

Saugatuck Township Board Meeting  
Wednesday July 8, 2020, 6pm  
Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, MI 49453  
Approved Minutes

Supervisor Osman called the meeting to order at 6:00pm.

All board members present with the exception of Trustee Aldrich

Manager Graham reviewed expectations and instructions for tonight's meeting via Zoom.

**Public Comment**

Laurie Goshorn – is glad the wellhead protection issue is on the agenda tonight. Is concerned about new developments and floor drains. Also wants to know what the board is going to do about the ski lake and extracting and sand mining. Wonders how existing approved projects will be handled.

Scott Stearns – Lives on Riverside Drive. Is aiming to understand the work that is being done or being proposed for Riverside Road and Dugout Road. Wants to see a detailed plan. What portions of Riverside Drive will be “rehabilitated” ? Wants to know why he did not receive a letter regarding the project as he does live on Riverside Drive and his neighbors have. Does not necessarily believe that the original right of way should be disregarded. Would be impacted by changing the right of way. Wants to make sure all stake holders will be heard.

John Doerer – Lives on Riverside Drive – wants to echo what Mr. Stearns stated. Would like more information regarding the Dugout Road/Riverside Drive project.

Steve McKown- Lives on Lake Breeze Drive. Is a retired attorney. Is speaking about the appeal that was filed by the Saugatuck Dunes Coastal Alliance. Did send a letter and a resolution to the board which is on today's agenda. As you know, that appeal was first made to the Saugatuck Township Zoning Board of appeals, which determined the Coastal Alliance did not have standing to pursue the ZBA's review of the matter, and refused to hear the merits of the appeal. The Coastal Alliance has sought additional appellate review, and the Michigan Supreme Court recently granted oral argument and ordered additional briefing on the question of whether it should accept the case for further consideration. The Supreme Court ordered additional briefs regarding 3 issues one of which addressed whether the lower courts correctly interpreted the language in the Michigan Zoning Enabling Act which governs appeals from Planning Commissions to Zoning Boards of Appeals. My hope is that Township Board takes this opportunity to reverse its position the Township has previously taken regarding standing. This is a time sensitive opportunity. Suggests that if the Board wants to take action on this that they do so within the next week at a special meeting.

**Approval of Agenda**

*Bigford moved to approve the agenda and to ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting via Video Conference. Supported by Marcy. Roll Call Vote: All Yes. Approved 4-0.*

**Invoices**

*Helmrich – Moved to approve all bills and payroll in the amount of \$65,518.94 as presented. Supported by Bigford. Discussion: None. Roll Call Vote: All Yes. Approved 4-0.*

## **Treasurer's Report**

General fund bank balance = \$2.7 M – Down \$100K slightly from May 31. Budget v. Actual through June was \$427K positive, an increase from May; spending ended FY at 30% under budget while revenue finished at 7% under at the close of Fiscal Year 2020. This is across all Funds. Water Projects Fund in particular spent well below budget as revenue for hook-ups was well ahead of budget. In General Fund alone, revenue hit 97% of budget and expenses came in at 83% of budget. CD Value= \$760K up \$4K from May. FYE 2020 (through 6/30/20) FY ended with no department overages to reconcile. Revenue for all forms of permits combined was 88% above budgeted amount. State Revenue sharing came in slightly above budget, but is expected to trend lower in the new FY. Summer Tax bills were sent and hit July 1. Encouraging taxpayers to pay by mail or online to lighten exposure in office. Pending legislation in Lansing may extend due dates and interest rules if taxpayer applies for the extension.

## **Minutes**

*Marcy moved to approve the minutes as presented from the June 10, 2020 Saugatuck Township Board meeting. Supported by Bigford. Roll Call Vote: All Yes. Approved 4-0.*

## **Correspondence**

McKown Letter – Regarding Saugatuck Township's position in Coastal Alliance Appeal

McIlwaine Letter – Regarding Planning Commission Appointments

Cook Letter – Regarding appointing a Historic District Commission

Fall Letter – Regarding Short Term Rentals

## **Planning Commission Appointments**

Osman – we have 2 terms on the Planning Commission that are expiring. Invited the applicants that are part of the Zoom call to introduce themselves.

Richard Brady -has an application in for the Planning Commission and for reappointment to the Zoning Board of Appeals. Has lived here since 2010. Wants to see a community that grows and keeps in mind the health and security of its people. Is out of town 3-4 months a year.

Daniel Defranco – is applying to the Planning Commission. Has lived in the township since 2016. Is very involved in the community. Works in a community business. Works full time teaching philosophy at Grand Valley State University. Has taught many subjects that are relevant to work on the Planning Commission. Got into local politics due to a sandmining operation in his neighborhood. Learned quite a bit about Michigan Zoning and Enabling Act through that process. Is currently involved in local government. Was appointed to serve as a representative for the Township on the Tri-Community Recycling committee. Would like to bring more resident involvement to the Planning Commission. The Planning Commission not only needs to deal with issues brought before them, but also with looking forward and making plans that are transparent and take into account all of the stakeholders in the community. Would like to engage in proactive planning. Would be diplomatic and would really listen to stakeholders if appointed. We are dealing with many challenges right now: rising water levels, invasive plants, a pandemic, and struggling businesses – thinks that having a plan will help anxieties around these issues.

Denise Shipley – has lived in the township for 20 years. Has followed local development. Has strong researching skills. Loves critical decision making especially regarding the place she lives and loves. Has begun a planner program through Michigan State University. It's fascinating.

Helmrich – question for applicants – have you read the Tri-Community Master Plan? Shipley – no I have not, but will read it going forward. Defranco – has gone through most of it. Thinks it

is impressive. It may need some updates. There is interest in collaborative efforts with the City of Saugatuck and Douglas. There is opportunity to further these ideas and suggestions. Much of it is based on resident surveys. Would like to use the Master Plan as a guide for decision making. Brady- has not read the Master Plan. Will do so going forward. Helmrich – question – please discuss 1 or 2 issues that the Planning Commission should address or take up moving forward? Defranco – Mineral Extraction – we need to be more confident in knowing the law. We should be more educated regarding this issue and explain fully why decisions were made. Affordable Housing and High-Speed Internet are issues in need of attention as well. Shipley – transportation is an important issue while keeping the character of the area. Is interested in traffic on the waterways, traffic on bike paths and parking. How do we keep people safe and uphold the environment in regards to transportation. Brady – what interests me is how potential growth is managed and health and safety is preserved. It's important to take into account what the current residents want. Bigford – my questions regarding being proactive on the Planning Commission have been answered. Wanted to clarify if Chris Lozano is on the call. No he is not. Marcy – appreciated all of the proactive ideas from the candidates. Has studied the applications and supplementary information and does not have further questions. Osman – is a little concerned about an applicant that is not around for 3-4 months. Quorums are necessary to take action. Appreciates that Brady was upfront about this. Shipley is available in the winter. Brady is available remotely when he is away. Defranco is here year-round. Helmrich wants to confirm that there are 6 applicants for the 2 open seats on the Planning Commission including one incumbent and 3 of the applicants are on the call today. Osman – that is what I understand. Osman we have 3 impressive applicants here with us tonight. *Osman moved to appoint Daniel Defranco and Denise Shipley to the Saugatuck Township Planning Commission for a term of 3 years. Supported by: Marcy. Discussion: Helmrich- wants to thank all of the applicants and to thank Andy Prietz for his service on the Planning Commission. Bigford – is so pleased that we have had a number of applicants for our open seats recently. Many of the applicants would be great in these positions. Encourages applicants that were not chosen to reapply for other positions as they come up. Is impressed with the forward thinking expressed by the applicants. Osman – wanted to thank Shipley for taking the initiative to enroll in the Citizen Planer Class. These are excellent courses and Defranco has experience in Planning Commission dealings and has a good vision for the Township moving forward. Roll Call Vote: All Yes. Approved 4-0*

### **Zoning Board of Appeals Appointments**

Osman – we have one regular term expiring and two alternate terms expiring. Is much less concerned about year round attendance for an alternate position. If there are applicants on the call please introduce yourselves. Richard Brady – I am currently one of the expiring 3 year term alternates. Would like to be considered for reappointment. Patrick Stewart – would like to be considered for reappointment for an alternate position. Will also be out of town periodically throughout the year, but also is available remotely. Osman- is Rex Felker part of the zoom call? No. Mike O'Brien – has lived in the Township for 21 years. Has a strong commitment to public service. Served in the Marine Corp for 6 years. Worked in St. Louis for an organization called Grand Center that worked to redevelop St. Louis' arts and entertainment district. Did a lot of work related to planning and zoning. From 1999 to 2005 was the Director of Real Estate for USF Holland, a \$1 billion LTL trucking company operating 74 freight facilities in 18 states. Was responsible for project justification, site selection, negotiating land purchases, and securing all zoning approvals and permits. Worked closely with a wide range of government, private, and public stakeholders. Learned a great deal about sound planning through this experience. Later worked for Bluewater Wind Energy as the Director for the Great Lakes region. Led projects for this leading developer of offshore wind energy. Through these projects acquired a deep

understanding of the permitting environments across local, state, and federal jurisdictions . Has also served on the City of Saugatuck's Planning Commission. Looks forward to the opportunity to serve.

Osman – do we have questions for our applicants? Marcy – Mike you participated in the City's master plan and the tri-community master plan, correct? Mike – Yes, it has been a while. It's a great opportunity to reach out to community members and solicit input. Tri community collaboration and cooperation is so important. Helmrich – question of Mr. Obrien – are you still traveling? Obrien- works for Herman Miller currently. Has 6 months left on that contract. Does has a great deal of flexibility with his schedule. Osman – a key part of the job of being on the Zoning Board of Appeals is being able to say no to people. Do you thing you would be able to say no even if it is a friend or neighbor? O'Brien – yes. Knows how it is to be on both sides of this. Stewart – yes. It is an exacting task. If we do our jobs then the people receiving the no will have a clear understanding of what the issues are and why they are being told no. It does not need to be an adversarial situation. Brady – is ok with saying no. Believes we need to do what is right and best for the Township. Helmrich – how many times have you served as an alternate (Brady and Stewart)? Brady – a number of them. Patrick – unfortunately only on one. But tries to go to or follow all of the meetings. Osman – question for Brady and Patrick – do you prefer to remain an alternate or would you prefer to be a regular member? Brady – Alternate works well for me. Stewart – Mike is a resource that we can not afford to lose, will step aside. Alternate makes more sense for me with my schedule. Helmrich – clairified which applicants were on the call and those who were not. Bigford- all of the applicants were invited to be on the call, correct, Manager Graham? Graham – yes all applicants were invited and encouraged to participate in the call. *Marcy moved to appoint Mike O'Brien to the Saugatuck Township Zoning Board of Appeals for a term of three years (July 1, 2020-June 30, 2023). Supported by Helmrich. Discussion: Bigford – Wants to thank Rex Felker for his service. O'Brien brings a great deal of energy and relevant knowledge and experience. Does think we are making the right decision. These are difficult choices. Roll Call Vote: All Yes. Approved 4-0. Helmrich moved to reappoint Richard Brady and Patrick Stewart as alternates to the Saugatuck Township Zoning Board of Appeals, each for a term of three years (July 1, 2020-June 30, 2023). Supported by Bigford. Discussion: none. Roll Call Vote: All Yes. Approved 4-0.*

### **Tri-Community Joint Board/Council Meeting**

Helmrich – wants to keep this item on the agenda until it comes to fruition. Is still in contact with colleagues in the two cities. The consensus is that we want this to be an in person meeting, and also want the public to attend. Someone suggested doing outdoor meetings. Is October a good target? Marcy – October might not be good for council members due to campaigning. Bigford- would support an outdoor meeting and a meeting in October. Osman – thinks it would be better to wait until after the election as the council members may change. Helmrich will share this information and get feedback.

### **Joint Planning Commission/Township Board Meeting**

Helmrich – it is recommended that this happen annually. Has shared this with the Planning Commission and our Zoning Administrator. Believes this is a priority. Monday the 28<sup>th</sup> of September at 5pm? Before the regular Planning Commission meeting that day. Bigford, Osman, Marcy- yes that date works. Osman- we can make this a target date. Helmrich will share this with the Planning Commission. We are hoping for an in person meeting.

### **Wellhead Protection Ordinance**

Graham – On May 13, the Township Board voted to table consideration of a Wellhead Protection Ordinance until an undetermined date. The Wellhead Protection Team had a meeting on Thursday, June 25. This group was under the impression that the grant funding used to finance the work of the team was at risk due to the COVID-19 pandemic. There have been some developments and they now

believe that funding may again be available. They recommend that the Township Board revisits this topic and considers the adoption of a Wellhead Protection Ordinance. If the Township Board keeps this topic tabled beyond September 2020, it has been suggested to notify the KLSWA Manager, Daryl VanDyke to request the activity be included on a forthcoming Wellhead Protection grant application to the state. If you want staff to prioritize this over the next few months we can take this on. Osman – the ordinance that the City adopted is in the packet as well. The work load for participating is pretty minimal. Graham – both Douglas and Saugatuck City have both have adopted Well Head Protection Ordinances, but their landscapes are much different than ours. We have many different land uses in the Township. That is something that staff would need to address. The impacts of grandfathering would also be something that staff would need to attend to with our council. Osman – I agree. I think that assisting Kal-Lake with their grant applications is good and it shows that we want to work together. Would support a motion to direct staff to do that. Marcy – Graham – Is there capacity now? Or would later be better? What would be the repercussions to wait? Graham – Yes we have capacity now to take this on. Next steps involve some outsourcing. *Marcy moved to direct staff to prepare a draft Wellhead Protection Ordinance for future Township Board consideration. Supported by Bigford. Discussion: Osman September is a good target, but if it cant be done by then, it is understandable. Roll Call Vote: All Yes. Approved 4-0.*

#### **Investment Policy and Policy Update**

Helmrich – Bigford and I have jumped on this project. We have conducted 2 meetings. One with Chemical Bank and one with CLASS which is a municipal pool that is used by many townships. We have two more meetings in the works that we will try to conduct next week. We are trying to get more information on investment products. We only have the one CD right now. That is our only product. We continue to maintain about a 14-month cushion of expenses in our general fund which is very healthy. We hope to have a recommendation for the Board in August. Bigford – our intent was to be great stewards of the Township’s money and to put it to work for us in safe and responsible ways. Jon and I have been learning a great deal and it has been very enjoyable in that sense. We are learning about what is available and what other municipalities are doing. We are not on a time crunch so we will do this right.

#### **Public Water and Wastewater Rate/Connection Fee Study**

Graham – Staff has been working with Prein&Newhof and Dana Burd, the Township’s engineer to develop a scope of services to use to review the condition of the Township’s public water and wastewater system, ownership obligations, anticipated extensions, etc. to set a more sustainable rate/fee structure for the future. This project will require assistance from legal counsel, engineers, and a financial consultant and funding was included in the FY 2020-2021 budget in alignment with the 2020 Township Board Goals. This does not need to be bid out as it falls under professional services. This is the first step in addressing some of the township’s utility based challenges. This work will be the justification that the township needs to address some challenges going forward in regards to the utility system. Bigford – This has been budgeted for, this is a goal identified by the board, it is a complex issue and it is important that we take these first steps. Helmrich – this is moving a little quicker than we anticipated. Is happy to see this moving forward. This is budgeted for and the summary is very helpful. Graham- please see page 59 in the packet. The timeline for this project will be approximately a 6 month process. *Helmrich moved to authorize the Township Manager to proceed with the proposed Public Water and Wastewater Rate/Connection Fee Study project and sign the attached professional service agreements and/or engagement letters, as applicable. Supported by Marcy. Discussion: none. Roll Call Vote: All Yes. Approved 4-0.*

### **Roadway Maintenance Program and Funding Review**

This has been discussed by the board on several occasions. It has been budgeted for. The Township's current road plan ends after 2021. The Township should start thinking about what comes after that timeline. This will help to justify what roads are being selected. Please see page 76 it does a good job identifying the specific topics that will be covered. Craig Atwood, the Allegan County Road Commission Managing Director has had all good things to say about this proposal. *Marcy moved to authorize the Township Manager to proceed with the proposed Roadway Maintenance Program and Funding Review project and sign the attached professional service agreement as applicable. Supported by Bigford. Discussion: none. Roll Call Vote: All Yes. Approved 4-0.*

### **Participation in Public Meetings via Remote Access Post COVID-19**

Marcy – started researching this when she first began as a trustee. Thinks that we need to look into voting remotely if the Governor is not able to extend the order allowing for virtual meetings. There have been several bills that have started then died that were aimed at preventing this. Active military can vote remotely. Spoke with the Chairperson of legislation at MTA who confirmed that those bills died on the vine. There is nothing in the Open Meetings Act or in Michigan Law that states that Board members attending electronically can not vote. You still have to have a quorum present in person. And all votes must be done via roll call. The Allegan County Board and the Library of Michigan both allow for remote voting and I have provided their requirements for that. Also members that are not physically present would not get their per-diem. Is concerned about people that are compromised and do not want to attend physically or for people caring for very sick individuals who can not attend physically. Does not support using this so one can simply go on vacation. Hopes that we can direct staff and myself to work on a policy to carry us forward past executive orders. Osman – so you would gather information and put together a proposed policy to share with Griffin and our attorney for edits and then take action on it? So we would have an in person quorum. I think this is reasonable especially if you are doing the legwork. Suspects that the executive order is going to remain in effect for at least one more month. So we have some time. Graham – sounds reasonable, happy to help. This seems like a perfect fit to the administrative policy handbook. Osman – This sounds good and we do not need to take any further action on this today. Bigford – thanks Brenda for doing the work on this.

### **Planning Commission**

Helmrich - The Planning Commission met via Zoom on June 22, 2020; 6 members present, one absent. A dozen public comments on the site plan at Old Allegan & 63<sup>rd</sup> (Albie B's property); mainly residents of Hawthorne Court expressing concerns over traffic and safety, hours of operation, and fact that the entrance to the warehouses and storage units is so close to their homes. Approved plan from BuildSB (Scott Bosgraaf) for additional warehouses and storage units on 135<sup>th</sup> Avenue, west of Blue Star with a dozen conditions including additional windows and landscaping. Approved the plan for 44 buildings at Just Amere (Albie B.) with 13 conditions including language on potential contaminants on the site and drainage issues. Zoning Administrator presented the review of the Master Plan shared with the Township board last month. I shared the board's desire for the PC and ZA to begin a review of the ordinances for lot and house minimum sizes and suggestion that we plan a joint Board/PC meeting in the near future to review the Master Plan together. Reminded commissioners Prietz and Lozano that their terms are expiring and will be considered at the Board's July meeting.

### **Road Commission**

Marcy – in regards to the gentleman who spoke earlier, Mr. Stearns, regarding dugout road and 63<sup>rd</sup>. Couldn't his questions be addressed in one of our road plans? Could we find out through Craig? Graham- yes I would be happy to help. Mr. Stearns and Mr. Doerer, please call me at the Township

Office this week and I can fill you in and show you the documents that I have in regards to this project. You can also reach out to the road commission for more detailed information.

### **Parks Commission**

Graham – information from an email from Jim Searing – The Parks Commission met on July 1<sup>st</sup> at the River Bluff Township Park. The Parks Commission is working on a donation policy and anticipates taking action on adopting this at their August meeting. The Township Board can consider this at its September meeting. There has been some concern with people dumping household garbage at River Bluff Park. This is not a new problem and this is something that the Township is working to address. The Commission discussed changing the use of the special use section of the dog park to create a second small dog area. They are still working on getting estimates for the pavilion at River Bluff Park as well as some work on the fence at the dog park. They are also getting cost estimates on replacing the swings at River Bluff Park and are considering how they can assist the Township in planting additional trees at the Township Hall and in the Township Parks.

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

Graham – had a very productive meeting with Mike McGuigan the Townships Representative on the Authority – spoke about setting up a future workshop via special meeting for the Township Board to go over some of the future utility challenges and also to clarify the relationship and obligations and responsibilities between Kal-Lake and the Township. Would like to garner interest from the Board in this. Osman/Marcy – that’s a great idea.

### **Emergency Services Committee**

Graham – spoke with Tony Schippa this morning- we are still at the point of waiting for the final agreement from Life Ambulance.

### **Interurban**

The Cares Act reimbursement for this year and next year will cover the lost farebox revenue and expenses. We now have a second bus scheduled and are allowing 4 passengers on our larger buses and 3 on the smaller buses. When we move into the Safe Start phase five (possibly July 1) we will consider increasing to a 50% occupancy depending on state guidance and begin fare collection. Plans for celebrating our Birthday at the July 1 Music in the Park event have now been postponed until sometime in August. Also talking to the City of Douglas about possibly adding our celebration to a Douglas Social/Sesquicentennial celebration. The board approved the annual L4029 form to approve the .4815% millage rate for the December 2020 tax collection. Submitted by Lori Babinski, Saugatuck Township Representative.

### **Open Board Report**

Helmrich – the Township may want to consider adopting a resolution relative to wearing masks in the Township offices.

Marcy – Would be open to discussing a resolution regarding masks as well.

### **Manager Report**

Before you are updates in regards to the Township goals. As well as some budget documents associated with the end of last fiscal year. Explained the color-coded progress tracker. Updated the Master Projects List.

The MERS Pension went from 44% funded to 47% funded. I know this has been a priority for the Board.

Staff has begun to prepare summaries regarding the numerous formal and informal agreements the township has with contractors and professional services providers and plans to bring the initial summary information to the board at the August meeting where we can look for additional guidance and next steps from the Township Board. Will likely propose a 4 or 5 year cycle.

COVID -19 – The Township Hall is now open to the public with restrictions. We have implemented a number of safety precautions. The Township partnered with the City of Saugatuck in hanging some safety banners.

Master Meter Project – the Township agreed to cost share on this project and I have recently received the last bill on that project. We are still waiting on the results from Kal-Lake. That is something that will be shared with the Board once received. Working with Prien and Newhoff regarding next steps in the water service line inventory.

**Public Comments:**

Scott Stearns- would like to see how he can get answers to the questions he has asked. Osman – you need to come to the office or contact Graham for more details.

John Doerer- Has the right of way been acquired for the project? Graham- they are finalizing the acquisition of the right of way. Can share all of the correspondence from with you.

*Marcy moved to adjourn the meeting. Supported by Helmrich. Discussion: None. Roll Call Vote: All Yes. Approved 4-0.*

Meeting Adjourned 8:24pm

Recording Secretary: Abby Bigford  
Saugatuck Township Clerk  
August 7, 2020