

Saugatuck Township Board
Regular Meeting Minutes
April 13, 2022
Meeting held in person & via Zoom

Call to Order:

Supervisor Osman called the meeting to order at 6:00 PM

Roll Call:

Present: Clerk Bigford, Treasurer Helmrich, Trustee Marcy, Supervisor Osman.
Also present: Operations Coordinator Daniel DeFranco & Technology/Recording Secretary Jennifer Drew.
Excused: Trustee Aldrich

Zoom Instructions:

Zoom instructions for public participation. All votes should be taken via roll call. Also please say your name before speaking. Mute yourself when you are not speaking. This meeting is being recorded. Please do not interrupt. If any public member is disruptive in a way that interferes with the board conducting their business, they will be blocked. Also highlighted that if there were any individuals that would like to participate, but need special accommodations, we will do our best to make those adjustments. Please do not click on any links on Zoom.

Approval of Agenda:

A Motion was made by Bigford to approve the agenda as presented. Supported by Marcy.

Discussion: None

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

Public Comment: Osman opened the floor for public comments.

1. Annie Brown, South Haven. Ms. Brown is a candidate running for the 38th District State Rep. She came to the meeting to introduce herself and offer support for the township residents.
2. Frank Alfieri, 2394 Lakeshore Dr, Fennville. Spoke in support of the letter to USACE related to Public Interest Factors.
3. Jane Dickie, 6108 Old Allegan Rd, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
4. Dean Kapenga, County Commissioner. Update for the Board & public to ongoings in Allegan County including continued work towards broadband and water projects

- throughout the county, grants for a new Lakeshore Drive access road, officer recording devices, and RFP requests for updates to the outdoor warning system.
5. Russ Gardner, 245 Spear St, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
 6. Scott Wierenga, 6618 Dugout Rd, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
 7. Scott Dean, 544 St. Joseph St, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
 8. Bobbie Gaunt, 341 Main St, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
 9. Liz Engel, 3041 Indian Pt, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors.
 10. Scott Bosgraaf, on behalf of North Shores of Saugatuck. Spoke in defense of alleged false statements made in the proposed letter to USACE. Provided outline to the Board.
 11. Jon Vanderbeek, 6419 Palmetto Ct, Saugatuck. Spoke in support to the Beach to Bridge resolution.
 12. David Engel, 3041 Indian Point, Saugatuck. Spoke in support of the letter to USACE related to Public Interest Factors. Provided letter to the Board.
 13. Nick Wallace, 3524 Dugout Rd, Saugatuck, attending via Zoom. Spoke in support of the letter to USACE related to Public Interest Factors.
 14. Betsy Merrit, 2600 Virginia Ave N.W., Washington D.C., attended via Zoom. Spoke in support of the letter to USACE related to Public Interest Factors from a national perspective.

Public Comment Closed

Approval of Consent Agenda: Osman introduced the consent agenda.

Discussion: Bigford noted there is no formal report from Emergency Services this month. Briefed the Board on conversation with Tony Schippa that response times remain good, but could be better due to staffing shortages. Marcy noted there is no new info from the Road Commission.

A **Motion** was made by Marcy to approve the consent agenda as presented. Supported by Bigford.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

Presentation: Saugatuck Convention and Visitors Bureau 2022 Marketing Plan

CVB Executive Director, Lisa Mize discussed the new marketing plan for the 2022 season including geographic website reach, new print literature, updates to photography and

videography, growth review since 2018, digital marketing impacts, national recognition, and what is coming for 2022.

Presentation: Tri-Community Recycling on HHW

Garnet Lewis presented to the board the statistics from HHW 2021 including the funds generated and the amount of hazardous waste collected with a breakdown by community. She expressed the committee's goal to have HHW day a yearly planned event and requested the Board to commit to a \$5000 donation to support HHW.

Presentation: David Swan, Additional Comments to USACE

Mr. Swan spoke in more detail regarding the importance for the Board to submit a letter to USACE on behalf of the concerned citizens request for Public Interest Factors of the proposed boat basin and the need to excavate.

Helmrich asked if the neighboring cities are sending letters. Mr. Swan noted he presented to Douglas in late January / early February of this year. The decision was tabled to allow for Board review, he believes they are moving forward to bring it to a vote. A meeting was held with the City of Saugatuck for them to review the letter. Mr. Swan stated he believes the City of Saugatuck is looking for direction from Saugatuck Township. Helmrich asked if a joint letter from the Tri-Communities would be better than individual letters? Mr. Swan stated that would be terrific, but he felt it would be difficult to pull off. Helmrich asked about delineation before and after excavation and if the basin is denied how many potential homes could be built in place of the marina. Mr. Swan stated what happens next would be speculation.

New Business:

Agenda Item 1: Township Adoption of Freedom of Information Act (FOIA) Procedures and Guidelines Resolution 2022-04

DeFranco introduced. Following state law changes to the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, with amendments effective July 1, 2015, the Township Attorney drafted for the Township a revised FOIA Procedures and Guidelines document. This document addresses the following topics as they pertain to FOIA: (1) General Administration, (2) Requests for Public Record, (3) Responding to a Request, (4) Fee Calculations, (5) Fee Deposits, (6) Fee Waivers, (7) Appeals, (8) Miscellaneous, and (9) Forms.

A Motion was made by Helmrich to adopt Resolution 2022-04: A Resolution to adopt Freedom of Information Act (FOIA) Procedures and Guidelines. Supported by Marcy.

Discussion: None

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

Agenda Item 2: Consolidated Fee Schedule Resolution 2022-06

DeFranco introduced. Over the last month, the Township has received notification of fee increases for mechanical, plumbing, and electrical inspections as well as increases in charges for standard burials and cremations. It has also come to my attention that the Fire District charges \$75 per re-inspection for Rental Dwellings, whereas the Township charges the public \$60 for this service, with the Township losing \$15 per re-inspection.

The Township's current Consolidated Fee Schedule has not been revised in some time. In March of 2019, only the "per hour" charge for mechanical, plumbing, and electrical permits was revised; the inspection fee remained untouched. Fees related to Rental Inspection of Dwellings have not been revised since they were originally instated in January of 2017.

Interim Manager DeFranco noted 3 minor amendments to the draft that was presented to the Board.

1. The rental fee schedule will not go into effect until June 1, 2022.
2. Include a Zoning Permit fee with Sign Permits.
3. Add line item for Temporary Sign fee of \$1.50/sf/side.

A **Motion** was made by Marcy to approve the adoption of Resolution No. 2022-05, a resolution adopting the Saugatuck Township revised Consolidated Fee Schedule as amended. Supported by Bigford.

Discussion: Osman praised the coordination of rental fees and their effective dates for the Tri-Communities. Helmrich questioned if temporary signs will apply to sale signs. DeFranco stated this pertains to temporary signs in the right of way.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

Agenda Item 3: Michigan State Lease Renewal 2022

DeFranco introduced. For many years the Township has leased office space to the Michigan State Police (MSP). The current lease agreement expired at the end of 2021. The Michigan Department of Technology, Management, and Budget (DTMB), who represent the MSP on these types of matter, have contacted staff to request that the lease be renewed. The MSP have also been contacted regarding the lease renewal and have expressed a desire to have the lease agreement renewed for another year.

A **Motion** was made by Marcy to authorize the Township Clerk to execute the proposed 2022 Rental Agreement between Saugatuck Township and the State of Michigan. Supported by Helmrich.

Discussion: Helmrich questioned why not have a multi-year lease? Bigford asked why they don't pay their \$1?

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

Agenda Item 4: Proposed Van Dis Monument in Riverside Cemetery

DeFranco introduced. The Township Cemetery Sexton, Lori Babinski, has received a request from Gary Van Dis to purchase six graves in Riverside Cemetery for the purpose of erecting a monument. The purchase of the graves is contingent upon Board approval of the monument. The graves in question were part of a recapture of 435 unused burial spaces by the Township in 2009. Given that these grave sites are located in an older section of Riverside Cemetery, for which the Township has little documentation, the plots could not be used for burials. Mr. Van Dis only intends to erect a monument at the grave site, not to use it for additional burials. There are no restrictions on monuments in this area of Riverside Cemetery and there is a substantial monument located across the way from the proposed site at which Mr. Van Dis would like to erect his family monument. Attached you will find a proposal submitted by Mr. Van Dis including images giving the Board a sense for the style and scale of the monument Mr. Van Dis is proposing. Given that the proposed monument is more substantial in size than most monuments, the Board has been asked to weigh in and formally approve or deny Mr. Van Dis' request.

A Motion was made by Helmrich to approve the proposed monument for Riverside Cemetery. Supported by Marcy.

Discussion: Bigford asked would Cemetery Sexton Babinski be involved with placing the monument. DeFranco stated Sexton Babinski has and will continue to be very involved and hands on.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

Agenda Item 5: Resolution to support “Beach to Bridge Trail Vision” Resolution 2022-06

DeFranco introduced. The Tri-Community Trail Master Plan Group is a community-based, advisory committee composed of members from all three municipalities. The group proposed the creation of an interconnected system of trails that could serve to conserve land, open new space for public outdoor recreation, and establish permanent wildlife corridors. The Resolution before the Board would resolve the Township's support for the Trail Master Plan Group's “Beach to

Bridge Trail Vision,” a plan to establish a non-motorized trail connecting the Saugatuck Dunes State Park with the New Richmond Swing Bridge Park. Note that the Resolution resolves the Township’s support for the project, but does not involve a financial commitment on the Township’s part.

Discussion: Helmrich asked if the Township’s neighbors have adopted the same resolution. DeFranco stated he was not aware, but he would reach out to them.

A **Motion** was made by Marcy to move to resolve the Saugatuck Township Board’s support for the “Beach to Bridge Trail Vision” developed by the Tri-Community Trail Master Plan group. Supported by Bigford.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

Agenda Item 6: Dark Sky Week Proclamation 2022

DeFranco introduced. The International Dark-Sky Association has proclaimed the week of April 22-30, 2022 as International Dark Sky Week to raise awareness of their mission to promote win-win solutions that allow people to appreciate dark, star-filled skies while enjoying the benefits of responsible outdoor lighting. The Township shares similar values as evidenced by its own outdoor lighting ordinance established in 1987 to prevent light pollution. The Board should consider proclaiming April 22-30, 2022 as International Dark Sky week as a way both to raise awareness of the Township’s own dark-sky lighting ordinance and to encourage our municipal neighbors to collaborate in the effort to reduce light pollution in our community.

Discussion: None.

A **Motion** was made by Marcy to move to proclaim April 22nd – 30th, 2022 as International Dark Sky Week in Saugatuck Township. Supported by Osman.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously.

Agenda Item 7: Earth Day 2022 Proclamation

DeFranco introduced. Started in 1970 by a junior U.S. Senator from Wisconsin, Earth Day is now celebrated by more than a billion people in over 190 countries. The Township has not recognized Earth Day in recent years, but it’s efforts to improve recycling services and reduce waste demonstrate an alignment between the Township’s strategic action plan and the mission of Earth Day, which is to support a clean environment through community collaboration and mobilization. The Board should consider whether they would like to formally proclaim April 22nd, 2022 as Earth Day in Saugatuck Township.

Discussion: Osman noted that the first Earth Day took place when she was in Jr. High and it was a very big deal. Helmrich stated he had an Earth Day patch sewn into his coat when he was younger. He also suggested the Township Hall fly the Earth Day flag on Earth Day.

A **Motion** was made by Helmrich to move to proclaim April 22nd, 2022 as Earth Day in Saugatuck Township. Supported by Marcy.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

Agenda Item 8: Concerned Residents' Request for the Township to Submit Additional USACE Comments

DeFranco introduced. The present request from the Concerned Citizens is that the Township send a letter to the USACE asking that they “make an independent review of the need for the excavation of a boat basin by Northshore of Saugatuck from the perspective of the overall Public Interest.” There are three reasons for this specific request.

1. The Township has not yet contributed comments to the USACE’s Public Interest Review; the Township declined to submit comments for the Public Interest Review when asked in 2017. While the Township has not submitted comments for the Public Interest review, in all three USACE letters, the Township has explicitly stated that the Township’s “goal is to advocate for the public interest.”
2. In their Public Interest Review, USACE assumed that North Shore, LLC had conducted the appropriate economic analyses to determine the economic need of the project, however, a recent U.S. 6th District Court opinion disagrees with the USACE’s established presumption. The proposed letter provides evidence related to the public interest factor of economics.

Recommendations:

The Township can approach the request from the Concerned Citizens in a few ways.

1. The Township could accept the correspondence from the Concerned Citizens as information only.
2. The Township could request that staff review the information submitted by Concerned Citizens and consider sending the enclosed letter or having the Attorney draft an original letter to the USACE.
3. The Township could have staff consider the feasibility of submitting the Concerned Citizens’ proposals as information to the USACE for their Public Interest Review. For this option, the Township would not specifically endorse the Citizen’s proposal, but pass it along for consideration by the USACE. Note that the Township responded in a similar way in their December 18, 2020 USACE letter.

Discussion: Helmrich thanked the concerned citizens for their work involved in the matter. He stated he feels the focus on public interest is important and noted the last three times the Board directed staff to review and prepare a submission. He also noted that 6 of the signing citizens are either current or former Township elected or appointed officials. Bigford feels the document provided is very lengthy and a lot of time was put into creating it. She stated she did not have adequate time to digest all of the information provided. Bigford noted that in all three of the previous letters submitted by the Board to the USACE it was stated the desire of the Board for the USACE to do their job to investigate. She supports option 3, as she feels Legal counsel would condense the work put into the letter submitted and that option 3 allows the board to remain neutral by stating we do not endorse it while allowing the Board to submit the letter on the citizens behalf. Osman agrees with Bigford's comments also noting that details could be lost if legal counsel condenses the letter. Marcy asked if legal counsel was involved prior to 2017 and the chronology provided by DeFranco. Helmrich clarified that prior to the current board, the Township had not signed on as a consulting party. Marcy questioned if community members were not allowed to submit comments due to them not being a consulting party, and could the 67 concerned citizens submit their letters directly to USACE. DeFranco stated he spoke with USACE and they stated that whatever was sent to them would be accepted and reviewed. Marcy asked if there is a timeline as to when the USACE is to respond. DeFranco stated that is a great question and a lot of people also want to know. Helmrich noted they do not say when they will respond as it has been 5 years so far. Marcy supports option 3 as the Township Board represents the citizens and feels the Board should be involved. Marcy also noted that she is interested in hearing the rest of Mr. Bosgraaf's comments. Helmrich clarifies that legal counsel would be involved with option 3 to review submission and approve the Township Board submitting on behalf of the citizens. Osman states that legal counsel would review the cover letter submitted with the concerned citizens letter to USACE. DeFranco states option 3 waives the right to edit submitted letter. Bigford asked if option 3 requires further action from the Township Board after legal consult. Helmrich suggests designating authority to two appointed board members to avoid the need to come back to the Township Board. Osman noted 67 individual letters would have greater impact than the combined letter.

A **Motion** was made by Bigford to move to have staff consider the feasibility of submitting the Concerned Citizens proposals as information to the USACE for the public interest review. The Township would not specifically endorse the citizens proposals, but pass them along for consideration by the USACE. Supported by Marcy.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

A Motion was made by Marcy to appoint Bigford and Helmrich to review and authorize sending out the Concerned Citizens letter to USACE. Supported by Osman.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

Agenda Item 9: ARPA Update and Filing

Helmrich introduced. Gave update noting April 30th deadline is met, we are registered with the Federal Treasury. Changes were made to the administrative contacts. May Board workshop would be a good time to additionally address more specifically the priorities of the ARPA funds. DeFranco stated he is looking at the priorities of the strategic plan, especially in the area of growth and development.

Old Business:

Agenda Item 1: Township Manager

Osman introduced, noting all have had time to review the proposal.

Discussion: None.

A **Motion** was made by Marcy to approve the Employment Agreement Draft of April 7th for Township Manager. Supported by Bigford.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

Reports:

Osman opens the floor for reports

Treasurer's Report - Helmrich gave an update.

Planning Commission –Helmrich gave an update.

Coordinators Report –DeFranco thanked the Board. Report on file, highlights below.

- Website design contract made with Insight Design & Marketing. Second meeting scheduled for 4/14/22. Design committee includes DeFranco, Jennifer Drew, and Chris Clark.
- Broadband Action Committee formed by Jill Dunham. They are not asking for a financial commitment at this time. County is creating a survey to map areas underserved and unserved. An RFP will then be sent out to all service providers. No projected cost to municipalities, expenses to be covered by ARPA funding.
- Website Logo is rolling out.
- Riverbluff Shoreline Grant has been awarded. Working towards administering of funds.

- All managers will be meeting 4/14/22 to discuss the KLSWA Sewer Agreement, then meeting with KLSWA 4/15/22.
- 66th St Watermain Bond awarded to Horizon Bank, funds to be received 4/22/22.
- Two new laptops were ordered to allow for dual polling books. Cost to township just over \$100 with reimbursement grants.
- Budget work continues.
- Zoning Administrator Wells had recommended updating the Zoning Ordinance in its entirety. Funding options from multiple areas could be used to cover the expense.

Open Board Report:

Marcy - None.

Bigford – HHW in support of the \$5,000 requested donation. Also in support of revising the entire zoning ordinance.

Helmrich – 4/15/22 site meeting with MDOT regarding sound mitigation issues along I-196.

Osman – Pleasantly surprised to hear broadband is moving along.

Public Comment:

Jon Vanderbeek – Commented on hiring of new Township Manager. Requests Board look into ARPA funds to extend preservation efforts within the township.

Scott Bosgraaf – Commented on hiring of new Township Manager. Spoke on behalf of North Shores of Saugatuck boat basin and USACE letter. Asked board to review the 2016 Tri-Community Master Plan regarding the non-wetland shorelines. Read the decision from 2017 Planning Commission and the report from the planner. Encourages the Township Board to be independently minded and to protect North Shores rights as property owners as well.

David Swan – Spoke to answer question regarding why USACE had not made a decision. Usually a 3-month process, we are now in year 5. Page 3, line 7 of the packet given on behalf of concerned citizens provides a reason for the delay.

Adjournment:

Supervisor Osman adjourned the meeting at 8:28 pm.

Meeting Adjourned.

MOTIONS

1. A **Motion** was made by Bigford to approve the agenda as presented. Supported by Marcy.
Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

2. A **Motion** was made by Marcy to approve the consent agenda as presented. Supported by Bigford.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

3. A **Motion** was made by Helmrich to adopt Resolution 2022-04: A Resolution to adopt Freedom of Information Act (FOIA) Procedures and Guidelines. Supported by Marcy.
Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

4. A **Motion** was made by Marcy to approve the adoption of Resolution No. 2022-05, a resolution adopting the Saugatuck Township revised Consolidated Fee Schedule as amended. Supported by Bigford.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

5. A **Motion** was made by Marcy to authorize the Township Clerk to execute the proposed 2022 Rental Agreement between Saugatuck Township and the State of Michigan.
Supported by Helmrich.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

6. A **Motion** was made by Helmrich to approve the proposed monument for Riverside Cemetery. Supported by Marcy.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously

7. A Motion was made by Marcy to move to resolve the Saugatuck Township Board's support for the "Beach to Bridge Trail Vision" developed by the Tri-Community Trail Master Plan group. Supported by Bigford.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

8. A Motion was made by Marcy to move to proclaim April 22nd – 30th, 2022 as International Dark Sky Week in Saugatuck Township. Supported by Osman.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously.

9. A Motion was made by Helmrich to move to proclaim April 22nd, 2022 as Earth Day in Saugatuck Township. Supported by Marcy.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

10. A Motion was made by Bigford to move to have staff consider the feasibility of submitting the Concerned Citizens proposals as information to the USACE for the public interest review. The Township would not specifically endorse the citizens' proposal, but pass it along for consideration by the USACE. Supported by Marcy.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

11. A Motion was made by Marcy to appoint Bigford and Helmrich to review and authorize sending out the Concerned Citizens letter to USACE. Supported by Osman.

Voice Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Aye	Aye	Aye	Aye

Motion Carried Unanimously.

12. A Motion was made by Marcy to approve the Employment Agreement Draft of April 7th for Township Manager. Supported by Bigford.

Roll Call Vote:

Aldrich	Bigford	Helmrich	Marcy	Osman
Not Present	Y	Y	Y	Y

Motion Carried Unanimously

Respectfully,

J. Drew, Recording Sec.

I Abby Bigford, Township Clerk, certify that these minutes were approved on May 11, 2022 by the Township Board.

Township Clerk

Date