

Saugatuck Township Board Meeting
Wednesday September 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

Public Comment

County Commissioner Dean Kapenga- thanked Helmrich and Graham for attending the harbor informational sessions and for their great participation. Courthouse planning continues. They are looking at moving the main entrance to the north side of the building to improve the security process. Bob Genetski just spent about 360K on a new computer system to provide marriage licenses, death certificates, and property records online. Is very pleased with this. Smart 911 will be implemented in January. Digital County award - have been in the top 10 in the country for the last 4 years. We have received it again. Local emergency planning – hazardous materials, planning for spills, other emergencies. The Committee visits all farms/businesses and documents the hazardous materials and any plans they have in place for emergencies and works with the fire departments on planning as well. Commissioner Kapenga signs off on the plans. Local official conference September 30 6p-8:30p at the Trestle Stop in Hamilton. Will distribute flyers when they are available. Looking at the 2020 budget, working on 11 different union contracts.

James Brandis- believes it is not ok that people unknowingly interact with toxic herbicides. Put in some plants last fall on the association property that he lives in. Pulled weeds in July to get everything looking good and a few days later he noticed all the plants and vegetation had died. Was alerted by neighbors that the county sprayed. He walks his dog in that area and notices much foot traffic in that area. Wrote a letter to the road commissioner asking to know what was sprayed and asking them to address that it is a sensitive area. There is a creek that runs behind the guard rail that empties into a bayou. There was no posting regarding the application of the herbicide before or after it was sprayed. Thinks the township could advocate on behalf of the citizens that would like to have a choice about being exposed to aqueous roundup. Thinks the township could let people know what is being done and when – the county sprays the roads with roundup. Thinks the township could determine what the sensitive areas are. Does the township maintain any of its own roads?

Approval of Agenda

Aldrich – moved to amend the agenda to discuss the use of aqueous roundup by the Allegan County Road Commission – add as the first item under new business. Supported by Marcy. Discussion: none. Approved 5-0.

Bigford – moved to approve the agenda as amended. Supported by Marcy. Discussion: none. Approved 5-0.

Invoices

Aldrich moved to approve the invoices totaling \$46,318.96. Supported by Bigford. Discussion: None. Approved 5-0. .

Treasurer's Report

General fund bank balance = \$2.4M

CD value = \$748K – up \$1.3K from August

YE'19 "unaudited" – revenue ahead by 14%. Expenses under by 15%
YTD'20 (2 months in) – revenue at 72% of budgeted. Expenses under by 20%
Monday September 16 is Summer Tax payment deadline date

Minutes

*Helmrich moved to accept minutes from August 7, 2019 regular meeting. Supported by Marcy.
Discussion: None. Approved 5-0*

Correspondence

Osman- this month we received a number of correspondences that manager Graham has responded to. Correspondence responded to: James Brandess regarding Aqueous Roundup, Wayne Brower regarding the IFC, Taylor Lubrick regarding short term rentals, Kendra Briggs regarding chipseal on 62nd, Ned Nasr regarding chipseal on 62nd, Stelios Dokianakis regarding chipseal on 62nd, Melinda Pettinga regarding chipseal on 62nd, and Carol Spriner regarding chipseal on 62nd.

Presentation – Kalamazoo Lake Harbor Authority – Mike VanLoon and Ken Trester

VanLoon- here to discuss the township becoming involved in the Harbor Authority. If the 3 municipalities could come together and speak with one voice regarding dredging, and other improvements to the lake and the river, the likeliness of qualifying for grant money increases, thus the creation of the authority. Initially the 3 municipalities were asked each to pay the same amount to join (the money to be used for mailings, attorney fees, etc.) The township did not think this was fair and they should pay less than the two cities and did not join. The authority does want the township to join and will not charge start up fees.

Trester- the authority does not have the authority to commit the municipalities to spending money on projects.

VanLoon – the township previously had legal representation review bylaws and an amended resolution was put forward that got lost in the shuffle in the activity of the last few years. Ask that the board revisits that resolution and bylaws. The township's participation on the authority would be most welcome.

Helmrich – how many seats would the township have on the authority? VanLoon – 2 Helmrich- Douglas has set up its own harbor authority – can you speak to that? VanLoon- Douglas wanted to have its own municipal marina.

Helmrich – pending legal review, he would support the township rejoining.

VanLoon- has tacit support from the cities for the township to rejoin.

The township's manager would be welcome to attend meetings as a non-voting member

Emergency Services Committee

Graham- is still in the process of reviewing the AMR Service Agreement. Once review is complete can be executed per prior board approval. Legal review is of the contract is taking place. A list of questions regarding the agreement was sent to the ESC and will be addressed at the September 12 meeting.

Graham will be attending the 9/12/19 meeting. Our appointed rep. to that committee, Tony Schippa has been apprised of the concerns with the agreement. The township's legal counsel confirmed that "the fact that no assessments have been levied the past few years does not eliminate the existence of the SAD." The township's legal counsel does recommend that the board hold a public hearing before establishing the assessment roll for the SAD. Graham recommends that the board schedule a public hearing as a part of the October 2 township board meeting to garner public input.

Bigford- are any of the questions on the agreement substantial enough to be real roadblocks?

Graham – no, they are more just clarifying questions. All of the questions are in the packet.

Helmrich- is it your understanding that the ESC will be in a position on Sept. 12 to respond to your concerns/questions?

Graham- it is my understanding that they will be in a position to answer the questions as he believes he was invited to attend for this specific purpose. Some may not be able to be addressed at this meeting.

Helmrich- would the public hearing be published/posted?

Graham - We would notify for the public hearing. We would be looking at 2 separate newspaper postings regarding date, time, place. Will consult with legal counsel to make sure we are in compliance with all posting requirements. Also would also be announced via newsletter and Facebook.

Helmrich – has the service been reinstated to the southern half of the township starting August 1st?

Graham – at this point we have not signed that agreement. So my understanding is that it has not.

Schippa- the southern half of the township is still being serviced by the AMR ambulance in Fennville and Holland. The change is that we would be paying our fair share/portion to keep an ambulance in Fennville.

Helmrich – would the contract start in October, or be retroactive?

Graham – the agreement is backdated to August one, so it is my understanding that we would be responsible for our share once and assuming the contract is signed and we get that funding source.

Marcy – Moved to schedule a public hearing regarding the Township Board's intent to reinstate the special assessment district for ambulance service on the winter tax rolls, which impacts the southern half of the Township during the regularly scheduled Township Board Meeting on October 2. Supported by Helmrich. Discussion: None. Approved 5-0.

Harbor Authority and MI Tech Study

Graham – we do not currently have money budgeted to financially support this grant. Attended a meeting on August 22nd with Allegan Co. reps, and reps from the City of Saugatuck and reps from the City of the Village of Douglas. Allegan Co. has requested a resolution of support and the amount the township intends to contribute to this matching grant. The request is 20K. We would not need to contribute the full amount. We could contribute the full amount, a partial amount, or no amount at all.

A description of the study that is being proposed is part of the packet. Also a recommended (from the county) resolution is also part of the packet if we chose to go in that direction. The reason we are being asked by the County to contribute is that the county has been awarded this grant and they are now in the process of deciding if they are going to accept that grant or not.

Helmrich – at the last harbor authority meeting the 2 cities made it clear that they were going to wait on a recommendation from the harbor authority regarding the importance of this study. Has there been any movement on that front?

Trester- the harbor authority has not formally made a recommendation. The authority is in the process of determining what value they will get out of a contribution. Believes that the authority should make a recommendation and that it will be on the agenda for the next meeting. Harbor authority meets 3rd Tuesday of the month.

Aldrich – we should wait and revisit this after the harbor authority meets.

Graham – the county would be the fiduciary on this project. A 3rd party would be managing compliance with the grant and that would be MI Tech.

Aldrich- Moved to table the resolution of support indicating Saugatuck Township's intention to participate in the Harbor Grant and cost sharing to the October 2nd Township Board meeting. Supported by Bigford. Discussion: none. Approved 5-0.

Personnel Policy and Organizational Chart Update

Helmrich – thank you for adding MLK day as a holiday

Bigford- at our last meeting we talked about the definition of a full time employee to 32 or 36 hours. It would be wise to define this now rather than in a reactive situation if a full time employee would ever request to move down in hours and maintain full time status.

Helmrich – 30 hours a week has been accepted for insurance purposes

Osman – thinks full time employment should be defined as between 32 and 40 hours a week.

Graham – our current personnel policy states that some regular part time employees are eligible for benefits.

Bigford – can paid time off be adjusted

Graham – yes, according to the current policy. Can make the adjustment to define full time employment to 32-40 hours a week.

Helmrich – thinks that written evaluations at 30, 60 and 90 day intervals for new hires could be constrictive/ not doable.

Graham – a training period is crucial and formal documentation starts employees knowing that this organization values feedback and evaluation. Our organization is small and rapid turnover is not common so typically only one employee would be in a training period at a time and the guidance would be helpful.

Marcy- thinks the 30, 60, and 90 day evaluations are common and good for the organization and the employee. We do not have that many actual staff.

Osman- agrees with Marcy

Graham – will take a look at the language regarding the evaluations of new hires. Will bring it back for review at the October 2 meeting.

Marcy – Moved to table adopting the personnel policy and organizational chart to the October 2nd meeting. Supported by Aldrich. Discussion: none. Approved 5-0

Door and Lock Projects

Graham- does not have an updated quote. Has been working with Holland Lock and Safe on this. The work would be between \$400 and \$800.

Bigford – Moved to authorize the Township Manager to proceed with the lock replacement project. Supported by Aldrich. Discussion: none. Approved 5-0.

Use of Aqueous Roundup by Allegan Co. Road Commission

Aldrich – believes the practice of using roundup was put into place at a time when the dangers were not known. Has real concerns about the use of roundup. Thinks we need to look into practices that do not endanger residents and pets. Believes the township could work with the road commission to explore alternatives to the current practice.

Graham – has spoken with Craig Atwood, the director of the Allegan Co. Road Commission several times in the last few days regarding this issue. He seemed open and receptive to feedback. We could invite him to a future meeting. Forming a committee to garner resident feedback is an option.

Marcy – would like to hear from Atwood regarding data and dangers of this product. Believes a committee to garner resident input is a good idea.

Bigford – has had positive dealings with the Road Commission. Wants to give them the first crack at this issue. Thinks we should give them a chance to respond with a solution that would be agreeable to all parties before we step in and intervene.

Helmrich – wants us to consider us doing something more “pointed”. Round up is a carcinogen. We could be a little more directive.

Osman – we could give the road commission an opportunity to deal with this and respond. We could revisit October 2.

Helmrich – suggested writing a letter to the road commission expressing our concern regarding this issue and requesting that they provide us with some alternatives.

Donna Leonard – expressed her concern over this practice and made some suggestions to engage the public.

Graham – Road Commission meetings are open. Residents can attend and make comments/express concerns.

Osman- the County Roads are maintained by the Road Commission. We are not their boss. Does not believe that this is where this discussion should be taking place.

Graham – there are options- we could invite the road commission to present at the next meeting, we could write a letter, or direct residents to air their concerns directly to the road commission. We could also table it and encourage residents to go to the next road commission meeting.

Helmrich – would like to see this on the road commission’s agenda for their next meeting.

Marcy – there is a meeting on the 18th (road commission)

Graham – we could ask that they add it to their agenda

Helmrich – is requesting that we draft a letter to the road commission expressing our concerns regarding the current practice of the application of aqueous roundup and that we ask them to add it to their next agenda. Wants Graham to draft a letter and have the board approve it. Brenda and Stacey could approve the letter.

Marcy: Moved to direct staff to draft a letter to the road commission regarding the township’s concern over herbicide use to be reviewed by trustee Aldrich and Marcy to be sent out before the September 18th meeting of the road commission. Supported by Aldrich. Discussion: Aldrich – are they done spraying for the year? Helmrich – It’s only September. Approved 5-0.

Construction Board of Appeals Appointments

Osman- the procedure for this is that the supervisor makes the appointments and the board supports or does not support that action. We have 3 openings on the construction board of appeals and 3 applicants. I know 2 of them through business contacts the 3rd is a good fit based on his application.

Osman – I appoint Charles Carlson, Robert Firmiss and Jason Dedic to the Construction Board of Appeals, each for a 2 year term expiring June 30, 2021. *Bigford- Moved to support the Supervisor’s recommendation regarding the Construction Board of Appeals appointments. Supported by Aldrich. Discussion: none. Approved 5-0.*

Medical Marihuana Ordinance Amendment

Osman – this is a clarifying amendment. This clarifies the distance these facilities must be apart. The Planning Commission met and unanimously voted to recommend the amendment to the township board at their July 22nd meeting.

Helmrich – Moved to approve Ordinance 2019-09 which is an ordinance to renumber zoning section 40-746a of the Code of Ordinances, Township of Saugatuck, Michigan, to 40-747, and to amend that section to clarify the buffering requirement between marihuana facilities and residential dwellings. Supported by Marcy. Discussion: none. Roll Call Vote: All yes. Approved 5-0

Cemetery Services Agreement – Douglas Renewal

Graham – has been working to get renewals approved with the 2 cities. The City of Saugatuck and the City of the Village of Douglas have a longstanding relationship with Saugatuck Township when it comes to contributing to the maintenance costs associated with the Township’s cemeteries. In exchange, the residents of Saugatuck and Douglas pay the same rates as Township residents for burial spaces. Both of those agreements have expired. This is the approved renewal for the City of the Village of Douglas.

Drew the board’s attention to a clause that was added that caps the Douglas contribution should one of

the 3 parties not readopt the service agreement. The City manager of Douglas and I have updated those caps. If the board approves the agreement it will be brought back before Douglas to approve the agreement with the updated caps.

Helmrich – any update on the expired cemetery agreement with Saugatuck?

Graham – has been in contact with their city manager and that communication has been favorable to negotiating a renewal.

Helmrich – are Saugatuck residents currently paying more now in the absence of an agreement?

Graham – yes there is no contract with the city of Saugatuck. They pay nonresidential rates.

Bigford – Moved to authorize the Township Supervisor and Township Clerk to sign the Cemetery Services Agreement approved by the Douglas City Council on August 5, 2019 as updated by the Township Manager. Supported by Aldrich. Discussion: none. Approved 5-0.

Speed Study Resolution (62nd and 131st)

Osman – this is not a complicated issue. There is not a speed study in effect for 62nd St or 131st Ave south of Old Allegan Road. This makes the currently posted speed limits unenforceable. The currently posted speed limit is 25mph. One consequence of a speed study is the speed limit could be raised based on the 85th percentile, but at least it would be enforceable. The Sherriff's dept. has requested this.

Aldrich – Moved to adopt a resolution to request the Allegan County road Commission to initiate a speed study of 62nd Street and 131st Avenue south of Old Allegan Road. Supported by Marcy. Discussion: None. Roll Call Vote: All yes. Approved 5-0.

Municode Professional Services Agreement Update

Graham – There were 4,662 page views on the website/ordinance link between 1/1/19 and 6/30/19.

Osman – The Township's most recent formal agreement with Municode is from the 2000 recodification. We received a letter from Municode requesting additional fees due to advancing technology. It's sad that we are using an agreement from 2000. Graham and Wells prepared a list of ordinances that have not been updated.

Graham – Updating this agreement is not required. He does recommend updating an agreement. The proposed agreement clarifies our relationship with them and outlines that price increase. We pay \$550 a year to host this on our website and \$250 a year in service charges – this is relatively low cost. This is something that staff, elected officials and the public use every day and it's important that they have accurate and up to date information.

Helmrich- Moved to authorize the Township Clerk to sign the updated Municode Professional Service Contract and authorize the Township staff to work with Municode on the next Code of Ordinance supplement. Supported by Marcy. Discussion: none. Approved 5-0.

September 2019 Budget Amendments

Osman – understands that there is money allocated in the budget for the AMR Service Agreement. This is simply transferring the balance from one place to another in the budget.

Graham – The 2019-2020 budget was originally adopted at a special board meeting on Tuesday, June 25 and did not include any expenses in the Ambulance Fund. That was corrected at the August Board meeting. But, because we were not at a point to move on the AMR contract that was put into that fund's fund balance. We are looking to move that to the expense to pay for the actual agreement once it's signed. The requested budgeted expenses are less than the budgeted revenues for this fund and therefore the difference shall remain in the Ambulance Fund Balance.

Marcy- Moved to approve the requested September 2019 Budget Amendments, as submitted. Supported by Aldrich. Discussion: none. Approved 5-0.

Financial Policy Handbook

Osman- This is being distributed as information for consideration and feedback and the goal is to take action on this at the October meeting.

Marcy – can we consult with outside financial advisors regarding the investment policy?

Graham – The handbook has four sections. Is requesting that the board spends its energy now on the brand new section “purchasing policy”. The credit card policy section is largely the same. It now allows the manager and other authorized staff to use the credit card. The investment policy and the general fund balance policy are the current policies and were added to the handbook for transparency and usability. Reviewing those policies is a future goal.

Marcy/Bigford/ Helmrich – the purchasing policy is great.

Helmrich – there is a limit of \$500 dollars on the credit card policy. This is problematic for travel and membership dues.

Graham - the \$500 cap only applies to the purchase of supplies, materials or capital outlays. Wants to give the board and legal counsel time to fully review the handbook.

Helmrich – the investments are determined by the manager and treasurer. At some point we will look at outside financial investment advice.

Graham – goal is to have annual reviews of all policies.

Electronic Communications Policy

Graham - The board adopted an electronic communications policy on July 5, 2006. Electronic communication is necessary for modern operations; however, this policy is no longer consistent with the township’s practices. The main change in the policy is allowing the township manager and chairpersons or other authorized staff to contact a quorum by email rather than the Clerk and the secretary.

Marcy – how is this new policy any different than the Open Meetings Act? I am very reluctant to support this based on the history of the township. We all understand the OMA. Does not want filtering through “designated persons”.

Graham – we could edit it or disband the policy

Helmrich – concurred with Marcy. Does not want information controlled or censored based on the township’s past.

Osman – part of the reason is to have Griffin help us to be compliant with the OMA

Bigford – Griffin should be apprised of all issues in a very timely manner. He is our point person on so many things. I do not like the idea of having to get approval to communicate. If someone makes a mistake, it is on that individual.

Marcy – Moved to not adopt the updated Electronic Communications Policy and to disband the current policy in place. Supported by Bigford. Discussion: None. Approved. 5-0.

Kalamazoo Lake Water and Sewer Authority

McGuigan- The authority held 2 meeting last month. The regular meeting was to review the audited financials for the last year. They are looking at a better financial investment policy. A public hearing was held on August 12 regarding the lead and copper rule. The township is in good shape - we have not missed a number in the last few years. They test lead, copper, corrosivity - we are meeting the standards. We do not have a meeting of the minds in the various communities. There were several different bylaws that were adopted at different times. Work is being done on this. No update on the master meter project.

Planning Commission

Helmrich – No planning commission last month. Next meeting September 23rd

Interurban

A record breaking month. Venetian's Friday night beer tent was hugely successful with 2 dispatchers and 4 busses. Including the Oxbow shuttles, we had 6 buses on the road and carried 680 passengers. Venetian Saturday was 2515 passengers. They are working through some employee issues. Report submitted by Lori Babinski.

Fire Board

August almost tied the record for August 2016. Reached 102 calls total. Compared to 2018 saw an increase in call volume of 4.1% at the same time of the year. August showed only 2 fire calls. EMS counted for 66% of calls. An increase in motor vehicle incidents – 8 in August compared to 6 and 4 for the previous 2 years. Overlapping incidents were in line with previous years – 27. Fire boat 2191 assisted with an overturned fishing boat on Lake MI. No injuries. On August 28th, the fire dept had a ribbon cutting ceremony at the firehouse to unveil the new live fire training facility. The project was made possible with the collaboration of the communities and the fire departments of Clyde, Fennville, Ganges, Graafschap, Hamilton, Holland, and Saugatuck Township. The state Fire Marshall attended the ceremony and said this is one of the best training facilities he has seen. Other fire districts have contacted Chief Janik for advice on building similar structures. Kim Busscher was the engineer and general designer of the structure and Jeff Shashaguay was the welder/fabricator. There is a plaque on the building with the names of the donors to this project.

Parks Commission

Notes from Searing – the River Bluff Park bridge and culvert replacement project is complete. Will plant grass in the fall. The Parks Commission is following up with Hurley-Steward (engineering firm) regarding the bike trail pavement cracking north of the fire station. The sidewalk extension vote was delayed due to resident concerns.

Open Board Report

Aldrich – several residents have requested that we record the Planning Commission meetings. We should consider doing this.

Helmrich – this was always the goal. Will run this by the Chair/Prietz

Helmrich – would like to see the resealing/repairing the parking lot. The phone system needs updating. Thinks we no longer need the Wednesday closings.

Graham – we will start to transition to being open every week day.

Manager Report

Graham – reminder: the township is still in ongoing litigation. Encourages that questions regarding that should be fielded to the manager. Staff had a successful meeting with reps from the fire district regarding site plan review process improvement. This will take time to come to fruition, but the pieces are in place. Darby project – is working on this with legal counsel. How much and how does the board want to be updated/educated on this? The board advised that they are comfortable with the current updates/info. Helmrich had concerns with how much of Griffin's time is being taken by this. Board will give guidance on this. Graham invites that guidance.

Public Comments:

Brandess – thank you for your conscientiousness in addressing all of the issues before you. The manager is clear minded and the board members are thoughtful. Thank you for your help with the matter I brought before you.

McGuigan- It's against federal law to dispense roundup into wetlands or any body of water. The road commission is probably violating its own policy.

Bigford moved to adjourn the meeting. Supported by Aldrich. Approved 5-0.
Meeting Adjourned 8:40pm

Recording Secretary: Abby Bigford
Saugatuck Township Clerk
September 20, 2019