

# MINUTES

**Monday May 18, 2015  
7:00 P.M., Barber School  
102 West Exchange Street  
Spring Lake, Michigan**

**1. Call to Order**

President **MacLachlan** called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

**3. Roll Call**

**Present:** Bennett, MacLachlan, Meyers, Miller, Nauta, Powers, Van Strate.

**Absent:** None

**4. Approval of the Agenda**

On a motion by **Bennett**, seconded by **Meyers**, to approve the agenda as presented.

Yes: 7                      No: 0

**5. Consent Agenda**

A. Approved the payment of the bills (checks numbered 56613 - 56687) in the amount of \$97,280.79.

B. Approved the minutes for the April 20, 2015 Council meeting.

C. Approved the request of the Spring Lake Heritage Festival for permission to use Mill Point Park & Central Park from June 15-20, 2015.

D. Approved a request by local developers to obtain a traffic study from MDOT related to traffic on M-104.

E. Approved repairs to Mill Point Docks related to the pre-mature failure of the docks (warping).

F. Approved a bid from Tiles Excavating for repairs to the Lakeside Beach

Sidewalk in an amount not to exceed \$4765.00 with a request submitted to Spring Lake Township to share in the cost of those repairs.

- G. Approved a contract with Tiles Excavating to remove the fenced in storage area at Mill Point Park for an amount not to exceed \$3,800 with work to be completed prior to June 6, 2015.
- H. Approved the following board appointments:

**Beautification**

- Leslie VanLeeuwen-Vega (11/17)

**Development Area Citizens Council**

- Vince Blake
- Chip Bohnhoff
- Michelle DeWitt
- Laura DeVries
- Casey Elenbaas
- Cindy Reinhardt
- Gloria Sayen
- James Willison

- I. Approved amendments to the FY 2014/2015 budget.
- J. Approved delinquent water/sewer/mowing charges to be placed on the July, 2015 tax bills.
- K. Approved the rental of the Mill Point Park band shell to Marceline Phillips on August 21, 2015.
- L. Approved a request from St. Mary's to hold a road race in the Village of Spring Lake on July 11, 2015.

On a motion by **Bennett**, seconded by **Miller**, to approve the consent agenda.

Yes: 7                      No: 0

**6. General Business**

**A. Spring Lake Public Schools Presentation**

On May 4, 2015 the Tree Board considered a request from Spring Lake Public Schools to remove an old-growth Oak Tree on Hammond Street in order to accommodate renovations to the Intermediate School. After considerable discussion and thoughtful contemplation, the Tree Board approved the school's request, based on the fact that the tree, while

healthy now, would likely not survive long after the roots were disturbed and the drip line covered. Council asked that Superintendent Dennis Furton be invited to the Council Meeting to give a presentation so that they could contemplate the Tree Board's recommendation. A representative from the Tree Board will be present at the meeting.

President **MacLachlan** introduced this item and Manager **Burns** explained to the Council that Superintendent Dennis Furton was present to give a rundown of the presentation he gave on May 4th to the Parks & Recreation Board that also serves as the Tree Board. **Burns** explained that after much deliberation, consideration and discussion the Tree Board recommended that the Village allow the school to remove the oak tree that is in the right-of-way on Hammond Street and that at the last Work Session, Council discussed the tree, and asked that Superintendent Furton be present at this meeting.

Superintendent Dennis Furton explained to Council why they felt it was necessary to remove the old-growth Oak Tree on Hammond Street. Furton said that as much as they love the tree and love having it on their campus, as they went through their design process and tried to meet some of their objectives, the tree was continually in conflict with those objectives, so, in the end they made the decision to request for removal of the tree. Furton explained that some of the objectives they tried to achieve with the design were #1, safety and security by adding on to the entrance to the middle school and enhancing the entrance at the intermediate school and in so doing they are going to disrupt the tree root system and that is a concern. Furton said that further safety and security as well, they want to extend the pickup and drop off lane that was originally intended for Spring Lake High School as it stood then, and now, as Spring Lake Intermediate and Spring Lake Middle School they have two entrances, both to be secure, so they are looking to extend the pickup and drop off lane and get traffic off South Street and Hammond Street. Furton showed Council slides of the new designs and explained where they ran into the problems with the tree.

Eric Ikema, from Barton Marlow, was also present and explained where the construction would take place and the odds of hitting the trees root system were great. Ikema explained that besides root damage the other problem was that the root system would be almost completely covered with the sidewalk and ash fault and would not be able to get water and would die.

Council Member **Powers** asked if they had considered putting this new drop off and pickup over in the south parking lot area since this tree was quite significant to the area and people were very attached to it.

Mr. Furton said that in order to do that they would have to construct a new entrance and that would be a significant expense above and beyond what was proposed.

**Powers** asked that if the tree had to go, what would be done to increase the foliage of the area.

Furton said a committee is proposed with both Village and District appointed members and they would identify the location and type of trees to be planted on the site.

**Nauta** asked if they had considered some way of watering the tree.

**Furton** said he did not know what the long term prognosis would be since they would be disrupting the root system and that would have to be a Village decision.

**Miller** said that he had graduated from Spring Lake and that the tree is an icon and was there before the school was built and pictures of it are in every year book. **Miller** also said that so many trees in the Village have blown down and this one didn't. **Miller** said sometimes you just have to leave things alone when they have been there that long, that the tree is probably over 100 years old. **Miller** asked if there was a way that water could get to the tree with porous materials.

**VanStrate** asked about moving the the drop off lanes down away from the tree.

**Lee Schuitema**, Tree Board member, was present and told the Council that the Tree Board had discussed this considerably and determined that what the school planned on doing would eventually kill the tree so they would let the school take it down rather than wait for it to die and then the Village would have to take it down. **Schuitema** said he understood the history but he also understood that they are dealing with another time and another situation and another step forward and here we are, the iconic tree from peoples past is going to be wasted. **Schuitema** said obviously the architect can't draw around it so we are looking at taking it down.

**Nauta** suggested getting a second opinion and see what can be done to save the tree.

**Miller** agreed that a second opinion was needed to do everything possible to save the tree.

**Bennett** asked why the design would not have considered the significance of the tree in the first place.

Furton said that several people that are integral with this planning are graduates from Spring Lake High School who look at the totality of the situation and say " the tree is going to die so we need to make a decision to take it down before it does" Furton said there are more sides than just the people that want it to stay.

**Nauta** asked if they had talked to any other engineers for a different perspective that might look at it from a different way and have a way to save the tree.

Furton said that might be something collaboratively with the Village if Council decides the tree stays.

On a motion by **Miller**, seconded by **Nauta**, to table the request to remove the old-growth Oak Tree on Hammond Street in order to accommodate renovations to the Intermediate School.

Yes: 6

No: 1 (MacLachlan)

The Village received written communication from the following individuals opposed to the removal of the tree on Hammond Street.

- Dayv Pope
- Kathie Klages
- Karen Dickey
- Bernadette Benkert
- Cindy Nagtzaam
- Larry Lemke
- Jennifer Walsh
- Karyn Streeting
- Jen Dorsey

## **B. Harbor Transit Presentation**

Tom **Manderschied**, Director of Transportation of Harbor Transit, presented Council with their annual report. **Manderschied** gave Council an update on new territory in Spring Lake Township. Originally Harbor Transit covered 10.64 miles and after adding Grand Haven Township that was bumped up to 28 square miles and now adding Spring Lake Township starting on August 31st, they will be up to 55.5 square miles. **Manderschied** also updated Council on their staff and fleet size and their plans to hire more staff and purchase more busses. **Manderschied** reported that in 1012 they had 188,430 rides, 2013 they had 200,437 and in 2014 they had 223,350 rides and for the first 4 months of 2015 ridership was up 9.4% over 2014 and that 67,000 riders for 2014 were in the 18 and

under age bracket. **Manderschied** said he hoped to be able to connect with Muskegon in the near future by dropping off and picking up riders at the Harvey Street Mall and from there riders could get a ride anywhere in Muskegon on one of the Muskegon buses.

**C. Consideration of a motion to approve a fireworks permit for the Spring Lake Heritage Festival.**

An application/permit & proof of insurance (naming the Village as Additional Insured) has been received from the SLHF for fireworks in June (attached).

On a motion by **Bennett**, seconded by **Miller**, to approve a fireworks permit for the Spring Lake Heritage Festival.

Yes: 7                      No: 0

**D. Consideration of a motion to approve a lease agreement with Spring Lake Township (SLT)**

SLT approved, in concept, the proposed lease agreement that was recommended by the SLT/SLV committee. However, there were a couple of proposed changes to the lease that came out of their discussions at the May 11, 2015 meeting. The red-lined version of the lease is included for Council consideration.

President **MacLachlan** introduced this item and Manger **Burns** explained that items D and E go hand-in-hand and the Village/Township committee has been meeting on a regular basis over the last 6 or 8 months discussing the terms of this agreement to lease out excess space at Village Hall. **Burns** said there were some proposed changes to the agreement to look at and that the Memorandum of Agreement with Spring Lake Township, discussed at the last work session, had been approved last Monday night by Spring Lake Township. **Burns** asked if Council wanted to add "first right of refusal" suggested by Council Member Powers.

President **MacLachlan** asked if there were any questions or concerns regarding this item.

On a motion by **Bennett**, seconded by **Meyers**, to approve a lease agreement with Spring Lake Township.

Yes: 7                      No: 0

**E. Consideration of a motion to approve a Memorandum of Agreement**

**with Spring Lake Township related to the Spring Lake Township Hall.**

On May 11, 2015 SLT approved the proposed Memorandum of Agreement that was recommended by the SLT/SLV committee (signed copy attached). Council had requested that language be included regarding "first right of refusal." If it is Council desire to request that language, we will need to notify SLT of such for their reconsideration at their June 8, 2015 meeting.

President **MacLachlan** introduced this item and asked if Council wanted to add the "first right of refusal" language. Council Member **Powers** was okay with not having that language added.

On a motion by **Meyers**, seconded by **Bennett**, to approve a Memorandum of Agreement with Spring Lake Township related to the Spring Lake Township Hall.

Yes: 7

No: 0

**7. Department Reports**

**A. Village Manager**

Manager **Burns** reported that Preferred Buick, where her car is leased from, contacted her and asked if she would like to turn her car in early. **Burns** said her lease is not up until October. **Burns** also reminded Council of the upcoming Memorial Day Parade at 10:30 Monday morning and asked who would be participating.

**B. Clerk/Treasurer/Finance Director**

**C. OCSO**

**D. Fire**

**E. 911**

**F. DPW**

**G. Building**

**H. Water**

**I. Sewer**

**J. Minutes from Various Board & Committees**

**1. Parks & Recreation**

**2. Planning Commission**

**3. Barber School - Burns** reported that the Friends of the Barber School committee have been meeting regularly with great suggestions and she would be bringing those suggestions to the June meeting. **Burns** said they have been doing a great job.

**8. Old Business and Reports by the Village Council**

**9. New Business and Reports by Village Council**

Council Member **Miller** reminded Council of the upcoming Wooden Boat Show on May 30, 2015 featuring Van Pelt Racing and veteran drivers from the 50's that will be recognized.

Council Member **Nauta** read the attached letter that he had written regarding the recently approved budget and some issues he has with the changes.

## **10. Status Report: Village Attorney**

- A.** Motion by **Powers**, seconded by **Nauta**, to enter into a Closed Session to Discuss Attorney/Client Privilege Communication at 8:15 p.m. All in favor. Motion carried

Resolved that the Village Council meet in executive session for reasons permitted by Section 8(C) of the Michigan Open Meetings Act, MCL 15.268 (e); MSA 4.1800(18)(e); as requested by the Village Manager, to confer with legal counsel on matters permitted by Section (e) of the Open Meetings Act.

- B.** Motion by **Bennett**, seconded by **Meyers**, to enter back into Open Session 9:04 p.m. All in favor. Motion carried.

## **11. Statement of Citizens**

The following residents were present and spoke against the driveway from All Shores Wesleyan Church on South Fruitport Road.

- Wally Obitz - 818 River
- Dick Brawn - 808 River
- Larry Bultema - 219 S Fruitport Rd
- Kevin Moon - 210 S Fruitport Rd
- Bob Duer - 222 S Fruitport Rd
- Anita Moon - 210 S Fruitport Rd
- Cal Braun - 121 S Fruitport Rd
- Vernon Miller - 120 S Fruitport Rd
- Nancy Bultema - 219 S Fruitport Rd
- Rita Braun - 121 S Fruitport Rd

John Nash spoke in favor of the bike path.

The Village received written communication from the following individuals in support of the non-motorized pathway project connecting Krueger St. to S. Fruitport Rd. along M104 and through the All Shores Church property and the plans for a new vehicular driveway from All Shores Church parking lot to S. Fruitport Rd. through the lot addressed as 214 S. Fruitport Rd.

- Ottawa County Sheriff Gary A. Rosema

- Jeff Moody - 320 River
- Mary Beth Witte - 613 Parkview
- Courtney Grek - 109 Stonegate
- Kristin Grek - 109 Stonegate
- Michael Kendra - 217 N Park St
- Connie Bird - 213 Rex St
- Michael Duer - 712 River St
- Sandy Duer - 712 River St
- Judy Mulder - 107 Lillybells Ct
- Guillermo Sanchez - 210 N Division
- Michelle Sanchez - 210 N Division
- Steve Bruneau - 225 S Lake Ave
- Mark Kuiper - 718 Winter St
- Jennifer Kuiper - 718 Winter St
- Thomas Royle - 227 E Savidge St
- Stacie Stevens-Venhuizen - 509 Buena Vista
- Village of Spring Lake Parks and Rec. Board - Bike Path
- Doug Heins - 15374 Oak Ridge
- Susan Zwart - 15825 - 152nd Ave
- Rachel Terpstra - 15746 Longview Lane
- Jack Ketchum - 17858 Woodcreek Lane
- Susan Ogden - 17212 Benjamin
- Marv Meiste - 15217 Edgewood Ct
- Connie Meiste - 15217 Edgewood Ct
- James Anderson - 15288 N Scenic Ct
- Eric Rantanen - 18636 Pinecrest Ln
- Ashley VanDerHeide - 16435 Ranch Ln
- Doug VanDerHeide - 16435 Ranch Ln
- Jennifer VanDerHeide - 16435 Ranch Ln
- Jamie Dodge - 18546 Shawnee Dr
- Michael Dodge - 18546 Shawnee Dr
- Jerry Bayhowski - 833 Bluff Creek Dr, Grand Haven
- Troy Ernzer - 16986 136th Ave, Nunica
- Jennifer Hultman, MD, 15253 N Scenic Ct
- Elizabeth Ernzer - 16986 136th Ave, Nunica
- Scott Addison - 15088 Leonard Rd
- Janice Willison - 14929 St Clair Dr
- Michael Walling - 15376 Oak Point Dr
- Mallory Wood - 18386 N Ridge Ct Apt. 18
- Brian & Anne Nelson - 16771 Bridlepath
- Eldred Wood - 18386 N Ridge Ct Apt 18
- Randy & Diane Holton - 16681 152nd Ave
- Deb Stinehart - 15730 River Run Dr
- Richard Stinehart - 15730 River Run Dr

- Virginia Bouwkamp - 17046 Lloyds Bayou Dr apt 302
- J. P. DeLass - 15473 Rannes St
- Delores Baynum - 17864 Woodcreek Ln
- Ronald Bouwkamp - 17046 Lloyds Bayou Dr apt 302
- Lisa DeLass - 15473 Rannes St
- Nels Peterson - 19033 W Spring Lake Rd
- Brian Barker - 15618 View Dr
- Connie E Barker - 15618 View Dr
- Ralph Baynum - 17864 Woodcreek Ln
- Mearlene Peterson - 19033 W Spring Lake Rd
- Sarah Miller - 16221 152nd Ave
- Scott Reyburn - 19030 N Fruitport Rd
- Mike Bradford - 15319 Rannes St
- Mary Beth Bradford - 15319 Rannes St
- Michelle Dewey - 15111 Hickory St
- Gail Constant - 17904 Channel View Dr
- Gary Constant - 17904 Channel View Dr
- Rebecca Gray - 19025 N Fruitport Rd
- Doug Dewey - 15111 Hickory St
- Stephen Gray - 19025 N Fruitport Rd
- Tracy McMartin - 16625 Northwood Trail
- Jeff McMartin - 16625 Northwood Trail
- Donald Lehr - 14995 Thoroughbred Run
- Darlene Wojton - 14995 Thoroughbred Run
- Stefanie Huch - 18239 Clover Way
- Randy Keech - 14661 Quebec
- Phyllis Reyburn - 19030 N Fruitport Rd
- Kelsi Phillips - 16621 152nd Ave
- Luke Johnston - 16621 152nd Ave
- Ashley McCormick - 15295 Concord Dr
- Kevin Curley - 16698 Northwood Trail
- Marie Zietlow - 16268 Gierman Dr
- Susan Deeves - 17046 Lloyds Bayou Dr Apt 323
- Rhonda Little - 15512 Oak Ridge Dr
- Lisa L Wilson - 18391 148th Ave
- David Wilson - 18391 148th Ave
- Brian Wyns - 16276 Taft Rd
- Rosine Krug - Spring Lake
- Pamela Snow - 15656 River Side Dr
- Carl Smith - 14841 Boom Rd
- Leonard Taylor - 19210 Glendale Circle
- Fred Kilbry - 18328 Country Ave
- Ben Barker - 15618 View Dr
- Lynne Smith - 14841 Boom Rd

- Stan & Char Yonker - Bike Path
- Amanda Renee - Bike Path

## 12. Adjournment

On a motion by **VanStrate**, seconded by **Miller**, Village Council adjourned the meeting at 9:38 p.m.

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James MacLachlan, Village President

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Maryann Fonkert, Deputy Clerk

To: Council  
From: Steve Nauta, Councilman  
Re: Budget  
Date: 5/18/15

I'm writing this letter to express my concern over the direction our village government is taking as of late. I was shocked after returning from vacation several weeks ago to find out that council had agreed to a reduction in the millage rate. I left on my vacation believing that we were on the right course, addressing our financial problems and beginning the strategic planning (meeting this past winter at Barber School) which would result in a process whereby we would develop a new master plan for the village. I came back to a council voting on austerity measures in order to give tax relief. All the ideas we discussed at that meeting were on hold, including the plan to develop a master plan.

I don't agree with this direction and will be voting against this budget. My discomfort with the direction of village council is two-fold.

First I am uncomfortable with the process whereby this budget came about. When was the decision made to make tax relief council's main goal. I don't recall council having this discussion and directing staff to come up with three budget proposals which all included cutting the millage. This would lead me to conclude that either staff acted without council direction or the finance committee overstepped their boundaries and made this policy decision without the approval of full council. The result is that full council was brought into the process at a point where changing direction was almost at the point of no return. As a council member I feel managed and that doesn't sit well with me nor is it an effective way to conduct village business. Staff needs to present their policy opinions to full council, not just the finance committee.

Second, I don't agree with giving village residents tax relief at this time. Tax relief should be given when the village has more than enough revenue to carry out the villages responsibilities in an effective way. We have problems to fix in the near future which aren't being addressed in this budget and yet we are telling village residents all is fine and we can afford rolling back the millage.

What are our problems? Here are a few that scare me.

1. We have an underfunded pension plan which we have not developed a plan to address.
2. We have wetlands to restore, that we failed to take care of when the greenway was built.
3. We seem to be operating with a skeletal staff, while we keep adding responsibilities to their work load. I suspect we are overworking them.
4. We still have a large debt on Village Hall, which could be paid off ahead of schedule with the rent to be paid by Spring Lake Township.
5. We have roads and sidewalks that need to be repaired.

6. We are expecting a report on the state of our underground utilities which will no doubt tell us we have enormous and expensive problems lurking under our roads.
7. Our Master Plan is so outdated that it states that Tanglefoot Park is supposed to be replaced with a public park of sorts. We spent over \$15,000 there this year to repair it. Master Planning is expensive, but essential to orderly growth and yet we are putting it off in order to offer tax relief. If we don't have a strong sense of where we are going, developers will set the course of growth as it suits their projects as opposed to the community deciding how we want growth to progress. An example would be the traffic signal developers are proposing we pursue. This decision shouldn't be driven by specific projects. It should be a decision made as we look at development as a whole and as we examine this community's values. Otherwise, we will might end up with a street light on every corner. Master Planning is a lengthy process and in my opinion we can't put it off.
8. We have empty storefronts everywhere. It is a long standing problem we have yet to solve. Any solution requires investment.

My sense is that councils relationship to staff is changing and this change needs to be addressed so that unproductive tension doesn't become a major obstacle to managing the village.

First, I sense that we are moving towards micromanaging staff. Previous councils have avoided micromanaging and I'm concerned that is changing. Council needs to establish policy, but should avoid day to day decision on how to carry them out. A recent example would be when council suggested the DPW director tell the exemplary, elder Tanglefoot Park manager to walk behind the mower to get some exercise. I'm concerned this is reflective of where we are headed in our relationship with staff.

Second, I'm concerned about the moral of staff. I haven't had any conversations with them, but I suspect it is low. We have been trimming our staff to meet our budget goals for years and this has to have had an affect on their moral. A wise old friend of mine received a \$5,000.00 dividend check in his mail while I was visiting him. He showed it to me and I thought he was asking me to celebrate with him. Instead he cut me off and said, "I wonder who lost their job so I could get this check." I wonder if we should ask ourselves this question. Are we expecting too much from staff, so we can give our constituents a raise? Perhaps we need a Personnel Committee to work along side our Finance Committee to look out for the needs of staff as we pursue our goal of providing the same services to village residents at a cheaper price.

It would appear to me that Village Council's vision for the next several years is to further reduce our millage to under 10 mills. I'm okay with that as long as it doesn't come at the expense of staff and at the expense of facing our real financial problems.