

Saugatuck Township Board Meeting  
Wednesday December 4, 2019, 6pm  
Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, MI 49453  
Approved Minutes

Supervisor Osman called the meeting to order at 6pm.

All board members present

**Saugatuck/Douglas Library Board Presentation**

Sondra and Mark from the Library board gave an update on the Library construction. Sondra gave a detailed description of the causes of the delays including delays on obtaining materials, weather delays and mistakes made by A & G Construction (the general contractor on this project). A stop was put to the work and a renegotiation was made with A & G. Larry, the owner of A & G, has agreed to be onsite every day of construction. He has accepted full responsibility for the mistakes and the costs incurred due to the mistakes. Mark wanted to make it clear that no additional costs will be charged to the taxpayers. A full site inspection has been done and the Library board is waiting on the report from that. They will move forward when they have the report. Completion date is to be announced. Please field questions to your board member representative, not Ingrid Boyer.

**Interurban Update**

Phyllis Yff – Interurban’s 40<sup>th</sup> birthday is coming up – May 2020. Interurban covers all of Saugatuck, Douglas and Saugatuck Township with 7 vehicles and staff of 20. Current funding comes from State and Federal departments of transportation, our .5 mill property tax millage and our fares. Last year carried over 70,000 passengers. That was the highest ever. Were able to secure grants to cover the cost of 2 new 15 passenger busses that replace 2 busses from 2010. 2 other busses will arrive in March to replace 2 other older busses. Obtained a SEMAC grant for 2 smaller vehicles (10-12 passenger) utilizing alternative fuel. The trip to Holland on Tuesdays has been in place for 2 years. They hope to renew this. Have converted from a paper and pencil system to an automated dispatch system.

**Public Comment**

Dean Kappenga – Allegan Co. Commissioner for our area. Thanked Chief Janik for educating him on some of the issues related to Lakeshore Drive. Believes the all of the lakeshore should form a coalition to prove that all of the resources of the county have been exhausted and this problem is way beyond that level and Scott Corbin (Emergency Management Director) declare a state of emergency to the Governor. The Governor can then make declaration of disaster for our area. Dean is available to help in any way he can. The county is looking doing an aquafer analysis. The Allegan Board of Commissioners is doing a citizen survey to determine what is exactly the “people’s will”. Will report the results when available. A 5 year recreation plan was done at the County level. The county parks are funded by casino money and some other resources.

Don Schipper and John Serros – Is looking for help from the board in reducing their SEUs. Their facility will be a water conserving one that has very little impact on the sewer system.

Alan Mack- is in support of improvements to Riverside Drive and Dugout Road. Reported that the road is almost impassable due to the potholes. Is in full support of using millings and slight widening. Believes the widening needs to occur to allow for accessibility for emergency vehicles (reported he obtained this information from Chief Janik).

Roy McIlwaine – Riverside Drive. Read a short letter form Marcia Sikora (3480 Riverside Dr.) Ms. Sikora is in favor of improvements to Riverside Drive and her letter has been added to the packet on file at the

Township office. Mr. McIlwaine also made his own statement regarding Dugout Road and Riverside Drive. Is in favor of improvements to Riverside Drive and Dugout Road to include limited tree removal and millings. Believes the current condition of the road is very poor and unsafe due to the tight road width. Mr. McIlwaine's letter is also on file as part of the December Township Board Meeting packet. Scott Stearns – Riverside Drive – There are significant variances and encroachments. Where the right of way is drawn on all of the maps is not where the road actually is. Is concerned and is also speaking on behalf of Paul McEnroe, about variances and encroachments. Believes we should hold off on this project. Reported there are a number of other residents that are not in favor of the work on Riverside. Recommends taking the time to form a consensus, make a plan and resolve the variances. Reports that Craig Atwood is aware of the variances. Believes the workorders are premature. More time is needed for further study and outreach to all stakeholders.

Alan Mack – is a year-round resident. Is not asking to move the road. Believes the millings is a compromise. Is asking for egress for the safe passage of fire engines. Is only asking for modest improvement.

Scott Stearns – has had a very large vehicle come to his house. This issue needs further study.

Roy McIlwaine – the County does not plow north of Alan Mack's house. Reported he had to flag down a smaller County truck and they were willing to do it even though it was not scheduled to happen. When significant snowfall occurs, residents are stranded. Is only asking for modest improvements. This issue has been discussed for 20 years, so it is not being rushed.

### **Approval of Agenda**

*Bigford– moved to approve the agenda as presented. Supported by Aldrich. Discussion: none. Approved 5-0.*

### **Invoices**

*Aldrich– Moved to approve all bills and payroll in the amount of \$49,446.00 as presented. Supported by Marcy. Discussion: None. Approved 5-0.*

### **Treasurer's Report**

General fund bank balance = \$2.4M – holding steady

CD value = \$752 – up 1K from November

YTD – FY2020 (est. through 11/30/10) – revenue and expenses are about 20% below budgeted amount through November; both gaps will close in December. There are no departmental overages to report.

Winter Tax Collection season began Monday; runs to February 29, 2020.

Board approval of December 4 and 13 tax disbursements is needed

*Helmrich moved to approve the December 5<sup>th</sup> disbursements in the amount of approximately \$35,000 to the 3 school districts, the township and the county that get disbursements from the summer tax season. Supported by Aldrich. Discussion: None. Approved 5-0.*

### **Minutes**

Helmrich pointed out some spelling and grammatical errors.

*Helmrich moved to accept minutes as amended from November 6, 2019 regular meeting. Supported by Marcy. Discussion: None. Approved 5-0*

### **Correspondence**

Osman – we received a memo from Roy McIlwaine regarding the Blue Star Trail, a Library press release regarding the delay on the construction, a letter from Richard Bebe regarding the Blue Star Trail, a memo from John Williams regarding Riverside Drive, a letter from John and Laura Doerer regarding

Riverside Drive, a letter from Paul McEnroe regarding Riverside Drive and Dugout Road, a letter from Roy McIlwaine regarding Dugout Road and Riverside Drive, and a letter from Marcia Sikora regarding Riverside Drive and Dugout Road.

### **Blue Star Trail Joint Resolution Update**

Osman – Marcy and I have been appointed as the elected officials on this committee along with Ken Trester and Holly Leo from the city, and from Douglas, Kathy Mooradian and Jerry Donovan. A tentative meeting is scheduled for December 9 at 1pm.

### **2020 and 2021 Road Projects**

Osman – we have the 2020 road projects that include millings for Riverside Drive and Dugout Road. These will authorize work orders, not the actual work. We will have an additional chance to review the plans before approving them.

Graham – spoke with Craig Atwood at the County Road Commission today. He confirmed that approving the work orders initiates the process. It's a signal from the township that we have interest in pursuing these projects. The Commission then advances on to the design phase where they would specify what trees need to be removed and review the road right of way. Many of the questions brought up today and recently would be addressed in this phase if the township board decides to move forward with these work orders. If new challenges are uncovered, the township does have a chance to reexamine. This is the first step, not the last step. The concerns can only be addressed if we advance the work orders.

Aldrich – work would not happen till at least spring correct?

Graham – yes, it is the part of the cycle of road work

Helmrich – the Road Commission cannot accept a bid without the township board's approval, correct?

Graham – yes, that is my understanding

Helmrich – the land conservancy has expressed concern. We need to be vigilant and watchful during this process

Osman – this is fairly common in older resort communities. Roads were placed where there was not a right of way and right of ways get abandoned. I think doing the design work for this would uncover all of those issues

Aldrich – we need to move on this in the sake of public safety

Bigford – we need the information provided by the work orders in order to proceed

Marcy – this has been a long-standing issue

*Aldrich moved to approve the 2020 local road project work orders, as presented, and authorize the Township Supervisor and Township Clerk to sign and return them to the Allegan County Road Commission. Supported by Marcy. Discussion: None. Approved 5-0.*

Graham – at last meeting we were looking at potential amendments to the 2021 docket, but we did not have enough information at that time. You have in front of you proposed 2021 Road Plan Amendments, and an email from Jason Edwards, one of the head engineers at the Allegan County Road Commission.

Wants to acknowledge how flexible, helpful and patient the Road Commission has been with the township during the transition of the last year. They have given us some additional recommendations and information regarding the 2021 road plan. Like at the November meeting where the township board approved amendments to the 2020 road plan, you all have the opportunity to adopt proposed amendments to the 2021 road plan. Staff can then move forward on work orders for 2021. The Road Commission is looking at extending selection timelines. We are trying to be as proactive as we can.

*Marcy moved to approve the 2021 road plan amendments. Supported by Helmrich. Discussion: none. Approved 5-0.*

Helmrich – question for Graham – do we know when the road millage would be put to the voters again?

Graham – one road millage expires at the end of 2021, and one expires at the end of 2022. The cemetery millage will expire first, then the two road mileages.

### **236 Culver LLC – Connection Fee Review**

Osman – we have much information on this in front of us. We did receive a memo from the township engineer, Dana Burd outlining options. Burd writes “As a reminder, these fees are not established based on actual or expected water use. Rather, they are a part of the overall funding structure for the public water and sewer system”. So, keep that in mind when we look at the 6 options he provided.

Helmrich - is interested in 2 of Burd’s options. Does believe that we need to look into revising the antiquated REU schedule.

Graham – if any of these options are selected by the township board, there will be more research and work to be done.

Aldrich – option 3 seems like something we should look at. Read option 3. Believes more research is necessary. Likes options 3 and 4.

Helmrich – read option four.

Aldrich – who pays for the research?

Graham – it depends. If we respond to the memo, they would pay for it. If we are looking at revising the system as a whole, we would pay for it. If the board wants to go with option 6, my recommendation would be to ask Dana Burd, and Prein and Newhoff to put together a proposal regarding costs and what the project would entail.

Marcy – is the entire ordinance antiquated? This sounds like potentially a great deal of work for staff.

Graham – there are some system wide changes listed in these options. The board has to decide if they are going to make an exception for one specific development or, if we have an issue with the system, then do we want to amend the whole system. There are levels of amending the system. Options 2 and 3 are specific to the developer and would require legal agreements with the developers. My recommendation would be in the options directly related to the developer, the staff time and legal time and fees would be charged to the developers. In the past, the township has decided that public tax dollars should not be used to benefit one single development.

Helmrich – does think the REU system is really antiquated. There are new businesses and industries that are not included

Graham – the schedule was last reviewed in 1998. Much of the reason our utility system fees are set up the way they are is due to the multiple agreements we have with various partners. This is another piece of research that will be necessary if the board decides to change the system as a whole.

Helmrich – understands that we need to look at the agreements that we have with our various partners anyway.

Graham – REU schedules are complex. We use these to fund our utility systems now and in the future. There is potential for long term consequences.

Bigford – there were so many things that needed to be brought up to date and modernized when we took office. The trustees, manager Graham, Lynee Wells, have done a fantastic job with much of this. We have to prioritize. We have to decide which one of the systems or which projects we will take on first. Do we do that based on the request of an individual or a developer.

Osman – going back to Burd’s statement “these fees are not established based on actual or expected water use. Rather, they are part of the overall funding structure for the public water and sewer system”. Does not think we change fees in order to make gas stations better, or make it easier to develop a grocery store. Singling out one type of business would not necessarily be the appropriate way to go. Kal-Lake needs to have input on this and we need information from our partners

Marcy- maybe we can talk about this at our priority setting session. This is a decision we can’t make tonight. So much more work and research are necessary.

Helmrich – would like to see how our schedule compares to other townships. This is an economic development issue.

Graham – we can get more detailed project proposals with cost estimates. This would help us prioritize.

Helmrich – if we pursue obtaining project proposals, does that preclude us from making decisions more directly tied to individual need?

Graham – proposals would not be needed for all 6 options. It does not preclude responding to this specific situation. The board has the power to respond to this in any way they want.

Marcy – there is potential for offering relief later.

Graham – the developer can move forward with their project with the current connection fees.

Osman – we don't have enough information to make a decision at this point. This will take a significant amount of time.

### **Adult Use Marijuana – Zoning and Regulatory Ordinance**

Helmrich – At the Planning Commission meeting on November 25, Nick Curcio, our outside legal representation gave a detailed report on Adult Use Marijuana. His power point presentation is part of the packet and it included regulatory options for Saugatuck Township. We are currently in an “opt out” phase. We had instructed Lynee Wells, our Zoning Administrator to do a redlined version of the Medical Marijuana ordinance. She marked that up just to show what an ordinance could look like for Adult Use. There was not a public hearing at the last Planning Commission meeting, but at Public Comment, 3 individuals spoke in favor of Adult Use Marijuana and one individual spoke in favor of Adult Use Marijuana depending on the source. Some of the members of the Planning Commission favored bringing this back to the voters. Other members felt that the voters spoke last year when 61% of the voters in Saugatuck Township supported Adult Use Marijuana. It was pointed out that if we chose the election route, then some of the regulation controls could be weakened. According to Nick Curcio, revenue sharing is not clear at this time, but there will be a tax on sales and there will be a percentage that will come back to our Township. The commission voted 6-1 to hold a public hearing regarding the acceptance or not of Adult Use Marijuana. This will be held at the regularly scheduled December Planning Commission meeting.

### **Michigan State Police Lease Renewal**

Graham -The lease expires at the end of 2019. It is a one-year lease. Believes that we have a good partnership with the Michigan State Police. Their presence is valued.

Aldrich – likes having the MSP as our neighbors.

*Bigford moved to authorize the Township Clerk to execute the proposed 2020 Rental Agreement between Saugatuck Township and the State of Michigan. Supported by Aldrich. Discussion: None. Approved 5-0.*

### **2020 Board Meeting Schedule**

Osman – we have 2 options to look at. The first Wednesday of the month or the second Wednesday of the month. *Helmrich moved to adopt for 2020, the calendar based on the board meeting on the second Wednesday of every month. Supported by Marcy. Discussion: Bigford- this is better in regards to election schedules. Roll Call Vote: All yes. Approved 5-0.*

### **Planning Commission**

Report from PC member and Township Treasurer Helmrich - PC met November 25. There was a special approval use and a public hearing and a site plan review for a medical marijuana facility located on Blue Star and 64<sup>th</sup> owned by Aaron Smith. Approval was granted with 11 specific conditions.

### **Road Commission**

Marcy- there is much going on between the Lakeshore and the ongoing projects. We are on top of it.

### **Interurban**

The free Halloween service ran smooth in the area. Had six buses on the road with two dispatchers handling the phones and radio and had the entire staff including seasonal staff working plus our director. The free service is also offered on New Year's Eve. Board members unanimously approved holiday gratuities. A \$50 gift certificate to Super Valu as a token of appreciation at Thanksgiving and for a holiday bonus of \$150 for full time and \$100 for part time employees. Submitted by Lori Babinski, Saugatuck Township Rep.

### **Fire Board**

There was a special tribute presented by Mary Whiteford's husband, because Mary was home recuperating from foot surgery, for Erin Wilkinson honoring her for her outstanding years of service to the tri-communities. It was signed by Mary, state senator Aric Nesbitt, Lieutenant Governor Garlin Gilchrist, and Governor Gretchen Whitmer. There was also a special dedication on Engine 2112 in honor of Avery Betts. There was a lengthy discussion about the Lake Shore Drive washout, which Griffin is updating us on. November was another record, 78 calls, former high was 66. Many calls were due to weather that caused numerous downed power lines. 5 motor vehicle incidents. Grace of Douglas is coming in higher than previous years, 39 so far. There was one fire call that was concerning when responding. Smoke in the basement of Coral Gables. It turned out the flames from a heater ignited a wooden protective structure. Flames were most likely forced outside the heater due to high water level in basement.

### **Parks Commission**

Searing – last parks meeting was cancelled due to weather. There was not much on the agenda. The Old Allegan Road sidewalk project will take place in the spring.

### **Kalamazoo Lake Water and Sewer Authority**

Mike McGuigan- the regular Kal-Lake meeting was held on November 18. The highlight was that the testing was complete on the NPDES permit and everything is great. The Bylaws discussion is ongoing between the 3 communities. Hopefully in the next month we will have something to review and discuss.

### **Open Board Report**

Marcy- used the Interurban recently. This is an incredible service in our community.

Helmrich- Is looking forward to the planning and goal setting session on the 14<sup>th</sup>.

Osman- Also values the Interurban. Knows someone who would not be able to get around without it.

### **Manager Report**

Graham – included in the packet is a master projects list. It is likely not complete and it is a living document. This is meant to be a tool to spur on brainstorming and discussion regarding goal setting in the future. This list does not include day to day operations. Helps this helps the board and the community to understand the scope and spectrum of all of the projects.

The Township will be holding a special meeting on Saturday December 14 at 8am at the Old Douglas School House. The meeting will cover goal and priority setting. Al Vandenberg will be facilitating.

Lakeshore Drive- it continues to change daily. There has been a sinkhole forming and sections of the road have been closed. The area partners are all working together for solutions. Many entities are working day and night to prioritize safety. Some lakeshore communities are passing resolutions regarding the challenges they are facing related to this issue. This could be a good step to get all levels

of the Government to recognize how seriously we are taking this and that we are asking for support and help. Declarations of disaster/emergency can be made when very specific criteria have been met. We are not at that point. Can provide a sample resolution.

Spent some time this week preparing a spreadsheet showing the breakdown of tax bills. The total amount of the tax bill is divided up between at least 12 different entities. The Township keeps only a small portion of the property tax bills. Wants the board and the public to start thinking about revenue sources and property taxes.

*Bigford moved to authorize Manager Graham to draft a resolution acknowledging the challenges regarding Lakeshore Drive and present it back to the board. Supported by Helmrich. Discussion: none. Approved 5-0.*

**Public Comments:**

Don Schipper – Addressed this issue of REUs with Graham about a month ago as they were being categorized as a factory, but they are not a factory. They are a greenhouse. Believes they should be categorized as a greenhouse. They are running a legal operation. There are many illegal operations going on under the guise of “Warehouses”. Thinks there must be a fair solution. Our facility is by and large disconnected from the water and sewer system. Only the restroom is connected. Is in support of option 3. Could the board ask Mr. Burd if the factory designation is appropriate? Could they be considered a warehouse? Hates being penalized for being truthful and open.

Scott Stearn – what he thinks he heard tonight is that the process for getting a design for improvement or change of a road is to advance the workorder to the County Road Commission. His concern is that it will move it from a grass roots level up past the township to the County. Is curious when the residents that live there have input. They may have insights that would contribute to a better plan. When does it come back here? How much back and forth is allowed? Is this a pass/fail kind of thing? The people he has spoken with would like to provide input.

*Marcy moved to adjourn the meeting. Supported by Aldrich. Approved 5-0.*

Meeting Adjourned 8:07pm

Recording Secretary: Abby Bigford  
Saugatuck Township Clerk  
December 28, 2019