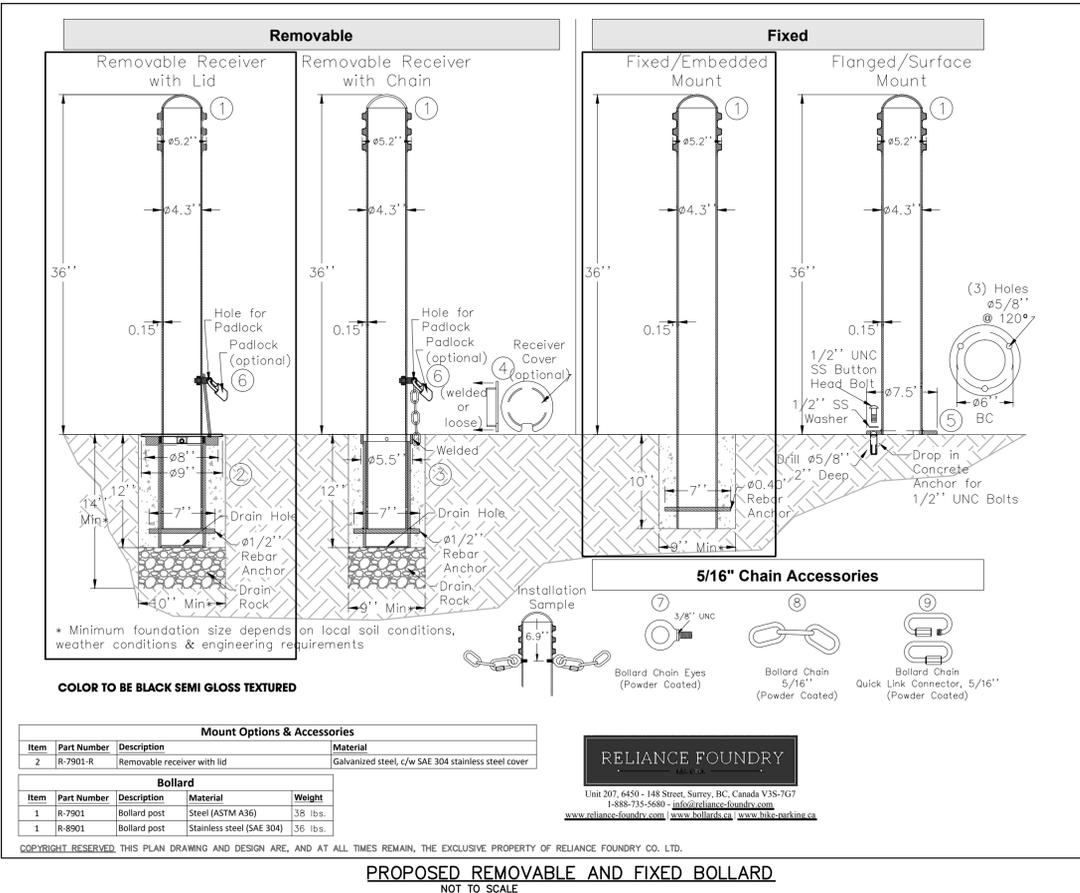
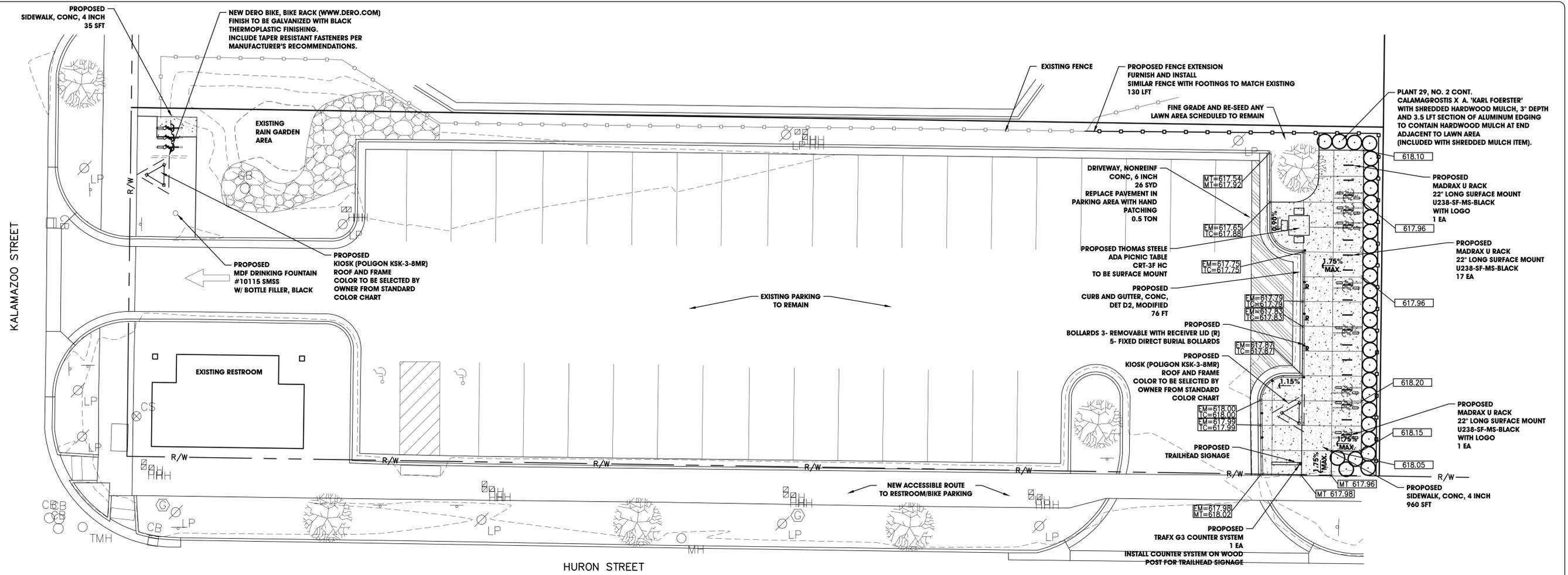
**HATCH LEGEND**

	PAVT, REM
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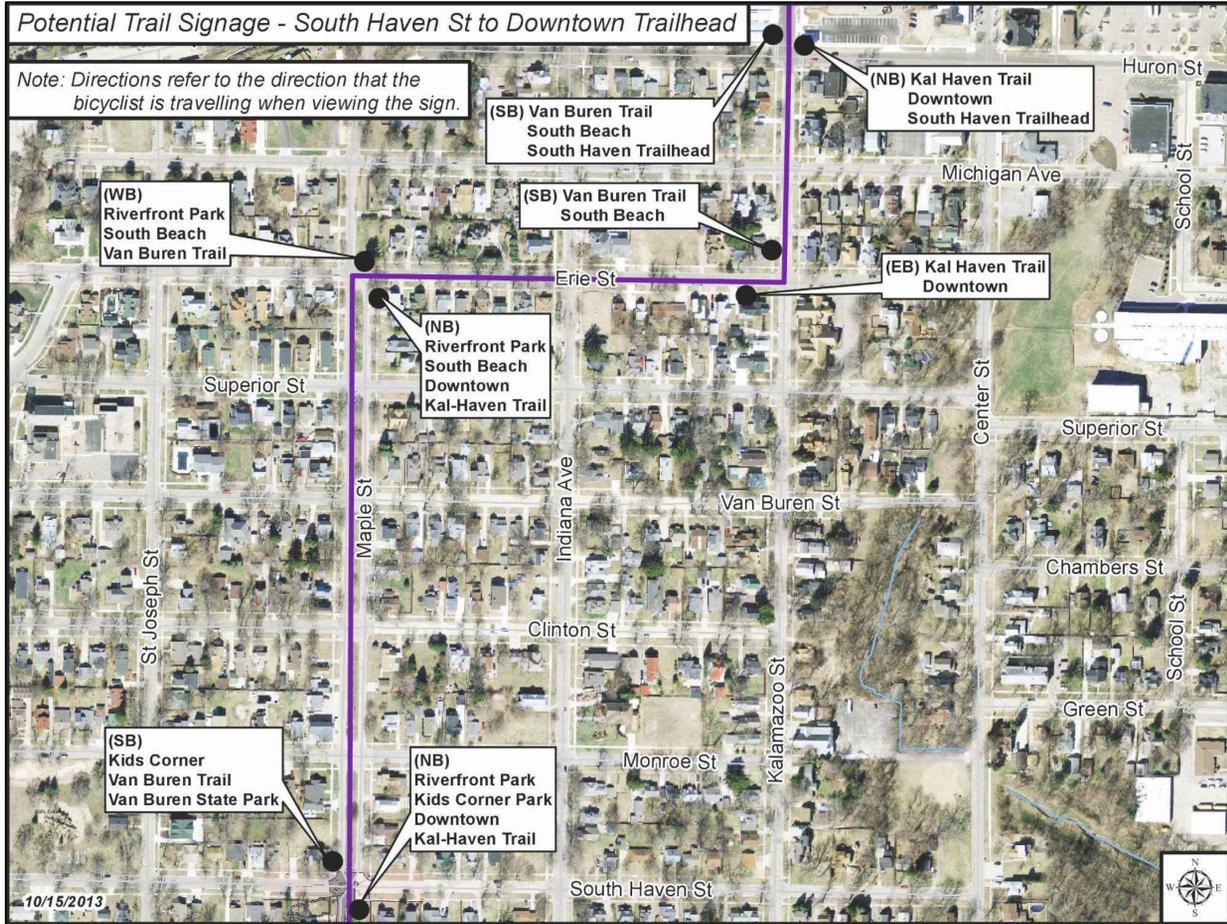
NO.	REVISION DESCRIPTION:	BY:	DATE:

E:\CIVIL\DRAWING\_2013\13-0351 VAN BUREN TRAIL.dwg (13-0351 Trailhead.dwg) 12/20/2013 3:26:59PM, dlmw, 1:1



**Potential Trail Signage - South Haven St to Downtown Trailhead**

Note: Directions refer to the direction that the bicyclist is travelling when viewing the sign.



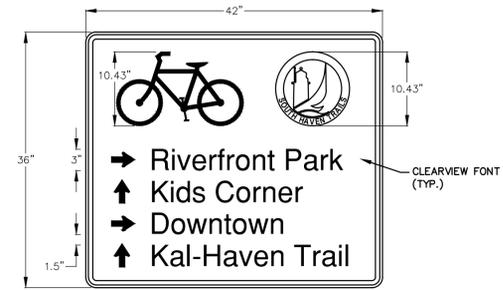
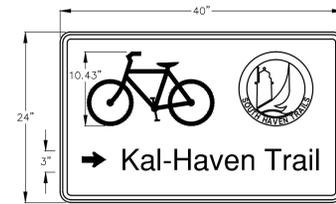
10/15/2013

**Potential Trail Signage - Aylworth Ave to South Haven St**

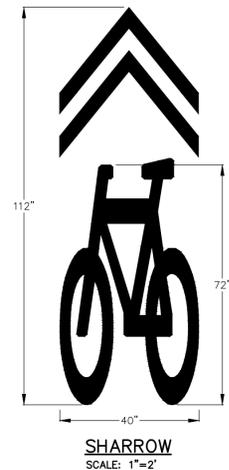
Note: Directions refer to the direction that the bicyclist is travelling when viewing the sign.



10/15/2013



**TRAIL SIGNAGE EXAMPLES**  
SCALE: 1"=1'



- NOTES:
1. ALL DIRECTIONAL SIGNAGE SHALL UTILIZE THE CLEARVIEW FONT WITH UPPER AND LOWER CASE LETTERS.
  2. FINAL LOCATIONS OF SIGNS SHALL BE DETERMINED BY THE ENGINEER.
  3. SHARROW PAVEMENT MARKINGS SHALL BE DETERMINED BY THE ENGINEER IN THE FIELD.
  4. SHOP DRAWINGS AND LAYOUTS SHALL BE SUBMITTED TO ENGINEER PRIOR TO FABRICATION TO REVIEW SIZE AND LOCATIONS.
  5. ALL POSTS SHALL BE INCLUDED IN THE UNIT PRICE FOR INSTALLED DIRECTIONAL SIGNAGE. POSTS SHALL BE STEEL, 3LB OR 4X4 WOOD, DEPENDING ON SIZE OF SIGNAGE AREA.
  6. SIGNAGE SHALL BE CONSTRUCTED WITH ALUMINUM. LARGER SIGNS (4 LINES OR OVER) SHALL BE CONSTRUCTED WITH PLYWOOD.

Item Description	Unit	Sht 14 Quantity
Pavt Mkg, Ovlv Cold Plastic, Sharrow Sym	Ea	36
Trail Directional Sign, 2 Destination	Ea	4
Trail Directional Sign, 3 Destination	Ea	6
Trail Directional Sign, 4 Destination	Ea	3
Trail Directional Sign, 5 Destination	Ea	1
Post Hole Through Conc for Steel Post	Ea	5
Post Hole Through Conc for Wood Post	Ea	5

POTENTIAL TRAIL SIGNAGE EXHIBITS ARE POTENTIAL LOCATIONS FOR DIRECTIONAL SIGNAGE. FINAL LOCATION SHALL BE DETERMINED BY THE ENGINEER