

# MANISTEE CITY COUNCIL

## SPECIAL MEETING AGENDA

TUESDAY, JANUARY 24, 2017 – **6:00 P.M.** - COUNCIL CHAMBERS  
*(Immediately preceding the special work session.)*

### **I. Call to Order.**

- a.) PLEDGE OF ALLEGIANCE.
- b.) ROLL CALL.

### **II. Citizen Comments on Agenda Related Items.**

### **III. New Business.**

- a.) PUBLIC HEARING ON THE APPLICATION FOR A \$1,000,000 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE FORMER NORTH CHANNEL OUTLET PROPERTY.

The City of Manistee is applying for a \$1,000,000 Community Development Block Grant to help fund the restoration of the former North Channel Outlet building. The grant will be used for blight elimination and historical restoration. A public hearing is required to allow the public to provide input into the proposed grant application.

At this time Council could take action to hold a public hearing on the proposed Community Development Block Grant application.

No action is anticipated on this item.

- b.) CONSIDERATION OF A FOIA COST ESTIMATE APPEAL, JAMES PRATT.

James Pratt submitted a Freedom of Information Act (FOIA) request to the City. An estimate of the costs for complying with the request was developed. Mr. Pratt feels the cost estimate is excessive and is now appealing the cost estimate to City Council.

At this time Council could take action to approve the revised cost estimate associated with Mr. Pratt's FOIA request, in response to his appeal.

**IV. Concerns and Comments.**

- a.) CITIZEN COMMENT. This is an opportunity for citizens to comment on municipal services, activities or areas of City involvement. Citizens in attendance shall be recognized by the Mayor for comments (limited to five minutes). Letters submitted to Council will not be publicly read.
- b.) OFFICIALS AND STAFF.
- c.) COUNCILMEMBERS.

**V. Adjourn.**

TNT:cl

**COUNCIL AGENDA ATTACHMENTS:**

- 1. CDBG Application
- 2. CDBG Community Development Plan
- 3. FOIA Cost Estimate Appeal



## **Community Development Block Grant Application**

Former North Channel Outlet Building

**CITY OF MANISTEE  
NOTICE OF PUBLIC HEARING FOR MICHIGAN COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE FORMER  
NORTH CHANNEL OUTLET REDEVELOPMENT**

The City of Manistee will conduct a public hearing on Tuesday January 24, 2017 at 6:00 PM at Manistee City Hall Council Chambers for the purpose of affording citizens an opportunity to examine and submit comments on the proposed application for a CDBG grant.

The City of Manistee proposes to use \$1,000,000 CDBG funds to help remediate blighted conditions and for historical restoration of the former North Channel Outlet building in order to redevelop it into a mixed-use commercial and residential building. In addition to the grant, significant private funding will be used to complete the project. No persons will be displaced as a result of the proposed activities.

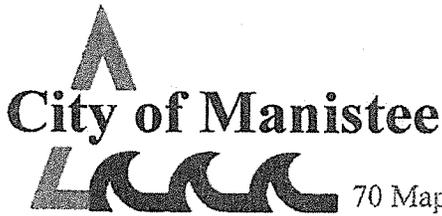
Further information, including a copy of City of Manistee's community development plan and CDBG application is available for review. To inspect the documents, please contact City Clerk Michelle Wright at (231) 398-2803 or [mwright@manisteemi.gov](mailto:mwright@manisteemi.gov) or review at City Hall, 70 Maple Street, Manistee, MI 49660. Comments may be submitted in writing through January 24, 2017 5:00 PM or made in person at the public hearing.

Citizen views and comments on the proposed application are welcome.

City of Manistee  
Edward Bradford, CFO  
231 398-2804

Posted 1/16/17, 1:15 p.m.





70 Maple Street • Manistee, Michigan 49660 • [www.manisteemi.gov](http://www.manisteemi.gov)

**CITY HALL**

**ADMINISTRATION**  
FAX 231.723.1546

**CITY MANAGER**  
231.398.2801

**CITY ASSESSOR**  
231.398.2802

**BUILDING INSPECTOR**  
231.398.2806

**PLANNING & ZONING**  
231.398.2805

**CLERK/TREASURER**  
FAX 231.723.5410

**CITY CLERK**  
231.398.2803

**CITY TREASURER/  
FINANCE DIRECTOR**  
231.398.2804

**WATER BILLING**  
231.723.2559

**POLICE DEPARTMENT**  
231.723.2533  
FAX 231.398.2012

**FIRE DEPARTMENT**  
281 First Street  
231.723.1549  
FAX 231.723.3519

**DEPT. OF  
PUBLIC WORKS**  
280 Washington St.  
• Street Dept.  
• Parks Dept.  
• Water Maintenance  
280 Washington St.  
231.723.7132  
FAX 231.723.1803

**WASTEWATER PLANT**  
15 Ninth St.  
231.723.1553

September 22, 2016

Mr. John Groothuis, Member  
North Channel Investors LLC  
300 Washington Ave. Suite 100  
Grand Haven, Michigan 49417

Former North Channel Outlet Property  
86 Washington Street  
Manistee, Michigan 49660  
RE: 51-51-211-100-02

Dear Sir/Madam,

This letter serves as an order to remedy the blight conditions of the building located at the subject property. The building has been vacant for several years and its condition of disrepair continues to deteriorate. The blighted condition of the building constitutes an attractive nuisance as it has been inviting trespassers and vandalism, and it poses safety concerns for persons entering the property.

Following is a list of items and conditions which must be corrected to avoid citations from being issued:

1. All broken and obsolete windows must be repaired or replaced
2. All openings to the building envelope must be fitted with appropriate doors and secured.
3. Deteriorating brick building walls (south, east, and west) are a safety hazard; they must be repaired.
4. The structural integrity of the former "common" north building wall must be inspected, and the wall must be reinforced or replaced as necessary.
5. All exterior wooden building elements must be inspected for rot and repaired and repainted or replaced as necessary.
6. Deteriorating staircases are safety hazards; they must be repaired or replaced.
7. The leaking roof contributes to the blighted conditions of the building and accelerates the deterioration of structural elements; it must be repaired or replaced.
8. The interior middle section of the building has been sagging raising concerns about the structural integrity of the entire building. This condition must be inspected and corrected as necessary.
9. All trash and debris must be removed from the property.



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**WASTEWATER PLANT**  
15 Ninth St.  
231.723.1553

10. The brush and overgrown trees provide cover for vagrants and vandals; they must be kept in landscape condition or removed.

Finally, the outdoor portions of the property need to be maintained per City Ordinance.

To avoid escalating action by the City of Manistee, please provide an immediate response to this letter, including a time frame for corrective actions.

Sincerely,

Chief David Bachman  
City of Manistee Police Department

Officer John Fraass  
Manistee Police Department



STATE OF MICHIGAN

RICK SNYDER  
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

KEVIN ELSENHEIMER  
EXECUTIVE DIRECTOR

September 26, 2016

Mr. Antonio Aguilar, Reviewer  
Tax Incentives Program  
Heritage Preservation Services  
National Park Service  
1849 C Street NW (org.2255)  
Washington DC 20240-0001

PROJECT: Manistee Manufacturing Co., 86 Washington St, Manistee, Manistee Co., MI 49660  
MI Project #: TX16-1028 NPS Project #:

Dear Mr. Aguilar:

The Historic Preservation Certification Application, Part 1, for the above project is enclosed, together with the State Review Sheet.

This building is located in and contributes to the significance of the Manistee Central Business District Historic District. We recommend the approval of this historic structure (Part 1) certification request.

Please contact Robbert McKay (517) 335-2727 if you have any questions regarding this review.

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

Enclosure(s)

C: John Groothuis, North Channel Investors LLC, 300 Washington Ave, Suite 100, Grand Haven, MI 49417  
T Efthaxiadis, North Channel Investors LLC, 830 Cottageview Dr, Suite 1015, Traverse City, MI 49684

BDC/REM



361 First Street  
Manistee, MI 49660  
T 231.723.1198  
F 231.723.1194

Benton Harbor, MI  
South Haven, MI  
South Bend, IN  
Fort Wayne, IN

## CERTIFICATE OF SURVEY

I, CRAIG R. STAPLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 46687, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

#2

LAND IN THE CITY OF MANISTEE, COUNTY OF MANISTEE, STATE OF MICHIGAN, DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 11, TOWN 21 NORTH, RANGE 17 WEST, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH 89°54'09" WEST 33.00 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE WEST RIGHT OF WAY OF WASHINGTON STREET; THENCE ALONG SAID WEST RIGHT OF WAY SOUTH 00°00'00" WEST 87.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°00'00" WEST 125.62 FEET; THENCE SOUTH 89°54'09" WEST 137.00 FEET; THENCE NORTH 00°00'00" EAST 125.62 FEET PARALLEL WITH SHORT STREET; THENCE NORTH 89°54'09" EAST 137.00 FEET TO THE POINT OF BEGINNING.

#3

LAND IN THE CITY OF MANISTEE, COUNTY OF MANISTEE, STATE OF MICHIGAN, DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 11, TOWN 21 NORTH, RANGE 17 WEST, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE WEST 33.00 FEET AND 55.79 FEET TO THE POB; THENCE WEST 75 FEET; NORTH 22.54 FEET; WEST 82 FEET; SOUTH 230 FEET; WEST 60 FEET; SOUTH TO NORTH LINE OF MANISTEE RIVER EAST ALONG RIVER TO A POINT 20 FEET EAST OF EAST LINE OF SHORT STREET; NORTH TO POINT 170 WEST + 87 FEET SOUTH OF N.E. CORNER GOVT LOT 1; EAST 137 FEET; NORTH 31.21 FEET TO POB.

#4

LAND IN THE CITY OF MANISTEE, COUNTY OF MANISTEE, STATE OF MICHIGAN, DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 11, TOWN 21 NORTH, RANGE 17 WEST, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE WEST 33.00 FEET AND 33 FEET TO THE POB; THENCE WEST 75 FEET; SOUTH 22.54 FEET; EAST 75 FEET; NORTH 22.79 FEET.



*Craig R. Stapley*  
CRAIG R. STAPLEY  
LICENSED PROFESSIONAL SURVEYOR NO. 46687  
ABONMARCHÉ CONSULTANTS, INC.

*5/16/14*  
DATE OF CERTIFICATE

THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY PROVIDED TO US BY THE PERSON TO WHOM THE SURVEY IS CERTIFIED, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS. ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED. THE SURVEYOR'S LIABILITY FOR ANY AND ALL CLAIMS, INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF THE SURVEYOR'S PROFESSIONAL SERVICES, NEGLIGENCE, GROSS MISCONDUCT, WARRANTIES OR MISREPRESENTATIONS SHALL BE DEEMED LIMITED TO AN AMOUNT NO GREATER THAN THE SERVICE FEE.

PREPARED FOR:  
**CITY OF MANISTEE**  
BROWNREID REDEVELOPMENT AUTHORITY

DRAWN BY: CRS

SEC. 11

APPROVED BY: CRS

T21N

DATE: MAY 13, 2014

R17W

SCALE: 1"=50'

SHEET 1 OF 1

## UGLG Application Summary

### Complete Applicant Information

Municipality Name : City of Manistee  
Street : 70 Maple Street  
City : Manistee  
County : Manistee  
State : Michigan  
Zip Code : 49660  
UGLG SAM# : 419Ro

### UGLG Capacity and Conflict of Interest

Who will be responsible for administering the proposed project? : Certified Administrator  
Name : Hager Consulting LLC  
Address : 222 N. Merchant St  
Fremont, MI 49412  
Phone : 2312252619  
Email : lhager@hagerconsulting.biz

Has the UGLG received CDBG grants in the past five years and/or have any open CDBG grants? This includes CDBG grants provided by the MSF/MEDC and all MSHDA CDBG programs : Yes

If yes, please list the grant# and the status of the grant (closed; open, funds drawn/funds not yet drawn) : MSC 212017-CSB "Signature Building Acquisition" grant (Blue Fish Restaurant building) Grant has been closed.

Does the UGLG have program income from previous grants? : No  
If yes, please describe :

Will local officials and staff be a party to any contract involving the procurement of goods and services assisted with CDBG funds? : No  
If yes, please describe :

Will any person who is an employee, agent, consultant, officer, elected or appointed official of the UGLG obtain a financial interest or benefit from a CDBG assisted activity or have an interest in any contract, subcontract, or agreement with respect thereto, or in the proceeds hereunder, either for themselves or for those with who they have family or business ties, during their tenure or for one year thereafter? : No

If yes, please describe : The City BRA's consultant is assisting the developer of this project with redevelopment issues. In-house City staff and certified third-party administrator will address all grant issues for this project.

### **Please indicate below whether or not the UGLG has a contractual relationship with one or more of the following entities:**

Boge, Wybenga & Bradley, PC : No  
Farm Bureau : No  
Michigan Economic Development Corporation : No  
Greenstone Financial : No  
Truscott Rossman : No  
Fifth Third Bank : No  
Michigan Department of Licensing & Regulatory Affairs : No  
Springfield Commercial Roofing : No  
Michigan Department of Treasury : No  
Grand Angels : No

If yes to any of the above, please describe the nature of relationship. :

### Overall Project Description

Describe the proposed project and the specific work activities needed to complete the project. Include all work activities, including those activities to completed with CDBG and non-CDBG funds (See help text for examples). : The proposed project involves the redevelopment of the vacant 22,000 sf Former North Channel Outlet building into 14 residential apartments on 2nd and 3rd floors, and brewery/restaurant on 1st floor. The redevelopment will include 20 parking spaces for customers and tenants/owners.

The redevelopment of the property will involve substantial user density increase consistent with the DDA's objectives for a

walkable Downtown mixed-use district.

Will the project result in special assessments? : No  
If yes, please describe :

Will the project result in special fees (hook-up fees, etc.)? : No  
If yes, please describe :

In the past, have CDBG funds been used at any of the public addresses/locations associated with the proposed project? :  
If yes, please list the public address, the amount of CDBG funds used and the activities completed. :

In the past, have CDBG funds been used at any of the private addresses/locations associated with the proposed project? : No  
If yes to the above question, please list the private address, the amount of CDBG funds used and the activities completed. :

**Public Budgets**

Real Property Acquisition - CDBG :  
Real Property Acquisition - Local :  
Real Property Acquisition - Private :  
Real Property Acquisition - Other :  
Real Property Acquisition - Other :  
Real Property Acquisition - Other :

Public Infrastructure Architecture & Engineering - CDBG :  
Public Infrastructure Architecture & Engineering - Local :  
Public Infrastructure Architecture & Engineering - Private :  
Public Infrastructure Architecture & Engineering - Other :  
Public Infrastructure Architecture & Engineering - Other :  
Public Infrastructure Architecture & Engineering - Other :

Lead & Asbestos Abatement - CDBG :  
Lead & Asbestos Abatement - Local :  
Lead & Asbestos Abatement - Private :  
Lead & Asbestos Abatement - Other :  
Lead & Asbestos Abatement - Other :  
Lead & Asbestos Abatement - Other :

Demolition - CDBG :  
Demolition - Local :  
Demolition - Private :  
Demolition - Other :  
Demolition - Other :  
Demolition - Other :

Site Improvements - CDBG :  
Site Improvements - Local :  
Site Improvements - Private :  
Site Improvements - Other :  
Site Improvements - Other :  
Site Improvements - Other :

Commercial Building - New Construction - CDBG :  
Commercial Building - New Construction - Local :  
Commercial Building - New Construction - Private :  
Commercial Building - New Construction - Other :  
Commercial Building - New Construction - Other :  
Commercial Building - New Construction - Other :

Commercial Building - Renovations/Leasehold - CDBG :  
Commercial Building - Renovations/Leasehold - Local :  
Commercial Building - Renovations/Leasehold - Private :  
Commercial Building - Renovations/Leasehold - Other :  
Commercial Building - Renovations/Leasehold - Other :  
Commercial Building - Renovations/Leasehold - Other :

Residential Building – Renovations/Leasehold - CDBG :  
Residential Building – Renovations/Leasehold - Local :  
Residential Building – Renovations/Leasehold - Private :  
Residential Building – Renovations/Leasehold - Other :  
Residential Building – Renovations/Leasehold - Other :  
Residential Building – Renovations/Leasehold - Other :

Personal Property Acquisition/Installation - CDBG :  
Personal Property Acquisition/Installation - Local :  
Personal Property Acquisition/Installation - Private :  
Personal Property Acquisition/Installation - Other :  
Personal Property Acquisition/Installation - Other :  
Personal Property Acquisition/Installation - Other :

Public Infrastructure - CDBG :  
Public Infrastructure - Local :  
Public Infrastructure - Private :  
Public Infrastructure - Other :  
Public Infrastructure - Other :  
Public Infrastructure - Other :

Administration - CDBG : 30,000  
Administration - Local :  
Administration - Private :  
Administration - Other :  
Administration - Other :  
Administration - Other :

Planning - CDBG :  
Planning - Local :  
Planning - Private :  
Planning - Other :  
Planning - Other :  
Planning - Other :

Other - CDBG :  
Other - Local :  
Other - Private :  
Other - Other :  
Other - Other :  
Other - Other :

**Will the public budget be attached? - true**

### **Public Funding Sources**

List the specific source (i.e., DDA, Water & Sewer Fund, Federal Fund, Private Donation) and dollar amount of any local, state, or other federal funding associated with this project including grants and/or loans. Tax incentives should NOT be included on the project budget, but should be listed here : Obsolete Property Rehabilitation Act tax abatement (\$\$ TBD)  
Brownfield Tax Increment Financing (approx. \$300,000)

### **Planning**

Describe the specific objectives and outcomes of the planning project. :  
Describe the local and regional impact the planning project will have. Identify the development value and expected

impact that the planning project will have on the community in six months, two years, and five year. Explain how the proposed planning project supports related local, regional and state community and economic development strategies. :  
If the planning project is implemented in the future, what is the estimated number of low and moderate income jobs to be created? :

What is the estimated number of low and moderate jobs to be created? :

**Project Scope for Public Infrastructure/Public Improvements.**

Describe ONLY the public infrastructure/public improvements and the specific work activities needed to complete the public infrastructure/public improvements Include the type, size, and quantity :

Please enter the exact address or intersection location of Public Infrastructure/Public Improvements :

What is the square footage of public space being improved or reactivated? :

Will new leases or property/easement acquisition be required for the construction of the public infrastructure/public improvements? :

Are there occupants at this project and/or at the location of the property to be acquired for the construction of the public/infrastructure/public improvements? :

**Property Owners List for Public Infrastructure/Public Improvements**

**Occupants at Public Project Location**

**Compliance for Public Infrastructure/Public Improvements**

Will the public infrastructure/public improvements involve historic properties? :

Will the public infrastructure/public improvement impact wetlands? :

Will the public infrastructure/public improvement be located in a floodplain? :

Will the public infrastructure/public improvement result in the demolition and/or conversion of residential dwelling units, including both vacant and occupied residential dwelling units? :

Will the public infrastructure/public improvement require permits? :

Will the project relocate jobs from one labor market to another labor market? :

**Public Infrastructure/Public Improvements Timeline**

Does your project involve: Design Engineering / Architecture :

Design Engineering / Architecture Start Date :

Design Engineering / Architecture End Date :

Does your project involve: Property / easement Acquisition :

Property / easement Acquisition Start Date :

Property / easement Acquisition End Date :

Does your project involve: Bidding :

Bidding Start Date :

Bidding End Date :

Does your project involve: Public Improvement Construction :

Public Improvement Construction Start Date :

Public Improvement Construction End Date :

**National Objective Low and Moderate Income Area - Entire Community**

What is the UGLG Population? :

What Percentage of the UGLG is comprised of Low and Moderate Income Persons? : 0.00

What is the Low and Moderate Income Percentage based on? :

Explain how the project will benefit the entire UGLG :

**National Objective Low and Moderate Income Area - Project Area**

What is the total Project Area Population? :

What percentage of the Total Project Area is comprised of Low and Moderate Income Persons? : 0.00

What is the Project Area Survey Certification Date? :  
Explain how the project will benefit the entire project area. :

**National Objective - Spot Blight**

Will Licensed Building Inspector Certification be attached? : true  
Please identify the activity type: Historic Preservation  
Will historic preservation evidence be attached? : true  
Will evidence that CDBG pay for only those activities that pose a health or safety threat to the public in general be attached? : false

**National Objective - Area Blight**

Will the local resolution be attached? : false

**National Objective - Urgent Need**

Describe the nature and degree of seriousness of the conditions requiring assistance :  
When did the conditions originate and/or become urgent? :  
Was the Community declared a State of Emergency? If so, when and by whom? :  
Is there local or other funding available to carry out the activities? :

**National Objective - Low and Moderate Income Jobs and Low and Moderate Income Housing**

Documentation to be gathered on the Private Entity Application.

**Certifications, Assurances, and required attachments**

Will the map be attached? : true  
Will the Community Development Plan be attached? : true  
Will the Authorizing Resolution be attached? : true  
Will the public hearing documents be attached? : true  
By checking this box, I the certified official, certify that to the best of my knowledge and belief, the information provided in this application is correct, complete, and accurately represents the proposed project. : true

PROJECT BUDGET  
MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Public Budget: <b>North Channel Investors LLC</b>		Project Address: <b>86 Washington Street, Manistee, MI 49660</b>				
Activities	Project Funding Sources (identify all other funding sources).					TOTAL
	CDBG	UGLG	Private			
Real Property Acquisition						
Public Infrastructure Architectural & Engineering						
Lead & Asbestos Abatement						
Demolition						
Site Improvements/Remediation						
Building-New Construction						
Building-Renovations Leasehold						
Residential Building-Renovations Leasehold						
Personal Property Acquisition/Installation						
Public Infrastructure Improvements						
Administration		\$30,000				\$ 30,000
Planning						
Other						
<b>TOTALS</b>	\$0	\$30,000	\$0	\$0	\$0	\$ 30,000

Resubmitted through the MEDC Portal 01-18-17

## Private Application Summary

### Applicant Company Information

Name: North Channel Investors LLC  
Street: 300 Washington Ave  
City: Grand Haven  
State: MI  
Duns:

### Private Budget

Building, New Construction - CDBG :  
Building, New Construction - Local :  
Building, New Construction - Private :  
Building, New Construction - Other :  
Building, New Construction - Other :  
Building, New Construction - Other :

Building, Reno/Leasehold - CDBG : 695,250  
Building, Reno/Leasehold - Local :  
Building, Reno/Leasehold - Private: 1,625,072  
Building, Reno/Leasehold - Other :  
Building, Reno/Leasehold - Other :  
Building, Reno/Leasehold - Other :

Demolition - CDBG : 0  
Demolition - Local :  
Demolition - Private : 80,000  
Demolition - Other :  
Demolition - Other :  
Demolition - Other :

Lead & Asbestos Abatement - CDBG : 22,000  
Lead & Asbestos Abatement - Local :  
Lead & Asbestos Abatement - Private : 53,000  
Lead & Asbestos Abatement - Other :  
Lead & Asbestos Abatement - Other :  
Lead & Asbestos Abatement - Other :

Real Property Acquisition - CDBG :  
Real Property Acquisition - Local :  
Real Property Acquisition - Private :  
Real Property Acquisition - Other :  
Real Property Acquisition - Other :  
Real Property Acquisition - Other :

Residential Building-Renovations/Leasehold - CDBG :  
Residential Building-Renovations/Leasehold - Local :  
Residential Building-Renovations/Leasehold - Private :  
Residential Building-Renovations/Leasehold - Other :  
Residential Building-Renovations/Leasehold - Other :  
Residential Building-Renovations/Leasehold - Other :

Personal Property Acquisition/Installation - CDBG :  
Personal Property Acquisition/Installation - Local :  
Personal Property Acquisition/Installation - Private :

Personal Property Acquisition/Installation - Other :  
Personal Property Acquisition/Installation - Other :  
Personal Property Acquisition/Installation - Other :

Private soft costs - CDBG : 76,725  
Private soft costs - Local :  
Private soft costs - Private : 182,000  
Private soft costs - Other :  
Private soft costs - Other :  
Private soft costs - Other :

Site Improvements - CDBG : 50,000  
Site Improvements - Local :  
Site Improvements - Private : 156,250  
Site Improvements - Other :  
Site Improvements - Other :  
Site Improvements - Other :

On the Job Training - CDBG :  
On the Job Training - Local :  
On the Job Training - Private :  
On the Job Training - Other :  
On the Job Training - Other :  
On the Job Training - Other :

Vendor Training - CDBG :  
Vendor Training - Local :  
Vendor Training - Private :  
Vendor Training - Other :  
Vendor Training - Other :  
Vendor Training - Other :

Other - CDBG : 126,025  
Other - Local :  
Other - Private : 315,019  
Other - Other :  
Other - Other :  
Other - Other :

#### **Project Scope for Private Improvements**

Describe ONLY the private improvements and the specific work activities needed to complete the private improvements. Include the type, size, and quantity : The renovation of the commercial space on the 1st floor and the creation of residential spaces (14) on the 2nd and 3rd floors will involve the following work categories (not covered by the CDBG grant):

- Partial exterior/interior demolitions
- Replacement of unstable north wall
- Repair/replacement of crumbling west historic brick wall
- Capping of interior contaminated soils
- Structural reinforcement of interior building supports
- Construction of new interior walls, doors, etc.
- New plumbing, electric, heating/cooling systems
- Fire suppression system
- "White box" construction of 1st floor commercial space
- Elevator
- Architectural/Engineering for above work
- Permits, testing, general conditions

What is the square footage of the private space being improved or reactivated? : 22,000

#### **Property Owners List for Private Improvements**

**Occupants at Private Project Location**

**Compliance for Private Improvements**

Will the private improvements involve historic properties? : Yes  
Will the private improvements impact wetlands? : No  
Will the private improvements be located in a floodplain? : No  
Will the project relocate jobs from one labor market to another labor market? : No  
Will the private improvements result in the demolition and/or conversion of residential dwelling units, including both vacant and occupied residential dwelling units? : No  
Will the private improvements require permits? : Yes

**Private improvement Timeline**

Does your project involve: Design Engineering / Architecture : Yes  
Design Engineering / Architecture Start Date : January 27, 2017  
Design Engineering / Architecture End Date:  
January 27, 2017

Does your project involve: Property / easement Acquisition : No  
Property / easement Acquisition Start Date:  
Property / easement Acquisition End Date:

Does your project involve: Private Improvement Construction : Yes  
Private Improvement Construction Start Date: January 27, 2017  
Private Improvement Construction End Date: December 29, 2017

Does your project involve: Job Creation : Yes  
Job Creation Start Date : June 1, 2017  
Job Creation End Date : June 1, 2018

Does your project involve: Job Training Activities :  
Training Activities Start :  
Training Activities End :

**National Objective - Low and Moderate Income Jobs**

Anticipated # of New Jobs :  
Anticipated # of Low/Mod Jobs :

**Job Creation**

Operators (semi-skilled)  
Present Number of Permanent FT and FTE jobs -  
Average hourly wage rate of existing jobs -  
Year 1: Jobs - 12  
Avg. Wage - \$550  
Year 2: Jobs - 20  
Avg. Wage - \$550  
Year 3: Jobs - 22  
Avg. Wage - \$570

**Certification**

By checking this box, I, the authorized official, certify that the information provided is the most accurate and correct based on current information : true

**Instructions**

Prior to clicking on the "Finish" button, review this summary page and make changes as necessary using the

*"Previous" button. Once the "Finish" button has been clicked, the application cannot be revised. The status of the application will change to "Awaiting Attachments".*

*To attach the required documents, click on the appropriate Application Number. At the bottom of the screen, an "Attachments" section will display. Click the "Add" button and then the "Browse" button. Select the required document and click "Open". Describe the document in the comments section (community development plan, authorizing resolution, public hearing notice, public hearing description, etc.). Click on the "Save" button. Once all of the required documents have been added, click on the "Submit" button. The status of the application will change to "Submitted". If applicable, complete all associated application(s).*

PROJECT BUDGET

MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Private Budget: <b>North Channel Investors LLC</b>		Project Address: <b>86 Washington Street, Manistee, MI 49660</b>				
	Project Funding Sources (identify all other funding sources).					
Activities	CDBG	UGLG	Private			TOTAL
Building - Renovations/Leasehold	\$625,500		\$1,376,000			\$ 2,001,500
Building - New Construction	\$0		\$0			\$ -
Demolitions	\$0		\$80,000			\$ 80,000
LBP/ACM Abatement	\$22,000		\$53,000			\$ 75,000
Personal Property Acquisition/Installation	\$0		\$0			\$ -
Private Soft Costs	\$0					\$ -
Real Property Acquisition	\$0		\$0			\$ -
Residential Building - Renovations/Leasehold	\$0		\$0			\$ -
Site Improvements/Remediation	\$50,000		\$156,250			\$ 206,250
On-the-Job Training	\$0		\$0			\$ -
Vendor Training	\$0		\$0			\$ -
Architecture/Engineering	\$76,725		\$182,000			\$ 258,725
Permits, Testing, General Conditions, Contractor Fees	\$69,750		\$249,072			\$ 318,822
Construction Contingency	\$126,025		\$315,019			\$ 441,044
<b>TOTALS</b>	<b>\$970,000</b>	<b>\$0</b>	<b>\$2,411,341</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ 3,381,341</b>

## City of Manistee (UGLG) Community Development Plan

All UGLGs applying for funds under the CDBG Program are required to identify their community development and housing needs in accordance with the provisions set forth in Title 1 of the federal Housing and Community Development Act of 1974, as amended. In order to comply with requirements outlined in federal legislation, it is not necessary for an UGLG to prepare an elaborate community development plan. It is expected that most UGLGs can satisfy this requirement in a two to three-page narrative summary plan. The adopted plan must include:

1. A statement assessing the needs and problems of the UGLG, including the needs of low and moderate income persons. In all applications, the assessment must address both overall community development and housing needs regardless of the category under which funding is requested.

*The City of Manistee's housing needs were included in a County-wide housing study performed by Networks Northwest and incorporated in the City's Master Plan as Section 2.5.1 – Residential Land Use and Rental Housing. This section of the Master Plan is included following Item 5 below.*

2. A summary of possible long-term activities (two years or more) to address the identified needs and problems.

*The City will be evaluating the housing study prepared by Networks Northwest (see item #1 above) to identify the housing needs component applicable to the City. The City will then develop strategies to meet such housing needs. Concurrently, the Downtown Development Authority is reviewing available underutilized housing stock and developable vacant spaces on upstairs floors of existing historic buildings for the purpose of pursuing funding for rehabilitation/redevelopment of such vacant spaces into residential units. The Council Strategic Plan includes a section on Housing that also supports continued and ongoing development of a data driven housing strategy.*

3. A summary of contemplated short-term activities (one to two years) to address the identified needs and problems.

*While it is not the intent to cover the housing needs of the entire County, the rehabilitation of the former North Channel property will immediately make available needed residential units in the City and its Downtown commercial district. The City is also a Redevelopment Ready certified community which will assist the City when entities looking to develop housing are considering the community.*

4. A description of the effect the proposed CDBG project will have on the UGLG.

*The proposed rehabilitation of the former North Channel property will result in the creation of 14 new rental residential units at market and workforce rates, targeting housing needs within the City, especially in the Downtown area. The development will also incorporate a brewery and restaurant on the first floor which will provide an additional and much-needed dining alternative in the Downtown.*

5. A plan for minimizing the displacement of persons as a result of grant assisted activities and to assist persons actually displaced by such activities.

*Prior to being vacated, the building to be rehabilitated was used for a single commercial purpose. The building did not contain residential units, therefore, no persons will be displaced as a result of its rehabilitation.*

## Excerpt from City of Manistee Master Plan 2016

### 2.5.1 Residential Land Use and Rental Housing

In 2003 the City instituted a rental registration program that requires all residential rentals within the City to be registered and inspected on a three-year-cycle. This program establishes minimum standards for dwellings offered for rent or lease, authorizes inspection of such dwelling, and assigns certain responsibilities and duties of landlords and occupants essential to make each dwelling safe, sanitary and fit for human habitation. Staff reviewed the Rental Registration list to establish where single family, two family and multi-family rentals were located to better understand the housing market in the Community. This includes residential units that are located in or as a part of a mixed use with commercial use.

Rental Unit Type	Number of Parcels	Available Units
Single-Family	283	284
Duplexes	121	242
Multi-Family	49	277
Housing Commission	8	167
<b>Totals</b>	<b>460</b>	<b>970</b>

Table 2.6: Rental Housing

Networks Northwest, the regional planning agency for the 10 County region of Northwest Michigan underwent a large process delving into many facets of planning for our region. This “Framework for Our Future” contained many categories including a housing analysis at the individual County level in the “Manistee County Housing Inventory, 2014”. This analysis can be found at <http://www.networksnorthwest.org/userfiles/filemanager/2708/>.

The analysis provides insight into the current status of housing and rental housing in Manistee County and the needs which will be demanded in the future. A very brief synopsis of the analysis identifies:

- Housing affordability impacts home occupation for low income house-holds. Manistee County has a shortage of 300 owner-occupied homes for households earning less than \$50,000 per year.
- Rentals in Manistee County are unaffordable for an average renter and extremely low-income households (those earning \$20,000 or less per year)
- Population growth is less than the growth in households for Manistee County. This displays a decrease in household size, but an increase in household need. This impacts available household size as smaller households don’t necessarily have the need for a large single-family home and the increased costs associated with a larger home.
- Energy and Transportation costs impact rental affordability. Regional trends indicate that an average household spends over half of their income on housing and transportation. This can lead to crisis situations for households.
- While about 860 Manistee County rental households are single-person households, only about 500 rental units are 1 bedroom units or smaller. There is a high demand for these units and many households are unable to access them. This pushes individuals into rental units which are larger and more expensive.

- Single-unit rental housing options must most often be located in areas with sufficient infrastructure to allow for higher density apartment complexes, leading Cities and Villages to often provide for housing options due to available infrastructure for such developments.
- Population growth has been concentrated in age groups over age 45 within both the City and County. As the population ages, housing needs are likely to change toward a demand for assisted living, adult foster care or other options for in-home support services, as well as for smaller living spaces for shrinking household size for this demographic.

The data, although provided at the County level provides insight into housing in the City of Manistee. There is a necessity for single unit rentals as well as a increasing need for housing for the aging population in the City and County. There is also a need for options for smaller single-family homes than what is typically available on the market in our area.

It is known that the largest availability of single unit rentals can be found in apartment complexes within the City, or immediately adjacent to the City. These complexes offer lower income households options for rental. The aging population and a shift in housing needs towards assisted living centers for the elderly portion of the population should be taken seriously. Data identifies the need for this housing type, and input from the public has identified concern for this age cohort and facilities which cater directly to this aging population. Further options for single-family housing size should be reviewed, as regulatory requirements may prevent more modest sized single-family homes from being placed in specific zoning districts.

The City of Manistee contains a substantial percentage of the population of Manistee County, but Filer Charter Township to the South and Manistee Township to the North have high density populations which immediately abut the City. Housing considerations for single-unit rentals for lower income population as well as housing for the aging population is a discussion that should occur amongst these municipalities. Working together to plan for housing needs across municipal boundaries is a sound idea that is necessary with this issue of greater than local concern. A planning process which will seek to answer and plan for housing needs in our area is desired and actions are being taken to pursue such a process for our area. It is recommended that the City participate and work through a planning process for housing with other local municipalities in Manistee County.

MEMO TO: Mayor James Smith  
Members of City Council

FROM: Thad N. Taylor, City Manager 

DATE: January 18, 2017

SUBJECT: James Pratt FOIA Cost Appeal



**City Manager's Office**  
**231-398-2801**

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James Pratt submitted a Freedom of Information Act (FOIA) request to the City for a list of information held by the City. Pursuant to the City's FOIA policy the appropriate employees were provided the list of information requested, asked to determine if the information existed and if so, provide an estimate of the costs associated with complying with the request. The costs were calculated and the City's FOIA Cost Estimate Worksheet (copy attached) was completed, showing an estimated cost of \$239.92.

As provided in the City's FOIA policy, if the cost to comply with the request is more than \$50.00 the City will require a good-faith deposit before processing the request. As the estimated cost was more than \$50.00 a letter, with a copy of the Cost Estimate Worksheet, was sent to Mr. Pratt requesting a good faith deposit of \$119.96 (50% of the estimated cost), prior to processing his request.

The City received a letter from an attorney retained by Mr. Pratt offering that the fee charged for producing the requested information was excessive. In support of that position the letter cited the following from the City's FOIA policy:

"Labor costs will be charged at the hourly wage of the lowest-paid employee capable of doing the work in the specific fee category, regardless of who actually performs the work."

The letter sets out the concern with the estimate as follows:

1. Another employee(s), in the police department, other than Chief Bachman, could have assembled the information at a lower hourly rate.
2. Another employee in the department, other than Planning and Zoning Administrator Denise Blakeslee, could have assembled the information at a lower hourly rate.
3. The estimated cost of a DVD, \$25.00, is excessive as a single DVD can be purchased for much less.

I investigated the concerns and discovered the following:

1. In reality Chief Bachman did not assemble the information; it was done by two police department employees. Accordingly, the estimate has been adjusted to reflect their hourly rates. I'm not entirely certain if this was a case of misinformation, misunderstanding or miscommunication. Regardless, we'll work to make sure this doesn't happen again.

2. Denise Blakeslee is the sole employee in the Planning and Zoning Department. As a result she is the only person available for assembling the requested information.
3. The police department checked and determined their cost for a DVD is 58¢. I've learned that the \$25.00 charge has been a standard fee for some time. It appears that when the City's FOIA policy was amended in 2015 to reflect changes to the state statute, this fee and how it was assessed was overlooked and as a result, is not compliant with our policy. We've made the adjustment to come into compliance.

Attached is a copy of the City's original FOIA Cost Estimate Worksheet and a revised Cost Estimate Worksheet to reflect the changes necessary to become compliant with our FOIA policy. It is apparent that mistakes were made, some costs were excessive and they should be corrected. It is my recommendation that Council approve the revised FOIA Cost Estimate Worksheet as the estimate of the costs associated with responding to Mr. Pratt's FOIA request.

TNT:cl

Enclosures

## FOIA COST ESTIMATE WORKSHEET

Requester: <u>JAMES PRATT</u>			FOIA Request Dated: <u>12/12/16</u>				
Actual Cost: Yes No			Estimate of Cost: <u>Yes</u> No				
LINE	CLASSIFICATION OF LOWEST PAID EMPLOYEE CAPABLE OF RETRIEVING/ COPYING THE INFORMATION (POSITION/TITLE)	HOURLY PAY INCLUDING BENEFITS AMOUNT	TIME TO COMPLY IN 1/4 HOUR INCREMENTS	TOTAL COST AMOUNT	# OF PAGES OF DOCUMENTS	# OF PAGES TIMES \$0.10/PAGE AMOUNT	TOTAL AMOUNT
<b>Copying Charges</b>							
1	Copies				40	\$0.10 per page	4.00
<b>Retrieval of Public Records</b>							
2	General Office Assistant						
	Secretary ( <u>Lokovich</u> )	36.56	1				36.56
	Department Manager ( <u>Blakeslee</u> )	39.38	1				39.38
	Supervisor/Manager ( <u>BACHMAN</u> )	58.35	2				116.70
<b>Copying of Public Records</b>							
3	General Office Assistant						
	Secretary ( <u>Lokovich</u> )	36.56	.5				18.28
	Department Manager						
	Supervisor/Manager						
<b>Separation of Exempt from Nonexempt Information</b>							
4	General Office Assistant						
	Secretary						
	Department Manager						
	Supervisor/Manager						
	Outside legal counsel						
<b>Other Charges</b>							
5	OTHER CHARGES (pick-up/delivery charges; mileage (at current IRS) rate, packaging, etc.)					<u>DVD</u>	<u>25.00</u>
6	MAILING COSTS					<u>(REQUESTED TO PICKUP)</u>	<u>-</u>
7	TOTAL COST ESTIMATE						<u>839.92</u>
8	DEPOSIT REQUIRED (if estimated cost exceeds \$50.00) (not to exceed 50% of estimated fee in Line 7 above)						<u>119.96</u>

### GENERAL COSTS GUIDELINES

Duplication Per Page (each side copied)	\$.10
<u>Labor</u> : Hourly Rate/Benefits of lowest paid employee capable of performing compliance tasks (includes fringe benefits at one-half of employee's hourly wage) (Billed in 1/4 hour increments; Time increments are rounded downward to the next 1/4 hour increment)*	
<u>Labor</u> : Outside counsel time (equal to six times the current state minimum hourly wage rate) for separation of exempt from nonexempt information (January 1, 2016: \$8.50 per hour; January 1, 2017: \$8.90 per hour; January 1, 2018: \$9.25) (subject to change based on change in state minimum hour wage) (Billed in 1/4 hour increments; Time increments are rounded downward to the next 1/4 hour increment)	\$51.00 per hour
Mailing Costs	Actual
Specialty copies (Photo discs, photo reproductions; audio or video tapes or discs)	Actual
Other (Insurance; overnight or express delivery charges)	Actual

\*Generally the hourly charge (including benefits) per Section 4(3) of the FOIA, is the lowest paid fulltime Township employee (General Office Assistant) **capable** of retrieving/copying necessary information/records. However, when professional/ technical class **capable** employee is required to process requests requiring certain information retrievals, examinations, and redaction, the hourly rate of the lowest paid capable professional/technical employee is charged or, if outside legal counsel is required, the rate used is equal to six times the then-current minimum wage.

FOIA COST ESTIMATE WORKSHEET

Requester: <u>JAMES PRATT</u>		FOIA Request Dated: <u>12/12/16</u>					
Actual Cost: Yes No		Estimate of Cost: <u>Yes</u> No					
LINE	CLASSIFICATION OF LOWEST PAID EMPLOYEE CAPABLE OF RETRIEVING/ COPYING THE INFORMATION (POSITION/TITLE)	HOURLY PAY INCLUDING BENEFITS AMOUNT	TIME TO COMPLY IN 1/4 HOUR INCREMENTS	TOTAL COST AMOUNT	# OF PAGES OF DOCUMENTS	# OF PAGES TIMES \$0.10/PAGE AMOUNT	TOTAL AMOUNT
<b>Copying Charges</b>							
1	Copies				40	\$0.10 per page	4.00
<b>Retrieval of Public Records</b>							
2	General Office Assistant ( <u>Heston</u> )	14.71					3.68
	Secretary ( <u>Lokovich</u> )	36.56	1				36.56
	Department Manager ( <u>Blawie</u> )	39.38	1				39.38
	Supervisor/Manager ( <u>Sgt. Glass</u> )	34.66	.5				17.33
<b>Copying of Public Records</b>							
3	General Office Assistant						
	Secretary ( <u>Lokovich</u> )	36.56	.5				18.28
	Department Manager						
	Supervisor/Manager						
<b>Separation of Exempt from Nonexempt Information</b>							
4	General Office Assistant						
	Secretary						
	Department Manager						
	Supervisor/Manager						
	Outside legal counsel						
<b>Other Charges</b>							
5	OTHER CHARGES (pick-up/delivery charges; mileage (at current IRS) rate, packaging, etc.) <u>DVD</u>						.58
6	MAILING COSTS <u>(REQUESTED TO PICKUP)</u>						
7	TOTAL COST ESTIMATE						119.81
8	DEPOSIT REQUIRED (if estimated cost exceeds \$50.00) (not to exceed 50% of estimated fee in Line 7 above)						59.91

GENERAL COSTS GUIDELINES

Duplication Per Page (each side copied)	\$ .10
Labor: Hourly Rate/Benefits of lowest paid employee capable of performing compliance tasks (includes fringe benefits at one-half of employee's hourly wage) (Billed in 1/4 hour increments; Time increments are rounded downward to the next 1/4 hour increment)*	
Labor: Outside counsel time (equal to six times the current state minimum hourly wage rate) for separation of exempt from nonexempt information (January 1, 2016: \$8.50 per hour; January 1, 2017: \$8.90 per hour; January 1, 2018: \$9.25) (subject to change based on change in state minimum hour wage) (Billed in 1/4 hour increments; Time increments are rounded downward to the next 1/4 hour increment)	\$51.00 per hour
Mailing Costs	Actual
Specialty copies (Photo discs, photo reproductions; audio or video tapes or discs)	Actual
Other (Insurance; overnight or express delivery charges)	Actual

\*Generally the hourly charge (including benefits) per Section 4(3) of the FOIA, is the lowest paid fulltime Township employee (General Office Assistant) capable of retrieving/copying necessary information/records. However, when professional/ technical class capable employee is required to process requests requiring certain information retrievals, examinations, and redaction, the hourly rate of the lowest paid capable professional/technical employee is charged or, if outside legal counsel is required, the rate used is equal to six times the then-current minimum wage.

Law Offices of  
**WILLIAM G. BURDETTE, P.C.**

**William G. Burdette, Esq.**

E-Mail Address:  
burdette@viewofthebaylawyers.com

13709 SW Bayshore Drive  
Traverse City, Michigan 49684  
Telephone (231) 995-9100 Ext.2  
Facsimile (231) 995-9157

of Counsel  
Louis P. Tocco, P.L.C.



January 9, 2017

Manistee City Counsel  
70 Maple Street  
Manistee, MI 49660

***Re: Appeal of Excessive FOIA Fee***

Dear Sir/Madam:

I have been retained by Mr. James Pratt regarding the excessive fee charged by the City of Manistee for providing my client with the documents he requested pursuant to his FOIA request. Specifically, on December 9, 2016 my client submitted an FOIA request to the City of Manistee. A copy of his request is attached hereto as Exhibit "A." Subsequently, my client received an FOIA Cost Estimate Worksheet from the City of Manistee indicating that it will cost \$230.92 to comply with his request. A copy of the FOIA Cost Estimate Worksheet is attached hereto as Exhibit "B." This fee is excess for the following reasons.

First, pursuant to Section 5 of the City of Manistee's FOIA Procedures and Guidelines it provides as follows in regard to the determination of the cost of labor in processing a FOIA request:

"Labor costs will be calculated at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs the work."

In the fee estimate, the City assessed the hourly wage of David Bachmann the Director of Public Safety in its estimate of costs. Clearly, Mr. Bachmann is not the lowest hourly paid employee in his department that could gather the information requested by my client. As such, charging my client the amount of \$116.70 is clearly excessive. Further, the City assessed the hourly wage of Denise Blakeslee, the Planning and Zoning Administrator in its estimate of costs. Clearly, Ms. Blakeslee is not the lowest hourly employee in her department that could comply with my client's request. As such, charging my client the amount of \$39.38 is clearly excessive.

Appeal  
Page 2

Second, under other changes in line 5 the City of Manistee charged my client \$25.00 for a single DVD. Pursuant to Section 5 of the City of Manistee's FOIA Procedures and Guidelines it provides that the cost for non-paper physical media will be the actual and most reasonably economical cost. According to Staple's website, a package of 100 DVDs is only \$19.99. Clearly \$25.00 for one DVD is clearly excessive and it should be 20 cents.

Therefore, my client requests the City Council to grant his appeal and find that the costs assessed to be excessive. My client requests the City Council to reduce the hourly wage charged to the lowest paid City employee and to reduce the cost of the DVD to .20. If you have any questions regarding this matter, please contact me.

Sincerely,

**William G. Burdette, P.C.**



William G. Burdette

Enclosures