



**CITY COUNCIL AGENDA
MARCH 25, 2019 – 7:00 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
 - A. **Regular City Council Meeting of March 11, 2019**
5. MAYOR'S COMMENTS
6. CITY MANAGER'S COMMENTS
7. AGENDA CHANGES (ADDITIONS/DELETIONS)
8. GUEST SPEAKERS:
 - A. **Lt. Brett Ensfield – Allegan Co. Sheriff Department**
9. PUBLIC COMMENT *Agenda Items Only (Limit 3 minutes)*
10. REQUESTS FOR PAYMENT
 - A. **Approval of Accounts Payable**
11. INTRODUCTION OF ORDINANCES:
12. PUBLIC HEARINGS: **None**
13. UNFINISHED BUSINESS: **None**
14. NEW BUSINESS
 - A. **Ordinance No. 190325-1 – Chapter 92 Use of Consumer Fireworks Prohibited (ROLL CALL)**
 - B. **Resolution No. 190325-A – FOIA Policy Amendment (ROLL CALL)**
 - C. **Resolution No. 190325-B – MDOT Transportation Economic Development Fund (ROLL CALL)**
 - D. **Resolution No. 190325-C – MDNR MNRTF Grant Application (ROLL CALL)**
 - E. **Resolution No. 190325-D – Assignment of Launch Ramp Management Agreement (ROLL CALL)**
 - F. **Proclamation No. 190325-P1 – 2019 Arbor Day (ROLL CALL)**
15. CONSENT AGENDA: **None**
16. PUBLIC COMMENTS *(Limit 3 minutes)*
17. COMMUNICATIONS:
 - A. **Letter of Communication Regarding Fireworks – Accept as information**
18. BOARDS, COMMISSIONS & COMMITTEE REPORTS
 - A. **KLSWA, Harbor Authority, Fire Board, Planning Commission**
19. COUNCIL COMMENTS
20. ADJOURN

NOTICE

This facility is wheelchair accessible with accessible parking spaces available. 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 monica@saugatuckcity.com for further information.

Proposed Minutes
Saugatuck City Council Meeting
Saugatuck, Michigan, March 11, 2019

The City Council met in regular session at 7:00 p.m. at City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Mayor Trester at 7:00 p.m.
2. **Pledge of Allegiance**
3. **Attendance:**
Present: Spangler, Bekken, Johnson, Hess, Verplank, Peterson & Trester
Absent: None
Others Present: City Manager Harrier & City Clerk Nagel
4. **Approval of Minutes:** A motion was made by Peterson, 2nd by Spangler, to approve the February 25, 2019 regular meeting minutes as presented. Upon voice vote the motion carried unanimously.
5. **Mayor's Comments:** None
6. **City Manager's Report:** None
7. **Agenda Changes:** (*deletion*) 8(A) - Lt. Brett Ensfield – Allegan County Sheriff's Department
8. **Guest Speakers:**
~~A. Lt. Brett Ensfield – Allegan County Sheriff's Department~~
9. **Public Comment:** None
10. **Request for Payment:** A motion was made by Hess, 2nd by Johnson, to approve the accounts payable in the amount of \$33,458.35. Upon voice vote the motion carried unanimously.
11. **Introductions of Ordinances:**
A. Chapter 92 – Use of Consumer Fireworks Prohibited: A motion was made by Hess, 2nd by Verplank, to place the proposed ordinance amendment to amend Chapter 92, Section 92.02 of the Code of the City of Saugatuck on the March 25, 2019 regular council meeting agenda for action. Upon voice vote the motion carried unanimously.
12. **Public Hearings:** None
13. **Unfinished Business:** None
14. **New Business:**
A. Special Event Application – CVB Shakespeare in the Park Letter of Understanding: A motion was made by Johnson, 2nd by Spangler, to approve the Letter of Understanding dated March 11, 2019 between the City of Saugatuck and the Saugatuck/Douglas CVB to hold a Shakespeare in the Park event in Coghlin Park on June 29, 2019 and authorize the City Manager to effectuate the letter. Upon voice vote the motion carried unanimously.

B. St. Patrick's Day Parade Permit: A motion was made by Hess, 2nd by Peterson, to approve the St. Patrick's Day Parade application for March 16, 2019 at 2:00 p.m. as presented contingent upon Sheriff and Fire Department approval. Upon voice vote the motion carried unanimously.

C. Lakeshore Community Chorus Sign/Banner Approval: A motion was made by Peterson, 2nd by Hess, to approve the request to install a banner under the pallet sign for Lakeshore Community Chorus with the provision the banner cannot be displayed more than 15 days prior to first day of the event and must be removed 24 hours after conclusion of event. Upon voice vote the motion carried unanimously.

15. **Consent Agenda:** None

16. **Public Comment:** None

17. **Communications:**

A. Saugatuck Chain Ferry Operations Request for Proposal – *Accepted as information*

18. **Boards, Commissions & Committee Reports:** None

19. **Council Comments:** Council Member Hess announced the City is currently in 2nd place in the Allegan County Community Foundation Love Your Hometown poll to plant trees at Mt. Baldhead.

20. **Adjournment:** Mayor Trester adjourned the meeting at 7:16 p.m.

Respectfully Submitted,

Monica Nagel, CMC
City Clerk

10.A

Vendor Name	Description	Amount
1. ALLEGAN COUNTY HEALTH DEPT	OVAL CONCESSION	226.00
2. ALLEGAN COUNTY SHERIFF	SHERIFF CONTRACT	25,725.72
3. ALLEGAN COUNTY TREASURER	TAX TRIBUNAL	522.89
4. AT&T MOBILITY	CELL PHONES	80.70
5. BLOOM SLUGGETT PC	BLISS STREET ZONING LEGAL FEES	342.00 1,034.40 1,044.00
	TOTAL	2,420.40
6. CAPITAL ONE	SIDEWALK SALT & SUPPLIES	347.62
7. COMCAST	TELEPHONES & INTERNET	284.60
8. D & L TRUCK & TRAILER LLC	2010 INTERNATIONAL ANNUAL INSPECTION	522.45
9. DIANNA MC GREW	ASSESSING SERVICES	2,535.08
10. ETNA SUPPLY	FLOOR GRATE DPW	1,004.14
11. FLEIS & VANDENBRINK ENGINEERING INC	STREET IMPROVEMENT SHOPPER DOCK ENGINEERING FEES	1,377.15 3,440.00 662.34
	TOTAL	5,479.49
12. FRIS OFFICE OUTFITTERS	SUPPLIES	427.45
13. FRONTIER	DPW GARAGE OVAL 911 OVAL BEACH	217.04 132.55 71.06
	TOTAL	420.65
14. GOVERNMENTAL BUSINESS SYSTEMS	ELECTION	51.20
15. IHLE AUTO PARTS	SUPPLIES & OIL	160.58
16. KAECHELE PUBLICATIONS	BOARD OF REVIEW & PLANNING	340.00
17. KALAMAZOO LAKE SEWER & WATER	WATER	858.53
18. PRINTING SYSTEMS, INC.	ELECTION ELECTION ELECTION	145.93 153.53 56.61
	TOTAL	356.07
19. PRIORITY HEALTH	INSURANCE	7,529.57
20. SHELL	GASOLINE & DIESEL GASOLINE & DIESEL	141.08 767.23
	TOTAL	908.31
21. SISTERS IN INK		

03/22/2019 12:56 PM
User: Peter
DB: Saugatuck

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF SAUGATUCK
EXP CHECK RUN DATES 03/12/2019 - 03/25/2019
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Vendor Name	Description	Amount
	UNIFORMS	209.16
22. STANDARD INSURANCE COMPANY	INSURANCE	311.99
23. TAYLOR RENTAL	SIDEWALK PLANNER RENTAL	310.00
TOTAL - ALL VENDORS		51,032.60
FUND TOTALS:		
Fund 101 - GENERAL FUND		44,394.99
Fund 202 - MAJOR STREETS		2,015.67
Fund 203 - LOCAL STREETS		1,181.94
Fund 661 - MOTOR POOL FUND		3,428.04
Fund 715 - ROSE GARDEN		11.96



City Council Agenda Item Report

City of Saugatuck

FROM: Kirk Harrier, City Manager

MEETING DATE: **Introduction:** March 11, 2019
Action date: March 25, 2019

SUBJECT: Ordinance No. 190325-1 Section 92.02, Chapter 92 (Use of Consumer Fireworks Prohibited)

DESCRIPTION:

The Michigan Legislature has enhanced local regulation of fireworks via House Bills 5939 – 5941 (Public Acts 633-635) in 2018. These changes to the state’s fireworks law produced major concessions from the fireworks industry, shrinking the number of days and the hours within those days that fireworks can legally be used. The City Council has received requests from residents to amend the City’s existing fireworks ordinance to reflect changes the State Legislature has implemented. The attached ordinance reflects those changes. Other Michigan communities have also amended their local ordinances in a similar manner. The fine structure in the proposed Ordinance is set by the State.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

Municipal attorney Jeff Sluggett has prepared the Ordinance Amendment and approves as to form and content.

SAMPLE MOTION:

Motion to **approve/deny** Ordinance No. 190325-1 amending Chapter 92, Section 92.02, of the Code of the City of Saugatuck as presented.

**CITY COUNCIL
CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO.190325-1

**AN ORDINANCE TO AMEND TITLE IX, CHAPTER 92,
SECTION 92.02 OF THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 92.02. That Title IX, Chapter 92, Section 92.02 of the Code of the City of Saugatuck, entitled "USE OF CONSUMER FIREWORKS PROHIBITED", is amended to read as follows:

92.02 USE OF CONSUMER FIREWORKS PROHIBITED

(A) Except as provided in this section, a person shall not ignite, discharge, or use consumer fireworks at any time.

~~(B) (A) No person shall~~ A person may ignite, discharge, or use consumer fireworks in the city on a day other than the day preceding, the day of, or the day after a national holiday. City on the following days after 11 a.m.:

(1) December 31 until 1 a.m. on January 1.

(2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

(3) June 29 to July 4 until 11:45 p.m. on each of those days.

(4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

~~(B) Notwithstanding division (A), on the day preceding, the day of, or the day after a national holiday, no person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.~~

(5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

~~(C) (C)~~ A person who violates this ~~section~~ Section shall be responsible for a municipal civil infraction and subject to ~~a fine of not more than \$500~~ the civil fine of \$1,000, with \$500.00 remitted to the City of Saugatuck for enforcing this ordinance pursuant to MCL 28.457 (3).

Section 2. Effective Date. This Ordinance shall become effective upon its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Monica Nagel, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2019, and noticed in accordance with all legal requirements,

Monica Nagel, Clerk

Introduced: _____
Adopted: _____
Published: _____



City Council Agenda Item Report

City of Saugatuck

FROM: Kirk Harrier, City Manager
MEETING DATE: March 25, 2019
SUBJECT: Resolution No. 190325-A (FOIA Policy Amendment)

DESCRIPTION

State FOIA guidelines have recently changed and municipalities are now required to add the following language to their adopted FOIA policies under the "Fees and Deposits" section:

"If the City requires a deposit and the deposit is not received by the City within 45 days from the receipt by the requestor of the notice that a deposit is required, and if the requestor has not filed an appeal of the deposit, the request shall be deemed abandoned and the City is not required to fulfill the request. A notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent."

BUDGET ACTION REQUIRED

N/A

LEGAL REVIEW

N/A

SAMPLE MOTION:

Motion to approve/deny Resolution No. 190325-A as presented.

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. 190325-A

**A RESOLUTION AMENDING THE CITY OF SAUGATUCK'S 2015 FREEDOM OF
INFORMATION ACT POLICY**

At a Regular Meeting of the City Council of the City of Saugatuck ("City") held on March 25, 2019, the following Resolution was offered by Council Member _____ and supported by Council Member _____.

WHEREAS, the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. (the "Act"), provides for public access to certain public records of public bodies and prescribes the powers and duties of certain public officers and public bodies; and

WHEREAS, as a result of recent amendments to the Act, the City Council must also adopt these changes.

NOW, THEREFORE, IT IS RESOLVED that the City Council approves and adopts the changes to Section 4 (Fees and Deposits) of the City's Freedom of Information Procedures & Guidelines attached as Exhibit A, effective as of March 25, 2019

BE IT FURTHER RESOLVED that resolutions or portions of resolutions inconsistent with this Resolution are hereby rescinded to the extent of any such conflict.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

RESOLUTION NO. 190325-A DECLARED ADOPTED.

Dated: March 25, 2019

Ken Trester, Mayor

Monica Nagel, City Clerk

CERTIFICATION

I, Monica Nagel, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held March 25, 2019, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

Monica Nagel, City Clerk

EXHIBIT A

SECTION 4 – FEES AND DEPOSITS

The City Council shall adopt, by resolution, a schedule of fees for processing FOIA requests and for providing copies of public records in accordance with the Act. All FOIA requests submitted pursuant to the Act shall be subject to the fees adopted by the City Council, except any fees as otherwise provided by law. All fees for responding to written FOIA requests shall be itemized in detail on Attachment B (Detailed Cost Itemization). The City will use the most economical means available for making copies of public records.

The FOIA Coordinator will require that payment be made in full for the allowable fees for processing and responding to a FOIA request before the public record is made available.

The FOIA Coordinator may waive a fee or reduce a fee if it is determined that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

The City may charge for the following six categories of costs associated with processing a FOIA request:

- 1) Labor costs directly associated with searching for, locating and examining a requested public record, as provided in Section 4(1)(a) of the Act;
- 2) Labor costs directly associated with a review of a record to separate and delete information exempt from disclosure from information which is not exempt from disclosure, as provided in Section 4(1)(b) of the Act;
- 3) The actual and most reasonably economical costs of computer discs, computer tapes, or other digital or similar media, as provided in Section 4(1)(c) of the Act;
- 4) The actual total incremental cost of duplication or publication, not including labor, of paper copies of public records, as provided in Section 4(1)(d) of the Act;
- 5) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requesting person on non-paper physical media or through the Internet or other electronic means as stipulated by the requesting person as provided in Section 4(1)(e) of the Act; and
- 6) The actual cost of mailing for sending a public record in a reasonably economical and justifiable manner as provided in Section 4(1)(f) of the Act.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down. If the time involved is less than 15

minutes, there will be no labor charge.

- Charges for labor costs will be determined by using the hourly wages of the lowest paid public body employee capable of performing the work in the particular instance regardless of who actually performed the labor, as provided in the Act.
- Overtime wages will not be included in labor costs unless agreed to by the requesting person and the overtime wages are clearly noted on the Detailed Cost Itemization (Attachment B).
- Labor costs will include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier on the Detailed Cost Itemization (Attachment B) but in no case shall the City charge more than the actual cost of fringe benefits. If the City includes the website address for a public record in its written response to the requesting person and the requesting person thereafter requests that the public record be provided to him or her in a paper format or non-paper physical media, the City shall provide the public records in the specified format but may use a fringe benefit multiplier greater than 50% not to exceed the actual costs of providing the information in the specified format as provided in Section 4(5) of the Act. Overtime costs will not be used to calculate the fringe benefit cost.
- Any public records available to the general public on the City's website at the time a request is made are exempt from charges for labor costs for separating and deleting of exempt information.
- The City shall not charge for labor directly associated with redaction under Section 14 of the Act if the City knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the City's possession.

The cost to provide paper copies of records will be based on the following requirements:

- The cost of paper copies will be calculated as a total cost per sheet of paper and shall be itemized on Detailed Cost Itemization (Attachment B). The cost of paper copies of public records made on standard letter size (8-1/2 by 11") or legal size (8-1/2 by 14") paper will be \$0.10 per sheet of paper. Copies for non-standard or legal size sheets of paper will reflect actual cost of duplication.
- The City shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

The cost to provide records on non-paper physical media when stipulated by the requesting person will be based on the following requirements:

- Computer discs, computer tapes or other digital or similar media will be at actual and most reasonably economical cost for the non-paper media.
- The requirement to provide records on non-paper physical media will not apply if the City lacks the technological capability necessary to provide the public record on the non-paper physical media stipulated in the particular instance.

- In order to ensure the integrity and security of the City's technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requesting person.

The cost to mail records to a requesting person will be based on the following requirements:

- The actual cost to mail copies of public records using a reasonably economical and justified means.
- The City will not charge for expedited shipping or insurance unless specifically stipulated by the requesting person but the City may charge the least expensive form of postal delivery confirmation.

The FOIA Coordinator will only charge a fee for the cost involved with searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, when such activities will result in an unreasonably high cost to the City, as determined by the FOIA Coordinator. The fee may include the cost of labor for searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, in response to a request for the inspection of a public record or a request for copies of a public record as permitted by FOIA. In determining what is an unreasonably high cost to the City, the FOIA Coordinator shall consider the following factors on a case-by-case basis:

- Volume of public records requested;
- The time frame for the public records requested;
- Complexity of searching for, examining, reviewing a public record, and the deletion and separation of exempt from non-exempt information;
- The need to search for, examine, and review public records from different departments or offices of the City;
- The anticipated hours of labor;
- The available staffing for responding to the request;
- The extent to which the particular request incurs costs greater than the costs incurred for the typical or usual request received by the City.
- Any other similar factors designated as applicable by the FOIA Coordinator.

A public record search shall be made and a copy shall be furnished without the charge for the first \$20.00 of the fee for each request by either of the following:

- An individual who submits an affidavit stating that the person is indigent and receiving specific public assistance or, if not receiving specific public assistance, stating facts showing an inability to pay the cost because of indigency. If the requesting person is eligible for a requested discount, the FOIA Coordinator shall fully note the discount on the detailed itemization described in the Detailed Cost Itemization (Attachment B). If a requesting person is ineligible for the discount, the FOIA Coordinator shall inform the requesting person specifically of the

reason for ineligibility in the FOIA Coordinator's written response. An individual is ineligible for this fee reduction if any of the following apply:

- The individual has previously received discounted copies of public records from the City twice during that calendar year.
- The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The FOIA Coordinator may require a statement by the requesting person in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
- A nonprofit organization formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request:
 - Is made directly on behalf of the organization or its clients;
 - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and
 - Is accompanied by documentation of its designation by the State of Michigan, if requested by the FOIA Coordinator.

In either the City's initial response or subsequent response to a FOIA request under Section 5(2)(d) of the Act, the City will require a good-faith deposit from the requesting person before providing the public records if the entire fee estimate or charge authorized under Section 4 of the Act exceeds \$50, based on a good-faith calculation of the total fee. The deposit shall not exceed ½ of the total estimated fee, and the City's request for a deposit shall include a detailed itemization on the Detailed Cost Itemization (Attachment B). The City's response shall also contain a best efforts estimate by the City regarding the time frame it will take the City to comply with the Act in providing the public records to the requesting party. If the City does not respond in a timely manner as described in section 5(2) of the Act, it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses.

If the City has not been paid in full the total fees for copies of public records that the City has made available to an individual, the City will require a deposit of up to 100% of the estimated fee before the FOIA Coordinator begins a full public record search for any subsequent written request from that individual if all of the following apply:

- The final fee for the prior written request was not more than 105% of the estimated fee.
- The public records made available contained the information being sought in the prior written request and are still in the City's possession.
- The public records were made available to the individual, subject to payment, within the time frame estimate described in the prior request.

- Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing.
- The individual is unable to show proof of prior payment to the City.
- The FOIA Coordinator calculates a detailed itemization on Attachment B (Detailed Cost Itemization) that is the basis of the current written requests' increased fee deposit.

The City will no longer require an increased estimated fee deposit from an individual as provided above if any of the following apply:

- The individual is able to show proof of prior payment in full to the City.
- The City is subsequently paid in full for the applicable prior written request.
- 365 days have passed since the individual made the written request for which full payment was not remitted to the City.

If the City requires a deposit and the deposit is not received by the City within 45 days from the receipt by the requestor of the notice that a deposit is required, and if the requestor has not filed an appeal of the deposit, the request shall be deemed abandoned and the City is not required to fulfill the request. A notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

The City has limited in-house capabilities for copying photographs, audio or video tapes, microforms, maps, or plans. If a person requests that copies be made of these or large documents which must be copied off-site, the FOIA Coordinator will determine and assess those costs. If an officer or employee of the City is required to deliver and/or pick up the public records and/or copies of public records, the labor hours spent and applicable mileage (at City rates) will also be applied to the charges of the person(s) requesting the public records.

If the City does not employ a person or firm capable of separating and deleting exempt from non-exempt information, the City may use contracted persons or firms to perform this task. In such case, the City may treat the necessary contract labor costs in the same manner as employee labor costs if the FOIA Coordinator clearly notes the name of the contracted person or firm in Attachment B (Detailed Cost Itemization) provided that the total contracted labor costs will not exceed six (6) times the State of Michigan hourly minimum wage. Contracted persons or firms may include attorneys who are required to separate and delete exempt from non-exempt information.

Charges for labor costs shall be reduced by 5% for each day that the City exceeds the time permitted in responding to a FOIA request under Section 5(2) of the Act, up to a 50% maximum reduction, if either of the following applies:

- The late response was willful and intentional; or
- The written request, within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information",

“FOIA”, “copy” or a recognizable misspelling of such, or legal code reference to MCL 15.231 et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter, or facsimile cover page.

If such a reduction is required for a late response, the FOIA Coordinator shall fully note the reduction on Attachment B (Detailed Cost Itemization).

The FOIA Coordinator shall not charge additional fees for certification of any copies.

A person who has subscribed to future issuances of regularly published public records pursuant to Section 3(1) of the Act may request that the public record, be sent to them or they may be called for pickup of the public record provided, however, that copy fees and mailing charges for such public records must be paid before the requested public record is sent or picked up by the person.



City Council Agenda Item Report

City of Saugatuck

FROM: Kirk Harrier, City Manager

MEETING DATE: March 25, 2019

SUBJECT: Resolution No. 190325-B (MDOT Transportation Economic Development Fund (TEDF) Category B Funding Request)

DESCRIPTION

The Michigan Department of Transportation (MDOT) announced a new state Transportation Economic Development Fund (TEDF) category. TEDF Category B, or the Community Infrastructure Fund (CIF), was established by the Legislature and signed into law at the end of 2018. The CIF provides grants to selected cities and villages with populations less than 10,000 for road improvements. Eligible projects include reconstruction, replacement, rehabilitation and capital preventive maintenance of city or village streets. The maximum annual grant is \$250,000. The requested grant amount must be matched at least equally by the requesting agency. Applications for projects that are multi-jurisdictional in nature will be given priority consideration. For this round of submittals it was also identified that extra consideration will be given to projects that can be completed by the end of the 2019 construction season.

Campbell Street is a roadway that is multi-jurisdictional with one side in the City of Saugatuck and the other side in the City of Douglas. Both cities have identified sections of this roadway that need repair. The identified work could be completed during the 2019 construction season. The sections of roadway consist of repairing an area at Park Street and Campbell intersection in which there is an undetermined source of water that is causing the road to deteriorate. The second area is a water accumulation problem near Manchester Drive and Campbell that is causing flooding in the road right-of-way. These are the two areas of repair that both cities would be seeking funding through MDOT's TEDF Category B funding. Total cost of the project is estimated at \$100,000. The grant request would be for \$50,000 with the two communities supplying the other \$50,000 match. The City of Saugatuck's match would be \$25,000 and the City of Douglas match would also be \$25,000.

BUDGET ACTION REQUIRED

N/A

COMMITTEE/COMMISSION REVIEW

N/A

LEGAL REVIEW

N/A

SAMPLE MOTION:

Motion to **approve/deny** Resolution No. 190325-B requesting funding through the MDOT's Transportation Economic development Fund Category B Program as presented.

CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN

RESOLUTION NO. 190325-B

**RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT,
ATTEST TO THE EXISTANCE OF FUNDS AND COMMIT TO IMPLEMENTING A
MAINTENANCE PROGRAM FOR THE REHABILITATION AND RESURFACING OF A
PORTION OF CAMPBELL ROAD FUNDED BY THE TRANSPORTATION ECONOMIC
DEVELOPMENT FUND CATEGORY B PROGRAM**

Council Member _____, offered the following resolution and moved for its adoption, seconded by Council Member _____:

WHEREAS, the City of Saugatuck and the City of the Village of Douglas are jointly applying for \$50,000 in funding through MDOT from the Transportation Economic Development Category B Program to construct, rehabilitate and resurface a portion of Campbell Road which is a boundary street and jointly owned between the two communities; and

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: the City of Saugatuck has authorized City Manager Kirk Harrier to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicants agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$25,000 toward the construction cost of the project and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic development Fund Category B Program funding.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

ADOPTED this ____ day of _____, 2019

Signed: _____
Ken Trester, Mayor

Signed: _____
Monica Nagel, City Clerk

CERTIFICATION

I, Monica Nagel, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held _____, 2019, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended. The minutes of the meeting were kept and will be or have been made available as required by said Act.

Signed: _____
Monica Nagel, City Clerk



City Council Agenda Item Report

City of Saugatuck

FROM: Kirk Harrier, City Manager

MEETING DATE: March 25, 2019

SUBJECT: Resolution No. 190325-C (MNRTF Grant Application Submittal)

DESCRIPTION:

The City Council identified making improvements to the lower level of Mt. Baldhead Park as a priority project for FY 18/19 and funds were appropriated for the project. The City Council has engaged F&V Engineering to assist with developing a site plan for the proposed improvements to the property in order to apply for a Michigan Natural Resources Trust Fund (MNRTF) grant. A conceptual site plan and cost estimate has been developed and attached to this report. The attached site plan is not the final site plan for the project but rather function as a “placeholder” to identify the overall scope for the grant submittal. Prior to final site plan adoption, the City Council can move items around, scale them up or down and develop the final look of components as Council refines the project in future design stages. The City is requesting a \$300,000 grant with a \$220,400 (40%) local match for a total \$551,000 project.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** Resolution No. 190325-C for the submission of a Michigan Natural Resources Trust Fund grant application in the amount of 300,000 with a City match of \$220,400.

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. 190325-C

A RESOLUTION FOR SUBMISSION OF A MDNR MNRTF GRANT APPLICATION

Council Member _____, offered the following resolution and moved for its adoption, seconded by Council Member _____:

WHEREAS, a public comment session was held March 25, 2019 at the Saugatuck City Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the submittal to the Michigan Department of Natural Resources grant application for development under the Michigan Natural Resources Trust Fund Grant Program (MNRTF), and

WHEREAS, City of Saugatuck supports the Department of Natural Resources' (DNR) submission of an application titled, "Mt. Baldhead Park Improvements " to the Michigan Natural Resources Trust Fund for development of recreational facilities and uses at the Mt. Baldhead Park; and,

WHEREAS, the location of the proposed project is within the jurisdiction of the City of Saugatuck and,

WHEREAS, the City of Saugatuck's 2019-2023 Five Year Parks and Recreation Plan identified the improvements at the Mt. Baldhead Park Improvements as a priority,

WHEREAS, the proposed project, if completed, will be a benefit to the community; and,

WHEREAS, the City of Saugatuck will provide the necessary \$220,400 (40%) local match in cash as identified in the grant application by October 1, 2019.

NOW THEREFORE, BE IT RESOLVED that City of Saugatuck, after receiving public comment, hereby authorizes submission of a Michigan Natural Resources Trust Fund Application for \$300,000 and further resolves to make available its financial obligation amount of \$220,400 (40%) for a total \$551,000 project cost, during the 2019-2021 fiscal years.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

ADOPTED this ____ day of _____, 2019

Signed: _____
Ken Trester, Mayor

Signed: _____
Monica Nagel, City Clerk

CERTIFICATION

I, Monica Nagel, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held _____, 2019, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended. The minutes of the meeting were kept and will be or have been made available as required by said Act.

Signed: _____
Monica Nagel, City Clerk

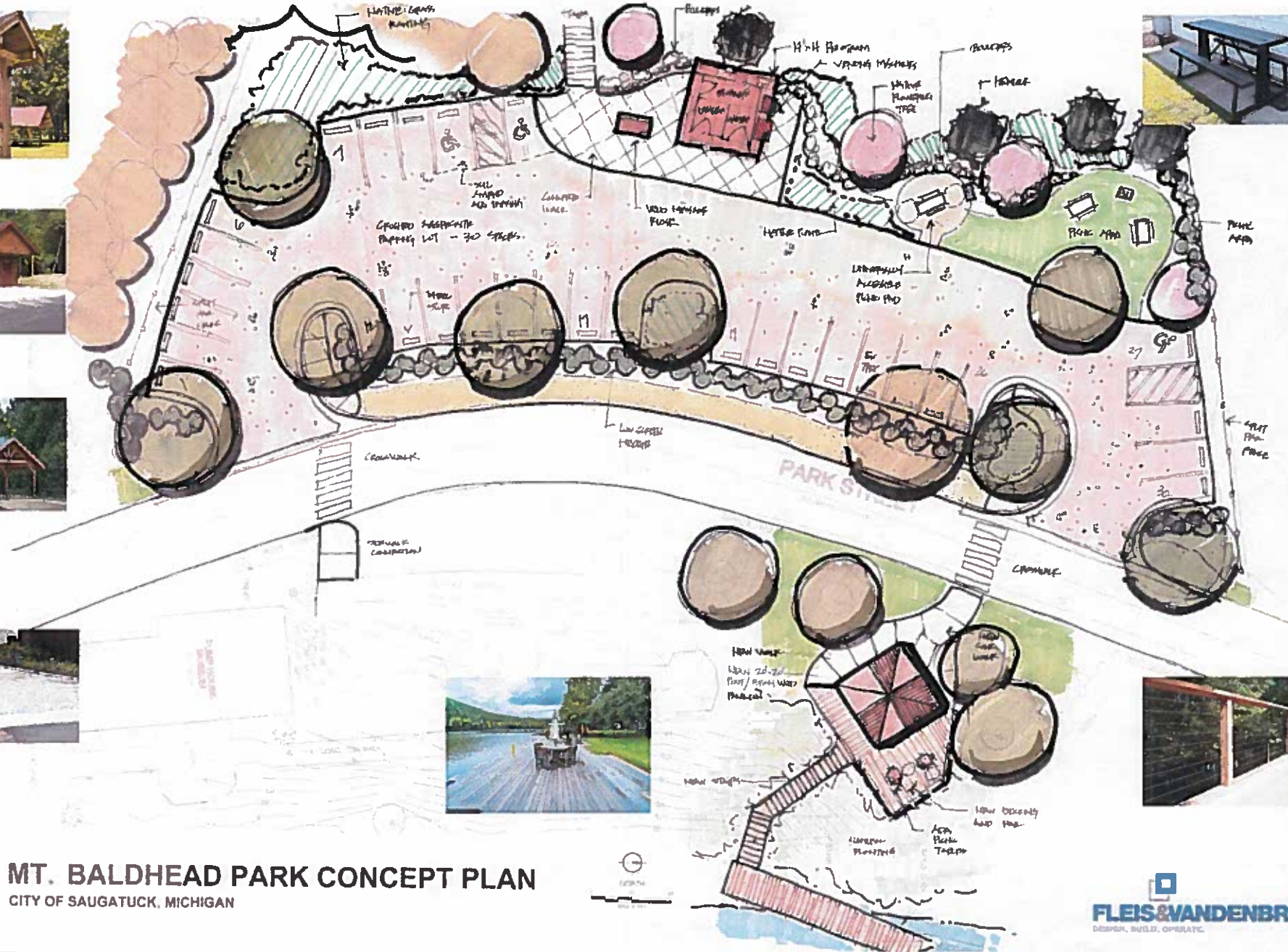
Mt Baldhead
Park Improvements
City of Saugatuck
Engineer's Estimate of Construction Costs



Job: 838930
 By: RWS
 Date: 3/21/2019

Item No.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED TOTAL
1	Mobilization, Bonds & Insurance (5% Max.)	Lsum	1	\$27,000	\$27,000
2	Misc. Removal and Disposal	Lsum	1	\$21,000	\$21,000
3	Site Preparation and Grading	Lsum	1	\$20,000	\$20,000
4	Aggregate Parking Area	SYD	1500	\$15	\$22,500
5	Handicap Parking Signs	Ea	2	\$500	\$1,000
6	Leaching Basin	Ea	2	\$4,200	\$8,400
7	HMA Paving	Ton	275	\$110	\$30,250
8	Concrete Curb and Gutter	FT	120	\$20	\$2,400
9	Miscellaneous boulder walls	Ton	30	\$300	\$9,000
10	Restroom with utilities	Lsum	1	\$125,000	\$125,000
11	Sidewalks/Picnic Area	SFT	2400	\$6	\$14,400
12	Boardwalk/Stair Replacement - Kalamazoo River	SFT	1000	\$80	\$80,000
13	Pavilion	Lsum	1	\$60,000	\$60,000
14	Parking Bumpers	EA	30	\$250	\$7,500
15	Split Rail Fence	FT	400	\$15	\$6,000
17	Table seating	EA	5	\$2,000	\$10,000
18	Information Kiosk	Lsum	1	\$7,000	\$7,000
19	Miscellaneous Landscaping	Lsum	1	\$20,000	\$20,000
20	Native Grass Seeding	Sft	30,000	\$0.25	\$7,500

Construction Total: \$479,000
Survey & Engineering: \$72,000
Total Project Cost: \$551,000





City Council Agenda Item Report

City of Saugatuck

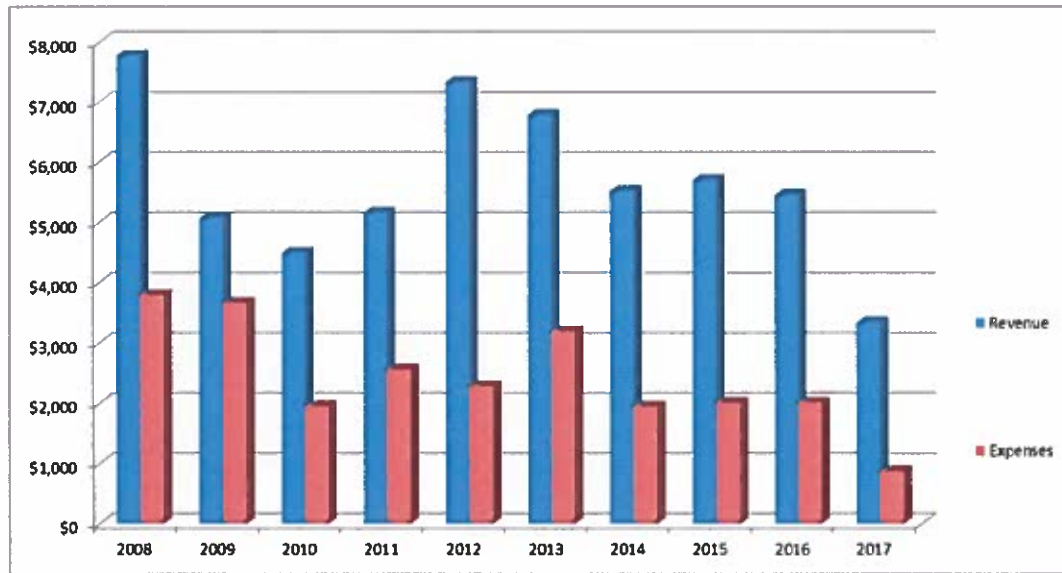
FROM: Kirk Harrier, City Manager

MEETING DATE: March 25, 2019

SUBJECT: Resolution No. 190325-D (Assignment of Launch Ramp Management Agreement)

DESCRIPTION

The Spear Street launch ramp management agreement expires in November 30, 2020. The current operator has advised the city of its desire to no longer provide the management services as set out in the agreement as they have sold their business next to the launch ramp to new owners. The new owners of the business, Star of Saugatuck, LLC, is interested in obtaining assignment of the existing agreement and perform all the functions in the original management agreement.



BUDGET ACTION REQUIRED

N/A

COMMITTEE/COMMISSION RECOMMENDATION

N/A

LEGAL REVIEW

Municipal attorney Jeff Sluggett has prepared the attached resolution and approves as to form and content.

SAMPLE MOTION

Motion to **approve/deny** Resolution No. 190325-D as presented assigning the Launch Ramp Management Agreement to Star of Saugatuck, LLC expiring November 30, 2020.

**CITY COUNCIL
CITY OF SAUGATUCK
COUNTY OF ALLEGAN**

RESOLUTION NO. 190325-D

**A RESOLUTION TO APPROVE THE ASSIGNMENT OF A LAUNCH RAMP
MANAGEMENT AGREEMENT**

Minutes of a _____ meeting of the City Council of the City of Saugatuck, County of Allegan, State of Michigan, held in the Saugatuck City Hall on _____, 2019.

PRESENT: Members: _____

ABSENT: Members: _____

Member _____ offered and moved the adoption of the following preamble and resolution, seconded by Member _____:

WHEREAS, the City of Saugatuck (the "City") is a party to a Launch Ramp Management Agreement with Bruce and Marilyn Starring (jointly the "Current Operator") dated June 25, 2018 (the "Agreement"). The Agreement provides for the on-going management of a boat launch ramp owned by the City at the intersection of Spear Street and Water Street. A copy of the Agreement is attached as Exhibit A; and

WHEREAS, the Current Operator has advised the City of its desire to no longer provide the management services as set out in the Agreement; and

WHEREAS, the Star of Saugatuck, a LLC (the "Prospective Operator"), seeks to assume the duties, obligations, and rights to manage and operate the boat launch ramp pursuant to the terms of the Agreement; and

WHEREAS, the City, after due deliberation and investigation, is amenable to the assignment of the Agreement from the Current Operator to the Prospective Operator.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The City Council, subject to the terms of this Resolution, hereby:

a. In accordance with Section 9 of the Agreement, the City hereby consents to the assignment of the Agreement to the Prospective Operator;

b. The consent granted herein is contingent on the Prospective Operator’s assumption of all duties and obligations of the Agreement; and

c. Except relative to the assignment which is the subject of this Resolution, no change or modification to the Agreement is permitted or authorized without further action of the City.

2. The City Council hereby authorizes and directs the City Manager to:

a. Communicate to the Prospective Operator the City’s consent to the proposed assignment, and

b. Take all actions necessary to effectuate the purposes of this Resolution.

3. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members: _____

NAYS: Members: _____

RESOLUTION NO. _____ DECLARED ADOPTED

Monica Nagel, Clerk
City of Saugatuck
County of Allegan

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Saugatuck, County of Allegan, at a _____ meeting held _____, 2019, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Monica Nagel, Clerk
City of Saugatuck
County of Allegan

COPY

LAUNCH RAMP MANAGEMENT AGREEMENT

The CITY OF SAUGATUCK, a Michigan home rule city with offices located at 102 Street, Saugatuck, Michigan 49453 ("City") and Bruce Starring and Marilyn Starring of 716 Water St., Saugatuck, Michigan 49453 (collectively, "Operator"), enter into this Launch Ramp Management Agreement ("Agreement").

RECITALS

1. The City owns a boat launch ramp located at the intersection of Spear Street and Water Street ("Ramp") and used by the general public.
2. The City requested proposals from qualified persons to operate and manage the Ramp, and the Operator submitted a bid in response to the City's request.
3. The City is willing to accept the Operator's bid provided the Operator enters into this Agreement.
4. The Operator is willing to enter into this Agreement and operate and manage the Ramp according to the terms of this Agreement.

AGREEMENT

The parties agree as follows:

1. **Term.** The term of this Agreement shall extend from March 1, 2018 through November 30, 2020, unless sooner terminated as provided in this Agreement. The Operator will provide services under this Agreement from March 1 through November 30 during each calendar year of the term.
2. **Operator Obligations.** The Operator shall, at its sole cost and expense, manage and operate the Ramp. The Operator's obligations shall include:
 - 2.1 Overseeing the use of the Ramp, it being understood by the Operator that the Ramp has historically been used by the public from March through November and during both daylight and non-daylight hours; provided, however, that the minimum hours of supervision by the Operator required under this Agreement shall be from 8:00 a.m. to 5:00 p.m. for the months of March, April, May, September, October and November and from 8:00 a.m. to 9:00 p.m. for the months of June, July and August unless otherwise agreed to by the City Manager;
 - 2.2 Collecting (including personally and via secured collection boxes) fees from users of the Ramp according to the schedule of fees adopted by the City ("User Fees"), and remitting such fees to the City on not less than a monthly basis;
 - 2.3 Maintaining accurate records of all persons using the Ramp during the hours specified in Section 2.1 and all fees assessed and collected. The Operator will also use best efforts to prepare a list of those persons who use the Ramp during the hours of operation described in Section 2.1 but fail to pay User Fees. This provision will not require the Operator to conduct

any investigation to determine the identity of users who fail to pay user fees, but the Operator will maintain records containing identifying information concerning such users, such as vehicle license plate numbers and/or watercraft MC numbers ;

- 2.4 Providing access for those persons using the Ramp to the bathroom facilities located on the Operator's property adjacent to the Ramp during the hours the Operator's facilities are open to the public; and
- 2.5 Overseeing the use of the Ramp and adjacent street end in a good faith effort to control, and promptly reporting to the City any instance of, misuse or improper use of the Ramp, such as: (1) the operation of boats causing damage to the Ramp or areas adjacent to it; (2) the mooring of boats at the Ramp; and (3) the conduct of commercial activities at the Ramp.

The parties agree that the Operator's obligations shall not include maintenance, repair or replacement of the Ramp except to the extent such maintenance, repair or replacement is necessitated by the acts of the Operator or its agents or employees. The Operator agrees to promptly notify the City of any damage to, or condition of, the Ramp and signage which may need repair or replacement. The Operator shall perform its obligations in compliance with all federal, state and local laws.

3. Operator Compensation. In consideration of its obligations hereunder, the City shall pay to the Operator 50% of all User Fees collected and remitted to the City by the Operator, which payment shall be made in accordance with City payment policies. Remittance of the User Fees to the City shall be accompanied by all documents the City may reasonably request. The Operator shall remit User Fees on at least a monthly basis, or more frequently if the Ramp is used frequently. Additionally, the City may request at any time during the term of this Agreement that the Operator provide to the City reports and other documents regarding the use of the Ramp.
4. Expenses. The Operator shall, at its sole expense, provide all supplies, equipment and labor for performing, and shall pay all expenses associated with the performance of, its obligations under this Agreement; provided, however, that the City shall pay the expenses with respect to the printing of launch passes to be used by the Operator.
5. Relationship of the Parties. The Operator shall act as an independent contractor. Nothing herein shall be deemed to grant to the Operator any legal or equitable interest in the Ramp.
6. Termination. Either party may terminate this Agreement at any time upon material breach of this Agreement by the other party. Further, either party may terminate this Agreement without cause upon 10 days prior written notice; provided, however, that the Operator shall not terminate this Agreement without cause from March through November. Upon termination, the Operator shall remit to the City the User Fees collected through the date of termination, and provide the City with all supporting documentation, and upon such remittance, the City shall pay the Operator as provided in Section 4.
7. Indemnity. Each party ("Indemnifying Party") agrees to hold the other party, including such other party's officers and employees (collectively, "Indemnified Party"), harmless from, indemnify the Indemnified Party for, and defend the Indemnified Party (with legal counsel reasonably acceptable to Indemnified Party) against any liability for damages, injury or other casualty and any costs and expenses, including reasonable attorneys' fees, caused or arising from: (1) any act or omission by

Indemnifying Party or its agents or employees with respect to Indemnifying Party's obligations under this Agreement; and (2) a breach by Indemnifying Party of any of its obligations under this Agreement.

8. Insurance. The City shall maintain general liability insurance with respect to the Ramp, as well as property insurance with respect to any damage or destruction of the Ramp. The Operator shall be responsible for maintaining general liability insurance with respect to the performance of its obligations hereunder and with respect to the services it will provide pursuant to this Agreement. Additionally, the Operator shall maintain automobile insurance in such amounts as the City may reasonably request.
9. No Assignment. This Agreement shall not be assigned, in part or in whole, without the prior written consent of the City in the City's sole and absolute discretion.
10. Third-Party Beneficiary. No person shall be deemed to be a third-party beneficiary of this Agreement.
11. Miscellaneous. This Agreement is written pursuant to the laws of the State of Michigan and was made in Allegan County, Michigan. This is the entire agreement between the parties regarding its subject matter. There are no contemporaneous agreements. It may not be modified or amended except in writing, signed by both parties. More than one copy of this Agreement may be signed, but all constitute but one agreement.

Executed this 26th day of June, 2018.

CITY OF SAUGATUCK

By KG Chester
Ken Chester
Its Mayor

And by Monica Nagel
Monica Nagel
Its City Clerk

OPERATOR

Marilyn Starring
Marilyn Starring

Bruce Starring
Bruce Starring

391565.04

14.F



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Ken Trester, Mayor of the City of Saugatuck, do hereby proclaim April 26, 2019 as

Arbor Day

In the City of Saugatuck, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 25th day of March
 Mayor _____

Monica Nagel

From: Kate McPolin <katemcpolin@gmail.com>
Sent: Thursday, March 14, 2019 4:19 PM
To: Monica Nagel
Subject: Fireworks ordinance proposal

Hi Monica,

Would you please pass on this letter to City Council for their March 25 meeting (or whenever they'll be discussing the fireworks ordinance)?

Thanks!
Kate

Dear City Council,

I live on the hill in Saugatuck, and I've come to dread the Fourth of July weekend. Yes, traffic and parking are an issue, but the biggest problem is neighbors who set off fireworks non-stop, all day long. I'm not exaggerating when I say our entire block becomes blanketed with smoke, thanks to two nearby households who are really into professional-grade fireworks. Our dog, along with many others in the area, is a nervous wreck for days.

I would ask Council to reconsider the proposed ordinance, and not allow six or seven full days of fireworks over the Fourth of July holiday. This ordinance would benefit a few while creating a week of noise, smoke, and skittish pets for the majority of us (residents and visitors). I appreciate the change limiting the times of day, but fail to see the advantage of allowing so many additional days.

Thank you for your consideration.

Kate McPolin
349 St Joseph Street