



CITY COUNCIL MEETING AGENDA

April 22, 2024 – 7:00 pm

This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.

The meeting will also be available live, virtually on Zoom.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Mayor's Comments**
5. **City Manager Comments**
6. **Agenda Changes (Additions/Deletions)**
7. **Guest Speakers**
8. **Public Comment on Agenda Items Only (Limit 3 minutes)**
9. **Consent Agenda: (Roll Call) Pg.4**
 - A. Regular Meeting Minutes- April 8, 2024
 - B. Special Meeting Minutes- April 16, 2024
 - C. Special Event- 4th of July Parade
 - D. Special Event- 4th of July Park Party
 - E. Special Event- Memorial Day Parade
 - F. Special Event- Venetian Festival
 - G. Special Event- Jazz for Justice with the Holland Concert Orchestra
 - H. Appointment of Bryan Hoffman to the Parks and Public Works Committee
 - I. Revocable License Agreement for Seating in Right of Way – Wally's Bar and Grill
 - J. Revocable License Agreement for Sign – LuLu Cadieux
 - K. Designation of DPW Superintendent as Street Administrator

NOTICE:

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:
rcummins@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 JWolters@saugatuckcity.com for further information.

10. Staff Reports, Boards, Commissions & Committees:

Starting on *Pg.64*

A. Staff Reports:

1. City Manager
2. Treasurer
3. Planning and Zoning
4. Department of Public Works
5. Police
6. Engineer

B. Boards, Commissions & Committees:

1. Fire District Administration Board
2. Interurban Board
3. Kalamazoo Lake Sewer & Water Authority
4. Kalamazoo Lake Harbor Authority
5. Zoning Board of Appeals
6. Historic District Commission
7. Planning Commission
8. Parks & Public Works Committee
9. Tri-Community Non-Motorized Trail Study Committee

11. Request for Payment: None

12. Approval of Accounts Payable: *(Roll Call) Pg.73*

- A. Accounts Payable in the amount of \$176,049.62

13. Introduction of Ordinances: None

14. Unfinished Business: None

15. New Business:

- A. Authorization to Apply for HDC Approval of Additional Features and Canoe Movement for the Village Square Playground *(Roll Call) Pg.75*
- B. Engineering Proposal for 2024 Asphalt Repairs *(Roll Call) Pg.102*
- C. Oval Beach Fees *(Roll Call) Pg.106*
- D. Street Painting from ACE Parking Lot Striping *(Roll Call) Pg.111*
- E. Contribution to Fireworks on July 5 *(Roll Call) Pg.114*
- F. Milfoil Treatment for 2024 *(Roll Call) Pg.116*
- G. Grant of Public Utility Easement *(Roll Call) Pg.128*

16. Public Comments *(Limit 3 minutes)*

17. Correspondence:

- A. Anna Gregg
- B. Brian Elmore
- C. Brooke Yost
- D. Charlie Benson
- E. Christy Marvin
- F. Dan Harvey
- G. Doug Rodewald
- H. Ethan Barde
- I. Ingrid & Chris Benson
- J. James Yost
- K. Jennifer & Tisha Johnson
- L. Jessica Ruthsatz
- M. Judy Thiel
- N. Julie Barman
- O. Kara O'Connor
- P. Lavinia Oancea
- Q. Catherine Simon
- R. Marta Petter
- S. Richard Williams
- T. Sara Aumaugher
- U. Sarah Wellman
- V. Scott & Julie Meivogel
- W. Douglas Elementary School Student Council
- X. Gary Medler

18. Council Comments

19. Adjourn (*Voice Vote*)



CITY COUNCIL MEETING MINUTES- *Proposed*
April 8, 2024

The City Council met for Regular Council Meeting at 7:00 p.m.
City Hall
102 Butler St., Saugatuck, MI 49453.

Call to Order:

The meeting was called to order by Mayor Stanton at 7:00 p.m.

Pledge of Allegiance.

Attendance:

Present: Mayor Stanton, Mayor Pro-Tem Baldwin and Councilmembers Anderson, Gardner, Muncey and White.

Absent: None.

Others Present: Interim City Manager & Director of Planning/Zoning & Project Management Cummins, Department of Public Works Superintendent Herbert, Attorney Jake Witte and Clerk Wolters.

Mayor's Comments:

Thanked the library for their eclipse community event. She provided an update from Frank Walsh from Walsh Municipal Services that after the first week there re 22 applications for the City Manager position. Councilmember Garnder requested a review of human resources policies. She emailed all council members the current policy and asked them all to review and reply with their recommendations. The topic will be brought to the council agenda in May.

City Manager Comments:

He enjoyed the eclipse today with background music from councilmember Muncey. Thanked everyone for their patience with him as he works his two current roles of Interim City Manager and Zoning Director. Thanked council for their support of the staff team as they are gearing up for a lot now that town will be picking up with tourism soon.

Agenda Changes:

Motion by Baldwin, second by Dean to add new business item 15F, subject of Saugatuck Athletic Boosters state charitable gaming license 501c3 . Via roll call vote, motion carried unanimously.

Guest Speakers: Lisa Mize, Director for the Saugatuck Douglas Are Convention and Visitor’s Bureau presented the 2024 CVB Marketing Strategy and Plan Presentation.

Public Comment on Agenda Item Only: None.

Consent Agenda:

Motion by Muncey, second by Baldwin to approve the consent agenda for April 8th, 2024. Via roll call vote, motion carried unanimously.

Staff Reports:

Interim City Manager/Director of Planning & Zoning, Treasurer, DPW Superintendent and Engineer submitted status reports of current activities since the last Council meeting on March 25, 2024, for their respective departments.

DPW Superintendent Herbert added to his report the following:

- 850 Park Street erosion excavating is starting Tuesday April 9th.
- Bridge Street resurfacing will be completed in April.
- Met with playground vendor to prepare for the community build next week.
- Brush and Leaf pickup will be Tuesday and Wednesday next week at the same time as the community build, it could possibly be moved later in the week. It will happen one way or another.
- The new asphalt hotbox will be delivered Tuesday April 9th.

Boards, Commissions & Committees:

Fire District Administration Board, Dan Fox:

Presented council with a map showing street closures with recommended routes from the Allegan County Road Commission regarding the upcoming construction for the new roundabout on Blue Star Highway. The STFD response time will go up due to construction. He passed out a flyer to the council showing how much a single uniform is for one firefighter is. One uniform is \$33,000, the STFD has 60 sets of them so each firefighter has a primary and a backup set, they have a 5 year required renewal.

Interurban Board, Councilmember Muncey:

- They celebrated National Transit Driver Appreciation Day on March 18th. Recognized their staff with free lunch.
- Working with CVB on the weekend shuttle program.
- Welcomed Chuck Gustafson as the new Interurban board member.
- The new director is in the audience to introduce herself. She has 14 years of experience at the Interurban.
- Working on building expansion adding 450 sq feet.

KLSWA, Barry Johnson: None.

Kalamazoo Lake Harbor Authority, Mayor Stanton:

- Next meeting is next week.

Zoning Board of Appeals, Ryan Cummins:

- The meeting was canceled.

Historic District Commission, Councilmember Gardner:

- Next meeting May 2nd.

Planning Commission, Chair Councilmember Anderson:

- Next meeting is next Thursday.

Parks and Public Works Committee, Mayor Pro-Tem Baldwin:

- Passed a recommendation to rebuild the restrooms at Mt. Baldhead Park.
- Met with playground vendor and they are in a good place prior to the community build.

Tri-Community Non-Motorized Trail Study Committee, Councilmember Dean: None.

Request for Payment: None.

Approval of Accounts Payable:

- A. Accounts Payable in the amount of 99,058.65.

Motion by Gardner, second by Baldwin to approve the accounts payable in the amount of \$99,058.65 as presented. Via roll call vote, motion carried unanimously.

Introduction of Ordinances: None.

Unfinished Business: None.

New Business:

Proclamation Recognizing Phyllis Yff:

Motion by Muncey, second by Dean to approve the proclamation of appreciation for Phyllis Yff who worked with Interurban Transit Authority for 17 years. Via roll call vote, motion carried unanimously.

Letter in Support of Saugatuck Township Acquisition Grant Application:

Motion by Baldwin, second by Muncey to approve the letter in support of Saugatuck Township's Trust Fund grant application to acquire Pine Trail Camp. Via roll call, motion carried unanimously.

650 Water Street – Encroachment Approval:

Motion by Muncey, second by Baldwin to approve the revocable license agreement for kitchen exhaust equipment in the public right-of-way for GROW Estate, LLC. Via roll call vote, motion carried unanimously.

Spring Household Hazardous Waste Event:

Motion by Dean, second by Anderson to approve funding the household hazardous waste day for 2024 with the City's final contribution not to exceed \$3,000. Via roll call vote, motion carried unanimously.

Special Event- Jazz For Justice In June:

Motion by Anderson, second by Gardner to approve Jazz for Justice in June to take place on May 31, 2024 organized by All Saints Episcopal Church, contingent on safety meeting with staff, police and fire. Via voice vote, motion carried unanimously.

Saugatuck Athletic Boosters state charitable gaming license 501c3:

Motion by Dean, second by Muncey to approve Resolution 240208-A a local governing body resolution for charitable gaming license for the nonprofit organization The Saugatuck Athletic Boosters. Via roll call vote, motion carried unanimously.

Public Comment: None.

Correspondence:

- A. Richard Williams
- B. Gary Medler
- C. Alex Weir
- D. Richard G. and Ethelyn L. Haworth

Council Comments:

- Councilmember Anderson: None.
- Councilmember Gardner:
He would like council to have further conversation about the new round about regarding road signage and communication to the community. Half of the packet was correspondence. Going forward he is curious what the citizens can expect when they send correspondence to the City. What does council do in terms of responding, generally speaking people send in correspondence, but they never hear anything or there's no response.
- Mayor Pro-Tem Baldwin: None.

- Councilmember Dean:
Looking forward to the playground build. Encouraged people to sign up through signup genius.
- Councilmember Muncey:
Looking forward to the community build. Happy Birthday to Christine Ferris from Farmhouse Deli.
- Councilmember White: None.

Adjournment:

Motion by Gardner, second by Muncey to adjourn the meeting. Upon voice vote, motion carried unanimously. Mayor Stanton adjourned at 7:53 p.m.

Respectfully Submitted

Jamie Wolters, City Clerk



**CITY COUNCIL SPECIAL MEETING MINUTES- Proposed
April 16, 2024**

The City Council met for a Special Meeting at 4:00 p.m.
City Hall
102 Butler St., Saugatuck, MI 49453.

Call to Order:

The meeting was called to order by Mayor Stanton at 10:30 a.m.

Attendance:

Present: Mayor Stanton, Mayor Pro-Tem Baldwin and Councilmembers Anderson, Dean, Gardner, Muncey.

Absent: White.

Others Present: Director of Planning, Zoning & Project Management Cummins, Attorney Jake Witte, and Clerk Wolters.

Agenda Changes: None.

Public Comment on Agenda Items Only: None.

New Business: None.

Public Comments: None.

Closed Session:

Motion by Dean supported by Baldwin, to move into a closed session pursuant to MCL 15.268(e) to consult with the City Attorney regarding trial strategy regarding the lawsuit filed against the City by Maplewood Hotel, captioned Maplewood Hotel Corporation v City of Saugatuck and Interim City Manager Ryan Cummins (Case No. 24-68795-CZ). Via roll call vote, motion failed 4-2. Yes- Anderson, Baldwin, Dean, Stanton. No- Gardner, Muncey.

Motion by Dean, supported by Anderson, to move into a closed session pursuant to MCL 15.268(e) to consult with the City Attorney regarding trial strategy regarding the lawsuit filed against the City by Maplewood Hotel, captioned Maplewood Hotel Corporation v City of Saugatuck and Interim City Manager Ryan Cummins (Case No. 24-68795-CZ). Via roll call vote, motion carried 5-1. Yes- Anderson, Baldwin, Dean, Muncey, Stanton. No- Gardner.

The council entered closed session at 10:43 a.m.

The Council entered back into open session at 11:43 a.m.

Any potential action items by City Council resulting from the closed session:

Attorney Jake Witte discussed settlement terms on the open record:

- The terms of the proposed settlement that the council is going to be authorizing are that the parties will agree that the city can commence construction on the Village Square Park playground consistent with Sinclair design 11 subject to the following:
 - First, the city will not build any of the features outside of the existing footprint of the playground until it applies for and receives approval from the historic district commission consistent with the city code. If the city seeks Historic District commission approval for these features outside of the existing footprint, it will provide plaintiff with notice at least 14 days in advance of the HDC meeting at which The request will be heard, and the parties agree that zoning approval for these features is not required.
 - The city may commence construction of the playground features within the existing footprint, immediately following the entry of this order, subject to plaintiff's timely confirmation that the location of these features which the city is going to indicate the staking, are situated consistently with the location set forth in Sinclair design 11.
 - The city will not remove any additional trees.
 - And in exchange, the plaintiff will dismiss its complaint with prejudice and stipulate to dissolve the temporary restraining order that has been entered. The plaintiff will waive any rights to challenge the features of Sinclair design 11 within the existing footprint of the playground but will reserve its appellate rights with respect to the historic district Commission's approval of the features of Sinclair design 11. Outside of the existing footprint, should the city choose to build them.

Motion by Anderson, second by Muncey to authorize our attorneys to negotiate and execute a settlement with the plaintiff consistent with the terms outlined just previously. Via roll call vote, motion carried 6-0.

Correspondence: None.

Council Comments:

- Councilmember Anderson: Appreciate the discussion.
- Councilmember Gardner: Speaking of communication during the entire process, from his understanding, several members of the parks and public works committee that were speaking about this litigation. There needs to be a policy in place, just as the council does when they are told not to discuss certain issues and believes the PPW should be following the same guidelines.
- Mayor Pro-Tem Baldwin: None.
- Councilmember Dean: None.

- Councilmember Muncey: Appreciated everyone for understanding that he originally voted no and thanked everyone for convincing him otherwise. He is sorry that he may have upset someone or people may have thought he was trying to stalemate or trying to stop something from happening. Everyone knows he is a proponent of the park and it was not any kind of political move, he was just concerned about procedure.
- Mayor Stanton: She apologized to councilmember Muncey for upsetting him. She was under the impression that he read the attorney's response, so she thought he was on board with being able to have the meeting. She apologized for not clarifying beyond the attorney's response.

Adjournment:

Motion by Muncey, second by Anderson to adjourn the meeting. Upon voice vote, motion carried unanimously. Mayor Stanton adjourned at 4:04 p.m.

Respectfully Submitted

Jamie Wolters, City Clerk



City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: April 22, 2024
SUBJECT: Special Event – Fourth of July Parade

DESCRIPTION:

Name: Fourth of July Parade
Date: 7-4-24
Time: 9:30am – 12:00pm (10:00am set up, 11:00am parade, 12:00pm clean-up)
Est. Attendees: 200-400
Est. Volunteers: 20
Signage: No

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** the Fourth of July Parade event to take place on July 4th from 10:00pm-12:00pm contingent on safety meeting with staff, police and fire.



Council Action
_____ Approved
_____ Denied
_____ Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
 Phone: 269-857-2603 • Website: www.saugatuckcity.com

SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: Saugatuck Douglas CVB

TELEPHONE: 269-857-1701

MAILING ADDRESS: 95 Blue Star Hwy Saugatuck MI 49453

CONTACT NAME: April Gundy

TELEPHONE: 231-878-8566

E-MAIL ADDRESS: eventssaugatuckdouglas@gmail.com

CELL PHONE: 231-878-8566

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: April Gundy

TELEPHONE: 231-878-8566

E-MAIL ADDRESS: eventssaugatuckdouglas@gmail.com

CELL PHONE: 231-878-8566

EVENT INFORMATION

NAME OF EVENT: 4th Of July Parade

DATE(S) OF EVENT: 7/4/2024

PURPOSE OF EVENT: Community Enrichment

RAIN DATE: None

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Non-Profit | <input type="checkbox"/> For-Profit | <input checked="" type="checkbox"/> City Operated/Sponsored | <input type="checkbox"/> Co-Sponsored |
| <input type="checkbox"/> Marathon/Race | <input type="checkbox"/> Festival/Fair | <input type="checkbox"/> Video/Film Production | <input checked="" type="checkbox"/> Other _____ |

EVENT LOCATION: Downtown Saugatuck

EVENT HOURS: 9:30-12:00pm

ESTIMATED NUMBER OF ATTENDEES: 200-400

ESTIMATED NUMBER OF VOLUNTEERS: 20

ESTIMATE DATE / TIME FOR SET-UP: 7/4/2024

10:00 Lineup A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: 7/4/2024

12:00 A.M. P.M.

EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT: Yes No

TYPE OF MUSIC PROPOSED: Live Amplification Recorded Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: _____ END: _____

FOOD VENDORS/CONCESSIONS: (Contact Allegan County Health Department) Yes No
 Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT: Yes No
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)
 Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: _____

WILL FIREWORKS BE APART OF EVENT: Yes No
 Provide Copy of Liability Insurance (listing the City as additionally insured)
 Provide Copy of Fireworks Permit

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

“YARD” SIGNS - Number requested: ____ (Maximum size is 2’ x2’. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14’ x 4’). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

SIGNAGE AT EVENT SITE - Location(s): _____

Description of signs: _____
(Signs at event site cannot be displayed prior to day of the event and must removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under “Rental Service Stores” that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

BOOTHS – QUANTITY _____ **TENTS – QUANTITY** _____

AWNINGS – QUANTITY _____ **TABLES – QUANTITY** _____

PORTABLE TOILETS – QUANTITY _____

VENDOR PARKING: Have you made arrangement for vendor parking? Yes No

If yes, where do you propose your vendors park? _____

Will the Interurban be utilized? Yes No Time(s) _____

DEPARTMENT OF PUBLIC WORKS

APPROVED DENIED

Authorized Personnel Signature

Will this event require the use of any of the following municipal equipment: Yes No

- TRASH RECEPTACLES – QUANTITY _____ BARRICADES – QUANTITY _____
- TRAFFIC CONES – QUANTITY _____ PARKING SIGNS – QUANTITY _____
- FENCING WATER ELECTRIC RESTROOM CLEANING
- OTHER _____

POLICE DEPARTMENT

APPROVED DENIED

Authorized Personnel Signature

ADDITIONAL OFFICERS REQUIRED? Yes No

If yes please describe & include times _____

Other (describe): _____

SAUGATUCK TOWNSHIP FIRE DISTRICT

APPROVED DENIED

Authorized Personnel Signature

STREET CLOSURES: Yes No (use attached map to outline proposed closures)

Street closure date/time: _____ A.M. P.M.

Street re-open date/time: _____ A.M. P.M.

SIDEWALK CLOSURES: Yes No (use attached map to outline proposed closures)

Describe Sidewalk Use: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

PARKING LOT CLOSURES: Yes No (use attached map to outline proposed closures)

Parking Lot Location: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

What parking arrangements are proposed to accommodate potential attendance: _____

APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: _____

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

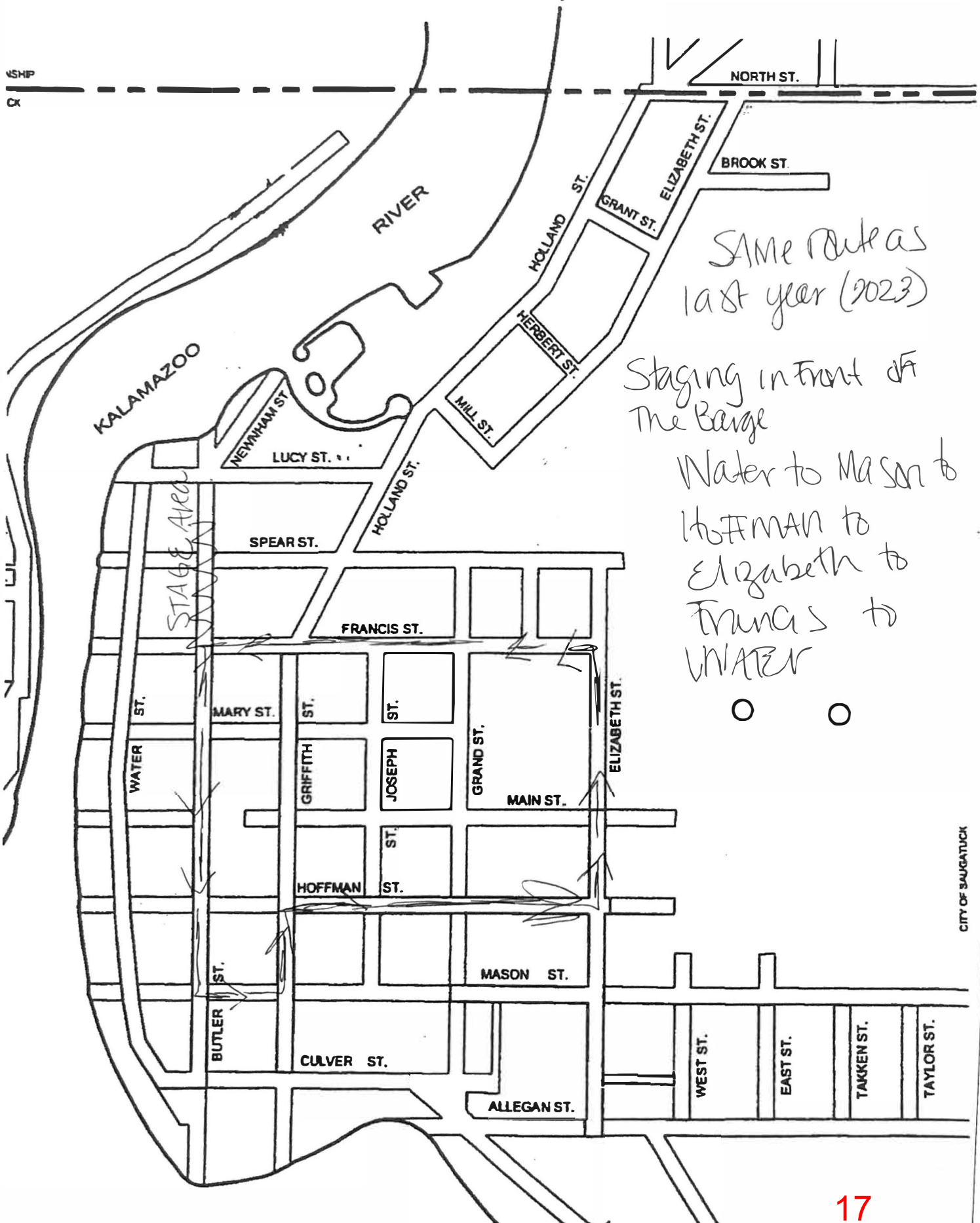
As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Applicant Signature

1/12/2024

Date

Downtown Street / Sidewalk Closure(s)



SAME ROUTE AS
LAST YEAR (2023)

Staging in front of
The Barge

Water to Mason to
Hoffman to
Elizabeth to
Francis to
UNATER





City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: April 22, 2024
SUBJECT: Special Event – Fourth of July Park Party

DESCRIPTION:

Name: Fourth of July Park Party
Date: 7-4-24
Time: 12:00pm – 2:00pm (11:00am set up, 3:00 clean-up)
Est. Attendees: 200
Est. Volunteers: 20
Music: No
Alcohol: No
Fireworks: No
Signage: No
From organizer: Event will start right after the parade, and wrap up at 2:00pm. We will have basic yard games, hot dog eating contests, and awards for best dressed, and other very basic activities. No porta johns, food trucks or loud music.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** the Fourth of July Park Party event to take place on July 4th from 12:00pm-2:00pm be held at Coghlin Park contingent on safety meeting with staff, police and fire.



Council Action

_____ Approved

_____ Denied

_____ Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: _____

TELEPHONE: _____

MAILING ADDRESS: _____

CONTACT NAME: _____

TELEPHONE: _____

E-MAIL ADDRESS: _____

CELL PHONE: _____

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: _____

TELEPHONE: _____

E-MAIL ADDRESS: _____

CELL PHONE: _____

EVENT INFORMATION

NAME OF EVENT: _____

DATE(S) OF EVENT: _____

PURPOSE OF EVENT: _____

RAIN DATE: _____

- | | | | |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> Non-Profit | <input type="checkbox"/> For-Profit | <input type="checkbox"/> City Operated/Sponsored | <input type="checkbox"/> Co-Sponsored |
| <input type="checkbox"/> Marathon/Race | <input type="checkbox"/> Festival/Fair | <input type="checkbox"/> Video/Film Production | <input type="checkbox"/> Other _____ |

EVENT LOCATION: _____

EVENT HOURS: _____

ESTIMATED NUMBER OF ATTENDEES: _____

ESTIMATED NUMBER OF VOLUNTEERS: _____

ESTIMATE DATE / TIME FOR SET-UP: _____ A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: _____ A.M. P.M.

EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT: Yes No

TYPE OF MUSIC PROPOSED: Live Amplification Recorded Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: _____ END: _____

FOOD VENDORS/CONCESSIONS: (Contact Allegan County Health Department) Yes No
 Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT: Yes No
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)
 Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: _____

WILL FIREWORKS BE APART OF EVENT: Yes No
 Provide Copy of Liability Insurance (listing the City as additionally insured)
 Provide Copy of Fireworks Permit

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

“YARD” SIGNS - Number requested: ____ (Maximum size is 2’ x 2’. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14’ x 4’). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

SIGNAGE AT EVENT SITE - Location(s): _____ The banner for this event will include the parade as well.
Description of signs: _____
(Signs at event site cannot be displayed prior to day of the event and must be removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under “Rental Service Stores” that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

BOOTHS – QUANTITY _____ **TENTS – QUANTITY** _____

AWNINGS – QUANTITY _____ **TABLES – QUANTITY** _____

PORTABLE TOILETS – QUANTITY _____

VENDOR PARKING: Have you made arrangement for vendor parking? Yes No

If yes, where do you propose your vendors park? _____

Will the Interurban be utilized? Yes No Time(s) _____

DEPARTMENT OF PUBLIC WORKS

APPROVED

DENIED

Authorized Personnel Signature

Will this event require the use of any of the following municipal equipment: Yes No

TRASH RECEPTACLES – QUANTITY _____

BARRICADES – QUANTITY _____

TRAFFIC CONES – QUANTITY _____

PARKING SIGNS – QUANTITY _____

FENCING WATER ELECTRIC

RESTROOM CLEANING

OTHER _____

POLICE DEPARTMENT

APPROVED

DENIED

Authorized Personnel Signature

ADDITIONAL OFFICERS REQUIRED? Yes No

If yes please describe & include times _____

Other (describe): _____

SAUGATUCK TOWNSHIP FIRE DISTRICT

APPROVED

DENIED

Authorized Personnel Signature

STREET CLOSURES: Yes No (use attached map to outline proposed closures)

Street closure date/time: _____ A.M. P.M.

Street re-open date/time: _____ A.M. P.M.

SIDEWALK CLOSURES: Yes No (use attached map to outline proposed closures)

Describe Sidewalk Use: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

PARKING LOT CLOSURES: Yes No (use attached map to outline proposed closures)

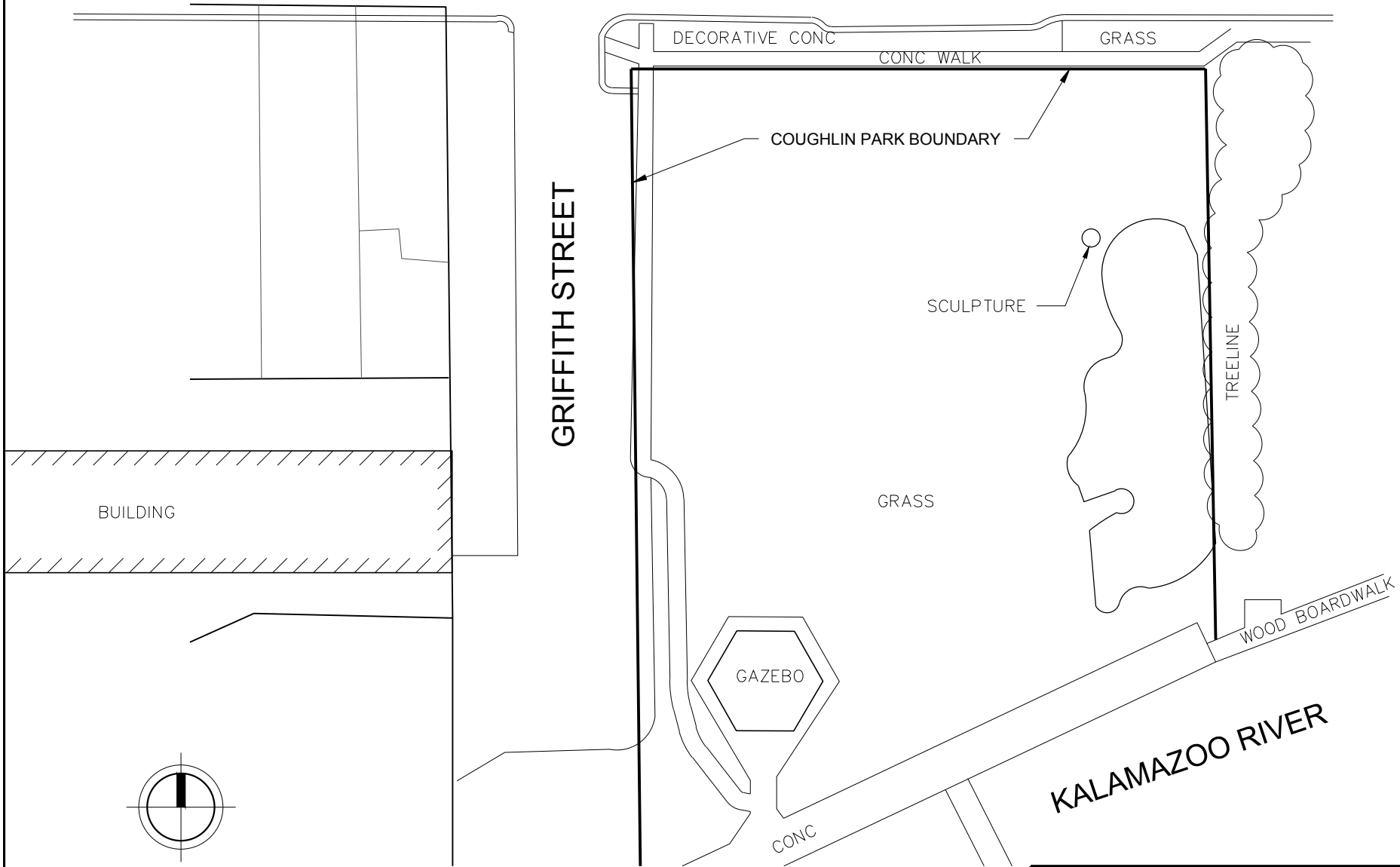
Parking Lot Location: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

What parking arrangements are proposed to accommodate potential attendance: _____

CULVER STREET



GRIFFITH STREET

DECORATIVE CONC

CONC WALK

GRASS

COUGHLIN PARK BOUNDARY

SCULPTURE

TREELINE

BUILDING

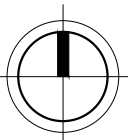
GRASS

GAZEBO

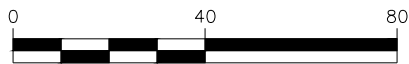
WOOD BOARDWALK

KALAMAZOO RIVER

CONC



NORTH



SCALE IN FEET

APPLICANT TO SKETCH LOCATION OF PROPOSED TEMPORARY STRUCTURES, TENTS, STAGES, EQUIPMENT, TRAILERS, PORTA POTTY'S, ETC...

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

COUGHLIN PARK
PARK USE PERMIT APPLICATION

2011

3187

APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: _____

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

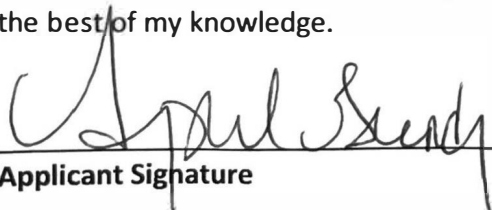
Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.



Applicant Signature

3-31-2024
Date



City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: April 22, 2024
SUBJECT: Special Event – Memorial Day Parade

DESCRIPTION:

Name: Memorial Day Parade
Date: 5-27-24
Time: 8:30am – 10:30pm (8:30am set up, 9:00am parade, 10:30am clean-up)
Est. Attendees: 200
Est. Volunteers: 20
Music: Yes
Signage: No

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** the Memorial Day Parade event to take place on May 27th from 8:30am-10:30am contingent on safety meeting with staff, police and fire.



Council Action

_____ Approved

_____ Denied

_____ Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: American Legion Post 137

TELEPHONE: 616 218 7278

MAILING ADDRESS: P.O. Box 474 Saugatuck

CONTACT NAME: Robert Boyce

TELEPHONE: 616 218 7278

E-MAIL ADDRESS: robcat857@iCloud.com

CELL PHONE: 616 218 7278

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: Robert Boyce

TELEPHONE: _____

E-MAIL ADDRESS: robcat857@iCloud.com

CELL PHONE: 616 218 7278

EVENT INFORMATION

NAME OF EVENT: Memorial Day

DATE(S) OF EVENT: 5/27/24

PURPOSE OF EVENT: Memorial Day

RAIN DATE: _____

- | | | | |
|--|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Non-Profit | <input type="checkbox"/> For-Profit | <input type="checkbox"/> City Operated/Sponsored | <input type="checkbox"/> Co-Sponsored |
| <input type="checkbox"/> Marathon/Race | <input type="checkbox"/> Festival/Fair | <input type="checkbox"/> Video/Film Production | <input type="checkbox"/> Other _____ |

EVENT LOCATION: Memorial park

EVENT HOURS: 9-10

ESTIMATED NUMBER OF ATTENDEES: 200

ESTIMATED NUMBER OF VOLUNTEERS: 20

ESTIMATE DATE / TIME FOR SET-UP: 8:30 _____ A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: 10:30 _____ A.M. P.M.

EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT: Yes No

TYPE OF MUSIC PROPOSED: Live Amplification Recorded Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 9:00 END: 10:00

FOOD VENDORS/CONCESSIONS: (Contact Allegan County Health Department) Yes No
 Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT: Yes No
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)
 Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: _____

WILL FIREWORKS BE APART OF EVENT: Yes No
 Provide Copy of Liability Insurance (listing the City as additionally insured)
 Provide Copy of Fireworks Permit

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

- "YARD" SIGNS - Number requested: ____ (Maximum size is 2' x 2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14' x 4'). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- SIGNAGE AT EVENT SITE - Location(s): _____
Description of signs: _____
(Signs at event site cannot be displayed prior to day of the event and must removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under "Rental Service Stores" that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

- BOOTHS – QUANTITY _____ TENTS – QUANTITY _____
- AWNINGS – QUANTITY _____ TABLES – QUANTITY _____
- PORTABLE TOILETS – QUANTITY _____

VENDOR PARKING: Have you made arrangement for vendor parking? Yes No
If yes, where do you propose your vendors park? _____
Will the Interurban be utilized? Yes No Time(s) _____

DEPARTMENT OF PUBLIC WORKS

APPROVED DENIED

Authorized Personnel Signature

Will this event require the use of any of the following municipal equipment: Yes No

- TRASH RECEPTACLES – QUANTITY _____
- BARRICADES – QUANTITY _____
- TRAFFIC CONES – QUANTITY _____
- PARKING SIGNS – QUANTITY _____
- FENCING WATER ELECTRIC RESTROOM CLEANING
- OTHER _____

POLICE DEPARTMENT

APPROVED DENIED

Authorized Personnel Signature

ADDITIONAL OFFICERS REQUIRED? Yes No

If yes please describe & include times _____

Other (describe): _____

SAUGATUCK TOWNSHIP FIRE DISTRICT

APPROVED DENIED

Authorized Personnel Signature

STREET CLOSURES: Yes No (use attached map to outline proposed closures)

Street closure date/time: _____ A.M. P.M.

Street re-open date/time: _____ A.M. P.M.

SIDEWALK CLOSURES: Yes No (use attached map to outline proposed closures)

Describe Sidewalk Use: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

PARKING LOT CLOSURES: Yes No (use attached map to outline proposed closures)

Parking Lot Location: _____

Sidewalk closure date/time: _____ A.M. P.M.

Sidewalk re-open date/time: _____ A.M. P.M.

What parking arrangements are proposed to accommodate potential attendance: _____

APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: _____

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.



Applicant Signature

4/6/24

Date

Downtown Street / Sidewalk Closure(s)





City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: April 22, 2024
SUBJECT: Special Event – Venetian Festival

DESCRIPTION:

Name: Venetian Festival
Date: 7-26-24 & 7-27-24
Location: Coghlin Park
Time: 7-26-24 5pm-11pm & 7-27-24 12pm-11pm
Est. Attendees: 7-26-24 3000, similar crowd for Boat Parade and Fireworks
Est. Volunteers: 50 for Friday set up and staffing, 20 Saturday for clean up
Music: Yes
Signage: At Coghlin Park only

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** the Venetian Festival event to take place at Coghlin Park on July 26th & 27th contingent on safety meeting with staff, police and fire.



Council Action
_____ Approved
_____ Denied
_____ Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
 Phone: 269-857-2603 • Website: www.saugatuckcity.com

SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: Rotary Club of Saugatuck-Douglas

TELEPHONE: 614-207-4047

MAILING ADDRESS: P.O. Box 211, Douglas, MI 49406

CONTACT NAME: Jim Sullivan

TELEPHONE: 614-207-4047

E-MAIL ADDRESS: theloyaltycoach@gmail.com

CELL PHONE: 614-207-4047

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: April Gundy

TELEPHONE: 231-878-8566

E-MAIL ADDRESS: encompasswellness1@gmail.com

CELL PHONE: 231-878-8566

EVENT INFORMATION

NAME OF EVENT: Saugatuck Vebetian Fest 2024

DATE(S) OF EVENT: 07/26 & 07/27

PURPOSE OF EVENT: Charitable Fundraiser

RAIN DATE: N/A

- | | | | |
|--|---|--|---------------------------------------|
| <input checked="" type="checkbox"/> Non-Profit | <input type="checkbox"/> For-Profit | <input type="checkbox"/> City Operated/Sponsored | <input type="checkbox"/> Co-Sponsored |
| <input type="checkbox"/> Marathon/Race | <input checked="" type="checkbox"/> Festival/Fair | <input type="checkbox"/> Video/Film Production | <input type="checkbox"/> Other _____ |

EVENT LOCATION: Coghlin Park

EVENT HOURS: **FRI 7/26: 5-11PM**
SAT 7/27: 12-11PM

ESTIMATED NUMBER OF ATTENDEES: 3000 FRI night, similar crowd for SAT Boat Parade and Fireworks

ESTIMATED NUMBER OF VOLUNTEERS: 50 Friday for set up and staffing, 20 Saturday for clean up

ESTIMATE DATE / TIME FOR SET-UP: 07/25 _____

10:00 _____ A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: 07/28 _____

11:00 _____ A.M. P.M.

EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT: Yes No

TYPE OF MUSIC PROPOSED: Live Amplification Recorded Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 07/26: 5pm END: 07/26: 11pm

FOOD VENDORS/CONCESSIONS: (Contact Allegan County Health Department) Yes No
 Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT: Yes No

Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)

Provide Copy of Michigan Liquor Control License **APPLICATION TO FOLLOW UPON CITY APPROVAL**

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: Bar area will be fenced in; ID
required at entrance; security presence; TIPS-trained bartenders.

WILL FIREWORKS BE APART OF EVENT: Yes No

Provide Copy of Liability Insurance (listing the City as additionally insured)

Provide Copy of Fireworks Permit **IN PROCESS**

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

"YARD" SIGNS - Number requested: (Maximum size is 2' x 2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14' x 4'). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

SIGNAGE AT EVENT SITE - Location(s): At entrance and at various locations around Coghlin Park

Description of signs: Event and directional signage

(Signs at event site cannot be displayed prior to day of the event and must be removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under "Rental Service Stores" that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

BOOTHS – QUANTITY 2-3

TENTS – QUANTITY 3

AWNINGS – QUANTITY

TABLES – QUANTITY 35 high tops

PORTABLE TOILETS – QUANTITY 25

VENDOR PARKING: Have you made arrangement for vendor parking? Yes No

If yes, where do you propose your vendors park? Lower Griffith on west edge of Coghlin Park

Will the Interurban be utilized? Yes No Time(s) All day both days

DEPARTMENT OF PUBLIC WORKS

APPROVED DENIED

Authorized Personnel Signature

Will this event require the use of any of the following municipal equipment: Yes No

- TRASH RECEPTACLES – QUANTITY _____
- BARRICADES – QUANTITY _____
- TRAFFIC CONES – QUANTITY _____
- PARKING SIGNS – QUANTITY _____
- FENCING WATER ELECTRIC RESTROOM CLEANING
- OTHER _____

POLICE DEPARTMENT

APPROVED DENIED

Authorized Personnel Signature

ADDITIONAL OFFICERS REQUIRED? Yes No

If yes please describe & include times _____

Other (describe): _____

SAUGATUCK TOWNSHIP FIRE DISTRICT

APPROVED DENIED

Authorized Personnel Signature

STREET CLOSURES: Yes No (use attached map to outline proposed closures)

Street closure date/time: Fri 7/26 _____ 6 A.M. P.M.

Street re-open date/time: Sat 7/27 _____ 3 A.M. P.M.

SIDEWALK CLOSURES: Yes No (use attached map to outline proposed closures)

Describe Sidewalk Use: For vendors and security at Griffith and Culver at Park perimeter _____

Sidewalk closure date/time: Fri 7/26 _____ 6 A.M. P.M.

Sidewalk re-open date/time: Sat 7/27 _____ 3 A.M. P.M.

PARKING LOT CLOSURES: Yes No (use attached map to outline proposed closures)

Parking Lot Location: East side of Griffith and south side of Culver along Park perimeter _____

Sidewalk closure date/time: Fri 7/26 _____ 6 A.M. P.M.

Sidewalk re-open date/time: Sat 7/27 _____ 3 A.M. P.M.

What parking arrangements are proposed to accommodate potential attendance: SHS/Interurban _____

APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Fireworks Permit (if applicable) In RFP Process pending vendor selection
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: Liquor and Food permits coming after City approval

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

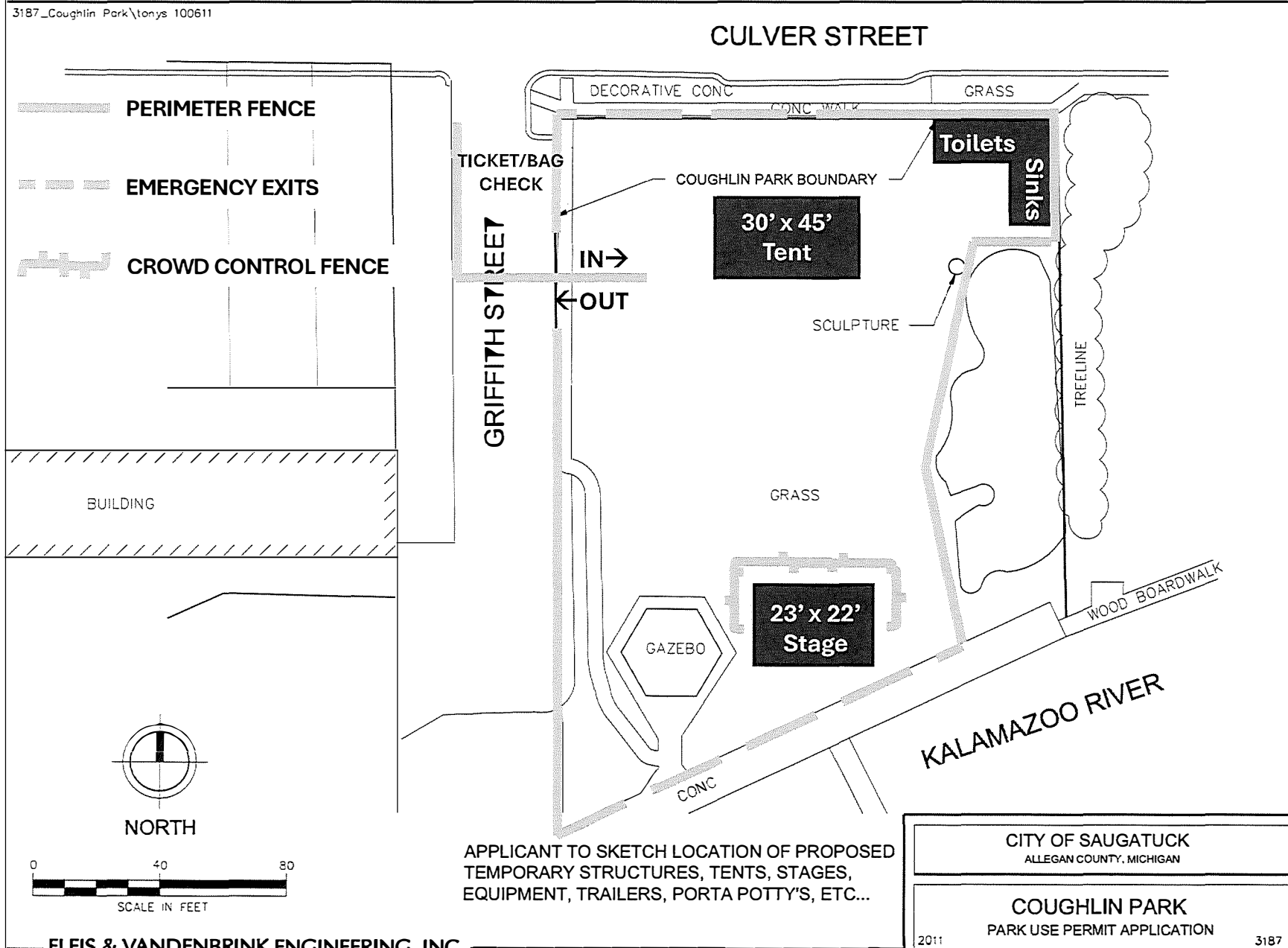


Applicant Signature

March 20, 2024
Date

SAUGATUCK VENETIAN FEST FRIDAY EVENT JULY 26, 2024

3187_Coughlin Park\tonys 100611



FLEIS & VANDENBRINK ENGINEERING, INC.

To: City of Saugatuck and City Council members
Re: Venetian Festival 2024 – Event Application

As in 2023, the Rotary Club of Saugatuck-Douglas (RCSD) will host the annual Venetian Festival tradition in the City of Saugatuck. The SDRC is proposing that the 2024 Venetian Festival be held July 26 – 28 and proposes the following schedule:

Friday, July 26 – Coghlin Park Party with the band Starfarm, to include dancing, a beer tent, and limited bar offerings.

Saturday, July 27 – Dinghy Poker Run in the Kalamazoo River starting at 12:00 p.m.

Saturday, July 27 – Boat Parade, coordinated by Julie Ziemann and the Star of Saugatuck, at dusk.

Saturday, July 27 – Fireworks display at the safe conclusion of the Boat Parade

Sunday, July 28 – Presentation of Boat Parade prizes and voting for the Venetian Festival 2025 theme.

The RCSD intends to do the following:

- Plan and implement the events listed above, not to include the Dinghy Poker Run or Boat Parade, and to coordinate the overall event and with its component partners.
- Provide 5% of the net proceeds from the entire weekend event to the City of Saugatuck for the use of Coghlin Park
- Adhere to all rules and respective ordinances of the City of Saugatuck, the Saugatuck Township Fire Department, the City of Saugatuck Department of Public Works, and the State of Michigan.
- Be transparent with all monies raised during the Venetian Festival events and provide relevant banking statements to the City of Saugatuck upon request.
- Cover the cost of the Venetian Festival through funds raised at the event and donations
- Install fencing around Coghlin Park, Friday, July 26 and have it taken down no later than Saturday, July 27 by 3:00p.m.
- Erect the tent and staging on Thursday, July 25 and take it down no later than Monday, July 30.
- Hang banners and directional signs prior to and have them removed immediately following the Venetian Festival events with the assistance of the City of Saugatuck.

The RCSD requests that the City of Saugatuck provide sufficient trash receptacles, traffic cones, fencing, etc., as in previous years. The SDRC will gather all provided items for pick up by the City of Saugatuck at the corner of Coghlin Park, at Culver and Griffith Streets.

The SDRC is a registered 501(c)(3) charitable organization in the State of Michigan and intends to use funds raised from the Venetian Festival for environmental-related efforts in and around the City of Saugatuck.

The SDRC respectfully asks and thanks you for your consideration to approve this application for the 2024 Venetian Festival.

Respectfully,

Jim Sullivan
Club President, RCSD

April Gundy
Venetian Fest 2024 Chair

Rotary 
Saugatuck-Douglas



City Council Agenda Item Report

FROM: Jamie Wolters

MEETING DATE: April 22, 2024

SUBJECT: Special Event-Jazz for Justice with the Holland Concert Orchestra

DESCRIPTION:

The All Saints' Episcopal Church submitted a special event application for the event "Jazz for Justice in June" at your April 8th meeting which was approved. They have amended their application by adding two items; A food truck and Alcohol served by Crane Winery. See attached application and breakdown of event below. City Staff, Fire, Police, and event organizer will meet closer to the event date to discuss specifics needed from each department.

BREAKDOWN OF EVENT:

Name: Jazz for Justice in June
Dates: 5/31/2024
Time: 5:00pm-7:30pm (set-up 4:30pm, clean-up
Location: 7:30pm-8:00p Outside Parish hall patio & lawn
Attendees: 150
Volunteers: 9
Alcohol: Yes
Music: Yes
Road Closure: Yes

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to approve/deny Jazz for Justice with the Holland Concert Orchestra to take place on May 31st, 2024, organized by All Saints' Episcopal Church. Contingent on safety meeting with Staff, Police and Fire.



Council Action
_____ Approved
_____ Denied
_____ Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
 Phone: 269-857-2603 • Website: www.saugatuckcity.com

*AMENDED 4-17-2024 * additions*
SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: ALL SAINTS' EPISCOPAL CHURCH TELEPHONE: 269 857 5201
 MAILING ADDRESS: P.O. Box 189, SAUGATUCK, MI 49453
 CONTACT NAME: Bobbie Gault TELEPHONE: 616 550 3499
 E-MAIL ADDRESS: lgault@comcast.net CELL PHONE: "

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: Bobbie ^{Gault} or Jay Johnson TELEPHONE: CHURCH 269857 5201
 E-MAIL ADDRESS: rector@all.saints.saugatuck.org CELL PHONE: 616 894 7030 (Jay)

EVENT INFORMATION

NAME OF EVENT: Jazz for Justice with the Holland Concert Jazz Orchestra DATE(S) OF EVENT: 31 May 2024
 PURPOSE OF EVENT: In partnership with Douglas Park, Kick off Parade Month 2024 RAIN DATE: inside

- Non-Profit
- For-Profit
- City Operated/Sponsored
- Co-Sponsored
- Marathon/Race
- Festival/Fair
- Video/Film Production
- Other _____

EVENT LOCATION: PARISH HALL PATIO & LAWN, RECTORY LAWN, & GRAND STREET Block EVENT HOURS: 5:00 - 8:00 pm

ESTIMATED NUMBER OF ATTENDEES: 150

ESTIMATED NUMBER OF VOLUNTEERS: 9

ESTIMATE DATE / TIME FOR SET-UP: MAY 31 3:00 A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: MAY 31 8:00 A.M. P.M.

EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT: Yes No
TYPE OF MUSIC PROPOSED: Live Amplification Recorded Loudspeakers
PROPOSED TIME MUSIC WILL BEGIN: 5:30 pm END: 7:00 pm

* **FOOD VENDORS/CONCESSIONS:** (Contact Allegan County Health Department) Yes No
 Provide Copy of Health Department Food Service License FOOD TRUCK

* **WILL ALCOHOL BE SERVED AT THIS EVENT:** Yes No
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured) church ins pending 4-18
 Provide Copy of Michigan Liquor Control License application pending 4-18

If yes, describe measures to be taken to prohibit the sale of alcohol to minors:
Cerve Winery will be on site serving wine. The Church's Junior Warden & Treasurer will be selling tickets for wine & sparkling water & checking IDs.

WILL FIREWORKS BE APART OF EVENT: Yes No
 Provide Copy of Liability Insurance (listing the City as additionally insured)
 Provide Copy of Fireworks Permit

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

- "YARD" SIGNS - Number requested: ___ (Maximum size is 2' x 2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14' x 4'). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)
- SIGNAGE AT EVENT SITE - Location(s): _____
Description of signs: _____
(Signs at event site cannot be displayed prior to day of the event and must be removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under "Rental Service Stores" that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

- BOOTHS - QUANTITY NO
- TENTS - QUANTITY 1 on recovery lawn
- AWNINGS - QUANTITY NO
- TABLES - QUANTITY 4, including 1 wine table
- PORTABLE TOILETS - QUANTITY NO

* **VENDOR PARKING:** Have you made arrangement for vendor parking? Yes No AS NECESSARY
If yes, where do you propose your vendors park? high school parking lot
Will the Interurban be utilized? Yes No Time(s) _____

APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured) *pending 4/18*
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable) *pending 4.18*
- Health Department Food Service License (if applicable) *pending 4.18*

If document is missing, please explain: CERTIFICATE OF INS. & LCC LICENSE APPLICATION
IN PROCESS AS AT 4/18; IN PROCESS OF HIRING FOOD TRUCK VENDORS

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.



Applicant Signature

17 April 2024

Date

DEPARTMENT OF PUBLIC WORKS

APPROVED DENIED

Authorized Personnel Signature

Will this event require the use of any of the following municipal equipment: Yes No

- TRASH RECEPTACLES – QUANTITY _____
- TRAFFIC CONES – QUANTITY 8
- FENCING WATER ELECTRIC
- OTHER _____
- BARRICADES – QUANTITY _____
- PARKING SIGNS – QUANTITY _____
- RESTROOM CLEANING

I'm not sure re quantity of BARRICADES FOR STREET CLOSURES

POLICE DEPARTMENT

APPROVED DENIED

Authorized Personnel Signature

ADDITIONAL OFFICERS REQUIRED? Yes No

If yes please describe & include times _____

Other (describe): _____

SAUGATUCK TOWNSHIP FIRE DISTRICT

APPROVED DENIED

Authorized Personnel Signature

STREET CLOSURES: Yes No (use attached map to outline proposed closures)

GRAND BETWEEN MASON & WOFFMAN
Street closure date/time: 5/31 3:00 A.M. P.M.

Street re-open date/time: 5/31 8:00 A.M. P.M.

SIDEWALK CLOSURES: Yes No (use attached map to outline proposed closures)

Describe Sidewalk Use: FOR LAWN CHAIRS

Sidewalk closure date/time: 5/31 3:00 A.M. P.M.

Sidewalk re-open date/time: 5/31 8:00 A.M. P.M.

PARKING LOT CLOSURES: Yes No (use attached map to outline proposed closures)

Parking Lot Location: _____

Sidewalk closure date/time: _____ A.M. P.M.

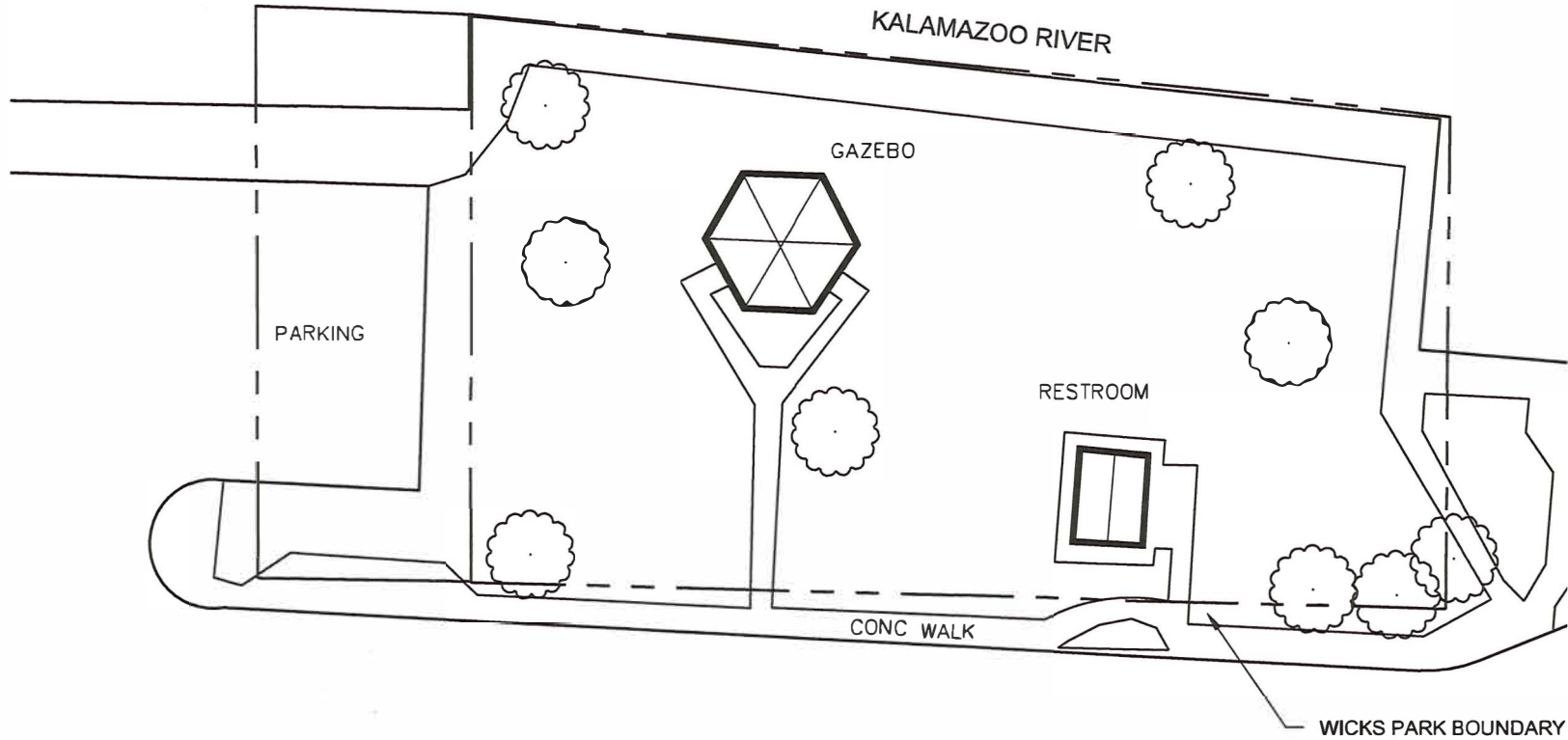
Sidewalk re-open date/time: _____ A.M. P.M.

What parking arrangements are proposed to accommodate potential attendance: _____

Downtown Street / Sidewalk Closure(s)



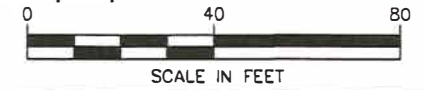
CITY OF SAUGATUCK



WATER STREET

MAIN STREET

MARY STREET



APPLICANT TO SKETCH LOCATION OF PROPOSED TEMPORARY STRUCTURES, TENTS, STAGES, EQUIPMENT, TRAILERS, PORTA POTTY'S, ETC...

FLEIS & VANDENBRINK ENGINEERING, INC.

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

WICKS PARK
PARK USE PERMIT APPLICATION

2016

3187



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



3342 Blue Star Highway
Saugatuck, MI 49453
Phone: 269 857-3000
E-mail: office@saugatuckfire.org

REQUIREMENTS FOR TENT STRUCTURES

Date: 31 MAY 2024 Location: ALL SAINTS' EPISCOPAL CHURCH

Address: 252 GRAND ST Municipality: SAUGATUCK

Note this is a partial check list of requirements based on the International Fire Code 2015 edition (IFC). If you have further requirements consult with Saugatuck Twp. Fire District.

Check off when complete:

- A detailed site and floor plan for tents with an occupant load of 50 or more shall be provided with each application for approval. The floor plan shall indicate details the means of egress, seating capacity, arrangement of seating and location of any heating and electrical equipment. (3103.6) *1 TENT SITE PLAN ATTACHED; TENT WILL BE USED TO ACCOMMODATE MAX OF 3 ROUND TABLES w/ 8 SEAT SEATING.*
- Fire apparatus access roads shall be provided. (3103.8.1 / 503)
- Tents shall not be located within 20 feet of lot lines, buildings, other tents, parked vehicles, or internal combustion engines. Support ropes and guy wires shall be considered as part of the tent. Note: There are exceptions, consult with the Saugatuck Township Fire District. (3103.8.2)
- An unobstructed fire break passageway or fire road not less than 12 feet wide and free from guy ropes, or other obstructions shall be maintained on all sides of all tents. (3103.8.6)
- All tents and side curtains shall be composed of flame resistant material in accordance with NFPA 701 and IFC. (3104.2)
- Tents shall have a permanently affixed label bearing the identification of size and fabric or material type. (3104.3)
- A copy of the certificate attesting to the flame resistance of the fabric shall be submitted to Saugatuck Township Fire District. (3104.4)
- Combustible materials shall not be located within any tent structure. (3104.5)
- Open flame or other devices emitting flame, fire or heat including parked cars shall not be permitted inside or within 20 feet of the tent. (3104.7)



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



Portable fire extinguishers shall be provided at the exits. A minimum rating size of 2A10BC. (3104.12 /906)

The occupant load shall be stated. (3104.14 / Chapter 10)

Side curtains shall be flame resistant and when used at exit openings shall be of a color that contrasts with the color of the tent. (3103.12.3) *NO SIDE CURTAINS*

Aisles having a minimum width of not less than 44 inches shall be provided from seating areas and aisles shall progressively increase in width to provide, at all points, not less than 1 foot or aisle width for each 50 persons served by such aisle at that point. (3103.12.5) *NO AISLES*

A minimum number of means of egress and means of egress widths are as follows:
(3102.12.5.1)

Occupant Load	Min. # of Means of Egress	Min. Width of Egress
10-199	2	72"
200-499	3	72"

Exits shall be clearly marked if the occupant load is 50 or more. (3103.12.6) *MARK # 24*

Exit signs shall be approved self-luminous type or shall be internally or externally illuminated. (3103.12.6.1)

Means of egress shall be illuminated. (3103.12.7) *ALL SIDES OPEN*

Required width of exits, aisles and passageways shall be maintained at all times. (3103.12.8)

Trained crowd manager/supervisor shall be provided at a ratio of one crowd manager/supervisor for every 250 occupants. (3104.20.2)

"No Smoking" signs shall be posted in conspicuous locations. (3104.6)

Provide STFD with a copy of the "Miss Dig" ticket number and documentation for location and marking of underground utilities where tent will be erected. (102.9)

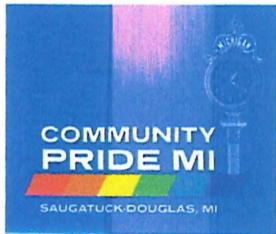
Saugatuck Township Fire District will inspect the tent installation.

Signature of Applicant: _____ *[Signature]*

Signature of Fire Inspector: _____

Date: _____

Revised 8/2016-CM



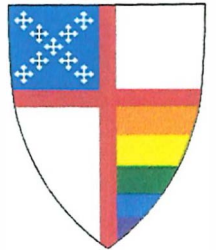
Jazz for Justice

A Street Party to Kick Off LGBTQ Pride Month 2024!

The Holland Concert Jazz Orchestra

Friday, May 31
5:30 – 7:00 p.m.

ALL SAINTS' EPISCOPAL CHURCH
252 Grand Street, Saugatuck





City Council Agenda Item Report

FROM: Jamie Wolters

MEETING DATE: April 22, 2024

SUBJECT: PPW Appointment

DESCRIPTION:

There is a vacancy on the Parks and Public Works Committee since 3-18-24. The City Clerk provided notice that the City is accepting applications.

Bryan Hoffman has applied for position and has completed the interview process. Mayor Stanton is recommending that Bryan Hoffman is appointed.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to appoint Bryan Hoffman to the Parks and Public Works Committee with a term ending August 1, 2024.

Jamie Wolters

From: Jamie Wolters
Sent: Friday, April 19, 2024 3:22 PM
To: Jamie Wolters
Subject: FW: New Form Entry: Application for Boards & Commissions

You've just received a new submission to your [Application for Boards & Commissions](#).
[Mark as Spam](#)

Submitted Information:

Name

Bryan Hoffman

Email

bmatth60@gmail.com

Home Phone Number

269-857-1136

Mobile Phone Number

810-434-1110

Address

345 Grand St
Saugatuck , Mi. Allegan 49453

Current Employer

Self

Occupation/Position

Artist

Business Phone Number

N/A

Business Reference Name

N/A N/A

Business Reference Phone Number

N/A

Business Reference Email

bmath60@gmail.com

Does your employer have any business dealings wth the City which might present a conflict of interest

No

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

Serving on a board or commission can be time-consuming. Are you committed to attending all regularly scheduled meetings?

Yes

On which boards and/or commissions would you be willing to serve? .Parks and Public Works Committee

1

Please describe any qualifications, expertise or special interests that relate to your possible appointment:

Over the last 30 years I have been self employed as an artist. I've won awards and participated in shows throughout the country.

I also have a long history of collaboratively working in both the not-for-profit and corporate worlds.

In the not for profit realm I served as a board member at The Ruth Ellis Center in Highland Park Michigan over a 7 year period. Four of which were serving as board chair during a time of expanded visibility and accelerated growth in the organization.

In the corporate realm I was the Director of Advertising and Public Relations and entrusted aide for Bill Blass LTD. in New York from 1986 until 1996.

Prior to my work with Mr. Blass I served as the Associate Director of Couture for Saks Fifth Avenue in their corporate headquarters in New York.

When I heard there may be an opening on the Parks and Public Works Committee I thought it a perfect opportunity to give back to the city and community I love.

I believe it of vital importance for a healthy community to maintain and improve public spaces both for our citizens and visitors enjoyment as well as the environmental impact to our beautiful surroundings.

I am available for any questions or concerns and thank you for your consideration.

Bryan Hoffman

Digital Signature

Bryan Hoffman



City Council Agenda Item Report

FROM: Ryan Cummins – Interim City Manager

MEETING DATE: 4/22/2024

SUBJECT: Sidewalk Seating Request – 128 Hoffman Street – Altom Enterprises LLC

DESCRIPTION:

Tom Arnold of Altom Enterprises, LLC (dba Wally’s Bar and Grille), has submitted a request to place six square tables with four chairs, three round tables with barstools, planters, metal partitions, trash, and sanitation station within and on the public sidewalk and street adjoining the property, to be utilized in conjunction with the restaurant. The seating will be on the south side of the building along Hoffman Street.

Attached is a Revocable License Agreement that would allow for Wally’s Bar & Grille to have temporary restaurant seating in the public right-of-way until November 1, 2029. It is of note the seating must still be removed seasonally from November 1 to April 1.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission and Historic District Commission have both reviewed the request and approved.

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for restaurant seating in the public right of way.

SAMPLE MOTION:

Motion to approve the Revocable License Agreement for temporary restaurant seating in the public right-of-way for Altom Enterprises LLC d.b.a Wally’s Bar and Grille.

REVOCABLE LICENSE AGREEMENT

FOR RESTAURANT SEATING IN THE PUBLIC RIGHT OF WAY

THIS AGREEMENT is made this ___ day of _____, 2024, by and between the CITY OF SAUGATUCK, (hereinafter “City”) a municipal corporation located in Allegan County, Michigan; and Altom Enterprises LLC d.b.a Wally’s Bar and Grille (hereinafter “Licensee”).

Recitals

- A. Licensee has leasehold interest in real property located at 128 Hoffman Street, in the City of Saugatuck, further described as PP No. 03-57-300-107-00. A restaurant is operated on the property.
- B. Licensee desires to place six square tables with four chairs, three round tables with barstools, planters, metal partitions, trash, and sanitation station within and on the public sidewalk and street adjoining the property, to be utilized in conjunction with the restaurant.
- C. The public sidewalk and street are under the control and jurisdiction of the City and the City is amenable to granting a revocable license to Licensee for the purposes described herein, subject to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, it is agreed as follows:

Agreement

1. The parties affirm that the recitals set forth above are correct, form an integral part of this Agreement and are incorporated by reference.
2. The City grants to the Licensee, and the Licensee accepts from the City, a non-exclusive, revocable license to place and utilize the number of tables and chairs set forth above within and on the public sidewalk and street directly adjacent to the Licensee’s property, in the precise location shown on the attached sketch plan, marked as Exhibit A (the “Licensed Premises”) subject to the terms and conditions of this Agreement. Without limiting the foregoing, the placement and use of the seating and tables shall not obstruct or interfere with a five (5) foot wide path on the improved sidewalk, which path shall be continuously maintained for pedestrian travel.
3. The Licensee acknowledges and agrees that Licensee has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Licensee's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis. The City makes no representations or warranties as to the condition of the public right-of-way, the suitability of the use of the Licensed Premises proposed by Licensee, or any physical or other condition. The City will have no liability or responsibility for upkeep, maintenance, or any other action

with regard to personal property located on the Licensed Premises or the Licensed Premises as a result of this Agreement. Licensee will comply with all applicable ordinances, laws, and regulations governing the same and will keep personal property placed thereon in neat and clean condition, reasonable wear and tear excepted.

4. This Agreement is subject, without limitation, to the following general restrictions:
 - A. The use of the personal property on the Licensed Premises shall not be conducted in such a way as to become a public nuisance; and Licensee's use of the Licensed Premises shall not interfere with traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.
 - B. The Licensee is responsible for maintaining, in a clean and safe condition, the personal property as well as the Licensed Premises.
 - C. The personal property shall only be located in that area expressly designated on Exhibit A.
5. This Agreement shall not authorize the use or placement of any other personal property within or on the Licensed Premises, including, but not limited, to signage, fencing, trash cans, service stations, or features except those items referenced in Recital B above.
6. The Licensee shall hold the City and its officers, employees, and agents harmless from, and defend and indemnify them against, any and all claims or lawsuits seeking recovery for damage or injury, including death, and against any other legal proceedings instituted against any of them, directly or indirectly, arising from the use or placement of the tables and chairs within and on the public sidewalks or from the City's permitting the Licensee to install and maintain such encroachment, regardless of whether the Licensee or any of its officers, employees, or agents are negligent. The obligations of the Licensee under this paragraph shall survive the termination of this Agreement for a period of three years.
7. The license granted by this Agreement shall expire on November 1, 2029. Notwithstanding the foregoing, the license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee 15 days written notice of intent to revoke. Upon written notice to Licensee, mailed by regular mail to the Licensee at the property Licensee's address of record (PO Box 576, Saugatuck, MI 49453), Licensee shall forthwith remove the tables, chairs, barstools, planters, metal partitions, trash, and sanitation station from within the City right-of-way. In the event the license is revoked, neither Licensee nor its successors or assigns shall be entitled to any compensation.
8. Any food service shall conform to applicable local, county, state, and federal laws, regulations, licensing requirements, and standards, subject to any limits imposed in this license.

9. The Licensee shall obtain, continuously maintain for the duration of this Agreement, and provide the City prior to execution of this Agreement, and from time to time thereafter, with proof acceptable to the City Manager of commercial general liability insurance coverage, naming the City as an additional insured party. Such insurance shall have an initial limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate. Said insurance must contain comprehensive coverage to insure against any and all claims arising out of or attributable to the encroachment of the tables and chairs into the Licensed Premises or other public right-of-way, regardless of whether the Licensee or any of its officers, employees, or agents are negligent in any manner. The certificate of insurance must contain an unqualified guarantee that the City will be provided with 30 days prior written notice of cancellation, termination, non-renewal, or material change in coverage of the insurance policy provided. If the Licensee fails to maintain the required insurance in force, the City may, at its option, obtain such insurance at its own expense and bill the costs of the same to the Licensee, which costs the Licensee agrees to promptly pay.
10. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Licensee or its invitees or employees and located on the Licensed Premises, which are caused by fire, theft, loss, vandalism or other casualty.
11. The failure of either party to enforce any covenant or condition of this Agreement shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this Agreement shall be deemed to have been waived unless such waiver shall be in writing.
12. Licensee acknowledges and agrees that the City is the owner of the Licensed Premises, that the license granted under this Agreement involves the permission to enter and use property which is a public right of way, that the public's rights are paramount, and that the Licensee's use under this license may not interfere with the public's rights to the reasonable use of the Licensed Premises. Licensee further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other interest in the Licensed Premises.
13. Violations of a term of this Agreement by Licensee shall result in the suspension of Licensee's rights hereunder with 24-hour notice to Licensee.
14. This license is personal with the Licensee and does not run with the land. This license shall not be assigned or transferred in any manner by the Licensee to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this license to a third party by amendment to this Agreement or by a separate license agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

CITY OF SAUGATUCK, a municipal corporation

By: _____

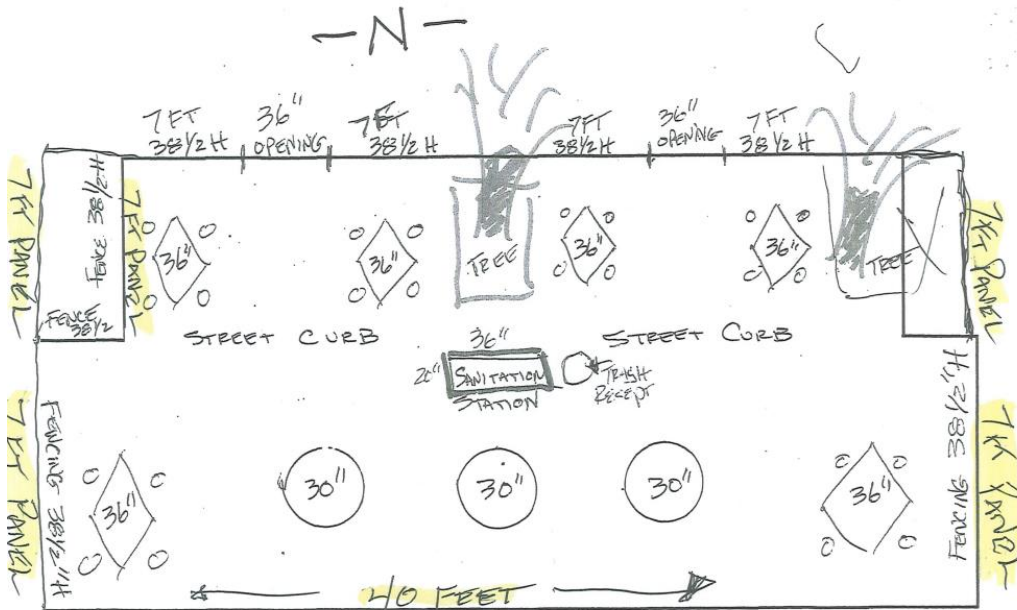
Its: _____

_____, a _____

By: _____

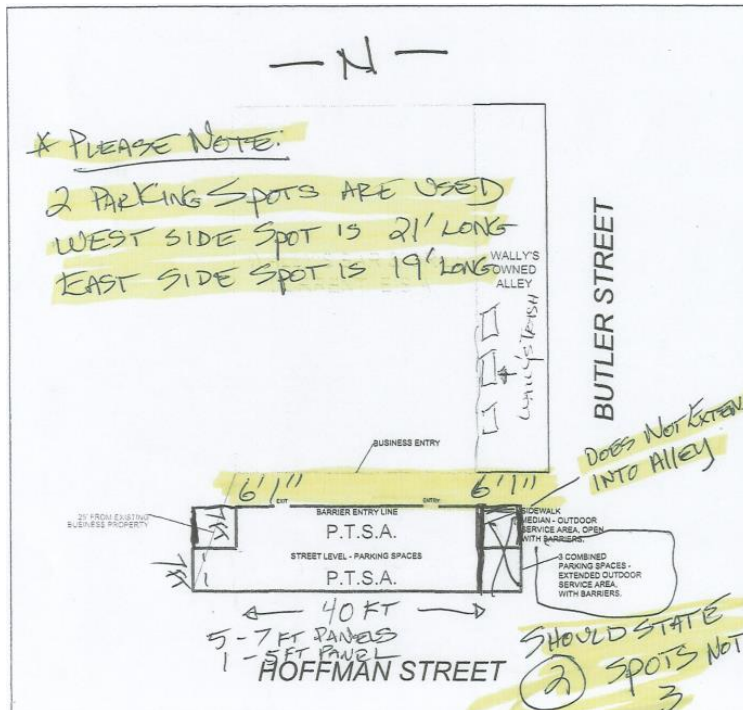
Its: _____

EXHIBIT A



- * FRONT HAS FENCING 38 1/2 FT
- * 5 - 7' PANELS > 40 FT
- * 1 - 5' PANEL
- * 2 PARKING SPOTS
- WEST SIDE IS 21' LONG
- EAST SIDE IS 19' LONG

88





City Council Agenda Item Report

FROM: Ryan Cummins, Interim City Manager

MEETING DATE: 4/19/2024

SUBJECT: Lulu Cadieux – Right of Way Signage Request

DESCRIPTION:

Terry Walker of Lulu Cadieux, Inc. has submitted an application to install a twelve square foot projecting sign. There will be at least ten feet of clearance below the sign. The sign will encroach into the City right of way (sidewalk).

The zoning ordinance requires the following:

154.141(L)(2) Any new permanent signs within the public right-of-way shall obtain City Council approval prior to erection. Signs shall not create a traffic vision obstruction, pedestrian traffic obstruction, or prevent the general accepted use of the public right-of-way.

Attached is a Revocable License Agreement that would allow for Lulu Cadieux to have a projecting sign that encroaches into the City right of way.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for signs in the public right of way.

SAMPLE MOTION:

Motion to approve the Revocable License Agreement for a sign in the public right-of-way for of Lulu Cadieux, Inc.

REVOCABLE LICENSE AGREEMENT

REGARDING SIGN IN THE RIGHT-OF-WAY

THIS AGREEMENT is made this _____ day of _____, 2024, between the CITY OF SAUGATUCK, (hereinafter “**City**”) a Michigan municipal corporation located in Allegan County, Michigan; and Lulu Cadieux, Inc. (hereinafter “**Licensee**”).

Recitals

- A. Licensee has leasehold interest in real property located at 220 Culver Street in the City, further described as P.P. No. 03-57-810-001-01 (the “**Property**”).
- B. A public right-of-way owned and controlled by the City crosses the Property as shown on the sketch map attached as Exhibit A and incorporated by reference.
- C. Licensee desires to install an approximately twelve square foot projecting sign in the City’s right-of-way with at least ten feet of clearance below the sign (the “**Encroachment**”). Licensee seeks a license in order to install the Encroachment.
- D. Licensee will insure and maintain the Encroachment within and immediately adjacent to the public right-of-way for Culver Street as hereinafter described.
- E. The City is amenable to granting a revocable license to Licensee for the installation and maintenance of the Encroachment within the right-of-way for Culver Street, subject to terms of this Agreement.

Agreement

1. The City hereby grants to Licensee a revocable license for the Encroachment for the purpose of installing and maintaining the Encroachment in the precise location shown on Exhibit A subject to the terms of this Agreement. The Encroachment shall be as depicted on attached Exhibit A, which is incorporated by reference.
2. The Encroachment shall meet all requirements of the City of Saugatuck Code including, without limitation, any historic district requirements.
3. Licensee shall maintain the Encroachment in the public right-of-way in good condition at all times, and in compliance with all applicable laws and regulations of the City, County and State of Michigan.
4. Licensee shall indemnify and hold harmless the City, and its officers, agents, and employees, from any and all claims, demands, or suits by any person or entity for damages, injuries, or losses in any way connected or arising out of the placement, maintenance, existence or use of the Encroachment. The provisions of this section shall survive any termination of this Agreement.
5. Licensee shall obtain and maintain general liability insurance in a form and amount satisfactory to the City for the Encroachment at all times that this Agreement is in effect and the City shall be named as an additional insured on any such policy.

6. The placement of the Encroachment in no way creates any title, claim of right, or other property rights or interest for Licensee in any public right-of-way.
7. The license granted to the Licensee and this Agreement shall not be assigned or otherwise transferred by Licensee to any other person or business entity without the City's prior written approval.
8. The license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee or its successor thirty (30) days written notice of intent to revoke. Upon written notice to Licensee or its successor, mailed by regular mail to 3480 Blue Star Highway, Saugatuck, MI 49453, Licensee or its successor shall immediately remove the Encroachment and discontinue placing anything in the City right-of-way. The area where the Encroachment was removed shall be returned to its previous condition by the Licensee at no cost to the City.
9. At the time of execution of this Revocable License Agreement, Licensee shall pay to the City the cost of preparation of this Agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

City of Saugatuck, a Michigan municipal corporation

By: _____

Its: _____

By: _____

Its: _____

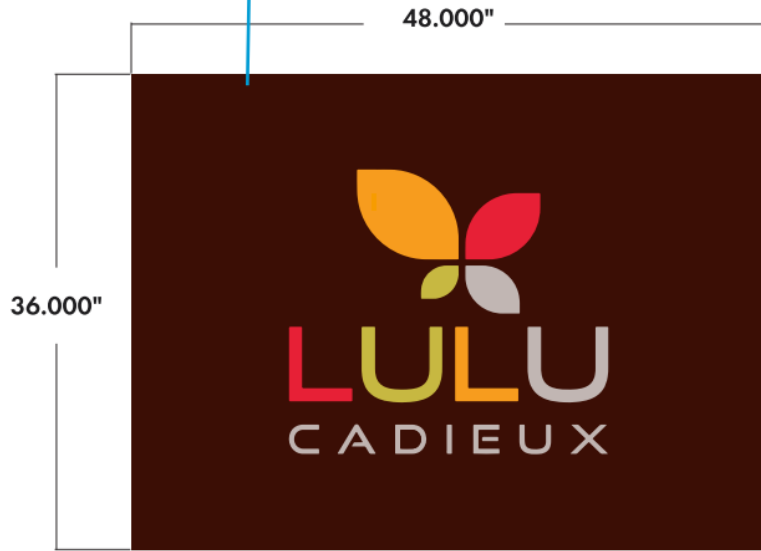
Lulu Cadieux, Inc.

By: _____

Its: _____

Exhibit A

CALENDERED GLOSS LAMINATED PRINT
ON 6MM ACM PANEL



DOUBLE-SIDED
BOTH SIDES IDENTICAL

QTY: 1





City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works Superintendent

MEETING DATE: April 22nd, 2024

SUBJECT: Street Administrator Designation

DESCRIPTION:

For the City to receive Act 51 funding from the State of Michigan’s Department of Transportation, it must designate a Street Administrator to ensure documentation is completed and submitted in conformance with requirements. One such document is an Annual Act 51 Mileage Certification Report.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to designate Department of Public Works Superintendent, Scott Herbert, as the Street Administrator for the City of Saugatuck.

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

This information is required by Act 51, P.A. 1951 as amended. Failure to supply this information will result in funds being withheld.

MAIL TO: Michigan Department of Transportation, Bureau of Finance and Administration, P.O. Box 30050, **Lansing, MI 48909.**
or Fax to: 517-241-2589

NOTE: Indicate, if possible, where Street Administrator can usually be reached during normal working hours, if different than City or Village Office. List any other office held by the Administrator.

Councilperson or Commissioner _____

offered the following resolution and moved its adoption:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate Scott Herbert

_____ as the single Street Administrator for the City or Village of

Saugatuck _____ in all transactions with the State Transportation Department

as provided in Section 13 of the Act.

Supported by the Councilperson or Commissioner _____

Yeas _____

Nays _____

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting

of the governing body of this municipality on the _____ day of

CITY OR VILLAGE CLERK (SIGNATURE)	EMAIL ADDRESS	DATE
STREET ADMINISTRATOR (SIGNATURE)	EMAIL ADDRESS	DATE
ADDRESS OF CITY OR VILLAGE OFFICE		P.O.BOX
CITY OR VILLAGE	ZIP CODE	PHONE NUMBER



City Manager, Planning, Zoning and Project Report April 22, 2024

Interim City Manager

Old Growth Forest Network

- The Old Growth Forest Network has recognized Tallmadge Woods as an old growth forest. According to their website, the “Old-Growth Forest Network is the only national network in the U.S. of protected, old-growth, native forests where people of all generations can experience biodiversity and the beauty of nature.”
- This recognition does not come with any costs or specific ongoing requirements. To celebrate the recognition and honor, Ox-Bow is planning a celebration at their upcoming Tea & Trails event on April 27th at 11a. This is a ticketed event for the public, but we can include Council Members who are interested.
 - Further details can be found here: <https://www.ox-bow.org/tea-trails>
 - Old Growth Forest Network: <https://www.oldgrowthforest.net/>

Roundabout Construction

- Construction of the new roundabout at Blue Star/Old Allegan is ongoing. Work is expected to continue until late July.
- While not an official detour, local traffic is using Maple Street to get around the Blue Star Highway closure. Staff has been responding to complaints from residents on Maple Street as traffic has increased.
- Township, City, Road Commission, Fire Department, Sheriff’s Office, and CVB officials met this week to discuss concerns and additional solutions.
- The Sheriff’s Office will continue increased patrols and presence. Allegan/Maple is now a temporary three-way stop. Radar signs are being installed at both ends of Maple and the Sheriff’s Office is installing a radar sign in the middle which will also allow them to collect data. Larger speed limit signs are being installed as well as signage to make it clear that there is still access to local businesses.

Village Square Playground

- Both parties have signed the settlement agreement, and everything has been filed with the court.
- Once the court approves, we will work on plans for a community build of the main features to occur May 6-8.

Blue Star Trail

- Plans for the pallet sign and Lake/Blue Star intersection were updated based on PPW, DPW Superintendent, and City Engineer feedback. Further discussion is planned for the April 23 PPW meeting.
- Current grants may cover the pallet sign work and most intersection improvements, but will not cover traffic signal. A new grant opportunity has recently surfaced that may be able to pay for much of the traffic signal cost. Costs and review of the recommendations will be forthcoming to Council.
- C2AE provided the following project updates as it relates to the full project:

THE WORK ACCOMPLISHED IN THE DEFINED PERIOD CONSISTED OF:

- Obtained geotechnical report from collected soil borings
- Reviewed preliminary plans with MDOT Section 106 LAP archaeologists
- Updated preliminary trail plans based on input from city and township
- Began structural design of components along trail route
- Correspondence with stakeholders to address pertinent scope and schedule details

THE ANTICIPATED WORK ELEMENTS IN THE NEXT PERIOD:

- Update structural plans based on geotechnical recommendations
- Update plans to include final trail layout
- Coordinate revisions to MDOT Section 106 submittal with Stantec
- Connect with MNRTF and MDOT grant administrators to discuss funding coordination

- C2AE provided the following project updates as it relates to the Lake/Blue Star intersection:

THE WORK ACCOMPLISHED IN THE DEFINED PERIOD CONSISTED OF:

- Reviewed preliminary design elements with city including construction costs and alt. budget adds.
- Attended 3/15 PPW meeting to review preliminary design options.
- Created intersection layout plan and updated landscape plan based on PPW input from 3/15 meeting.
- Attended 3/26 PPW meeting to review the proposed intersection layout based on PPW input.
- Communicate project updates with RS Engineering for traffic signal design.

THE ANTICIPATED WORK ELEMENTS IN THE NEXT PERIOD:

- Revise landscape plan and intersection layout based on PPW input from 3/26 meeting
- Finalize coordination with RS Engineering to complete traffic signal design

- Confirm details for all outstanding items required for final design completion
- Integrate updated plans into trail design

AT&T

- State Historic Preservation Office (SHPO) approvals remain pending. AT&T submitted alternate analysis documentation to SHPO to review.
- The Pokagon Band of Potawatomi Indians provided comments.
- SHPO has responded with additional questions and comments for AT&T to consider and respond to.
- AT&T's decision on the City's agreement request is pending resolution of SHPO approval.

Updated Water/Sewer Agreements

- A framework for an updated water agreement has been prepared and sent to KLSWA for consideration. Still awaiting KLSWA to send the draft of the updated water agreement for further review.

Trash/Recycling

- The City's agreement with Republic is set to expire in October. Planning on this being a topic of discussion at a future workshop meeting.

Airport Property and Old Landfill

- At the March 20 workshop, Council discussed a potential donor for airport property improvements and a request for evaluation of cross-country trails at the landfill property.
- Based on Council feedback:
 - Staff met with the donor to discuss expectations they have in making a donation for airport property improvements. Conservation of portions of the property is important to them.
 - Staff has a meeting scheduled with the Outdoor Discovery Center to discuss conservation easement options so Council is aware of the options before approving a proposal. Staff will also evaluate the amount of Public Works time and ongoing maintenance costs that may be needed.
 - Staff and the Township are working to set a meeting to discuss an agreement to conduct due diligence required to install cross country trails at the landfill property.

Budget and Capital Improvements

- The proposed budget for 2024-2025 was presented at the last workshop meeting. A copy of the presentation and draft budget is on the City website:
<https://www.saugatuckcity.com/treasurer.html>

Miscellaneous

- Prepared for and attended Parks and Public Works meeting.

- Held a Department Head team meeting.
- Attended a meeting with the Michigan Municipal Employees' Retirement System.
- Interviewed PPW applicant with the Mayor and PPW Chair.
- Attended Harbor Authority meeting.
- Attended lead service line distribution system materials inventory kickoff meeting. More details and public communications to come.

Planning and Zoning

- Prepared for and attended Planning Commission meeting.
- Continued working on providing various items Granicus needs to set up the address identification solution for the City.
- Worked with assessor to gather data for STR analysis.
- Met and talked with several property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- While serving in dual roles, I plan to provide the detailed list of casework on a monthly basis at the first regular meeting of each month.



Treasurer Report

Below is a summary of notable activities carried out by the Treasurer's Office since the last council meeting on 04/08/2024:

- Paid routine bills
- Completed and disseminated bi-weekly payroll
- Attend monthly fire department meeting
- 2024-2025 Budget discussions

City of Saugatuck
Status Report of Engineering Activities
April 17, 2024

General Consultation

- 2023 System-wide Crack Sealing: Crack sealing work (delayed from fall 2023 to spring 2024) has been completed.
- Grants Workshop: We are discussing the possibility of having grant experts from F&V put together a workshop for council, staff and other interested parties to review the various programs used in the past, recent applications and brainstorming for new opportunities.
- City-wide parking, safety, signage, etc. review: Prepared a letter reviewing on-street parking vs. sight distance concerns. We plan to conduct a kickoff meeting with City staff and F&V traffic team this fall to develop a scope for the broader study, if required.
- N. Park Street Slope Erosion: The work is nearly complete.
- Bridge Street Resurfacing: The work is anticipated to begin late April and be completed in May.
- Capital Improvements Plan Update: Prepared several proposals based on CIP discussions for council consideration:
 - Mt. Baldhead Restroom – Design, Bidding and Construction Phase
 - Mt. Baldhead Observation Platform – Design and Bidding
 - Park Street Planning
 - Maple Street Planning
 - 2024 Asphalt Repairs – Design Bidding and Construction Phase

Blue Star Highway Bridge Navigation Lighting

- Bids were received on July 27, 2023 with construction scheduled to be complete prior to Memorial Day 2024. Prepared a Recommendation of Award to the low bidder. Once all three communities have awarded the project, a contract can be prepared.

EGLE Drinking Water State Revolving Fund

- The Intent To Apply was submitted on November 1, 2023 for the 2024 funding round. We are making minor updates to the Project Plan to resubmit in the 2024 round. We anticipate a brief public presentation of the current plan at the May 8 or 22 council workshop to meet the June 1 submittal deadline.

2023 Street Improvements (West, East, Takken, Taylor and N. Maple)

- The Contractor is addressing remaining items. Most are related to grass establishment, which was impacted by time of year.

Water System Asset Management Plan

- The draft AMP has been prepared and will be finalized based on input from the financial consultant and comments from EGLE.

EGLE Technical, Managerial and Financial (TMF) Project

- The City was awarded \$221,600 in funding from EGLE's Community Technical, Managerial, and Financial (TMF) support for lead service line identification (100% grant). This will provide funding to help the City complete its final Distribution System Materials Inventory, which is due in October 16, 2024.
- A kickoff meeting with City and KLSWA staff is scheduled for April 18. Potholing work is anticipated to be completed over the summer and early fall.

Mt. Baldhead Conceptual Planning

- Proposals for the restroom building and observation deck replacement are pending approval.
- Overall conceptual planning can resume during or after those projects, based on direction from the City.

Mt. Baldhead AT&T Project Assistance

- The EGLE/USACoE Critical Dunes permitting process has been put on hold for now, pending SHPO approvals.

Maple Street Improvements

- Maple Street (between Blue Star Highway and the work completed in the 2023 Street Improvements project) has been identified as a high priority need for some time. Recent water main breaks have highlighted the need. A planning phase proposal has been prepared to develop the project scope and preliminary layouts, as well as cost sharing discussions with the Saugatuck Township. This project is anticipated to include stormwater management improvements and Olde Mill water service revisions. The project may also include a sidewalk and/or other non-motorized facilities.



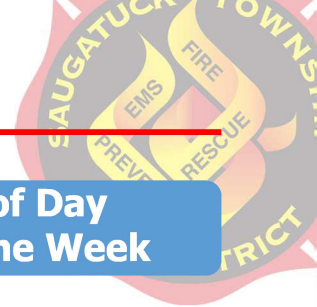
Sheriff's Monthly Report- March 2024

- We will continue to do what we can with monitoring Maple street traffic issues. Please feel free to continue reaching out with concerns.

- **97 total dispatched calls and/or self-initiated calls.**
 - Below is a breakdown of what those calls were. These are calls taken within the city limits
 - Accidents – 2
 - Alarms – 1
 - Animal complaints – 2
 - Assist other agencies – 5 (assist to fire/ems on medicals)
 - Attempt to locate – 1
 - Civil – 2
 - Conservation – 1
 - Death investigation – 1
 - Disorderly conduct – 1
 - Domestic assault – 1
 - Driving while license suspended – 1
 - Fraud – 1
 - General assist – 26 (These are typically calls that the deputies use for doing the nightly lock ups in town)
 - Harassment – 1
 - Property inspections – 35
 - Littering – 1
 - Loud noise – 2
 - MIP – 1
 - BOL (be on the look out) – 2
 - Parking – 5
 - Suspicious situation – 3
 - Neighbor dispute – 1

- **Below are traffic stops by the 4 Deputies contracted by the city and amount of times they are at the school.**
 - Traffic stops - 105
 - School contacts – 19

March Incidents 2024

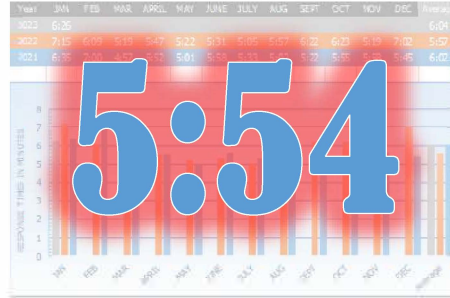


Incidents 2024



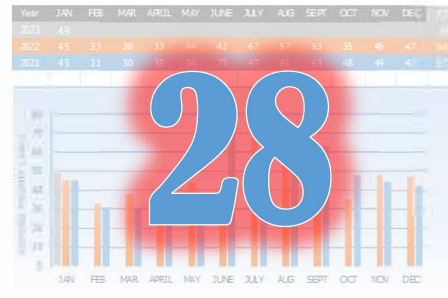
March recorded **91 calls—a new record high**. It is an increase from March 2023 that showed **82** calls. Overall for the first 3 months we are up **31 calls** or a **total of 247 compared to 216 last year**. It equals an **increase of 14%**.

Response times 2024



Our March response time of **5:54 showed an increase** compared to March 2023 that registered **5:51**. Year to month shows an **average response time of 6:10**.

Emergent Calls 2024



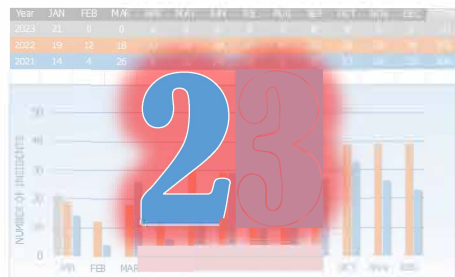
March showed **28 emergent calls** (lights and siren) a decrease compared to March of last year that showed 43 emergent calls. **Year to month shows 79 calls** in this priority

Time of Day Day of the Week



Tuesday is the busiest day of the week in 2024 with **48 calls**. The remainder of the week is within the **29-37 range**. The hours from **8AM-9PM** count for the most busy timeframe of the day.

Overlapping Calls 2024



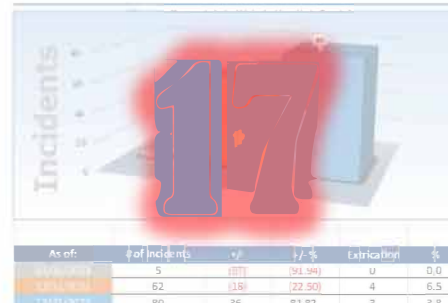
23 overlapping calls in March shows a decrease compared to **31 in March 2023**, or **26%**. **19%** of our calls in March were overlapping. Year to month shows **61 overlapping calls** or **25% of our overall call volume**.

Type of Calls 2024



March recorded **50 calls in EMS or 55% of all calls**. The most common call type in this category is **falls with 22 or 14% of all EMS calls**. General sickness is second with **19 or 12%**

MVI 2024



17 MVIs (motor vehicle incidents, i.e., crashes, fires etc.) **compared to 18 in the same period last year**. The upcoming construction of the roundabout will most likely become a challenge for the next 3 months.

Municipality 2024



Location of calls shows **Saugatuck Township** (including I-196) counts for **114 calls or 50%** compared to **Saugatuck City at 48 or 21%** and **Douglas recorded 67 calls or 29%**.

Vendor Name	Description	Amount
1. ALLEGAN COUNTY HEALTH DEPT		
	OVAL BEACH CONCESSION	355.00
2. ALLEGAN COUNTY SHERIFF		
	SHERIFF CONTRACT	31,826.12
3. C2AE		
	BLUE STAR TRAIL	3,317.73
	BLUE STAR TRAIL	2,534.00
	TOTAL	5,851.73
4. CHIPS GROUNDCOVER LLC		
	VILLAGE PARK	1,662.10
	MULCH	2,002.45
	TOTAL	3,664.55
5. COMMERCIAL RECORD		
	PUBLISHING	693.00
6. D & L TRUCK & TRAILER LLC		
	OVAL BEACH RAKE	3,836.50
7. FAHEY SCHULTZ BURZYCH RHODES		
	SHORT TERM RENTAL	2,630.00
	LAWSUIT ELECTRICAL	489.50
	FOIA LEGAL FEES	1,649.50
	LEGAL FEES PARK	570.00
	LAWSUIT	17,957.31
	LEGAL FEES	4,013.00
	ZONING LEGAL FEES	13,591.50
	LEGAL FEES CLERK	198.00
	CITY COUNCIL	7,170.00
	EMPLOYMENT LEGAL FEES	363.00
	TOTAL	48,631.81
8. FLEIS & VANDENBRINK ENGINEERING INC		
	EAST WEST TAKKEN TAYLOR	6,769.37
	MT BALDHEAD PLANNING	3,807.15
	ENGINEERING FEES	3,293.48
	EAST WEST TAKKEN TAYLOR	631.37
	MT BALDHEAD PLANNING	2,295.25
	WATER LINE DWSRF	532.00
	TOTAL	17,328.62
9. GROW ESTATE LLC		
	ESCROW REFUND	263.50
10. HORIZON COMMUNITY PLANNER		
	PLANNING & HISTORIC DISTRICT	4,907.50
11. IHLE AUTO PARTS		
	OIL	384.18
12. INTERURBAN TRANSIT AUTHORITY		
	PROPERTY TAXES	3,399.70
13. JOHN DEERE FINANCIAL		
	PARTS	93.58
14. MERCHANTS BANCARD NETWORK		
	BANK FEES	105.94
15. MICHIGAN CAT		
	PARTS	116.40
16. MICHIGAN GAS UTILITIES		
	CITY HALL	94.65
17. NET2PHONE INC		
	TELEPHONES	215.07
18. RECYCLE AWAY LLC		
	RECYCLING WASTE BARRELS	6,513.86
19. REPUBLIC SERVICES		

Vendor Name	Description	Amount
20. RICOH USA INC	TRASH	1,552.21
21. SAUGATUCK FIRE	COPIER LEASE	127.97
22. SAUGATUCK PUBLIC SCHOOLS	PROPERTY TAXES	16,999.10
23. TAYLOR TRUE VALUE RENTAL	PROPERTY TAXES	1,958.70
24. TOWNSHIP OF SAUGATUCK	VILLAGE SQUARE	2,340.00
25. WOLVERINE SEALCOATING CO	CEMETERY AGREEMENT	6,000.00
26. WYOMING ASPHALT PAVING CO	SEAL COATING	18,150.00
27. ZEIGLER GMC OF HOLLAND	ASPHALT	266.66
	PARTS	373.27
TOTAL - ALL VENDORS		176,049.62
FUND TOTALS:		
Fund 101 - GENERAL FUND		123,070.79
Fund 202 - MAJOR STREETS		12,150.00
Fund 203 - LOCAL STREETS		13,667.40
Fund 661 - MOTOR POOL FUND		4,803.93
Fund 701 - CURRENT TAX FUND		22,357.50



City Council Agenda Item Report

FROM: Ryan Cummins, Interim City Manager

MEETING DATE: April 22, 2024

SUBJECT: Authorization to Apply for HDC Approval of Additional Features and Canoe Movement for the Village Square Playground

DESCRIPTION:

For several years, the City had a playground in the northwest corner of Village Square Park. A 2023 study revealed safety concerns with the existing playground and the City undertook efforts to replace the dated play equipment with new facilities specifically designed to be ADA accessible and used by children age 2-12.

The following summarizes the project timeline:

January 2023 – September 2023: Parks and Public Works Committee (PPW) reviewed options and conducted safety inspections.

September 26, 2023: PPW unanimously recommended “Sinclair Design 11” after exploring alternatives and visiting playgrounds.

October 4, 2023: At a workshop meeting, the PPW recommendation, site plan, and renderings were reviewed by City Council.

October 5, 2023: Historic District Commission (HDC) unanimously approved the project after reviewing design details and considering historic guidelines.

October 9, 2023: City Council unanimously approved the project and Sinclair Design 11.

January 2024: Existing playground equipment was demolished.

January – April 2024: Site preparation and community build planning.

Lawsuit

On April 10, a lawsuit was filed by the neighboring property owner. The Circuit Court issued a temporary restraining order on April 12 which stopped further work on the playground from occurring.

Settlement

On April 18, the neighboring property owner and the City signed a settlement agreement to dismiss the lawsuit with prejudice. In summary, the parties agreed that:

- The main features of the new playground that were situated predominantly within the footprint of the previous playground can be constructed without further challenges.
- No additional trees will be removed.
- The City will reapply for Historic District Commission (HDC) approval for portions of the new playground that are situated predominately outside the footprint of the previous playground. These are referred to as the “additional features”.
 - The neighboring property owner will reserve its appeal rights with respect to the HDC approval or denial of the additional features.
- No zoning approval is required.

Authorization to Apply for HDC Approval of Additional Features

Staff is asking City Council for authorization to apply to the Historic District Commission for approval of the additional features. The items considered main features (except the canoe discussed below) require no additional review or approval.

Authorization to Apply for HDC Approval of Modification to Approved Plans

Staking revealed that the canoe (on the west side of the site plan) would be located too close to a tree. Therefore, staff is also asking City Council for authorization to include a request to modify the approved plans for the playground to move the canoe further south and west in its application to the Historic District Commission.

LEGAL REVIEW:

The City Attorney handled the settlement agreement and next steps have been reviewed.

SAMPLE MOTION:

Motion to approve the Sinclair playground plans for Village Square Park as presented and to authorize the Interim City Manager to apply on behalf of the City to the Historic District Commission for approval of the additional features that are situated predominately outside the footprint of the previous playground and the movement of the canoe, and further authorize the Mayor and City Clerk to sign the application form on behalf of the City as the owner.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into by and between Maplewood Hotel Corporation (“Maplewood Hotel”), the City of Saugatuck, Michigan (the “City,”), and Interim City Manager Ryan Cummins (“City Manager,” collectively, the “Parties”), and shall be effective as of April 17, 2024 (the “Effective Date”).

WHEREAS, Maplewood Hotel owns and controls real property in the City of Saugatuck located at 428 Butler Street, Saugatuck, MI 49453 (the “Maplewood Property”);

WHEREAS, the City owns certain real property adjacent to the Maplewood Property known as the Village Square Park;

WHEREAS, on October 5, 2023, the City of Saugatuck Historic District Commission (“HDC”) voted to approve the demolition and reconstruction of the playground equipment located at the Village Square Park;

WHEREAS, on April 10, 2024, Maplewood Hotel filed a Verified Complaint and Motion for Temporary Restraining Order and Preliminary Injunction against the City and Interim City Manager Ryan Cummins in the Allegan County Circuit Court, assigned Case No. 24-68795-CZ (the “Lawsuit”);

WHEREAS, on April 12, 2024, the Allegan County Circuit Court entered Maplewood Hotel’s temporary restraining order enjoining the City from constructing replacement playground facilities at the Village Square Park and requiring the City Manager to post a stop work order at the Village Square Park property; and

WHEREAS, the Parties mutually desire and agree to resolve the Lawsuit on the terms and conditions set forth herein.

WHEREFORE, in consideration of the above premises and the mutual covenants of the Parties to be faithfully performed, the Parties, intending to be legally bound, agree as follows:

1. **Consideration.** In exchange for Maplewood Hotel’s dismissal of the Lawsuit with prejudice, the Parties agree as follows:
 - a. Construction of Main Features. It is the Parties’ intent to waive Maplewood Hotel’s challenges to and allow the City to construct the portions of the new Village Square Park playground that are situated predominantly within the footprint of the previous playground. To that end, the Parties agree that the City may commence construction of the Village Square Park playground features indicated in **Exhibit A** (the “Main Features”) immediately upon entry of this Agreement, subject to the following:
 - i. The Main Features will be constructed consistent with the plans and specifications set forth in Exhibit A.

- ii. The City will stake the northern boundary of the footprint of the previous playground and the locations of the Main Features for the purpose of Maplewood Hotel confirming that the locations of the previous footprint and Main Features are consistent with the placement depicted in the Sinclair Design 11 Plans (attached as **Exhibit B**). Maplewood Hotel will verify the placement of the Main Features no later than twenty-four (24) hours after receiving notice by electronic mail from the City, or will be deemed to have waived its right to confirm the locations of the Main Features. Any objection to placement of the Main Features identified in a notice by Maplewood Hotel will be resolved by a third-party engineer or surveyor's confirmation, with the costs of such engineering or surveying split by Maplewood and the City. The City will appropriately landscape the areas outside of the Main Features within a reasonable time following construction (i.e., placing mulch, sod, or grass seeding in the excavated areas).
 - iii. The City will not remove any additional trees from the Village Square Park during the construction of the Main Features or the Additional Features set forth on Sinclair Design 11 Plans, as defined below. Further, the City will take whatever measures it deems reasonably necessary to remedy any damage caused to the trees located in the Village Square Park attributable to such construction.
 - iv. Plaintiff agrees that no further approvals are necessary prior to the installation of the Main Features and waives any right to challenge the lawfulness of the City or the HDC's approval of the Main Features.
- b. Approval and Construction of Additional Features. It is the Parties' intent for the City to reapply for HDC approval for the portions of the new Village Square Park playground that are situated predominantly outside the footprint of the previous playground to the extent the City decides to proceed forward with approval and construction of the Additional Features. To that end, the Parties agree that the City will not build any of the playground features depicted in Exhibit B but not depicted in Exhibit A (the "Additional Features") unless and until the City applies for and receives approval from the HDC for the Additional Features, consistent with the requirements set forth in Section 152.07 of the City of Saugatuck Code of Ordinances, subject to the following:

- i. If the City seeks HDC approval for the Additional Features, it will provide the Maplewood Hotel with notice at least 14 days in advance of the HDC meeting at which the request will be heard.
 - ii. Maplewood Hotel will reserve its appellate rights under Section 152.14 of the City of Saugatuck Code of Ordinances with respect to the HDC's approval or denial of the Additional Features.
 - iii. If the City does not seek HDC approval with respect to the Additional Features within one year of execution of this Agreement, then the City shall plant two trees between the Village Square Park playground and the Maplewood hotel.
 - c. **No Zoning Approval Required.** The Parties stipulate and agree that the Main Features or the Additional Features of the Village Square Park are not subject to zoning approval pursuant to Section 154 of the City of Saugatuck Code of Ordinances.
2. **Dismissal Order.** Upon the Effective Date, the Parties shall cause their respective attorneys to submit to the Court a Stipulated Order of Dismissal for the Lawsuit and Dissolution of the Temporary Restraining Order, with prejudice and without costs to either party in the form of the Order attached as **Exhibit C**. Each party is responsible for the payment of its respective attorneys' fees and expenses.
3. **Non-Precedential Effect.** The Parties agree that this Agreement is a resolution only of those claims raised in the Lawsuit, and the terms of this Agreement shall have no precedential or binding effect on any future disputes or issues which may arise other than as expressly stated in this Agreement.
4. **Interpretation.** This Agreement was negotiated at arm's length and each Party was represented and advised by independent legal counsel. No Party shall be entitled to have any language contained in this Agreement construed against the other Parties because of the identity of the drafter. For the purposes of construing this Agreement, all Parties shall be considered the drafter of the Agreement. The headings in this Agreement are for convenience of reference only and shall not be considered as part of this Agreement nor limit or otherwise affect the interpretation hereof.
5. **Notices.** All notices between the Parties solely in connection with this Agreement shall be given via electronic mail or regular mail to the addresses below:
If to the City or the City Manager:

City of Saugatuck
102 Butler St,
Saugatuck, MI 49453
rcummins@saugatuckcity.com

With a copy to:

Christopher S. Patterson
Jacob Witte
Fahey Schultz Burzych Rhodes PLC
4151 Okemos Rd.
Okemos, MI 48864
jwitte@fsbrlaw.com
cpatterson@fsbrlaw.com

If to Maplewood Hotel:

Catherine Simon
428 Butler St,
Saugatuck, MI 49453
info@maplewoodhotel.com

With a copy to:


Steven F. Stapleton
Clark Hill PLC
200 Ottawa Ave. NW Suite 500
Grand Rapids, MI 49503
sstapleton@clarkhill.com

6. **Governing Law/Venue.** This Agreement shall be interpreted under the laws of the State of Michigan and shall be enforced in the State of Michigan. Each party hereby submits to the jurisdiction of the Allegan County Circuit Court with regard to any action or proceeding brought to enforce or otherwise arising out of or relating to this Agreement.
7. **No Oral Modification Clause.** This Agreement may not be altered, superseded, or otherwise modified except by a written modification signed by all Parties. All executed copies of this Agreement are duplicate originals, equally admissible as evidence.
8. **Entire Agreement.** This Agreement reflects the entire agreement of the Parties with respect to the issues addressed herein, and this Agreement shall not be modified except by a writing signed by a duly authorized agent of each party.

9. **Execution.** This Agreement may be executed in multiple counterparts or copies or on separate signature pages and that signatures may be transmitted electronically any or all of which, when taken together, shall be deemed an original for all purposes. The Parties agree that this Agreement is not binding and enforceable until fully executed.


IN WITNESS WHEREOF, the Parties hereby execute this Agreement as of the date first set forth above.

Clark Hill PLC
Attorneys for Maplewood Hotel



Steven F. Stapleton (P51571)
200 Ottawa Ave., NW, Ste. 500
Grand Rapids, MI 49503
(616) 608-1145

Fahey Schultz Burzych Rhodes PLC
Attorneys for City of Saugatuck and
Interim City Manager Ryan Cummins



Jacob N. Witte (P82558)
4151 Okemos Road
Okemos, MI 48864
(517) 381-0100

EXHIBIT A

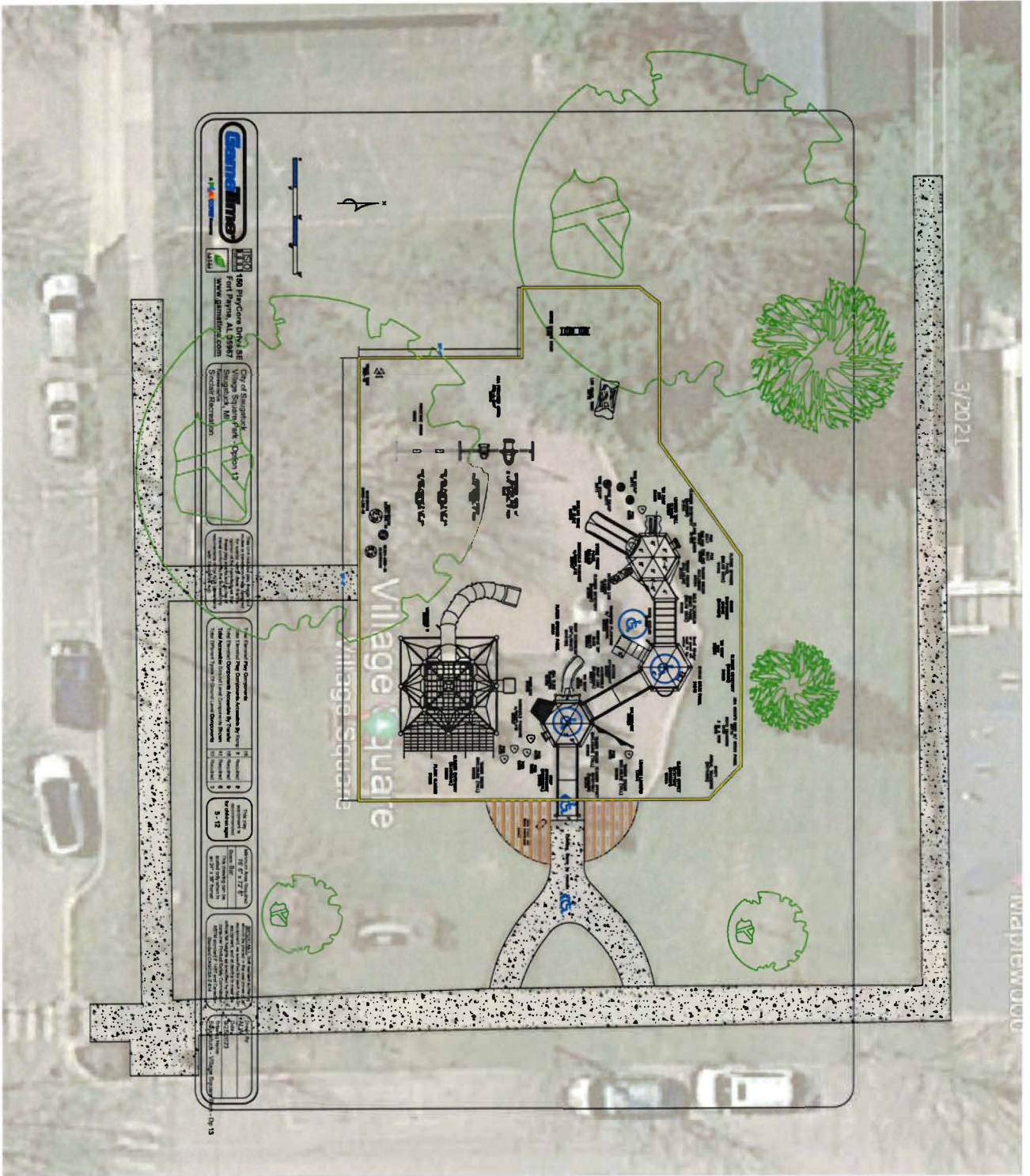


EXHIBIT B

EXHIBIT C

**STATE OF MICHIGAN
IN THE 48TH CIRCUIT COURT FOR THE COUNTY OF ALLEGAN**

MAPLEWOOD HOTEL CORPORATION, a
Michigan corporation,

Plaintiff,

v

CITY OF SAUGATUCK and INTERIM CITY
MANAGER RYAN CUMMINS,

Defendants.

Case No. 24-68795-CZ

HON. MATTHEW ANTKOVIAK

Steven F. Stapleton (P51571)
Clark Hill PLC
Attorneys for Plaintiff
200 Ottawa Ave., NW, Ste. 500
Grand Rapids, MI 49503
(616) 608-1145
sstapleton@clarkhill.com

Christopher S. Patterson (P74350)
Jacob N. Witte (P82558)
Fahey Schultz Burzych Rhodes PLC
Attorneys for Defendants
4151 Okemos Road
Okemos, MI 48864
(517) 381-0100
cpatterson@fsbriaw.com
jwitte@fsbriaw.com

STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

At a session of said Court,
held in the City of Allegan, County of Allegan,
State of Michigan, on _____.

PRESENT: HONORABLE MATTHEW ANTKOVIAK

The parties, through their respective counsel, stipulate and agree to dismiss Plaintiff's complaint against the City of Saugatuck and Interim City Manager Ryan Cummins, with prejudice and without costs or attorneys' fees to either party.

IT IS HEREBY ORDERED THAT:

1. The conclusion of this matter dissolves the April 12, 2024, Temporary Restraining Order and Order to Show Cause.

2. This is a final Order and closes this case.

Dated: _____


Hon. Matthew Antkoviak

Approved as to form:

Clark Hill PLC
Attorneys for Plaintiff

Fahey Schultz Burzych Rhodes PLC
Attorneys for Defendants

/s/ Steven F. Stapleton (with permission)
Steven F. Stapleton (P51571)
200 Ottawa Ave., NW, Ste. 500
Grand Rapids, MI 49503
(616) 608-1145



Jacob N. Witte (P82558)
4151 Okemos Road
Okemos, MI 48864
(517) 381-0100

Dated: April 16, 2024

Dated: April 16, 2024



PPW Recommendation: Sinclair Design 11



Intellectual Property of GameTime, a PlayCore Company. The site shown in rendering is an interpretation and may not reflect exact site conditions.



PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11



PPW Recommendation: Sinclair Design 11



PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11



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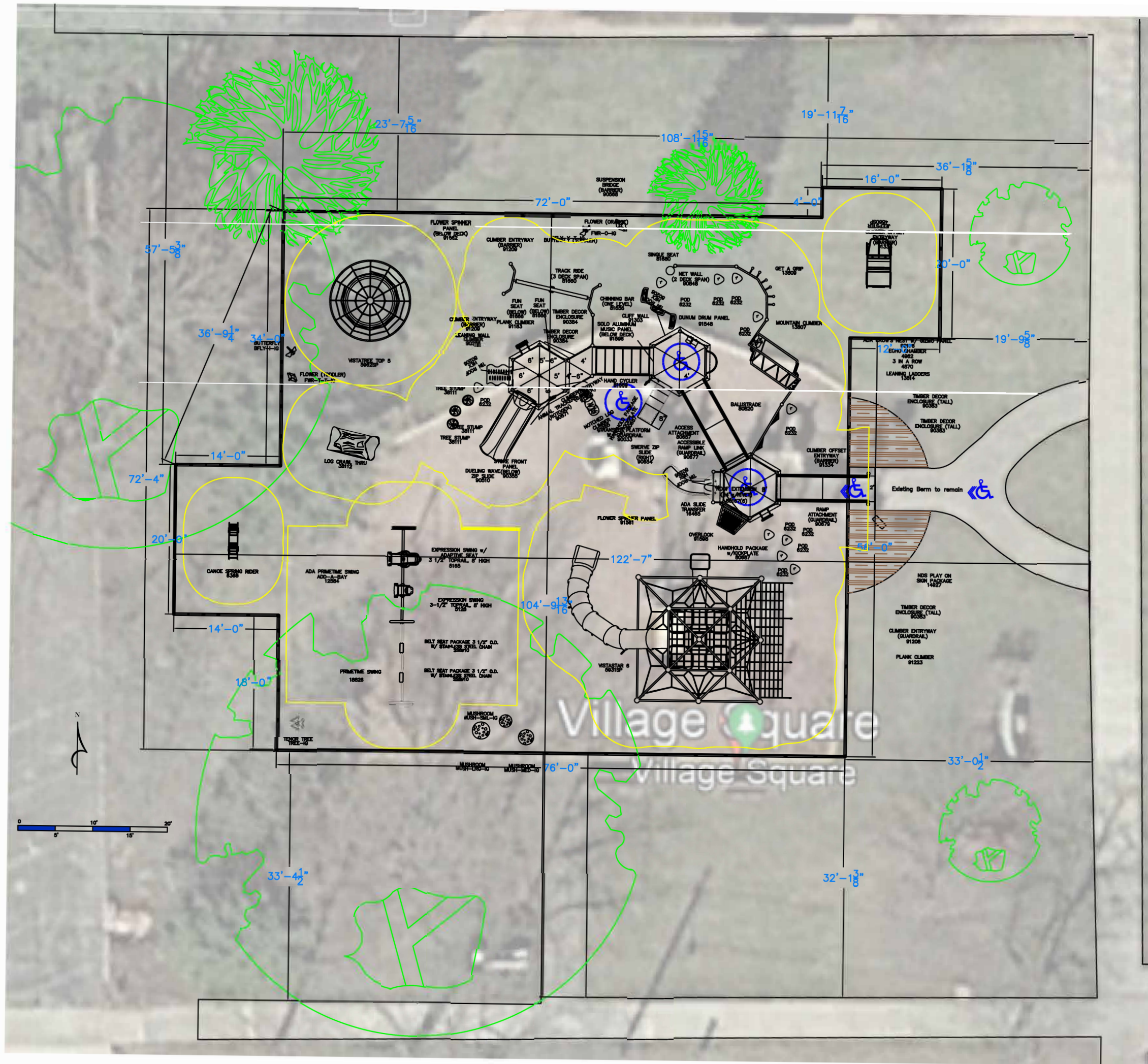
PPW Recommendation: Sinclair Design 11





PPW Recommendation: Sinclair Design 11







City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works Superintendent

MEETING DATE: April 22nd, 2024

SUBJECT: Road Work – Resurfacing

DESCRIPTION:

As discussed during your annual Capital Improvement Plan (CIP) conversation, Public Works and engineering recommend resurfacing the following street locations:

- Lucy Street – Approaching Holland Street
- Francis Street – From Water Street to Buter Street
- Francis Street – From Holland Street to Elizabeth Street
- Griffith Street – From Culver Street to Mason Street
- Mason Street – From Grand Street to Elizabeth Street

Fleis & Vandenbrink has submitted the enclosed proposal for your consideration to assist the City with project design, bidding, and construction.

BUDGET ACTION REQUIRED:

Major and Local Street Funds in the amount of \$12,000.

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to approve/deny Fleis & Vandenbrink’s proposal for engineering services in the amount of \$12,000 for asphalt resurfacing.



March 27, 2024

Via Email: scott@saugatuckcity.com

Scott Herbert, Superintendent of Public Works
City of Saugatuck
102 Butler Street
Saugatuck, MI 49453

**RE: 2024 Asphalt Repairs
Proposal for Engineering Services**

Dear Scott,

Based on the discussion at the March 20, 2024 City Council workshop, we understand the City will be moving forward with asphalt resurfacing (mill and fill) work in 2024, similar to the work that was done in 2023. We understand the following areas have been targeted for resurfacing work:

- Lucy Street near Holland Street
- Francis Street, from Water Street to Butler Street
- Francis Street, from Holland Street to near Elizabeth Street
- Griffith Street, from Culver Street to Mason Street
- Mason Street, from Grand Street to Elizabeth Street

Based on our understanding of the project, we propose the following Scope of Services to assist you:

Scope of Services

Design Phase

- Review the areas targeted for resurfacing in the field. Paint resurfacing limits and obtain measurements of the areas.
- Prepare a bid package (incorporating MDOT technical specs) for the project.
- Prepare a cost estimate for construction based on quantities measured in the field.
- Review the bid package and estimate with City staff and finalize based on comments received.

Bidding Phase

- Prepare and submit the advertisement for bids. Contact potential bidders directly and place the advertisement with plan rooms.
- Assemble bidding documents and distribute electronic (PDF) copies to plan rooms. Bid documents will also be available for review on our website.
- Issue electronic bid documents to prospective bidders.
- Answer bidder questions and provide supplemental information, if necessary.
- Conduct a public bid opening to be held at City Hall.
- Tabulate and review the bids received, evaluate references, and provide a Recommendation of Award to the City.

Construction Phase

- Prepare the Notice of Award after an award is made by the City.
- Review bonds and insurances provided by the Contractor and assemble contracts.
- Provide project administration and engineering consultation throughout the construction period, including reviewing Contractor pay applications and, if appropriate, submit a recommendation to the City for approval.
- Provide on-site observation during construction on an “as needed” basis to supplement Department of Public Works staff. We have assumed approximately 2-3 work days in our budget below.
- Conduct a final review meeting on site with the Contractor and City staff to review the completed work. Prepare a final punch list of remaining work items. Provide follow-up review to see that the punch list items have been completed.
- Coordinate final payment with release of retainage and contract closeout.

Anticipated Schedule

We anticipate the following schedule for this project:

- Authorization: May 2024
- Design Phase: June 2024
- Bidding Phase: July – August 2024
- Construction: Fall 2024

We anticipate construction will be timed to follow hydrovac excavation (potholing) work that is part of the City’s Technical, Managerial and Financial grant from the Michigan Department of Environment, Great Lakes and Energy. We anticipate some of the services to be excavated will be within the footprint of this project.

Engineering Budget

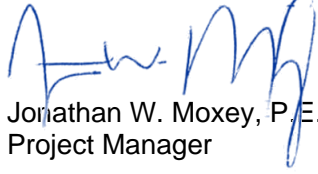
We propose to complete the Scope of Services outlined above at our standard hourly rates plus reimbursable expenses with the following budget:

Phase	Budget
Design	\$ 4,200
Bidding	\$ 1,800
Construction	\$ 6,000
Total Proposed Budget	\$ 12,000

Authorization to proceed with the work can be given by returning a copy of this proposal, signed below as indicated. In the meantime, please feel free to contact us with any questions.

Sincerely,

FLEIS & VANDENBRINK



Jonathan W. Moxey, P.E.
Project Manager

Cc: Ryan Cummins (rcummins@saugatuckcity.com)

WORK AUTHORIZATION

Fleis & VandenBrink is hereby authorized to proceed with the Scope of Services presented in this proposal in accordance with the existing Professional Services Agreement for General Consultation dated November 13, 2018.

By

Date



City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works Superintendent

MEETING DATE: April 22nd, 2024

SUBJECT: Oval Beach Parking Fees

DESCRIPTION:

In 2021, the City Council reviewed the option to increase parking fees at Oval Beach. The conclusion of that review lead to no price increase for parking fees. At the Strategic Planning session held in December of 2023, it was decided that the City Council would like to revisit this topic to potentially increase the parking fees beginning 2024.

A historical summary of the City’s Oval Beach parking fee structure is below along with the new figures discussed at the budget workshop meeting:

	<u>2008-2014</u>	<u>2015-2016</u>	<u>2017-Current</u>	<u>Proposed New Fee Structure</u>
Daily Pass	\$6	\$8	\$10	\$15
Season Pass	\$40	\$50	\$50	\$75
Taxpayer Season Pass	\$20	\$20	\$20	\$20
City Employee Season Pass	-	-	-	\$20

This table shows that there has been no price increase in Daily Pass fees since 2017 and no price increase for Season Pass fees since 2015. To keep up with maintenance needs, maintain competitive employee wages, and continue funding park projects, a price increase is being recommended by staff which is supported by council.

Options for City Council to consider are:

1. No price increases.
2. Follow staff recommended price increases as stated below.
3. **Set alternative price amounts (policy amendment is required to update the “Taxpayer” Season Pass to the fixed amount of \$20 and to include the City Employee Season Pass with a price of \$20).**

Parking Fee Comparison Chart (Enclosed)

Policy Procedure: Oval Beach Reduced Rate Season Parking Permit (Enclosed)



BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to approve/deny increasing Oval Beach parking pass fees to \$15 for a Daily Pass, \$75 for a Season Pass, and to amend City policy to set the "Taxpayer" Season Pass and City Employee Season Pass price at \$20.

Beach Name & Location	Hrs Open	Hrs Charging	Daily Pass	Weekly Pass	Annual Pass	Residential Pass
Michigan Beach Park, Charlevoix	24 hrs	No fees listed				
Grand Haven City Beach, Grand Haven	Dawn - Dusk	No fees or passes required				
North & South City Beach, South Haven	Dawn - 11pm	9am - 6pm	\$10	\$30	\$80/3yr pass	2 Free Annual/Resident
Douglas Beach, Douglas	8am - 10pm	No fees or passes required				
Silver Beach County Park, Saint Joseph	Dawn - Dusk	Dawn - Dusk	\$8 county resident, \$15 non-county resident	N/A	\$40 regardless of residency	N/A
Pere Marquette Park, Muskegon	5am - 11pm		\$7 during week/\$10 weekends	N/A	\$40	2 Free Annual/Resident
North Beach Park, Ferrysburg	7am - 10pm	7am - 10pm	\$8	N/A	25\$, \$15 county resident, \$9 county senior resident	
Weko Beach, Bridgman	7am - 8pm	7am - 8pm	\$15	N/A	Non-residents \$45	City & Lake Twshp resident seniors 1 free pass, City & Lake Twshp resident \$10
New Buffalo Beach, New Buffalo	Dawn - Dusk	8am - 8pm	\$15/day Apr 1-Jun 30 \$20/day Jul 1-Aug 16 \$15/day Aug 17-Oct 31 3hr parking \$7.50	N/A	N/A	N/A
Oval Beach, Saugatuck	8am - 10pm	8am - 10pm	\$10	N/A	\$50	\$20/1 per parcel owned
Holland State Park, Holland	8am - 10pm	8am - 10pm	No daily pass for MI resident Out-of-State res \$9	N/A	MI resident \$17 at Park Out-of-State resident \$34	N/A
Olive Shores County Park, West Olive	7am - 10pm	7am - 10pm	No fees listed			

Sleeping Bear Dunes National, Empire	24 hrs	24 hrs	N/A	Private Passenger \$25 Motorcycle \$20 Per Person \$15	\$45	N/A
Stearns Park, Ludington	24 hrs	No fees or passes required				

Policy/Procedure: Oval Beach Reduced Rate Season Parking Permit

Date Adopted or Implemented: 03-08-10

Revision Date: 03-08-10

Resolution Number (if applicable): 100308-B

CITY OF SAUGATUCK

Purpose: Public Act 156 of 1917, as amended, authorizes any city, village, county or township to operate a system of public recreation and playgrounds; acquire, equip and maintain land, buildings or other recreational facilities; employ a superintendent of recreation and assistants; and vote and expend funds for the operation of such system. These rules below shall be used to create a uniform process for the distribution of annual Oval Beach “taxpayer” Season Parking Permits.

1. City of Saugatuck real property taxpayers are entitled to receive one annual “taxpayer” Oval Beach season parking permit per prior year paid summer tax bill for real property only at a discount of 50% off the normal selling price. The special “taxpayer” permit also allows parking at the City’s Culver Street Parking lot at no charge. Permits must be purchased at Saugatuck City Hall during normal business hours. The City shall not issue a permit if the taxpayer is in default of property taxes due to the City or is otherwise financially indebted to the City. Pending appeals filed in good faith in a court or tribunal of competent jurisdiction shall not prohibit the City from acting as requested.
2. All Oval Beach season parking permits must be permanently affixed to the windshield of the vehicle per section 70.11 of the City of Saugatuck Code of Ordinance’s. In the event the windshield in the vehicle should need replacing or the vehicle is sold, the original owner is required to remove the affixed Oval Beach season permit and return to City Hall for a replacement permit. Permits will not be replaced without returning the original permit issued. Permits can be easily removed using a razor blade or other similar device.
3. All other complementary Oval Beach parking permits have been discontinued at this time unless otherwise approved by City Council.



City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works Superintendent

MEETING DATE: April 22nd, 2024

SUBJECT: Road Work – Pavement Marking

DESCRIPTION:

Pavement marking is an annual routine maintenance item for our City streets. Ace Parking Lot Striping performed this work in 2023. Public Works recommends contracting them again for the 2024 season. If approved, the work is expected to be completed before Memorial Day. The scope of work includes the repainting of the rainbow crosswalks located at the Buter Street and Culver Street intersection.

BUDGET ACTION REQUIRED:

Major and Local Street Funds in the amount of \$33,545.

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to approve/deny the proposal for pavement marking submitted by Ace Parking Lot Striping in the amount of \$33,545.

Ace Parking Lot Striping Inc.
 935 Industrial Parkway
 Plainwell, MI 49080-1401 US
 269-349-8900
 aceparkinglotstriping@gmail.com
 www.aceparkinglotstriping.com

Estimate 9299



ADDRESS Saugatuck Township Office 3461 Blue Star Highway Saugatuck, MI 49453	DATE 03/25/2024	TOTAL \$33,545.00
--	--------------------	-----------------------------

ACTIVITY	QTY	RATE	AMOUNT
City of Saugatuck Estimate			
. **City of Saugatuck striping estimate			
Restripe Linear Feet - Yellow	47,000	0.25	11,750.00
Restripe Linear Feet - White	7,000	0.25	1,750.00
Restripe Curb Painting - Linear Feet	2,600	0.45	1,170.00
Restripe Stall - Street parking, Oval Beach, Mount Baldhead)	1,108	5.00	5,540.00
Restripe Handicap - HASH	35	50.00	1,750.00
Restripe Arrows	16	50.00	800.00
Restripe Stop Bar	52	35.00	1,820.00
Restripe Crosswalk - BARS	59	90.00	5,310.00
Restripe ONLY	2	60.00	120.00
Restripe Linear Feet - Hashing Yellow	2,300	0.45	1,035.00
			Subtotal: 31,045.00
. Restripe Rainbow Crosswalk		2,500.00	2,500.00

Overview of property is used for quoting purposes. Estimate may vary based on actual counts taken on job site.

Payment is due upon completion.
 Credit cards are accepted

TOTAL	\$33,545.00
--------------	--------------------

THANK YOU.

Accepted By

Accepted Date

City of Saugatuck
2023 Pavement Markings
Bid Tabulation



Project No.: 3187-36
 By: JWM
 Date: 5/11/2023

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	Engineer's Estimate		Ace Parking Lot Striping		PK Contracting	
				ESTIMATED UNIT PRICE	ESTIMATED AMOUNT	BID UNIT PRICE	BID PRICE	BID UNIT PRICE	BID PRICE
1	General Conditions, Bonds, and Insurance, Max 5%	LSum	1	\$ 2,200.00	\$ 2,200.00	\$ 1,447.95	\$ 1,447.95	\$ 4,500.00	\$ 4,500.00
2	Pavt Mrkg, Waterborne, 4 inch, White	Ft	7,000	\$ 0.25	\$ 1,750.00	\$ 0.20	\$ 1,400.00	\$ 0.15	\$ 1,050.00
3	Pavt Mrkg, Waterborne, 4 inch, Yellow	Ft	47,000	\$ 0.25	\$ 11,750.00	\$ 0.20	\$ 9,400.00	\$ 0.15	\$ 7,050.00
4	Pavt Mrkg, Waterborne, 6 inch, Crosswalk	Ft	380	\$ 0.40	\$ 152.00	\$ 0.30	\$ 114.00	\$ 1.50	\$ 570.00
5	Pavt Mrkg, Waterborne, 4 inch, White, Prkg	Ft	28,000	\$ 0.50	\$ 14,000.00	\$ 0.40	\$ 11,200.00	\$ 1.40	\$ 39,200.00
6	Pavt Mrkg, Waterborne, 12 inch, Crosswalk	Ft	5,400	\$ 1.00	\$ 5,400.00	\$ 0.40	\$ 2,160.00	\$ 3.00	\$ 16,200.00
7	Pavt Mrkg, Waterborne, 24 inch, Stop Bar	Ft	975	\$ 2.00	\$ 1,950.00	\$ 0.80	\$ 780.00	\$ 6.00	\$ 5,850.00
8	Pavt Mrkg, Waterborne, Lt Turn Arrow Sym	Ea	1	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00	\$ 80.00	\$ 80.00
9	Pavt Mrkg, Waterborne, Rt Turn Arrow Sym	Ea	1	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00	\$ 80.00	\$ 80.00
10	Pavt Mrkg, Waterborne, Thru Lt Turn Arrow Sym	Ea	1	\$ 100.00	\$ 100.00	\$ 75.00	\$ 75.00	\$ 160.00	\$ 160.00
11	Pavt Mrkg, Waterborne, Thru Rt Turn Arrow Sym	Ea	1	\$ 100.00	\$ 100.00	\$ 75.00	\$ 75.00	\$ 160.00	\$ 160.00
12	Pavt Mrkg, Waterborne, Thru Rt Lt Turn Arrow Sym	Ea	1	\$ 100.00	\$ 100.00	\$ 75.00	\$ 75.00	\$ 160.00	\$ 160.00
13	Pavt Mrkg, Waterborne, Thru Arrow Sym	Ea	11	\$ 100.00	\$ 1,100.00	\$ 50.00	\$ 550.00	\$ 70.00	\$ 770.00
14	Pavt Mrkg, Waterborne, Only	Ea	2	\$ 100.00	\$ 200.00	\$ 75.00	\$ 150.00	\$ 80.00	\$ 160.00
15	Curb Head, Yellow	Ft	2,600	\$ 1.00	\$ 2,600.00	\$ 0.40	\$ 1,040.00	\$ 3.00	\$ 7,800.00
16	Pavt Mrkg, Waterborne, Accessible	Ea	30	\$ 50.00	\$ 1,500.00	\$ 15.00	\$ 450.00	\$ 50.00	\$ 1,500.00
17	Pavt Mrkg, Waterborne, 4 inch, Blue, Prkg/XH	Ft	940	\$ 0.80	\$ 752.00	\$ 0.50	\$ 470.00	\$ 1.85	\$ 1,739.00
18	Pavt Mrkg, Waterborne, 4 inch, Yellow, XH	Ft	2,300	\$ 0.75	\$ 1,725.00	\$ 0.40	\$ 920.00	\$ 1.40	\$ 3,220.00
				Total:	\$ 45,579.00		\$ 30,406.95		\$ 90,249.00



City Council Agenda Item Report

FROM: Ryan Cummins, Interim City Manager

MEETING DATE: April 22, 2024

SUBJECT: Contribution Toward a July 5 Fireworks Show

DESCRIPTION:

Lisa Mize, Executive Director, of the Saugatuck Douglas Area Convention & Visitors Bureau (CVB) has reported that Don Karaus, who has assisted with fireworks in the past, is offering to help organize an Independence Day fireworks show. Due to the timing, many firework companies are already booked for the 4th of July. However, a vendor is available to provide a fireworks show on July 5.

South Haven is planning a July 3 fireworks show, and the City of Holland is planning on July 4. A show in the City on Friday, July 5, could be a good opportunity for additional visitors.

The CVB is requesting a \$3,000 contribution from the City toward a July 5 show. The CVB has also made a \$2,000 request to Douglas.

LEGAL REVIEW:

N/A at this time.

SAMPLE MOTION:

Motion to approve a \$3,000 contribution to the Saugatuck Douglas Area Convention & Visitors Bureau for an Independence Day fireworks show on July 5.



**Proposal for July 5, 2024
Saugatuck MI
\$6500**

Opening

1 100 Shots Fan Brocade King w/Brocade & Blue Bouquet

Body

1 100 Shots Fanned Gold Horse Tail

1 200 Shots Fan Crackling and Silver Chrys. w/Red Dahlia and White Blink Willow and Crackling Silver Spinning Tail w/Brocade King and Ti-Chrys bouquet w/Super Crackling

2 49 Shots Gold Blink Tail to Gold Blink Willow w/Blue Stars

1 90 Shots W Shape Red Peony w/Red Tail (L), White Peony w/White Tail (C), & Blue Peony

72 3" Assorted Shells-A (36 Effects)

36 4" Assorted Shells-A (18 Effects) Made by Guandu

36 4" Assorted Shells-A w/Tail (18 Effects) Made by Sunny

18 5" Assorted Shells-A w/Tail

18 5" Assorted Shells-B w/Tail

Grand Finale

144 3" Chained Assorted Color Chrys. w/Tail

30 4" Chained Assorted Color Shells

30 4" Chained Silver Crown

12 3" Salutes

Finale will be Fanned out to fill more of the sky and not shot straight up to have it all in one small Space. Proposal includes tax, labor and \$2,000,000 in insurance. Body of the display will not be fired in the order that appears on this proposal.



City Council Agenda Item Report

FROM: Ryan Cummins, Interim City Manager

MEETING DATE: April 22, 2024

SUBJECT: Milfoil Treatment for 2024

DESCRIPTION:

Eurasian Water Milfoil is an invasive aquatic plant that is present in the Kalamazoo Harbor. In 2020 the City Council formed an Eurasian Water Milfoil Advisory Committee to address the Milfoil impacts including reviewing existing documentation, consulting with appropriate agencies and experts, identifying costs and reporting its recommendations. A copy of the committee's report to Council is attached.

In 2021, 2022, and 2023 the City of the Village of Douglas and the City partnered with Aquatic Doctors to treat the Milfoil:

- In 2021, the City asked private waterfront property owners whether they wished to also receive treatment. If they opted in, the City invoiced them for the cost. The City Treasurer advised we had success with property owners paying the invoice.
- In 2022, the City did the same, but the City Treasurer advised far less property owners were willing to pay the invoices, resulting in the City taking on increased cost.
- In 2023, the City covered the entire cost.

Douglas is moving forward with treatment in 2024 as they have found the treatments to be successful.

Past budgets have included total treatment costs of \$55,000. The 2023 treatment cost was \$72,156, although the July invoice incorrectly billed the City for properties in Douglas. Aquatic Doctors has indicated they will credit the City for this error.

Representatives from Aquatic Doctors presented at the April 8 workshop meeting. Consensus from Council at the workshop was to move forward with the treatment areas shown on the attached map.

LEGAL REVIEW:

Legal has provided prior analysis on the process to levy special assessments and the City's authority to treat invasive aquatic weeds. Legal has also reviewed the Aquatic Doctors agreement.

SAMPLE MOTION:

Motion to approve a one-year agreement with Aquatic Doctors to treat Milfoil in the areas presented in the not to exceed amount of \$67,750.



AQUATIC DOCTORS LAKE MANAGEMENT, INC. (“Aqua Docs”) of P.O. Box 150247, Grand Rapids, Michigan 49515 and City of Saugatuck of Saugatuck, Michigan agree:

Aqua Docs will provide a professional aquatic program for the control of weeds and/or algae in **Kalamazoo Harbor**. The program will consist of the following:

May/June: Weed and Algae treatment applying restrictive products such as Navigate (2,4-D), Diquat, Triclopyr, Aquathol K, Hydrothol 191, and non-water restrictive products such as copper sulfate, Cutrine-Plus, Cutrine-Ultra, Cygnet Plus, and shade as a tracer.

**3-4 weeks after initial treatment- spot treat weed beds and algae treatment.

July and August: Algae treatments applying non-water restrictive products such as copper sulfate, Cutrine-Plus, Cutrine-Ultra, Cygnet Plus and shade as a tracer. Spot weed treatment for EWM and other nuisance plant growth.

Cost per Acre:

Navigate: Granular systemic 2,4-D herbicide to control Eurasian Watermilfoil	\$ <u>315.00</u>
Triclopyr: Granular systemic herbicide to control Eurasian	\$ <u>560.00</u>
Triclopyr: Liquid systemic herbicide to control EWM	\$ <u>285.00</u>
Clipper: systemic herbicide to control Starry Stonewort	\$ <u>575.00</u>
Harpoon: granular systemic herbicide to contro Starry Stonewort	\$ <u>425.00</u>
Diquat: Liquid herbicide to control EWM, Curlyleaf, and Pondweeds	\$ <u>185.00</u>
Aquathol K-Hydrothol 191: Liquid herbicide to control Pondweeds	\$ <u>205.00</u>
Algaecides: Granular products to control Chara	\$ <u>50.00</u>
Algaecides: Granular and liquid products to control algae	\$ <u>40.00</u>
Water Quality Program:	\$ <u>50.00/sample</u>

Description and Optional Services:

Weed Treatment: Milfoil, Curly-leaf, Coon-tail, Chara, and various pondweed treatments applying restrictive products such as granular Navigate (2,4-D), Aquathol K, Hydrothol 191, Diquat, Triclopyr, Komeen, Glyphosate, and Cygnet Plus.

Algae treatment: Non-water restrictive algaecides such as Copper Sulfate, Curtain-Plus, Cutrine-Ultra, Chelated Copper, Earthtech, Greenclean, and shade as a tracer. Treatments should occur monthly to prevent existing growth and prevent re-growth. Surrounding conditions (i.e. sunlight, temperature, nutrient concentration, etc...) may require additional treatments.

Muck/Enzyme Treatment: Designed to decrease levels of organic sediment in lakes and ponds while reducing odors and improving water clarity. The pellets sink quickly, targeting 'muck' on the bottom. Mukk Busster does not contain pathogenic bacteria and it is fish and wildlife friendly. Contains 3 billion CFU/gram (Colony-forming units).

Water Quality Program: Water quality program consists of lake samples taken and sent to an independent laboratory (Prein & Newhof). The samples can be tested for a variety of things including; fecal bacteria (E. coli), dissolved oxygen, conductivity, total dissovled solids, pH and alkalinity. Primarily E. coli is the focus.



- Specific treatment dates will be set by Aqua Docs, in cooperation with City Manager.
- Please be aware Aqua Docs can only treat weeds and algae present at the time of treatment. We have no control over future weed or algae growth based on the current chemicals registered for aquatic use in Michigan.
- Unless otherwise stated in the program, all other aquatic pest control will require a separate program (i.e. cattails, duckweed, largeleaf pondweed, lily pads, purple loosestrife, watermeal, etc...)

Aqua Docs will obtain the DEQ “Aquatic Nuisance Control permit” and post restriction signs as required. Any facility or location related permits/requirements, for example, “Discharge or Retention” permits will be the responsibility of the customer, association, resident or facility. It is your association’s/group’s responsibility to notify each resident within one hundred (100) feet of the treatment area at least seven (7) days in advance of the first treatment that chemicals will be applied. This notification requirement must be provided to every property owner who has consented to have their property treated. Lake boards and townships who assess the lake property owners are exempt from individual consent documentation. The property owner is responsible for removing any restriction signs ten (10) days after the conclusion of water use restrictions.

Aqua Docs carries a general liability policy of insurance for workmans comp, bodily injury and property damage with limits of \$1,000,000.00 per occurrence. Certificates of insurance will be provided upon request.

The State of Michigan requires a minimum fee of \$75.00 and increases the fee to \$1500.00 for treatment areas of 100 acres or more. Please make check to the State of Michigan. Application for the DEQ “Aquatic Nuisance Control permit” shall occur promptly after the fee is received from the customer.

Special Notes & Conditions of Treatments

- #1 – Our office must be notified of any inlets/outlets to meet specific permit requirements with the Michigan DEQ.
- #2 – If the water body is being used as a source of irrigation, please notify our office prior to any treatments.
- #3 – To minimize the possible effects on health and the environment, the treated waters MAY be restricted for such uses as swimming, bathing, irrigation, fish consumption and/or livestock.
- #4 – If an access site has not been determined or established prior to services rendered, then an access site must be determined at the discretion of the applicator at the time of treatment.

Payment in full is due within fifteen (15) days of each application. Any amount remaining unpaid when due shall accrue a penalty of 1.5% per month.

All materials utilized by Aqua Docs shall be of the highest quality and are registered with the U.S. Environmental Protection Agency and the Michigan Department of Agriculture.

The accumulation of dying and decomposing plants and algae can deplete the dissolved oxygen supply in the water, which may result in fish mortality. Please note that such occurrences are minimal, however, the possibility does exist. Due to their level of sensitivity, Goldfish, Coy, and Trout are more susceptible to a treatment than other fish species. During Late Spring and Summer, many NATURAL fish kills occur due to an increase in water temperature and spawning habits, primarily.

Three or five year treatment program: As an incentive to establish a multiple year agreement we will treat your lake or pond at the same price structure as 2024 for 2025! The remaining years (2026-2028) will have cost increases of three percent or less. If total chemical costs exceeds 10% from the previous year a new agreement will have to be mutually acceptable. If during the life of the contract the DNR or other regulatory agencies significantly change the approved treatment procedures or the client finds the manner in which the work is performed less than satisfactory, either party may terminate this agreement upon giving ninety (90) days advance written notice thereof.



Contract:

Signature Page for “City of Saugatuck”

Program Option for City of Saugatuck:

One (1) Year Program- _____
Three (3) Year Program- _____
Five (5) Year Program- _____
(Just initial your choice)

Aquatic Doctors Lake Management, Inc.

By: MT Ryan Schauland B.S.
President

Signature

Date

For City of Saugatuck Representative:

Name (Print) _____
Title _____
Address: _____

Signature

Phone: _____
(Day): _____
(Eve): _____

Date

email: _____



Aquatic Doctors Lake Management, Inc.

Ryan Schauland BS
PO Box 150247
Grand Rapids MI 49515
(616) 365.1698

September 11, 2023

Dear Friend,

I would like to thank you for choosing *Aquatic Doctors Lake Management, Inc.*, Michigan's fastest growing Lake Management Company. The 2023 season started VERY DRY and stayed that way for quite awhile. While dealing with the unusual spring drought, the heat decided to show up. This combination has proven difficult to manage. The record lack of rain succeeded in early production of aggressive weeds and algae. Weeds and algae love sun/heat and use it to grow aggressively. By the time the rain arrived the waterbodies were primed for excessive growth. Even the beneficial growth in excess becomes a problem. This seasons conditions were successful in bolstering Michigan waters with excessive weed and algae growth. The large and rapid growth of weeds and algae was very evident in many of our clients water bodies . In many cases additional treatments were needed to keep up with the excessive growth. It certainly was a battle, but with your help, we were able to successfully control the growth of nuisance weeds and algae. We are hopeful next season will return to more normal conditons.

Our main goal for the 2024 season is the early submittance of the permit applications. We feel confident this will help erase the permit delays, experienced this past summer, in Michigan. We are attempting to submit all applications by the 1st of the year. This will give the DEQ ample time to return our permits in time for early treatments.

Enclosed is a 2024 contract **(if not included; a multi-year contract is still in effect)**. Please review it and return the completed contract to us as soon as possible. Along with the contract please enclose a check to "State of Michigan", for the permit fee, --Please refer to letter attached "Permit fees by State of Michigan". If there is no attached "Fees Letter" simply disregard the fee...

We are thrilled to be working with you, and believe we have started a long-lasting friendship. If you would like to adjust your treatments or have any questions or concerns please call me anytime. Thank you again, we look forward to speaking with you.

Sincerely,

MT Ryan Schauland
President

Avoid Permit Delays- Act Now

Aquatic Doctors Lake Management, Inc.
PO Box 150247 Grand Rapids MI 49515 Office: (616) 365 1698 Fax: (501) 647 3041 www.aquaticdoctors.com

2024 Estimates

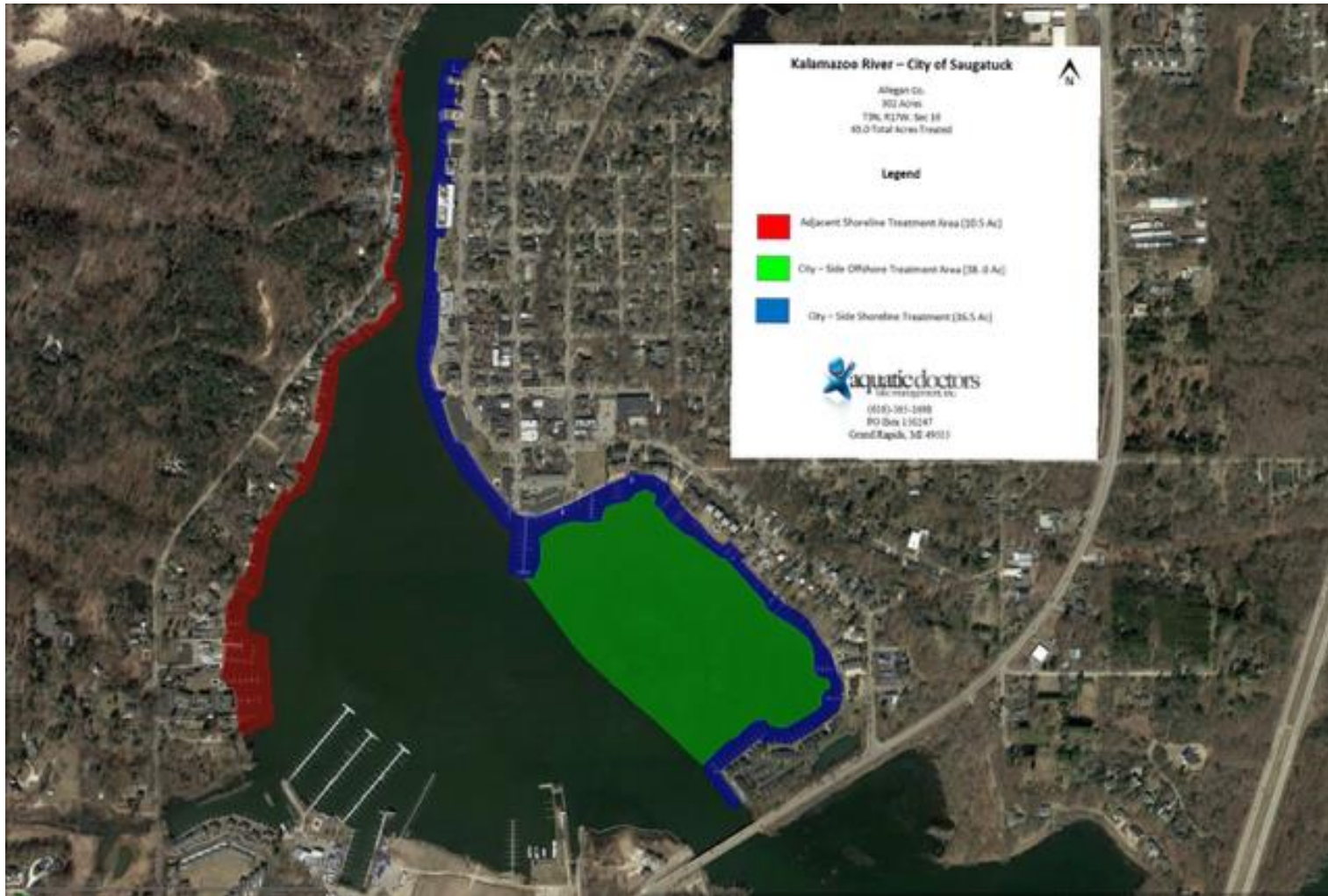
City side offshore (Green): 38 Acres @ \$575/acre= \$21,850/treatment

City shoreline (Blue): 16.5 Acres @ \$575/acre= \$9487.50/treatment

Adjacent shoreline (Red): 10.5 Acres @ \$575/acre= \$6037.50/treatment

**These prices are per treatment. We do two treatments per season.

The credit would be \$7000-\$7500 for the 2023 July invoice.



Eurasian Water Milfoil Advisory Committee Report to Saugatuck City Council

December 28, 2020



Eurasian Water Milfoil Advisory Committee Report to Saugatuck City Council

Introduction

Lake Kalamazoo (the Harbor) has experienced a troublesome and increasing growth of an invasive species of weed known as Eurasian Water Milfoil. This invasive species is a nuisance to the public's use and enjoyment of the Harbor. In an effort to minimize and control the growth of this weed the Saugatuck City Council, at its regular meeting of October 12, 2020 appointed the Eurasian Water Milfoil (EWM) Advisory Committee and tasked the committee to "review the existing documentation, consult with appropriate agencies and experts, identify costs, and to ultimately report the committee's recommendations to the Saugatuck City Council on or before their regular meeting of February 8, 2021."

The committee members:

- Mayor Ken Trester, City Council member
- Garnet Lewis, City Council member (through November 23, 2020)
- Scott Dean, City Council member, communications advisor with Michigan Department of Environment, Great Lakes, and Energy (beginning November 24, 2020)
- Robert Shuchman, Co-Director of Michigan Technological Research Institute
- Pat Burroughs, Past Harbor Authority Board member, Environmental Law Attorney, Civil Engineer
- Tim Straker, Chair of Historic District Commission
- Karen Doyle Homan, Interim City Manager

Methodology/Discussion

For its first meeting, the committee concentrated on reviewing the data and other information collected by the City in the prior two years. This review included the Aquatic Vegetation Survey and Treatment Options Report performed in 2018 by Kaiser & Associates. (Committee packet materials containing all documents/video/photos shared are available at <https://www.saugatuckcity.com/index.php/2020-03-11-16-11-12/news>).

For its second meeting, a panel of experts was assembled. The panel was made up of:

- Melissa DeSimone, Executive Director, Michigan Lakes and Streams Association
- Zach Berry, Biologist, General Manager, Aquatic Doctors
- Ryan Schauland, Biologist/Aquatic Ecosystems, President/Owner Aquatic Doctors
- Andy Tomaszewski, Biologist, PLM Lake and Land Management Corp.

- Jason Broekstra, Biologist, VP of Great Lakes Operations, PLM Lake and Land Management Corp.
- Michael Smith, Owner, Mtt DASH Divers
- Kim Arter, Laketon Township Supervisor; President, Bear Lake Lake Board

With the experts' assistance, all possible methods of treatment were evaluated. These methods and the conclusions reached were:

- Cutting/Harvesting: Harvesters mow the milfoil under water. It is a short-term relief method without any long-term benefits. The resulting fragmentation of the EWM spreads it further.
- Diver Assisted Suction Harvesting (DASH): DASH is being used successfully when the EWM is contained to a small area, less than an acre if dense (Higgins Lake), or in a larger area if the pockets of EWM are scattered (Lake Leelanau). The Kalamazoo Harbor infestation is currently localized, dense and over many acres (17-20 acres). Mtt DASH Divers stated that it takes a week to do a dense half acre equipped with two boats and divers, and advised this method was not recommended for the Harbor because of its size.
- Weevils: Weevils were once promising for long-term control of EWM. They are difficult to propagate for commercial use and not widely used anymore. There is also the danger of introducing another non-native species to the lake.
- Dredging: Dredging is a possible long-term solution. The cost of dredging and the difficulty of permitting does not make it viable in the short-term.
- Benthic Barriers: Benthic barriers are like landscape tarps. They would be difficult to anchor in a flowing river system. They would also kill the native plants along with the invasive species. They are illegal to use for this purpose in Michigan.
- Sonar (fluridone): Not to be confused with acoustic technology, Sonar (fluridone) treatment is like chlorinating a swimming pool. The dilution, 6 ppb, will kill EWM, but will not impact native plants. It is a risky option in a flowing system because it needs to stay 60 days to be effective.
- Aeration: Aeration is great to restore health to an inland lake with algae blooms. It is not effective for EWM or recommended in a flowing system.
- Herbicide: Herbicides placed appropriately, systemically, and properly will cause the die-off of the invasive EWM without harming the native species. Granulated herbicide products that quickly sink to the targeted treatment areas are recommended because they are less impacted by flow. It is already being used in the watershed by the City of Douglas and proving to be effective. Other

nearby harbor communities in West Michigan are also using herbicides to combat invasive EWM.

The panel and committee discussed unintended consequences (impact on native species, fish, and habit) if an herbicide is used. The consensus among the experts was, that by taking out the fast-spreading, non-native invasive species the native species—which are currently being choked out—will return and natural habitat will reappear in the treated areas.

The consequences of allowing the invasive EWM to spread are the potential collapse of the ecosystem. The EWM blocks out the sun, and it degrades and destroys food sources and habitat. When it dies out in the fall, the decaying plants reduce oxygen in the water, which in turn kills fish because there is no food source for them.

An additional benefit of eliminating the invasive EWM is that the foul-smelling duckweed, a native species, will no longer be trapped in EWM's dense mat and thus more likely to continue its normal path down river and out to Lake Michigan.

In addition to environmental considerations, controlling the spread of invasive EWM positively benefits the public's enjoyment of Kalamazoo Lake and Harbor. Controlling it is vital to our local tourist-dependent economy.

(The panel discussion may be viewed on youtube at:
<https://www.youtube.com/watch?v=eYMXBjNYTeE>)

Riparian/Waterfront Property Owners' Consent

As a part of its investigation the Committee looked into the need to obtain individual riparian owners' consent to treat the Harbor for the invasive milfoil. The Committee found the following points:

- Municipalities have an obligation to keep water bodies navigable and free from noxious weeds, just as they do to maintain roads and land areas.
- The Michigan Department of the Environment, Great Lakes and Energy (EGLE) does not require individual property owner consents when the aquatic weed treatments are being done by a municipality through a professional contractor. This is true whether the funding comes from special assessments or from the City's General Fund.

Conclusion

The panel unanimously concluded that herbicide treatment of the invasive EWM patches in Kalamazoo Lake and Harbor would be safe and effective. Herbicide is recognized as a viable treatment option by the Michigan Department of Environment Great Lakes, and Energy (EGLE) and does not come with some of the unintended

consequences of other treatment or cutting technologies. It is also likely the most cost-effective option. The panel also concluded that once the growing EWM infestation is under control, Diver Assisted Suction Harvesting (DASH) may become a viable long-term option of continued maintenance of invasive aquatic weed growth. Although not the focus of the panel's discussion, it was noted that longer-term work and engagement with communities upstream of Kalamazoo Lake would be beneficial in addressing the root causes of weed growth (agricultural run-off, failing septic systems, loss of habitat).

Recommendation

The Committee recommends that the City of Saugatuck partners with the City of Douglas to treat invasive Eurasian Water Milfoil with herbicide. Douglas has already proven that this can be accomplished safely and effectively, and partnering in the stewardship of this shared body of water will save both cities money. The City of Douglas's vendor, Aquatic Doctors, has offered a 5% quantity discount if our two communities' partner. We would share the cost of one permit from EGLE rather than obtaining two.

Further, the Advisory Committee recommends the city fund the cost of treatment in the first year.

This recommendation does not require a competitive bidding process. The City of Saugatuck's Code of Ordinances, Ordinance 32.18(C) states under the heading *Exceptions to Competitive Bidding*: "Where the City Council shall determine that the public interest will be best served by purchase from or joint purchase with another unit of government".

Another factor supporting partnering with the City of Douglas is that in early 2020 the City of Saugatuck sent out Requests for Proposals (RFP) for treating Eurasian Water Milfoil. Two contractors responded with Aquatic Doctors being the low bid. Their quoted price in 2021 did not increase from their 2020 bid.

Cost

Aquatic Doctors cost per acre of granular triclopyr (used in Douglas) is \$560 an acre, per treatment. In 2018, when Kaiser & Associates performed their study, the recommended treatment areas were estimated between 17 and 20 acres. Using 20 acres as a high estimate, and applying the 5% discount, the cost for treating 20 acres would be \$21,375 (two treatments over the season) plus our share of the permit.



City Council Agenda Item Report

FROM: Ryan Cummins, Interim City Manager

MEETING DATE: April 22, 2024

SUBJECT: Grant of Public Utility Easement - 57-850-010-00

DESCRIPTION:

When the Dunegrass development was approved, there was a utility easement that needed to be recorded per the approved plans. An underground public water pipeline crosses over parcel 03-57-850-010-00. At the time, Nederveld developed a description of the easement area for this parcel, but the utility easement wasn't recorded.

Legal prepared a proposed easement consistent with the easement recorded for the other properties. After review with the current owner, they are agreeable to the attached utility easement.

LEGAL REVIEW:

The City Attorney prepared the easement and will be at your meeting to answer any questions you may have.

SAMPLE MOTION:

Motion to approve the grant of public utility easement by JLAF Holdings to the City of Saugatuck.

Grant of Public Utility Easement

This conveyance is made effective as of _____, 2024, by **JLAF Holdings, LLC**, a Michigan Limited liability Corporation, whose address is 6330 Corberry Trail NE, Ada, Michigan, 49301 (the “**Grantor**”), to the **City of Saugatuck**, a municipal corporation organized under the laws of the State of Michigan, with offices at City Hall, 102 Butler Street, Saugatuck, Michigan 49453 (the “**City**”) upon the terms and conditions stated below.

1. **Background and Purpose.** The Grantor is the owner of property located in the City of Saugatuck, Michigan, legally described as “LOTS 10 TO 14 INC UPHAM'S ADDITION (2021) SPLIT/COMBINED ON 12/10/2020 FROM 57-850-007-00” (the “**Property**”). This document is for the purpose of conveying a public utility easement to the City and its agents, contractors, and representatives (hereinafter also collectively referred to as “**City**”) within the Property for the location of the water line.

2. **Conveyance.** The Grantor does hereby grant, warrant, and convey to the City a perpetual public utility easement over and across the Property as shown and described on the attached **Exhibit A** (the “**Easement**”).

3. **Use.** The Easement is granted for the purpose of constructing, replacing, repairing and maintaining an underground public water pipeline and appurtenances. The City is granted the right of ingress and egress to the Easement and over the route of the Easement for the purpose of constructing, maintaining, repairing, or replacing the public water utility line and appurtenances subject to the following terms and conditions:

(a) Any such construction, maintenance, replacement, or repairs shall be performed by the City, its agents, employees, representatives, or contractors so as not to unreasonably interfere with the use of the property outside of the Easement by the Grantor, and at the City’s cost, unless such construction, maintenance, replacement, or repairs are required as the result of Grantor or Grantor’s agents damaging the City’s underground public water pipeline or appurtenances, in which case Grantor shall be responsible for such costs.

(b) Upon completion of the construction, maintenance, replacement or repairs, the City will restore the Easement to the same condition as it was prior to such

construction, maintenance, replacement, or repairs, and without cost to the Grantor. The City shall use reasonable care to protect the landscaping and shall restore to grade and re-seed all lawn areas.

(c) In the event that it is necessary for the City to enter upon the portion of the Property immediately adjoining the Easement, the City shall have the right of such use of that adjoining property; provided, however, that the City shall return the portion of the Property adjoining the Easement to as good or better condition than it was prior to any construction, maintenance, replacement, or repairs.

4. **Retained Rights.**

(a) The Grantor retains all other property rights in the Easement.

(b) The Grantor reserves the right to grant to others, additional easement rights, in the Easement, for the installation and maintenance of gas, electric power, telephone structures and lines; this right being subject to approval by the City as to location and size of the proposed easement and utilities. The approval by the City shall not be unreasonably withheld. All such additional easements shall be subject to the prior rights of the City and additional expenses incurred in the construction, maintenance, repair or replacing of the utilities owned by the City resulting from these additional easements or the presence of gas, electric or telephone structures and lines shall be assumed by the owners of the structures of lines causing such extra expense.

(c) The Grantor will not restrict or interfere with the City's easement rights in any way, and expressly agrees that no building, fences, walls, or any other type of surface or subsurface structure or improvement, or trees of any kind, shall be placed in, on, over, or under the Easement, except as expressly provided herein. If any unauthorized building, fence, wall, structure, improvement, or tree is so placed thereon, the City shall have the right (but not the obligation) to remove the same without the consent, express or implied, from the Grantor, and the actual cost of the removal shall be borne by the Grantor. Furthermore, the Grantor shall not do anything in, over, upon, under, or across the Easement that would unreasonably or otherwise interfere with the City's use of the Easement.

(d) Notwithstanding the restrictions set forth in subsection (c), Grantor may construct an access driveway within the Easement, provided that the driveway does not interfere with the City's underground public water pipeline and appurtenances. If the construction of Grantor's driveway results in any damage to the City's underground public water pipeline and appurtenances, Grantor shall be responsible for the actual costs of repairs to the same. If Grantor's driveway is damaged by the City in its use of the Easement for the construction, maintenance, replacement or repairs of the City's underground public water pipeline and appurtenances, the City will restore the driveway to the same condition as it was prior to such construction, maintenance, replacement, or repairs, and without cost to the Grantor.

5. **Other Construction.** The Grantor and its successors or assigns agree that if any buildings or other structures are constructed by them, adjacent to the Easement and, because of the construction of such buildings or other structures it becomes necessary to structurally support, shore, brace or otherwise provide for the stability of the buildings, surface or subsurface structure so that the City may perform the work of maintaining, replacing and repairing the utilities and the pertinent facilities, the Grantor shall assume such expense for support, shoring and bracing; provided, however, that the City shall consult with the Grantor, its successors or assigns before performing the work with respect to alternative methods of repair, improvement, maintenance or replacement. The Grantor and the City shall confer promptly and shall avoid jeopardizing the health, welfare and safety of the public by unnecessary delays in consultation.

6. **Indemnity.** The Grantor hereby agrees to save and hold the City harmless from any and all claims, debts, causes of action or judgments or any damage to property and/or injury to any person which may arise out of any construction within or use of the Easement by the Grantor, its agents, employees, representatives, contractors, or assigns.

7. **Binding Effect.** This document shall be binding upon and inure to the benefit of the parties hereto and their representatives, assigns or successors.

[Signatures Appear on the Following Pages]

GRANTOR:

JLAF Holdings, LLC

a Michigan limited liability corporation

By: [Signature]
Unity Franko
Its: Manager

STATE OF MICHIGAN)
)
COUNTY OF KENT)

This document was acknowledged before me this 29th day of March 2024, by Unity Franko the Manager of JLAF Holdings, LLC, a Michigan limited liability company.

Karen Hollis
Karen Hollis, Notary Public
Kent County, Michigan
Acting in Kent County, Michigan
My Commission Expires: 01-30-2030

KAREN HOLLIS
Notary Public, State of Michigan
County of Kent
My Commission Expires 01-30-2030
Acting in the County of Kent



City of Saugatuck,
a municipal corporation

By: _____

Its: _____

STATE OF MICHIGAN)
)
COUNTY OF _____)

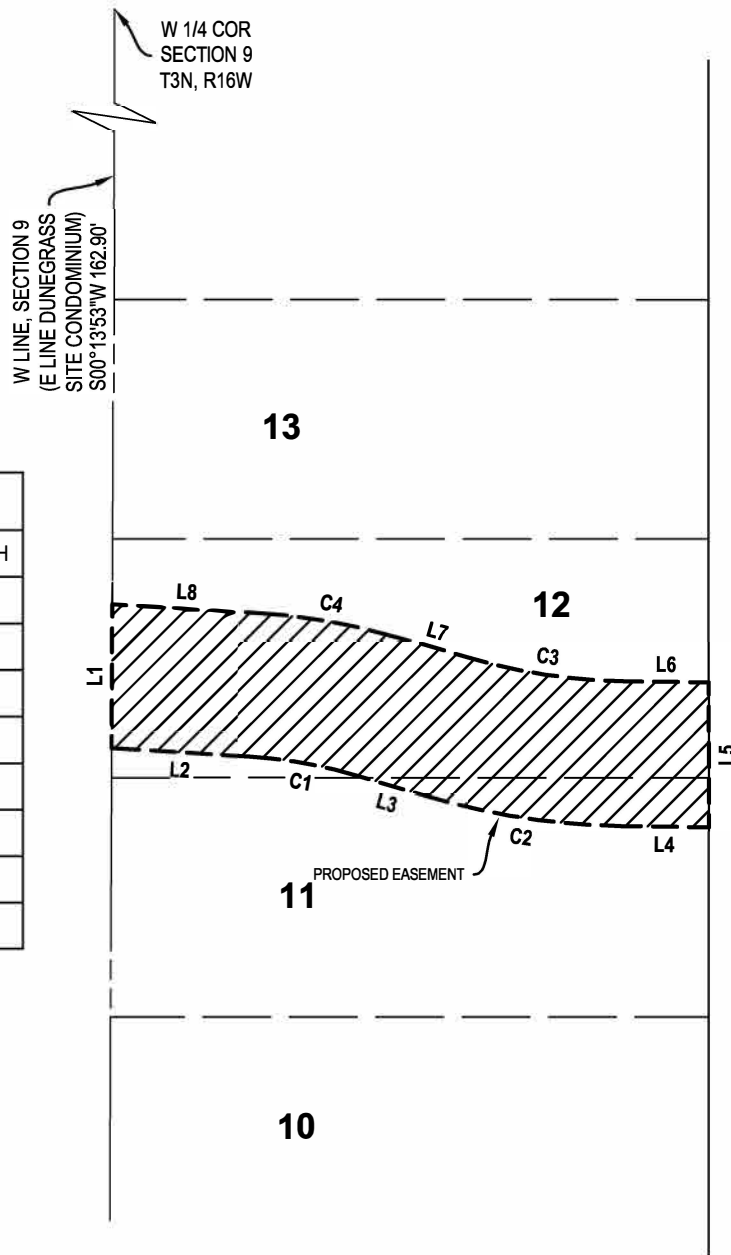
This document was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of City of Saugatuck, a municipal corporation organized under the laws of the State of Michigan, on behalf of the City of Saugatuck.

_____, Notary Public

County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

Drafted by and when recorded return to:
Jacob N. Witte (P82558)
Fahey Schultz Burzych Rhodes PLC
4151 Okemos Road
Okemos, Michigan 48864
(517) 381-0100

EXHIBIT "A"



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°13'53"W	30.05'
L2	S86°24'05"E	28.96'
L3	S73°39'08"E	15.91'
L4	S89°10'02"E	18.30'
L5	N00°01'33"W	30.00'
L6	N89°10'02"W	17.85'
L7	N73°39'08"W	15.91'
L8	N86°24'05"W	30.73'

DESCRIPTION

Part of Lots 11 & 12 of Upham's Addition as recorded in Liber 3 of plats, Page 23, Allegan County Records, Section 9, Town 3 North, Range 16 West, City of Saugatuck, Allegan County, Michigan, described as: Commencing at the West 1/4 corner of said Section; thence S00°13'53"W 162.90 feet along the West line of said Section and the East line of Dunegrass Site Condominium to the Point of Beginning; thence continuing S00°13'53"W 30.05 feet along said West line; thence S86°24'05"E 28.96 feet; thence Southeasterly 22.25 feet along a 100.00 foot radius curve to the right, said curve having a central angle of 12°44'57", and a chord bearing S80°01'37"E 22.21 feet; thence S73°39'08"E 15.91 feet; thence Southeasterly 40.62 feet along a 150.00 foot radius curve to the left, said curve having a central angle of 15°30'53", and a chord bearing S81°24'35"E 40.49 feet; thence S89°10'02"E 18.30 feet; thence N00°01'33"W 30.00 feet along the West line of Frederick Street; thence N89°10'02"W 17.85 feet; thence Northwesterly 32.49 feet along a 120.00 foot radius curve to the right, said curve having a central angle of 15°30'53", and a chord bearing N81°24'35"W 32.39 feet; thence N73°39'08"W 15.91 feet; thence Northwesterly 28.93 feet along a 130.00 foot radius curve to the left, said curve having a central angle of 12°44'57", and a chord bearing N80°01'37"W 28.87 feet; thence N86°24'05"W 30.73 feet to the Point of Beginning

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	22.25'	100.00'	12°44'57"	S80°01'37"E	22.21'
C2	40.62'	150.00'	15°30'53"	S81°24'35"E	40.49'
C3	32.49'	120.00'	15°30'53"	N81°24'35"W	32.39'
C4	28.93'	130.00'	12°44'57"	N80°01'37"W	28.87'

FREDERICK STREET

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953

SCALE: 1" = 40' 0' 20' 40'

Dune Ridge SA GP, LLC
 Paul Heule
 231 W. Fulton Street
 Grand Rapids, MI 49503



Frederick Street

DRAWN BY: HM	DATE: 5-15-18	PRJ #: 17200672XA
REV. BY:	REV. DATE:	
REV.:		

1 OF 1

nederveld
 www.nederveld.com • 800.222.1868
 Holland
 347 Hoover Blvd.
 Holland, MI 49423
 Ann Arbor, Chicago, Columbus,
 Grand Rapids, Indianapolis, St. Louis

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

Jamie Wolters

From: Anna Gregg <annagregg14@gmail.com>
Sent: Monday, April 15, 2024 11:27 AM
To: Helen Baldwin; Jamie Wolters
Subject: Saugatuck Park

Can you please ensure this is passed on to council for the 4/22 meeting.

Dear City Council,

I am writing to express my strong support for the park located in downtown Saugatuck. Playgrounds are not just recreational spaces; they are essential components of a thriving community. Just ask the city of Douglas how much more activity the downtown has seen since the park was updated to accommodate all ages. Here are a few reasons why I believe a playground is crucial for our city:

1. **Promoting Physical Health:** In an era where sedentary lifestyles and screen time dominate, having a playground encourages children to engage in physical activities. Climbing, running, swinging, and playing games not only keep them active but also contribute to their overall well-being and development.
2. **Fostering Social Interaction:** Playgrounds are places where children from diverse backgrounds come together. They learn to socialize, make friends, and develop essential social skills such as cooperation, communication, and empathy. These interactions lay the foundation for a more inclusive and harmonious society. They witness their parents or grandparents create social connections by bringing them to the park. Some of our best friendships in the community started from meeting other families at the local parks.
3. **Creating Safe Spaces:** A well-designed playground provides a safe environment for children to explore and take risks under supervision. It's a space where they can test their limits, build resilience, and learn valuable life lessons in a controlled setting. The playground that was in its place before was rotting away. The new playground meets or exceeds all safety requirements to date.
4. **Improving Mental Health:** Outdoor play has been linked to improved mental health outcomes in children. Time spent in nature and engaging in physical activities can reduce stress, anxiety, and depression, promoting overall mental well-being.
5. **Community Building:** Playgrounds serve as gathering spots for families, neighbors, and community members. They facilitate interactions between different generations and strengthen community bonds. A vibrant playground can become the heart of our neighborhood, bringing people together and fostering a sense of belonging.
6. A playground is meant to bring people together, not divide people. Not to mention, by building a playground you are giving children a place to get their energy out. This will make them less likely to play on statues or in places they are not meant to within downtown.

In conclusion, investing in a playground is an investment in our children's future and the well-being of our community as a whole. I urge you to consider the numerous benefits that a playground can bring and take proactive steps to make it a reality for our city. Together, we can create a healthier, happier, and more connected community for generations to come.

Thank you for your attention to this important matter.

Sincerely, Anna Gregg

989-306-0403

Jamie Wolters

From: Brian Elmore <briantelmore@gmail.com>
Sent: Wednesday, April 10, 2024 4:30 PM
To: Lauren Stanton; Ryan Cummins; Jamie Wolters
Cc: Jeffrey Hamm
Subject: Urgent Concerns Regarding Increased Traffic and Safety on Maple Street

Follow Up Flag: Follow up
Flag Status: Flagged

Mayor Stanton and Members of the Saugatuck City Council,

I am writing as a concerned resident of the Maple Street corridor, affected significantly by the recent detour related to the Blue Star Hwy / Allegan roundabout construction. While I support the safety of the roundabout initiative, the immediate impact on local traffic and safety is alarming.

Since the detour's commencement, Maple Street has experienced a drastic increase in traffic volume and speed, posing severe risks. Vehicles, often exceeding 40 miles per hour, compromise the safety of residents and children in our neighborhoods.

We regularly walk downtown from our home on Ridgeview Ln. along Maple Street and this will be impossible and unsafe given the current conditions. There are no alternate sidewalk options and Maple Street is pitch black at night with minimal street lighting from Blue Star to North making it near impossible for drivers to see pedestrians.

Moreover, the traffic surge exacerbates the deteriorating condition of Maple Street which was already in very bad shape in spots. This will likely lead to vehicle damage and hampering both resident and tourist mobility throughout the summer.

I propose the following immediate actions:

1. Daily police presence and ticketing to enforce speed limits as well as speed meters along Maple Street to draw drivers' attention to the 25mph speed limit.
2. An urgent and continued assessment and repair of the road surface to withstand the increased traffic.
3. Explore whether temporary street lighting can be installed for the duration of the project so that the increased traffic can see pedestrians and potholes.

Thank you for your attention to these critical matters. I look forward to your swift response and action.

Sincerely,

Brian Elmore and Jeffrey Hamm
985 Ridgeview Ln
Saugatuck, MI

Jamie Wolters

From: Brooke Gebora <geborabr@hotmail.com>
Sent: Monday, April 15, 2024 10:18 AM
To: Jamie Wolters; Helen Baldwin
Subject: Playground in downtown Saugatuck - Please include in Meeting Coorespondence

Hello,

My name is Brooke Yost and I've been a resident of Laketown Township for ~5 years. My children go to the elementary and the middle school in Saugatuck/Douglas. My family and I enjoy spending time together downtown, grabbing ice cream, playing basketball/pickleball, and going to the playground and park area.

My kids are so looking forward to the new playground area being built in downtown Saugatuck. I was dismayed to learn that a business owner is trying to stop the progress of this great thing for our community, which can serve as a source of pride and be a place that is fun and safe for all kids and their friends.

My understanding is the new park's plans fully meet and/or exceed all required safety standards and legal requirements. The playground will also serve a wide spectrum of people - very inclusive for children of all ages, as well as those who have varying abilities. Inclusivity is a foundational element of both Saugatuck and Douglas and one of the reasons we chose to live in the area. The old playground was not safe and a complete eyesore. Our town needs to continue to modernize to attract and keep families local, as well as better serve our tourist community which fuels the livelihood of many who reside in the area.

I am in full support of the playground project progressing as planned.

Thank you for your time and consideration.

Thank you,
Brooke Yost

919-325-6916 mobile

--

Jamie Wolters

From: ingridmount@yahoo.com
Sent: Tuesday, April 16, 2024 8:43 AM
To: Jamie Wolters
Subject: Saugatuck Playground / for City Council

Follow Up Flag: Follow up
Flag Status: Flagged

Please include this in the correspondence for the City Council meeting April 17.

Hello my name is Charlie Benson and I would like to say a couple words about the park. First of all, I've been excited about this park for around five months now. Also whilst I know there's a lawsuit going on, I just have to hope that it all blows over and we get the park by summer.

Thank you for your time,
Charlie

DES 4th grader
(Typed by Mom, written by Charlie)

Jamie Wolters

From: Christine Marvin <christinemarvin@yahoo.com>
Sent: Monday, April 15, 2024 9:45 AM
To: Jamie Wolters; Helen Baldwin
Subject: PARK-TO BE INCLUDED IN MTG MINUTES 4/17

Hi

I'm writing with regards to the children's park on Butler. I am so excited that our town to be able to offer a park with play options for kids of a wider age range and abilities. There is nothing more disappointing to be a kid who is atypical (whether that be wheelchair bound or sensory issues) and pull up to a park that is not compatible for their needs. I believe the same holds true on the age range. In a time where we want to press kids to get away from their devices and get outside, a park that caters to a wider age range will allow this to take place. I also believe that the park will help the local businesses thrive as it will incentivize families to stay in town longer with a spot for kids to blow off steam.

All in all I find the new park to be a win win for our community for the years to come.

Regards
Christy Marvin

Jamie Wolters

From: Dan Harvey <dharvey313@gmail.com>
Sent: Sunday, April 14, 2024 3:09 PM
To: Jamie Wolters
Subject: Playground

Please include progression of the playground construction in the correspondence during the city meeting. I am a volunteer who cannot wait to help construct the playground and have my 2 and 4 year old use it.

Thanks,

Dan Harvey
3499 Riverside Dr, Saugatuck, MI 49453

Jamie Wolters

From: Doug Rodewald <rodewald413@gmail.com>
Sent: Monday, April 15, 2024 11:53 AM
To: Jamie Wolters; Helen Baldwin
Subject: Support for the Saugatuck Park Build

Good morning,

I'm writing to express my support for moving forward with the rebuild of the park down town Saugatuck. As a father of two sons that have played at the prior park their entire lives, I am excited about a new park going in that will be safer, more inclusive (both age and to those with disabilities) and very thoughtful in how it was tied to Saugatuck's history. Being a sport family, we are often in other communities and schools and the majority, if not all, of these facilities have play grounds that are comparable to the one that will be built. It is time.

On a broader note, we as Saugatuck have to make sure we are building a community that is friendly to families and children, both visitors and locals. All generations visit Saugatuck, but it's typically the younger generations that staff the retail locations that make this community run. If people don't feel welcome now, why would they want to come back and work here.

The park is going to be amazing and thank you to the council and all of the local volunteers for getting it to where it is today.

Doug Rodewald
413 Hoffman St.



Department of Public Works Report

Below is a summary of notable activities carried out by the Department of Public Works since the last council meeting on 04/08/2024:

Brush and Leaf Collection:

Public Works completed its April brush and leaf collection. Yard material was collected on April 16th and 17th on the east side of the Kalamazoo River and the 17th and 18th on the west side of the Kalamazoo River.

Asphalt Patching:

Public Works continues to use its new Falcon Hot Box. So far, 12 tons of asphalt has been used to patch potholes. We see a substantial improvement in the quality of the patches.

Park Street Erosion:

Krohn Excavating is finishing up the installation of a catch basin, storm drain, valley gutter along 850 and 856 Park Street. They are in the final stages of the project which is slope restoration and landscaping.

Village Square Playground:

Litigation continues.

Meetings:

- **04/08/2024** – DPW Weekly Goals Meeting
- **04/08/2024** – Workshop/Budget Meeting
- **04/08/2024** – City Council Meeting
- **04/09/2024** – Department Head Team Meeting at City Hall
- **04/12/2024** – Weekly Goals Follow Up Meeting
- **04/15/2024** – DPW Weekly Goals Meeting
- **04/15/2024** – Park Street Erosion Progress Meeting
- **04/18/2024** – TMF Project Kickoff Meeting
- **04/18/2024** – MERS Meeting
- **04/19/2024** – Robotic Aircraft Coastal Research
- **04/19/2024** – DPW Weekly Goals Follow Up Meeting

Jamie Wolters

From: Ethan Barde <ethanbarde54@gmail.com>
Sent: Thursday, April 11, 2024 8:39 AM
To: Jamie Wolters
Cc: tammy
Subject: Fwd: Moratorium and STR caps for town or per neighborhood

Jamie

Please make sure this gets in the record with city, zoning, etc

Thank you

Ethan Barde
Quaint Cottages

Hello Saugatuck city counsel and Saugatuck zoning board and all other city groups applicable,

Please put this email on record with the city on behalf of Myself, my company and the attached list of my client whom own property in the city of Saugatuck.

I have spoken out at many meetings from the beginning along with a majority of others that are against caps or a moratorium on short term rentals. This included the task force that was put in place as well as the consultants that were hired by the city. With all the speaking and data that has been presented there are only a few on the board that are listening and not placing their personal agenda in front of what is best for our town of Saugatuck. I believe the majority of board members are going through the motions and are not even considering what is best for the town or the towns stakeholders yet only interested in their agenda of stopping short term rentals that have been a part of Saugatuck for over 100 years. Saugatuck has NOTHING else but tourism and depends on this to thrive.

The answer has been clear from day 1 and also recommended by the task force and the consultants.. ENFORCE the rules in place and if a few more are needed add them and ENFORCE them.

To place a moratorium after all this work has been done so that you can look neighborhood by neighborhood and pick winners and losers is ridiculous and discriminatory. I am sure we will be able to tell what neighborhoods will be picked to not allow STR's or limit them by just correlating who is on zoning and council as we know this started with personal agendas and NOT what is best for the town of Saugatuck.

Many people have spent countless hours to come up with the conclusion to just enforcing the rules and ordinances in place while adding a few more for parking and trash, we already have a noise ordinance and we are a city not a quiet rule setting, if someone living in any city wants no noise I suggest they move to the countryside!

Make the right decision to move forward with the recommendations of the task force and the consultants instead of dragging this out with a moratorium that will have a devastating blow on our town, hurting our businesses and property owners because a few do not want the tourists in town.

Quaint Cottages on behalf our owners is prepared to hold the representatives of the city accountable for damages caused by a moratorium, STR caps etcetera as it pertains to affecting the business and jobs that have been a part of Saugatuck for the last 100 years and affect the ONLY industry we have that is tourism.

Thank you

Ethan Barde

Quaint Cottages

Property owners that we represent

Pierre Medwar	5174021160
Tom Spoelstra	517-914-7701
Julie Sowa	858-382-0488
Mike Hansen	(313) 779-6129
Elizabeth Woodward	313-820-1028
Carrie Aikman	517-402-0922
Rick Vogel	3124202496
Brian Reid	(312) 735-3130

Jamie Wolters

From: Ingrid Benson <ingbenson2@gmail.com>
Sent: Monday, April 15, 2024 8:55 AM
To: Jamie Wolters
Cc: Chris Benson
Subject: Saugatuck Playground Build - for 4/17 meeting

Please include this in the correspondence for the City Council meeting April 17.

Dear Saugatuck City Council,

We're the parents of a 4th grade student at DES and were signed up to help build the new playground this week. It is disturbing to hear that the build is in jeopardy and we hope that you do everything in your power to remedy this situation quickly so that the playground can be built as soon as possible.

Our son loves that playground, and has been playing there since he was a toddler. We also travel quite frequently and could see that the playground was in need of repair and potentially had safety issues. On our travels, we have been to a lot of other playgrounds - most more up to date than the old one in Saugatuck. That's why we were so excited to learn of the new playground plans and approval in October 2023.

The plans for the playground are spectacular! They bring us up to speed in terms of being modern, meeting safety standards, and truly representing kids of all ages and abilities. Plus the added history of Singapore - let's get this playground built!

I asked my son this morning how he felt about the playground getting delayed and he was really sad. We drove past the installation pieces ready for unwrapping and building - it only excited him more to want the playground completed. He also didn't understand how someone could be against a playground. It's not fair to our kids to hold up this build. Kids deserve a great and safe place to play.

Thanks,
Ingrid & Chris Benson
Parents of Charlie Benson, 4th grade

Jamie Wolters

From: James Yost <jameslyost@gmail.com>
Sent: Monday, April 15, 2024 9:06 AM
To: Jamie Wolters; Helen Baldwin
Subject: Saugatuck Park/Playground

Hello,

I am writing to express my support of the new playground project downtown. I love that this project will offer safe equipment for a wider range of ages as well as equipment for children of all abilities.

Please include this in the correspondence for the upcoming meeting.

Thank you,

Jim Yost

Jamie Wolters

From: Jennifer Plante Johnson <jpjohnson523@gmail.com>
Sent: Monday, April 15, 2024 11:50 AM
To: Helen Baldwin; Jamie Wolters
Subject: for upcoming meeting correspondence

Attention Saugatuck City Council Members,

We are writing to express our concern as we've just learned about the delay in the building of the new Saugatuck playground on Butler Street.

Since we moved here in 2020 that play area has been a staple for us year-round. We have been so excited to utilize the new park. We have been following its progress, anticipating a more modern playscape that will be a fun place for our children and reflect current safety standards.

Mostly, we were pleased to learn this playground has been thoughtfully designed to serve a wider range of people of all abilities/disabilities. We have friends and family members with mobility challenges with whom we can now enjoy this playground.

We are asking that you do your best to ensure this project moves forward as planned and not be prolonged unnecessarily. Many of us are in need to this universally designed play space, especially for our friends and neighbors who cannot safely utilize spaces without universal design as this one has. It is an important value-add whose installation must be supported.

Thank you for your time and service, and for considering our request in this matter.

Sincerely,

Jennifer and Tisha Johnson

Jamie Wolters

From: Jessica Ruthsatz <busschjl@gmail.com>
Sent: Tuesday, April 16, 2024 2:19 PM
To: Jamie Wolters; Helen Baldwin
Subject: Playground--Please include in meeting correspondence

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Saugatuck City Council Members,

Thank you for all your hard work to make our sweet town a wonderful place to be. It has come to my attention that the park project has been met with resistance. I would like to express my deep sadness over anyone who would block a project of such vital importance.

As a local mother, this playground has always been close to our hearts and my elementary age boys were so excited about new equipment that would be suited to children of all ages!

As the Preschool Director for Saugauck Public schools I can attest to the importance of this park as a community builder among locals and tourists alike. The park is a destination for one of our favorite preschool field trips and a frequent after-school-hangout for families and their little ones. I was incredibly excited about the fact that the new park would meet safety standards and serve a wider range of children with disabilities (many of whom I have as students).

I support the park project moving forward! Our local children are more important than a dispute over a tree.

All the best,
Jessica

Jamie Wolters

From: Judy Timar <judy.timar@gmail.com>
Sent: Monday, April 15, 2024 7:20 AM
To: Jamie Wolters; Helen Baldwin
Subject: Delayed Park Project

Good morning,

As a volunteer who signed up to help with the community park project-I was greatly disappointed to learn about the delay, especially after seeing the equipment ready and in place for the many people who have taken time away from work to contribute to this important downtown amenity.

My family moved to Saugatuck 5 years ago, but visited the area for years prior and the park in the center of town was always a big draw for us. In recent years it's been clear it needed an upgrade, so we were thrilled to hear about the good work going on in Parks & Public Works to make the park more accessible for all children and provide the overdue face lift after decades of heavy use from visitors and local families who have relied on that space.

I don't know all of the details of the lawsuit, however the approach sounds politically driven. I know the plans for the park have gone through the proper channels to ensure public awareness, because we've been anticipating it after the vote came through-and were excited to help bring it to fruition. It's unfortunate that some members of the community seem to have a personal agenda at the expense of the community itself. While this gets sorted out (and I'm sure it eventually will, because who in their right mind doesn't want the kids to have a place to play?), this will be an eyesore both literally and figuratively as the divide and rhetoric from the same people keeps circling around those who are trying to do some good.

Please include my email as part of the correspondence for the upcoming meeting, as I'm tired of the negative voices always coming across so loud and clear. I'd like to thank the Parks and Public Works committee for their time and attention, and their good work despite the unnecessary noise.

Sincerely,

Judy Thiel

Jamie Wolters

From: Julie Barman <juliebarman1@gmail.com>
Sent: Wednesday, April 17, 2024 10:57 AM
To: Jamie Wolters; Helen Baldwin
Subject: Park - please include in meeting correspondence

I just wanted to say how excited I am for the new playground. I have two kids that go to Saugatuck schools and we can't wait to see and play on the new equipment.

I also wanted to say how grateful I am for the inclusivity of the new play set. My son has special needs. While, his condition does not affect his play on the playground, it does make him "different". I never understood how important it was for inclusion, until my son was diagnosed. All kids deserve a safe place to play.

In addition to this, I love the concept of tying the story of Singapore into the playground. As you may already know, the DES 2nd grade gets a whole unit about the origin of our town and the rich history here. My kids have taught me a thing or two from Ms History (Mrs Jackson). They loved the town scavenger hunt/picnic that ended the unit. It is a beautiful moment at the end of the day, when all the kids, parents and teachers all end at the playground. The kids discuss all the cool places they visited and have a blast laughing and playing together. The fact that this new play set will incorporate town history is such a bonus.

We love this town and will love it even more with a new, safe playground for all to enjoy!

Thank you!

Julie Barman

Jamie Wolters

From: Kara O'Connor <kocinteriors@gmail.com>
Sent: Sunday, April 14, 2024 6:06 PM
To: Jamie Wolters; Helen Baldwin
Cc: Kevin O'Connor
Subject: Please include us in meeting correspondence

Hello,

My name is Kara O'Connor & my husband, Kevin, and I would like to express our excitement for the new playground/park space downtown . We had planned on volunteering this week to help facilitate the build, and were quite excited to be a small part of this awesome project. We are so excited that this park space will have more accessible play space(s) for people with disabilities, as well as serve as a fun environment for a wider range of age groups.

Please add us to the meeting correspondence list, as we'd like to stay abreast of the progress of this project!

thank you,

Kara & Kevin O'Connor

--

Kara O'Connor Interiors, LLC.

space planning & design

T. 773.719.9285

kocinteriors@gmail.com

www.kocinteriors.com

<https://www.instagram.com/karaoconnorinteriors/>

Jamie Wolters

From: Lavi O <lavinia.o@gmail.com>
Sent: Monday, April 15, 2024 8:45 AM
To: Jamie Wolters; Helen Baldwin
Subject: Playgrounds

Good morning, Saugatuck City Council,

I'm a resident and I wanted to check in and ask why the playground build is on hold? I have two children ages four and seven and they were so excited for the playground unveiling this week. They insisted we go downtown and check out the playground space this weekend, only to be met by the disappointing sign which says there is a cease & desist.

We're completely perplexed by this, given that the plans have been out there for months. Surely if someone had an issue with the playground, they would've spoken up earlier?

We and our families are super disappointed by this hold on build.

The playground is not only a benefit for locals, visitors love it too. We've met so many visiting families there. Hoping this is resolved this week so we can all begin to enjoy the new playground.

Thank you - Lavinia Oancea
Sent from my iPhone

Mr. Cummins
102 Butler St. Saugatuck MI, 49453

Attn: Mr. Ryan Cummins

Re: Village Square
Tree Damages

Dear: Mr. Cummins and City Council

I am writing on behalf of Catherine Simon, owner of the Maplewood Hotel located at 428 Butler Street in Saugatuck Michigan. Ms. Simon has expressed her concern to me regarding the effects of the recent construction project to the trees in the city park, Village Square. After inspecting the site, there are three trees that suffered significant damage. Two Norway Spruce trees and the London Plane tree had roughly 45% of their root zones excavated.

The western side, roughly 65%, of the three trees were not disturbed. Fortunately, due to the prevailing westerly winds, I do not believe the excavation has caused these trees to be at risk of failure.

Catherine's concern (and mine) is the trees may die because of the excavation. The effects of the root losses might not be known for three-to-five years. Previously healthy trees can sustain themselves on their stored sugars. But if not replaced due to root losses, construction damaged trees fade. The reasons for their decline are often forgotten since the damage occurred years prior.

Ms. Simon would like the city to do what it can to preserve the trees. I recommend irrigating them more frequently than in previous years, particularly during dry periods, and fertilizing the trees twice a year – once in the spring and again in the fall.

By supplementing the soil with fertilizer and water, you make it easier for the tree's smaller root system to get the vital nutrients they need, as well as water and oxygen.

A growth regulator is also recommended. This will slow the tree's canopy growth and allow the three trees to spend their resources on root growth and to repair damages. Growth regulators can also make a tree more drought resistant, which is important in situations like these.

If you have any questions, please don't hesitate to contact me. I am available to meet on site.

Thank you for your time and consideration.

Respectfully,

-Matt Rapisarda

ISA Certified Arborist MI-4542A

Cc: Ms. Catherine Simon

April 16, 2024

To Saugatuck City Council

From: Marta Petter- 110 Butler/111 Water Street "The Bay Building"

RE: Side Yard

I have been a very good neighbor to Saugatuck City Hall and the Tree City.
See letter from June 2023

I am very concerned about the plans and look of the side yard.
I did meet with Scott and DPW regarding the Side Yard in the Fall and
offered to help and was told I would be apprised but have not been
informed of plans and now I see everything is torn up.
I have Huntree waiting to replace my dead or dying items.

I want to continue to be a good neighbor and wish to return to a pretty yard
and pretty landscaping.

Will you be a good neighbor to me?

Marta Petter
110 Butler/111 Water Street
Saugatuck, MI 49453

June 10, 2023

To: Saugatuck City Council
From: Marta Petter - 110 Butler St/111 Water Street Saugatuck
RE: City Hall Yard update

City Hall used to be more landscaped with bushes and trees on the side and front and back yards. It has had underground Sprinklers.

When I purchased The Historic Bay building next door in 2011, there was a giant Oak tree on the West side yard that towered over City Hall and the Bay Building. There were trees and bushes around the Front of City Hall.

The city decided to remove the giant Oak Tree as it was getting old, and they removed the landscaping around the building during some city Hall work and cut down a tree on the parkway. The sellers of my property, the Kelley's, had worked with the City to landscape the yard throughout the years. They mostly worked with Wavecrest Nursery. There was a written agreement which was passed along with my deed. I mentioned this to City Hall and continued to work cooperatively to landscape the yard.

Some of the things I have contributed.

- Replaced the Oak tree with the Star Maple. We worked with City staff to make sure we didn't hurt the Sprinkling system during planting.
- Replaced the park way tree with a Gingko tree.
- Replaced 2 Arborvitae that died on side by the steps.
- Added the "burning bush" viburnum by the park bench for some color in the Fall and nurtured it along during first drought.
- Added Viburnums along the side when some bushes died.
- Added a Locust tree.
- Tried several evergreens up front, but it is quite shady.
- The Gert Olsen Sculpture (Gallery artist) used to be on West side but was moved to the East side of yard. At first, we landscaped around it, but it was decided you just wanted bark.
- Spoke with DPW staff and agreed to re-seed the side yard and hired Huntree to do it. Unfortunately, it was this Spring before the Construction started (poor timing).

I have always respected the city owns the side yard and it has always been a very cooperative working relationship.

Ryan mentioned this week that a new Sprinkler system and new grass will be installed. I offered to help defray some of the cost as it does benefit the landscaping. He said City needs to maintain it for all sides of the yard. I also offered to lease some of yard to help with expenses.

He pointed out tree branches up on my roof and we discussed having the large Mulberry tree removed and branches cut off house now while equipment can get on to the yard during City Hall construction. I have arranged for the work to be done on Monday June 12, 2023.

Attachment: Original Side Yard License

SHERIDAN & SHERIDAN
ATTORNEYS AND COUNSELORS AT LAW
217 HUBBARD STREET
ALLEGAN, MICHIGAN 49010
TELEPHONE 616-673-2105
FAX: 616-673-7402

STEPHEN E. SHERIDAN
PHILIP J. SHERIDAN
CRAIG J. SEWELL

DOUGLAS OFFICE
62 CENTER STREET
DOUGLAS, MI 49406
TELEPHONE 616-857-2119
FAX: 616-857-1367

November 19, 1990

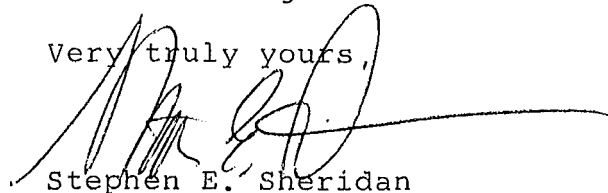
Verne Serne
City Manager
City Hall
Saugatuck, MI 49453

Re: City of Saugatuck/Yerington
License Agreement

Dear Verne:

Please find enclosed the above referenced Revocable License Agreement which has been recorded with the Allegan County Register of Deeds. I am, by way of copy of this letter, sending a copy of this Agreement to the Yeringtons in St. Joseph.

Very truly yours,



Stephen E. Sheridan

SES:dv
encl.
cc: John and Patricia Yerington

COPY

REVOCABLE LICENSE 2447-000

2 MISC A

11.00

THIS LICENSE AGREEMENT made this 29th day of June,
⁹⁰ 1989, by and between the CITY OF SAUGATUCK, a Municipal Corporation
 located in Allegan County, State of Michigan, hereinafter referred
 to as the "CITY", and JOHN YERINGTON and PATRICIA YERINGTON,
 husband and wife, of P. O. Box 878, St. Joseph, Michigan 49085,
 hereinafter referred to as the "YERINGTONS".

WHEREAS, the CITY is the owner in fee of that certain lot of
 land in the City of Saugatuck, Allegan County, Michigan, described
 as follows:

Lot 182 of the Original Plat of the Village of Kalamazoo
 (now City of Saugatuck) in Section 9, Town 3 North,
 Range 16 West, Allegan County, Michigan.

WHEREAS, the YERINGTONS are owners in fee of that certain lot
 of land located in the City of Saugatuck, Allegan County,
 Michigan, which adjoins the above-described property of the CITY
 and which is described as follows:

The South 26.00 feet of Lot 181 of the Original Plat of
 the Village of Kalamazoo (now City of Saugatuck) in
 Section 9, Town 3 North, Range 16 West, Allegan County,
 Michigan.

WHEREAS, the YERINGTONS have, with the consent and knowledge
 of the CITY, located certain shrubbery and plantings on the north
 side of the CITY'S above-described property within the area
 designated on the survey dated August 5, 1983, a copy of which is
 attached hereto as Exhibit A.

WHEREAS, the YERINGTONS have also located a sign, a flag
 pole, and an extension of their porch along the north edge of the
 CITY'S described real property, which items are shown on the
 survey dated August 5, 1983, a copy of which is attached hereto as
 Exhibit A.

WHEREAS, the above-mentioned items located on the CITY'S
 property have been with the consent and knowledge of the City of

... at P. O. Box 878, St. Joseph, Michigan 49085,
hereinafter referred to as the "YERINGTONS".

WHEREAS, the CITY is the owner in fee of that certain lot of land in the City of Saugatuck, Allegan County, Michigan, described as follows:

Lot 182 of the Original Plat of the Village of Kalamazoo (now City of Saugatuck) in Section 9, Town 3 North, Range 16 West, Allegan County, Michigan.

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The South 26.00 feet of Lot 181 of the Original Plat of the Village of Kalamazoo (now City of Saugatuck) in Section 9, Town 3 North, Range 16 West, Allegan County, Michigan.

WHEREAS, the YERINGTONS have, with the consent and knowledge of the CITY, located certain shrubby and plantings on the north side of the CITY'S above-described property within the area designated on the survey dated August 5, 1983, a copy of which is attached hereto as Exhibit A.

WHEREAS, the YERINGTONS have also located a sign, a flag pole, and an extension of their porch along the north edge of the CITY'S described real property, which items are shown on the survey dated August 5, 1983, a copy of which is attached hereto as Exhibit A.

WHEREAS, the above-mentioned items located on the CITY'S property have been with the consent and knowledge of the City of Saugatuck pursuant to a license agreement between the parties, which agreement is as follows:

1. The YERINGTONS acknowledge and agree that the encroachments onto the CITY'S property as above described, have been made

SSA

with the knowledge and consent of the CITY and the CITY agrees to allow said encroachments to continue until such time as the CITY chooses to revoke this license.

2. The CITY shall have the right to revoke this license at any time, with or without good cause and for any reason, and if the CITY chooses to revoke the license, the CITY shall give the YERINGTONS thirty (30) days written notice of the CITY'S intent to revoke. The notice shall be sufficient if mailed to the YERINGTONS' last known address by first class mail.
3. Upon receipt of the notice of intent to revoke, the YERINGTONS shall, within fifteen (15) days, remove all of the encroachments which have been allowed under this license and shall restore the CITY'S property to its original condition and shall be responsible for the cost thereof. If the YERINGTONS fail to remove the encroachments within the above mentioned time, the CITY may remove the encroachments themselves and restore that portion of the CITY'S property used to its original condition, and the YERINGTONS shall be responsible for the cost thereof. The YERINGTONS shall hold the CITY harmless for removal of the sign, flag pole, porch or shrubbery which is covered under this license agreement, should the CITY find it necessary to remove the said encroachments if the YERINGTONS have failed to do so.
4. The YERINGTONS affirmatively agree that they shall not succeed to any ownership interest or easement interest in the above described property which is the subject of this license agreement, by adverse possession or by any other theory of law, and their rights to use that portion of the CITY'S property as described hereinabove, is fully covered by and limited to, the provisions of this particular license agreement.

IN WITNESS WHEREOF, the parties have duly executed this
Revocable License on the day and year first above written.

WITNESSES: CITY OF SAUGATUCK, a Municipal Corporation,

Carol Z. Morse
Carol Z. Morse

By David J. Mocini
David Mocini Mayor

Stephen E. Sheridan
Stephen E. Sheridan

By Elsie Christenson
Elsie Christenson Clerk

STATE OF MICHIGIAN)
)SS:
COUNTY OF ALLEGAN)

The aforesaid Revocable License was acknowledged before me
this 3rd day of October, 1989, by David Mocini, Mayor of
the City of Saugatuck; and Elsie Christenson, Clerk of the City;
on behalf of the City of Saugatuck.

James B. Rafferty
James B. Rafferty
Notary Public, Allegan County, MI
My Commission Expires: _____

JAMES B. RAFFERTY
Notary Public, Allegan County, MI
My commission expires July 3, 1994

WITNESSES:

Stephanie Jean White
Stephanie Jean White

John Yerington by Paul J. Kelley
John Yerington, by Paul J. Kelley under
Durable Power of Attorney dated March 18, 1986

Ruth E. Russell
Ruth E. Russell

Patricia Yerington by Paul J. Kelley
Patricia Yerington, by Paul J. Kelley
under Durable Power of Attorney dated
January 6, 1988

STATE OF MICHIGIAN)
)SS:
COUNTY OF BERRIEN)

The aforesaid Revocable License was acknowledged before me
this 18th day of May, 1989, by John Yerington and
Patricia Yerington, husband and wife, by Paul J. Kelley, Attorney-in-Fact.

CERTIFICATE OF SURVEY

LIBER 1057 PAGE 464

LIBER 1273 PAGE 649
ADDENDUM A

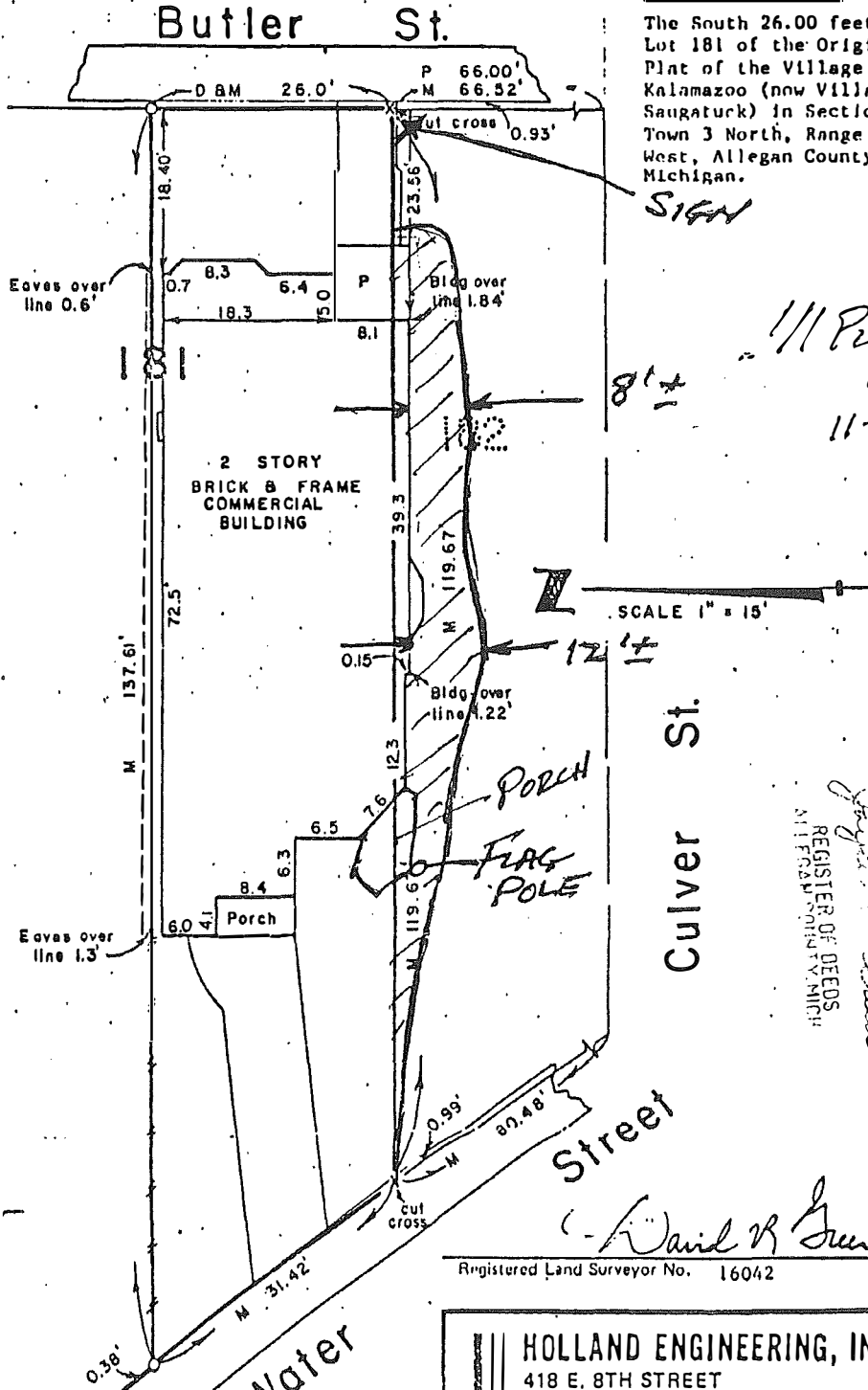
This is to certify to Dalman, Murphy, Bidal and Bouwens, P.C. that we have examined the premises described below and that the buildings and surface improvements are located entirely on said described property and do not encroach on any adjoining lands nor do any adjacent buildings encroach on said described property except as shown on print of survey. This examination was prepared for the mortgagee in connection with a new mortgage, and no responsibility is extended herein to the present or future land owner.

LEGAL DESCRIPTION

The South 26.00 feet of Lot 181 of the Original Plat of the Village of Kalamazoo (now Village of Saugatuck) in Section 9, Town 3 North, Range 16 West, Allegan County, Michigan.

SIGN

New
PLANTING
AREA
11-21-89



Culver St.

Street

Water

REGISTER OF DEEDS
MICHIGAN

1990 NOV - 1 PM 1:05

RECORDED

David R. Green
Registered Land Surveyor No. 16042

HOLLAND ENGINEERING, INC.
418 E. 8TH STREET
HOLLAND, MICHIGAN 49423/392-5938

Date 8-5-83	Drawn By VCB	Checked By DRG	Surveyed By DRG
For: Dalman, Murphy, Bidal & Bouwens, P.C.			
Mortgagee: Dan Den Hyl		Job No. 83-07-125	

- LEGEND**
- SET STEEL BAR
 - FOUND IRON STAKE
 - ⊕ FOUND CONCRETE MONUMENT
 - R RECORDED DIMENSION
 - LISET WOOD STAKE
 - P PLAT DIMENSION
 - M MEASURED DIMENSION
 - D DESCRIPTION DIMENSION
 - C CALCULATED DIMENSION
 - FENCE

Sheet 1 of 1 Sheets

EXHIBIT "A"

THE BAY BUILDING
110 BUTLER STREET
SAUGATUCK MI 49453

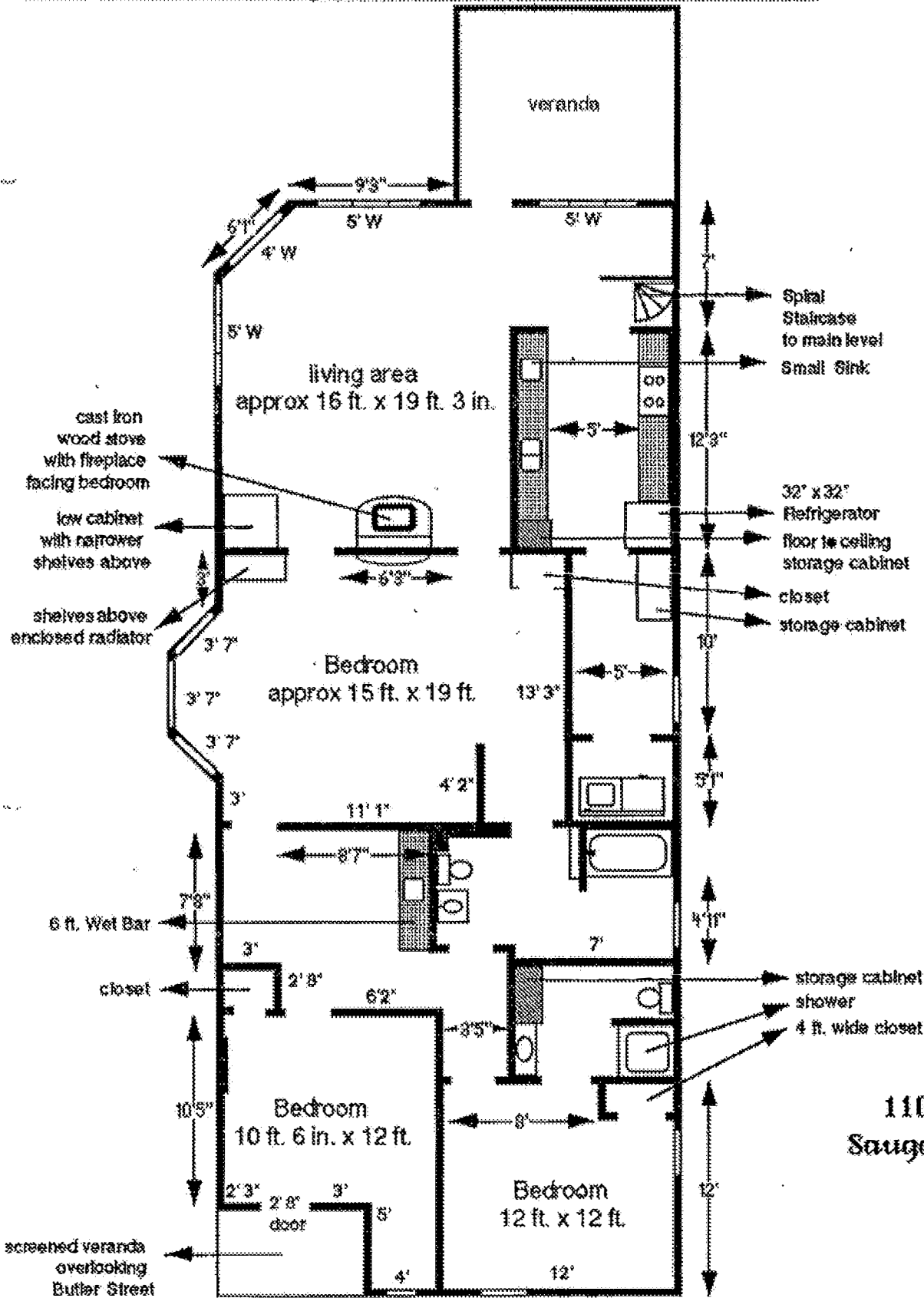
The Bay Building was purchased by a partnership, North Shore Associates in 1984. The lower space (front retail and guest quarters) was used for an antique shop, while the upper portions served as a summer home and second residence. In 1987 sole ownership was purchased from the other partners by Patricia Kelley (Yerington) and her husband John Yerington. The use remained the same. The front was rented and guest quarters created. The retail shop has been consistently rented for a candle shop, women's clothes and accessories and its present use for a home décor shop. The current lease which expires 12-31-09 calls for gross rents of \$2,800 a month including a share of utilities. In 2004 the retail space (800 sq ft) was gutted, re-walled and completely rewired. This space is served by a heating/cooling system located in the Michigan basement and has a ½ bath.

The Bay was first built on Butler Street in 1896. It has been added on to by two successive additions extending to Water Street to the rear. It is believed to be the only structure in Saugatuck with frontage on Butler and Water Street. There are a total of five electric meters from a time when four retail spaces existed together with the upper residence. In 1987 a staircase from the retail space was removed in favor of a wet bar which was then converted to a clothes closet. The Bay has a total of 3200 square feet that provide great flexibility for remodeling.

As presently configured The Bay has a 2000 sq ft residence, 1600 of which is the entire 2nd floor. This is served by 2 full baths upstairs and a ½ bath below. The entrance opens to a circular staircase to the upper floor. A small media room is to the rear on the lower floor. A new gas furnace serves as the heat/cooling for the lower level, as well as the guest quarters, which are 400 square feet. The guest quarters has a full bath, washer/dryer, and a small kitchenette. This served as an apartment for the owner's mother for 7 years. The upper residence has a separate heating/cooling system located in the attic which is accessed by a pull down ladder.

With three parking spaces and ready access to public parking The Bay is in the heart of downtown Saugatuck with great views of the park, boats, and the Kalamazoo River from the living room and the deck. Recently added where Corian countertops in the kitchen, a motorized awning, with remote, for the deck, and new concrete for the drive.

Water Street



Upper Level
110 Butler Street
Saugatuck, Michigan

Jamie Wolters

From: Rich <rwebid@gmail.com>
Sent: Friday, April 12, 2024 10:50 AM
To: Helen Baldwin
Cc: Lauren Stanton; Russ Gardner; Holly Anderson; Scott Dean; Ryan Cummins; Gregory Muncey; Logan White; Jamie Wolters
Subject: Playground Costs

Dear Ms. Baldwin:

What are the total costs associated with the new playground project on Butler St.? These costs must encompass all expenses related to environmental studies, engineering, arborist services, supplier charges (including playground equipment and installation), additional insurance, DPW labor and equipment usage, legal fees, historical commission fees/costs, zoning expenses, and the replacement cost of trees and landscaping. Provide a comprehensive breakdown of all expenditures and the estimated costs to maintain the playground over the next five years.

Thank you in advance.

Richard Williams
Taxpayer

Jamie Wolters

From: sara aumaugher <saraaumaugher@hotmail.com>
Sent: Monday, April 15, 2024 12:11 PM
To: Jamie Wolters; Helen Baldwin
Subject: Pro-Park: For inclusion in Meeting Correspondence

To Whom it May Concern:

First of all, I want to thank the city council members for all you do to keep things running smoothly in our town! While I don't live in Saugatuck (I live in Douglas), the actions taken by City Council have such a significant impact on our entire Saugatuck/ Douglas community, that the Douglas residents feel a profound impact based on your efforts too. I cannot even imagine the number of issues, grievances, drama that you face on a regular basis. Please know that you are GREATLY appreciated, and I hope everyone in town is thanking you on a daily basis!

Additionally, I'm sure I'm not saying anything that hasn't already been said/ thought/ felt by others, but I just wanted to send in a note to let you know we are pro-park, and in favor of moving forward with the park plans. Hoping the necessary steps can be taken to move through the litigation as quickly as possible, in order to continue forward with installing the beautiful park equipment.

We love that Saugatuck is so welcoming and inclusive to all, including being a place that welcomes families & children. How wonderful that volunteers went forward with creating plans for a dream park that honors our town's heritage, while having state-of-the-art equipment that is accessible for all children and appeals to a wide range of ages. I have great memories of playing with my kids in the park during their younger years, and I hope we can go forward with providing a safe playground for children & families to use for generations to come. I would like to think our community would value and appreciate volunteers who dedicate their talents to further improving our great town. Driving past the playground corner, and being reminded that a vacant dirt lot is sitting in place of where a team of volunteers had signed up to install the equipment today, just made me think that I should send a quick message to council as one more Pro-Park voice.

How frustrating that time, effort, and resources now need to be invested in litigation, instead of going forward with plans for the park. Thanks in advance for taking action to help get through this quickly, and please know that so many people are in support of the council and the park! My family just might make fun of me for saying "I love where we live" very frequently, and I thank you for making the decisions and taking actions that continue to keep our community such a wonderful place to live.

Thank you!
Sara Aumaugher

99 Wilderness Ridge
Douglas, MI

Jamie Wolters

From: sarah wellman <sarahwellman14@gmail.com>
Sent: Sunday, April 14, 2024 9:59 PM
To: Helen Baldwin; Jamie Wolters
Subject: Support of park Downtown Saugatuck

Good Evening,

My name is Sarah Wellman, I have children ages 5 and 8 who have utilized this park before they could walk. I also am a Realtor and Building Owner in Downtown Douglas. I am writing you to show my support in the re-creation of the Park downtown Saugatuck. My children and I have been driving past the the last few months and have been anticipating the start of what my kids deem “An even cooler park” than before. Watching their eyes light up when they speak of it is magic.

I was disappointed to hear the news Friday evening; myself and my business partner had volunteered to help build the new “cooler park” as the kids say. I received an email late Friday evening letting us know that there was an impending lawsuit and a stop work order for the park to be built. This came as a big disappointment.

The park itself needed upgrades as the safety was not up to par. Also, it was hard for any child with disabilities to be able to participate in play with other children. The individuals who spear headed the project put countless hours into making sure the new park was conducive and safe for all to play on.

One of the reasons we moved from Downtown Chicago to the community was for the “community” feel and sense of belonging for all. It saddens me deeply that there is a lawsuit to complete the project. My hope is that we are able to resolve this sooner than later and our children, people visiting the area, etc can enjoy the new “cooler park”.

Kind Regards,

Sarah Wellman

Jamie Wolters

From: Julie Meivogel <meivogeljulie@gmail.com>
Sent: Saturday, April 13, 2024 4:20 PM
To: Jamie Wolters
Cc: Helen Baldwin
Subject: RE: Village Square Park

Dear Saugatuck City Council Members,

We hope this letter finds you well. As a family of 4, we are embarking on our 4th year of residing in Saugatuck Township and both of our children have attended Saugatuck Public Schools since Kindergarten (one in high school and the youngest at the elementary school; we previously resided in Laketown Township and enrolled our children into SPS via School of Choice). We are writing to express our heartfelt gratitude to the Parks and Public Works Committee for their tireless efforts in planning the new playground in Village Square Park. Their dedication to enhancing our community and providing a safe and enjoyable space for our children is truly commendable.

The committee's meticulous planning, adherence to regulations, and unwavering commitment to improving our public spaces have not gone unnoticed. We are sincerely thankful for their hard work and dedication to this project.

However, it is with great sadness and disappointment that we must also address the recent interruption and litigation that has abruptly halted the erection of the playground. It is disheartening to see such a promising initiative, designed to bring joy to children of all ages and replace a deteriorating playground, face such obstacles.

The playground, situated on public land, was intended to be a beacon of fun and recreation for our community's youth. It pains us to see the excitement and anticipation of countless children, including our own, dampened by this setback.

We trust that the City Council shares our sentiments and recognizes the importance of swiftly resolving any issues that have arisen. Our children deserve a safe and vibrant space to play and grow, and it is imperative that we work together to ensure the timely completion of this project.

Once again, we extend our deepest appreciation to the Parks and Public Works Committee for their dedication and hard work. We remain hopeful that with your continued support, we can overcome these challenges and provide our community with the playground it deserves.

Thank you for your attention to this matter. We look forward to a positive resolution and the joyous laughter of children filling Village Square Park once more.

Sincerely,

Julie Meivogel

meivogeljulie@gmail.com

616-690-5918

Dear Saugatuck City Council,

We are the Douglas Elementary School Student Council and we would like you to know that we're excited about the new playground that is coming soon to Saugatuck.

Although we are sad that the worm structure with the apple is gone, we think the design of the new playground is really great.

First of all, we really appreciate that it's handicap accessible. Kids with wheelchairs and kids with disabilities won't feel left out. We also like how it's good for multiple ages. For example, the car and boat will be enjoyable for little kids. The rope climbing structure will be good for older kids.

Finally, we like that the slide is enclosed, so kids don't fall out of it and that the new playground has swings.

Sincerely,

Douglas Elementary School Student Council

GARY E. MEDLER

461 Vine Street
PO Box 461
Saugatuck, MI 49453
gary.medler@yahoo.com

April 12, 2024

BY EMAIL DELIVERY

Jamie Wolters, City Clerk
City of Saugatuck
102 Butler Street/PO Box 86
Saugatuck, Michigan 49453
jwolters@saugatuckcity.com

Ryan Cummins, Interim City Manager
Director, Planning, Zoning and Project Design
City of Saugatuck
102 Butler Street PO Box 86
Saugatuck, MI 49453
rcummins@saugatuckcity.com

Saugatuck City Council
Historic District Commission
Planning Commission
Zoning Board of Appeals
Parks and Public Works

Re: Village Square Park Playground

To the Parties Addressed:

Village Square Park

The City owned Village Square Park (“Park”) is located in the C-1 City Center Commercial Zoning District (See City Code of Ordinances (“Code”) Section 154.024, attached as Exhibit A).

The Park is also located within the City’s Historic District established pursuant to Chapter 152 (Historic District Regulations) of the Code (See attached Exhibit B).

The Historic District is an overlay zone and subjects “all lands” (including the Park) within the Historic District to the requirements of Chapter 152 (See Code Section 152.048 (E), attached as Exhibit C). Code Sections 152.048 (B) and (C) limit permitted uses and special land uses to those as classified by the underlying zone district (Code Sections 154.024 (B) and (C), as applicable here, at Exhibit A).

The City is not exempt from compliance with Chapter 152 or Code Section 154.024.

Former Children’s Playground Constituted a Nonconforming Use

A children’s playground/equipment is not a permitted use nor a listed special land use under Chapter 152 and Code Sections 154.024 (B) and (C) (See Exhibit A).

The former “Children’s Playground” constituted a nonconforming structure/use within the Park because such structure/use was neither a permitted use nor a listed special land use under Code Sections 154.024 (B) and (C) (See Exhibit B).

The City’s installation of the new playground equipment is neither a permitted use (See Code Section 154.024 (B) at Exhibit A) nor a listed special land use (See Code Section 154.024 (C) at Exhibit A).

The City has demolished and removed the former Children’s Playground equipment and its footprint/foundation. The City has now excavated substantially all of the northwest quadrant of the Park for installation of new playground equipment within a footprint which engulfs the entire northwest quadrant of the Park.

These new structures and the proposed footprint substantially enlarge, increase and extend the nonconforming structures/use to a greater area of land than occupied by the former Children’s Playground in violation of Code Sections 154.174 (B) (1) and (2) and (C) (1); and Code Section 154.174 E) (1) (See attached Exhibit D).

Grandfathered Rights Extinguished

By demolition/removal of the prior playground equipment and footprint (foundation), coupled with the proposed impermissible substantial enlargement of the footprint (foundation) and installation of significantly more additional equipment, the City has abandoned the nonconforming use (See Code Section 154.174 (D) (5) at Exhibit D).

The new proposed playground/equipment/footprint is not functionally similar to the former Children’s Playground and constitutes a change in use not authorized under Code Section 154.024 (See Exhibit A).

Code Enforcement

Code Section 154.020 provides that: (1) zoning effects every structure and use; and (2) except as authorized under the Code, no structure/use shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations specified for the zoning district in which it is located (See attached Exhibit E).

Code Section 154.021 provides that: (1) the Code regulations shall apply uniformly to each class or kind of structure, land or use; and (2) no structure or land shall be constructed, altered, or changed in use unless in conformity with all of the regulations set forth in the district in which such structure/use is located (See attached Exhibit F).

Code Section 154.177 provides that: (1) anyone or entity, including the City, that violates any provision of the Code shall be guilty of a violation of the Code; and (2) the Zoning Administrator **shall** follow the procedure in pursuing all alleged ordinance violations (See attached Exhibit G)."

Code Section 154.171 sets forth the enforcement responsibilities of the Zoning Administrator (See attached Exhibit H).

Code Section 154.171 (A) provides the Zoning Administrator **shall** administer and enforce" the Code provisions. A violation of the Code **shall** constitute a nuisance per se (See Exhibit H)."

Code Section 154.171 (J) provides that: (1) the Zoning Administrator **shall** keep a record of every written and/or identifiable complaint of a violation of the Code; and (2) where there is a Code violation, the Zoning Administrator **shall** follow established procedures to provide notice of the violation and get it corrected (See Exhibit H)."

Code Section 154.171 (N) prohibits the Zoning Administrator from making any change to the Code or alter the terms of the Code while carrying out his enforcement duties under the Code (See Exhibit H).

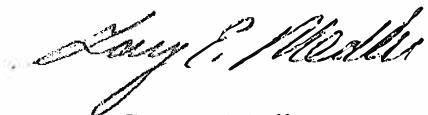
Code Section 154.171 (N) also provides that "(I)t **shall** be the responsibility of the City Council to assure that the Zoning Administrator enforces" the Code provisions (See Exhibit H).

Code Violation Complaints

City Council, Historic District Commission, Interim City Manager and Zoning Administrator received detailed complaints on the Code violations relating to the Playground. All have ignored these complaints despite the Code imposing an absolute obligation to take action as discussed above under **Code Enforcement.**"

The highlighted word “**shall**” does not permit discretion on the part of City Council or the Zoning Administrator to ignore the Code violations relating to the new Playground installation. Shall requires mandatory affirmative action to shut down this installation and restore the Park to its original status without any playground footprint/foundation or equipment.

Sincerely

A handwritten signature in black ink, appearing to read "Gary E. Medler". The signature is written in a cursive style with a large, sweeping initial "G".

Gary E. Medler

EXHIBIT A

Code Section 154.024 C-1 City Center Commercial District (CC)

§ 154.024 C-1 CITY CENTER COMMERCIAL DISTRICT (CC).

(A) *Generally.*

- (1) This district is designed to promote and preserve the Central Business District character of the city.
- (2) The district permits intense retail and commercial uses.
- (3) Residential uses and business and professional offices are encouraged on the second and third floors of buildings in the district.
- (4) Utilization of existing undeveloped land in the district is encouraged when done in a manner consistent with the character of the district.

(B) *Permitted uses:*

- (1) Essential public services;
- (2) Retail stores;
- (3) Personal service establishments;
- (4) Art galleries;
- (5) Single-family, two-family, and multiple-family dwelling units on second or third floors;
- (6) Home occupations;
- (7) Short-term rental units on second or third floors; and,
- (8) Business, professional offices on second and third floors only.

(C) *Special land uses.* Special land uses are subject to review and approval by the Planning Commission in accordance with §§ 154.060 through 154.068 and §§ 154.080 through 154.092:

- (1) Bed and breakfast;
- (2) Hotel/inn;
- (3) Motel/motor court;
- (4) Theater;
- (5) Parking facility;
- (6) Restaurants;
- (7) Rental of accessory dwellings;
- (8) Recreational transportation rental facilities; and
- (9) Brewery, distillery, and winery.

(D) *Dimension and area regulations.*

(1) Permitted uses and special uses: 4. Theater, 5. Parking facility, 6. Restaurants, 8. Recreational transportation rental facilities, and 9. Brewery, distillery, and winery.

Front setback	0 feet
---------------	--------

Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	4,356 square feet
Minimum lot width	33 feet of street frontage
Maximum lot coverage	100%*
* Subject to Fire Code Regulations	

(2) Special uses: 1. Bed and breakfast, 2. Hotel/inn, 3. Motel/motor court, and 7. Rental of accessory dwellings.

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	100%*
* Subject to Fire Code Regulations,	

(Ord. passed 6-24-1996; Am. Ord. 050711, passed - -; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 110214-1, passed 12-14-2011; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 200622-1, passed 6-22-2020; Am. Ord. 201109-D, passed 11-9-2020)

EXHIBIT B

Chapter 152: Historic District Regulations

CHAPTER 152: HISTORIC DISTRICT REGULATIONS

Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Application and permit required
- 152.04 Creation, modification, and elimination of historic districts
- 152.05 Historic District boundaries
- 152.06 Historic District Commission
- 152.07 Application and review procedure; powers and duties of the Historic District Commission
- 152.08 Deviation from approved plans
- 152.09 Work without a permit
- 152.10 Preservation, moving and demolition of historic resources
- 152.11 Demolition by neglect
- 152.12 Community outreach
- 152.13 Construction
- 152.14 Appeals
- 152.15 Historic preservation; financing
- 152.16 Signs
- 152.17 Fencing

- 152.99 Penalty

§ 152.01 PURPOSE.

Historic preservation is declared to be a public purpose, and it is the intent of this chapter to establish procedures as set forth in Public Acts 169 of 1970, being M.C.L.A. §§ 399.201 - 399.215, as amended by Public Act 125 of 1980, being M.C.L.A. §§ 399.203 - 399.205, Public Act 230 of 1986, being M.C.L.A. §§ 399.201 - 399.215, and Public Act 96 of 1992, being M.C.L.A. §§ 399.201 - 399.215, to regulate the construction, addition, moving, excavation and demolition, and exterior alteration and repair of structures or resources within the Historic District in order to:

(A) Safeguard the heritage of the City of Saugatuck by ensuring that the Historic District(s) continue to reflect the architecture, archaeology, engineering, culture, local village/rural character and the contextual aesthetic of the city;

(B) Stabilize and improve property values in each district and surrounding areas;

(C) Foster civic beauty;

(D) Strengthen the local economy; and

(E) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city, county, state and country.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION. A new structure built onto an existing structure.

ALTERATION. Work that changes the exterior detail of a resource regardless whether the work changes the resource's basic size or shape.

CENTER. The Michigan Historical Center of the Department of History, Arts and Libraries.

CERTIFICATE OF APPROPRIATENESS. Written approval of a permit application for work determined to be consistent with the requirements and purposes of this chapter.

COMMISSION. An historic district commission created by the City Council pursuant to Public Act 169 of 1970 as amended, being M.C.L.A. §§ 399.201 - 399.215.

COMMITTEE. An historic district study committee appointed by the City Council under § 152.04.

CONSTRUCTION. The building of a new structure, whether free standing or an addition.

DEMOLITION. The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

DEMOLITION BY NEGLIGENCE. Neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or loss of structural integrity of the resource.

DENIAL. The written rejection of a permit application for work that is determined to be inconsistent with the requirement of this chapter.

HISTORIC DISTRICT. An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

HISTORIC PRESERVATION. The identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

HISTORIC RESOURCE. A publicly or privately owned building, structure, site, object, feature or open space that contributes significant to the architectural, archaeological, engineering, cultural history, local village/rural character, or the contextual aesthetic of the city, county, state or country.

NATURAL MATERIALS. Materials produced or existing by nature.

NOTICE TO PROCEED. Written permission to issue a permit for work determined to be consistent with the requirements of this chapter, but which is allowed under one of the exceptions to the application of those guidelines.

OPEN SPACE. Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

ORDINARY MAINTENANCE. To maintain the exterior of a resource in good or sound condition by taking care of ordinary wear and tear. **ORDINARY MAINTENANCE** does not change the external appearance of the resource except through elimination of the usual and expected effects of weathering (e.g. scraping and repainting a house with the same color). **ORDINARY MAINTENANCE** shall not constitute work for purposes of this chapter.

REPAIR. To restore the exterior of a decayed or damaged resource to a good or sound condition by replacing a decayed or damaged element or feature (e.g. a window, the siding, a bracket, or door) with one of identical design using either original material or other material as permitted by the Commission. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

RESOURCE. One or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a historic district.

STANDING COMMITTEE. A permanent body established by the City Council under Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215, to conduct the activities of a historic district study committee on a continuing basis.

WORK. Construction, addition, alteration, repair, moving, excavation or demolition.

(Ord. passed 3-27-2000; Am. Ord. passed 4-28-2003; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.03 APPLICATION AND PERMIT REQUIRED.

A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The Building Inspector shall not issue a building permit and no resource in a historic district shall be constructed, moved, excavated or demolished, nor its exterior altered or repaired, nor signs and fences constructed or altered, unless application is made and the applicant has received either a certificate of appropriateness or a notice to proceed from the Commission pursuant to the requirements set forth in this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.04 CREATION, MODIFICATION, AND ELIMINATION OF HISTORIC DISTRICTS.

(A) *Generally.* The creation, modification, and elimination of historic districts shall be in accordance with Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215.

(B) *Creation or modification of historic districts.* The City Council may, by ordinance, establish one or more historic districts or modify the boundaries of an existing historic district. Before creating or modifying a historic district, the City Council shall, by resolution, appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations.

(1) The Committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Center.

(b) Conduct basic research on each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and non-historic resources within the proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the

United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the Center, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
2. The composition of the Committee membership.
3. The historic district or districts studied.
4. The boundaries for each proposed historic district in writing and on maps.
5. The history of each proposed historic district.
6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(e) Transmit copies of the preliminary report for review and recommendations to the City Planning Commission, the Center, the Michigan Historical Commission, and to the State Historic Preservation Review Board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the Committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the city.

(3) After the date of the public hearing, the Committee and the City Council shall have not more than one year, unless otherwise authorized by the City Council, to take the following actions:

(a) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the City Planning Commission to the City Council. If the recommendation is to establish or expand a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the City Council passes an ordinance or ordinances establishing one or more historic districts, the City Clerk shall file a copy of the ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts with the Register of Deeds. If a majority of the property owners within the proposed historic district, as listed on the city tax rolls, have approved the establishment of the historic district pursuant to a written petition or petitions, the City Council shall not pass an ordinance establishing the historic district less than 60 days after presentation of the petition or petitions. A written petition shall not be a prerequisite to the establishing, modifying, or eliminating of a historic district unless the City Council, in its discretion, determines otherwise.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended, being M.C.L.A. §§ 15.231 to 15.246.

(C) *Elimination of all or part of a historic district.* If considering elimination of a historic district, a committee shall follow the procedures set forth in division (B) for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

- (1) The historic district has lost those physical characteristics that enabled establishment of the district.
- (2) The historic district was not significant in the way previously defined.
- (3) The historic district was established pursuant to detective procedures.

(D) *Historic District Study Committee.* Before establishing additional historic districts or modifying or eliminating an existing historic district, a Historic District Study Committee appointed by the City Council shall comply with the procedures set forth in divisions (B) and (C) and shall consider any previously written committee reports pertinent to the action. To conduct these activities, the city may retain the initial Historic District Study Committee appointed by the City Council under division (B), establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(E) *Review of permit applications in proposed historic districts.* Upon receipt of substantial evidence showing the presence of historic architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(F) *Emergency moratorium.* If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.05 HISTORIC DISTRICT BOUNDARIES.

The following historic districts are hereby established:

(A) All of that part of the Kalamazoo Plat which lies south of Mary Street, west of Griffith Street and north and east of the Kalamazoo River;

(B) All of those properties located within Flint Assessor's Plat which are southerly and easterly of the Kalamazoo River and south of the south line of Herbert Street and Herbert Street extended to the Kalamazoo River;

(C) Block 1 and Block 2 of Bandle's Addition along with all of those parcels of property lying northerly of a line extending from the southeast corner of Lucy Street to the southeast corner of Elizabeth and Mill Streets;

(D) All of those properties lying between Lake Street and the Kalamazoo River along with the first 132 feet of all parcels of land which lie east of Griffith Street and north and east of Culver Street and Lake Street (the intent is to include both sides of Lake Street and Culver Street); and

(E) All the lands east of the Kalamazoo River and west of Holland and Griffith Streets from Mary Street on the south to Lucy Street on the north; also to include all properties west of Elizabeth Street

and east of Griffith Street and bounded on the north by Mason Street and bounded on the south by Allegan, Lake and Culver Streets.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.06 HISTORIC DISTRICT COMMISSION.

(A) *Creation.* In order to execute the purposes of this chapter, the Saugatuck Historic District Commission was established on December 14, 1981.

(B) *Membership.* The Commission shall consist of seven members who are residents of the City of Saugatuck, and shall be appointed by the Mayor with approval of the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, and, if available, either reside in or own property in the historic district. The Commission shall include a member nominated by a local preservation organization, if available, a licensed architect, registered in the State of Michigan, qualified in the design, rehabilitation and construction of historic structures, if available.

(1) *Terms of office.* Members of this Commission shall serve for terms of three years. The terms of all commissioners commence on the first day of the month established by the City Council as the beginning of member terms, with no more than three member terms commencing in a single calendar year. Members may be reappointed after their terms expire.

(2) *Vacancies.* In the event of a vacancy on the Commission, interim appointments shall be made within 60 days by the Mayor with approval of the City Council to complete the unexpired term of the position.

(C) *Meetings.* All meetings of the Commission shall be open to the public and any person or his or her duly authorized representative shall be entitled to appear and be heard on any matter before the Commission. Meetings of the Commission shall be held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.

(D) *Records.* The Commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used in the possession of or retained by the Commission in the performance of an official function shall be made available to the public in compliance with Public Act 44 of 1976, as amended (Freedom of Information Act), being M.C.L.A. §§ 15.231 - 15.246.

(E) *Rules of procedure.* The Commission shall establish rules of procedure to conduct meetings pursuant to the state statutes and local ordinances. The rules of procedure shall be maintained on file at City Hall.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.07 APPLICATION AND REVIEW PROCEDURE; DUTIES OF THE HISTORIC DISTRICT COMMISSION.

(A) *Application.* Application for a building permit to construct, alter, repair, move, or demolish any structure or install or alter any signage or fence structure in a historic district shall be made to the Historic District Administrator who shall notify the Commission of the receipt of the application and shall convey the application, supporting plans and documents, and any other pertinent information, to the Commission.

(B) *Supporting documents.* When applying for a building permit under division (A), the applicant shall provide the following supporting documents, where applicable:

- (1) Photographs of the structure and its relationship to adjacent structures.
- (2) A plot plan with the placement of the proposed addition, or location of fencing to be constructed.
- (3) Elevation drawings of the exterior of the structure.
- (4) Samples of all proposed exterior finishes and materials.
- (5) Photographs showing, in detail, the problem areas to be addressed during the proposed repair or alteration.
- (6) A scale drawing of all proposed signage, including design, colors, lettering style, type of illumination (if any), placement or location on the lot or building, and the type of support(s) for the sign(s).
- (7) If an application for signage is made by tenants of a building located within a historic district, the tenants must obtain written permission from the building owner to install or alter the proposed sign(s).

(C) *Review of application by the Commission.* Unless otherwise provided for by this chapter, the Commission shall review applications and plans for the construction, alteration, repair, moving, partial or total demolition of resources and the installation or alteration of signs and fencing in a historic district before a certificate of appropriateness, notice to proceed, or building permit can be granted or issued.

(1) *Exterior features.* The Commission shall review and act upon applications for work affecting the exterior appearance of a resource.

(2) *Interior features.* The Commission shall review and act upon applications for work affecting the interior appearance of a resource only where the work will cause visible change to the exterior appearance of the resource.

(3) *Fences and signs.* The Commission shall review and act upon applications concerning the installation, construction, repair, or alteration of all fences and signs located within a historic district.

(D) *Guidelines.*

(1) In reviewing applications and plans submitted under this chapter, the Commission shall follow U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended. Additional guidelines may be developed and followed if they are equivalent in guidance to the Secretary's standards and guidelines and are approved by the Center. Any additional guidelines must be adopted by the Commission and approved by the City Council. In reviewing applications and plans, the Commission shall also give consideration to:

(a) The historical or architectural significance of the resource and its relationship to the historic value of the surrounding area.

(b) The compatibility of the exterior of the structure and the space around it with the visual or historical context of the surrounding area.

(c) The impact of the exterior of the structure and the space around it on the village/rural character and contextual aesthetic of the city

(d) Other factors which the Commission considers to be pertinent.

(2) In exercising its authority to approve or deny an application under this chapter, the Commission shall exercise its educated judgment on a case-by-case basis in interpreting these guidelines and the following the applicable standards.

(E) *Experts.* The Commission shall have the power to consult with experts, when necessary, to aid in its deliberations.

(F) *Decision.* The Commission shall act within 60 days after the date a complete application is filed, unless an extension is agreed upon in writing by the applicant and the Commission. The Commission shall issue a certificate of appropriateness or a notice to proceed if it approves of the plans submitted to it for review. Failure to act by the Commission within 60 days shall be considered to constitute approval of the application and the Historic District Administrator shall issue a notice to proceed to the Building Inspector.

(G) *Certificate of appropriateness or notice to proceed.*

(1) The Commission shall file with the Historic District Administrator a certificate of appropriateness or notice to proceed if the Commission approves the application. No building permit shall be issued or work begun until the certificate of appropriateness or notice to proceed has been filed.

(2) Any changes or alterations made to the original approved plans shall be submitted to the Commission for approval under § 152.08. Alterations made without the Commission's approval shall be considered work without a permit under § 152.09.

(3) Any work performed under an approved application or part thereof must be completed within one year from the date of approval. Upon the expiration of one year following the date of approval, the application and permit become void and the applicant must reapply for a permit, unless the applicant applies for an extension, which shall be for no longer than one year, and such extension is approved by the Commission.

(4) Issuance of a certificate of appropriateness or notice to proceed does not absolve the applicant from its obligation to comply with the Zoning and Building Code requirements of the city or other applicable local, state or federal requirements.

(H) *Denial of plans.* If the Commission denies plans submitted to it for review, no permit shall be issued or work begun or performed. The Commission shall state its reasons for denying the plans and shall transmit a record of such action and reasons therefore in writing to the Historic District Administrator and to the applicant. The Commission may advise the applicant regarding what work is appropriate under this chapter and the applicant may make modifications to the original plans. The applicant shall have the right to resubmit the application and modified plans to the Commission for approval.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.08 DEVIATION FROM APPROVED PLANS.

(A) If an owner whose plans have received a certificate of appropriateness or notice to proceed wishes to change the approved plans in any way, regardless how minor the changes, the owner shall apply to the Commission for approval of such changes prior to commencing work that incorporates the changes.

(B) If the Commission finds that an owner has proceeded with work that involved a deviation from the original approved plans, without seeking approval under division (A), it shall cause a stop work order to be issued with regard to the portion of the work that involves the change(s).

(1) The owner shall thereafter apply to the Commission for approval of the desired change to the original approved plans.

(2) If the desired changes are not approved, the owner shall dismantle the unapproved work and proceed with the work as originally approved.

(C) If the owner does not or cannot comply with the division (B), the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it complies with the original plans as approved by the Commission. The costs of the work shall be charged to the owner and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.09 WORK WITHOUT A PERMIT.

If the Commission finds that work has begun on a structure or resource for which an application for a permit has not been made, or for which application has been made, but has not yet been approved or denied by the Commission pursuant to this chapter, the Commission shall cause a stop work order to be issued.

(A) The owner shall thereafter apply to the Commission for approval of the work under all applicable sections of this chapter.

(B) If the plans for the work are approved by the Commission with modifications that impact that portion of the work already done, the owner shall dismantle the unapproved portion of the work and proceed with the work as approved.

(C) If the plans for the work are not approved by the Commission, the Commission may require the owner to restore the resource to the condition the resource was in before the inappropriate work was commenced or to modify the work so that it qualifies for a certificate of appropriateness.

(D) If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.

(E) If the owner does not or cannot comply with the order of the court, the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.10 PRESERVATION, MOVING, AND DEMOLITION OF HISTORIC RESOURCES.

(A) If the Commission receives an application for work that will adversely affect the exterior of a resource that the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the purpose of the this chapter, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(B) Work, including moving or demolition of a historic resource located in a historic district, shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or the occupants of the structure and if, in the opinion of the Commission, demolition is the only reasonable way to improve or correct this condition.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and which outweighs the benefit to the public interest and the general welfare of the

citizens of the city derived from the historic, architectural, or contextual significance of the structure.

(3) Retention of the resource would cause undue financial hardship to the owner, provided that any hardship or difficulty claimed by the owner is not self-created or is not the result of a failure to maintain the property in good repair which itself is not the result of financial hardship of the owner. All feasible alternatives to eliminate the financial hardship should have been attempted and exhausted, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district.

(4) Retention of the structure would not be in the interest of the community.

(C) If the Commission receives an application for demolition of a historic resource, the Commission may, because of the complexity of the issues involved and the potential for irretrievable loss to the city occasioned by the demolition of a historic resource, delay a determination on the application for a period of up to 60 days, during which time it may hold a public hearing to gauge public sentiment and interest or work with the applicant to find a method to save or preserve the historic resource.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.11 DEMOLITION BY NEGLIGENCE.

(A) If the Commission finds that a resource within a historic district or a proposed historic district is threatened with demolition by neglect, the Commission shall encourage the owner of the resource to do what is necessary to restore or maintain the exterior of the structure or its structural integrity.

(B) If the Commission or Historic District Administrator finds that a resource within a historic district or proposed historic district is deteriorating to such an extent that it creates a potential hazard to the public safety and welfare, thus raising the possibility of the city issuing a demolition order under Chapter 150 of this title, the Commission shall inform the owner that if work is not undertaken to improve the condition of the building, a demolition order will be issued.

(C) In either situation described in divisions (A) or (B), the Commission shall provide the owner of the resource with information regarding the Michigan historic preservation tax credit and any other funding, of which the Commission is aware, that may be available from either public or private sources.

(D) The Commission may require the owner to repair all conditions contributing to demolition by neglect.

(E) If the owner does not or cannot correct the condition of neglect within a reasonable time, the Commission or its agents may seek and obtain an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.12 COMMUNITY OUTREACH.

The Commission shall be responsible for broadly disseminating information about this chapter and its requirements to the public.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.13 CONSTRUCTION.

Nothing in the chapter shall be construed to prevent ordinary maintenance of any resource, structure, sign, or fence located within a historic district.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.14 APPEALS.

(A) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Center of the Department of History, Arts and Libraries. The appeal shall be filed within 60 days after the decision is furnished to the applicant.

(B) A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the Commission whose decision was appealed to the State Historic Preservation Review Board.

(C) Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the Commission, may appeal the decision directly to the circuit court, except that a permit applicant aggrieved by a decision of the Commission may not appeal to the circuit court without first exhausting the right to appeal to the State Historic Preservation Review Board.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.15 HISTORIC PRESERVATION; FINANCING.

(A) *Grants, gifts, and programs.* The City Council may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may make the Commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(B) *Acquisition of historic resources.* If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if it considers the action to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission or standing committee. The Commission is responsible for maintaining publicly owned resources using public funds committed for that use by the City Council. Upon recommendation of the Commission, the City Council may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.16 SIGNS.

(A) *Purpose.* The purpose of this section is to regulate signs and outdoor advertising to ensure that the appearance of signs and outdoor advertising is consistent with, and assists in preserving the character of, the historic district in which the signs or outdoor advertising are located.

(B) *Regulation.* All signs and outdoor advertising within a historic district are subject to the §§ 154.005, 154.140, as amended, and 154.142, in addition to the provisions of this chapter.

(C) *Guidelines.* The Commission may adopt additional guidelines for the approval of signs and outdoor advertising that are equivalent in guidance to the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended.

(D) *Historic signs.* If the Commission determines that an existing sign is of historic significance, the Commission shall allow such sign to be repaired or restored, regardless whether it would otherwise meet the requirements of this section.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.17 FENCING.

(A) *Approval required.* Applications for fencing located in a historic district shall be submitted to the Commission for approval. Fencing shall be permitted in historic districts contingent upon the appearance and appropriateness of the fencing in relation to nearby structures or resources, and the historic district as a whole.

(B) *Regulation.* All fencing within a historic district is subject to the § 154.143, in addition to the provisions of this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

§ 152.99 PENALTY.

(A) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter or any order of the Building Inspector issued to enforce this chapter, shall be responsible for municipal civil infraction and shall be punished by a civil fine of \$250 for a first violation, \$500 for a second violation, and \$1,000 for a third subsequent violation and shall further be liable for the payment of the costs of prosecution in an amount of not less than \$9 and not more than \$500.

(B) Any person, firm, corporation, trust, partnership or other legal entity which demolishes any structure in a Historic District in violation of this chapter shall be responsible for a municipal civil infraction and shall be punished by a civil fine of \$1,500 for a first violation, \$2,500 for a second violation and \$5,000 for a third or any subsequent violation and shall further be liable for the payment of the costs of prosecution in any amount of not less than \$9 and not more than \$500.

(C) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of fines for each day.

(D) Any violation of the provisions of this chapter shall constitute a nuisance per se and the foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the State of Michigan for the abatement of a city ordinance designated as a municipal civil infraction.

(E) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

EXHIBIT C
Code Section 154.048 Historic District Overlay Zone

§ 154.048 HISTORIC DISTRICT OVERLAY ZONE.

- (A) *Generally.* The Historic District Overlay Zone (HDOZ) is designed to recognize the city's officially designated historic areas. The HDOZ represents a supplementary series of developmental requirements which are in addition to the regulations of the zone district(s) underlying the HDOZ.
- (B) *Permitted uses.* Uses classified as such by the underlying zone district.
- (C) *Special land use.* Uses classified as such by the underlying zone district.
- (D) *Dimension and area regulations.* Except as noted under division (E) below, dimension and area regulations shall be as required by the underlying zone district.
- (E) *Special provisions.* The requirements of Chapter 152, of the city code of ordinances, shall apply to all lands, buildings and structures within the HDOZ. In the event of conflict between the regulations of the Zoning Code and Chapter 152, the more stringent requirements shall apply unless there is historic precedent regarding the location of a structure, in which case the Historic District Commission may permit the reconstruction of a structure within a required setback if other zoning regulations can still be met.

(Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014)

EXHIBIT D
Code Section 154.174 Nonconforming Uses, Lots and Structures

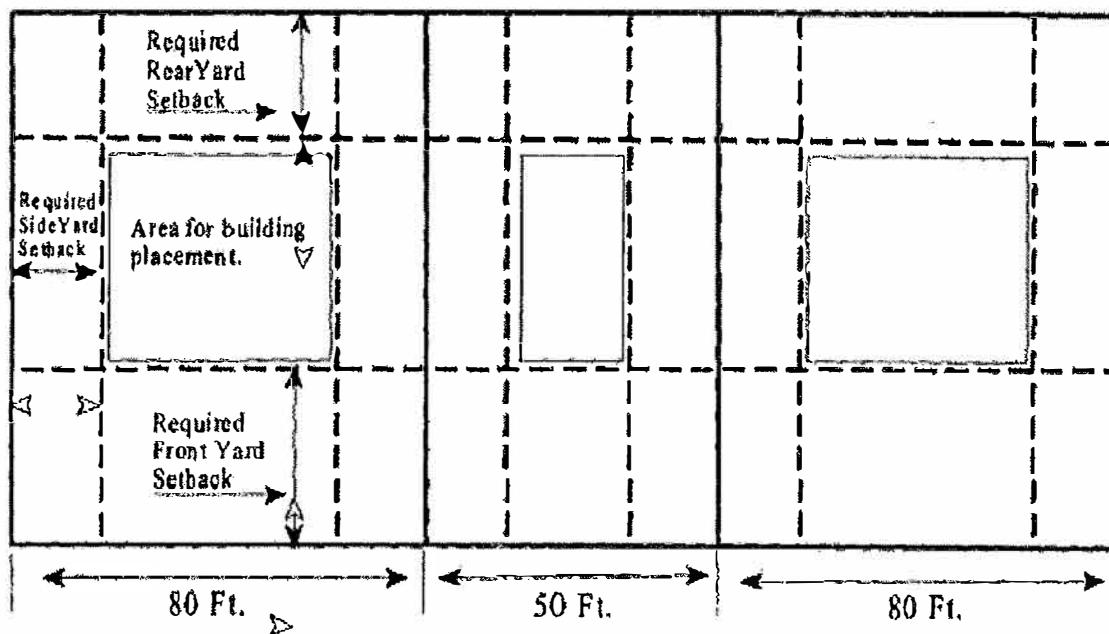
§ 154.174 NONCONFORMING USES, LOTS AND STRUCTURES.

Nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the City of Saugatuck Master Plan and the objectives of this chapter. Upon the adoption of this chapter or subsequent amendments, there are lots, structures and uses of land and structures which were lawful prior to the adoption of this chapter, or the relevant amendment thereto, but which are not now in conformance. It is the intent of this chapter to permit these lawful nonconforming lots, structures and uses to continue but, with the exception of nonconforming residential structures, not to encourage their prolonged existence.

(A) *Nonconforming lots.*

(1) *Existing lot of record.* In any zoning district where an existing lot of record fails to meet the requirements for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the uses in the zoning district, provided that any structures comply with the required front, side, and rear yard setbacks of the zoning district; provided, however, that the foregoing shall not apply to a nonconforming lot abutted by another lot or lots under the same ownership. The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. A variance is not required.

Example: Nonconforming Lot



(2) *Abutting lots of record under single ownership.* In any zoning district, where two or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the lot is located, prior to development any such lots shall be combined and considered as one lot for the purposes of this chapter. Where abutting lots of record which have been combined fail to meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the combined lot is located, the combined lot may be used for uses allowed in the zoning district, provided that the required front, side and rear yard setbacks of the zoning district are complied with.

(B) *Nonconforming uses of land not involving a building or structure.* The lawful use of any land, not involving a building or structure, existing and lawful on the effective date of this chapter, or amendment

thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Enlargement.* A lawful nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this chapter, or amendment thereto;

(2) *Relocation.* A lawful nonconforming use shall not be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of this chapter, or amendment thereto; and

(3) *Cessation.* If the property owner or lessee stipulates that any such nonconforming use of land will be discontinued, or if any such nonconforming use of land ceases or is abandoned for any reason for a period of one year, any subsequent use of the land shall conform to the requirements of this chapter. The occurrence of one or more of the following conditions shall be deemed to constitute an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

(a) Utilities, such as water, gas and electricity to the property have been disconnected;

(b) Signs or other indications of the existence of the nonconforming use have been removed;

(c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;

(d) The property and/or grounds have not been maintained and/or have fallen into disrepair; and

(e) Other actions which, in the opinion of the Zoning Administrator, evidence an intention on the part of the property owner or lessee to abandon the nonconforming use of the land.

(C) *Nonconforming structures.* Use of structures which are existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the structures do not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions.

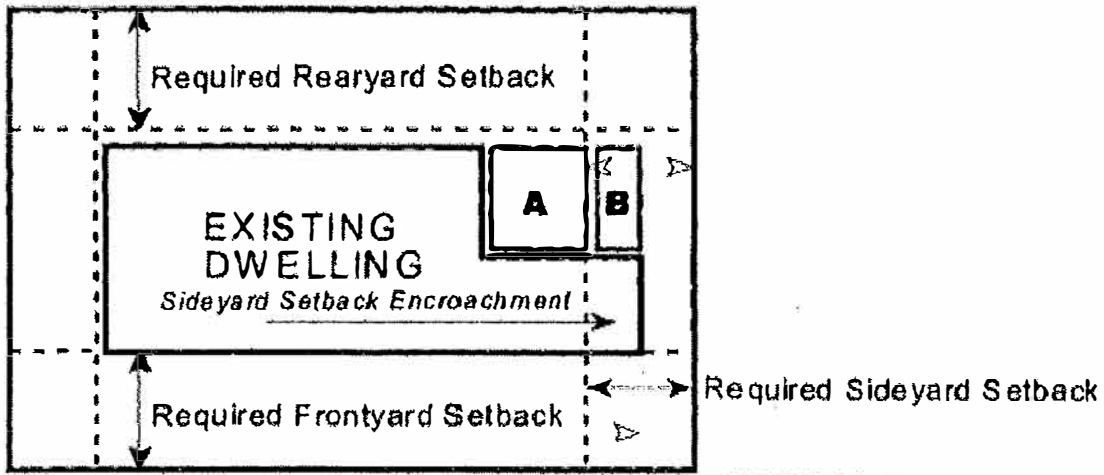
(1) *Enlargement or alteration.*

(a) A lawful nonconforming structure may not be enlarged, expanded or altered in any way which increases its nonconformity with the provisions of this chapter unless otherwise noted within this chapter. The nonconforming structure may be enlarged or altered provided that all such changes are in conformance with all provisions of this chapter at every structural level. All enlargements or alterations shall be subject to review and approval by the Zoning Administrator.

(b) Pursuant to the above, the Zoning Administrator may require the applicant to provide boundary and/or topographic surveys of the existing nonconforming structure and associated site. These surveys shall be sealed by a registered land surveyor registered in the State of Michigan. The topographic survey may be limited to providing dimensional detail on the height of existing structures, unless additional information is required by the Zoning Administrator.

(c) The surveys shall verify that the existing setbacks and height limit of the existing nonconforming structure comply with the setbacks and height standards of the underlying zone district. Further, the survey drawing shall be used to identify the specific area, with dimensions, to be occupied by the expansion or alteration of the nonconforming structure.

Example: Nonconforming Residential Structure



A Proposed addition to be placed within required setbacks.

B Proposed addition to be placed outside required setbacks.

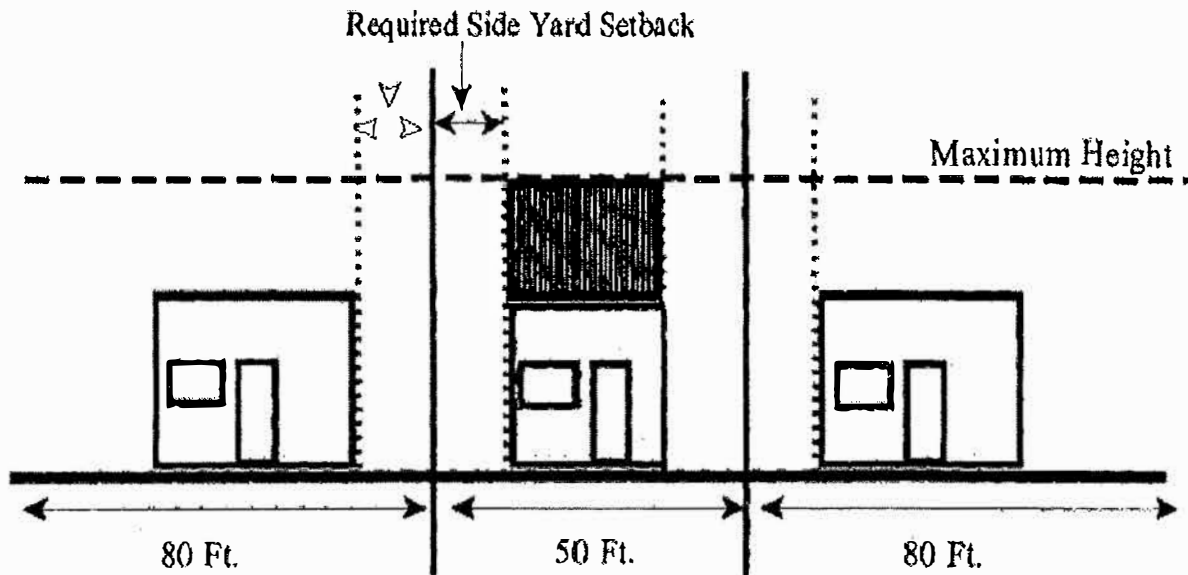
The existing dwelling encroaches on a required side yard setback resulting in a nonconforming situation. Proposed addition "A" may be permitted following a residential site plan review by the Planning Commission. However, a variance from the Zoning Board of Appeals would be required for addition "B".

(2) *Non-use (dimensional) variance.* Such variances may be authorized by the Zoning Board of Appeals for enlargement or alterations of nonconforming structures that increase any nonconformity(ies) under the provisions of §§ 154.150 through 154.157.

(3) *ZBA conditions pursuant to enlargement/alteration.* In authorizing a variance to enlarge or alter a lawful nonconforming structure, the Zoning Board of Appeals may impose conditions necessitated by the request including, but not limited to: additional site landscaping; site buffers; fencing; facade design requirements, building materials and building color changes; additional off-street parking and vehicular circulation modifications; signage; exterior lighting; and related building and site design modifications and conditions.

Example: Structural Alteration on a Nonconforming Lot

The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. In the following example, the undersized lot meets all building setbacks. The applicant wishes to increase the height of the structure. He or she may do so provided the upper story remains within all setbacks and height limits. A variance is not required.



(4) *Damage and reconstruction.*

(a) *Nonconforming structure.* In the event that any lawful, nonconforming, structure shall be damaged or destroyed by fire, wind, accident, act of God, or other similar means or manner, or threatened by flood, reconstruction, restoration, and/or raising shall be permitted by right, unless such destruction or damage was due to the intentional or reckless act or actions of an owner of the property. A structure to be reconstructed or restored shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, with the exception that no portion of the structure shall be reconstructed within, or so as to encroach on, a public right-of-way or public easement. In addition, a structure to be reconstructed, restored, or raised within a designated special flood hazard area shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, and shall further conform to the State Construction Code. Any reconstruction shall be subject to compliance with the provisions of this chapter, and any expansion shall be in full conformance with the requirements of the zoning district.

(b) *Building permit required.* Any reconstruction or restoration authorized pursuant to this division shall require the issuance of a building permit within 12 months of the occurrence of the damage.

(c) *Special flood hazard area.* For purposes of this division, threatened by flood shall mean that the structure is located in the special flood hazard area as designated in the current Flood Insurance Rate Map (FIRM) and the lowest floor level is less than one foot above the Base Flood Elevation (BFE) as designated in the FIRM. In addition, a structure that is threatened by flood shall not be raised more than three feet above the BFE.

(5) *Decrease of nonconformity and re-establishment.* If a lawful nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then those nonconforming characteristics shall not be later re-established or increased.

(D) *Nonconforming use of structure.* The lawful use of any structure existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Extending use within a structure.* Any lawful nonconforming use may be extended throughout any internal parts of a building which were manifestly arranged or designed for such use at the effective date of this chapter, or amendment thereto, but no such use shall be extended to occupy any

portion of a building which was not manifestly arranged or designed for the use at the effective date of this chapter, or amendment thereto, nor shall the use be extended to occupy any land or air space outside the building.

(2) *Alteration of structure possessing a nonconforming use.* No existing structure devoted to a lawful nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.

(3) *Reconstruction of structure occupied by a nonconforming use.* If a structure which conforms with the provisions of this chapter, but which is occupied by a lawful nonconforming use, is damaged by any means or in any manner to the extent that the value of reconstruction or restoration exceeds one-half the value of the structure prior to the damaging occurrence, as determined by the most recent city assessment of the value of the structure, excluding the value of the land, for purposes of taxation, the structure may be reconstructed or restored only if its use conforms with the provisions of this chapter.

(4) *Re-establishment of nonconforming use.* If a lawful nonconforming use of any structure is terminated and replaced by a permitted use, the nonconforming use shall not be later re-established.

(5) *Cessation.* If the property owner or lessee stipulates that a lawful nonconforming use of a structure or structure and land in combination will be discontinued, or if any such nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of more than 12 months, any subsequent use of the structure shall conform to regulations of the zoning district in which it is located. The occurrence of one or more of the following conditions shall be deemed to evidence an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

- (a) Utilities, such as water, gas and electricity to the property have been disconnected;
- (b) Signs or other indications of the existence of the nonconforming use have been removed;
- (c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
- (d) The property, buildings and/or grounds have not been maintained and/or have fallen into disrepair; and/or
- (e) Other actions which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use of the structure or structure and land in combination.

(6) *Removal of nonconforming use status after removal or destruction of building.* Where lawful nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming use status of the land.

(7) *Change in use (substitution).*

(a) A lawful nonconforming use of a structure may be changed to another nonconforming use only if functionally similar to the previous non-conforming use. Application for a change in use shall require approval of the Zoning Board of Appeals. The Board may approve the change only if it complies with all of the following standards:

1. The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. These impacts shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation,

noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage and other factors.

2. No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will bring the structure into greater conformity with the underlying zone district standards.

(b) In approving a change in use, the Board may require reasonable conditions in order to decrease the impact on adjoining properties. These conditions may include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation and other such conditions to reduce any negative impact.

(E) *Basic repairs and maintenance.*

(1) *Basic repairs and maintenance.* On any structure devoted in whole or in part to any lawful nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment or plumbing to an extent not exceeding 20% of the current replacement value of the structure as based on the records of the City Assessor, provided that the structure is not enlarged, extended, moved or structurally altered unless otherwise provided for by this chapter.

(2) *Safety improvements.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health, upon order of the official.

(F) *Structures under construction.* Any structure on which actual construction was lawfully begun prior to the effective date of this chapter, or amendment thereto, but which, under this chapter or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this chapter shall be deemed to require any change in the plans, construction or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction the demolition or removal shall be deemed actual construction.

(G) *Nonconforming special land uses.*

(1) There were uses which were permitted by right under Ord. 80-133 which are not permitted uses under this chapter. Those existing uses which were permitted uses and are listed as special land uses in this chapter shall not be considered nonconforming uses.

(2) Those uses, or parts of uses, which existed as permitted uses under Ord. 80-133 and are listed as special land uses in this chapter, shall be considered to be approved existing special land uses with the configuration shown on a site plan drawn to reflect how the uses existed at the time of adoption of this chapter. Parts of uses which are nonconforming immediately prior to the adoption of this chapter shall continue to be nonconforming under this chapter.

(3) An owner of an approved existing special land use permit may obtain from the Commission a certification of site plan reflecting how the use exists at the time of adoption of this chapter with identification of nonconforming parts, if any. In the case of disputes over facts on what existed at the time of adoption of this chapter, aerial photographs, flown in the city by the county or other aerial photographs, flown to the same or greater standards for mapping as the county's photos, taken after the county photos but before the adoption of this chapter, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above mentioned photos may be accepted as the site plan for the written special use permit.

(4) When a special use owner applies to amend the approved existing special use for expansion or change, a written special use permit shall be prepared for the entire use and parcel. In review of the

special use permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the special use permit. If the application for amendment of the special use permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the approved existing special use permit.

(H) *Purchase and condemnation of nonconforming uses and structures.* Subject to the provisions of state law, the city may acquire by purchase, condemnation or other means private property, or an interest in private property, for the removal of nonconforming uses and structures.

(Ord. 02-02, passed 2-11-2002; Am. Ord. passed 9-8-2003; Am. Ord. 091123-1, passed 11-23-2009; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 141208-1, passed 12-8-2014; Am. Ord. 201109-C, passed 11-9-2020)

EXHIBIT E
Code Section 154.020 Effect of Zoning

§ 154.020 EFFECT OF ZONING.

(A) Zoning affects every structure and use.

(B) Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations herein specified for the zoning district in which it is located.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999

EXHIBIT F
Code Section 154.021 Application of Regulations

§ 154.021 APPLICATION OF REGULATIONS.

(A) The regulations set by this chapter throughout the city and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

(B) All buildings, structures or land may hereafter be constructed, altered or changed in use or occupancy only when in conformity with all of the regulations herein specified for the district in which it is located.

(C) No building or other structure shall hereafter be altered:

(1) To accommodate or house a greater number of persons or families than permitted by the zoning district; or

(2) To have narrower or smaller rear yards, front yards, side yards, other than permitted.

(D) No yard or lot existing at the time of the passage of this chapter shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999

EXHIBIT G
Code Section 154.177 Violations

§ 154.177 VIOLATIONS.

(A) Any person, association, partnership, corporation or legal entity that violates disobeys, omits, neglects or refuses to comply with any provision of this chapter, any permit issue pursuant to this chapter, or any condition attached to a zoning permit, special land use permit, planned unit development permit, Zoning Board of Appeals decision or variance or other lawful directives of the Zoning Administrator shall be guilty of a violation of this chapter. Notice of any violations of this chapter shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.

(B) A procedure for processing violations shall be established with the assistance of the City Attorney and retained on file with the City Clerk. The Zoning Administrator shall follow the procedure in pursuing all alleged ordinance violations.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

Statutory reference:

Violations as a nuisance per se, abatement, see M.C.L.A. § 125.3407

EXHIBIT H
Code Section 154.170 Enforcement by Zoning Administrator

§ 154.170 ENFORCEMENT BY ZONING ADMINISTRATOR.

This chapter shall be administered by the Zoning Administrator designated and appointed by the City Council.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

§ 154.171 DUTIES OF THE ZONING ADMINISTRATOR.

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this chapter and in so doing shall perform the following duties:

(A) *Enforcement.* The Zoning Administrator shall administer and enforce this chapter and shall have the right to enter and inspect periodically all construction sites during the process of the work. He or she shall inspect the construction at least once upon completion of the work to insure compliance with this chapter. A violation of this chapter shall constitute a nuisance per se.

(B) *Binding interpretations.* The Zoning Administrator shall have the authority to render binding interpretations of provisions of this chapter and shall administer the same. An aggrieved party may appeal any interpretation/determination made by the Zoning Administrator in writing to the Zoning Board of Appeals within 21 days of any such determination/interpretation.

(C) *Issue permits.* All applications for zoning permits, special land use permits (including PUD) occupancy permits and variances shall be submitted to the Zoning Administrator, who may issue such permits and certificates of occupancy when all applicable provisions of this chapter have been met and approval has been granted by the proper body or official.

(D) *Revocation of permit.* The Zoning Administrator shall have the authority to revoke any permit issued pursuant to this chapter if the requirements of the permit and the provisions of this chapter are being violated, and in such case shall have the power to issue a stop-work order. An aggrieved party may appeal within 21 days of any such determination/interpretation.

(E) *Assistance of Building Inspector or engineer.* The Zoning Administrator may seek the advice and assistance of the city Building Inspector or such licensed engineer as he or she may designate if he or she feels it necessary to assure compliance with this chapter, and the Building Inspector or licensed engineer shall render such assistance when requested to do so.

(F) *Stop work orders.* Upon notice from the Zoning Administrator that any use being conducted or that any work or construction is being done contrary to the provisions of this chapter, such use or work shall cease immediately. The stop work order shall be in writing and shall be given to the owner of the property involved (as shown on the most recent property tax bill). Any person who shall continue to work on and/or construct a structure, land or building or use it after having been served with a stop work order, except such work as that person is expressly directed by the city to perform to remove a violation, shall be in violation of this chapter.

(G) *Record applications.* The Zoning Administrator shall maintain files of all applications for all the above permits, and for variances and shall keep records of all the permits and variances issued. These shall be filed in the City Administration office and shall be open to the public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

(H) *Inspections.* The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this chapter.

(I) *Record nonconforming uses.* The Zoning Administrator shall record all nonconforming uses of land found during inspections existing at the effective date of this chapter for purposes of carrying out the provisions of § 154.174.

(J) *Record of complaints.* The Zoning Administrator shall keep a record of every written and/or identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint, which records shall be public records. The Zoning Administrator is not limited to responding to complaints when it comes to enforcement of this chapter. Anytime there is a violation, the Zoning Administrator shall follow established procedures to provide notice of the violation and get it corrected.

(K) *Occupancy permits.* No structure or use shall be occupied (except for a single-family residence in zones permitting single-family residences), without first receiving an occupancy permit. An occupancy permit shall be issued by the Building Inspector following an inspection that confirms that all requirements of a previously issued zoning permit, if any, or if not, of this chapter have been met.

(L) *Cancellation of zoning permits, special land use permits and variances.*

(1) The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any of the provisions of this chapter, or in case of any false statement or misrepresentation made in the application.

(2) Upon the revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation.

(3) Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit.

(4) The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on cancellation of the permit.

(M) *Collect, retain and return performance bonds.* The City Clerk-Treasurer shall collect and retain all performance bonds, as may be required by the requirements of this chapter.

(N) *Limits on authority.* Under no circumstances is the Zoning Administrator permitted to make changes in this chapter, nor to vary the terms of this chapter while carrying out the duties prescribed herein. It shall be the responsibility of the City Council to assure that the Zoning Administrator enforces the provisions of this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014) Penalty, see § 154.999.