



**CITY COUNCIL AGENDA**  
**April 26, 2021 – 7: 00 pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes:**
  - A. Regular City Council Meeting of April 12, 2021** (Roll Call)
  - B. Special City Council Meeting of April 15, 2021** (Roll Call)
- 4. Mayor's Comments**
- 5. City Manager's Comments**
- 6. Agenda Changes** (Additions/Deletions)
- 7. Guest Speakers:**
  - A. Lt. Brett Ensfield** – Allegan County Sheriff's Department
  - B. Cathy Brockington** – Redistricting
  - C. Kristin Armstrong** – SCA Updates
- 8. Public Comment** (Limit 3 minutes) Select "unmute" mic in the Zoom interface and speak your name to be recognized or press \*6 if you are calling in by phone to unmute your phone to speak.
- 9. Consent Agenda:** None
- 10. Request for Payment:**
  - A. Approval of Accounts Payable** (Roll Call)
- 11. Introduction of Ordinances:** None
- 12. Public Hearings:** None
- 13. Unfinished Business:** None
- 14. New Business:**
  - A. EGLE Letter & Draft Response from KLSWA**

**NOTICE:**

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:  
**(312) 626-6799 -or-  
(646) 518-9805**

Then enter "Meeting ID":  
**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [erin@saugatuckcity.com](mailto:erin@saugatuckcity.com) for further information.

**15. Public Comments:** (Limit 3 minutes) Select "unmute" mic in the Zoom interface and speak your name to be recognized or press \*6 if you are calling in by phone to unmute your phone to speak.

**16. Communications:**

- A. Ann Broeker** - Dune Ridge Development
- B. Gary Medler** - House Boat Ordinance
- C. Dan Fox** - Dune Grass Marina
- D. Richard Donovan** - Blue Star Trail Map

**17. Boards, Commissions & Committee Reports:**

**18. Council Comments:**

**19. Adjourn** (Roll Call)

Proposed Minutes  
**City Council Meeting**

April 12, 2021 at 7: 00 pm

102 Butler St., Saugatuck, MI 49453

Due to COVID-19 restrictions currently in place, the meeting was held via Zoom.

**1. Call to Order:** Mayor Bekken called the meeting to order at 7: 00 pm.

**2. Roll Call:**

**Present:** Bekken (Douglas, MI - Allegan County), Dean (Saugatuck, MI - Allegan County), Leo (Saugatuck, MI - Allegan County), Lewis (Saugatuck, MI - Allegan County), Peterson (Key West, FL - Monroe County), Stanton (Saugatuck, MI - Allegan County), Trester (Kew West, FL - Monroe County)

**Absent:** None

**Others Present:** Ryan Heise - City Manager, Cindy Osman - Zoning Administrator, Erin Wilkinson - Clerk

**3. Approval of Minutes:**

**1. Regular City Council Meeting of March 22, 2021** - A motion was made by Peterson, 2nd by Trester, to approve the minutes as presented. Upon roll call vote the motion carried unanimously.

**2. Special City Council Meeting of March 31, 2021** - A motion was made by Stanton, 2nd by Lewis, to approve the minutes as presented. Upon roll call vote the motion carried unanimously.

**4. Mayor's Comments:** None

**5. City Manager's Comments:** None

**6. Agenda Changes:** A motion was made by Bekken, 2nd by Peterson, to strike Items 9A (Agreement - Spear Street Boat Launch) and 9B (Agreement - Culver Street Parking) under Consent Agenda and move them as 14D and 14E under New Business.

**7. Guest Speakers:**

**1. Lt. Brett Ensfield - Allegan County Sheriff's Department:** Deputy Flockstra is just finishing up training another deputy. Complaints have been minimal due to COVID and weather. The handful of complaints they have received regarding the Social District, appear to be mainly due to lack of communication regarding the rules.

**8. Public Comment:** Betsy York (non-resident) expressed support for the Trail Master Plan.

Ed Pynnonen (non-resident) expressed concern regarding the floating home

ordinance.

Kyle Konwinski (non-resident) expressed concern regarding the floating home ordinance.

Paulus Heule (non-resident) expressed concern regarding the floating home ordinance and opposition to the Dune Grass fence and proposed a reset with the City regarding these issues.

Matthew Peterson (resident) spoke on behalf of Saugatuck Yacht Service in opposition to the proposed floating home ordinance and offered to give council members an informational tour to learn more about what is existing.

- 9. Consent Agenda:** A motion was made by Dean, 2nd by Lewis, to approve the consent agenda as amended. Upon roll call vote the motion carried unanimously.
- A. Resolution** - Social District for Butter and Whiskey
  - B. Banner Sign Request** - Household Hazardous Waste
  - C. Radar Building Request** - Historical Evaluation
  - D. Proclamation** - Radar Hill Hiking Club

**10. Request for Payment:**

- A. Approval of Accounts Payable** A motion was made by Lewis, 2nd by Stanton, to approve the accounts payable in the amount of \$57,178.60. Upon roll call vote the motion carried unanimously.

**11. Introduction of Ordinances:** None

**12. Public Hearings:** None

**13. Unfinished Business:** None

**14. New Business:**

- A. Special Event Permit** - A motion was made by Leo, 2nd by Dean, to approve the special event permit application for the Saugatuck Center for the Arts "Jump into Summer" event in Coghlin Park, and authorize staff to handle execution and details administratively. Upon roll call vote the motion carried unanimously.
- B. Floating Homes** - No action was taken. There was a consensus by council to conduct a special meeting to review the ordinance in more detail.
- C. Dune Grass Fence** - No action was taken. There was a consensus by council to conduct a special meeting to review the fence in more detail.
- D. Agreement - Spear Street Boat Launch** - A motion was made by Lewis, 2nd by Stanton, to approve the agreement as presented. Upon roll call vote the motion carried unanimously.
- E. Agreement - Culver Street Parking** - A motion was made by Lewis, 2nd by Dean, to approve the agreement as presented. Upon roll call vote the motion

carried unanimously.

**15. Public Comments:** Paulus Heule (non-resident) thanked council for organizing a special meeting to address the floating homes ordinance and Dune Grass Fence. He also expressed appreciation for Matt Peterson's suggestion to give council a tour of the work they are doing.

**16. Communications:**

- A. Bonnie Lowe** - Art Club Craft Fairs
- B. Bill Lint** - Park Street Safety
- C. Catherine Simon** - City Sidewalks
- D. Glenna DeJong** - Lowes Grant Nomination
- E. Jon Vanderbeek** - Tri-Community Trail Master Plan
- F. Jim Sullivan** - Rotary 4th of July Events

**17. Boards, Commissions & Committee Reports:** The council received reports on the following committees: Tri-Community Recycling Ad-Hoc Committee, Tri-Community Non-Motorized Trail Study Committee

**18. Council Comments:** Council Member Dean recognized and thanked Council Member Lewis for her work volunteering around COVID vaccination clinics and for organizing the Household Hazardous Waste day.

Council Member Stanton mentioned putting a temporary light at Lake Street and Blue Star Highway for the summer, while there is I-196 construction.

**19. Adjourn** A motion was made by Peterson, 2nd by Trester, to adjourn the meeting at 8: 03 pm. Upon roll call vote the motion carried unanimously.

Respectfully submitted,

Erin K. Wilkinson  
City of Saugatuck Clerk

Proposed Minutes  
**City Council Special Meeting**  
April 15, 2021 at 3: 00 pm  
102 Butler St., Saugatuck, MI 49453

Due to COVID-19 restrictions currently in place, the meeting was held via Zoom.

**1. Call to Order:** Mayor Bekken called the meeting to order at 3: 00 pm.

**2. Roll Call:**

**Present:** Bekken (Douglas, MI - Allegan County), Dean (Saugatuck, MI - Allegan County), Leo (Saugatuck, MI - Allegan County), Lewis (Pensacola Beach, FL - Escambia County), Peterson (Key West, FL - Monroe County), Stanton (Saugatuck, MI - Allegan County), Trester (Kew West, FL - Monroe County)

**Absent:** None

**Others Present:** Ryan Heise - City Manager, Cindy Osman - Zoning Administrator, Erin Wilkinson - Clerk,

**3. Agenda Changes:** None

**4. Public Comment:**

**Kyle Konwinski** (non-resident) expressed concern regarding the floating home ordinance and suggested a grandfather clause be included. He also requested the letter he sent be added to the record.

**Mike Prokopeak** (non-resident) family owns a home on park street across from the Gazebo. Along with several other families they own the Southernmost 18 feet of property between Dune Grass and Casa Loma and they have a court approved agreement with Presbyterian Camp for an easement of 47 feet of land to the North of their lot, which is onto the Dune Grass property. They were not informed prior to the land swap between Dune Grass and the City and now 20 feet of the property the City has, is part of the easement they have. Dune Grass informed the city incorrectly that the easement had been vacated, when it had not.

**Jane Underwood** (resident) was upset by the tone of some people at Monday's meeting and felt it was unnecessary. She expressed concern for the safety of pedestrians exiting the Chain Ferry. She also suggested there would be limited space for parking for the house boats and she hopes the city will abide by their ordinances.

**Jim Lindsey** (resident) commented on the proposed house boat ordinance and wondered why it would even be needed with existing laws and ordinances, that seem to cover this issue.

**Paulus Heule** (non-resident) mentioned he agreed they need to abide by laws and if there is a possibility to sit down and negotiate with council or a representative regarding the fence, he would be more than happy to do so to identify a compromise. He also mentioned there is exclusive parking for the area where house boats will be located. He doesn't feel the house boat ordinance is necessary.

**Gary Medler** (resident) mentioned the fence placed by Dune Ridge was done without a permit and obtaining a proper variance. The agreement Dune Ridge refers to suggests it is a privacy screen, which was already reviewed with the site plan review, and the determination then was the spaces are not inconsistent. He also suggested the City doesn't need a floating home ordinance, because due to the US Supreme Court ruling from 2013, the City already has the authority to deny them under existing laws and ordinances.

**5. Unfinished Business:**

**A. Dune Grass Fence** - No action was taken.

**B. Floating Homes** - No action was taken.

**6. Public Comments:** Jane Underwood (resident) expressed her appreciation for the ordinances and laws being followed.

Paulus Heule (non-resident) with respect to the fence, the intent of the initial agreement was to put the fence on city property, and they acted in good faith with the city, and asked staff to talking to the planning board and be practical. He also expressed his disappointment in losing a season of potential revenue.

Gary Medler (resident) said he reviewed many cases across the country and US Supreme Court cases and commented that enforcement will be the issue with regard to Floating Homes. With regard to the Dune Ridge floating homes, he doesn't feel they pass the Michigan standard and should be prohibited.

Kyle Konwinski (non-resident) thanked the Council for taking their feedback seriously. He doesn't feel the moratorium is necessary and questioned the duration. He also said substantial investment has been made based upon good faith representations by the City and now an entire season of revenue will be lost.

Dick Waskin (non-resident) expressed concern that the council could enter into an agreement that conflicts with the City's laws and ordinances, allow the property owner to take action and make investment based on that agreement, and then just have it revoked. He cautioned the Council to proceed carefully.

**7. Communications:**

**A. David Blandford** - Dune Grass Fence

- B. Jim & Holly Lindsey** - Dune Grass Fence
- C. Gary Medler** - Dune Grass Fence (April 8 & April 12, 2021)
- D. Ann Broeker** - Floating Homes
- E. Gregory Alcock** - Dune Grass Fence
- F. Michael and Ruth Johnson** - Dune Grass Fence

- 8. Council Comments:** Council Member Lewis commented that this process has reinforced her belief in the Planning Commission and expressed appreciation for so much public feedback and involvement.

Council Member Trester applauded council and staff for getting through this process in a good faith manner and thanked the public for their input and involvement.

Council Member Stanton expressed appreciation for all the people who helped provide insight on the process. She asked the attorney to look into the land swap agreement and easement mentioned.

Council Member Peterson expressed her appreciation for how the conversation went and thanked the public for their input and involvement. She also thanked staff, the Mayor, and city Attorney.

Council Member Dean expressed his gratitude for the community's involvement in the process and said he is proud of the council for the way they are handling the changing demands in our community and forward thinking.

Mayor Bekken thanked staff for their time and effort.

- 9. Adjourn** A motion was made by Lewis, 2nd by Peterson, to adjourn the meeting at 4: 22 pm. Upon roll call vote the motion carried unanimously.

Respectfully submitted,

Erin K. Wilkinson  
City of Saugatuck Clerk





## City Managers Report – Highlights April 26th, 2021

### **Social District & Pop-Up-Patios**

There are 3 active Social District participants and 8 pending state approval after May 1st. There have been 15 Pop-Up-Patios permits issued.

### **Consumers Energy Tree Maintenance**

There will be an upcoming Consumers Energy line clearing project in our area. They will be trimming trees and brush in accordance with their standards in the area indicated on the map: <https://www.saugatuckcity.com/news/consumers-energy-tree-trimming-in-area>

Residents will receive a postcard letting them know of the upcoming project.

### **Oval Beach**

Staff hired new Beach Manager for the season, please welcome Ms. Jacqueline Alvarez. She has started working alongside previous Beach Manager Linda Bultman and the Department of Public Works team. Many thanks to Scott Herbert and Erin Wilkinson for recruitment and facilitating hiring process. There are ongoing discussions with staff for operations and maintenance of the beach.

### **Birch Bark Harvesting Request**

Received a request to harvest bark from birch trees greater than 10" in diameter at the Oxbow Lake Site from the Gun Lake Tribe Environmental Dept. A few details received from Mr. Alex Wieten: We will take bark from a maximum of 20 trees (possibly less if there are larger trees or not enough healthy trees). We will make a light incision into the outer bark of the trees, and make a vertical slice approximately 24" in length. The outer bark will peel off of the tree, without harming it. It will look slightly different for a year or two, but the outer bark will eventually grow back. We would like to do this toward the end of May and will likely access the area via canoe. I did also reach out to Claire from Oxbow camp to let her know our intentions and to see if she had any concerns with the project. This item can be discussed at a future meeting.

### **I-96 Bridge Work and Draft Work Notice**

DRAFT Work Zone Notice:

Kalamazoo River boaters are notified that an active work zone exists on the Kalamazoo River channel under the I-196 bridge east of the Schultz Park boat launch. Michigan Department of Transportation (MDOT) is reconstructing approximately 12.1 miles of the southbound lanes of Interstate I-196 between 130th Avenue and M-40 and includes bridge work over the Kalamazoo River. Construction of the first phase between 130th Avenue and Exit 41 began in April and is anticipated to be complete in July. Phase 2 will shift north of Exit 41.

Boaters in the Kalamazoo River channel are notified to treat the area approaching the bridge as a work zone, slow down, check clearance heights, and proceed with caution. Marked work plat forms are suspended below the bridge and workers may be present.

### **Blue Star Trail Update**

Information included in agenda packet.

### **Floating Homes**

Recommendation included in agenda packet.

### **Dune Ridge Updates**

Recommendation included in the agenda packet.

### **Road resurfacing (and utility) projects**

- **North Park Street** – Please see updates provided here: <https://www.saugatuckcity.com/park-street-north.html> .
- **Park Street-** Discussions on the project will likely include adding waterline service replacement to the scope causing further delays on the project. **Campbell Road** The city agreed to proceed a grant for the project. If the grant is not awarded, the project can be completed fall of '21. If the grant is awarded the project would become a spring '22 project. This is a shared project with Douglas.

### **Master Project List & Strategic Planning**

Reminder date scheduled for May 20<sup>th</sup>. Staff working on venue and logistics.

### **Radar Signs**

Radar signs have been received and placement is being coordinated by Allegan County Sheriff's Dept. A special thanks to Lt. Ensfield and Saugatuck dedicated Sheriff's for their willingness to manage the radar signs.

### **Milfoil update**

Staff has received responses from lakefront owners after we expanded the outreach and is working to finalize the list and map for Aquatic Doctors.

First treatment will be scheduled early to mid-June, and a second application mid-to-late July and a third mid-to-late August if needed. Have discussed splitting the EGLE permit fee with Douglas for treatment.

### **Police Vehicle**

New patrol vehicle will be received on Friday the 23<sup>rd</sup>. Thanks to Allegan County Sheriff's office for their role in managing the efforts.



**From:** no-reply@weebly.com  
**Subject:** New Form Entry: Website Communication for Council  
**Date:** March 4, 2021 at 3:01 PM  
**To:** erin@saugatuckcity.com



You've just received a new submission to your [Website Communication for Council](#).

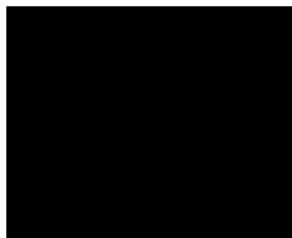
[Mark as Spam](#)

### Submitted Information:

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**Name**

CATHERINE BROCKINGTON



49453

**Are you a resident of the City of Saugatuck?**

Yes

**Please share your comments**

March 4, 2021

Dear Saugatuck City Council, Douglas City Council, and Saugatuck Township Board of Trustees,

Once again it is Redistricting Time. As a result of the voters' initiative in 2018, currently the Michigan Independent Citizens Redistricting Committee is meeting to begin the map drawing process for our state. One important criterion for the maps, in addition to equal population and contiguity, is a new concept called Communities of Interest.

A Community of Interest (COI) is a: (per the Michigan Constitution of 1963)

(Article IV, Section 6. (13)

(c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

I am currently working on a team for the League of Women Voters of Michigan that is spreading out across Michigan to inform citizens about this concept and to encourage them to identify the COI in which they live. We are also encouraging and helping these COIs to prepare testimony to present their cases at the 10 upcoming public hearings that will occur around the state in April and May.

There are three public hearings coming up in Western Michigan. GR. ? ?

Since we have seen our communities moved back and forth between the 6th and 2nd Congressional Districts in past redistrictings, I am proposing that our three communities, and any other contiguous areas around our communities that identify with us, form a Community of Interest and present a proposed map of our area with testimony at one of the upcoming public hearings. (COI's are not contractual agreements and do not have any monetary commitments. They're merely cooperative and for the sole purpose of trying to keep our communities in the same legislative districts whenever

for the sole purpose of trying to keep our communities in the same legislative districts whenever possible. Our votes are stronger if we can work with one representative on issues that affect our area. CB)

Our common interests that bind us together as a COI include:

Tourism industry  
Independent Businesses  
Small Town and Suburban/Rural population  
Small Agriculture Businesses  
Strong LGBTQ Community  
Saugatuck-Douglas Library District  
KLSWA  
Saugatuck Fire District  
Tri-Community Planning Document  
Saugatuck Public School District  
Lake Michigan and inland Lake conservation issues  
Shared Historic and Tribal Connections  
Share common interests and traits with South Haven, Glenn, Ganges and other cities and towns along Southwest Lake Michigan.  
Plus any other attributes that you know about.

Another issue that I want to contribute to this conversation is that I know the City of Battle Creek is going to be presenting themselves as a COI who identifies with the City of Kalamazoo. They are doing this in hopes of being moved in together for a Congressional District with common interests. Since equal population is a requirement in districts, we who are a small group, could be moved into the 2nd District again, since we are contiguous to it and easily traded, along with other smaller areas.

Unlike the local politicians, The Independent Citizen's Redistricting Commission is not familiar with how our communities have collaborated and created a common identity. It might cause representation problems, if our area was split up into different districts for Congressional, State Senate, or State House Districts.

I would be very happy to volunteer my services to work with a representative of each of our communities to put together a map and testimony for our common Community of Interest for one of the upcoming Public Meetings held by the Michigan Independent Citizens' Redistricting Commission later this spring.

Sincerely,

Cathy Brockington



Member of the LWVMI Communities of Interest Outreach Committee

**From:** no-reply@weebly.com  
**Subject:** New Form Entry: Website Communication for Council  
**Date:** March 4, 2021 at 3:23 PM  
**To:** erin@saugatuckcity.com



You've just received a new submission to your [Website Communication for Council](#).

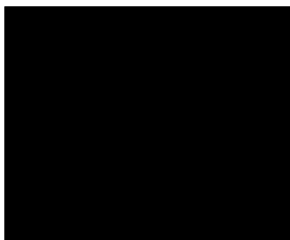
[Mark as Spam](#)

### Submitted Information:

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**Name**

Catherine Brockington



**Are you a resident of the City of Saugatuck?**

Yes

**Please share your comments**

The letter I sent to you regarding forming a Community of Interest with Douglas and SAugatuck Township has been sent to both of the other government entities as well.

Also, The dates and locations of the Public Meetings for the Citizens Independent Redistricting Commission are

May 11- Benton Harbor

May 12-Muskegon

May 13- Grand Rapids

Sorry for being sloppy. Cathy Brockington

# Saugatuck Center for the Arts







Vendor Name	Description	Amount
1. ALLEGAN COUNTY SHERIFF	SHERIFF CONTRACT	25,725.72
	OIL CHANGE, TIRE & BATTERY	439.27
	TOTAL	26,164.99
2. AT&T MOBILITY	CELL PHONES	82.18
	CELL PHONES	82.34
	TOTAL	164.52
3. BLOOM SLUGGETT PC	TAX TRIBUNAL	231.00
	LEGAL FEES	1,975.00
	TOTAL	2,206.00
4. COMCAST	INTERNET & TELEPHONES	84.90
	INTERNET & TELEPHONES	84.90
	TOTAL	169.80
5. DIANNA MC GREW	ASSESSING SERVICES	2,689.47
6. DUNESVIEW KWIK SHOP INC	GASOLINE & DIESEL	451.86
7. ETNA SUPPLY	BOX KEY	90.00
8. FLEIS & VANDENBRINK ENGINEERING INC	ENGINEERING FEES	682.75
	CAMPBELL ROAD	1,830.00
	PARK STREET	2,962.00
	TOTAL	5,474.75
9. FRONTIER	OVAL	62.69
	DPW TELEPHONES & INTERNET	183.36
	TOTAL	246.05
10. GREAT LAKES ORNAMENTALS	PARKWAY TREES	1,610.00
11. INTERURBAN TRANSIT AUTHORITY	PROPERTY TAXES	3,346.19
12. KALAMAZOO LAKE SEWER & WATER	WATER & SEWER	1,700.76
13. KROHN EXCAVATING LLC	PARK STREET & ALLEGAN HILL	37,085.15
14. MACATAWA BANK	BOND INTEREST PAYMENT	21,817.75
15. MARK'S BODY SHOP	NEW SHERIFF VEHICLE	11,247.45
16. MC NALLY ELEVATOR COMPANY INC	ELEVATOR CITY HALL	987.00
17. MICHIGAN WOOD FIBERS	PARK MULCH	1,945.00
18. NET2PHONE INC	TELEPHONES	177.89
19. PRIORITY HEALTH	HEALTH INSURANCE	7,013.42
20. REPUBLIC SERVICES	TRASH	540.06
21. SAUGATUCK FIRE		

Vendor Name	Description	Amount
	RENTAL INSPECTIONS	1,125.00
	PROPERTY TAXES	14,049.91
	TOTAL	15,174.91
22. SHORELINE TECHNOLOGY SOLUTIONS		
	NEW LAPTOP PLANNING	1,287.00
	COMPUTER SERVICES	500.00
	TOTAL	1,787.00
23. SISTERS IN INK		
	OVAL	402.05
24. STANDARD INSURANCE COMPANY		
	INSURANCE	346.86
25. WESTENBROEK MOWER INC		
	PARTS	368.97
TOTAL - ALL VENDORS		143,207.90
<b>FUND TOTALS:</b>		
Fund 101 - GENERAL FUND		48,306.59
Fund 202 - MAJOR STREETS		11,083.14
Fund 203 - LOCAL STREETS		31,419.29
Fund 301 - DEBT SERVICE		21,817.75
Fund 661 - MOTOR POOL FUND		13,111.73
Fund 701 - CURRENT TAX FUND		17,396.10
Fund 715 - ROSE GARDEN		73.30



14A

**From:** Ryan Heise  
**Meeting Date:** April 26, 2021  
**Regarding:** EGLE Letter and KLSWA Response

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**Description:**

A letter from the Department of Environment, Great Lakes, and Energy (EGLE) was received by: Laketown Township, Saugatuck Township, City of Saugatuck, the City of The Village of Douglas and Kalamazoo Lake Sewer Water Authority (KLSWA). The letter was regarding various deficiencies noted in the sewer and water system that provides service (or partial service) to the municipalities. KLSWA has been in contact with EGLE regarding the corrective actions necessary to alleviate the concerns they presented.

KLSWSA has a draft letter which is contained in this packet (water supply corrective action plan) which proposes to address remaining concerns and present a solution to management and operations deficiencies. A few key areas to bring to the attention of Council are:

1. The proposed corrective action plan includes a hybrid ownership approach. The municipalities would need to enter into an agreement with KLSWA to clearly delineate ownership and maintenance responsibilities. KLSWA will request two years to complete this agreement.
2. The city will need to produce an assessment management plan (AMP) to submit to EGLE. This plan will determine asset ownership and will need to be supported by a financial management plan. To my knowledge the City of Saugatuck nor KLSWA have established a fund for long-term capital improvements and replacement.

**Committee / Commission Review:** KLSWA

**Budget Action Required:** Funding the Asset Management Plan study will need to be part of the budget discussion.

**Legal Review:** None by City of Saugatuck

**Possible Motion:** Grant authority to the Administrator to execute the corrective action plan to be submitted to EGLE.

# ***CORRECTIVE ACTION PLAN***

Water Supply System

***Kalamazoo Lake Sewer Water Authority***

**APRIL 2021**

## **I. Introduction**

This Corrective Action Plan (“CAP”) has been prepared to address the deficiencies identified and recommendations made in the Partial Sanitary Survey of the Kalamazoo Lake Sewer Water Authority (“KLSWA” or the “Authority”). In a letter dated January 11, 2021 addressed to the Authority and the managers of the Authority’s three constituent municipalities (the City of Saugatuck, Township of Saugatuck, and the City of the Village of Douglas (collectively, the “Constituent Municipalities”)), the Department of Environment, Great Lakes, and Energy (EGLE) outlined each deficiency and recommended action. This document is intended to outline the mitigative measures already taken and the future actions to be carried out by KLSWA and the Constituent Municipalities with regard to each deficiency and recommendation.

KLSWA was established by the Constituent Municipalities under the provisions of Act 233 of the Public Acts of Michigan of 1955, as amended (“Act 233”). The Authority is governed by a five-person Commission established in accordance with Act 233 and the Authority’s Articles of Incorporation. The Commission is comprised of representatives of appointees that are appointed by the legislative bodies of the Constituent Municipalities.

The KLSWA provides sanitary sewer and water service within the three Constituent Municipalities, as well as in the Township of Laketown (“Laketown Township”). Laketown Township receives service through various contractual arrangements, but is not a constituent municipality of the KLSWA under Act 233 or the Authority’s Articles of Incorporation.

Each of the deficiencies and recommendations from the January 11, 2021 letter are discussed below.

## **II. Deficiency No. 1 (D1): Financial and Managerial Capacity**

### **A. Deficiency Noted**

EGLE’s evaluation of KLSWA has revealed issues with “ownership accountability, defined authority between owners and managers/operators, and fiscal management and revenue sourcing.” As noted by EGLE, the current contractual arrangement between the Authority and the Constituent Municipalities with respect to water service establishes authority for daily operations and maintenance of facilities and does not include a “structure for capital improvements, long term asset management, authority for cross connection inspections, or other items necessary for the long-term management of a water supply.”

In the January 11, 2021 letter, EGLE outlines three possible options for the Authority and the Constituent Municipalities with respect to addressing the Authority’s financial and managerial capacity, including: (1) ownership and operation of all water systems assets located in the Constituent Municipalities by the Authority; (2) ownership, operation and maintenance of water system components in each Constituent Municipality by the respective Constituent Municipality; or (3) an “improved hybrid approach,” whereby the individual Constituent Municipalities continue to own their respective water systems, subject to a “clear approach” between the Constituent Municipalities and the Authority with respect to financial management of the systems including “an adequate rate structure and asset management plan for each unit of government.”

B. Corrective Action Proposed

After numerous discussions with representatives of the Constituent Municipalities, KLSWA has elected to implement an improved hybrid approach, discussed above, to address the stated financial and managerial capacity deficiencies. The Authority will work with the Constituent Municipalities to develop, adopt, and implement a new water service agreement between the Authority and the Constituent Municipalities to address ownership, operation, maintenance, repair, replacement and capital improvements to the water system serving the Constituent Municipalities. The Authority estimates that such an agreement will be adopted and effective within the 24 months.

Further, while KLSWA has already supplied an asset management plan (AMP) to EGLE (transmitted to EGLE on March 12, 2020), KLSWA will encourage the Constituent Municipalities to similarly prepare and submit an AMP and associated capital improvement plans for the water system assets located within their respective municipality to EGLE over the next 9-12 months.

**III. Deficiency No. 2 (D2): Distribution System (Reliability Study)**

A. Deficiency Noted

There is no updated Reliability Study from KLSWA. The update is now considered overdue and needs to be completed as soon as possible.

B. Corrective Action Taken

KLSWA submitted a draft of the Reliability Study to EGLE on February 10, 2021.

**IV. Deficiency No. 3 (D3): Distribution System (Cross Connection Control Program)**

A. Deficiency Noted

KLSWA does not have an updated cross connection control program on file with EGLE.

B. Corrective Action Proposed

The KLSWA and its Constituent Municipalities will develop an updated cross connection control program by January 1, 2022. Under that program, the Constituent Municipalities will enforce the cross connection control program at the direction of the KLSWA. The cross connection control program will be embodied in standard and uniform ordinances adopted by the Constituent Municipalities and the water service agreement to be entered into by the Authority and the Constituent Municipalities.

**V. Deficiency No. 4 (D4): Management and Operations**

A. Deficiency Noted

KLSWA must develop a backup operations plan that enables the authority to continue necessary daily operational duties when the operator in charge is not available. EGLE provided the requisite form for providing the backup operations plan.

B. Corrective Action Taken

KLSWA completed and submitted the required form to EGLE on March 1, 2021.

**VI. Recommendation No. 1 (R1): Looping the Distribution System**

A. Recommended Action

EGLE recommends looping the water system to resolve issues created by five dead ends in the distribution system.

B. Corrective Action Taken

KLSWA routinely provides recommendations to the Constituent Municipalities with respect to opportunities to loop existing water infrastructure where financially, geographically and legally possible. The KLSWA will continue to make such recommendations through future reliability studies. The Authority's current and past Reliability Studies have identified those areas where looping of water system infrastructure should be considered and implemented.

**VII. Recommendation No. 2 (R2): Cross Connection**

A. Recommended Action

EGLE recommends phasing-in residential cross connection inspection on the sites that pose high risk, such as sites with irrigation systems and pools.

B. Corrective Action Proposed

KLSWA will phase in residential inspections as recommended.

**VIII. Recommendation No. 3 (R3): Bacteriological Site Sampling Plan**

A. Recommended Action

EGLE recommends that the contacts in the bacteriological site sampling plan be updated.

B. Corrective Action Taken

KLSWA has updated and submitted to the EGLE the bacteriological site sampling plan as of March 16, 2021.

**IX. Recommendation No. 4 (R4): Emergency Response Plan**

A. Recommended Action

EGLE recommends that the contacts in the Emergency Response Plan be updated.

B. Corrective Action Taken

KLSWA has updated and submitted the updated contact information as of March 16, 2021.

**X. Conclusion**

The foregoing corrective action plan is submitted to EGLE in response to its letter dated of January 11, 2021 on behalf of the Authority and the Constituent Municipalities.

Dated: April 27, 2021

Respectfully submitted,

Kalamazoo Lake Sewer Water Authority:

City of the Village of Douglas:

\_\_\_\_\_  
By: Daryl Van Dyke  
Its: Manager

\_\_\_\_\_  
By: Rich LaBombard  
Its: City Manager

City of Saugatuck:

Township of Saugatuck:

\_\_\_\_\_  
By: Ryan Heise  
Its: City Manager

\_\_\_\_\_  
By: Joe Frey  
Its: Township Manager





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

January 11, 2021

VIA EMAIL AND U.S. MAIL

Mr. Daryl VanDyke  
Kalamazoo Lake Sewer Water Authority  
6449 Old Allegan Rd  
Saugatuck, Michigan 49453

WSSN: 03525  
County: Allegan

Ms. Karen Doyle Homan, Interim City Manager  
City of Saugatuck  
PO Box 86  
Saugatuck, Michigan 49453

Mr. Rich LaBombard, City Manager  
The City of The Village of Douglas  
PO Box 757  
Douglas, Michigan 49406

Ms. Cindy Osman, Supervisor  
Saugatuck Township  
PO Box 100  
Saugatuck, Michigan 49453

Mr. Al Meshkin, Manager  
Laketown Township  
4338 Beeline Road  
Holland, Michigan 49423

Dear Mr. VanDyke, Ms. Doyle Homan, Mr. LaBombard, Ms. Osman, and Mr. Meshkin:

SUBJECT: Kalamazoo Lake Sewer Water Authority Water System Sanitary Survey  
(Survey)

This letter confirms the Michigan Department of Environment, Great Lakes, and Energy (EGLE) staff phone calls on April 30, 2020, and August 4, 2020, with Mr. Daryl VanDyke, Kalamazoo Lake Sewer Water Authority (KLSWA), to conduct a Partial Sanitary Survey of KLSWA and to present the final findings, discuss areas for improvement, and identify timelines for corrective action where appropriate. The purpose of a Partial Sanitary Survey (Survey) is to evaluate the water supply system with respect to the requirements of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). It is also an opportunity to update EGLE's records, provide technical assistance, and identify potential risks that may adversely affect drinking water quality. Enclosed, is a copy of the Survey for your reference.

Since the last Survey, EGLE acknowledges that KLSWA has completed the following water facility improvements and operations:

1. Developed a GIS system for the distribution system.
2. Performed a routine tank inspection in 2018.

The following table summarizes EGLE’s final findings from the Survey of the water system:

Survey Element	Findings
Source	Not Reviewed
Treatment	Not Reviewed
Distribution System	<b>Deficiencies Identified</b>
Finished Water Storage	Not Reviewed
Pumps	Not Reviewed
Monitoring & Reporting	Recommendations Made
Management & Operations	<b>Deficiencies Identified</b>
Operator Compliance	No deficiencies/ recommendations
Security	Recommendations Made
Financial	No deficiencies/recommendations
Other	No deficiencies/recommendations

Deficiencies:

Deficiencies indicate non-compliance with one or more Act 399 requirements, which include defects in a water system’s infrastructure, design, operation, maintenance, or management that cause, or may cause, interruptions to the “multiple barrier” protection system and adversely affect the system’s ability to produce safe and reliable drinking water in adequate quantities.

During the Survey, four deficiencies were identified and are listed below:

**D1. Financial and Managerial Capacity:**

Managerial Capacity is the ability of a water system to conduct its affairs in a manner enabling the system to achieve and maintain compliance with SDWA requirements. Managerial capacity refers to the system’s institutional and administrative capabilities. Key areas of concern when evaluating managerial capacity include ownership

Mr. Daryl VanDyke

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accountability; the overall organizational structure of the system; defined lines of authority and responsibility between owners, managers, operators, and customers; operator training and certification; managerial and decision-making processes; and appropriate experience and expertise of managerial personnel.

Financial Capacity refers to a water system's ability to acquire and manage sufficient financial resources to allow the system to achieve and maintain compliance with SDWA requirements. Key areas of concern when evaluating financial capacity include reliable cost and revenue projections that demonstrate revenue sufficiency, and sound fiscal management and control policies and procedures.

EGLE's evaluation of KLSWA has revealed issues with ownership accountability, defined authority between owners and managers/operators, and fiscal management and revenue sourcing.

EGLE understands that KLSWA operates and maintains the water supply facilities, and the individual units of government have retained ownership of the water supply facilities within their jurisdictional boundaries. Therefore, the owner of the water supply facilities is not maintaining their own facilities; KLSWA is serving as a contract operator with additional authority to make operation and maintenance decisions and repairs. This agreement only establishes authority for daily operations and maintenance of facilities, and does not include a structure for capital improvements, long term asset management, authority for cross connection inspections, or other items necessary for the long term management of a water supply.

If these documents are in place, please provide them to our office no later than **February 28, 2021**. If these documents have not been established, please provide a corrective action plan no later than **April 30, 2021**. The corrective action plan can take one of three paths:

1. Sale of all water supply facilities in each jurisdiction to the KLSWA, such that one entity owns, operates and maintains the water system, and carries the full weight of responsibility for meeting all of the requirements of the Michigan Safe Drinking Water Act.
2. Each unit of government owns, operates and maintains their own infrastructure and carries the weight of meeting all of the requirements of the Michigan Safe Drinking Water Act for their own facilities. Daryl VanDyke can still serve as certified operator for each unit of government, but each one would have their own water supply serial number (WSSN)
3. An improved hybrid approach. If the units of government wish to retain ownership of the water supply facilities in their respective jurisdiction, there needs to be a clear approach to the authority of each entity and a financial instrument which includes an adequate rate structure and asset management plan for each unit of government.

## **D2. Distribution system**

Mr. Daryl VanDyke

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R 325.11203; Study of water supply requirements for type I public water supply; proposal for compliance.

Rule 1203 (2): *The study required by subrule (1) of this rule shall be based on 5-year and 20-year projections of water use by the public water supply. The study shall be updated every 5 years unless the owner demonstrates that water use projections are stable and this requirement is waived by the department.*

Review of the files has shown that there is no updated Reliability Study from KLSWA. The update is now considered overdue and needs to be completed as soon as possible. At a minimum, the information presented in this study shall include all of the following:

- (a) Basic planning data, including current population, number of service connections, and equivalent residential units.
- (b) Sufficient water production and consumption data to identify trends for both 5-year and 20-year planning periods, including the following elements:
  - (i) The present and projected average daily demand.
  - (ii) The present and projected maximum daily demand. Page 271 *Courtesy of Michigan Administrative Rules*
  - (iii) The present and projected maximum hourly demand.
  - (iv) The present and projected peak instantaneous demand for systems using hydropneumatic storage.
  - (v) The present and projected fire flow demand.
  - (vi) The basis of demand projections.
  - (vii) Monthly and annual production totals for each source, including water purchased from another public water supply.
  - (viii) Annual usage totals for water supplied to other public water supplies.
  - (ix) Annual usage totals for each customer class as determined by the public water supply.
- (c) A water shortage response plan for emergencies.

### **D3. Distribution system**

R. 325.11404; Local cross connection control programs.

Rule 1404 (1): *A type 1 public water supply shall develop a comprehensive control program for the elimination and prevention of all cross connections.*

KLSWA does not have an updated cross connection control program on file with EGLE. It has been noted that getting a common standardized cross connection control program between the three communities has not occurred yet. Having a standardized cross connection control program is imperative to protect the public health and potable water. As a result, all three communities must come together with KLSWA and develop a common cross connection control program. At a minimum, the program shall include:

- a. A complete description of the method of administering the program, including the designation of inspection and enforcement agency or agencies. The local authority for implementation of the program shall be indicated, preferably by ordinance

Mr. Daryl VanDyke

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- b. A time schedule for inspection and reinspection of all water supply customers' premises for possible cross connections. The periodic reinspection shall be to ascertain if safe air gaps or required backflow preventers are in place.
- c. A description of the methods and backflow preventers, as approved by the department, used to protect the public water supply.
- d. A time schedule for the testing of all testable backflow preventers. The schedule contained in the program shall require testing at least once every three years. Backflow preventers installed on lawn irrigation systems with no chemical treatment may be tested once every five years if specified within the approved local cross connection control program.
- e. A description of the time allowed for a customer to complete necessary corrections.
- f. A description of the record keeping methods.

#### **D4. Management and operations:**

R.325.11905 Certifications of operators.

*Rule (9) A waterworks system shall have in place a plan for proper operation of the waterworks system when the operator in charge is not available.*

A backup operations plan allows KLSWA to develop a formal plan to continue necessary daily operational duties when the operator in charge is not available. **Please submit a copy of the backup operations plan by February 28, 2021.** A copy of the backup operations plan form is attached with this letter.

Unless otherwise noted, please provide a written notice detailing what steps will be taken to address the deficiencies above by **February 28, 2021**.

#### **Recommendations:**

Recommendations are suggestions the public water supply should consider, to enhance its operations and services, and to avoid future deficiencies.

During the Survey, the following recommendations were identified:

#### **R1. Looping the distribution system**

During the phone conversation it was noted that there are five dead ends in the distribution system. It was noted that these dead ends do cause occasional problems. EGLE recommends thinking about plans to potentially loop the water system to remedy this issue.

#### **R2. Cross connection**

During the phone conversation, it was noted that KLSWA will start phasing in residential inspections. Currently they perform mostly commercial/ industrial cross connection inspection. EGLE recommends phasing-in residential cross connection inspections on sites that pose high risks, such as sites with irrigation systems and pools.

Mr. Daryl VanDyke

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**R3. Bacteriological Site Sampling Plan**

The contacts on the bacteriological site sampling plan needs to be updated with Mohit Varma as the district engineer, Stacy Wilson as the water quality analyst, and John Karnes as the RTCR specialist.

**R4. Emergency Response Plan**

The contacts on the Emergency Response Plan needs to be updated with Mohit Varma as the district engineer and Stacy Wilson as the water quality analyst.

Please provide a written notice by **February 28, 2021**, detailing what steps will be taken to address the deficiencies and recommendations above.

Additionally, EGLE still needs to complete a physical inspection of the water system facilities (wells, treatment facilities, etc.). I will be contacting Mr. VanDyke to schedule the inspection.

If you have any questions, please feel free to contact me at the phone number listed below, or by email at [varmam@michigan.gov](mailto:varmam@michigan.gov).

Sincerely,



Mohit Varma, District Engineer  
Drinking Water and Environmental Health  
Division  
Kalamazoo District Office  
269-762-3694

MV:ne

Enclosure(s)

Kirk Harrier, Manager of City of Saugatuck  
Albert Meshkin, Manager of Laketown Township  
Griffin Graham, Manager of Saugatuck Township  
Rich Labombard, Manager of City of Douglas

cc/enc:

SDWIS Basic Data  
SDWIS Source Facilities  
SDWIS Facilities Sources  
SDWIS Facilities Others  
Sanitary Survey Summary  
Backup Operations Plan

**From:** Ryan Heise Ryan@saugatuckcity.com  
**Subject:** FW: Dune Ridge Fence  
**Date:** April 23, 2021 at 4:24 PM  
**To:** Erin Wilkinson Erin@saugatuckcity.com

RH

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**From:** Ann Broeker <annbroeker@hotmail.com>  
**Sent:** Wednesday, April 14, 2021 9:43 PM  
**To:** Ryan Heise <Ryan@saugatuckcity.com>  
**Subject:** Fw: Dune Ridge Fence

Ryan, I think I should have copied you on this as well to ensure it was included in the city's materials for the workshop. Sorry about that! I plan to send another note about the floating homes tomorrow, and I'll be sure to copy you on that.

thanks!  
Ann

---

**From:** Ann Broeker  
**Sent:** Monday, April 12, 2021 11:42 AM  
**To:** [ktrester@comcast.net](mailto:ktrester@comcast.net) <[ktrester@comcast.net](mailto:ktrester@comcast.net)>; [cpeterson@saugatuckcity.com](mailto:cpeterson@saugatuckcity.com) <[cpeterson@saugatuckcity.com](mailto:cpeterson@saugatuckcity.com)>; [markb@shinsurance.com](mailto:markb@shinsurance.com) <[markb@shinsurance.com](mailto:markb@shinsurance.com)>; [glewis@saugatuckcity.com](mailto:glewis@saugatuckcity.com) <[glewis@saugatuckcity.com](mailto:glewis@saugatuckcity.com)>; [sdean@saugatuckcity.com](mailto:sdean@saugatuckcity.com) <[sdean@saugatuckcity.com](mailto:sdean@saugatuckcity.com)>; Holly Leo <[hleo@saugatuckcity.com](mailto:hleo@saugatuckcity.com)>; [Istanton@saugatuckcity.com](mailto:Istanton@saugatuckcity.com) <[Istanton@saugatuckcity.com](mailto:Istanton@saugatuckcity.com)>  
**Subject:** Dune Ridge Fence

Dear City Council Members,

I hope this note finds all of you well. I wanted to reach out about the new business agenda item for this evening's Council meeting regarding the Dune Ridge fence. I own the home at 508 Park Street, which is located at the corner of Park and Perryman and diagonally across from the Dune Ridge docks. Given my close proximity to this development, I greatly appreciate the time and attention that the Council has given to the Dune Ridge fence and to Dune Ridge's plans to populate the docks with house boats. I especially appreciate the moratorium the Council placed on the house boats in order to buy time to fully consider that issue.

I understand from tonight's meeting agenda that city staff will seek Council approval to obtain a revised site plan from Dune Ridge with a six foot tall version of the fence. I believe the fence should be removed, and not simply lowered to a height of six feet. As you know, Dune Ridge built the fence without the approvals required under Saugatuck City ordinances. This resulted in a fence that is out of character with its surroundings, that obstructs the view of our charming and historic Chain Ferry, and that could pose safety risks for Chain Ferry passengers exiting onto Park Street. A slightly shorter version of the fence will not address these problems, and I hope the City Council will instead consider working with Dune Ridge to remove the fence.

tence entirely.

Thank you for your time, and for all that you do for our city. I hope everyone has a great day!

Sincerely,  
Ann Broeker



**From:** Ryan Heise Ryan@saugatuckcity.com  
**Subject:** RE: Dune Ridge Development  
**Date:** April 22, 2021 at 8:44 AM  
**To:** Ann Broeker annbroeker@hotmail.com  
**Cc:** Erin Wilkinson Erin@saugatuckcity.com

RH

Hello Ann,

Apologies... sending out an amended packet is not an option for us currently. Staff can include in Monday's Council packet. You should also consider joining the meeting and reading your correspondence during public comment.

Happy to discuss with you over the phone.

Best,

Ryan

---

**From:** Ann Broeker <annbroeker@hotmail.com>  
**Sent:** Wednesday, April 21, 2021 10:04 PM  
**To:** Ryan Heise <Ryan@saugatuckcity.com>  
**Subject:** Fw: Dune Ridge Development

Hi Ryan,

Could you amend the City Council packet for tomorrow's meeting to include my letter to the Council below? I'm concerned that Dune Ridge's lawyers specifically state on page 71 that residents have not attended meetings or made complaints about the floating homes, which is inaccurate. I'd like for my letter below to be part of the formal record.

Thanks,  
Ann

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**From:** Ann Broeker <[annbroeker@hotmail.com](mailto:annbroeker@hotmail.com)>  
**Sent:** Thursday, April 15, 2021 12:57 PM  
**To:** [ktrester@comcast.net](mailto:ktrester@comcast.net) <[ktrester@comcast.net](mailto:ktrester@comcast.net)>; [cpeterson@saugatuckcity.com](mailto:cpeterson@saugatuckcity.com) <[cpeterson@saugatuckcity.com](mailto:cpeterson@saugatuckcity.com)>; [markb@shinsurance.com](mailto:markb@shinsurance.com) <[markb@shinsurance.com](mailto:markb@shinsurance.com)>; [glewis@saugatuckcity.com](mailto:glewis@saugatuckcity.com) <[glewis@saugatuckcity.com](mailto:glewis@saugatuckcity.com)>; [sdean@saugatuckcity.com](mailto:sdean@saugatuckcity.com) <[sdean@saugatuckcity.com](mailto:sdean@saugatuckcity.com)>; Holly Leo <[hleo@saugatuckcity.com](mailto:hleo@saugatuckcity.com)>; [Istanton@saugatuckcity.com](mailto:Istanton@saugatuckcity.com) <[Istanton@saugatuckcity.com](mailto:Istanton@saugatuckcity.com)>  
**Cc:** [ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com) <[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)>  
**Subject:** Dune Ridge Development

Dear City Council Members,

I called into the City Council meeting on Monday night, and I was sorry to hear the attacks on the city's rightful efforts to regulate the floating homes that Dune Ridge would like to install in the docks next to the Chain Ferry. I fully support the city's exercise of its authority to regulate these dwellings, and I think the City Council and staff are doing a

great job addressing this issue. The proposed floating home development requires government intervention in order to ensure it is not harmful to the city's tourism, to neighboring property owners, and to Park Street pedestrians and Chain Ferry passengers.

Dune Ridge plans to install a planned unit development at the Dune Ridge docks by creating a "dockominium" filled with dwellings that the developer equated to condominiums at the March 4, 2021, Saugatuck City Council Workshop. I believe such a multi-unit development with individual dwellings already requires a special land use permit under existing city ordinances, and I urge the city to work with its attorneys to apply those ordinances to this situation. If the city decides to instead regulate the Dune Ridge development pursuant to a new ordinance or other means, I support that approach as well.

The reasons that the city should regulate this development of floating homes goes to the heart of the role of the local government, which is to protect the interests of its community. My concerns about the proposed floating home development that I believe necessitate government action to protect the interests of Saugatuck and its citizens are as follows:

- Safety on Park Street: The addition of numerous people living at the Dune Ridge docks during the summer months would significantly increase traffic at an already congested section of Park Street. This area near the corner of Park and Perryman has become extremely dangerous for pedestrians in the past few years due to traffic, and the addition of numerous drivers traveling to and from the floating homes and would only worsen this problem. In addition, most Chain Ferry passengers exiting the ferry during the summer months stream quickly onto Park Street. The increased traffic resulting from the floating homes would only heighten the risk of injury to one of these tourists.
- Property Values: The unattractive appearance of a floating home development and the perception that it comprises a group of noisy floating parties would not appeal to potential buyers of surrounding homes, and as a result would inevitably depress their property values.
- Property Owners' Use and Enjoyment of Their Homes: As a resident who lives almost directly across the street from the Dune Ridge docks, I am concerned that a floating home development would deprive me of the ability to fully use and enjoy my home and yard due to noise and other pollution caused by users of the homes. It would also block my only view of the river and replace it with the equivalent of a floating trailer park. In addition, it is already difficult to exit and enter my driveway during the summer months due to traffic. An influx of numerous cars driving to and from the floating homes would exacerbate this issue.
- Sanitation and Human Waste: Dune Ridge has made clear it intends to install some kind of bathroom(s) at the floating home development. However, it is unclear whether each floating home would have its own bathroom facilities, or whether Dune Ridge would attempt to install communal bathrooms on the small strip of land adjacent to the docks. Either way, questions remain about whether and how the new development would appropriately dispose of human and other waste generated by numerous floating homes.
- Tourism: Tourism is critical to the economic well-being of our city. The Chain Ferry, Oval Beach, and Mt. Baldhead are among the top attractions that draw tourists to Saugatuck. The Dune Ridge floating home development would be visible and audible to every tourist visiting these sites, and would inevitably dampening the sites' charm and appeal.

I hope that Dune Ridge's efforts to subvert the city from acting well within its authority and on behalf of the interests of its citizens are not rewarded. And I hope the city is not intimidated by specious legal arguments and the threat of litigation based on the irrelevant Plaza Towers lawsuit. I applaud the City Council and the city staff for appropriately prioritizing the health and safety of Saugatuck over the interests of developers.

Thank you, as always, for all you do for Saugatuck.

Sincerely,  
Ann Broeker  
508 Park Street

**GARY E. MEDLER**

461 Vine St. PO Box 461  
Saugatuck, MI 49453  
[gary.medler@yahoo.com](mailto:gary.medler@yahoo.com)



**April 22, 2021**

**SUPPLEMENT TO APRIL 14, 2021 LETTER**

**By Email Delivery**

**Saugatuck City Council  
102 Butler Street  
Saugatuck, MI 49453**

Mark Bekken            Chris Peterson  
Garnet Lewis           Lauren Stanton  
Scott Dean              Ken Trester  
Holly Leo                Ryan Heise

**Re:    City Council Special Meeting  
      April 22, 2021 – 4:00 PM  
      Floating Homes**

**TO THE PARTIES ADDRESSED:**

So how did the City get manipulated into this morass surrounding floating homes and the Dune Ridge proposed use at its marina? Probably by getting advice from the same sources that led the City down this path. So what really is the City faced with?

**STEP 1 – WHAT IS THE PROPOSED USE?**

Dune Ridge seeks to dock alleged non-motorized “floating homes” at its marina. The manufacturer of these structures is Kasita. Kasita’s website and related public information states it produces “prefabricated modular tiny homes” and markets them as tiny AirBnb hotels. Dune Ridge proposes to hoist these tiny homes on barges and tow them into place at its docks.

Under the City’s Ordinance, a prefabricated modular home appears to fall within the definitions of “Building,” “Dwelling Unit,” “Manufactured Home,” “Mobile Home” and “Structure” under Section 154.005.

Dwelling Unit is defined to include both manufactured units (mobile homes and modular homes); however, the definition states “in no case shall a ... portable building be considered a dwelling.” So the Dune Ridge non-motorized, portable, prefabricated modular homes are not “dwellings” for purposes of the City Ordinance, as defined.

**STEP 2 – IN WHAT ZONING DISTRICT WILL THE PROPOSED USE BE EFFECTED?**

The zoning district applicable to the Dune Ridge non-motorized, portable, prefabricated homes is the C-4 Resort District (Section 154.037 of the City Ordinance).

**STEP 3 – IS THE PROPOSED USE A PERMITTED USE AS OF RIGHT?**

The answer is NO. The permitted uses in the C-4 Resort District (Sections 154.037(B)(1)-(3)) are:

1. Bed and breakfasts;
2. Essential public service; and
3. Short-term rental unit. Note – short term rental does not apply to Dune Ridge’s proposal because under Section 154.005 of the City Ordinance, Dune Ridge would need a “rental occupancy certificate” from the City and the City is only authorized to issue such a certificate for a “dwelling” as a short-term rental unit. As stated above, Dune Ridge’s non-motorized, portable, prefabricated modular homes are not “dwellings” for purposes of the City Ordinance.

**STEP 4 – IS THE PROPOSED USE A LISTED SPECIAL LAND USE?**

The answer is NO. The listed special land uses in the C-4 Resort District (which require review and approval by the Planning Commission) (Section 154.037(C)(1-10)) are:

1. Marinas/commercial boats;
2. Parking facilities;
3. Restaurant, where such facilities are designed, constructed and managed as an integral part of an overall motel or hotel operation;
4. Planned unit developments;
5. Hotels/inns;

6. Motels/motor courts;
7. Swimming pools, tennis courts or other recreational facilities oriented to the clientele of the motel or hotel;
8. Other uses deemed by the Planning Commission to be accessory to a motel or hotel use;
9. Dwellings, single-family, regardless of the floor area ratio; and
10. Rented accessory dwelling units in accordance with 154.092(J).

The Dune Ridge non-motorized, portable, prefabricated modular homes do not fall within any of the listed special land uses in the C-4 Resort District. Note: The marinas/commercial boats special land use does not apply because the Dune Ridge non-motorized, portable, prefabricated modular homes are not boats, nor vessels nor watercraft (See Section 154.005). The only thing permitted to be secured or moored at a marina is a “watercraft.” (See Section 154.205(B)).

### **STEP 5 – CONCLUSION**

The Dune Ridge non-motorized, portable, prefabricated modular homes are neither a permitted use nor a special land use in the C-4 Resort District and therefore the use is prohibited.

They are merely manufactured homes and must satisfy the requirements of City Ordinance Section 154.022, and specifically Sections 154.022(J)(1)-(8). A manufactured home is not permitted outside a manufactured home park unless it meets all of these requirements, including the requirements the manufactured home is firmly attached to a permanent continuous foundation constructed on the building site, with a foundation that fully encloses the chassis, undercarriage and towing mechanism.

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The process to determine Dune Ridge’s non-motorized, portable, prefabricated modular homes are not permitted in the C-4 Resort District also applies to any “floating home” or “houseboat” proposed to be located anywhere in Saugatuck. They are not permitted.

This is basic zoning review and analysis and the Dune Ridge proposal should have been shut off long ago by the City’s staff and advisors. Why wasn’t it? Who manipulated the City staff and advisors to go down the rabbit hole the City finds itself today? I suspect the City promised nothing, represented nothing, but was wittingly or unwittingly pushed down this road so Dune Ridge could threaten taking, collateral estoppel and litigation Armageddon.

City Council should pause all action on the proposed floating homes ordinance and Dune Ridge non-motorized, portable, prefabricated modular homes. Take a breath and get independent advice. What you'll find is the Dune Ridge proposal is a non-starter because it is prohibited under the C-4 Resort District and any floating home or houseboat proposal in the future is prohibited under the City Ordinance as presently written.

Sincerely

Gary E. Medler

From: Daniel Fox danielwfox101@gmail.com  
Subject: Dunegrass Marina Schematic  
Date: April 22, 2021 at 3:19 PM  
To: Erin Wilkinson Erin@saugatuckcity.com



Erin,

Here are two photographs.

The first is a photo of a portion of the 2017 large engineering visual presentation for the then-proposed Dunegrass marina. This was displayed in the Planning Commission meetings and public hearing. In some measure, it informed our decision back then.

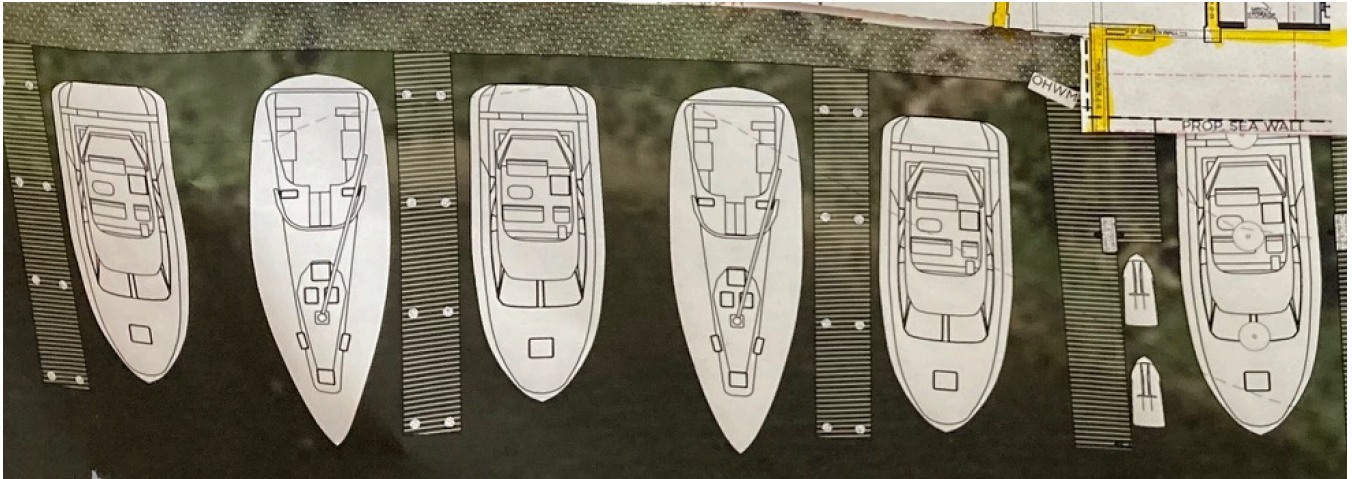
Most noteworthy, it shows a total of five boats and two jet skis moored. No rectangular floating homes/houseboats/rental-cottages-on-barges are shown or suggested. Nor was there any mention of such structures or "watercraft" in any submission to the Planning Commission in 2017 that I can recall.

The second photo is a closeup of the boats and their docks as proposed by the Dunegrass representatives.

Could I ask you to share this with the Council as a constituent communication at today's special meeting? I apologize for the late request; I was not able to read the packet until late last night. I plan to comment during the meeting.









Thanks very much.

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Dan Fox

From: **Richard Donovan** rdono61@gmail.com    
Subject: BS Trail Map of North Section  
Date: April 22, 2021 at 5:08 PM  
To: Holly Leo hleo@saugatuckcity.com  
Cc: Erin Wilkinson Erin@saugatuckcity.com



# Overview of North Section of Trail

- Douglas – “C”
  - completed from Center St. to south side of Bridge
- Saugatuck Township – “B”
  - constructed from Old Allegan to 134<sup>th</sup> St./ North St.
- Saugatuck City
  - no trail constructed
- Proposed:
  - Connect existing Douglas portion of the trail to the existing Saugatuck Township trail through Saugatuck City (2,3)
  - Extend Township trail (1) to the existing Beeline Trail to Holland (“A”)



4/22/21

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