

## ALPENA CITY COUNCIL MEETING

March 6, 2023 – 6:00 p.m.

### AGENDA

The Meeting Will be Held In-Person at City Hall. The Meeting Can Be Viewed Virtually with the Login Information as Follows:

**From a Computer, Tablet or Smartphone:** <https://www.gotomeet.me/CityofAlpena>

**Dial in Using a Phone:** United States: [+1 \(646\) 749-3112](tel:+16467493112)

**Access Code:** 667-050-061

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of and Proposed Modifications to the Agenda.
4. Approval of the Minutes – Regular and Closed Sessions of February 20, 2023.
5. Citizens Appearing Before Council on Agenda and Non-Agenda Items (Citizens Shall be Allowed a Maximum of Five (5) Minutes Each to Address Their Concerns. This is the Only Time During a Council Meeting that Citizens are Allowed to Address the Council).
6. Public Hearing.  
Brownfield Plan for 400 W. Chisholm Street.
  1. Open Public Hearing.
  2. Report by Mac McClelland, Manager of Brownfield Redevelopment for Otwell Mawby, P.C.
  3. Open Public Comment.
  4. Request Written Comments Received by the City Clerk.
  5. Close Public Hearing.
  6. Council Discussion.
  7. ActionApproval of Resolution 2023-03, adopting the 400 W. Chisholm Street Brownfield Plan.
7. Consent Agenda.
  - A. Bills to be Allowed, in the Amount of \$120,722.69, and Authorize Mayor Waligora and Clerk Soik to Sign.
  - B. Approval of City Engineer Steve Shultz as alternate for representatives Cindy Johnson and Rachel Smolinski to the Northeast Michigan Materials Management Authority Board.
  - C. Approval of Second Amendment to Purchase and Sale Agreement of US 23 N. Property between City of Alpena and WSSA LLC.
8. Presentations.
9. Announcements.
10. Mayoral Proclamation.

11. Report of Officers.  
Second Reading of Ordinance No. 23-484 Which Amends the Chapter 18, Section 18-1 of the Medical Marihuana Facilities and Adult-Use Marihuana Establishments – Bill Pfeifer, City Attorney.
12. Communications and Petitions.
13. Unfinished Business.
14. New Business.
  - A. Ripley Boulevard Construction Engineering Services – Charles Kendziorski, Assistant City Engineer.
  - B. Council Policy Statement No. 33 Revisions - Ordinance Enforcement Procedures for Citizen Complaints – Montiel Birmingham, PDZ Director.
15. Adjourn to Closed Session to Discuss an Update on Sewer and Water Litigation.
16. Return to Open Session.
17. Adjournment.



Rachel Smolinski  
City Manager



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

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## *Planning, Development, & Zoning*

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**DATE:** March 1, 2023

**TO:** Mayor and City Council Members

**COPY TO:** Rachel Smolinski, City Manager

**FROM:** Montiel Birmingham, Director of Planning, Development and Zoning

**SUBJECT:** 400 W. Chisholm Redevelopment Brownfield Plan

A Brownfield Plan is proposed to support a mixed-use commercial and residential development by Alpena Eagle Ventures, LLC, a local development company on the former Jones Trucking / Habitat for Humanity property at the northwest corner of W. Chisholm Street and Fifth Avenue.

A Phase II Environmental Site Assessment was conducted for the Eligible Property in June 2022 to investigate the RECs as part of the environmental due diligence process for property acquisition. The investigation identified the presence of Mercury and Volatile Organic Compounds (VOCs) in soils and Lead and Arsenic, VOCs and Semi-Volatile Organic Compounds (SVOCs) in groundwater above EGLE Generic Cleanup Criteria and VOCs and SVOCs above Volatilization to Indoor Air Pathway (VIAP) Screening Criteria. As a result, the property qualifies as Brownfield Eligible Property as a Part 201 Facility.

The Brownfield Authority has supported the project through the EPA Brownfield Assessment Grant that funded environmental assessments and redevelopment planning. The project has also received a Revitalization and Placemaking (RAP) Grant through the Michigan Economic Development Corporation (MEDC) to support the project construction.

The Brownfield Plan includes Environmental and Non-Environmental Eligible Activities totaling \$1,069,675 plus interest. The Brownfield Plan also includes costs for Brownfield Plan/Work Plan Implementation, AABR Administrative and Operating Costs, required deposits to the State Brownfield Fund, and future capture for the AABR Local Brownfield Revolving Fund (LBRF).

With the additional public infrastructure improvements, Eligible Activities and other costs are anticipated to be fully reimbursed in 11 years for local capture and 12 years for State capture, with an additional 5 years of capture for the LBRF.

The Alpena Authority for Brownfield Redevelopment approved the Brownfield Plan at their February 7, 2023 meeting and recommends approval of the Brownfield Plan to the City Council.

### **Recommendation**

Motion to approve resolution number 23-03 approving the Brownfield Plan for the 400 W. Chisholm Redevelopment.



**RESOLUTION No. 2023-03**  
**A RESOLUTION APPROVING THE BROWNFIELD PLAN**  
**FOR THE 400 W. CHISHOLM REDEVELOPMENT**

**Whereas**, the Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of eligible activities approved in a Brownfield Plan; and

**Whereas**, the Alpena City Council (the “Council”) established the Alpena Authority for Brownfield Redevelopment (the “Authority”) under the procedures under Act 381 and filed with the Secretary of State on March 21, 1997 to facilitate the redevelopment of Brownfields within the City of Alpena; and,

**Whereas**, a Brownfield Plan has been prepared and submitted for the redevelopment of 400 W. Chisholm Street that outlines the qualifications, costs, impacts, and incentives for the project developed by Alpena Eagle Ventures, LLC for reimbursement from Brownfield Tax Increment Revenues with the adoption of the Brownfield Plan; and

**Whereas**, the Authority reviewed the Brownfield Plan at a meeting on February 7, 2023 and found that the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose of redeveloping vacant property, providing housing downtown, significantly increasing the value of downtown property, increased private investment and property tax value, and providing employment; and

**Whereas**, the Authority approved the Brownfield Plan and recommends approval by the Alpena City Council;

**Whereas**, a public hearing on the Brownfield Plan was held on March 6, 2023, and notice of the public hearing and notice to taxing jurisdictions has been provided in compliance with the requirements of Act 381; and

**Now, Therefore, be it Resolved, Whereas**, The Council has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

- (a) The Brownfield Plan constitutes a public purpose of redeveloping vacant property, providing housing downtown, significantly increasing the value of downtown property, increased private investment and property tax value, and providing employment.
- (b) The Brownfield Plan meets the requirements of Sections 13 and 13b of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of Eligible Property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable;
- (c) The proposed method of financing the costs of Eligible Activities, private financing arranged by the Developer is feasible and that the Authority will not arrange financing, as described in Section 3.2 of the Brownfield Plan;
- (d) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including meeting regulatory requirements for environmental due diligence and due care and the cost estimates are based on evaluation from certified professionals, experience in

comparable projects, and preliminary discussions with reputable companies, as described in Section 4.1, 4.2, and 4.3 of the Brownfield Plan; and

- (e) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the Authority; and

**Be it Further Resolved** that pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq*, the Alpena City Council hereby approves the Brownfield Plan for the 400 W. Chisholm Redevelopment.

**Be it Further Resolved** that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

**Be it Further Resolved** that any prior resolutions, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Councilmember \_\_\_\_\_ moved to adopt the above resolution, seconded by Councilmember \_\_\_\_\_

Ayes:

Nays:

Absent:

Resolution declared \_\_\_\_\_.

I, Anna Soik, City Clerk of the City of Alpena, DO HEREBY CERTIFY that the above is a true copy of a resolution adopted by the Municipal Council at a regular meeting on March 6, 2023.

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Anna Soik  
City Clerk

**ACT 381 BROWNFIELD PLAN**

**400 W. CHISHOLM REDEVELOPMENT  
400 W. CHISHOLM STREET  
ALPENA, MICHIGAN 49707**

**Alpena Authority for Brownfield Redevelopment**

**February 2023**

**Prepared by:**

**Mac McClelland  
Manager – Brownfield Redevelopment  
Otwell Mawby, P.C.  
309 E. Front Street  
Traverse City, Michigan  
231.633.6303  
[mac@otwellmawby.com](mailto:mac@otwellmawby.com)**

**Approved by Alpena Authority  
for Brownfield Redevelopment: February 7, 2023**

**Public Hearing: March 6, 2023**

**Approved by Alpena  
City Commission: March 6, 2023**

**Brownfield Plan  
400 W. Chisholm Redevelopment  
City of Alpena, Alpena County, Michigan**

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## Project Summary

Alpena Eagle Ventures, LLC has acquired the former Habitat for Humanity/Jones Trucking property at the northwest corner of W. Chisholm and S. Fifth Avenue and is proposing a mixed use 38,000 square foot two-story development with retail on the lower level and rental housing on the second story.

This Brownfield Plan will provide incremental tax revenues to repay certain Eligible Activities, including environmental due diligence and due care and site preparation. Reimbursement of these Brownfield Eligible Activity expenses is critical to the economic viability of the redevelopment.

Previous environmental investigations have identified the presence of contaminants in soil and groundwater exceeding EGLE Generic Cleanup Criteria. As a result, the property is a Part 201 Facility and qualifies as Brownfield Eligible Property under Act 381.

<b>Project Name:</b>	400 W. Chisholm Redevelopment
<b>Project Location:</b>	The Eligible Property is comprised of four parcels in the City of Alpena, 400 W. Chisholm Street, Parcel Identification Number 093-637-000-282-00, 418 W. Chisholm Street, 093-637-000-284-00, 113 S. Fifth Avenue, 093-497-000-150-00, 403 Lockwood Street, 093-497-000-148-00.
<b>Type of Eligible Property:</b>	Part 201 Facility
<b>Eligible Activities:</b>	Environmental Due Diligence and Due Care, Lead and Asbestos Abatement, Demolition, Site Preparation

Eligible Activities	Environmental	Non-Environmental	TOTAL
Eligible Activities	\$702,250	\$367,425	\$1,069,675
Interest	\$208,250	\$108,400	\$316,650
<b>ELIGIBLE ACTIVITY SUBTOTAL</b>	<b>\$910,500</b>	<b>\$475,825</b>	<b>\$1,386,325</b>
Brownfield Plan Development and Approval	\$15,000	\$10,000	\$25,000
Brownfield Plan Implementation	\$50,000	\$60,000	\$110,000
<b>TOTAL ELIGIBLE ACTIVITY</b>	<b>\$975,500</b>	<b>\$545,825</b>	<b>\$1,521,325</b>

<b>Years to Complete Eligible Activities Payback:</b>	<i>11 years for Local Capture and 12 Years for State Capture</i>	<b>Estimated Investment:</b>	\$10,000,000
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<b>Initial Taxable Value</b>	\$0	<b>Tax Revenues Before Development</b>	\$0
		<b>Estimated Annual Tax Revenue in First Year After Brownfield Obligation:</b>	\$213,440



## **BROWNFIELD PLAN**

### **400 W. CHISHOLM REDEVELOPMENT ALPENA, ALPENA COUNTY, MICHIGAN**

#### **ALPENA AUTHORITY FOR BROWNFIELD REDEVELOPMENT**

##### ***1.0 INTRODUCTION***

Act 381, P.A. 1996, as amended, was enacted to promote the revitalization, redevelopment, and reuse of contaminated, tax reverted, blighted, functionally obsolete, or historically designated property through incentives adopted as part of a Brownfield Plan. The Brownfield Plan outlines the qualifications, costs, impacts, and incentives for the project.

The Brownfield Plan must be approved by the brownfield redevelopment authority established under Act 381 and the governing body of the authority's municipality to take effect. The Michigan Department of Environment, Great Lakes and Energy (EGLE) must approve Environmental Eligible Activities and the Michigan Strategic Fund must approve Non-Environmental Eligible Activities for State tax capture. The City of Alpena established the Alpena Authority for Brownfield Redevelopment under the procedures required under Act 381 and filed with the Secretary of State on March 21, 1997.

The Brownfield Plan describes the public purpose and qualifying factors for determining the site as an Eligible Property, the Eligible Activities and estimated costs, the impacts of tax increment financing, and other project factors.

##### **1.1 Proposed Redevelopment and Future Use for Each Eligible Property**

The proposed redevelopment will construct a mixed use 38,000 square foot two-story development with retail on the lower level and rental housing on the second story. The property is zoned Central Business District CBD-2.

The estimated private investment is anticipated at \$10,000,000. The development will provide new retail space and up to 15 rental units in the Central Business District of downtown Alpena. Site work is anticipated to begin in early Fall 2023 with the completion in early Fall 2024. The project is located in the City of Alpena, a Qualified Local Governmental Unit (QLGU).

##### **1.2 Eligible Property Information**

The Eligible Property includes one parcel, as described below:

Parcel Number	Address	Description	Acreage	Qualifying Status
093-637-000-282-00	400 W. Chisholm	400 W. CHISHOLM ST. FRL LOTS 1 & 2 BLK 12 OF THE VILLAGE NOW CITY & FRL LOTS 1 & 2 BLK 12 OLIVERS ADD TO THE VILL NOW CITY ALSO LOT 3 BLK 12 OF THE VILLAGE NOW CITY	0.636	Part 201 Facility
093-637-000-284-00	418 W. Chisholm	418 W. CHISHOLM ST. SELY 1/2 OF LOT 4 BLK 12 OF THE VILLAGE NOW CITY	0.106	Adjacent
093-497-000-150-00	113 South 5th Avenue	113 S. FIFTH AVE. (VACANT LOT) NELY 1/2 OF LOTS 11 & 12 BLK 12 OLIVERS ADD TO THE VILL NOW CITY	0.208	Adjacent
093-497-000-148-00	403 Lockwood Street	403 LOCKWOOD ST. SWLY 71 FT 5 INS OF LOTS 11 & 12 BLK 12 OF OLIVERS ADD TO THE VILL NOW CITY	0.217	Adjacent

### 1.3 Public Purpose *MCL 125.2664(5):*

The redevelopment of the vacant property in the Central Business District of downtown Alpena into a major mixed-use development will increase employment, provide sorely needed housing downtown, significantly increase property value and property taxes, and encourage spin-off redevelopment. When completed, property taxes are estimated at over **\$213,000** per year (following the retirement of Brownfield obligations).

## 2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

### 2.1 Description of Project and Plan Costs *MCL 125.2663(2)(a):*

The proposed redevelopment will remove the existing building and construct a mixed use 38,000 square foot two-story development with retail on the lower level and rental housing on the second story. The Brownfield Plan includes Environmental and Non-Environmental Eligible Activities:

Environmental Eligible Activities include:

- Baseline Environmental Assessment Activities
  - Phase I Environmental Site Assessment
  - Phase II Environmental Site Assessment
  - Baseline Environmental Assessment
- Due Care Activities
  - Due Care Planning and Documentation
  - Due Care Response Activities

- Soil Loading, Transportation and Disposal
- Dewatering Effluent Treatment
- Vapor Mitigation

Non-Environmental Eligible Activities include:

- Site Preparation

Other Eligible Activities include:

- Brownfield Plan development and approval;
- Brownfield Plan implementation; and
- Administrative and operating costs of the AABR with local tax capture only.
- Interest (Estimated at 5.0% for 10 years)

Eligible Activities	Environmental	Non-Environmental	TOTAL
<b>Eligible Activities</b>	<b>\$702,250</b>	<b>\$367,425</b>	<b>\$1,069,675</b>
<b>Interest</b>	<b>\$208,250</b>	<b>\$108,400</b>	<b>\$316,650</b>
<b>ELIGIBLE ACTIVITY SUBTOTAL</b>	<b>\$910,500</b>	<b>\$475,825</b>	<b>\$1,386,325</b>
<b>Brownfield Plan Development and Approval</b>	<b>\$15,000</b>	<b>\$10,000</b>	<b>\$25,000</b>
<b>Brownfield Plan Implementation</b>	<b>\$50,000</b>	<b>\$60,000</b>	<b>\$110,000</b>
<b>TOTAL ELIGIBLE ACTIVITY</b>	<b>\$975,500</b>	<b>\$545,825</b>	<b>\$1,521,325</b>

Additional detail is provided in Table 1.1: Environmental Eligible Activities and Table 1.2 Non-Environmental Eligible Activities.

The cost of Eligible Activities included in and authorized by this Brownfield Plan will be reimbursed with incremental applicable local and state tax revenue generated by the increased private investment on the Eligible Property and captured by the AABR, subject to any limitation and conditions described in this Brownfield Plan, Act 381 Work Plan and the terms of a Development and Reimbursement Agreement between the Developer and the AABR. State tax capture requires approval of an Act 381 Work Plan by the Michigan Department of Environment, Great Lakes and Energy (EGLE) for Environmental Eligible Activities and the Michigan Strategic Fund (MSF) for Non-Environmental Eligible Activities, with exemptions for certain Eligible Activities, including Baseline Environmental Assessment and Due Care Investigation and Planning Activities.

The Eligible Activity costs included in this Brownfield Plan are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Eligible Property or other

circumstances. Reimbursement will be based on the actual cost of Eligible Activities approved under this Brownfield Plan and an Act 381 Work Plan from Brownfield Tax Increment Financing (TIF) revenues captured by the Authority and shall be governed by the terms and conditions of the Development and Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). This Brownfield Plan and the Development and Reimbursement Agreement establish the maximum Eligible Activity cost. Line-item Eligible Activities and costs may be adjusted after the adoption of this Brownfield Plan with the approval of the Authority, as long as the total maximum Eligible Activity cost is not exceeded.

## **2.1 Summary of Eligible Activities      *MCL 125.2663(2)(b):***

Act 381 provides for the costs of certain Environmental and Non-Environmental Eligible Activities to be reimbursed through tax increment financing. The following is a summary of Environmental Eligible Activities and Non-Environmental Activities.

### ***EGLE Eligible Activities***

1. **Baseline Environmental Assessment (BEA) Activities:** BEA Activities include Phase I Environmental Site Assessments (ESAs), Phase II ESAs, and Baseline Environmental Assessments to provide an exemption for the developer and assigns from environmental liability for pre-existing contamination. Act 381 includes provisions for Baseline Environmental Activities to be conducted prior to the approval of a Brownfield Plan for local tax capture (Section 13b.(9)(b)) and for State tax capture without EGLE approval (Section 13b.(8)(a-b)), as long as included in a subsequent Brownfield Plan.

A. **Phase I ESA:** A Phase I ESA has been conducted for the subject parcel, consistent with ASTM Standard E1527-13. The Phase I ESA includes a review of historical and current information, including regulatory agency files, historical maps, and past uses to evaluate the potential for contamination, a site inspection of both the grounds and the exterior and interior of buildings on the property, and interviews with individuals knowledgeable about the past use of the property to identify any Recognized Environmental Conditions (RECs). The Phase I report identified the following REC:

1. Potential Residual Soil and Groundwater Contamination from underground storage tanks (USTs) that removed from the property, including the potential for vapor intrusion to indoor air.

B. **Phase II ESA:** A Phase II Environmental Site Assessment was conducted for the Eligible Property in June 2022 to investigate the REC as part of the environmental due diligence process for property

acquisition. The investigation identified the presence of mercury and volatile organic compounds (VOCs) in soils and VOCs in groundwater above EGLE Generic Cleanup Criteria and Volatilization to Indoor Air Pathway (VIAP) Screening. As a result, the property qualifies as Brownfield Eligible Property as a Part 201 Facility.

- C. Baseline Environmental Assessment: A Baseline Environmental Assessment (BEA) has been prepared on behalf of Alpena Eagle Ventures, LLC to provide an exemption from environmental liability for pre-existing contamination.
2. Due Care Investigation and Activities: While the BEA provides an exemption from environmental liability for pre-existing contamination, new purchasers have due care obligations to prevent exposure to or exacerbation of pre-existing contamination. Act 381 includes provisions for Due Care Investigation Activities to be conducted prior to the approval of a Brownfield Plan for local tax capture (Section 13b.(9)(b)) and for State tax capture without EGLE approval (Section 13b.(8)(a,c)), as long as included in a subsequent Brownfield Plan. There are three primary due care activities proposed under this Brownfield Plan:
- A. Phase II ESA Investigation: Due to the presence of contaminated soils on the Eligible Property additional investigation may be required to determine if exposure pathways are complete and if mitigation measures are required.
- B. Due Care Planning and Documentation: Following the completion of the Phase II ESA and determination of the redevelopment details of each future land use, the data summary and recommendations for meeting due care obligations will be included in a Response Activity Plan/Due Care Plan. The Response Activity Plan/Due Care Plan will describe the known contamination, proposed redevelopment activities, plans for mitigating unacceptable exposures and preventing exacerbation, recommendations for filing abandon container notices, notices to third parties who may be exposed to contamination (e.g., utility workers), and filing of Notices of Migration of Contamination, if necessary. In addition, an Environmental Construction Management Plan will be prepared to detail measures to protect on-site workers and construction measures to meet due care obligations. Once the due care measures are completed, Documentation of Due Care Compliance will be compiled.
- C. Due Care Exposure Pathway Mitigation: The Response Activity Plan/Due Care Plan and Environmental Construction Management Plan will identify specific measures to be taken to address due care requirements. These activities could include soil remediation; developing and

implementing a soils management plan to safely relocate soils on the property; engineered barriers to prevent direct contact with soils or vapors; and/or institutional controls if necessary. These measures will be subject to approval of an Act 381 Work Plan by the EGLE for State tax capture.

### **Other Activities**

**Brownfield Plan and Work Plan Preparation:** The preparation and approval of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

**Brownfield Plan and Work Plan Implementation:** The implementation of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

**Administrative and Operating Costs:** An estimate of reasonable and actual administrative and operating costs of the Alpena Brownfield Redevelopment Authority (AABR) is included as Eligible Activities as a Local Only Cost.

**Interest:** Interest is included as an Eligible Activity. Interest is calculated at 5.0% for 10 years for Eligible Activity costs for the purposes of this Brownfield Plan.

The following tables estimate the costs for Eligible Activities to be funded by tax increment revenues.

#### **EGLE Environmental Eligible Activity Cost**

<b><u>Eligible Activities</u></b>	<b><u>Estimated Cost</u></b>
<b>Baseline Environmental Assessment</b>	<i>\$29,000</i>
<b>Due Care Activities</b>	<i>\$585,000</i>
<b>Contingency (15%)</b>	<i>\$87,750</i>
<b>EGLE Eligible Activities Subtotal</b>	<i>\$702,250</i>
Interest	<i>\$208,250</i>
<b>EGLE Environmental Eligible Activities Total</b>	<b><i>\$910,500</i></b>
Brownfield Plan/Work Plan Development and Approval Cost	<i>\$15,000</i>
Brownfield Plan/Work Plan Implementation Cost	<i>\$50,000</i>
<b>ENVIRONMENTAL ELIGIBLE ACTIVITIES TOTAL</b>	<b><i>\$975,500</i></b>

### MSF Non-Environmental Eligible Activities

MSF Non-Environmental Eligible Activities are included under this Brownfield Plan under the auspices of Act 381. The MSF Non-Environmental Eligible Activities includes site preparation and private infrastructure.

1. Site Preparation: Site preparation will consist of geotechnical engineering, temporary site and erosion control, land balancing and grading.

Site Preparation	Total
Dewatering	\$50,000
Land Balance	\$36,000
GeoTech	\$17,000
Relocation of Active Utilities	\$60,000
Staking, Temp Facilities	\$71,600
Architectural/Engineering	\$19,050
<b>TOTAL</b>	<b>\$254,250</b>

2. Infrastructure: Infrastructure will include urban stormwater management – low impact design.

### MSF Non-Environmental Eligible Activity Cost

Eligible Activities	Estimated Cost
<b>Site Preparation</b>	<b>\$254,250</b>
<b>Infrastructure (Private – Stormwater)</b>	<b>\$65,250</b>
<b>Contingency (15%)</b>	<b>\$47,925</b>
<b>MSF Non-Environmental Eligible Activities Subtotal</b>	<b>\$367,425</b>
Interest	\$108,400
<b>MSF Non-Environmental Eligible Activities Total</b>	<b>\$475,825</b>
Brownfield Plan/Work Plan Development and Approval Cost	<u>\$10,000</u>
Brownfield Plan/Work Plan Implementation Cost	<u>\$60,000</u>
<b>MSF NON-ENVIRONMENTAL ELIGIBLE ACTIVITIES TOTAL</b>	<b>\$545,825</b>

### Other Activities

Brownfield Plan and Work Plan Preparation: The costs for preparation and approval of the Brownfield Plan and Act 381 Work Plans have been covered by the EPA Brownfield Assessment Grant under Redevelopment Planning.

Brownfield Plan and Work Plan Implementation: The implementation of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Administrative and Operating Costs: An estimate of reasonable and actual administrative and operating costs of the Alpena Authority for Brownfield Redevelopment (AABR) is included as Eligible Activities for Local Only capture.

Interest: Interest is included as an Eligible Activity. Interest is calculated at 5.0% for 10 years for Eligible Activity costs for the purposes of this Brownfield Plan.

### **2.3 Estimate of Captured Taxable Value and Tax Increment Revenues** *MCL 125.2663(2)(c):*

Act 381 defines Initial Taxable Value as taxable value of an Eligible Property identified in and subject to a Brownfield Plan at the time the resolution adding that Eligible Property in the Brownfield Plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the brownfield plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that eligible property in the brownfield plan is adopted.

The taxable value as of December 31, 2021 is \$0. As provided in this Brownfield Plan, the Initial Taxable Value will be established by most recent assessment roll for which equalization has been completed at the time of for the approval of the Brownfield Plan, anticipated in March 2023. The initial taxable value will set by taxable value as of December 31, 2021, which is \$0.

The EGLE Environmental and MSF Non-Environmental Eligible Activity cost is \$1,069,675 plus an estimated \$316,650 in interest and \$135,000 in Brownfield Plan/Work Plan Development, Approval, and Implementation, for a total of \$1,521,325. The Brownfield Plan also includes AABR Administrative and Operating Costs and capture of 50% of the State Education Tax for the State Brownfield Fund as required by Act 381, estimated at \$149,976 for this Brownfield Plan. The Brownfield Plan also provides deposits into the Local Brownfield Revolving Fund during the time of capture and five years after capture, with State tax capture limited to an amount equal to State tax capture for EGLE Environmental Eligible Activities, estimated at \$840,064 in State and Local tax capture. The overall investment for the Project is estimated at over \$10,000,000.

Table 2 identifies taxable values for real and personal property, including tax increment revenues for the Eligible Property. In addition, 3 mils are captured and distributed to the State for the State Brownfield



Redevelopment Fund. In accordance with Act 381, this share does not affect the State and local ratio. The overall contribution of local taxes is consistent with the ratio of captured local taxes (55.94%) to captured State taxes (44.06%).

The cash flow analysis for the project indicates payoff of the obligation in *eleven (11) years* for local capture and *twelve (12) years* for State capture from 2023, with an additional *five (5) years* for the Local Brownfield Revolving Fund, as provided in Section 13(5) of Act 381, P.A. 1996 as amended.

Redevelopment of the property is anticipated to be initiated in Fall 2023, with site preparation. The actual tax increment captured will be based on taxable value set through the property assessment process by the local unit of government and equalized by the County and the millage rates set each year by the taxing jurisdictions. The estimated tax increment captured by the Authority is summarized in the table below and detailed in Table 2.

#### Estimate Tax Revenues and Tax Increment Capture by the Authority

Year	Total Tax Revenues	Captured Taxes	
1 2023	\$5,627	\$5,447	
2 2024	\$90,120	\$87,237	
3 2025	\$175,880	\$170,254	
4 2026	\$178,518	\$172,808	
5 2027	\$181,196	\$175,400	
6 2028	\$183,914	\$178,031	
7 2029	\$186,673	\$180,701	
8 2030	\$189,473	\$183,412	
9 2031	\$192,315	\$186,163	
10 2032	\$195,200	\$188,956	
11 2033	\$198,128	\$191,790	(1)
12 2034	\$201,099	\$194,667	(2)
13 2035	\$204,116	\$197,587	
14 2036	\$207,178	\$200,551	
15 2037	\$210,285	\$203,559	(3)

Year	Total Tax Revenues	Captured Taxes
16 2038	\$213,440	\$91,032
17 2039	\$216,641	\$0
18 2040	\$219,891	\$0
19 2041	\$223,189	\$0
20 2042	\$226,537	\$0
21 2043	\$229,935	\$0
22 2044	\$233,384	\$0
23 2045	\$236,885	\$0
24 2046	\$240,438	\$0
25 2047	\$244,045	\$0
26 2048	\$247,705	\$0
27 2049	\$251,421	\$0
28 2050	\$255,192	\$0
29 2051	\$259,020	\$0
30 2052	\$262,905	\$0

(1) Local Tax Capture Ends
(2) State Tax Capture Ends
(3) Local LBRF Capture Ends
(4) State LBRF Capture Ends

Total	\$6,160,351	\$2,607,595
State Brownfield Fund		(\$149,976)
Local Brownfield Fund		(\$840,064)
Admin		(\$96,229)
Balance		\$1,521,325

**2.4 Method of Financing and Description of Advances Made by the Municipality** *MCL 125.2663(2)(d):*

Environmental Eligible Activity Costs and Non-Environmental Eligible Activity Costs will be financed by the Developer, with reimbursement from Brownfield TIF.

**2.5 Maximum Amount of Note or Bond Indebtedness** *MCL 125.2663(2)(e):*

The maximum amount of Eligible Activities is anticipated to be will be \$1,069,675. No bond issue or bond indebtedness is anticipated.

**2.6 Beginning Date and Duration of Capture** *MCL 125.2663(2)(f):*

The anticipated beginning date of capture is 2024, estimated to be the first year tax increment revenues are available. The duration of Brownfield Plan capture will be the time to capture taxes in an amount equal to the Eligible Activity obligation, Interest, State Brownfield Fund, Local Brownfield Revolving Fund, and Administrative and Operation Costs. As shown on Table 2, total costs of all Eligible Activities on the property redevelopment are expected to be repaid through tax increment financing within *11 years* for Local capture and *12 years* for State Capture, with an additional tax capture for the Local Brownfield Revolving Fund during the time of capture and five years, not to exceed the total cost of all Eligible Activities approved in the Brownfield plan and for EGLE Environmental Eligible Activities for State tax capture.

**2.7 Estimated Impact of Tax Increment Financing on Tax Revenues of Taxing Jurisdictions** *MCL 125.2663(2)(g):*

Table 2.1 and 2.2 identify annual and total tax revenues projected for capture from the increase in property tax valuations. Individual tax levies within each taxing jurisdiction are also presented on Table 2.1. Table 3 presents the allocation of tax capture and the total tax increment for the 30-year duration of the Brownfield Plan. Taxing jurisdictions will continue to receive their tax allocation for the project once the Brownfield obligation is met and beyond the duration of the Brownfield Plan.

The total tax capture is estimated at \$1,069,675 for Eligible Activities, plus an estimated \$316,650 in interest, \$135,000 in Brownfield Plan development, approval and implementation, an estimated \$96,229 in AABR Administrative and Operating costs, an estimated \$149,976 for the State Brownfield Fund and an estimated \$840,064 for the Local Brownfield Fund for a total capture of \$2,607,595. After the Brownfield obligation is met, tax revenues in an amount estimated at \$216,600 per year on into the future, totaling an additional

estimated \$3,552,000 will accrue to the taxing jurisdictions over the 30-year period of the Brownfield Plan and continuing beyond.

## 2.8 Legal Description, Location, and Determination of Eligibility *MCL 125.2663(2)(h):*

Legal Description: The legal description of the eligible property follows:

Parcel Number	Address	Description	Acreage	Qualifying Status
093-637-000-282-00	400 W. Chisholm	400 W. CHISHOLM ST. FRL LOTS 1 & 2 BLK 12 OF THE VILLAGE NOW CITY & FRL LOTS 1 & 2 BLK 12 OLIVERS ADD TO THE VILL NOW CITY ALSO LOT 3 BLK 12 OF THE VILLAGE NOW CITY	0.636	Part 201 Facility
093-637-000-284-00	418 W. Chisholm	418 W. CHISHOLM ST. SELY 1/2 OF LOT 4 BLK 12 OF THE VILLAGE NOW CITY	0.106	Adjacent
093-497-000-150-00	113 South 5th Avenue	113 S. FIFTH AVE. (VACANT LOT) NELY 1/2 OF LOTS 11 & 12 BLK 12 OLIVERS ADD TO THE VILL NOW CITY	0.208	Adjacent
093-497-000-148-00	403 Lockwood Street	403 LOCKWOOD ST. SWLY 71 FT 5 INS OF LOTS 11 & 12 BLK 12 OF OLIVERS ADD TO THE VILL NOW CITY	0.217	Adjacent

Location: The Eligible Property is located at the northwest corner of W. Chisholm Street and S. Fifth Avenue in Alpena, Michigan. Figure 1 depicts the location of the Eligible Property and Figure 2 depicts the Eligible Property boundaries.

Eligibility Determination: A Phase II Environmental Site Assessment was conducted for the Eligible Property in June 2022 to investigate the RECs as part of the environmental due diligence process for property acquisition.

*Soil Investigation Analytical Results:* Twelve soil samples were collected from the location of the identified REC on the subject property and submitted for laboratory analysis. Analysis of the twelve soil samples that were submitted, the samples exhibited concentrations above the EGLE Part 201 Generic Cleanup Criteria (GCC) - Residential, for Drinking Water Protection Criteria and Groundwater Surface Water Protection Criteria. The soil results were also compared to the EGLE September 4, 2020 Volatilization to Indoor Air Pathway (VIAP) Screening Levels for Residential and Non-residential. Concentrations detected above the EGLE GCC and the VIAP are summarized below. All other parameters were not detected above laboratory method detection limits (MDLs) or below the GCC.

### Summary of Soil Concentrations Above EGLE GCC and RIASLs

Sample Number	Sample Depth (In./Ft.)	Parameter Exceeding Criteria	Parameter Analytical Result (ug/Kg, ppb)	GCC / VIAP Exceeded (ug/Kg, ppb)
<b>B-4</b>	4.5'	Mercury	100	GSIP – 50 (M),1.2 SDBL – 130 Res-VIAP – 22
		Benzene	51	Res-VIAP – 1.7(M) Non-VIAP – 47(M)
		cis-1,2-Dichloroethene	56	Res-VIAP – 2.1(M) Non-VIAP – 37(M)
		Tetrachloroethene	100	Res-VIAP – 6.2(Ee) Non-VIAP – 74(M)
		Trichloroethene	130	DWP – 100 Res-VIAP – 0.33(M)(DD) Non-VIAP – 4.0(M)(DD)
<b>Dup Soil (B-8)</b>	5.0'	Mercury	62	GSIP – 50 (M),1.2 SDBL – 130 Res-VIAP – 22

DWP – EGLE Part 201 Drinking Water Protection

GSIP - EGLE Part 201 Groundwater Surface Water Interface Protection Criteria

DCC – EGLE Part 201 Direct Contact Criteria - Residential

SVIIC – Soil Volatilization to Indoor Air Inhalation Criteria

GSIP – EGLE Part 201 Groundwater Surface Water Interface Protection Criteria

SDBL – EGLE Part 201 Statewide Default Background Levels

GCC – Generic Cleanup Criteria

Res-VIAP – EGLE Proposed Residential volatilization to indoor air pathway (VIAP) screening levels. The VIAP screening levels are calculated based on unrestricted residential use (September 4, 2020).

Non-VIAP - EGLE Proposed Nonresidential volatilization to indoor air pathway (VIAP) screening levels. The VIAP screening levels are calculated based on restricted nonresidential use (September 4, 2020)

M = Calculated criterion is below the analytical target detection limit, therefore, the criterion defaults to the target detection limit.

EE = The acceptable air concentration (AAC) for the volatile hazardous substances is not derived using standard equations. The hazardous substance may cause adverse human health effects for less than chronic exposures (i.e. short-term or acute). The AAC for these hazardous substances is the acute or intermediate minimum risk level (MRL) developed by the Agency for Toxic Substances and Disease Registry (ATSDR), a United States Environmental Protection Agency Integrated Risk Information System (IRIS) acute reference concentration, or an acute initial threshold screening level (ITSL) by the EGLE's Air Quality Division.

DD = Hazardous substance causes developmental effects. Residential VIAP screening levels are protective of both prenatal exposures using a pregnant female receptor and postnatal exposure using a child receptor. Nonresidential VIAP screening levels are protective of prenatal exposure using a pregnant female receptor. Prenatal developmental effects may occur after an acute (i.e. short term) or full-term exposure.

ppb – Parts per billion

ug/Kg – Micrograms per kilogram or ppb

*Groundwater Investigation Analytical Results:* The eleven groundwater samples (identified above) collected from the sample locations completed on the subject property during the Phase II ESA investigation, the samples exhibited concentrations above the EGLE Part 201 Generic Cleanup Criteria (GCC) - Residential, for Drinking Water Criteria, Groundwater Surface Water Interface Criteria and Groundwater Volatilization to Indoor Air Inhalation Criteria. The groundwater results were also compared to the EGLE September 4, 2020 Volatilization to Indoor Air Pathway (VIAP) Screening Levels for Residential and Non-residential.

Concentrations detected above the EGLE GCC and the VIAP are summarized below. All other parameters were not detected above laboratory method detection limits (MDLs) or below the GCC.

**Summary of Groundwater Concentrations Above EGLE GCC**

Sample ID	Screen Depth (Ft.)	Parameter Exceeding Criteria	Parameter Analytical Result (ug/L, ppb)	GCC / VIAP Exceeded (ug/L, ppb)
B-1	5.0 to 10.0'	2-Methylnaphthalene	24	GSIC – 19.0
		Benzene	1.7	Res-VIAP – 1.0
B-6	4.5 to 9.5'	Phenanthrene	7.7	GSIC – 2.0(M); 1.7
B-7	4.5 to 9.5'	Acenaphthene	76	GSIC – 38
		Phenanthrene	24	GSIC – 2.0(M); 1.7 Res-VIAP – 9.5 Non-VIAP – 15
B-9	4.5 to 9.5'	Acenaphthene	260	GSIC – 38
		Anthracene	580	DWC – 43(S) GVIIC – 43(S) VIAP – 43(S) Non-VIAP – 43(S)
		Fluoranthene	580	DWC – 210(S) GSIC – 16 GVIIC – 210(S)
		2-Methylnaphthalene	82 to 630	DWC – 260 GSIC – 19.0 Res-VIAP – 66 Non-VIAP – 110
		Naphthalene	60 to 260	GSIC – 11.0 Res-VIAP – 4.2(M) Non-VIAP – 12
		Phenanthrene	2,100	DWC – 52.0 GSIC – 2.0(M); 1.7 Res-VIAP – 9.5 Non-VIAP – 15
		Ethylbenzene	9.9	Res-VIAP – 2.8
		1,2,3-Trimethylbenzene	57	Res-VIAP – 43(JT) Non-VIAP – 1800(JT)
		1,2,4-Trimethylbenzene	200	DWC – 63(E) GSIC – 17 Res-VIAP – 25(JT) Non-VIAP – 990(JT)
		1,3,5-Trimethylbenzene	25	Res-VIAP – 18(JT) Non-VIAP – 690(JT)
		Isopropylbenzene	7.1	Res-VIAP – 0.6(M) Non-VIAP – 6.7
		Lead	35	DWC – 4.0 (L) GSIC – 14, X
Dup GW (B-9)	4.5 to 9.5'	Anthracene	220	DWC – 43(S) GVIIC – 43(S) VIAP – 43(S) Non-VIAP – 43(S)

Sample ID	Screen Depth (Ft.)	Parameter Exceeding Criteria	Parameter Analytical Result (ug/L, ppb)	GCC / VIAP Exceeded (ug/L, ppb)
		Fluorene	280	GSIC – 12.0
		2-Methylnaphthalene	190 to 390	DWC – 260 GSIC – 19.0 Res-VIAP – 66 Non-VIAP – 110
		Phenanthrene	1,100	DWC – 52.0 GSIC – 2.0(M); 1.7 Res-VIAP – 9.5 Non-VIAP – 15
		Ethylbenzene	15	Res-VIAP – 2.8
		1,2,3-Trimethylbenzene	97	Res-VIAP – 43(JT)
		1,2,4-Trimethylbenzene	220	DWC – 63(E) GSIC – 17 Res-VIAP – 25(JT)
		1,3,5-Trimethylbenzene	54	GSIC – 45 Res-VIAP – 18(JT)
		Isopropylbenzene	14	Res-VIAP – 0.6(M) Non-VIAP – 6.7
		Lead	74	DWC – 4.0 (L) GSIC – 14, X
<b>B-10</b>	4.5 to 9.5'	Phenanthrene	3.1	GSIC – 2.0(M); 1.7
		1,2,4-Trimethylbenzene	49	GSIC – 17 Res-VIAP – 25(JT)
		Naphthalene	20	GSIC – 11.0 Res-VIAP – 4.2(M) Non-VIAP – 12
<b>B-11</b>	4.5 to 9.5'	Fluorene	13	GSIC – 12.0
		2-Methylnaphthalene	31 to 42	GSIC – 19.0
		Phenanthrene	25	GSIC – 2.0(M); 1.7 Res-VIAP – 9.5 Non-VIAP – 15
		1,2,3-Trimethylbenzene	48	Res-VIAP – 43(JT) Non-VIAP – 1800(JT)
		1,2,4-Trimethylbenzene	100	DWC – 63(E) GSIC – 17 Res-VIAP – 25(JT) Non-VIAP – 990(JT)
		1,3,5-Trimethylbenzene	42	Res-VIAP – 18(JT) Non-VIAP – 690(JT)
		Naphthalene	20	GSIC – 11.0 Res-VIAP – 4.2(M) Non-VIAP – 12
		Arsenic	12	DWC – 10(A) GSIC – 10
<b>B-13</b>	4.5 to 9.5'	2-Methylnaphthalene	69 to 96	GSIC – 19.0 Res-VIAP – 66
		Naphthalene	48 to 75	GSIC – 11.0 Res-VIAP – 4.2(M) Non-VIAP – 12
		1,2,3-Trimethylbenzene	25	Res-VIAP – 43(JT)

Sample ID	Screen Depth (Ft.)	Parameter Exceeding Criteria	Parameter Analytical Result (ug/L, ppb)	GCC / VIAP Exceeded (ug/L, ppb)
		1,2,4-Trimethylbenzene	69	DWC – 63(E) GSIC – 17 Res-VIAP – 25(JT)
		1,3,5-Trimethylbenzene	4.6	Res-VIAP – 18(JT)
<b>MW-12 (Existing)</b>	Unknown	2-Methylnaphthalene	30	GSIC – 19.0
		Naphthalene	14	GSIC – 11.0 Res-VIAP – 4.2(M) Non-VIAP – 12

DWC – EGLE Part 201 Drinking Water Criteria

GSIC – EGLE Part 201 Groundwater Surface Water Interface Criteria

GVIIC - EGLE Part 201 Groundwater Volatilization to Indoor Air Inhalation Criteria

GCC – Generic Cleanup Criteria

*Italic* – Constituent can be analyzed as a VOC and PNA, therefore, the results are presented as a range.

A = Criterion is the state of Michigan drinking water standard established pursuant to Section 5 of 1976 PA 399, MCL 325.1005.

L = Criteria for lead are derived using a biologically based model, as allowed for under Section 20120a(9) of the NREPA, and are not calculated using the algorithms and assumptions specified in pathway-specific rules.

M = Calculated criterion is below the analytical target detection limit, therefore, the criterion defaults to the target detection limit.

S = Calculated VIAP screening level exceeds the hazardous substance-specific water solubility limit; therefore, the water solubility limit is used to evaluate the risk posed from the pathway. When this occurs the basis for the screening level is noted as "sol".

JT = Hazardous substance may be present in several isomer forms. The VIAP screening level may be used for the individual isomer provided that it is the sole isomer detected; however, when multiple isomers are detected in a medium, the isomer-specific concentrations must be added together and compared to the most restrictive VIAP screening level of the detected isomers.

X = The GSI criterion shown in the generic cleanup criteria tables is not protective for surface water that is used as a drinking water source. For a groundwater discharge to the Great Lakes and their connecting waters or discharge in close proximity to a water supply intake in inland surface waters, the generic GSI criterion shall be the surface water human drinking water value (HDV) listed in the table in this footnote, except for those HDV indicated with an asterisk. For HDV with an asterisk, the generic GSI criterion shall be the lowest of the HDV, the WV, and the calculated FCV

ug/L – Micrograms per Liter (i.e., parts per billion)

Additional constituents were identified in the groundwater samples collected from the groundwater monitoring wells located on the subject property, although these constituents were identified above the laboratory method detection limits, they were below the GCC or there are no established EGLE Part 201 GCC for comparison. Constituents were also identified in the groundwater samples at concentrations in excess of the EGLE VIAP Screening Levels for Residential and Non-residential. The identification of the constituents detected in groundwater is likely the result of the historical use the subject property.

Personal Property: Personal Property is included as part of the Eligible Property.

## 2.9 Estimate of Number of Persons Residing on Eligible Property **MCL 125.2663(2)(i):**

There are currently no residential dwellings or residences that occupy the Eligible Property.

**2.10 Plan for Residential Relocation      *MCL 125.2663(2)(j):***

The Eligible Property does not currently contain any residential dwellings; therefore, a plan for residential relocation is not applicable.

**2.11 Provision of Costs of Relocation      *MCL 125.2663(2)(k):***

The Eligible Property does not currently contain any residential dwellings; therefore, a provision for residential relocation has not been allocated.

**2.12 Strategy to Comply with Relocation Assistance Act, 1972 PA 227      *MCL 125.2663(2)(l):***

The Eligible Property does not currently contain any residential dwellings; therefore, relocation is not necessary.

**2.13 Other Material Required by the Authority or Governing Body      *MCL 125.2663(2)(m):***

None



## **EXHIBITS**

### **FIGURES**

**Figure 1** Eligible Property Location Map

**Figure 2** Eligible Property Boundary

**Figure 3** Renderings

**Figure 4** Site Photos

**Figure 5** Site Plan

### **TABLES**

**Table 1.1** Environmental Eligible Activities Costs and Schedule

**Table 1.2** Non-Environmental Eligible Activities Costs and Schedule

**Table 2.1** Annual Revenue and Brownfield Capture Estimates

**Table 2.2** Tax Increment Revenue Reimbursement Allocation Table

**Table 3.** Impact on Tax Jurisdictions

### **ATTACHMENTS**

**Attachment A** – Brownfield Plan Resolutions

# FIGURES

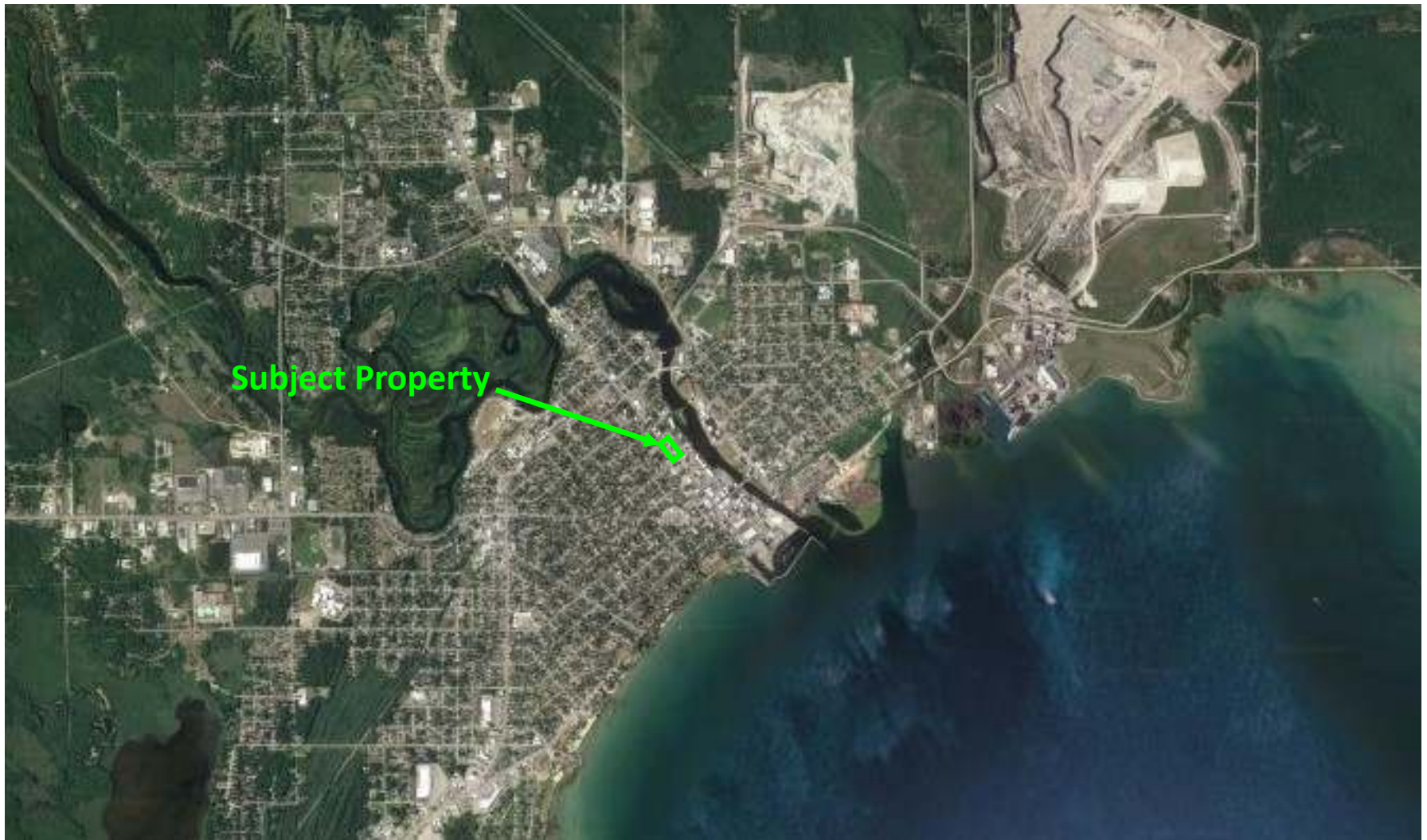
**Figure 1    Eligible Property Location Map**

**Figure 2    Eligible Property Boundary**

**Figure 3    Renderings**

**Figure 4    Site Photos**

**Figure 5    Site Plan**



**Brownfield Plan  
400 Chisholm – Alpena Eagle Ventures, LLC**

**Alpena Authority for Brownfield Redevelopment  
Alpena, Michigan**

**Figure 1: Eligible Property  
Site Location**

**Source: Google Earth**

**Date: February 2023**



**Brownfield Plan  
400 Chisholm – Alpena Eagle Ventures, LLC**

**Alpena Authority for Brownfield Redevelopment  
Alpena, Michigan**

**Figure 2: Eligible Property  
Boundary**

Source: Google Earth

Date: February 2023



<p><b>Brownfield Plan</b>  <b>400 Chisholm – Alpena Eagle Ventures, LLC</b></p>	<p><b>Figure 3: Redevelopment Plan</b>  <b>- Front Elevation</b></p>
<p><b>Alpena Authority for Brownfield Redevelopment</b>  <b>Alpena, Michigan</b></p>	<p><b>Source: Alpena Eagle Ventures, LLC</b></p> <p><b>Date: February 2023</b></p>



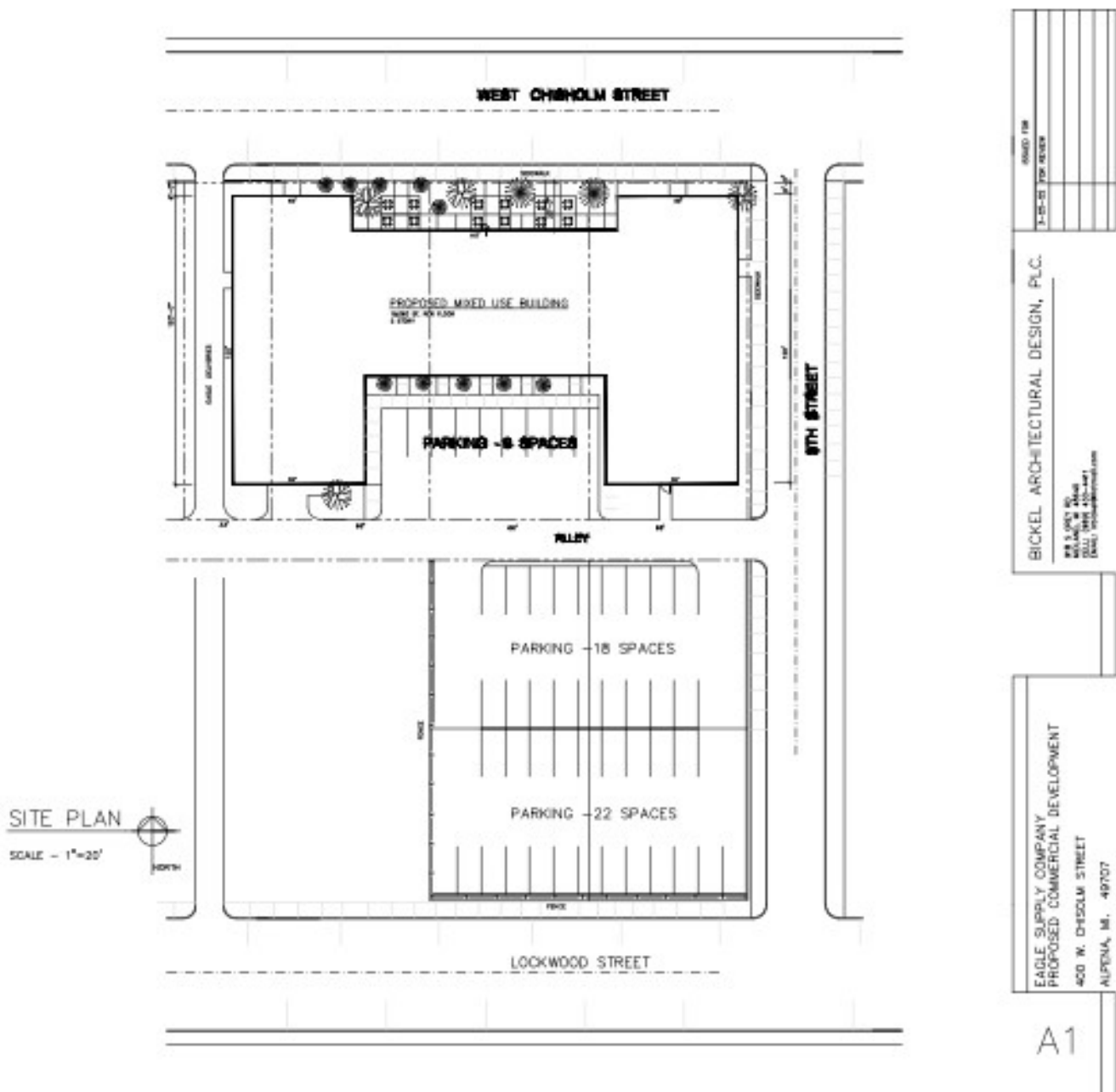


After 2019 Fire

View Northwest from  
W. Chisholm Street



<b>Brownfield Plan</b> <b>400 Chisholm – Alpena Eagle Ventures, LLC</b>	<b>Figure 4: Site Photos</b>
	<b>Source: Alpena Eagle Ventures, LLC</b>
<b>Alpena Authority for Brownfield Redevelopment</b> <b>Alpena, Michigan</b>	<b>Date: August 16, 2021</b>



**Brownfield Plan**  
**400 Chisholm – Alpena Eagle Ventures, LLC**

**Alpena Authority for Brownfield Redevelopment**  
**Alpena, Michigan**

**Figure 5: Site Plan**

**Source: Alpena Eagle Ventures, LLC**

**Date: February 2023**

# TABLES

**Table 1.1 Environmental Eligible Activities Costs and Schedule**

**Table 1.2 Non-Environmental Eligible Activities Costs and Schedule**

**Table 2.1 – Annual Revenue and Brownfield Capture Estimates**

**Table 2.2 – Tax Increment Revenue Reimbursement Allocation Table**

**Table 3. Impact on Tax Jurisdictions**



**400 Chisholm Street - Alpena Eagle Ventures, LLC**  
**Alpena Authority for Brownfield Redevelopment**  
**EGLE Environmental Eligible Activities Costs and Schedule**

EGLE Eligible Activities	Cost
<b>Department Specific Activities</b>	
<b><i>BEA Activities</i></b>	
<i>Phase I ESA</i>	\$2,000
<i>Phase II ESA</i>	\$25,000
<i>Baseline Environmental Assessment</i>	\$2,500
<i>Subtotal</i>	\$29,500
<b><i>Due Care Activities</i></b>	
<i>Due Care Investigation</i>	\$30,000
<i>Section 7A Compliance Analysis</i>	\$5,000
<i>Due Care Measures</i>	
<i>Soil Removal, Transport and Disposal</i>	\$150,000
<i>Dewatering Effluent Treatment</i>	\$75,000
<i>Vapor Mitigation</i>	\$325,000
<i>Subtotal</i>	\$585,000
<b>EGLE Eligible Activities Subtotal</b>	<b>\$614,500</b>
<b>Contingency (15%)</b>	<b>\$87,750</b>
<b>EGLE Eligible Activities Subtotal</b>	<b>\$702,250</b>
<b>Interest (5% for 10 Years)</b>	<b>\$208,250</b>
<b>Brownfield Plan/Work Plan Preparation</b>	<b>\$15,000</b>
<b>Brownfield Plan/Work Plan Implementation</b>	<b>\$50,000</b>
<b>EGLE Environmental Eligible Activities Total Costs</b>	<b>\$975,500</b>

**400 Chisholm Street - Alpena Eagle Ventures, LLC**  
**Alpena Authority for Brownfield Redevelopment**  
**MSF Non-Environmental Eligible Activities Costs and Schedule**

<b>MSF Non-Environmental Eligible Activities</b>	<b>Cost</b>
<b>Site Preparation</b>	
<i>Dewatering</i>	<b>\$50,000</b>
<i>Excavation for Unstable Soils</i>	<b>\$12,000</b>
<i>Fill</i>	<b>\$24,000</b>
<i>Geotechnical Engineering</i>	<b>\$17,600</b>
<i>Relocation of Active Utilities</i>	<b>\$60,000</b>
<i>Staking</i>	<b>\$15,000</b>
<i>Temporary Facilities, Site Control, Protection</i>	<b>\$56,600</b>
<i>Soft Costs</i>	<b>\$19,050</b>
<i>Subtotal</i>	<b>\$254,250</b>
<b>Private Infrastructure Improvements</b>	
Urban stormwater management system - low impact design	<b>\$60,000</b>
Soft Costs	<b>\$5,250</b>
<i>Subtotal</i>	<b>\$65,250</b>
<b>MSF Non-Environmental Eligible Activities Sub-Total</b>	<b>\$319,500</b>
<b>Contingency (15%)</b>	<b>\$47,925</b>
<b>MSF Non-Environmental Eligible Activities Sub-Total</b>	<b>\$367,425</b>
<b>Interest (5% for 10 years)</b>	<b>\$108,400</b>
<b>Brownfield Plan/Work Plan Preparation</b>	<b>\$10,000</b>
<b>Brownfield Plan/Work Plan Implementation</b>	<b>\$60,000</b>
<b>MSF Non-Environmental Eligible Activities Total Costs</b>	<b>\$545,825</b>

Table 2.1 - Annual Revenue and Brownfield Capture Estimates  
400 W. Chisholm Redevelopment Brownfield Plan  
Alpena Authority for Brownfield Redevelopment

Estimated Taxable Value (TV) Increase Rate: 1.50%																				
Plan Year			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Revenue Year			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037		
*Base Taxable Value			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Annual Value Additions			\$	200,000	\$ 3,000,000	\$ 3,000,000														
Cumulative Value Additions			\$	200,000	\$ 3,203,000	\$ 6,251,045	\$ 6,344,811	\$ 6,439,983	\$ 6,536,583	\$ 6,634,631	\$ 6,734,151	\$ 6,835,163	\$ 6,937,690	\$ 7,041,756	\$ 7,147,382	\$ 7,254,593	\$ 7,363,412	\$ 7,473,863		
Estimated New TV			\$ -	\$ 100,000	\$ 1,601,500	\$ 3,125,523	\$ 3,172,405	\$ 3,219,991	\$ 3,268,291	\$ 3,317,316	\$ 3,367,075	\$ 3,417,582	\$ 3,468,845	\$ 3,520,878	\$ 3,573,691	\$ 3,627,296	\$ 3,681,706	\$ 3,736,931		
Incremental Difference (New TV - Base TV)				\$ 100,000	\$ 1,601,500	\$ 3,125,523	\$ 3,172,405	\$ 3,219,991	\$ 3,268,291	\$ 3,317,316	\$ 3,367,075	\$ 3,417,582	\$ 3,468,845	\$ 3,520,878	\$ 3,573,691	\$ 3,627,296	\$ 3,681,706	\$ 3,736,931		
Total School Revenue			Millage Rate																	
			42.65%	24.0000	\$ -	\$ 2,400	\$ 38,436	\$ 75,013	\$ 76,138	\$ 77,280	\$ 78,439	\$ 79,616	\$ 80,810	\$ 82,022	\$ 83,252	\$ 84,501	\$ 85,769	\$ 87,055	\$ 88,361	\$ 89,686
Total Local Revenue			Millage Rate																	
			57.35%	32.2722	\$ -	\$ 3,227	\$ 51,684	\$ 100,867	\$ 102,380	\$ 103,916	\$ 105,475	\$ 107,057	\$ 108,663	\$ 110,293	\$ 111,947	\$ 113,626	\$ 115,331	\$ 117,061	\$ 118,817	\$ 120,599
Total Revenue			Millage Rate																	
			56.2722	\$ -	\$ 5,627	\$ 90,120	\$ 175,880	\$ 178,518	\$ 181,196	\$ 183,914	\$ 186,673	\$ 189,473	\$ 192,315	\$ 195,200	\$ 198,128	\$ 201,099	\$ 204,116	\$ 207,178	\$ 210,285	
State Revenue			Millage Rate	44.06%																
State Education Tax (SET)			6.0000	\$ -	\$ 600	\$ 9,609	\$ 18,753	\$ 19,034	\$ 19,320	\$ 19,610	\$ 19,904	\$ 20,202	\$ 20,505	\$ 20,813	\$ 21,125	\$ 21,442	\$ 21,764	\$ 22,090	\$ 22,422	
School Operating Tax			18.0000	\$ -	\$ 1,800	\$ 28,827	\$ 56,259	\$ 57,103	\$ 57,960	\$ 58,829	\$ 59,712	\$ 60,607	\$ 61,516	\$ 62,439	\$ 63,376	\$ 64,326	\$ 65,291	\$ 66,271	\$ 67,265	
School Total			24.0000	\$ -	\$ 2,400	\$ 38,436	\$ 75,013	\$ 76,138	\$ 77,280	\$ 78,439	\$ 79,616	\$ 80,810	\$ 82,022	\$ 83,252	\$ 84,501	\$ 85,769	\$ 87,055	\$ 88,361	\$ 89,686	
Local Revenue			Millage Rate	55.94%																
City Operating			16.1066	\$ -	\$ 1,611	\$ 25,795	\$ 50,342	\$ 51,097	\$ 51,863	\$ 52,641	\$ 53,431	\$ 54,232	\$ 55,046	\$ 55,871	\$ 56,709	\$ 57,560	\$ 58,423	\$ 59,300	\$ 60,189	
Senior				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
County Allocated			4.8004	\$ -	\$ 480	\$ 7,688	\$ 15,004	\$ 15,229	\$ 15,457	\$ 15,689	\$ 15,924	\$ 16,163	\$ 16,406	\$ 16,652	\$ 16,902	\$ 17,155	\$ 17,412	\$ 17,674	\$ 17,939	
Ambulance			0.9720	\$ -	\$ 97	\$ 1,557	\$ 3,038	\$ 3,084	\$ 3,130	\$ 3,177	\$ 3,224	\$ 3,273	\$ 3,322	\$ 3,372	\$ 3,422	\$ 3,474	\$ 3,526	\$ 3,579	\$ 3,632	
Recreation			0.5000	\$ -	\$ 50	\$ 801	\$ 1,563	\$ 1,586	\$ 1,610	\$ 1,634	\$ 1,659	\$ 1,684	\$ 1,709	\$ 1,734	\$ 1,760	\$ 1,787	\$ 1,814	\$ 1,841	\$ 1,868	
Senior Citizens			0.5500	\$ -	\$ 55	\$ 881	\$ 1,719	\$ 1,745	\$ 1,771	\$ 1,798	\$ 1,825	\$ 1,852	\$ 1,880	\$ 1,908	\$ 1,936	\$ 1,966	\$ 1,995	\$ 2,025	\$ 2,055	
Veterans			0.2100	\$ -	\$ 21	\$ 336	\$ 656	\$ 666	\$ 676	\$ 686	\$ 697	\$ 707	\$ 718	\$ 728	\$ 739	\$ 750	\$ 762	\$ 773	\$ 785	
County Jail			1.0000	\$ -	\$ 100	\$ 1,602	\$ 3,126	\$ 3,172	\$ 3,220	\$ 3,268	\$ 3,317	\$ 3,367	\$ 3,418	\$ 3,469	\$ 3,521	\$ 3,574	\$ 3,627	\$ 3,682	\$ 3,737	
Dial-A-Ride			0.6450	\$ -	\$ 65	\$ 1,033	\$ 2,016	\$ 2,046	\$ 2,077	\$ 2,108	\$ 2,140	\$ 2,172	\$ 2,204	\$ 2,237	\$ 2,271	\$ 2,305	\$ 2,340	\$ 2,375	\$ 2,410	
Community College			2.5000	\$ -	\$ 250	\$ 4,004	\$ 7,814	\$ 7,931	\$ 8,050	\$ 8,171	\$ 8,293	\$ 8,418	\$ 8,544	\$ 8,672	\$ 8,802	\$ 8,934	\$ 9,068	\$ 9,204	\$ 9,342	
Library			1.0000	\$ -	\$ 100	\$ 1,602	\$ 3,126	\$ 3,172	\$ 3,220	\$ 3,268	\$ 3,317	\$ 3,367	\$ 3,418	\$ 3,469	\$ 3,521	\$ 3,574	\$ 3,627	\$ 3,682	\$ 3,737	
ESD			2.1882	\$ -	\$ 219	\$ 3,504	\$ 6,839	\$ 6,942	\$ 7,046	\$ 7,152	\$ 7,259	\$ 7,368	\$ 7,478	\$ 7,591	\$ 7,704	\$ 7,820	\$ 7,937	\$ 8,056	\$ 8,177	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Total			30.4722	\$ -	\$ 3,047	\$ 48,801	\$ 95,242	\$ 96,670	\$ 98,120	\$ 99,592	\$ 101,086	\$ 102,602	\$ 104,141	\$ 105,703	\$ 107,289	\$ 108,898	\$ 110,532	\$ 112,190	\$ 113,873	
State and Local Capture			Millage Rate																	
TOTAL			54.4722	\$ -	\$ 5,447	\$ 87,237	\$ 170,254	\$ 172,808	\$ 175,400	\$ 178,031	\$ 180,701	\$ 183,412	\$ 186,163	\$ 188,956	\$ 191,790	\$ 194,667	\$ 197,587	\$ 200,551	\$ 203,559	
Non-Capturable Millages			Millage Rate																	
																			\$ 76,252	
School Debt			1.8000	\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$ 5,971	\$ 6,061	\$ 6,152	\$ 6,244	\$ 6,338	\$ 6,433	\$ 6,529	\$ 6,627	\$ 6,726	
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
				\$ -	\$ 180	\$ 2,883	\$ 5,626	\$ 5,710	\$ 5,796	\$ 5,883	\$									

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table  
400 W. Chisholm Redevelopment Brownfield Plan  
Alpena Authority for Brownfield Redevelopment

Maximum Reimbursement	Proportionality	School & Local Taxes	State Brownfield Fund	LBRF	Local-Only Taxes	Total
State	44.06%	\$ 670,283	\$ 149,976	\$ 379,549		\$ 1,199,809
Local	55.94%	\$ 851,042		\$ 460,515	\$ 96,229	\$ 1,407,786
TOTAL	100.0%	\$ 1,521,325	\$ 149,976	\$ 840,064		\$ 2,607,595
EGLE		\$ 975,500				
MSF		\$ 545,825				
TOTAL		\$ 1,521,325				

Estimated Total Years of Capture:	
Local Eligible Activities	15
State Eligible Activities	15
LBRF	19

Estimated Capture	\$ 1,521,325
Administrative Fees	\$ 96,229
State Revolving Fund	\$ 149,976
LSRRF	\$ 840,064
TOTAL	\$ 2,607,595

Estimated Taxable Value (TV) Increase Rate: 1.50%														Local Eligible Activity Capture Ends	State Eligible Activity Capture Ends	Local LBRF Capture Ends				State LBRF Capture Ends
Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16				
Revenue Year	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038			
*Base Taxable Value	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Annual Value Additions	\$ -	\$ 200,000	\$ 3,000,000										\$ -	\$ -	\$ -	\$ -	\$ -			
Cumulative Value Additions	\$ -	\$ 200,000	\$ 3,203,000	\$ 6,251,045	\$ 6,344,811	\$ 6,439,983	\$ 6,536,583	\$ 6,634,631	\$ 6,734,151	\$ 6,835,163	\$ 6,937,690	\$ 7,041,756	\$ 7,147,382	\$ 7,254,593	\$ 7,363,412	\$ 7,473,863	\$ 7,585,971			
Estimated New TV	\$ -	\$ 100,000	\$ 1,601,500	\$ 3,125,523	\$ 3,172,405	\$ 3,219,991	\$ 3,268,291	\$ 3,317,316	\$ 3,367,075	\$ 3,417,582	\$ 3,468,845	\$ 3,520,878	\$ 3,573,691	\$ 3,627,296	\$ 3,681,706	\$ 3,736,931	\$ 3,792,985			
Incremental Difference (New TV - Base TV)		\$ 100,000	\$ 1,601,500	\$ 3,125,523	\$ 3,172,405	\$ 3,219,991	\$ 3,268,291	\$ 3,317,316	\$ 3,367,075	\$ 3,417,582	\$ 3,468,845	\$ 3,520,878	\$ 3,573,691	\$ 3,627,296	\$ 3,681,706	\$ 3,736,931	\$ 3,792,985			
Total School Revenue	Millage Rate																			
	42.65%	24.0000																		
Total Local Revenue	Millage Rate																			
	57.35%	32.2722																		
Total Revenue	Millage Rate																			
	56.2722																			
Plan Year	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			
Revenue Year	notes	Capture Rate	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
Total State Incremental Revenue		44.06%	\$ -	\$ 2,400	\$ 38,436	\$ 75,013	\$ 76,138	\$ 77,280	\$ 78,439	\$ 79,616	\$ 80,810	\$ 82,022	\$ 83,252	\$ 84,501	\$ 85,769	\$ 87,055	\$ 88,361	\$ 89,686	\$ 91,032	
State Brownfield Revolving Fund (50% of SET)			\$ -	\$ 300	\$ 4,805	\$ 9,377	\$ 9,517	\$ 9,660	\$ 9,805	\$ 9,952	\$ 10,101	\$ 10,253	\$ 10,407	\$ 10,563	\$ 10,721	\$ 10,882	\$ 11,045	\$ 11,211	\$ 11,379	
State TIR Available for Reimbursement			\$ -	\$ 2,100	\$ 33,632	\$ 65,636	\$ 66,621	\$ 67,620	\$ 68,634	\$ 69,664	\$ 70,709	\$ 71,769	\$ 72,846	\$ 73,938	\$ 75,048	\$ 76,173	\$ 77,316	\$ 78,476	\$ 79,653	
Total Local Incremental Revenue		55.94%	\$ -	\$ 3,047	\$ 48,801	\$ 95,242	\$ 96,670	\$ 98,120	\$ 99,592	\$ 101,086	\$ 102,602	\$ 104,141	\$ 105,703	\$ 107,289	\$ 108,898	\$ 110,532	\$ 112,190	\$ 113,873	\$ 115,581	
BRA Administrative Fee	10% \$ 96,229		\$ -	\$ 305	\$ 4,880	\$ 9,524	\$ 9,667	\$ 9,812	\$ 9,959	\$ 10,109	\$ 10,260	\$ 10,414	\$ 10,570	\$ 10,729						
Local TIR Available for Reimbursement			\$ -	\$ 2,742	\$ 43,921	\$ 85,717	\$ 87,003	\$ 88,308	\$ 89,633	\$ 90,977	\$ 92,342	\$ 93,727	\$ 95,133	\$ 96,560	\$ 108,898	\$ 110,532	\$ 112,190	\$ 113,873	\$ 115,581	
Total State & Local TIR Available for Reimbursement			\$ -	\$ 4,842	\$ 77,553	\$ 151,353	\$ 153,624	\$ 155,928	\$ 158,267	\$ 160,641	\$ 163,051	\$ 165,496	\$ 167,979	\$ 170,498	\$ 183,946	\$ 186,705	\$ 189,506	\$ 192,348	\$ 195,233	
DEVELOPER	Beginning Balance	100.00%	% Allocation		100%	100%	100%	100%	100%	100%	100%	100%	100%	98%	0%	0%	0%	0%	0%	
Developer Reimbursement		\$1,521,325	\$ -	\$ 77,553	\$ 151,353	\$ 153,624	\$ 155,928	\$ 158,267	\$ 160,641	\$ 163,051	\$ 165,496	\$ 167,979	\$ 167,433	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Developer Reimbursement Balance		\$1,521,325	\$ 1,521,325	\$ 1,521,325	\$ 1,443,772	\$ 1,292,419	\$ 1,138,795	\$ 982,867	\$ 824,600	\$ 663,959	\$ 500,909	\$ 335,413	\$ 167,434	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
			\$1,521,325																	
MSF Non-Environmental Costs			\$ 545,825	\$ -	\$ 1,737	\$ 27,825	\$ 54,303	\$ 55,118	\$ 55,944	\$ 56,783	\$ 57,635	\$ 58,500	\$ 59,377	\$ 60,268	\$ 55,782	\$ 2,553	\$ -	\$ -	\$ -	
State Tax Reimbursement	35.88%		\$ 240,486	\$ -	\$ 753	\$ 12,066	\$ 23,549	\$ 23,902	\$ 24,261	\$ 24,625	\$ 24,994	\$ 25,369	\$ 25,750	\$ 26,136	\$ 26,528	\$ 2,553	\$ -	\$ -	\$ -	
Local Tax Reimbursement	35.88%		\$ 305,339	\$ -	\$ 984	\$ 15,758	\$ 30,754	\$ 31,215	\$ 31,683	\$ 32,159	\$ 32,641	\$ 33,131	\$ 33,628	\$ 34,132	\$ 29,254	\$ -	\$ -	\$ -	\$ -	
Total MSF Reimbursement Balance			\$ 545,825	\$ 544,088	\$ 516,263	\$ 461,960	\$ 406,843	\$ 350,898	\$ 294,115	\$ 236,480	\$ 177,980	\$ 118,603	\$ 58,335	\$ 2,553	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
State MSF Balance to Be Reimbursed			\$ 240,486	\$ 239,733	\$ 227,666	\$ 204,117	\$ 180,215	\$ 155,954	\$ 131,329	\$ 106,335	\$ 80,966	\$ 55,217	\$ 29,081	\$ 2,553	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Local MSF Balance to Be Reimbursed			\$ 305,339	\$ 304,355	\$ 288,597	\$ 257,843	\$ 226,628	\$ 194,944	\$ 162,786	\$ 130,145	\$ 97,014	\$ 63,386	\$ 29,254	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
EGLE Environmental Costs			\$ 975,500	\$ -	\$ 3,105	\$ 49,728	\$ 97,050	\$ 98,506	\$ 99,984	\$ 101,484	\$ 103,006	\$ 104,551	\$ 106,119	\$ 107,711	\$ 99,694	\$ 4,563	\$ -	\$ -	\$ -	
State Tax Reimbursement	64.12%		\$ 429,797	\$ -	\$ 1,347	\$ 21,565	\$ 42,087	\$ 42,718	\$ 43,359	\$ 44,009	\$ 44,670	\$ 45,340	\$ 46,020	\$ 46,710	\$ 47,411	\$ 4,563	\$ -	\$ -	\$ -	
Local Tax Reimbursement	64.12%		\$ 545,703	\$ -	\$ 1,759	\$ 28,163	\$ 54,963	\$ 55,788	\$ 56,625	\$ 57,474	\$ 58,336	\$ 59,211	\$ 60,099	\$ 61,001	\$ 52,283	\$ -	\$ -	\$ -	\$ -	
Total MDEQ Reimbursement Balance			\$ 975,500	\$ 972,395	\$ 922,667	\$ 825,616	\$ 727,110	\$ 627,127	\$ 525,643	\$ 422,637	\$ 318,086	\$ 211,967	\$ 104,256	\$ 4,563	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
State MDEQ Balance to Be Reimbursed			\$ 429,797	\$ 428,451	\$ 406,886	\$ 364,799	\$ 322,080	\$ 278,721	\$ 234,712	\$ 190,042	\$ 144,703	\$ 98,683	\$ 51,973	\$ 4,563	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	
Local MDEQ Balance to Be Reimbursed			\$ 545,703	\$ 543,944	\$ 515,781	\$ 460,818	\$ 405,030	\$ 348,405	\$ 290,931	\$ 232,595	\$ 173,383	\$ 113,284	\$ 52,283	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Total Annual Eligible Activity Reimbursement			\$ 1,521,325	\$ -	\$ 4,842	\$ 77,553	\$ 151,353	\$ 153,624	\$ 155,928	\$ 158,267	\$ 160,641	\$ 163,051	\$ 165,496	\$ 167,979	\$ 155,475	\$ 7,116	\$ -	\$ -	\$ -	
Local Only Costs																				
Local Tax Reimbursement			\$ -														\$ -	\$ -	\$ -	
Total Local Only Reimbursement Balance			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Brownfield Revolving Fund																				
State Tax Capture	\$ 379,549		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,932	\$ 76,173	\$ 77,316	\$ 78,476	\$ 79,653	
Local Tax Capture	\$ 460,515		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,023	\$ 108,898	\$ 110,532	\$ 112,190	\$ 113,873		
Total LBRF Capture	\$ 840,064		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,023	\$ 176,830	\$ 186,705	\$ 189,506	\$ 192,348	\$ 79,653	
Total Annual Brownfield Capture Reimbursement			\$ -	\$ 5,447	\$ 87,237	\$ 170,254	\$ 172,808	\$ 175,400	\$ 178,031	\$ 180,701	\$ 183,412	\$ 186,163	\$ 188,956	\$ 191,790	\$ 194,667	\$ 197,587	\$ 200,551	\$ 203,559	\$ 91,032	

Footnotes:

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table  
400 W. Chisholm Redevelopment Brownfield Plan  
Alpena Authority for Brownfield Redevelopment

Estimated Taxable Value															
	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	
* \$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Ann															
Cumulat	\$ 7,699,761	\$ 7,815,257	\$ 7,932,486	\$ 8,051,473	\$ 8,172,245	\$ 8,294,829	\$ 8,419,251	\$ 8,545,540	\$ 8,673,723	\$ 8,803,829	\$ 8,935,886	\$ 9,069,925	\$ 9,205,974	\$ 9,344,063	
	\$ 3,849,880	\$ 3,907,628	\$ 3,966,243	\$ 4,025,737	\$ 4,086,123	\$ 4,147,414	\$ 4,209,626	\$ 4,272,770	\$ 4,336,862	\$ 4,401,914	\$ 4,467,943	\$ 4,534,962	\$ 4,602,987	\$ 4,672,032	
Incremental Difference	\$ 3,849,880	\$ 3,907,628	\$ 3,966,243	\$ 4,025,737	\$ 4,086,123	\$ 4,147,414	\$ 4,209,626	\$ 4,272,770	\$ 4,336,862	\$ 4,401,914	\$ 4,467,943	\$ 4,534,962	\$ 4,602,987	\$ 4,672,032	

Total School Revenue															
	\$ 92,397	\$ 93,783	\$ 95,190	\$ 96,618	\$ 98,067	\$ 99,538	\$ 101,031	\$ 102,546	\$ 104,085	\$ 105,646	\$ 107,231	\$ 108,839	\$ 110,472	\$ 112,129	
Total Local Revenue															
	\$ 124,244	\$ 126,108	\$ 127,999	\$ 129,919	\$ 131,868	\$ 133,846	\$ 135,854	\$ 137,892	\$ 139,960	\$ 142,059	\$ 144,190	\$ 146,353	\$ 148,549	\$ 150,777	
Total Revenue															
	\$ 216,641	\$ 219,891	\$ 223,189	\$ 226,537	\$ 229,935	\$ 233,384	\$ 236,885	\$ 240,438	\$ 244,045	\$ 247,705	\$ 251,421	\$ 255,192	\$ 259,020	\$ 262,905	

Plan Year	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Revenue Year	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	
Total State Incremental Revenue	\$ 92,397	\$ 93,783	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Brownfield Revolving Fund (50% of SET)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State TIR Available for Reimbursement	\$ 92,397	\$ 93,783	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Local Incremental Revenue	\$ 117,314	\$ 119,074	\$ 120,860	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
BRA Administrative Fee				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local TIR Available for Reimbursement	\$ 117,314	\$ 119,074	\$ 120,860	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total State & Local TIR Available for Reimbursement	\$ 209,711	\$ 212,857	\$ 120,860	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

DEVELOPER	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Developer Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Developer Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	

MSF Non-Environmental Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total MSF Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
State MSF Balance to Be Reimbursed	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Local MSF Balance to Be Reimbursed	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	

EGLE Environmental Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total MDEQ Reimbursement Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
State MDEQ Balance to Be Reimbursed	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	\$ (0)	
Local MDEQ Balance to Be Reimbursed	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Total Annual Eligible Activity Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Local Only Costs															
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Local Only Reimbursement Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Local Brownfield Revolving Fund															
State Tax Capture		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Tax Capture															
Total LBRF Capture	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Total Annual Brownfield Capture Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
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Footnotes:

**TABLE 3 IMPACT ON TAXING JURISDICTIONS**  
**BROWNFIELD PLAN - THIRTY YEAR DURATION**  
**400 W. CHISHOLM REDEVELOPMENT**  
**ALPENA AUTHORITY FOR BROWNFIELD REDEVELOPMENT**

	Millages	Captured Millage	Percent Allocation	Total Capture \$2,607,595	Total Revenues \$3,552,756
<b>City of Alpena</b>		16.1066	52.86%	\$744,109	\$1,123,303
Allocated	16.1066				
Senior	0.0000				
<b>Alpena County</b>		8.0324	26.36%	\$371,089	\$560,194
County Allocated	4.8004				
Ambulance	0.9720				
Recreation	0.5000				
Senior Citizens	0.5500				
Veterans	0.2100				
County Jail	1.0000				
<b>Alpena Community College</b>	2.5000	2.5000	8.20%	\$115,498	\$174,354
<b>Dial A Ride</b>	0.6450	0.6450	2.12%	\$29,798	\$44,983
<b>Library</b>	1.0000	1.0000	3.28%	\$46,199	\$69,742
<b>Alpena Public Schools</b>		0.0000	0.00%		\$0
<b>School Debt*</b>	<b>1.8000</b>				\$197,053
<b>ISD</b>	2.1882	2.1882	7.18%	\$101,093	\$152,609
<b>Local Taxes Total</b>	55.94%	32.2722	30.4722	100.00%	\$1,407,786
<b>State Taxes</b>	44.06%		24.0000		\$1,049,832
School Operating	18.0000				
State Educ Tax	3.0000				
State Brownfield Fund	3.0000			\$149,976	
<b>Total</b>	56.2722	54.4722		\$2,607,595	\$3,552,756

\* Debt Millage not captured as part of Brownfield Plan

# RESOLUTIONS

**Alpena Authority for Brownfield Redevelopment**

**Alpena City Council**

**RESOLUTION**  
**Brownfield Plan – 400 W. Chisholm Redevelopment**

At a meeting of the Alpena Authority for Brownfield Redevelopment of Alpena, Michigan, held at Alpena City Hall, 208 N. First Avenue, Alpena, Michigan on February 7, 2023 at 4:00 p.m., the following resolution was offered by

Authority Member Klarich and supported by

Authority Member Glowinski.

**Whereas,** The Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, tax reverted, blighted, functionally obsolete, or historic property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

**Whereas,** the Alpena City Council (the "Council") established the Alpena Authority for Brownfield Redevelopment (the "Authority") under the procedures under Act 381 and filed with the Secretary of State on March 21, 1997 to facilitate the redevelopment of Brownfields within the City of Alpena; and,

**Whereas,** a Brownfield Plan has been prepared and submitted for the redevelopment of 400 W. Chisholm Street that outlines the qualifications, costs, impacts, and incentives for the project developed by Alpena Eagle Ventures, LLC for reimbursement from Brownfield Tax Increment Revenues with the adoption of the Brownfield Plan; and

**Whereas,** the Alpena Authority for Brownfield Redevelopment has reviewed the Brownfield Plan and finds that it meets the requirements of Act 381 and constitutes a public purpose of redeveloping vacant property, provide housing downtown, significantly increasing the value of downtown property, increased private investment and property tax value, and providing employment; and

**Whereas,** a public hearing on the Brownfield Plan is anticipated to be held on the regular meeting of the Alpena City Council on March 6, 2023 and notice of the public hearing and notice to taxing jurisdictions will provided in compliance with the requirements of Act 381;

**Now, Therefore, be it Resolved** that the Authority hereby approves the Brownfield Plan for the 400 W. Chisholm Redevelopment subject to final review and approval by the City Manager, and recommends approval by the Alpena City Council; and

**Be it Further Resolved** that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

**Be it Further Resolved** that any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Yes: 4

No: 0



Resolution duly adopted

\_\_\_\_\_  
Michael Mahler, Chair, Alpena Authority for  
Brownfield Redevelopment

22 February 2023

\_\_\_\_\_  
Date



**RESOLUTION No. 2023-03**  
**A RESOLUTION APPROVING THE BROWNFIELD PLAN**  
**FOR THE 400 W. CHISHOLM REDEVELOPMENT**

**Whereas**, the Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of eligible activities approved in a Brownfield Plan; and

**Whereas**, the Alpena City Council (the “Council”) established the Alpena Authority for Brownfield Redevelopment (the “Authority”) under the procedures under Act 381 and filed with the Secretary of State on March 21, 1997 to facilitate the redevelopment of Brownfields within the City of Alpena; and,

**Whereas**, a Brownfield Plan has been prepared and submitted for the redevelopment of 400 W. Chisholm Street that outlines the qualifications, costs, impacts, and incentives for the project developed by Alpena Eagle Ventures, LLC for reimbursement from Brownfield Tax Increment Revenues with the adoption of the Brownfield Plan; and

**Whereas**, the Authority reviewed the Brownfield Plan at a meeting on February 7, 2023 and found that the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose of redeveloping vacant property, providing housing downtown, significantly increasing the value of downtown property, increased private investment and property tax value, and providing employment; and

**Whereas**, the Authority approved the Brownfield Plan and recommends approval by the Alpena City Council;

**Whereas**, a public hearing on the Brownfield Plan was held on March 6, 2023, and notice of the public hearing and notice to taxing jurisdictions has been provided in compliance with the requirements of Act 381; and

**Now, Therefore, be it Resolved, Whereas**, The Council has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

- (a) The Brownfield Plan constitutes a public purpose of redeveloping vacant property, providing housing downtown, significantly increasing the value of downtown property, increased private investment and property tax value, and providing employment.
- (b) The Brownfield Plan meets the requirements of Sections 13 and 13b of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of Eligible Property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable;
- (c) The proposed method of financing the costs of Eligible Activities, private financing arranged by the Developer is feasible and that the Authority will not arrange financing, as described in Section 3.2 of the Brownfield Plan;
- (d) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including meeting regulatory requirements for environmental due diligence and due care and the cost estimates are based on evaluation from certified professionals, experience in

comparable projects, and preliminary discussions with reputable companies, as described in Section 4.1, 4.2, and 4.3 of the Brownfield Plan; and

- (e) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the Authority; and

**Be it Further Resolved** that pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq*, the Alpena City Council hereby approves the Brownfield Plan for the 400 W. Chisholm Redevelopment.

**Be it Further Resolved** that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

**Be it Further Resolved** that any prior resolutions, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Councilmember \_\_\_\_\_ moved to adopt the above resolution, seconded by Councilmember \_\_\_\_\_

Ayes:

Nays:

Absent:

Resolution declared \_\_\_\_\_.

I, Anna Soik, City Clerk of the City of Alpena, DO HEREBY CERTIFY that the above is a true copy of a resolution adopted by the Municipal Council at a regular meeting on March 6, 2023.

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Anna Soik  
City Clerk

# INVOICE REGISTER

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EXP CHECK RUN DATES 03/07/2023 - 03/07/2023

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
9 OAKS INN	A-125-1	LODGING - POLICE	220.00
9 OAKS INN	A-124-2	LODGING - POLICE	220.00
AIRGAS USA LLC	9134305447	SUPPLIES - EMS DISP	65.11
AIRGAS USA LLC	9134646022	SUPPLIES - EMS DISP	53.55
AIRGAS USA LLC	9134937512	SUPPLIES - DPW	18.43
AIRGAS USA LLC	9135031248	SUPPLIES - EMS DISP	41.99
ALLEGRA ALPENA	157574	SUPPLIES - BLDG	153.52
ALPENA ACE HARDWARE	4266	SUPPLIES - FIRE/EMS	38.28
ALPENA ACE HARDWARE	4280	SUPPLIES - FIRE/EMS	46.81
ALPENA ACE HARDWARE	4191	VEH MAINT - EQ	18.58
ALPENA ACE HARDWARE	4283	SUPPLIES - FIRE/EMS	25.98
ALPENA ACE HARDWARE	4284	SUPPLIES - FIRE/EMS	(25.98)
ALPENA ACE HARDWARE	4284B	SUPPLIES - FIRE/EMS	19.98
ALPENA DIESEL SERVICE	75913	VEH MAINT - EQ	(350.00)
ALPENA DIESEL SERVICE	76311	VEH MAINT #45	(579.41)
ALPENA DIESEL SERVICE	76213	VEH MAINT - EQ	3,695.67
ALPENA DIESEL SERVICE	76336	VEH MAINT #42	22.67
ALPENA DIESEL SERVICE	19929	VEH MAINT - EQ	6,211.33
ALPENA DIESEL SERVICE	76217	VEH MAINT - EQ	(279.84)
ALPENA DIESEL SERVICE	76092	VEH MAINT - EQ	3,788.98
ALPENA DIESEL SERVICE	75651	VEH MAINT #42	3,531.67
ALPENA DIESEL SERVICE	19882	VEH MAINT - EQ	(579.82)
ALPENA DIESEL SERVICE	75688	VEH MAINT #42	62.82
ALPENA DIESEL SERVICE	75497	VEH MAINT #47	60.71
ALPENA DIESEL SERVICE	75797	VEH MAINT #43	26.64
ALPENA DIESEL SERVICE	75753	VEH MAINT #43	785.50
ALPENA DIESEL SERVICE	75836	VEH MAINT - EQ	12.81
ALPENA DIESEL SERVICE	75841	VEH MAINT - EQ	63.39
ALPENA DIESEL SERVICE	75857	VEH MAINT #36	31.31
ALPENA DIESEL SERVICE	75816	VEH MAINT #55	1,715.07
ALPENA DIESEL SERVICE	75818	VEH MAINT #47	411.43
ALPENA DIESEL SERVICE	75749	VEH MAINT - WATER TRUCK	199.14
ALPENA DIESEL SERVICE	75961	VEH MAINT - EQ	192.99
ALPENA POWER COMPANY	030723	ELECTRIC	16,370.67
AMAZON CAPITAL SERVICES INC	1DPM-4GR3-1LJ7	SUPPLIES - IT	653.05
AMAZON CAPITAL SERVICES INC	11TF-T44N-FPVK	MAINT - FIRE/EMS	412.80
AMAZON CAPITAL SERVICES INC	1DLP-JQ3F-TDRH	SUPPLIES - IT	76.93
AMAZON CAPITAL SERVICES INC	1DK6-Y7MH-9C4Y	SUPPLIES - IT	270.83
AMAZON CAPITAL SERVICES INC	1XCD-T1DN-C71T	UNIFORMS - FIRE/EMS	(221.40)
AMAZON CAPITAL SERVICES INC	1GT9-C4G4-THDR	UNIFORMS - FIRE/EMS	196.80
AMBER MILLS	AP22-0736C	AMBULANCE REFUND	50.00
AMBER MILLS	AP22-0737C	AMBULANCE REFUND	50.00
BELL EQUIPMENT COMPANY	P14229	VEH MAINT - EQ	298.93
BERG ASSESSING & CONSULTING INC	23-0000977	ASSESSING CONTRACTED SVCS 03/23	7,366.00
BOUND TREE MEDICAL LLC	84865312	SUPPLIES - EMS DISP	325.35
BOUND TREE MEDICAL LLC	84860918	SUPPLIES - EMS DISP	1,269.39
BOUND TREE MEDICAL LLC	84802828	SUPPLIES - EMS DISP	951.98
BOUND TREE MEDICAL LLC	84856310	SUPPLIES - EMS DISP	1,014.44
CHARTER COMMUNICATIONS	0161607022123	FAX LINE - PUBLIC SAFETY	39.99
CHARTER TOWNSHIP OF ALPENA	022823	REIMB GARAGE NATURAL GAS - FIRE/EMS	74.33
CITY OF ALPENA	10354-001 02/23	SEW/WATER - TRAILHEAD	105.26
CITY OF ALPENA	4524-001 02/23	SEW/WATER - LONG LK COLD STORAGE	50.38
CITY OF ALPENA	214-001 02/23	SEW/WATER - MCRAE PD CONC STAND	36.66
CITY OF ALPENA	213-001 02/23	SEW/WATER - MCRAE PK	376.06
CITY OF ALPENA	6432-001 02/23	SEW/WATER - LONG LK AVE	593.86
CS RESEARCH & CONSULTING LLC	230217-3	SURVEY - CULLIGAN PLAZA	1,125.00
DEAN ARBOUR FORD LINCOLN MERCURY	176763	VEH MAINT - EQ	128.00
DEAN ARBOUR FORD LINCOLN MERCURY	37276	VEH MAINT - EQ	201.62
DELORES BRUNING	AP22-7132	AMBULANCE REFUND	109.10
EAGLE SUPPLY CO	124097	SUPPLIES - PARKS	42.20
EAGLE SUPPLY CO	123950	SUPP - POL/FIRE/EMS/CH	128.40
EJ USA	110230005528	STORES - AXEL SEAL	204.21
FAIR & SQUARE LAWN CARE	3187	SNOW REMOVAL - CODE ENFORCEMENT	535.00
FASTENAL COMPANY	MIALP197028	SUPPLIES - EQ	223.94
FASTENAL COMPANY	MIALP197166	SUPPLIES - EQ	82.56
FITZPATRICK'S HARDWARE	5481840	MAINT - DPW	2.39
FITZPATRICK'S HARDWARE	5482048	SUPPLIES - DPW	29.99
FREESE HYDRAULICS & EQUIP REPAIR	43089	SUPPLIES - DPW	1,904.75
FREESE HYDRAULICS & EQUIP REPAIR	43169	VEH MAINT #28	44.00
FREESE HYDRAULICS & EQUIP REPAIR	43107	VEH MAINT #23	303.00
FREESE HYDRAULICS & EQUIP REPAIR	43117	VEH MAINT - EQ	30.28
FREESE HYDRAULICS & EQUIP REPAIR	43108	VEH MAINT - EQ	80.86

## INVOICE REGISTER

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EXP CHECK RUN DATES 03/07/2023 - 03/07/2023

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
GEORGIES TOWING & WRECKER SVC	23-10128	VEH MAINT - EQ	200.00
GERALD BEAUBIEN	REF 22-6195	STARLITE RENT/DEPOSIT REFUND	175.00
GILMET CONSTRUCTION SERVICES	022823	BUILDING/CODE SVCS 02/23	2,500.00
HOME DEPOT CREDIT SERVICES	8062097	BLDG MAINT - CH	11.70
HOME DEPOT CREDIT SERVICES	7024683	SUPPLIES - DPW	15.94
HUMANA HEALTH CARE PLANS	AP22-7146C	AMBULANCE REFUND	184.97
HURON VALLEY GUNS	240946	UNIFORMS - FIRE/EMS	260.88
JAMES DANIELSON	AP22-3407	AMBULANCE REFUND	133.17
JEFFRESS-DYER INC	022223	APPRAISAL - US 23 N	500.00
JOHN BRODZIAK	030723	WORK APPAREL ALLOW - PW	48.76
JOHN BRODZIAK	030723B	WORK APPAREL ALLOW - DPW	39.21
LARRY'S AUTO COLLISION	20275	SUPPLIES - FIRE/EMS	119.00
LEFAVE PHARMACY INC	64796	SUPPLIES - EMS DISP	95.26
MARSH'S COLLISION	030723	MAINT - FLEET	518.86
MICHIGAN POLICE EQUIP CO	B7929	AIM POINT - POLICE	1,275.00
MY MICHIGAN HEALTH	021423	TRAINING - FIRE/EMS	2,520.00
MY MICHIGAN HEALTH	021723	BLS CARDS - FIRE/EMS	102.00
NATALIE MAREK	AP22-2628C	AMBULANCE REFUND	200.00
NMACP	030723	2023 MEMBERSHIP DUES	75.00
NMACP	030723B	2023 MEMBERSHIP DUES	75.00
O'REILLY AUTO PARTS	5611-266257	VEH MAINT - POLICE	46.17
O'REILLY AUTO PARTS	5611-266722	VEH MAINT - EQ	4.99
O'REILLY AUTO PARTS	5611-268109	VEH MAINT - EQ	(40.00)
OMEGA ELECTRIC & SIGN CO INC	26413	SUPPLIES/MAINT - MARINA/DPW/FIRE/EMS	375.00
PVS TECHNOLOGIES INC	327491	FERROUS CHLORIDE - SEWER	3,557.61
RACHEL SMOLINSKI	030723	MILEAGE	327.82
ROGER WITHERBEE	AP22-3453C	AMBULANCE REFUND	75.00
SEVAN K INC	303 11/22	VEH MAINT - POL/FIRE/EMS	143.25
SNAP-ON TOOLS	02202395242	MAINT - POL/FIRE/EMS/DPW	588.01
STANDARD ELECTRIC CO	4071229-00	MAINT - LIGHTS	20.38
STANDISH MILLING COMPANY INC	0147371-IN	SUPPLIES - PARKS/CH/BRIDGE	403.50
STERICYCLE INC	8003163483	SHRED CONTAINER RENT/SVC 12/22	97.42
STERICYCLE INC	8003369052	SHRED CONTAINER RENT/SVC 01/23	95.93
TEMPEST ENTERPRISES LLC	8038	FILTER VALVE UPGRADE - WTP	2,160.00
TENURGY LLC	ALP - 136	UTILITY RATE SAVINGS 01/23	824.65
TIM CORN	030723	WORK APPAREL ALLOW - DPW	212.21
TRUE NORTH THREADS LLC	2053	UNIFORMS - POLICE	57.20
UP ENGINEERS & ARCHITECTS INC	2300789	DESIGN SVCS - BAYVIEW PARK PAVILION	7,600.00
UP ENGINEERS & ARCHITECTS INC	2300788	DESIGN SVCS - THUNDER BAY CENTER WAT	2,700.00
UTILITY FINANCIAL SOLUTIONS LLC	12652UFS	SEWER/WATER RATE MEDIATION	6,957.26
VISA/ELAN FINANCIAL SERVICES	5087 02/23	FOOD/SERVICE/LOG-IN - MGR	143.36
WEST SHORE FIRE INC	29359	VEH MAINT - FIRE/EMS	569.00
WEST SHORE FIRE INC	29361	MAINT - FIRE	1,876.99
WEX BANK/SPEEDWAY	87660924	GAS/FUEL-POL/FIRE/EMS/EQ	17,426.08
WILLIAM GOHL III	030723	TRAVEL ADVANCE - POLICE	75.00

**Total: 110,803.50**

CHECK RAN ON 02/24/23 (BREAKDOWN OF INVOICES PAID ATTACHED)

9,919.19

TOTAL FOR 03/06/23 MEETING

120,722.69

**INVOICE REGISTER**

Page: 1/1

EXP CHECK RUN DATES 02/24/2023 - 02/24/2023

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

<b>VENDOR</b>	<b>INVOICE #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
ALPENA POWER COMPANY	022423	ELECTRIC	9,919.19
<b>Total:</b>			<b>9,919.19</b>

## **SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT**

THIS SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT ("Amendment") is made as of the 28<sup>th</sup> day of February 2023, by and between City of Alpena, Michigan, a Michigan city whose address is 208 N. First St., Alpena, MI 49707 ("Seller") and WSSA LLC, a Michigan limited liability company, whose address is 503 S. Saginaw St., Suite 600, Flint, Michigan 48502 on behalf of an existing entity or an entity to be formed ("Buyer").

### **WITNESSETH:**

WHEREAS, Seller and Buyer entered into that certain real estate Purchase and Sale Agreement effective December 16, 2021 (the "Agreement"), pursuant to which Seller agreed to sell to Buyer and Buyer agreed to purchase from Seller, in accordance with the terms and conditions thereof, the property located at 0 US-23 N., Alpena, MI 49707 (Address & Parcel Number to be Assigned) all as more particularly described in the Agreement and in Exhibit A and B attached; and

WHEREAS, Buyer has requested that Seller extend the "Extension Period" previously extended in Amendment 1, and Seller has agreed to extend same in accordance herewith.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as follows:

1. The Agreement is hereby amended to provide that the "Extension Period", as defined in Section 2.3(b) of the original agreement, is extended until December 31<sup>st</sup>, 2023.
2. Except as provided herein, the Agreement shall remain unmodified and is acknowledged by the parties to be in full force and effect.

[Signature page follows immediately]

IN WINTNESS WHEREOF, the undersigned have executed this Amendment effective the date specified above.

**BUYER**

**WSSA, LLC**

a Michigan limited liability company

By: \_\_\_\_\_

Name: Troy Farrah

Title: Partner

Date: 3-1-23

**SELLER**

**CITY OF ALPENA MICHIGAN**

By: \_\_\_\_\_

Name:

Title:

Date:



Exhibit A

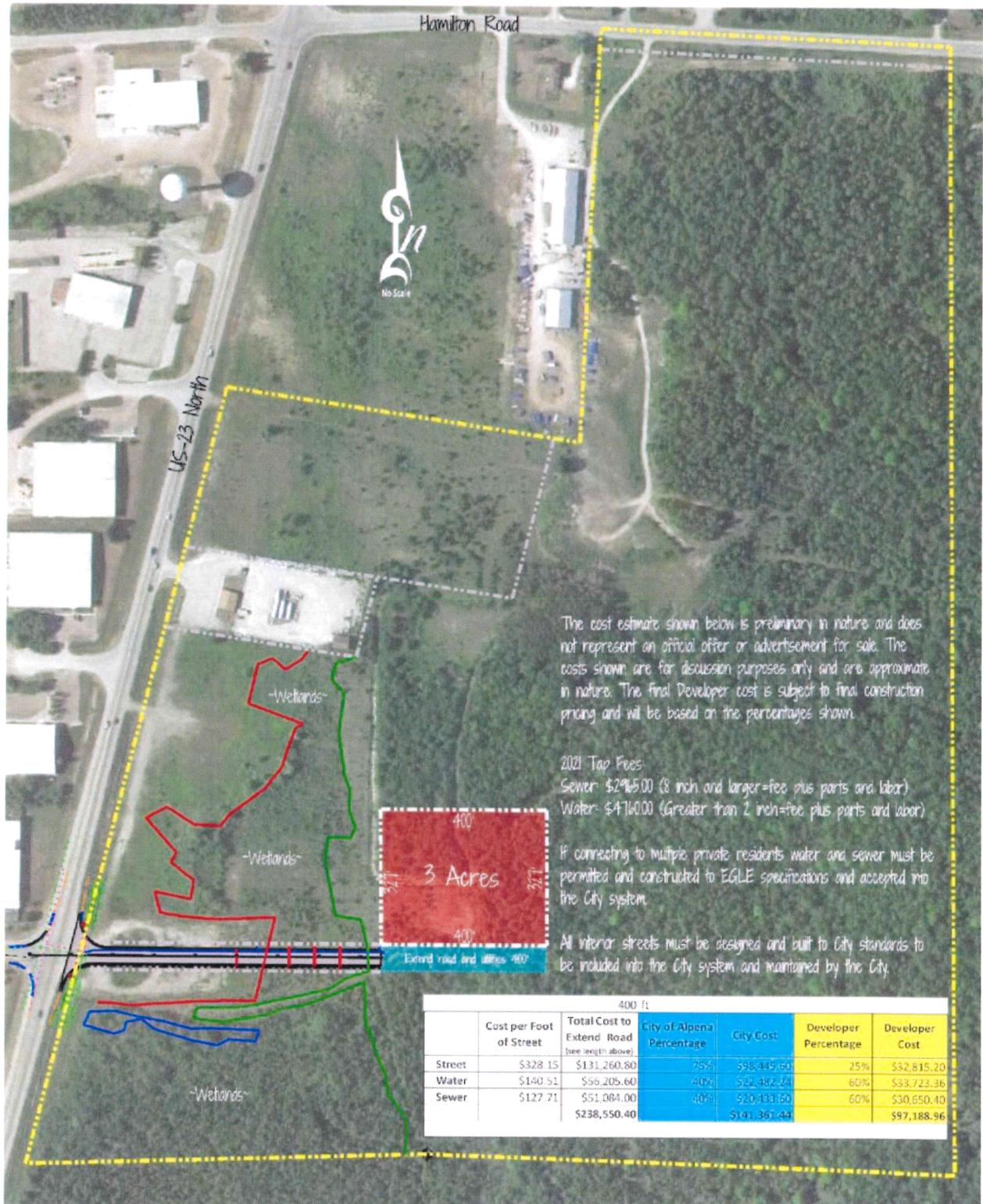
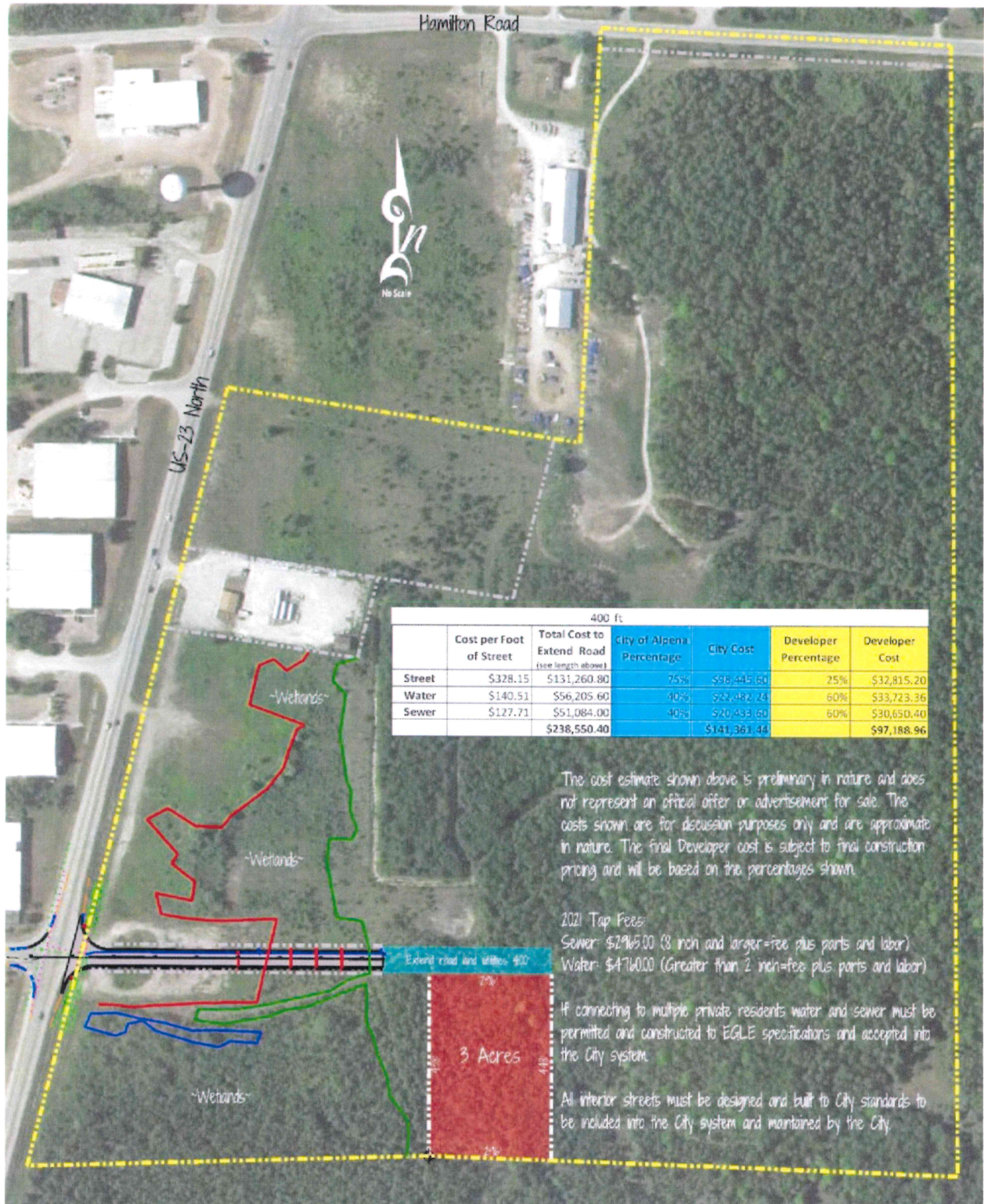




Exhibit B



## **ORDINANCE NO. 23-484**

AN ORDINANCE OF THE CITY OF ALPENA, MICHIGAN, AMENDING CHAPTER 18 – BUSINESSES, ARTICLE I. IN GENERAL, Sec. 18-1 MEDICAL MARIHUANA FACILITIES - BY REPEAL OF SAME AND ADOPTION OF NEW LANGUAGE IN LIEU THEREOF.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, STATE OF MICHIGAN, AS FOLLOWS:

### **Chapter 18 BUSINESSES<sup>1</sup>**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 18-1. Medical marihuana facilities and adult use marihuana establishments.**

(a) *Purpose, intent, relationship to other laws and city liability and indemnification.*

- (1) *Purpose.* The purpose of this section is to implement and establish a uniform licensing and regulatory process for medical and adult-use marihuana businesses to the extent permissible under the provisions of the Michigan Medical Marihuana Act, (MCL 333.26421 et seq.), the Michigan Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) the Marihuana Tracking Act (MCL 333.27901 et seq.), and the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq.) referred to herein as the "Acts," so as to protect the public health, safety, and welfare of the residents and patients of the city by setting forth the manner in which medical marihuana facilities and adult use marihuana establishments can be operated in the city. Further, the purpose of this section is to:
  - a. Provide for a means for distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes and for eligible adults with proper qualifying identification to obtain, possess, and use marihuana for legally allowable individual purposes under the Acts;
  - b. Protect public health and safety through reasonable limitations on marihuana operations as they relate to noise, air and water quality, neighborhood and patient/customer safety, security for the facility and its personnel, and other health and safety concerns;

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<sup>1</sup>Cross reference(s)—Amusements and entertainment, ch. 6; community development, ch. 26; railroads, ch. 70; secondhand goods, ch. 74; taxation, ch. 86; telecommunications, ch. 90; utilities, ch. 98; vehicles for hire, ch. 106.

- c. Protect residential neighborhoods by limiting the location and the concentration of medical marihuana facilities and adult use marihuana establishments to specific areas of the city;
  - d. Impose fees to defray and recover the cost to the city of the administrative and enforcement costs associated with medical marihuana facilities and adult use marihuana establishments;
  - e. Coordinate with laws and regulations that may be enacted by the state addressing marihuana; and
  - f. To restrict the issuance of medical marihuana facility and adult use marihuana establishment licenses only to individuals and entities that have demonstrated an intent and ability to comply with this section.
- (2) *Legislative intent.* This section authorizes the establishment of marihuana facilities and marihuana establishments within the city consistent with the Acts:
- a. The regulations for medical marihuana facilities and adult use marihuana establishments are not adequate at the State level to address the impacts on the city of the commercialization of marihuana, making it appropriate for local regulation of the impact of medical marihuana facilities and adult use marihuana establishments on communities as provided for under the acts and expressly retained by municipal charter and any and all powers and immunities, expressed and implied which cities and their officers are, or hereafter may be, permitted to exercise or to provide for under the constitution and laws of the State;
  - b. Nothing in this section is intended to promote or condone the distribution, or possession of marihuana in violation of any applicable State law;
  - c. This section is to be construed to protect the public over medical marihuana facility and adult use marihuana establishment interests. Operation of a medical marihuana facility and adult use marihuana establishment is a revocable privilege and not a right in the city. There is no property right for an individual or facility to engage or obtain a license to engage in marihuana as a commercial business in the city.
- (3) *Relationship to federal law.* As of the effective date of this section, marihuana is classified as a schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this section is intended to grant immunity from any criminal prosecution under federal law.
- (4) *Relationship to state law.* As of the effective date of this section, as amended, and except as otherwise provided by the Acts; and this section, a city licensee and its employees and agents who are operating within the scope of a valid state-issued operating license are not subject to criminal or civil prosecution under city ordinances regulating marihuana.

Nothing in this section is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with the Acts, all applicable rules promulgated by the state regarding marihuana and all local laws, ordinances, rules and policies. Strict compliance with any applicable state law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this section, and noncompliance with any applicable state law or local law or regulation shall be grounds for revocation or nonrenewal of any license issued under the terms of this section.

(5) *Reservation of legislative prerogative.*

- a. The city reserves the right to amend or repeal this chapter in any manner, including, but not limited to, the complete elimination of any type or number of medical marihuana facilities or adult-use marihuana establishments authorized to operate in the city.
- b. Nothing in this chapter may be held or construed to grant or "grandfather" any medical or adult use marihuana establishment a vested right, license, permit or privilege to continued operations within the city, except as granted by approval through the application and/or application renewal process and as consistent with all other applicable laws, rules, regulations, and guidelines of the state.

(6) *City liability and indemnification.*

- a. By accepting a license issued pursuant to this section, the licensee waives and releases the city, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility and adult use marihuana establishment owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.
- b. By accepting a license issued pursuant to this section, all licensees, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating facility or establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a medical marihuana facility and adult use marihuana establishment or use of a product distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the Federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).
- c. By accepting a license issued pursuant to this section, a licensee agrees to indemnify, defend and hold harmless, the city, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising

on account any alleged violation of the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq. or article 7 of the Michigan Public Health Code, MCL 33.7101 et seq.

(b) *Definitions.* Through this section, the city adopts all definitions contained in any of the state rules, regulations, statutes, administrative code, enacted for the purpose of regulating marihuana facilities and establishments.

(c) *Licensing of medical marihuana facilities and adult use marihuana establishments.*

(1) *Local licensing authority.*

- a. The city council is designated as the local licensing authority. The city council may by resolution delegate its authority or a portion of such authority to a new committee or other designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Medical Marihuana Facilities Licensing Act ("MMFLA") and Michigan Regulation and Taxation of Marihuana Act ("MRTMA") in this section to grant or deny an application described in this section and to levy penalties against the licensee in the manner provided by law.
- b. The local license authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, changes in trade name, and any other appropriate application.
- c. The local license authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority.
- d. The local license authority shall have the power to require any application or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this section.
- e. The local license authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the productions of papers, books and records at any hearing in which the authority is authorized to conduct. Any subpoena shall be served in the same manner as a subpoena issued by a district court of the state. The district court judge shall have the power and authority to enforce such subpoena.

(2) *Number of permitted facilities.* The maximum number of each type of medical marihuana facility and adult use marihuana establishment permitted in the city is as follows:

Type	Number Permitted in City
Grower licenses of class A (maximum of 100 marihuana plants) as defined in the MRTMA or class A (maximum of 500 marihuana plants) as defined in the MMFLA	Prohibited
Grower licenses of class B (maximum of 500 marihuana plants) as defined in the MRTMA or class B (maximum of 1,000 marihuana plants) as defined in the MMFLA	Prohibited
Grower licenses of class C (maximum of 2,000 marihuana plants) as defined in the MRTMA or class C (maximum of 1,500 marihuana plants) as defined in the MMFLA	Prohibited
Marihuana microbusiness	Prohibited
Medical marihuana provisioning centers/marihuana retailers	Unlimited
Marihuana processor or medical marihuana processor facility	Prohibited
Marihuana safety compliance establishment or medical marihuana safety compliance facility	Unlimited
Secure transporter or medical marihuana secure transporter	Unlimited
Excess grower	Prohibited
Designated consumption center	Prohibited
Marihuana event organizer	Prohibited
Temporary event license	Prohibited

- (3) *Location.* No medical marihuana facility or adult use marihuana establishment shall be eligible to be issued a license unless at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the city zoning ordinance as required for the specific type of medical marihuana facility or adult use marihuana establishment for which licensure is being sought;
- (4) *Operation at location provided on application only.* A licensee shall not operate a medical marihuana facility or adult use marihuana establishment at any place in the city other than the address provided in the application on file with the city clerk.
- (5) *Combined facilities.* Multiple types of medical marihuana facilities and adult use marihuana establishments may operate from a single location pursuant to the Acts, State of Michigan rules, and the city zoning ordinance.
- (6) *License and annual fees required.*
  - a. No person shall establish or operate a medical marihuana facility or adult use marihuana establishment in the city without first having obtained from the city and the state a license for each such facility or establishment to be operated. License certificates shall be kept current and publicly displayed within the facility or establishment. Failure to maintain or display a current license certificate shall be a violation of this section;
  - b. An annual, nonrefundable licensing fee to defray the administrative and enforcement costs associated with medical marihuana facilities and adult use marihuana establishments located in the city of not more than \$5,000.00 per license or in an amount established by resolution adopted by the city council or in an amount established by state law;



- c. The annual, nonrefundable application/reapplication fee, as determined by city council resolution from time to time, per license required under this section shall be due and payable with the application for a license and upon the application for renewal of any such license under this section. This application/reapplication fee shall be considered part of the licensing fee in subsection (8)b;
- d. The annual, nonrefundable inspection fee, as determined by city council resolution, per licensed facility required under this section shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this section; This inspection fee shall be considered part of the licensing fee in subsection (8)b;
- e. The fees set forth herein shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city ordinance, including, by way of example any applicable zoning or building permits;
- f. The issuance of any license pursuant to this section does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law;
- g. A separate license shall be required for each facility or establishment type or premise from which a medical marihuana facility or adult use marihuana establishment is operated. A combined facility shall pay one licensing fee upon application if the combined facility is applied for concurrently. If a medical marihuana facility or adult use establishment is added to an existing facility or establishment, a new application and licensing fee shall be required. Annual renewal of the combined facility shall require one fee.
- h. The term of each license shall expire on the same day as the State of Michigan license.
- i. The annual license established pursuant to the above paragraph may be renewed subject to renewal of the State of Michigan license and local approval; license expires on the same day as the State of Michigan license.

(7) *Application requirements.*

- a. A person seeking a license pursuant to the Acts and the provisions of this section shall submit an application to the city on forms provided by the city. All documents submitted to the city shall be submitted digitally; hard copies may be requested. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the city for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

- b. The applicant shall also provide a complete copy of their application for State approval, including, but not limited to:
  - 1. “Approved for prequalification” letter from the State of Michigan.
  - 2. Proof of ownership or authorization to use the property for a medical marihuana facility or adult use marihuana establishment.
  - 3. A notarized statement from the owner of such property authorizing the use of the property for a medical marihuana facility or adult use marihuana establishment, if the applicant is not the owner of the proposed licensed premises;
  - 4. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.
  - 5. The non-refundable application fee for a medical marihuana facility or adult use marihuana establishment license is \$1,500.00 per license or as established by resolution adopted by city council or in an amount established by state law. This application fee shall be considered part of the licensing fee in subsection (8)b; applications not in completed status within one year of initial submission must be resubmitted in its entirety and a new non-refundable application fee must be paid.
- c. For medical marihuana facilities or adult use marihuana establishments, the following shall apply, except for Secure Transporters where applicable:
  - 1. At least one applicant shall demonstrate experience with owning (51 percent or more), operating, and/or managing a business with inventory tracking and control (min. of one year) pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
  - 2. At least one applicant shall demonstrate experience with owning (51 percent or more), operating, and/or managing a business in a highly regulated industry (min. of one year). Highly regulated means subject to regulation by LARA or a similarly regulated agency (state or federal) pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
  - 3. Applicant shall present a detailed description of estimated capital investment. Capital investment is defined as a fixed asset, which is an asset purchased for a long-term use and not likely to be converted quickly into cash such as land, buildings, and equipment pursuant to MCL 125.3501,



MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.

4. Applicant shall include a business location plan as outlined by the State of Michigan and shall include a daily operations schedule outlining opening and closing procedures.
5. Applicant shall present a proposed staffing plan, complete with descriptions of job duties, proposed wages, and employee qualifications/hiring criteria pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
6. Applicant shall present a documented employee policy book and code of ethics to ensure honesty and integrity of employees.
7. Applicant shall present a sworn attestation that the Applicant and/or parties with 25 percent or more interest in the company have not been subject to any civil monetary judgements entered against it in the last seven years, excluding family law matters or estate disputes.
8. Applicant shall present a sworn attestation that the Applicant and/or parties with 25 percent or more interest in the company have not filed bankruptcy within the last seven years.
9. Applicant shall present a plan to deter and prevent unauthorized entrance into the facility.
10. Applicant shall present a plan to prevent theft and diversion.
11. Applicant shall present a plan for 24/7 video surveillance inside and outside of facility.
12. Applicant shall present a plan for secure storage of medical marihuana and proceeds.
13. Applicant shall present a detailed plan for record keeping and inventory management.
14. Applicant shall provide copies of material safety data sheets for hazardous materials and their plan for storage and disposal (or a sworn attestation that no hazardous materials will be on the premises at any time).
15. Applicant shall present a plan that includes a security system in place to alert owner of possible tampering with the facility or its contents.
16. Applicant shall propose a living wage (at least 200 percent of the 2021 Federal Poverty Level for a family of two, at its hourly basis) to all

employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.

17. Applicant shall offer a benefits package in addition to wages or salary pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.

(8) *Review process.*

- a. Within fourteen (14) days of application submittal, city staff will determine if the application is complete and will notify the applicant if there are deficiencies.
- b. After receiving notification from city staff pursuant to subsection (10)a above, the applicant shall have fourteen (14) days from the date of said notification to submit additional information.
- c. Within thirty (30) days of the application being determined to be complete, city staff will review the application to determine compliance with this section and shall notify the applicant that the applicant is approved to proceed with the inspection phase pursuant to subsection (12).

(9) *Denial of application and due process.*

- a. The city shall reject any application that does not meet the requirements of the Acts or this section, or any pertinent provision of any State of Michigan or City of Alpena laws, rules or regulations.
- b. In accordance with the Acts, an applicant may be ineligible to receive a license under this section if any of the following circumstances:
  1. The applicant has knowingly submitted an application for license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information for the application for license.
  2. The applicant fails to meet other criteria established by the Acts or other pertinent law and/or obtain a state license.
  3. The applicant does not submit proof of "approved for prequalification" with the state.

c. *Denial of application; due process.*

1. Those applicants denied a license based on qualifications may appeal the decision within 30 days of notification of denial. The city council shall hear and decide questions or requests for due process that arise after city staff have reviewed and provided a decision that the applicant wishes to further appeal.

2. The applicant must submit a narrative request for due process that includes detailed information and all supporting documentation for any/all points they wish to have city council consider.

- i. Within 30 days of notification of appeal by the applicant, a due process review shall be conducted at a public meeting of the council and a concurring vote of a majority of the members of the full city council is necessary to reverse an order, requirement, decision or determination of an administrative official in the interpretation of this section;
- ii. The applicant must be present at the designated council meeting or forfeits their right to due process;
- iii. The decision of the city council is final.

(10) *Issuance of city medical marihuana facility or adult use marihuana establishment operating license.*

- a. *Special use permit.* The proposed medical marihuana facility or adult use marihuana establishment shall obtain a special use permit from the planning commission.
- b. *Inspection.* An occupancy inspection of the proposed medical marihuana facility or adult use marihuana establishment by the city shall be required prior to the issuance of the city operating license in accordance with the currently adopted Michigan Building Code. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.
- c. In the event that the medical marihuana facility or adult use marihuana establishment is granted a license but fails to substantially comply with its original site plan or operates inconsistent with the manner in which it was represented on the licensing application, the city may revoke the license or may allow the licensee to present its case for modification of its original facility and license to the planning commission. If the planning commission approves the changes, then the city will take no further action regarding the licensee's license. If the licensee fails to address its substantial non-compliance with the planning commission, then the city may revoke the license and may prohibit the licensee from applying for a medical marihuana facility or adult use marihuana establishment license in the future.
- d. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation, the city clerk shall

issue a city medical marihuana facility or adult use marihuana establishment license whose term shall run concurrent with the state license for the facility or establishment.

- e. Maintaining a valid medical marihuana facility or adult use marihuana establishment license issued by the state is a condition for the issuance and maintenance of the city medical marihuana facility or adult use marihuana establishment operating license issued under this section and the continued operation of a medical marihuana facility or adult use marihuana establishment.
- f. The city will authorize approved medical marihuana facility or adult use marihuana establishment license(s) to entities on the condition that the following have been submitted, completed and approved:
  - 1. Application on a form provided by the city; and
  - 2. Paid all licensing fees due to the city; and
  - 3. The entity(ies) holds an approved and fully authorized State of Michigan approved medical marihuana facility or adult use marihuana establishment license to the city clerk; and
  - 4. An approved special land use permit from the planning commission; and
  - 5. An approved certificate of occupancy from the applicable building official; and
  - 6. All medical marihuana facilities or adult use marihuana establishments shall obtain a State of Michigan license and all other required permits or licenses related to the operation of the medical marihuana facility or adult use marihuana establishment, including, without limitation, any development approvals or building permits required by any applicable code or ordinance prior to opening to the public; including but not limited to any approved building permits (as required for any construction/deconstruction) by the city official as appropriate. Any such license and required permits shall be acquired within one (1) year from the date of approval by city council unless that period is extended by mutual agreement of the city council and licensee.
  - 7. *Proof of insurance.* A licensee shall at all times maintain full force and effect for duration of the license, workers compensation as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued from a company licensed to do business in the state having an AM Best rating of at least A-.
  - 8. The policy shall name the city and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the city of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of

substitute insurance to the city clerk within five business days in the event of expiration or cancellation of coverage.

9. Applicant will provide any additional information that the city clerk, law enforcement, fire chief, public works supervisor, zoning administrator, building official, city manager and/or city attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.

(11) *License forfeiture.* In the event that a medical marihuana facility or adult use marihuana establishment does not commence operations within one (1) year of issuance of a city operating license, the license shall be deemed forfeited; the business may not commence operations, unless extended by a majority vote of the full city council.

(12) *License renewal.* A valid medical marihuana facility or adult use marihuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the city and payment of annual fees.

- a. *Timeline of renewal application.* An application to renew a medical marihuana facility or adult use marihuana establishment license shall be filed at least sixty (60) days prior to the date of its expiration, and the license may be extended up to 60 days pending renewal by the State of Michigan and verification of submission.
- b. *Late fee.* In the event that the renewed application is not submitted in accordance with this section, the city will assess a late fee as fixed by city council for each day that the renewal application is submitted late.
- c. *Late fee after expiration.* In the event that an application is not received by the date of expiration, an additional late fee shall be assigned by the city council not to exceed \$2,000.00, in addition to the daily late fees outlined herein and annual renewal fee. The license will be considered null and void, and all operations must immediately cease by order of law enforcement.
- d. *Expiration.* In the event that an application is not received by the date of expiration, the license will be considered null and void and all operations must immediately cease by order of law enforcement.
- e. *Notice of revocation.* A notice of local revocation will be issued to the state and the licensee will have to resubmit all documentation, fees, and receive all approvals as a new entity should they wish to reopen their business.
- f. *Annual inspection.* Prior to the issuance of a renewed medical marihuana facility or adult use marihuana establishment license by the city, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this section. The annual, nonrefundable inspection fee, as assigned by the city council, per licensed facility or establishment required under

this section, shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this section.

(13) *Transfer, sale, or purchase of license.*

- a. A medical marihuana facility or adult use marihuana establishment license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marihuana facility or adult use marihuana establishment license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this section.
- b. Each operating license is exclusive to the licensee and location. A licensee or any other person must submit an application for licensure with the city clerk before a license is transferred, sold, or purchased.
- c. In compliance with any/all rules issued by the board regarding the sale, transfer or purchase of existing licenses; any entity that holds a city-issued license may transfer or sell their license to a qualifying applicant.
  1. Any entity purchasing or receiving a transferred license must submit an application and all associated documentation and all fees;
  2. The applicant who is receiving the transfer or purchasing the license must have submitted all new application, license and inspection fees and received all local and State of Michigan approvals, including "approved for prequalification" with the state on all applications and associated documentation as well as all inspections as outlined in this section and the Acts prior to beginning or taking over operations.
- d. The attempted transfer, sale, or other conveyance of an interest in a license without city approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the city.
- e. The following actions constitute transfer of ownership and require a new application, application fee and approval by the local licensing authority:
  1. *Persons.* Any transfer of more than one percent of an ownership interest in an applicant or permit holder between persons constitutes a transfer of ownership.
  2. *Corporations.* Any transfer of more than one percent of stock or any change in principal officers or directors of any corporation holding a permit constitutes a transfer of ownership.
  3. *Limited liability companies.* Any transfer of more than one percent of membership interest or any change in members or change in the interest held by member(s) of any limited liability company holding a permit constitutes a transfer of ownership.

4. *Partnerships.* Any change of more than one percent of a partnership interest or any change in general or managing partners of any partnership holding a permit constitutes a transfer of ownership.
  5. *Assets.* Any transfer of more than one percent of the assets held by an applicant or permit holder constitutes a transfer of ownership.
- f. *Effect of transfer.*
1. Immediately following the approval of a transfer of ownership by the city, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous license holder. Once a license holder has transferred his or her ownership interest, any privileges enjoyed by that license holder under this ordinance are terminated.
  2. For transfers, the renewal and termination dates of the license shall not change.

(14) *License as revocable privilege.*

- a. An operating license granted by this section is a revocable privilege granted by the city and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.
- b. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the city's approval before a license is transferred, sold, or purchased.
- c. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.
- d. Any effort to circumvent the protocol listed in this section and/or the city zoning ordinance will result in the immediate denial of application or complete revocation of the city-issued medical marihuana facility or adult use marihuana establishment license.

(15) *Nonrenewal, suspension, or revocation of license.*

- a. The city may, after notice, suspend, revoke or refuse to renew a license for any of the following reasons:
  1. The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this section or with any applicable state or local law or regulation;
  2. The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license

and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

3. The medical marihuana facility or adult use marihuana establishment has been operated in a manner that adversely affects the public health, safety or welfare;
  4. The licensee has not submitted all necessary documentation and/or fees to renew their license.
- b. Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises or property occupied by the medical marihuana facility or adult use marihuana establishment, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marihuana facility or adult use marihuana establishment, or an ongoing nuisance condition as defined and contained in Chapter 50, Nuisances of the City of Alpena Code of Ordinances, emanating from or caused by the medical marihuana facility or adult use marihuana establishment or any other concerns raised by city staff and/or other local, state or federal officials. Criminal conduct shall be limited to the violation of a state law or regulation or city ordinance.
  - c. Any decision of nonrenewal, suspension or revocation has the right to due process and may be eligible for appeal to the city council.
- (d) *General requirements and restrictions.* All medical marihuana facilities or adult use marihuana establishments operating within the city shall be subject to the following general requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the Act, the Act shall prevail.
- (1) *General requirements.*
- a. *Exterior signage.* Facilities and establishments may only use exterior signage that is in compliance with the city's zoning ordinance regarding signs and Michigan law.
  - b. *Hours of operation.* Provisioning centers and retailers, may only operate between the hours of 8:00 a.m. and 9:00 p.m.
  - c. *Operations.*
    1. All business operations of a facility or establishment must occur indoors.
    2. Facilities and establishments may provide drive-thru service, subject to the city's zoning ordinance requirements.
    3. Facilities and establishments may provide curbside service based on an approved plan with the State of Michigan.



4. Approval from the State of Michigan to allow curbside pickup and/or delivery to residential addresses must be provided to the City of Alpena once approved by the State of Michigan.
  5. Any deviation to the approved site plan will require approval of the Planning, Development and Zoning Director or the City Planning Commission, as appropriate.
- d. *Odors.* Facilities and establishments may not emit noxious odors or fumes, in accordance with the city's zoning ordinance regarding visibility of activities; control of emissions.
  - e. *Security.* Facilities and establishments shall have:
    1. A monitored alarm system (24 hours per day and seven days a week);
    2. A safe for all cash, cash equivalents, and marihuana stored in the facility or establishment overnight shall be in a room secured by commercial grade security doors;
    3. Monitored security cameras covering, at a minimum, all parking areas, curbside pickup areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled. All security recordings must be maintained for a minimum of forty-five (45) days and provided to law enforcement upon request;
  - f. *Display of permit.* The permit issued by the city and the license issued by the state shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
  - g. *Systems.* All facilities and establishments shall have electrical, fire safety, plumbing, filtration and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.
- (2) *Prohibited acts.*
- a. No person under the age of eighteen (18) shall be permitted to enter a facility unless the person has a medical marihuana card and is accompanied by a legal guardian over the age of eighteen (18).
  - b. No marihuana may be smoked, used, or consumed at any licensed facility.
  - c. It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.
  - d. No facility or establishment may operate under a temporary certificate of occupancy. Facilities and establishments shall be in full compliance with all applicable legal requirements in order to operate.
  - e. It shall be unlawful for any licensee holding a provisioning center or retailer, or for any agent, manager, or employee thereof to:

1. Sell, give, dispense or otherwise distribute medical marihuana or adult use marihuana paraphernalia from any outdoor location except in compliance with a curbside delivery plan approved by the State of Michigan or a drive-thru service plan approved by the City of Alpena or the City of Alpena Planning Commission.
2. Sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee more usable form of medical marihuana (including the useable medical marihuana equivalent of medical marihuana-infused products) within any seven-day period of time than they are allowed by the MMMA to possess;
3. It shall be unlawful for a provisioning center or retailer to distribute marihuana or marihuana-infused products to a consumer free of charge.

(3) *Inspection of licensed premises.*

- a. Application for medical marihuana facility or adult use marihuana establishment license or operation of a medical marihuana facility or adult use marihuana establishment, or leasing property to a medical marihuana facility or adult use marihuana establishment, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit law enforcement, or their designee, to conduct routine examinations and inspections of the medical marihuana facility or adult use marihuana establishment to ensure compliance with this section or any other applicable law, rule or regulation.
- b. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by law enforcement and any other city departments for the purpose of investigating and determining compliance with the provisions of this section and any other applicable state and local laws or regulations.
- c. For the purposes of this section, examinations and inspections of medical marihuana facilities and adult use marihuana establishments and recordings from security cameras in such businesses are part of the routine policy of enforcement of this section for the purpose of protecting the public safety, individuals operating and using the services of the medical marihuana facilities and adult use marihuana establishments, and the adjoining properties and neighborhoods.
- d. A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a city inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this section, the Acts, or applicable state administrative rules.

- (e) *Other laws remain applicable.* To the extent the State of Michigan adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marihuana, the additional or stricter regulation shall control the establishment or operation of any medical marihuana facility or adult use marihuana establishment in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license, and noncompliance with any applicable state law or regulation shall be grounds for the revocation or suspension of any license.
- (f) *Grant of administrative authority.* The city clerk is granted the power and duty, through its official designation, to fully and effectively implement and administer the license application process and issuance of operating licenses issued by the city under this section. The city clerk, after consultation with other city departments, may promulgate such rules as necessary to implement and administer this section.
- (g) *Violations and penalties.*
- (1) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this section, any person, including, but not limited to, any licensee, manager or employee of a medical marihuana facility or adult use marihuana establishment, or any customer of such business, who violates any of the provisions of this section, shall be guilty of a misdemeanor punishable in accordance with this section unless a different penalty is provided herein.
  - (2) If a facility is operated in violation of the Act or any applicable ordinance, or if the licensee is found to have submitted false or misleading information in its permit application, the city may revoke the permit for such facility to operate within the city. The city retains the right to alter the number and type of facilities and establishments authorized hereunder at any time. Any permit granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.
  - (3) With respect to any facility that is in violation of any requirement or restriction set forth in this section, the licensee of a facility, all persons identified pursuant to the Acts, and any on-site manager shall be subject to the following penalties:
    - a. Any violation shall be a misdemeanor and may be punished by a fine of not more than \$1,500.00 and/or imprisonment not exceeding ninety (90) days and the violator(s) shall pay all court costs and expenses.
    - b. The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.
    - c. In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

(Ord. No. 20-454, 6-1-20; Ord. No. 21-459, 6-21-21; Ord. No. 21-467, 12-20-21)

**Secs. 18-2—18-30. Reserved.**

**EFFECTIVE DATE**

THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT TEN (10) DAYS AFTER BEING ADOPTED BY THE MUNICIPAL COUNCIL AND DULY PUBLISHED.

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, MICHIGAN, AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
Matthew J. Waligora, Mayor

\_\_\_\_\_  
Anna Soik, City Clerk/Treasurer/Finance Director

First Presented: January 3, 2023

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_, 2023

William A. Pfeifer, City Attorney


# Memorandum



Date: February 27, 2023

To: Mayor and City Council Members

Copy: Rachel Smolinski, City Manager  
Anna Soik, City Clerk/Treasurer/Finance Director

From: Stephen J. Shultz, City Engineer 

Subject: Ripley Boulevard Construction Engineering Services

The City of Alpena will, through a contract with the Michigan Department of Transportation, be resurfacing Ripley Boulevard from Third Avenue to Washington Avenue this spring. To comply with MDOT requirements, having certified inspectors on the job with the contractor and in the office filing the paperwork, the City must use the services of an outside consultant certified by MDOT to complete this work. To that end, the City solicited proposals from local engineering companies certified to perform this work and published it on our website. Two proposals were received.

Consultant	Total Estimated Cost	Percent of Estimated Construction Cost
	Based on Hourly rate and estimated hours	
Huron Engineering & Surveying, Inc.	\$41,104.00	6.76%
R.S. Scott Associates, Inc.	\$48,740.00	8.02%

Estimated Construction Cost: \$607,971.30

While the hourly rates and estimated hours to complete the project vary between the consultants, Huron has considerable experience, both overall with MDOT Local Agency Projects, as well as specifically with City of Alpena projects funded through MDOT (Miller Street, Second Av Bridge, Grant St). We believe their hourly estimates are reasonable and the hourly rates are comparable to the other bidder.

It is my recommendation, as City Engineer, that City Council authorize using the services of Huron Engineering & Surveying, Inc. per their proposal dated February 27, 2023, for a time and materials estimated cost of \$41,104. This cost is based on a project schedule of 5 weeks or less. If the project extends beyond 5 weeks, the contract price may need to be adjusted via Contract Modification presented to Council. However, we do not anticipate the project taking longer than 5 weeks to complete. Funding to facilitate these services has been included in the budgeted line items for the Ripley Boulevard Construction project.

Attachments

### Estimated Cost to Complete Project

Task	Estimated Hours	Hourly Rate	Estimated Fee
Project Coordination and Daily Review and Field Manager	10 Hours/Week, 5 Weeks = 50 Hours	\$95	\$4,750
Project Principal, Project Management/Coordination	2 Hours/Week, 5 weeks = 10 Hours	\$98	\$980
Daily On-Site Inspection	50 Hours/Week, 5 Weeks = 250 Hours	\$79	\$19,750
Sidewalk Ramp's & Construction Survey Layout	40 Hours	\$160	\$6,400
Bituminous Lab	36 Hours	\$74	\$2,664
Materials Testing & Secondary Inspector	8 Hours/Week, 4 weeks = 32 Hours	\$70	\$2,240
Meetings, Correspondence & Project Closeout with MDOT LAP	40 Hours	\$95	\$3,800
MDOT – Granular & Fine Aggregate Analysis, MTM 109	Estimated 1 at \$160 each		\$160
MDOT – Coarse, Dense & Open graded Analysis, MTM 109	Estimated 1 at \$200 each		\$200
Concrete Cylinder Compression Testing	Estimated 8 at \$20 each		\$160

<b>Total Estimated Fee for Above Services</b> <i>Based upon the Contractor's schedule being five weeks in duration, ten hours per day, and five days per week. This is 6.8% of the As-bid price.</i>	<b>\$41,104</b>
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## **R.S. SCOTT ASSOCIATES, INC.**

ENGINEERING • ARCHITECTURE • SURVEYING

### **PROJECT TEAM**

Glen Smolinski, Tech VI Project Manager

Scott Pawloski, Engineer I Computer Office Technician  
Certified Computerized Office Technician

Keith Orban, Tech IV Chief Inspector  
Certified Concrete I, Density, HMA Paving Operations and Construction Site Storm  
Water Operator

Charles Hermann, Tech IV HMA Paving Inspector  
Certified Aggregate II, HMA QA/QC, HMA Paving Operations and Construction Site  
Storm Water Operator

Dan Ryerson, Tech IV HMA Plant Testing  
HMA QA/QC, HMA Paving Operations and Construction Site Storm Water Operator

Andrew Cruise, Surveyor I Staking Crew Chief

### **BASIS OF FEE**

Project Management  
Tech VI: 80 Hours @ \$92/hr = \$7,360

Computerized Office Technician  
Eng I: 100 Hours @ \$103/hr = \$10,300

On Site Inspection  
Tech IV: 300 Hours @ \$72/hr = \$21,600

Plant Inspection  
Tech IV: 30 Hours @ \$72/hr = \$2,160

Staking  
Surveyor I: 40 Hours @ \$103/hr = \$4,120  
Tech III: 40 Hours @ \$66/hr = \$2,640

Concrete cylinder breaks 16 Each @ \$35/Ea = \$560

**TOTAL FEE = \$48,740**



## City of Alpena

Bid Name: Ripley Boulevard Construction Engineering Services

Bid Open Date: February 27, 2023 @ 2:00 p.m.

Bidder	Addendum	Bid Security	Base Bid	Remarks
R. S. Scott Alpena, MI	#1✓ #2✓		\$48,740	
Huron Engineering Alpena, MI	#1✓ #2✓		\$41,104	

Unofficial – “As-Read” Results – Subject to Verification



Bids Due: February 27, 2023  
Time: 2:00 p.m.

**BID LIST**  
**Ripley Boulevard Construction Engineering Services**

- |  |   |
|--|---|
| 1. Fleis & Vandenbrink<br>2960 Lucerne Dr SE<br>Grand Rapids, MI 49546 Ph:<br>800-494-5202<br><a href="mailto:info@fveng.com">info@fveng.com</a>   | 7. Wade Trim<br>1403 S. Valley Center Drive<br>Bay City, MI 48707<br>Ph: 800-322-4500<br><a href="mailto:tnoble@wadetrim.com">tnoble@wadetrim.com</a>       |
| 2. Gosling Czubak Engineering Sciences<br>1280 Business Park Drive<br>Traverse City, MI 49686<br>Ph: 800-968-1062<br><a href="mailto:info@goslingczubak.com">info@goslingczubak.com</a>  | 8. Gourdie-Fraser, Inc. (GFA)<br>123 W. Front Street<br>Traverse City, MI 49684<br>231-946-5874 Ext 324<br><a href="mailto:shaneg@gfa.tc">shaneg@gfa.tc</a> |
| 3. RS Scott and Associates 405<br>River Street<br>Alpena, MI 49707<br>Ph: 989-354-3178<br><a href="mailto:gerowp@rsscott.com">gerowp@rsscott.com</a> <a href="mailto:straleym@rsscott.com">straleym@rsscott.com</a>                                  |   |
| 4. Huron Engineering and Surveying<br>3205 US 23 South<br>Alpena, MI 49707<br>Ph: 989-356-6375<br><a href="mailto:mark.herman@huronesi.com">mark.herman@huronesi.com</a><br><a href="mailto:Becky.Rivard@huronesi.com">Becky.Rivard@huronesi.com</a> |   |
| 5. Materials Testing Consultants<br>693 Plymouth Ave NE Grand Rapids, MI 49505 Ph:<br>800-968-8378<br><a href="mailto:tlautenbach@mtc-test.com">tlautenbach@mtc-test.com</a>   |   |
| 6. Tetra Tech<br>123 Brighton Lake Road<br>Brighton, MI 48116<br>Ph: 810-220-2112<br><a href="mailto:Bob.daavettila@tetrattech.com">Bob.daavettila@tetrattech.com</a> <a href="mailto:Sott.buchholz@tetrattech.com">Sott.buchholz@tetrattech.com</a> |   |

# Memo

*Planning, Development, & Zoning*

**Date:** March 1, 2023

**To:** Mayor and City Council Members

**Copy:** Rachel Smolinski, City Manager  
Kathy Himes, Human Resources Director

**From:** Montiel Birmingham – PDZ Director  
Steve Hall – Building Division Department Head

**Subject:** CPS-33 Revision

Council Policy Statement 33 covers the process for addressing Citizen Complaints related to ordinance violations. The policy has not been updated since 1998; although the general intent and timing of the policy remain unchanged, the revisions are an opportunity to refine the policy with current processes and clarifying points. In addition to the policy statement, department staff is working on standard operating procedures which provides staff with further guidance for specific enforcement types, ticketing processes, escalation procedures, and system entry.

It is my recommendation, as Planning, Development & Zoning Director, that Council approve the revised CPS 33 as written.

**Recommended Motion:** Move to adopt the revisions to Council Policy Statement 33, Ordinance Enforcement Procedures for Citizen Complaints.



**CITY OF ALPENA**  
**COUNCIL POLICY STATEMENT**

GENERAL SUBJECT:	Staff Procedures	Policy No.:	33
SPECIFIC SUBJECT:	Ordinance Enforcement Procedures for Citizen Complaints	Date Issued:	12/10/1998
		Effective Date:	12/08/1998
		Revised:	03/01/2023

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Copies to: City Council, City Manager, City Attorney, Department Heads, Building Official, ETOS, File.

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**I. PURPOSE:**

The purpose of this Council Policy Statement is to address the handling of citizen ordinance complaints.

**II. STATEMENT OF POLICY:**

1. New citizen ordinance complaints shall be addressed within five (5) working days. Any complaint concerning a health or life safety concern should be addressed within twenty-four (24) hours of receiving the complaint.
2. Initial contacts with the property owner will be attempted in person. The complaint and meeting will be documented. However, if personal contact is not possible, a written notice via a door hanger will be left on a main door of the property stating the violation, the date and time, and the contact information for the enforcement officer leaving the notice.
3. If a response is not received from the door hanger, contact with the property owner will be attempted via phone or a written letter mailed to the property owner.
4. The amount of correction time is dependent on ordinance requirements, type of violation, magnitude of the problem and life safety concerns. Follow-up to the corrective action will be within two business days of the deadline.

5. Should the violation remain uncorrected, further action shall be taken by the enforcement officer. Further action may include correcting the violation for the property owner and billing subsequent expenses to the property owner as outlined in the ordinance requirements or issuing a ticket against the property owner or occupant.
6. Should the violation consist of a life safety concern, an illegal activity, or a case of extreme magnitude, a conference will be scheduled between the Building Official, City Attorney, and other appropriate staff to determine the proper course of action.
7. Once the matter is corrected, the enforcement shall be closed.

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Rachel Smolinski  
City Manager