<table>
<thead>
<tr>
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<th>Time</th>
<th>Item</th>
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<tbody>
<tr>
<td>1</td>
<td>7:00 p.m.</td>
<td>1st Amendment to Agreement with ARM Holding Co. LLC</td>
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<tr>
<td>2</td>
<td>7:03 p.m.</td>
<td>Ordinance Amendment - PILOT for Samaritas</td>
</tr>
<tr>
<td>3</td>
<td>7:07 p.m.</td>
<td>Ordinance Amendment - Feeding Waterfowl</td>
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<tr>
<td>4</td>
<td>7:10 p.m.</td>
<td>Ordinance Amendment - Peddler Solicitor Permits</td>
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<td>5</td>
<td>7:13 p.m.</td>
<td>Edgewater Resources Proposal</td>
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<td>6</td>
<td>7:23 p.m.</td>
<td>Smart Trailer Purchase</td>
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<td>7</td>
<td>7:30 p.m.</td>
<td>S. Cutler Street Resurfacing (Wally Delamater)</td>
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<td>8</td>
<td>7:35 p.m.</td>
<td>Government Alliance on Racial Equity (GARE)</td>
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<td>9</td>
<td>7:54 p.m.</td>
<td>Communications</td>
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<td>• Communication - Tree City USA - Dye</td>
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<td>• Communication - VanGelder en</td>
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<td>• Complaint - Dumpsters</td>
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<td>• Complaint - Mitchell</td>
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<td>• Complaint - Parking on Exchange</td>
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<td>• Complaint - Vandenbosch</td>
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<td>• Complaint - Weiselberg (2018 &amp; 2021)</td>
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<td>• Complaint - Wheeler</td>
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<td>• Inquiry - Food Trucks - Ashcraft</td>
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<td>• Inquiry - Lloyd’s Bayou</td>
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<tr>
<td>10</td>
<td>7:56 p.m.</td>
<td>Minutes</td>
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<td>Minutes of the July 12, 2021 Work Session and July 19, 2021 regular meeting are attached for review. Should you wish to make edits, please share that information with Chris Burns or Maryann Fonkert prior to August 13, 2021</td>
</tr>
<tr>
<td>11</td>
<td>7:57 p.m.</td>
<td>Public Comment</td>
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<td>Council Meetings are open to the public, and as such, the public is invited to speak at the end of each meeting. Each speaker should ask to be recognized by the chair, must state their name and address for the record and should limit their comments to 3 minutes.</td>
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<tr>
<td>12</td>
<td>8:00 p.m.</td>
<td>Adjourn</td>
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WORK SESSION AGENDA REPORT

TO: Village President Mark Powers & Village Council Members
FROM: Chris Burns, Village Manager
DATE: August 5, 2021
RE: 1st Amendment to Agreement with ARM Holding Co, LLC

Background: On 12/20/19 Council sold 109 S. Jackson Street to ARM Holding Co, LLC. For redevelopment. Subsequently, a development agreement was signed with Brandon Brown & Eric Wolff. There have been a few minor delays in the project, that was originally slated to be completed no later than 12/31/22. The site plan approval will be considered by the Planning Commission on August 24, 2021 and the project will, in theory, move forward after that approval. However, the developers have requested an extension to the 12/31/22 date in order to take into consideration delays that they have endured due to the pandemic.

Issues & Questions Specified: Should Council consider an extension to the completion date of the project.

Alternatives: Do not approve the extension. It is feasible that the project will be complete by 12/31/22, but the delays that have been experienced thus far are due to no fault of the developers.

Financial Impact: Due to the site being razed, the tax revenue from a vacant site will be less than if it still had the building in place. It is, however, in the best interest of the developer to expedite the construction as well.

Recommendation: Approve the extension of the completion date.

Attachments: Proposed amendment drafted by Ron Bultje.
FIRST AMENDMENT TO
AGREEMENT REGARDING REAL ESTATE
EXCHANGE AND FUTURE DEVELOPMENT

This First Amendment (the “First Amendment”) to the Agreement Regarding Real Estate Exchange and Future Development (the “Agreement”) is entered into effective as of ____________, 2021 (the “Effective Date”), by and between the Village of Spring Lake, a Michigan municipal corporation with its principal office at 102 W. Savidge Street, Spring Lake, Michigan 49456 (the “Village”), and ARM Holding Co., LLC, a Michigan limited liability company, whose address is 114 W. Savidge, Spring Lake, Michigan 49456 (“ARM”).

1. The first paragraph of Section 5 of the Agreement is restated in its entirety as follows.

5. Closing. The closing of the real estate exchange transaction contemplated by this Agreement (the “Closing”) shall be December 31, 2023, and held at a time and place mutually agreeable to the Parties, but only after satisfaction or waiver of all contingencies; provided, however, that the Parties may mutually agree to extend the Closing Date for a further period of 30 days.

2. The rest of Section 5, and the rest of the Agreement, shall remain without change.

[Signatures on following page]
Signature Page

The Village and ARM have authorized the signing of this First Amendment by their respective duly authorized officers as of the dates noted.

THE VILLAGE

Village of Spring Lake

___________________________________   Date Signed: __________________
By: 
Its:

ARM

ARM Holding Co., LLC

___________________________________   Date Signed: __________________
By: 
Its:
Background: Samaritas and Pinnacle Construction Group would like to construct a 53-unit senior housing building on E. Savidge (next to the Spring Lake Presbyterian Church). This would be a project that would apply for tax credits through MSHDA (similar to Mill Point Senior Housing). Without the tax credits and a PILOT the project is not financially feasible. Both the Village and SLT must adopt ordinances no later than 10/01/21 in order for the application to MSHDA to be successful.

Issues & Questions Specified: Should the Village contemplate another PILOT ordinance? The public hearing for the attached ordinance has been published in the Grand Haven Tribune.

Alternatives: Do not contemplate an ordinance for this project.

Financial Impact: TBD.

Recommendation: Hold a public hearing on the ordinance amendment on 08/16/21.

Attachments:
Chapter 334 - Taxation for Housing Development
Sample Ordinance
July 28, 2021

Via Email

Ms. Chris Burns
Village of Spring Lake
102 W. Savidge Street
Spring Lake, Michigan 49456

Re: 2021 Tax Exemption Ordinance

Dear Ms. Burns:

Enclosed you will find a proposed 2021 Tax Exemption Ordinance for the Senior Housing Development proposed in the Village. We would ask that you review the document and advise as to any questions you may have. Once in acceptable form, we would suggest forwarding it to the Developer for their review. As we previously discussed, the name of the Housing Development is a bit cumbersome and perhaps can be reconsidered.

Similar to the Mill Point Senior Housing project, the annual service charges are as set forth in an Ordinance adopted by Spring Lake Township. Please advise as to whether or not we should coordinate the preparation of that Ordinance as well.

Finally, once an application has been submitted with more detailed plans, it would be appropriate to begin preparation of a Planned Unit Development agreement. We will wait to receive that documentation before the proposed agreement is drafted.

We do appreciate your anticipated attention. Should you have any questions, please advise.

Very truly yours

SCHOLTEN FANT

RES/kat
Enclosure
VILLAGE OF SPRING LAKE

ORDINANCE NO. _____

2021 TAX EXEMPTION ORDINANCE

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 334 OF THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, STATE OF MICHIGAN, TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A PROPOSED SENIOR CITIZEN DWELLING PROJECT FOR PERSONS OF LOW OR MODERATE INCOME TO BE FINANCED OR ASSISTED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, THAT BEING ACT 346 OF 1966, AS AMENDED, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 334. Chapter 334 of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan is hereby amended to add a new Article II which shall state in its entirety as follows:

ARTICLE II

Section 334-15. Title.

Section 1. This Article shall be known and cited as the “2021 Tax Exemption Ordinance.”

Section 334-16. Preamble.

A. It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for elderly citizens of low or moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 [1966 PA 346, as amended, MCLA § 125.1401 et seq.] (the “Act”). The Village is authorized by the Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for elderly persons of low or moderate income (as defined in this article) is a public necessity, and as the Village will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption
for such housing is a valid public purpose; further, that the continuance of
the provisions for this article for tax exemption and the service charge in lieu
of taxes during the period contemplated in this article are essential to the
determination of economic feasibility of housing developments which are
constructed and financed in reliance on such tax exemption.

B. The Village acknowledges that Samaritas Affordable Living Spring Lake
Limited Dividend Housing Association Limited Partnership, a Michigan
limited dividend housing association limited partnership, which consists of
Samaritas and Pinnacle Construction Group, Inc. (the "sponsor"), has
offered, subject to receipt of a mortgage loan and/or an allocation of low-
income housing tax credits from the Michigan State Housing Development
Authority, to erect, own and operate a housing development identified as
"Samaritas Affordable Living Spring Lake Limited Dividend Housing
Association Limited Partnership," on certain property described on Exhibit
A attached hereto, all being in the Village, to serve elderly persons of low or
moderate income. The sponsor has offered to pay the Village on account
of this housing development an annual service charge for public services in
lieu of all taxes consistent with the provisions of this article.

Section 334-17. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT – The State Housing Development Authority Act, being Public Act 346 of 1966
of the State of Michigan, as amended.

ANNUAL SHELTER RENT – The total collection during an agreed annual period
from (or in the case of housing assisted under Section 8 of the United States Housing Act
of 1937, as amended, contract rents paid on behalf of), all occupants of a housing
development representing rent or occupancy charges, exclusive of charges for gas,
electricity, heat, refuse removal, or other utilities furnished to the occupants.

AUTHORITY – The Michigan State Housing Development Authority.

CONTRACT RENT – Rental rates as defined by the United States Department of
Housing and Urban Development in regulations promulgated pursuant to Section 8 of the
United States Housing Act of 1937, as amended by the Housing Community Development

ELDERLY – A single person who is 55 years of age or older or a household in
which at least one member is 55 years of age or older and all other members are 50 years
of age or older.

HOUSING DEVELOPMENT – A development which contains a significant element
of housing for elderly persons of low or moderate income and such elements of other
housing, commercial, recreational, industrial, communal and educational facilities as the Authority determines improve the quality of the development as if relates to housing for elderly persons of low or moderate income.

HUD – The United States Department of Housing and Urban Development acting through its Federal Housing Administration divisions.

LOW OR MODERATE INCOME – Families and persons who cannot afford to pay the amounts at which private enterprise, without federally aided mortgages or loans from the Authority, is providing a substantial supply of decent, safe, and sanitary housing and to fall within income limitations set in the Act or by the Authority and its rules. Among low or moderate income persons, preference shall be given to the elderly and those displaced by urban renewal, slump clearance or the governmental action.

MORTGAGE LOAN – A loan to be made by the Authority and/or insured by HUD to the sponsor for the construction and/or permanent financing of the housing development.

SPONSOR – Person(s) or entities which have applied to the Authority and/or HUD for a mortgage loan to finance a housing development, and/or applied to the Authority for a reservation of low-income housing tax credits for specifically the housing development known as “Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership,” a Michigan limited dividend housing association limited partnership, which consists of Pinnacle Construction Group, Inc., although sponsor may assign its interest in the housing development to any successor entity that is eligible under the Act.

UTILITIES – Fuel, water, sanitary sewer service, refuse removal, and/or electrical service which are paid by the housing development for its common areas.

Section 334-18. Class of housing developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be elderly housing, which is financed or assisted pursuant to the Act. It is further determined that the Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership is of this class. Notwithstanding the provisions of Section 15(a) of the Act to the contrary, the Village will hereby provide tax exemptions and accept payments in lieu thereof as described in this article only to the project known as “Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership.”

Section 334-19. Establishment of annual service charge.

The Housing Development identified as “Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership” and the property on which it shall be constructed shall be exempt from all property taxes from and after the
commencement of construction. The Village, acknowledging that the sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this article, and in consideration of the sponsor’s offer, subject to receipt of an allocation of low-income housing tax credits from the Authority, and/or receipt of a mortgage loan from the Authority and/or a loan insured by HUD, to construct, own and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be as set forth in Ordinance No. ____ adopted by Spring Lake Township, Ottawa County, State of Michigan. The annual service charge shall be disbursed in accordance with the terms of that ordinance.

Section 334-20. Limitation on annual service charge.

The annual service charge to be paid in lieu of taxes for any part of the housing development that is tax exempt and that is occupied by persons of low to moderate income shall not exceed an amount equal to the taxes that would be paid but for the tax exemption granted under this article.

Section 334-21. Contractual effect of article.

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the Village and the sponsor with the Authority and/or HUD as third-party beneficiaries under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this article.

Section 334-22. Payment of service charge.

The annual service charge in lieu of taxes as determined under the article shall be payable in the same manner as general property taxes are payable to the Village except that the annual payment shall be paid on or before August 15 of each year. On or before June 15 of each year, the sponsor shall file with the Village an audit showing the number of units in Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership occupied by elderly persons of low or moderate income as of December 31 of the previous year. The Village shall invoice the sponsor no later than July 1 of each year for the service charge due on August 15. On or before March 15 of each year the sponsor shall file with the Village documentation and accounting records showing the rent or occupancy charges received from those units considered to be occupied by elderly persons of low or moderate income during the previous year. Any additional service charge shall be payable by the sponsor on demand. Any overpayment of service charge shall be promptly refunded to the sponsor by the Village.
Section 334-23. Duration.

The construction of the housing development must commence within three years from the effective date of the adoption of this article, or the provisions of this article shall terminate according to its own terms. If constructed, the provisions of this article shall remain in effect and shall not terminate so long as the housing development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended; and the Authority or HUD has any interest in the property.

Section 334-24. Lien.

Annual service charges payable pursuant to this article shall be a lien on the housing development and, if delinquent, shall be collected and enforced in the same manner as general property taxes.

Section 2. Administrative Liability.

No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required in the discharge of duties and in the enforcement of this Ordinance.

Section 3. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, that shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 4. Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Effective Date.

This Ordinance shall take effect upon publication.

By: ______________________________
    Mark Powers
    Its: Village President

By: ______________________________
    Marvin Hinga
    Its: Village Clerk/Treasurer
CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Tax Exemption Ordinance was adopted at a regular meeting of the Village Council held on ________________, 2021. The following members of the Village Council were present at that meeting:
__________________________________________________________

The following members of the Village Council were absent:
__________________________________________________________

The Ordinance was adopted by the Village Council with members of the Council ________________ voting in favor, and members of the Council ________________ voting in opposition. Notice of Adoption of the Ordinance was published in The Grand Haven Tribune on ________________, 2021.

__________________________________________________________

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake
August 3, 2021

Via Email

Ms. Chris Burns
Village of Spring Lake
102 W. Savidge Street
Spring Lake, Michigan 49456

Re: Samaritas Affordable Living Tax Exemption Ordinance

Dear Ms. Burns:

Pursuant to your direction, enclosed you will find the Samaritas Affordable Living Tax Exemption Ordinance which we have prepared for consideration by the Township. To finalize the Ordinance, we will need the legal description for the property in which the development is to be constructed.

We would ask that you review the document and advise as to any questions or comments you may have. It would be our recommendation that once the legal description has been supplied that the document be forwarded to the Township for their consideration.

Should you have any questions, please advise

Very truly yours

SCHOLTEN FANT

Robert E. Sullivan

RES/kat
Enclosure
SPRING LAKE TOWNSHIP

ORDINANCE NO. _____

SAMARITAS AFFORDABLE LIVING
TAX EXEMPTION ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF SPRING LAKE TOWNSHIP, OTTAWA COUNTY, MICHIGAN, TO ADD A NEW DIVISION 5 TO ARTICLE II OF CHAPTER 12, ENTITLED SAMARITAS AFFORDABLE LIVING, WHICH PROVIDES FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A PROPOSED SENIOR CITIZEN DWELLING PROJECT FOR PERSONS OF LOW OR MODERATE INCOME TO BE FINANCED OR ASSISTED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED; AND TO ESTABLISH AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Division. Division 5 to Article II of Chapter 12 of the Spring Lake Township Code of Ordinances, is hereby added, which Division will be known and cited as the "Spring Lake Township Samaritas Affordable Living Senior Housing Tax Exemption Ordinance," and shall read in its entirety as follows.

"DIVISION 5. SAMARITAS AFFORDABLE LIVING

Sec. 12-120. Preamble.

(a) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for elderly citizens of low or moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 [1966 PA 346, as amended, MCLA § 125.1401 et seq.] (the "Act"). The Township is authorized by the Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for elderly persons of low or moderate income, as defined in Section 12-121, is a public necessity, and as the Township will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that
the continuance of the provisions for this division for tax exemption and the service charge in lieu of taxes during the period contemplated in this division are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(b) The Township acknowledges that Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership, a Michigan limited dividend housing association limited partnership, which consists of Samaritas and Pinnacle Construction Group, Inc. (the "sponsor"), has offered, subject to receipt of a mortgage loan and/or an allocation of low-income housing tax credits from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as "Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership," on certain property described in the following subsection (c), all being in the Township, to serve elderly persons of low or moderate income. The sponsor has offered to pay the Township on account of this housing development an annual service charge for public services in lieu of all taxes consistent with the provisions of this division.

(c) The property is ________________________________

Sec. 12-121. Definitions.

ACT – The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

ANNUAL SHELTER RENT – The total collection during an agreed annual period from (or in the case of housing assisted under Section 8 of the United States Housing Act of 1937, as amended, contract rents paid on behalf of), all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, refuse removal, or other utilities furnished to the occupants.

AUTHORITY – The Michigan State Housing Development Authority.

CONTRACT RENT – Rental rates as defined by the United States Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the United States Housing Act of 1937, as amended by the Housing Community Development Act of 1974.

ELDERLY – A single person who is 55 years of age or older or a household in which at least one member is 55 years of age or older and all other members are 50 years of age or older.

HOUSING DEVELOPMENT – A development which contains a significant element of housing for elderly persons of low or moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority determines improve the quality of the development as if relates to housing for
elderly persons of low or moderate income.

HUD – The United States Department of Housing and Urban Development acting through its Federal Housing Administration divisions.

LOW OR MODERATE INCOME – Families and persons who cannot afford to pay the amounts at which private enterprise, without federally aided mortgages or loans from the Authority, is providing a substantial supply of decent, safe, and sanitary housing and to fall within income limitations set in the Act or by the Authority and its rules. Among low or moderate income persons, preference shall be given to the elderly and those displaced by urban renewal, slump clearance or the governmental action.

MORTGAGE LOAN – A loan to be made by the Authority and/or insured by HUD to the sponsor for the construction and/or permanent financing of the housing development.

SPONSOR – Person(s) or entities which have applied to the Authority and/or HUD for a mortgage loan to finance a housing development, and/or applied to the Authority for a reservation of low-income housing tax credits for specifically the housing development known as “Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership,” a Michigan limited dividend housing association limited partnership, which consists of Samaritas and Pinnacle Construction Group, Inc., although sponsor may assign its interest in the housing development to any successor entity that is eligible under the Act.

UTILITIES – Fuel, water, sanitary sewer service, refuse removal, and/or electrical service which are paid by the housing development for its common areas.

Sec. 12-122. Class of housing developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be elderly housing, which is financed or assisted pursuant to the Act. It is further determined that Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership is of this class.

Sec. 12-123. Establishment of annual service charge.

The housing development identified as Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The Township, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this division and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this division, and in consideration of the sponsor’s offer, subject to receipt of an allocation of low income housing tax credits from the authority, and/or receipt of a
mortgage loan from the authority and/or a loan insured by HUD, to construct, own and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The **annual service charge shall be equal to four percent of the difference between the annual shelter rents actually collected and the utilities.** The Township shall distribute the annual service charge among all local units of government which would but for the tax exemptions granted by this division and applicable law have taxing authority over the property (e.g., the Township, the Village of Spring Lake, Ottawa County, the Ottawa Area Intermediate School District, etc.). Each local unit of government shall receive a pro-rata share of the annual service charge equal to the pro-rata share of the total taxes on the property which would be levied by the local unit of government but for the tax exemption granted by this division and applicable law.

**Sec. 12-124. Limitation on annual service charge.**

The annual service charge to be paid in lieu of taxes for any part of the housing development that is tax exempt and that is occupied by persons of low to moderate income shall not exceed an amount equal to the taxes that would be paid but for the tax exemption granted under this division.

**Sec. 12-125. Contractual effect of ordinance.**

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the Township and the sponsor with the authority and/or HUD as third party beneficiaries under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.

**Sec. 12-126. Payment of service charge.**

The annual service charge in lieu of taxes as determined under the division shall be payable in the same manner as general property taxes are payable to the Township except that the annual payment shall be paid on or before August 15 of each year. On or before June 15 of each year the sponsor shall file with the Township an audit showing the number of units in Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership occupied by elderly persons of low or moderate income as of December 31 of the previous year. The Township shall invoice the sponsor no later than July 1 of each year for the service charge due on August 15. On or before March 15 of each year the sponsor shall file with the Township documentation and accounting records showing the rent or occupancy charges received from those units considered to be occupied by elderly persons of low or moderate income during the previous year. Any additional service charge shall be payable by the sponsor on demand. Any overpayment of service charge shall be promptly refunded to the sponsor by the Township.
Sec. 12-127. Duration.

The construction of the housing development must commence within three years from the effective date of the adoption of this division or the provisions of this division shall terminate according to its own terms. If constructed, the provisions of this division shall remain in effect and shall not terminate so long as the housing development remains subject to income and rent restrictions pursuant to section 42 of the Internal Revenue Code of 1986, as amended, and the authority or HUD has any interest in the property.

Sec. 12-108. Lien.

Annual service charges payable pursuant to this division shall be a lien on the housing development and, if delinquent, shall be collected and enforced in the same manner as general property taxes."

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Township of Spring Lake, Ottawa County, Michigan, on ________________. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

John Nash, Township Supervisor

H. Carolyn Boersma, Township Clerk
CERTIFICATE

I, H. Carolyn Boersma, Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Samaritas Affordable Living Spring Lake Limited Dividend Housing Association Limited Partnership Tax Exemption Ordinance was adopted at a regular meeting of the Township Board held on ________________, 2021. The following members of the Township Board were present at that meeting: __________________________

________________________________________. The following members of the Township Board were absent: __________________________. The Ordinance was adopted by the Township Board with members of the Board __________________________ voting in favor and members of the Board ________ voting in opposition. The Ordinance was published in the Grand Haven Tribune on ________

_______________, 2021.

________________________________________

H. Carolyn Boersma, Township Clerk
WORK SESSION AGENDA REPORT

TO: Village President Mark Powers & Village Council Members
FROM: Chris Burns, Village Manager
DATE: August 5, 2021
RE: Ordinance Amendment – Waterfowl Feeding

**Background:** Mill Point Park and Tanglefoot Park have continually struggled to keep migratory birds at bay. Sidewalks and green spaces are riddled with land mines within hours of cleaning. Fortunately, the DPW has discovered a chemical application that can be used every few weeks to keep the birds at bay. Visitors still feed the waterfowl and encouraging them to visit, even with signage placed throughout the park. Two residents (both on Park Street) also feed the ducks and geese (and pigeons), much to the neighbors’ dismay. Ducks are hit on Exchange trying to cross the road to get to the food and the land mines on the path discourage users from frequenting our bike path. Staff has been unsuccessful in finding any state or county laws prohibiting such so our next course of action is to adopt a local ordinance.

**Issues & Questions Specified:** Should the Village adopt an ordinance prohibiting the feeding of certain species of birds?

**Alternatives:** Status quo.

**Financial Impact:** There is a cost associated with the drafting of the language, the publication of the hearing notice and notice of adoption. Revenue generated from fines/fees would be negligible.

**Recommendation:** Hold a public hearing on the adopt of the ordinance on August 16, 2021.

**Attachments:** Ordinance language.
August 3, 2021

Via Email

Ms. Chris Burns  
Village of Spring Lake  
102 W. Savidge Street  
Spring Lake, Michigan 49456

Re: Bird and Waterfowl Feeding Ordinance

Dear Ms. Burns:

Pursuant to your request, enclosed you will find a proposed Bird and Waterfowl Feeding Ordinance. This is an initial draft so a determination will need to be made as to whether or not it is more expansive than the Village anticipated.

Once any changes are made, the document may be submitted to Council for their consideration.

As always, your anticipated attention is appreciated.

Very truly yours

SCHOLTEN FANT

RES/kat
Enclosure
VILLAGE OF SPRING LAKE BIRD AND WATERFOWL FEEDING ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDNANCES OF THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, BY ADDING A NEW CHAPTER WHICH SHALL BE DESIGNATED AS CHAPTER 203, ENTITLED BIRD AND WATERFOWL FEEDING, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of the Code of Ordinances. The Code of Ordinances adopted by the Village of Spring Lake, County of Ottawa, is hereby amended to add a new Chapter 203, which shall state in its entirety as follows:

CHAPTER 203. BIRD AND WATERFOWL FEEDING

2003-1. Purpose. The presence of a large number of certain species of birds and waterfowl cause a public health nuisance by contaminating beaches in our public swimming areas, parks, riverways, sidewalks and pathways used by the public. Accordingly, this Chapter is adopted to prevent such conduct as may attract and concentrate certain species in the Village.

2003-2. Definitions. The following definitions shall apply to terms used in this Chapter:

VILLAGE shall mean the Village of Spring Lake, Michigan.

DOMESTIC WATERFOWL shall mean non-native ducks, geese and swans not retained in agricultural operations.

FEED AND FEEDING shall mean the act of feeding or the furnishing of food or other substances in any form to bird or waterfowl species regulated by this Chapter.

MIGRATORY WATERFOWL shall mean ducks, geese and swans native to North America.

PIGEON shall mean any of the various birds of the widely distributed family Columbidae, especially the rock dove or any of its domesticated varieties.

Migratory and domestic waterfowl:

1. No person shall feed, cause to be fed, or provide food for domestic or migratory waterfowl or gulls located on lands either privately or public owned in the Village.

2. No person shall create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of domestic or migratory waterfowl or gulls on land either privately or publicly owned in the Village.

Pigeons:

1. No person shall feed, cause to be fed, or provide food for pigeons located in the Village.

2. No person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation or congestion of pigeons within the Village.

2003-4. Exceptions. This Chapter shall not be construed to prohibit humane acts towards waterfowl in individual cases, such as temporary nurturing of a wounded bird on one’s own premises, or bird feeders erected or maintained for the purpose of feeding other avian species.

2003-5. Violation and Penalties. Any person who violates, disobedys, omits, neglects or refuses to comply with or resists the enforcement of this Chapter shall be responsible for a municipal civil infraction, subject to Section 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeated violations is set forth in Section 1-2.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.
Section 4. **Repeal.** All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. **Publication.** After its adoption, this Ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in the Grand Haven Tribune, a newspaper of general circulation in the Village.

Section 6. **Effective Date.** This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: ______________________, 2021

By: ______________________
   Mark Powers
   Its: President

By: ______________________
   Marvin Hinga
   Its: Clerk
CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Bird and Waterfowl Feeding Ordinance was adopted at a regular meeting of the Village Council held on _______________, 2021. The following members of the Village Council were present at that meeting: ____________________________________________

_______________. The following members of the Village Council were absent: __________________________. The Ordinance was adopted by the Village Council with members of the Council ___________________________________________

______________ voting in favor, and members of the Council __________________________________________ voting in opposition. Notice of Adoption of the Ordinance was published in The Grand Haven Tribune on _______________, 2021.

________________________
Marvin Hinga, Clerk/Treasurer
Village of Spring Lake
WORK SESSION AGENDA REPORT

TO: Village President Mark Powers & Village Council Members
FROM: Chris Burns, Village Manager
DATE: August 5, 2021
RE: Ordinance Amendment Peddling & Soliciting

**Background:** The Village’s current ordinance regarding Peddling & Soliciting still has references to a Police Chief and other outdated language. This is a housekeeping item to remedy the dated language.

**Issues & Questions Specified:** Should the Village update the Peddling & Soliciting Ordinance.

**Alternatives:** Status Quo. A handful of applications are received each year, but it warrants amendment.

**Financial Impact:** There is a cost associated with the drafting of the language, the publication of the hearing notice and notice of adoption. Revenue generated from fines/fees would be negligible.

**Recommendation:** Hold a public hearing on the adopt of the ordinance on August 16, 2021.

**Attachments:**
Old ordinance language.
Proposed ordinance language.
July 15, 2021

Via Email

Ms. Chris Burns
Village of Spring Lake
102 W. Savidge Street
Spring Lake, Michigan 49456

Re: Peddling and Soliciting Ordinance Amendment

Dear Ms. Burns:

Enclosed you will find a proposed amendment to the Peddlers/Solicitors Ordinance. Specifically, we have made the revisions to Sections 256-9 and 10. You will note that we have retained the requirement to provide fingerprints. This should assist the Sheriff's Department in their investigation. Should they deem it unnecessary it can be removed.

We would ask that you review the information and advise as to whether or not there are any questions or comments. If acceptable, it may be presented to Council for their consideration.

Your anticipated attention is appreciated.

Very truly yours

SCHOLTEN FANT

Robert E. Sullivan

RES/kat
Enclosure
ORDINANCE NO. _____

VILLAGE OF SPRING LAKE PEDDLING AND SOLICITING ORDINANCE
AMENDMENT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING CERTAIN PROVISIONS OF CHAPTER 256 CONCERNING PEDDLING AND SOLICITING, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 256. The following sections of Chapter 256 of the Code of Ordinances adopted by the Village of Spring, Ottawa County, State of Michigan, are hereby amended as follows:

A. Section 256-9 shall be amended as follows:

Section 256-9. Application for license.

Application for license pursuant to this article shall be filed with the Village Clerk/Treasurer in the form and manner required by the Clerk/Treasurer. Such application shall contain, as a minimum, the following information:

A. The name and a physical description of the applicant;

B. The address (permanent and/or temporary) of the applicant;

C. A brief description of the nature of the business and the goods or other items to be sold;

D. If the applicant is employed, the name and address of the applicant's employer, together with credentials establishing such relationship;

E. The length of time for which a license is desired;

F. If a vehicle, vehicle trailer, temporary shelter or temporary location is to be used, a description together with the license number and other information that may be required;
G. A copy of the applicant's driver's license, state issued identification card or passport. If the applicant does not have either of these identification cards, then a photograph of the applicant shall be provided, taken within 60 days immediately prior to the date of filing such application, which photograph shall be two inches by two inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner;

H. The fingerprints of the applicant;

I. A statement as to whether the applicant has ever been convicted of any crime, misdemeanor or violation of any ordinance, and if so, the nature of the offense; and

J. A waiver signed by the applicant granting officials of the Village authority to verify the information provided by the applicant regarding the applicant’s criminal history.

B. Section 256-10 shall be amended as follows:

Section 256-10. Investigation of applicant; issuance or denial of license.

A. The Village Clerk/Treasurer shall forward the application to the Ottawa County Sheriffs Department who shall cause an investigation to be made of the applicant’s character and business responsibility. After such investigation is completed, the Ottawa County Sheriffs Department shall endorse upon such application the recommendation for approval or disapproval and forward the application to the Village Manager. If the Ottawa County Sheriffs Department recommends disapproval of such application, the Ottawa County Sheriffs Department shall provide the Village Manager with a statement of reasons for such recommendation of disapproval.

B. If the Village Manager shall be satisfied that the applicant complies with the provisions of this chapter and all other pertinent ordinances of the Village and the results of the investigation by the Ottawa County Sheriffs Department indicate that the moral character and business responsibility of the applicant justifies the granting of such license and that any proposed location is compatible with surrounding land uses, the Village Manager shall return the application for license to the Village Clerk/Treasurer with instructions that a license be issued. On receipt of such instructions and upon payment of the fee required in Section 256-11, the Village Clerk/Treasurer shall issue the applicant a peddler’s license.

C. If the Village Manager is not satisfied that the applicant complies with the provisions of this chapter and all other pertinent ordinances of the Village or if the results of the investigation by the Ottawa County Sheriff's
Department do not indicate moral character or business responsibility which justifies the granting of such license or if the proposed location is not compatible with surrounding land use, the Village Manager shall deny the license and give notice of such denial to the applicant with a copy to the Ottawa County Sheriff's Department specifying the cause of such denial.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: _____________________, 2021

By: ________________________
   Mark Powers
   Its: President

By: ________________________
   Marvin Hinga
   Its: Clerk
CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Peddling and Soliciting Ordinance Amendment was adopted at a regular meeting of the Village Council held on ____________, 2021. The following members of the Village Council were present at that meeting: ________________________________________________________________

_____________________. The following members of the Village Council were absent: ________________________________________________________________

_____________________. The Ordinance was adopted by the Village Council with members of the Council ____________________________

______________________ voting in favor, and members of the Council ____________________________ voting in opposition. Notice of Adoption of the Ordinance was published in The Grand Haven Tribune on ____________, 2021.

__________________________________________

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake
Chapter 256. Peddling and Soliciting

[HISTORY: Adopted by the Village Council of the Village of Spring Lake 11-5-1990 by Ord. No. 196 (Ch. 54 of the 2000 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES
General penalty — See Ch. 1, § 1-2.
Municipal civil infractions — See Ch. 25.
Zoning — See Ch. 390.

Article I. General Provisions

§ 256-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONDUCT BUSINESS
Being open for and/or ready to do business as well as the occurrence of any monetary or barter transaction.

LARGE-UNIT PEDDLER
Any peddler utilizing a motor vehicle, cart or other device in excess of 42 inches and/or 72 inches long.

PEDDLER
Any person who goes about from place to place, traveling by foot, motor vehicle or any other type of conveyance, selling or offering for sale any goods, wares or merchandise, including, without limiting the generality of the foregoing, any person selling or offering for sale by sample, catalog, list or otherwise any magazine or any other publication or any goods, wares or merchandise. The term "peddler" includes any person selling or offering for sale any goods, wares or merchandise from a trailer, temporary shelter, or temporary location.

SMALL-UNIT PEDDLER
Any peddler utilizing a motor vehicle, cart or other device not in excess of 42 inches and/or 72 inches long.

UNIT
Any motor vehicle, cart or other device including other types of conveyance, signboards, etc., whose chief purpose of the housing, display for sales of any goods, wares, or merchandise.

§ 256-2. Violations and penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this chapter shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which
a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

[1]  Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 256-3. Exemptions.

Persons engaging in business as a peddler on behalf of a religious, charitable or noncommercial corporation, organization or enterprise shall not be required to obtain a license and shall be completely exempt from the terms and provisions of this chapter. This exemption shall include persons engaging in business as a peddler whose services have been contracted for by a religious, charitable or noncommercial corporation, organization or enterprise in connection with a festival or similar activity. The term "noncommercial" means that such corporation, organization or enterprise is exempt from income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code. In addition, any person engaging in business as a peddler selling the individual's own work or production shall not be required to obtain a license and shall be completely exempt from the terms and provisions of this chapter.

§ 256-4. Street operations.

No peddler shall have any exclusive right to any location in the public streets or other public areas. It shall be unlawful for any peddler to operate in a congested area where the peddler's operations might impede pedestrian or vehicle traffic or inconvenience the public.

§ 256-5. Business hours.

No peddler shall engage in any business, or make any call for business purposes, before the hour of 9:00 a.m. or after 9:00 p.m.

§ 256-6. Congestion.

No peddler shall conduct business in a congested area. No peddler shall occupy a station or a location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is used by pedestrians or persons operating motor vehicles. A peddler shall be presumed to have occupied a stationary location if the individual has conducted business in any such public place for a period in excess of 10 minutes.

§ 256-7. Loud noises and speaking devices; lights.

A.  It shall be unlawful for any licensee or any person on the licensee's behalf to shout, cry, blow a horn, ring a bell, or use any sound device including loud speakers or sound amplifiers, on any of the streets, alleys, parks, or other public places of the Village, or upon any private premises, for the purposes of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

B.  It shall be unlawful for any licensee or any person on the licensee's behalf to use or employ any flashing lights on any vehicle or any other device for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

Article II. License

§ 256-8. License required.
It shall be unlawful for any person to engage in business as a peddler without first having obtained a license from the Village Clerk/Treasurer.


Application for a license pursuant to this article shall be filed with the Village Clerk/Treasurer in the form and manner required by the Clerk/Treasurer. Such application shall contain, as a minimum, the following information:

A. The name and a physical description of the applicant;
B. The address (permanent and/or temporary) of the applicant;
C. A brief description of the nature of the business and the goods or other items to be sold;
D. If the applicant is employed, the name and address of the applicant's employer, together with credentials establishing such relationship;
E. The length of time for which a license is desired;
F. If a vehicle, vehicle trailer, temporary shelter or temporary location is to be used, a description, together with the license number and other information that may be required;
G. A photograph of the applicant, taken within 60 days immediately prior to the date of filing such application, which photograph shall be two inches by two inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner;
H. The fingerprints of the applicant;
I. The names of two or more residents within the Village who will certify as to the good character and business responsibility of the applicant;
J. A statement as to whether the applicant has ever been convicted of any crime, misdemeanor or violation of any ordinance, and, if so, full particulars as to the nature of the offense, the court before whom conviction was had or a plea of guilty entered, and the punishment or penalty assessed; and
K. A waiver signed by the applicant granting officials of the Village authority to verify the information provided by the applicant regarding the applicant's criminal history.

§ 256-10. Investigation of applicant; issuance or denial of license.

A. The Village Clerk/Treasurer shall forward the application to the Chief of Police, who shall cause an investigation to be made of the applicant's character and business responsibility. After such investigation is completed, the Chief of Police shall endorse upon such application the Chief of Police's recommendation for approval or disapproval and forward the application to the Village Manager. If the Chief of Police recommends disapproval of such application, the Chief of Police shall provide the Village Manager with a statement of reasons for such recommendation of disapproval.

B. If the Village Manager shall be satisfied that the applicant complies with the provisions of this chapter and all other pertinent ordinances of the Village and the results of the investigation by the Chief of Police indicate that the moral character and business responsibility of the applicant justifies the granting of such license and that any proposed location is compatible with surrounding land uses, the Village Manager shall return the application for license to the Village Clerk/Treasurer with instructions that a license be issued. On receipt of such instructions and upon
payment of the fee required in § 256-11, the Village Clerk/Treasurer shall issue the applicant a peddler's license.

C. If the Village Manager is not satisfied that the applicant complies with the provisions of this chapter and all other pertinent ordinances of the Village or if the results of the investigation by the Chief of Police do not indicate moral character or business responsibility which justifies the granting of such license or if the proposed location is not compatible with surrounding land use, the Village Manager shall deny the license and give notice of such denial to the applicant with a copy to the Chief of Police specifying the cause of such denial.

§ 256-11. Fees.

Before any license shall be issued pursuant to this article, the applicant shall pay a fee as established by Village Council resolution. The license fee provided in this article for an annual license shall be the same whether for a full year or only a portion of a year.

§ 256-12. Term length.

Licenses may be issued under this article for a specified term not to exceed one year.


Each peddler licensed pursuant to this article shall conspicuously and prominently display the license granted to the peddler when the peddler is engaged in the business of peddling.

§ 256-14. Nontransferability.

No license issued under the provisions of this article shall be transferable or assignable. No license granted under the provisions of this article shall be used at any time by any person other than the original licensee.

§ 256-15. Revocation of license.

A. A license may be revoked by the Village Manager for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application;

(2) Fraud, misrepresentation or false statement made when engaging in business as a peddler;

(3) Any violation of this chapter or of any other ordinance of the Village;

(4) Conviction of any crime or misdemeanor involving moral turpitude; or

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

B. Whenever the Village Manager shall revoke any license, a notice specifying the cause of such revocation shall be given to the peddler.

§ 256-16. Appeals.
Any person believing they have been aggrieved by the Village Manager in the denial or revocation of a license may, within 10 days after receipt of notice of denial or revocation, file a written request for a hearing with the Village Clerk/Treasurer. The Village Council shall then set a time and place for a hearing, and notice shall be given to the appellant. Upon such hearing, the Village Council shall determine whether the license should be denied or revoked; and such determination shall be final and conclusive.
Background: Ron Schults from Edgewater Resources approached the Village about applying for a US Fish and Wildlife Service Boating Infrastructure Grant (BIG) grant to improve dockage in 3 Village locations (Tanglefoot Park, Mill Point Park & Old Boys Brewhouse).

Issues & Questions Specified: Should the Village Council ask the DDA to expend funds on a consultant to write a grant to improve public docks within the Village.

Alternatives: Make no recommendation to the DDA. The Village can forego grant applications and simply install new docks as funds become available.

Financial Impact:

$36,500 - $41,500 for a grant application.
$885,000 estimated total project cost for new docks.

Recommendation: Council discretion.

Attachments:

Edgewater Resources Proposal
Cost Estimate for docks at 3 sites
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<tr>
<th>Site</th>
<th>Item #</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Total Cost</th>
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<td>Site 1</td>
<td>1</td>
<td>Dock Area North - Widen 4' and Add Boat Bumper System</td>
<td>100</td>
<td>LF</td>
<td>$50,000</td>
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<tr>
<td></td>
<td>2</td>
<td>Add Boat Bumper System to Existing Dock</td>
<td>90</td>
<td>LM</td>
<td>$9,000</td>
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<td></td>
<td>3</td>
<td>New 8' Floating Dock with Ramp and Repair Revetment</td>
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<td></td>
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<td>Expand 43 Parking Spaces</td>
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<td>Ice Protection</td>
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<td><strong>Soft Costs (Permitting, Engineering, Contingency 25%)</strong></td>
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<td><strong>Total Project Cost</strong></td>
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<td><strong>$885,000</strong></td>
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**Notes:** (1) This cost estimate is preliminary and is for general information only.
July 16, 2021

Christine Burns, Village Manager
Village of Spring Lake
102 W Savidge Street
Spring Lake, MI 49456

Re: Transient Marina Study/Permit/Grant Applications

Dear Ms. Burns:

The following will serve as our proposal to conduct the transient marina study for the three sites as discussed. The study would have three areas of effort including the following:

**Task I - Existing Conditions and Submerged Lands Surveys**

This would include land surveying to verify existing conditions on-site of the shoreline and uplands, in addition to a bottom lands survey to create a hydrographic survey base map showing water elevations with reference to both high and low waters. This would be conducted at all three locations with a perimeter area of approximately 100’ beyond the point of all the marine structures. The purpose of this work is to establish a base map and also to identify US Army Corp of Engineers (USACE) navigation channels and other structures within then near vicinity to the proposed projects.

**Task II – Marina Concept Plans**

This work would include the following:

- Conduct high-level ice movement study which would review and identify reasons the Mill Point marina was damaged during ice flows, and conduct high-level engineering recommendations to prevent this from happening in the future
- Plan Alternates – we would include preparing preliminary concept plans and cost estimates of alternatives, including floating or fixed docks and ice deflection structures and other appropriate measures that may be considered at each location
- Construction cost estimates – this would include high-level construction costs showing alternative materials, floating vs. fixed docks, slip utilities etc., at the locations desired.
- We anticipate several meetings with the Village to work with the plan alternatives and neighboring concerns.
Task III – MEGLE and USACE Permit Applications

This would include preparing project narrative, engineering plans, and quantity analysis, as appropriate, for MEGLE and USACE permit applications. The work includes two steps:

- Initial filing of applications including engineering plans, quantity, project description, forms, etc.
- Processing applications – the processing budget we have identified assumes a smooth approval process (little or no objections) and that additional technical studies may not be needed, i.e., wetland/seagrass surveys, threatened and endangered species, historical studies, etc.

Task IV – US Fish and Wildlife Service BIG Grant Application

As discussed, these applications are due by April 1, 2022. However, we would want to contact the State of Michigan several months in advance to make them aware that is forthcoming, and we would like to get in queue for their subsequent submittal to the US Fish and Wildlife Service (USFWS).

The overall schedule would be the following:

- Submission to MDNR – April 1, 2022
- MDNR submittal to US Fish and Wildlife Service – Summer 2022
- US Fish and Wildlife Service Deadline – October 1, 2022
- Notice of Award from US Fish and Wildlife Service – Spring 2023

We would also discuss the opportunity of a transient marina grant with MDNR and advise on the potentials of that program if applicable.

The USFWS grant application process is competitive on a national basis; however, Michigan has not applied for many grants in recent years so it is likely that it would be well-received. The grants are generally awarded on a 50/50 basis for local federal funding. The local match could be the community or private sector. The grant would include transient dockage, including utilities if needed, but does not include dredging or parking as transient boaters generally do not need parking. Restrooms and harbormaster office would be eligible items but might not be needed at these Spring Lake locations.

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<thead>
<tr>
<th>Village of Spring Lake - Transient Marinas</th>
<th>Preliminary Engineering Study/Grant Applications/State-Federal Permit Budgets</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Existing Conditions and Submerged Lands Survey - 3 Sites</td>
<td>$5,800</td>
</tr>
<tr>
<td>2 Marina Concept Plans</td>
<td></td>
</tr>
<tr>
<td>High-Level Ice Movement Study</td>
<td></td>
</tr>
<tr>
<td>Plan Alternates - Each Site</td>
<td></td>
</tr>
<tr>
<td>Construction Cost Estimates</td>
<td>$12,700</td>
</tr>
<tr>
<td>3 MEGLE and USACE Permit Applications</td>
<td></td>
</tr>
<tr>
<td>Permit Plans/Engineering Drawings/Quantity Analysis</td>
<td>$5,200</td>
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<tr>
<td>Allowance for Permit Processing (4-8 months)</td>
<td>$5-10,000</td>
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<tr>
<td>4 USFWS BIG Grant Application</td>
<td></td>
</tr>
<tr>
<td>TOTAL BUDGET</td>
<td>$36,500 - $41,500</td>
</tr>
</tbody>
</table>
We look forward to further discussions regarding the project and the opportunity to work with Spring Lake.

Sincerely,

EDGEWATER RESOURCES, LLC

[Signature]

Ronald E. Schults, P.E.
Principal

Cc: Erik Schults, EIT
Background: The Village has co-owned a speed trailer, in partnership with the Cities of Grand Haven & Ferrysburg for more than 9 years. Grand Haven has purchased updated speed trailers, so the joint trailer is now essentially just shared between SL & FB. With the recent increase in complaints about speeding on Exchange, the trailer has spent a great deal of time parked in various locations within the Village to educate drivers of their speed. The trailer is quite heavy and antiquated; it does not store traffic data, it simply flashes a motorist’s speed as they pass by and no longer holds a charge very long.

Staff was directed to investigate the purchase of the smaller, more mobile units that are charged overnight and hung on poles in various locations. After conferring with Sgt. Wendt, the Ottawa County Sheriff’s Office prefers the bumper mount speed trailers as they can be placed in more locations (no pole required), they are built much lighter than they were ‘back in the day’ and can store data. This is the same speed trailer that Ottawa County Sheriff’s Office uses throughout the county.

Issues & Questions Specified: Should the Village invest in a new speed trailer for our sole use?

Alternatives: Continue using the speed trailer that is shared with Ferrysburg.

Financial Impact: Varies based on the alternative selected.

Shield 15 Speed Display = $5,000
Smart 12 Radar Speed Trailer = $6,980 + $300 for graphics

Recommendation: Motion to approve the purchase of a Smart 12 Radar Speed Trailer for an amount not to exceed $7,280. This is not a budgeted amount and would need to come out of fund balance.

Attachments:
Quotes
SMART® 12
RADAR Speed Trailer

SMART 12 Trailer delivered for $4,995 with 5-year warranty!*

Highly Visible
- RADAR speed feedback
- Designed for great visibility up to 600 feet
- 12” (30.5 cm) high intensity LED display
- Flashing overspeed violator alert
- Red-blue, blue-blue or white-white violator alert (option)
- MUTCD compliant post speed sign limit with interchangeable numbers from 5 to 75
- High/low speed display blanking

Rugged and Trouble Free
- Kustom Signals K-Band directional RADAR
- Lightweight and easily deployed
- 5-year warranty for all trailer electronics including display, RADAR, optional solar and statistics package

Operational Efficiency
- Up to 7 days continuous operation with 1 battery (solar panel option and/or 2nd battery for extended operation)
- Optional Traffic Data Recorder provides statistical analysis enabling targeted enforcement

Community Benefits
- Informs and educates motorists
- Proven to reduce traffic speeds
- Neighborhood roads become quieter and safer

Kustom Signals Inc. 9652 Loiret Boulevard, Lenexa, KS, 66219, USA.
www.KustomSignals.com

Tel. 800-458-7866
913-492-1400

* Delivery to continental US included. Delivery outside of US will be quoted. Specifications subject to change.
SMART® 12
RADAR Speed Trailer

Features
- Kustom Signals K band directional RADAR
- 12” (30.5 cm) amber LED display
- 2½ digits, display speeds up to 199
- High and low speed blanking
- Violator alert: flashing speed
- MUTCD compliant speed sign (18” x 24") with interchangeable numbers
- Defaults to last settings on power-up
- 24-hour single cycle on/off timer
- Push button on/off switch
- Locking lugs
- Removable tongue
- 12 VDC 80 amp/hour deep marine cycle battery
- Battery level indicator and self-diagnostics
- Low power wireless download

SMART 12 Construction
- Material: 11 gauge, 2” square steel tubing
- 52” W x 90”L x 48”H (posted sign down for transport)
- 52” W x 48”L x 72” H (posted sign deployed, tongue removed)
- Weight: 400 lbs.
- Finish: rust resistance undercoat with graffiti resistant powder coat finish
- 8” wheels with 4.8-8 tires
- Locking lugs included
- Leaf spring suspension
- Electrical wiring concealed in frame
- 2” ball hitch with removable tongue
- Battery box: 13.0” x 14.3” x 37.5”
- 4 stabilizer jacks

Options
- 50W solar panel
- LED trailer lighting
- Traffic data recording with USB thumb drive
- Traffic statistics recording with SMARTstat™ data analysis software
- Android tablet with SMARTstat Lite application
- Violator alert: red-blue, blue-blue or white-white strobes
- Spare tire
- Coupler lock
- Cable wheel lock
- 2nd 12 VDC 80 amp/hour deep cycle battery
- Galvanized wheel upgrade
- Trailer cover

SMARTstat™

* Delivery to continental US included. Hawaii, Alaska and International orders will be quoted separately. Specifications subject to change.
Date 03/09/2021

To... BRAD BENNETT
OTTAWA CO SHERIFF’S OFFICE
12220 FILLMORE ST
WEST OLIVE MI 49460

Quote # 433999856102NC
Terms Per Approved Terms
This Quote Expires on 06/07/2021
Phone 616-738-4000
Fax 616-738-4062

<table>
<thead>
<tr>
<th>Qty</th>
<th>Product Description</th>
<th>UnitPrice</th>
<th>SubTotal</th>
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<tbody>
<tr>
<td>1</td>
<td>SMART 12 - Trailer with 12” high amber LED display with 2 1/2 digits, MUTCD compliant fold down posted speed limit sign</td>
<td>$4,995.00</td>
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<td>INCLUDES:</td>
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<td>5 Year warranty</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>0</td>
<td>Interchangeable numbers from 5 to 75</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>0</td>
<td>Kustom Signals directional K-band RADAR</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>0</td>
<td>Secure battery enclosure</td>
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<td>Locking lug nuts</td>
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<td>0</td>
<td>2” ball hitch with removable tongue</td>
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<tr>
<td>0</td>
<td>Flashing digits overspeed violator alert</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>0</td>
<td>On/off timer</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>0</td>
<td>Integrated/built in battery charger w/AC outlet</td>
<td>$0.00</td>
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<tr>
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<td>(1) 12 V 80 amp-hour group 24 marine battery</td>
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<td>$0.00</td>
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<tr>
<td>1</td>
<td>Solar Panel - 50 Watt (800 &amp; 850 only)</td>
<td>$795.00</td>
<td>$795.00</td>
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<tr>
<td>1</td>
<td>Traffic data recording with USB download and SMARTstat traffic statistics analysis and configuration software</td>
<td>$725.00</td>
<td>$725.00</td>
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<tr>
<td>1</td>
<td>Violater alert strobes with red/blue, blue/blue, white/white, red/red or red/white pairs</td>
<td>$350.00</td>
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<tr>
<td>1</td>
<td>Galvanized wheels upgrade</td>
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<tr>
<td>1</td>
<td>LED Trailer lighting package upgrade</td>
<td>$65.00</td>
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<td></td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Signature

* Applicable Sales Tax Not Included. Seller may charge Buyer a 25% restocking fee.

Toll Free 800-4KUSTOM (800-458-7866)
1. **APPLICABILITY.** Unless otherwise specified in a written bid, quote or contract, the following terms and conditions shall apply.

2. **PRICES AND TAXES.** Prices will be Kustom Signals, Inc.'s (“Seller”) prices in effect on the date a purchase order is accepted by Seller, and Seller may change its prices at any time, in its sole discretion. All prices will be F.O.B. Chanute, Kansas, and net of any duties, sales, use or similar taxes, fees or assessments, and do not include shipping, packaging or any insurance costs, all of which are Buyer’s responsibility.

3. **PAYMENT.** Unless otherwise provided on the face of the invoice, payment is to be paid in US dollars and in accordance with the Seller approved terms for Buyer. Partial payments are not permitted unless authorized in writing. Partial payments will be treated as non-payment. Each invoice is independent from shipping sequence and disputes relating to other invoices. Failure to pay an invoice within 30 days will be considered a default.

4. **DELIVERY AND PERFORMACE.** Delivery dates are approximate. Seller disclaims all liability for late or partial delivery. Seller may deliver in such lots and at such times as is convenient for Seller.

5. **LOSS IN TRANSIT.** Risk of loss will pass to Buyer upon delivery of the goods to the carrier. In case of breakage or loss in transit, Buyer will have notation of same made on expense bill before paying freight. Seller may reject claims for shortages not made within 15 days of Buyer’s receipt of the goods.

6. **TERMINATION, RESTOCKING CHARGES.** Buyer may terminate this purchase order for its convenience, in whole or in part, by written, faxed or telegraphic notice at any time. If Buyer terminates this purchase order for convenience, Buyer will be liable to Seller for Seller’s reasonable costs incurred in the performance of this purchase order that Seller cannot mitigate. Unless otherwise agreed upon in advance in writing by Seller, Seller may charge Buyer a 25% restocking fee, if: (a) upon approval by Seller, the Buyer returns any non-defective goods covered by this invoice; or (b) prior to shipment, but after the goods are produced by Seller, Buyer cancels the order for the subject goods.

7. **WARRANTY.** Seller’s warranty is provided separately.

8. **LIMITATION OF LIABILITY.** Seller is not liable for any consequential, indirect, or incidental damages, or any lost profits or lost savings, even if a Seller representative has been advised of the possibility of such loss, damages, claims or costs, nor is Seller liable for any claim by any third party. Seller’s aggregate liability under or in connection with this purchase order is limited to the amount paid for the goods.

9. **INDEMNIFICATION.** Buyer will indemnify, defend and hold Seller harmless from all losses, damages, liabilities and costs, including attorneys’ fees, incurred or sustained by Seller as a result of any third party claim made against Seller, including a claim by a customer of Buyer, arising from its negligent, reckless, willful, or intentional actions in marketing and reselling the goods.

10. **EXPORT RULES.** Exports and re-exports of the goods may be subject to United States export controls and sanctions administered by the U.S. Department of Commerce Bureau of Industry and Security under its Export Administration Regulations ("EAR"). Buyer shall comply with all laws, rules and regulations applicable to the export or re-export of goods including but not limited to EAR which includes, among other things, screening potential transactions against the U.S. Government's (i) list of prohibited end users, and (ii) list of prohibited countries. Buyer represents and warrants that (i) it has not been charged with, convicted of, or penalized for, any violation of EAR or any statute referenced in EAR §766.25, and (ii) it has not been notified by any government official of competent authority that it is under investigation for any violation of EAR or any statute referenced in EAR §766.25.

11. **MISCELLANEOUS.** These terms and conditions, together with any other written agreement between Buyer and Seller, if any: (i) are the exclusive statements of the parties with respect to the subject matter and supersedes any prior or contemporaneous communications; (ii) may not be amended except in writing executed by the parties and will prevail in any case where the terms of Buyer’s purchase order or other communication are inconsistent; (iii) will be interpreted and enforced in accordance with the laws of the State of Kansas, without giving effect to principles of conflicts of law. These terms and conditions are: (1) solely for the benefit of the parties, and no provision of these terms and conditions will be deemed to confer upon any other person any remedy, claim, liability, reimbursement, cause of action or other right. Each party consents to the exclusive personal jurisdiction of the state and federal courts located in the State of Kansas for purposes of any suit, action or other proceeding arising out of this Agreement, waives any argument that venue in any such forum is not convenient and agrees that the venue of any litigation initiated by either of them in connection with this Agreement will be in either the District Court of Johnson County, Kansas, or the United States District Court, District of Kansas. If any provision of these terms and conditions is unenforceable, the remaining provisions will remain in effect. No waiver (whether by course of dealing or otherwise) is effective unless it is made in writing and signed by the party to be charged with such waiver. Unless otherwise specified in writing, notices must be given in writing by registered or certified mail, return receipt requested, addressed to:

Kustom Signals, Inc.
Attn: Sales Dept.
9652 Lorent
Lenexa, KS 66219
Mail Purchase
Orders to:
3100 Research Dr.
State College, PA 16801

Questions contact:
MANUFACTURER:
All Traffic Solutions
Independent Sales Rep:
Julie Styskin
(866) 366-6602
x 250
jstyskin@alltrafficsolutions.com

BILL TO:
Spring Lake Township
101 South Buchanan Street
Spring Lake MI 49456

BILL TO:
Spring Lake Township
101 South Buchanan Street
Spring Lake MI 49456
Attn: Christie Wendt

PAYMENT TERMS:
Net 30

ITEM NO: DESCRIPTION: QTY: EACH: EXT. PRICE:
4000566 Shield 15 Speed Display; base unit w/ mounting bracket 1 $3,195.00 $3,195.00
4000647 App, Traffic Suite (12mo); Equip Mgmt, Reporting, Image Mgmt, Alerts, Mapping and PremierCare 1 $1,500.00 $1,500.00
4000874 All Options Activation: Bluetooth, Traffic Data, Violator Alert, Pictures, ($3000 Value, requires Traffic or Message Suite) 1 $0.00 $0.00
4000744 LFP Power kit, 16Ah battery (2), internal power controller, charger w/connector 1 $795.00 $795.00
4900063 Carrying Case; Sh15 softcase with storage pockets 1 $150.00 $150.00
4001299 3 Year Warranty 1 $0.00 $0.00
4000641 Shipping and Handling Common Carrier 1 $60.00 $60.00
4001626 VZW communications prep 1 $0.00 $0.00
4001190 Discount - New Purchase 1 ($700.00) ($700.00)

Special Notes: SALES AMOUNT: $5,000.00
TOTAL USD: $5,000.00
Duration: This quote is good for 60 days from date of issue.
Shipping Notes: All shipments shall be FOB shipper. Shipping charges shall be additional unless listed on quote.
Taxes: Taxes are not included in quote. Please provide a tax-exempt certificate or sales tax will be applied.
Warranty: Unless otherwise indicated, all products have a one year warranty from date of sale. Warranty extensions are a component of some applications that are available at time of purchase. A Finance Charge of 1.5% per month will be applied to overdue balances. GSA GS-07F-6092R

Authorization: By Signing below, I indicate that my organization does not require a purchase order and I am authorized to commit my organization to this order.

Signature: ___________________________ Date: ___________________________

Print Name: ___________________________ Title: ___________________________
**Background:** In 2019 the new force main that linked the wastewater treatment plant in Grand Haven and Spring Lake. South Cutler Street was the location where the directional boring rig was set up and force main connections were made. During this project the Village also updated the water main to a 6” line.

As the river water continued to rise and creep upland, the south half of South Cutler was under water. The street could not be finished. The Village water main change order was $32,495.31. The cost, at that time, to complete the south half was $27,513.85. A decision was made, the force main project would not include the half of South Cutler. The force main project would paid for the water main installation.

A Request for Proposals (RFP) was prepared and sent to six firms. The project plan also included a parking area at the south end. This was not part of the original plan.

**Issues & Questions Specified:** None. Update only.

**Alternatives:** Delay construction.

**Financial Impact:** This project was not budgeted.

Six Request for Proposals (RFP) were sent out, two were received back:

- Tiles Excavating Inc = $65,137.00
- My-Con, Inc. = $65,195.25

**Recommendation:** Recommend to Village Council to accept the proposal from Tiles Excavating Inc, in the amount of $65,137.00 complete the paving on South Cutler.

**Attachments:** Memorandum 11-4-29, Project Plan Sheet.
Memorandum

<table>
<thead>
<tr>
<th>Date:</th>
<th>November 4, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Pat Staskiewicz, P.E.</td>
</tr>
<tr>
<td>Company:</td>
<td>Ottawa County Road Commission</td>
</tr>
<tr>
<td>From:</td>
<td>Kevin S. Kieft, P.E.</td>
</tr>
<tr>
<td>Project #:</td>
<td>2170254</td>
</tr>
<tr>
<td>Re:</td>
<td>GHSLSA: Cutler Street Water Main and Restoration</td>
</tr>
</tbody>
</table>

The Grand Haven Spring Lake Sewer Authority force main project (Contract No. 4) completed by West Michigan Dirtworks included restoration of Cutler Street. As you are aware, rising water levels have prevented the completion of these activities. The northern portion of Cutler Street was restored with a base course of HMA and final restoration was delayed to see if water levels would decrease and allow for final paving to be completed this season. After waiting several months with no relief from water levels, we met with Wally Delamater of Spring Lake Village to review. Based on this meeting, it was agreed that West Michigan Dirtworks will be placing the surface course of HMA on the northern portion of Cutler Street when weather permits and the remaining portion to the south will remain as aggregate. This will allow the West Michigan Dirtworks project to be closed out and the Contractor not keeping the contract open and incurring costs for bonds and insurance. It is anticipated that the Village of Spring Lake would then complete this work in 2020 as conditions permit, possibly with a revised layout at the end of the cul-de-sac.

Based on contract unit prices, the remaining restoration work from the original force main contract that has not been completed on Cutler Street totals $27,513.85. It is our understanding that this cost is split between Spring Lake Township, Spring Lake Village and the City of Ferrysburg as part of the GHSLSA force main project.

The final total for additional water main work on Cutler Street that was added as part of Change Order No. 1 was $32,495.31 and should be the responsibility of the Village of Spring Lake. Design services for this work were billed directly to the Village of Spring Lake and not included with the GHSLSA project.
Village of Spring Lake  
Cutler Street – South Half of Street

Due August 6, 2021 at 1:00 pm.

**Total cost (lump sum, not to exceed) to complete Cutler Street Project:** $65,137.00

**Name of Firm:** Tiles Excavating, Inc.

**Address:**
16958 144th Ave.
Nunica, MI 49448

**Contact Name and Title:** Jon Tiles - Pres.

**Phone Number:** 616-844-6050  
**Email:** jon.tiles@sbcglobal.net

**Signature:** [Signature]  
8/5/21

The Village reserves the right to reject any or all proposals, quotes or bids received and/or waive any defect. In their sole discretion and judgement, the Village Council reserves the right to make the selection that is in the best interest of the Village of Spring Lake. The Council also reserves the right to waive or negotiate any or all irregularities or to determine the terms with the firm selected.

**Open Proposal:** August 5, 2021

**Council Work Session:** August 9th

**Tentative Award by Council:** August 16

**Preconstruction Meeting:** August 18th (if required)

**Start Construction:** Any time after August 18th, 2021 (We will ask for continuous project performance once initiated)

**Complete Construction:** Before October 30, 2021
Village of Spring Lake
Cutler Street – South Half of Street

Due August 5, 2021 at 1:00 pm.

Total cost (lump sum, not to exceed) to complete Cutler Street Project: $45,195.25

Name of Firm: My-Con, Inc.
Address: 3801 Perry St.
Hudsonville, MI 49426

Contact Name and Title: Cole Grosen
Estimator

Phone Number: 616-848-8753 Email: cole@mycon-contractors.com

Signature:

The Village reserves the right to reject any or all proposals, quotes or bids received and/or waive any defect. In their sole discretion and judgement, the Village Council reserves the right to make the selection that is in the best interest of the Village of Spring Lake. The Council also reserves the right to waive or negotiate any or all irregularities or to determine the terms with the firm selected.

Open Proposal: August 5, 2021
Council Work Session: August 9th
Tentative Award by Council: August 16
Preconstruction Meeting: August 18th (if required)
Start Construction: Any time after August 18th, 2021 (We will ask for continuous project performance once initiated)
Complete Construction: Before October 30, 2021
WORK SESSION AGENDA REPORT

TO: Village President Mark Powers & Village Council Members
FROM: Chris Burns, Village Manager
DATE: August 5, 2021
RE: Service Agreement (GARE)

**Background:** The Village has been an active participant in the Government Alliance on Racial Equity (GARE). Prior to his departure, DeMario Johnson served as the Village’s representative. Communications Specialist Tyra Jonas has agreed to take on that role and attend all Ottawa County meetings. This service agreement will provide training and analytical data regarding employment and service activities within Ottawa County.

**Issues & Questions Specified:** Should the Village have a seat at the table when it comes to DEI?

**Alternatives:** Do not support Ottawa County’s Diversity, Equity and Inclusion efforts.

**Financial Impact:** $250

**Recommendation:** Motion to approve the service agreement as presented.

**Attachments:**

Service Agreement
Services Agreement

OTTAWA COUNTY and ____________________

This Services Agreement, by and between the County of Ottawa, a political subdivision of the State of Michigan ("Ottawa"), 12220 Fillmore Street, West Olive, Michigan 49460 and ________________________________ ("Local Unit") a Michigan municipal corporation with an address of ________________________________.

WHEREAS, Ottawa has a “Diversity Equity and Inclusion” Department that provides certain analytical and training to Ottawa County regarding its employment and service activities;

WHEREAS, the Intergovernmental Contracts Between Municipalities Act, MCL §124.1 et seq. permits Michigan counties and local units of government to contract for services from one another;

WHEREAS, the Local Unit does could benefit from Ottawa’s analytical and training services;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Services and cooperation:** Ottawa agrees to provide to the Local Unit the Government Alliance on Racial Equity ("GARE") analytical and training services as described in the Proposal attached as Exhibit A, which is incorporated by reference as if fully set forth herein. The Local Unit agrees to accept and cooperate with Ottawa’s GARE analytical and training services as described in the Proposal ("Proposal").

2. **Length of the agreement:** This Agreement will extend for the length of the GARE analytical and training as described in the Proposal, unless terminated earlier by either party upon giving the other thirty (30) days’ notice.

3. **Agreement effective date:** ____________, 2021.

4. **Indemnification and hold harmless:** Each party shall indemnify and hold the other party harmless from claims, which are the result of an alleged error, mistake, negligence or intentional act or omission of the other party, its officers, employees, agents and assigns.

5. **Compensation:** Ottawa will charge the Local Unit for its actual out of pocket costs, including the training manager’s services as billed to Ottawa and described in the Proposal.
   a. **Billing.** Ottawa will seek reimbursement through a single invoice;
   b. **Payment.** The Local Unit will pay the bill within thirty (30) days of receipt.
5. Miscellaneous:

a. **Section headings.** The headings of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof.

b. **Severability.** If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

c. **Entire agreement and amendment.** In conjunction with matters considered herein, this Agreement contains the entire understanding and agreement of the parties and there have been no promises, representations, agreements, warranties or undertakings by any of the parties, either oral or written, of any character or nature hereafter binding except as set forth herein. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this Agreement and by no other means. Each party covenants that it will not assert a future right to claim, contest or assert that this Agreement was modified, canceled, superseded or changed by any oral agreements, course of conduct, waiver or estoppel, except if by a like writing, signed and approved by both parties.

d. **Assigns.** All representations, covenants and warranties set forth in the Agreement by or on behalf of, or for the benefit of any or all of the parties hereto, and the agreement shall not be assigned without written approval of the other party.

e. **Terms and conditions.** The terms and conditions used in this Agreement shall be given their common and ordinary definition and will not be construed against either party.

f. **Execution of counterparts.** This Agreement may be executed in any number of counterparts and each such counterpart shall for all purposes be deemed to be an original; and all such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument. The person signing attests that he or she has the authority for the party represented to execute this Agreement.

g. **No Third Party or Release of Immunity.** This Agreement does create a joint venture and is not enforceable by third parties, nor does it in any way waiver or release the governmental and officer immunities of either the County, all such rights being reserved.
IN WITNESS WHEREOF, the authorized representatives of the Parties hereto have fully executed this instrument.

COUNTY OF OTTAWA

__________________________________________  ________________________________
Roger Bergman, Chair  Date: ____________, 2021
Board of Commissioners

LOCAL UNIT

__________________________________________

Date: ____________, 2021
Exhibit A

Ottawa County has contracted with a third-party consultant to lead the facilitation of the Government Alliance on Race and Equity (GARE) framework to achieve racial equity and advance opportunities for all. The DEI Facilitator is familiar with and will use GARE best practices, tools, and resources to assist Learning Communities of Practice in completion of this project.

Pricing:

Participating local units will be billed based on organization size and number of participants. The attempt is to more fairly split costs, where small units have less burden. The total cost of the consultant is estimated to be $52,500. Ottawa County has requested $30,000 from two local community foundations. The remainder has been split based on number of participants and organization size. The actual costs per local unit are listed below. The costs are set as of June 30, 2021 and shall not change if a jurisdiction changes number of participants or in size of the organization.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Group</th>
<th>Participants</th>
<th>Size</th>
<th>Cost Using Tiers w/ Potential Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Haven</td>
<td>A</td>
<td>2</td>
<td>L</td>
<td>$900.00</td>
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<td><strong>18</strong></td>
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<td><strong>$22,500.00</strong></td>
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Thank you, Chris. I am grateful for this research and for your willingness to respond to my concerns. Believe it or not, I want our Village to shine as an exemplary model in a whole variety of areas. We do need greater citizen participation, and I, too, tire of the complaints I hear from Village residents about what is not right in our community. I want us to be a Tree City in the best way possible. When Lee suggested that we stop planting trees for a while and focus on maintaining the trees that we have, I believe he was right. Maybe we can figure out how to maintain what we have and help Village residents get a taste for the value of planting and caring for a healthy tree-scape at the same time.

Respectfully,
Darcy J. Dye

On Aug 3, 2021, at 3:49 PM, Christine Burns <christine@springlakevillage.org> wrote:

Hi Darcy,

I wanted to share with you some statistics. These are as close as I could get by looking at previous Tree City USA applications where we have to certify what we’ve trimmed/removed/planted. Obviously 2021 is a total spitball. However, I do not think that a mortality rate of less than 2% is something we should be alarmed about. We should always expect some loss of trees. Some we lose early in their life cycle and others we lose at the tail end, but regardless....we know that not every tree we plant is going to live. I would not recommend that we forego 27 years of Tree City USA notoriety just because we are experiencing what I consider, normal loss of trees.

I will be reaching out to Maggie at the Library to see if we can pull together an educational session w/Lee Mueller yet this fall. I do not believe we should make it a caveat to receiving a tree in the annual planting program. Darcie B. is working on pulling together adoption forms now and we'll do another push for people to get on the waiting list for trees.

I do think people can love trees without being a expert on all things trees. One does not have to know how a trees grows or be able to identify the genus and species in order to enjoy a tree’s shade or bird watch or love the blooms each spring. I fear that “Perfect will be the Enemy of Good” if we abandon the Tree City USA moniker and will not recommend that we do so.

I’ll let you and the board know what I hear back from Maggie.

Thanks,

Chris
Dear Chris,

When you get a chance, I would love to know the name of the person who has taken on Whistle Stop landscape and contact information for her. I will happily share what I know about existing plants and encourage her as she makes those gardens her own.

Here is what I was trying to say tonight and am not sure I was understood:

You can’t love something that you don’t know. You have to know how a tree grows and what it contributes to the well-being of people and the environment before you get excited about trees. In many communities, the tree planting is driven by children who learn about trees at school and realize that they can plant trees and make a huge difference to the Earth.

Education does not necessarily mean two hours in the classroom. There are a lot of communities in the U.S. that are educating people on trees by walking along side. There are community planting days. There are artful door hangers giving the benefits of trees and inviting people to a community planting day. There are tree clinics at local libraries and churches and community centers, and often those are led by community members who know trees and want to share that passion with others. Google Douglas Tallamy sometime when you have a moment and check out his website. His book, *Nature’s Best Hope*, makes a powerful case for the benefits of trees and why planting and caring for them is crucial. His goal is to do some major education on the national level. It is fun, and the community of people involved is growing.

Sometimes, when the loss of trees is as great as it seems to be in Spring Lake, it is beneficial to take a pause, to do some study on why so many of the trees planted die, and to figure out strategies for changing that pattern. If all our Tree City status means is that we plant two trees for every one that we take out, then I think we are missing a great deal about what trees can do and why they are so important.

If we want Village residents to take ownership of our green scapes, and we do, I think that we are going to have to figure out some ways to give people the tools they need to love and care for those spaces intentionally.

Respectfully,

Darcy J. Dye
I know they are doing road work. when the street cleaner turns on Bucchanon at 5 in the morning and stops right by our bedroom widow for 2 minutes is the issue I am having. And do not like the water bill going up because I complain either

On Jul 29, 2021 4:10 PM, Christine Burns <christine@springlakevillage.org> wrote:

Please read the thread at the bottom that explains what MDOT will be doing starting on August 16, 2021.

Can you please be a little clearer not sure wat you are saying?

On Jul 29, 2021 4:00 PM, Christine Burns <christine@springlakevillage.org> wrote:

Ms. Vangelder,

Just thought you would like to be aware of MDOT resurfacing that will take place in front of your home.

Fondly,

Chris

Christine Burns
From: Kayla McClean <kmcclean@fveng.com>
Sent: Thursday, July 29, 2021 2:11 PM
Subject: Traffic Control Notice, M-104 from Spring Lake Channel to Lake Avenue, Ottawa County 200664A

Caution! This email is from an external address and contains a link. Use caution when following links as they could open malicious websites.

Starting Monday, August 16, 2021

There will be daily eastbound and westbound lane closures from 9 am to 3 pm for drainage structure adjustments in preparation for HMA coldmilling and resurfacing work.

Starting Monday, August 23, 2021

There will be nightly eastbound and westbound lane closures from 9 pm until 6 am for HMA coldmilling and resurfacing work.

A minimum of one lane of traffic will be maintained in each direction during construction.
All work affecting traffic is scheduled to be complete by September 3, 2021.

Work is weather dependent.

If you would like to be removed from the contact list, please reply to this email.

Kayla McClean
Construction Services Administrator

FLEIS & VANDENBRINK
2960 Lucerne Drive SE, Suite 100 | Grand Rapids | MI | 49546
O: 616.977.1000 | D: 616.588.1905 | F: 616.977.1005

www.fveng.com

Please consider the environment before printing this email.

Cybercrime attempts have increased during the COVID-19 Pandemic. This includes “spoofing” the origination of email addresses. If you receive an unexpected message with links or attachments, consider first verifying with the sender before opening.

The information contained in this message and any attachment may be proprietary, confidential, and privileged or subject to the work product doctrine and thus protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it and all copies and backups thereof. Thank you.
Good morning Ryan,

I have attached a link to our solid waste ordinance where it states that dumpsters cannot be tipped before 6:00 a.m. or after 7:00 p.m. This ordinance was last amended in 2009, so I’m not sure where the misinformation (8:00 a.m.) is coming from.

https://ecode360.com/29467740

I contacted the Post Master (Ken Patterson 842-0321) to speak with him about his employees and where they park, but he is out of the office until next Monday. You may want to reach out to your waste hauler, if it’s someone other than Republic, to verify the time they are attempting to tip your dumpster and make sure they have correct information (6:00 a.m.)

Sincerely,

Chris

Christine Burns
Village Manager, Village of Spring Lake
102 W. Savidge St., Spring Lake, MI 49456
P 616.842.1393  F 616.847.1393
christine@springlakevillage.org

From: Mary Reck <MReck@springlaketwp.org>
Sent: Tuesday, July 27, 2021 10:16 AM
To: Maryann Fonkert <Maryann@springlakevillage.org>; Christine Burns <christine@springlakevillage.org>; Lukas Hill <LHill@springlaketwp.org>
Subject: Dumpsters and parking

Ryan Kelly of Kieft Insurance called. He, and a couple of the other business there (226 W. Savidge), are having trouble with their dumpster. He said that the postal workers park in front of the dumpster enclosure when it is supposed to be picked up. He blames the ordinance stating that trucks cannot pick up trash prior to 8:00 a.m. He requests either having
a sign placed that there is no parking there on Wednesday mornings, or that it be put on the next commission meeting agenda to change the ordinance.

Thank you,
Mary Reck, Reception
Good to know that people have stepped up to the plate. That is important.

So you know, there is no such thing as a “no maintenance” or even a “low maintenance” plant. Anything that grows, people included, take time, love, and care.

Cheers,
Darcy

> On Jul 19, 2021, at 4:54 PM, Christine Burns <christine@springlakevillage.org> wrote:
> Darcy,
> Fear not. We have had a quite a few people step up and offer to pick up where you left off.
> This is absolutely not about "understanding the science of plants," so no amount of education is going to solve the problem. Council was 100% behind the concept of Michigan Natives. This issue is about our staff's ability to maintain (or not) the gardens that you planted. What we've learned along the way is that "Michigan Native" does not equate to "no maintenance". DPW employees do not have the skill set or desire to handle the quantity of gardens that were installed in a manner that ensures we do not get complaints. We're really not interested going back to traditional municipal landscapes; we're interest in low maintenance areas that are manageable by the small staff that we have. The past couple of years, we've pretty much lost the public goodwill, when it comes to public gardens.
> We want the same things you want, but we need the public to step up to the plate (and they have). I think you'll start to see improvements in the beds that people are adopting. The Jackson Street corner, while still garnering a few complaints, is looking better each week. I'm pairing the current volunteer for that corner with a couple of helpers, as it seems to be quite a task.
> Thanks so much!
> Chris
>
----Original Message-----
> From: Darcy Dye <dlenzgrinden@gmail.com>
> Sent: Friday, July 16, 2021 12:07 PM
> To: Christine Burns <christine@springlakevillage.org>
> Cc: Curt Brower <curt.brower5@gmail.com>; Claire Groenevelt <grammaclaire228@gmail.com>
> Subject: Village Landscaping
> Dear Chris,
>
I am wondering if maintenance of Village gardens could go on the agenda for the August Parks & Recreation Board meeting. I have spent a couple of days mulling over your article in the latest newsletter, indicating that volunteers need to step up to the plate or “our beautiful butterfly gardens” will have to be removed and replaced with “low maintenance plants.” I am not sure that plan understands the science of plants, and having done some preliminary research on the cost of replacing the existing gardens with plants traditionally found in municipal landscapes, I am not sure that removal and replacement is fiscally prudent.

I would love to put some facts about cost, planting, and maintenance of Village gardens spaces on the table and see if the collective wisdom of the Parks and Recreation Board might help us find some options that beautify the Village streetscapes, encourage citizen ownership of public spaces, provide fiscally viable options for green space, and encourage public goodwill.

Respectfully,

Darcy J. Dye
Christine Burns

From: Lori Spelde
Sent: Wednesday, July 28, 2021 1:14 PM
To: Christine Burns
Subject: best pickle ball request yet.

Lori Spelde
Deputy Treasurer, MiCPT, Village of Spring Lake
102 W. Savidge St., Spring Lake, MI  49456
P 616.842.1393    F 616.847.1393
lori@springlakevillage.org

From: Mary Reck <MReck@springlaketwp.org>
Sent: Wednesday, July 28, 2021 1:03 PM
To: Kyle Botbyl <KBotbyl@springlaketwp.org>
Cc: Lori Spelde <Lori@springlakevillage.org>; Darcie Benter <DBenter@springlaketwp.org>
Subject: Please move building

Brenda Dykhouse (616-414-5445) called and asked for Kyle. I inquired what it was regarding, and she said she needed to talk to him about a building. I told her I could give Kyle a message, if she could tell me a little more about what she needed. She insisted she wanted to talk to Kyle, about a moving a building. Upon further questioning, she said this was in reference to a building (she said it was a small building 😊) near the pickleball courts, that wasn’t being used for anything, and since a tree near there was cut down, they needed the shelter for shade. She was very insistent that Kyle call her back.

Thank you,
Mary Reck, Reception
Jonathan,

Thank you for reaching out to us regarding your environmental concerns. I’m assuming you are referring to the seal coating and striping of the lot between the post office and Stan’s. Rest assured that all maintenance was done with equipment and products that are allowable by the EPA and EGLE. The reason we perform the maintenance is to extend the life of the asphalt surface. Once the parking lot is rated as “complete failure” then we have to mill and resurface the entire lot (far more costly and wasteful). Preventative maintenance is always the preferred method and wisest use of taxpayer dollars, hence the reason we performed the seal coating.

Your drinking water is some of the best in the state... awarding winning as a matter of fact. The Village’s drinking water comes from Lake Michigan and is treated in Grand Haven prior to distribution in NW Ottawa County. Wells tapping into aquifers were long ago abandoned for this preferred method of providing you clean and safe drinking water.

Our Village Council continues to work towards sustainable options whenever possible and practical. We appreciate your passion and intentions.

Fondly,

Christine Burns

VILLAGE MANAGER, VILLAGE OF SPRING LAKE
102 W. Savidge St., Spring Lake, MI 49456
P 616.842.1393  F 616.847.1393
christine@springlakevillage.org
From: Jonathan Mitchell <jbm011994@gmail.com>
Subject: When will you stop wasting valuable tax dollars from hard working individuals such as myself?

Message Body:
Not sure why our hard earned tax dollars you take for granted are being used to literally poison our water and air supply. Year after year since I’ve lived in Spring lake I’ve seen our tax dollars allocated to such wasteful spending. The repairs made by outside contractors and our own DPW prove to be absolutely wasteful because they have to be repeated year after year! Why does our village counsel insist on resurfacing parking lots that within 12 months look exactly as they did before? Have you not learned asphalt and asphalt sealer don’t last with our extreme seasons not to even mention the horrible impact on the environment that they cause? All of that petroleum leeches into our aquifers, rivers, and lakes, during application the thick stench of petroleum in the air makes it hard to breath, just so you are aware you are the contributors to that pollution! Maybe you should consider actually standing by the Village of Spring Lake’s slogan, I probably need to remind you so here it is “where nature smiles for 7 miles!” You allocate money towards wasteful spending and then beg for donations for a building that once built, won’t be able to be maintained because we don’t have the money for it, maybe you should try maintaining what we already have while trying not to kill everything else in the process!

I would like a response from someone giving me a legit reason as to why you insist on wasting our tax dollars to pollute the area we all call home! Hopefully this message finds the person responsible for the allocation of funds for projects that poison the water we drink, the food we grow and the air we breath because I am not satisfied with anyone who doesn’t take the protection of God’s green Earth seriously! All coming from an area that seems to have such unbreakable faith, you all seem not to have any remorse about destroying the one gift god gave you from day one on this planet.

With all the best intentions,
Your neighbor!

--
This e-mail was sent from a contact form on Village of Spring Lake (http://www.springlakevillage.org)
Good morning Christine,

I have been receiving complaints that there are 3 cars consistently parking in front of your house, in what is designated as 2 parking spaces (see attached aerial). By parking 3 cars in between curb cuts, it is creating a vision obstruction for the driveway to the east of your home. While I have not asked the OCSO to run the plates of those 3 cars to determine ownership, I have instructed them to start ticketing the cars that park outside of the designated lines. If those owners happen to reside in your home, could you please notify them of such so that they can park appropriately and avoid a parking ticket?

Please let me know if you have any questions or concerns.

Thanks!

Chris

Christine Burns
VILLAGE MANAGER, VILLAGE OF SPRING LAKE
102 W. Savidge St., Spring Lake, MI 49456
p 616.842.1393 f 616.847.1393
christine@springlakevillage.org
Hi Sandy,

I am in receipt of your Ziplock bag full of fireworks debris. You’re absolutely right...I wouldn’t be very happy about that litter either. Unfortunately, we are constrained on fireworks ordinances based on State law. Council amended our fireworks ordinance twice in recent years to lock it down as far as we can, knowing many people struggle with this exact same thing.

In order to prevent this from happening in the future, I have cc:d Sgt. Wendt so that perhaps she (or one of her Deputies) can have a conversation with the property owners pre-emptively. If you have a name and/or address that would be helpful. It is not legal to discharge fireworks to celebrate the Coast Guard Festival. If your neighbors discharge them, it is imperative that you contact OCSO while the violation is occurring. Their non-emergency number is 800-249-0911 and the dispatcher will send the Deputy to the home. Regrettably, there is little we can do after-the-fact.

Here is a link to our fireworks ordinance, for future reference https://ecode360.com/29459586. If, in the future, the State of Michigan allows local municipalities to adjust their fireworks regulations, we would be happy to take another look at our ordinance. Here is the ordinance on littering https://ecode360.com/29461450?highlight=litter,littering&searchId=802067180895734#29461450. I will reach out to Sgt. Wendt & Lukas Hill to see if there is a ticket we can write for littering, but since this occurred several weeks ago, I’m not terribly optimistic.

I’m sorry you have inconsiderate neighbors and hope they don’t feel the need to violate our ordinance in the future. Please send me their address for investigation purposes.

Fondly,

Chris

Christine Burns
VILLAGE MANAGER, VILLAGE OF SPRING LAKE
102 W. Savidge St., Spring Lake, MI 49456
P 616.842.1393  F 616.847.1393
christine@springlakevillage.org
Sandy VandenBosch came in with a large bag of debris (picture attached; I will put bag by mailboxes so you can see) that she picked up in her yard and off her roof from her neighbors (Fall St) shooting off fireworks. She said one landed on her gazebo and burnt a hole on the roof. She would like the Village Council to consider the matter; she suggests maybe an ordinance could limit shooting off fireworks within a certain distance of other people’s property.

Her address is 702 Winter, and her phone #s are: (616) 638-6012 or 842-4631.

Thank you,
Mary Reck, Reception
To the Spring Lake Council.

This is some of my trash from the 4th of July. Please consider telling Winter Heights in Corona to blow fire works near my house, Bleeding holes in my fence and shot trash on my yard next to the house.

Please reconsider allowing fireworks if you would to your house. Of course you would take my house and the complaint about the noise.

Thanks for your attention.

638 6012
4612 4631
(419)
Wow, you just don't get it. Chris, you spent more time collecting all that data. Driving to my house taking pictures of your finger. All I wanted this whole time was someone to call me so I could discuss it. Never even said I wanted it done, but had someone returned my call you would have known that. I wasn't this frustrated till after my 4th visit to your offices. As for your pictures, had someone talked to me which they never did. You would have known I was talking about not so much the sidewalk in front of my house, but all around Douglas Court. You see I snow blow for my neighbors too. Believe me I would be at a meeting, but lucky me I get to work nights. I'm done now. This is getting me no where. Not worth my time.

On Jul 25, 2018 9:31 AM, "Bob Weiselberg" <bob.weiselberg@gmail.com> wrote:

On Jul 25, 2018 8:56 AM, "Christine Burns" <christine@springlakevillage.org> wrote:

President Powers,

Here are the facts that I was able to attribute to this complaint:

- Mr. Weiselberg moved here in 2016 from Cannon Township, just outside of Rockford (Kent County). This is not exactly an apples-to-apples comparison. Townships provide less service and therefore have a lower millage than the Village which provides 24/7 police protection, brush collection, leaf collection, sidewalk snow removal, etc.

- Mr. Weiselberg’s Taxable Value (TV) in Cannon Township (Kent Co) was $96,910 with a total millage rate of 31.4899. His Spring Lake (Ottawa Co) TV is $85,000 with a total millage rate of 39.3972. Mr. Weiselberg stated, “My taxes were not this much in Rockford where I had 3 acres and a more expensive home. We wanted to be closer to the lakeshore.” Mr. Weiselberg chose to move from Kent to Ottawa County; from a rural township to a full-service incorporate community on the lakeshore, which (of course) does come at a price. Side note: Ottawa County has a millage for mental health that Kent County doesn’t have (just one example of several differences between the two counties).

- Mr. Weiselberg’s Village taxes actually went down between 2017 ($906.13) and 2018 ($882.30). They went up in 2016 because when he purchased the property, the SEV came uncapped. He paid $197,500 for his home and it’s currently assessed at $85,000 (so less than ½ the True Cash Value 2 years later).
• One lip on his sidewalk is the width of my finger. The second lip is less than the width of my finger (and I don’t have fat fingers...for the record 😊). The courts have determined that a trip hazard less than 2” qualifies for governmental immunity.

• I had a conversation with Ben about the work order that was submitted last fall. Ben indicated that he went to the address and spoke with a person he assumed was the property owner. Ben painted the green stripes on the sidewalk to eventually obtain quotes for grinding the lip. He explained to the person that these sidewalks were in good condition compared to many within the Village and the repair would not be a high priority.

• Last year, the Village allocated all the pathway millage (plus money from the general fund) to repair the connector path over the bridge to Grand Haven/Ferrysburg. This year, the Village has allocated all the pathway millage (plus money from the DDA & the general fund) to replace the lights along Lakeside Trail. With those two extremely expensive projects behind us, the Village will have funding available for sidewalk replacement and repair in the future. However, we do not have any sidewalk grinding in the 2018/2019 budget.

Hope this explanation helps both you and Mr. Weiselberg. Please let me know if you have further questions or concerns.

Thanks,

Chris

Christine Burns

Spring Lake Village Manager

102 W. Savidge
From: Mark Powers <mark.powers.jd@gmail.com>
Sent: Monday, July 23, 2018 2:59 PM
To: Christine Burns <christine@springlakevillage.org>
Cc: bob.weiselberg@gmail.com
Subject: Fwd: Sidewalk

Chris,

I am copying Mr. Weisberg on this.

Below is an email I received from a Village resident. I believe this is better directed to you and Wally.

Mr. Weisberg, yes, the Village has conducted sidewalk repairs and grinding on an ongoing basis. To be candid, right now we at the Village are finding it difficult to obtain services in a variety of areas, because the economy is so good that service vendors are picking their jobs, rather than seeking them. Getting concrete poured and sidewalks repaired is more a case of asking/begging people to do the work, rather than selecting among available contractors.

-------- Forwarded message --------
From: Bob Weiselberg <bob.weiselberg@gmail.com>
Date: Mon, Jul 23, 2018 at 12:37 PM
Subject: Sidewalk
To: <mark.powers.jd@gmail.com>
Mr Powers,

Let me start by introducing myself. I am Bob Weiselberg, I live at 218 Douglas Court. My wife and I purchased this home 2 years ago. Soon after we moved in we noticed around the village that the sidewalks had been ground down where the sections are uneven, however they were not ground down on our street. When I snow blow my blower hits the high edge of the sidewalk. That's when I decided to come in and talk to someone about getting ours ground down too. After I did I noticed a couple weeks later that there were several spots marked where the cement is cracked. This was all done last fall. As the months went by nothing happened so in April I stopped in to see what if any progress was happening. I heard nothing, then In June I stopped in again. For the 3rd time my number was taken and I was told I should get a call back. As the weeks passed I still did not get a call back. It would be an understatement if I said I wasn't frustrated. It has been almost a year and I have made 4 visits to the village building, but for whatever reason I can not even receive a call back. When I purchased this home my taxes went up 20 to 25%. I expect more from what I was told was a good place to live. My taxes were not this much in Rockford where I had 3 acres and a more expensive home. we wanted to be closer to the lakeshore. I'm not sure who the Manager is that is in charge of the sidewalks, but according to the very pleasant person at the front desk he has been told about me every time. He might not be an elected official, but in my book as long as I pay his wages via taxes he works for me and my neighbors and it appears he is not doing a very good job. Please see what you can do to address my concerns. I would greatly appreciate it.

Thank you

Bob Weiselberg

616-502-9004
Mr. Weiselberg,

My sincerest apologies that my response was not more timely. The week that you sent your email, I was out-of-town; I’m still trying to get caught up on emails, voicemails and snail mail.

The short answer to your question, “I just wonder why it takes so long to do something or get something accomplished when our neighbors can do it so much faster and efficiently” is that they have staff. At this time, Village office staff includes a Deputy Treasurer/Utility Billing Clerk, a Deputy Clerk, a DDA Director, a part-time Clerk/Treasurer and myself. There is only so much bandwidth amongst us and large projects take time and resources. The paperwork & preparation that needs to be done to bond for the improvements to Tanglefoot is based on engineering estimates and designs (all of which take a great deal of time) and the amount of time it takes to raise $1,500,000 in a capital campaign is also staggering. If you look at any project (i.e. Lynn Sherwood Waterfront Stadium) time line in Grand Haven, it mimics what we are going thru with Tanglefoot, except they didn’t have a pandemic to deal with when it came to design, engineering, bid proposals, and materials acquisition.

If you follow social media, you will see that the DDA is submitting a proposal to the GHACF for a grant to install games similar to what Grand Haven has placed at Chinook Pier. These games would be placed in our new Social District, which I feel obligated to point out that Grand Haven does not have. In order for the grant to be funded, there will be a vote by the people on Facebook. This project will be competing against 3 other proposed Village projects (hammock stands for Central Park, handicapped accessible swings for Central Park and murals downtown). Be sure to follow the Village’s FB page and vote for your favorite (obviously the games for downtown 😊).

We’ve had a great deal of economic development in our downtown in the past 3 years. All of this development requires staff attention, public meetings and board decisions. It’s true that we move at the speed of government sometimes, but please know that we are doing our best on your behalf and the behalf of all of the residents of the Village. We have recently hired two new employees which will help us be more nimble going forward. We are anticipating the Tanglefoot site to be scraped within the next 30 days and construction to commence shortly thereafter.

Your statement, “I’ve made recommendations, but I’ve come to the conclusion that’s a waste of time” concerns me. After researching my archived communications, I can only find one communication (attached) regarding sidewalks in your neighborhood. If you’ve made recommendations regarding Tanglefoot Park in the past, they have not made their way to me. Please feel free to email me directly; as Mark stated, he does have a full-time job and a family. In the chain of command, I typically am the first person to reach out to and always forward communications to the entire Village Council. You can find this communication, and all other communications in the monthly agenda reports on our website. They are posted on the Friday prior to each meeting. [http://www.springlakevillage.org/boards/village-council/](http://www.springlakevillage.org/boards/village-council/)

Fondly,

Chris

Christine Burns
I left it to Chris Burns to respond. I expect she will. But in addition to the village's formal response, I thought I would send you a more personal communication as well.

First, in case you did not know, my position as president is not an actual job. During the day, I work in my own business and profession, in order to earn a living. Like you.

Therefore, village matters must be addressed in my free time not otherwise taken up by work or family.

So I tend to strictly limit village business to village time, when possible. Namely, the two monthly meetings.

I understand that you cannot attend village meetings, due to work demands. So you likely understand.

I also tend to refrain from isolated email communications. The village's business is public business. It should be conducted in a public forum, not via private email. Other people have a right to know what you say to me and what I respond with.

For that reason, we tend to include in the minutes and formal record of our proceedings the communications we receive from the public.

Turning to your specific proposal, my general thought on suggestions for new work on any item is to ask: how much money should be allocated to the idea?

Your idea requires purchasing materials, allocating staff and DPW time, increased insurance premiums, ongoing repairs, etc.

So, Mr. Weiselberg, I will ask you the same question I ask anyone, including village staff, proposing a new project: What are the costs of your idea?

I note, however, we are going to tear up that park in relatively short order. (August, I am told.)

Now you will forgive me, I hope, it is late. I am tired. And I have to be in Chicago tomorrow.
On Wed, Jul 28, 2021 at 1:20 PM Bob Weiselberg <bob.weiselberg@gmail.com> wrote:

Hmmm, no response. Why should that surprise me.

On Thu, Jul 15, 2021, 1:42 PM Bob Weiselberg <bob.weiselberg@gmail.com> wrote:

Mark, it has been 3 years that the park that once was used to camp on has sat vacant. I understand there are plans to do something with it and that you are waiting for donations. How about taking a page out of Grand Havens book and do something for the short term. It has only been a year and they made cement Foosball tables, ping pong and corn hole. For the area down by the charter boats. I know it’s not much, but it’s something. I drive by the old campground everyday and see a waste of space. I’ve made recommendations, but I’ve come to the conclusion that’s a waste of time. I would come to a meeting, but I work 2nd shift and that’s not possible for me. I just wonder why it takes so long to do something or get something accomplished when our neighbors can do it so much faster and efficiently.

Bob Weiselberg
Elizabeth Wheeler called. She said there were 3 dogs at Lakeside Beach when she was there yesterday. She reported it to the Sheriff’s Dept., and a Deputy came out. She spoke with her, and the Deputy suggested Elizabeth call the Village to recommend there be a larger (or more) signs indicating dogs are not allowed on the beach. Elizabeth would appreciate a call (she said you have her # 😊) to know if there will be a larger sign erected.

Thank you,
Mary Reck, Reception
Hi Alex,

Thanks for reaching out regarding the food truck issue. This has been brought up a couple of times over the past few years as food trucks really gain in popularity. The current zoning ordinance prohibits food trucks. During COVID, we relaxed a number of ordinances (i.e. signs, food trucks, parking, etc.) in an attempt to help the bricks and mortar establishments remain viable. Joe was aware that the Smoke N Ash truck was only going to be allowed at Stan’s temporarily and it would eventually need to cease doing business in the Village. My apologies if you were not aware that was going to be the case.

Recently, the DDA discussed this topic and recommends that food trucks not be permitted. The reason for that is there are 19 food establishments (soon to be 20) within 1 square mile. Each of these businesses struggled thru COVID. They continued to pay rent/mortgages, utilities, unemployment and taxes in order to remain open to serve our 2,323 residents. These are the same businesses who sponsor little league teams, who donate to silent auctions and who employee our community members. To allow food trucks to come in, poach business and drive off at the end of the day goes against everything we are trying to accomplish in redeveloping our downtown. We absolutely do not want to lose these bricks & mortar establishments and we do not believe residents want to see these businesses go dark either. Food trucks will continue to be allowed as part of a permitted special event (i.e. Heritage Festival Car Show or Snow Jam) but imagine what would happen if a pizza truck consistently came into the Village. Do you feel that the Village population could support the food truck as well as Mama Mia's, Marco's, Little Caesar's, Two Tony's and Village Baker (all of whom sell pizza)?

Here are a list of the 19 establishments we already have in the Village:

- Burger Theory
- Old Boys Brewhouse
- Marco’s Pizza
- Wok & Roll
- Arby’s
- Subway
- Brooklyn Bagels
- McDonald’s
- Fuel
- Idle Hour
- Mama Mia’s
- Stan’s
- Finn’s
- Village Baker
- Little Caesar’s
- Front Porch
- Butch’s Beach Burritos
- Vibe
- Two Tony’s
In order to get an ordinance amended, you would need to convince the DDA to support changes to the current ordinance. If you can get the DDA on board with your idea, the Planning Commission would have to consider recommending changes and, finally, Council would have to approve as well. While I think you may have some community member support initially (I mean....who doesn't love a good food truck, right?), when they contemplate the true impact to our current bricks & mortar establishments their tune may change. You will also be fighting an uphill battle with the business owners within the DDA, who will certainly attend all the public hearings that are necessary to get this over the finish line. I don't want to discourage you if this is something you're passionate about, but I just want to set expectations up front. Food trucks are awesome in 1) large communities and 2) communities without enough food options, but that is not the case here.

Please feel free to call me if you would like to chat. Happy to email, too!

Fondly,

Chris

Christine Burns

102 W. Savidge St., Spring Lake, MI 49456
P 616.842.1393   F 616.847.1393
christine@springlakevillage.org

-----Original Message-----
From: Brad and Alex Ashcraft <smokenashscatering@gmail.com>
Sent: Tuesday, August 3, 2021 10:59 PM
To: Lukas Hill <LHill@springlaketwp.org>
Subject: Re: Food Trailer Questions

Hi Lukas,

Thank you for the email back! I appreciate the information. I do have one question as far as food trucks being on private property. During the flea market in the Harvest parking lot I noticed they had a food truck, this is what got me thinking about the private property aspect of this and when I talked to you a few months back you mentioned about Stan’s owning the alley way and thought that may be an option.

I am by no means trying to impose on tax paying businesses but just hoping that maybe we can come up with a resolution. There aren’t many restaurants within The Village that are open on Sundays and Mondays and from me working at Stan’s I know people are out, wanting to eat on those days.

I am not very familiar with local government but would love to be able to approach this topic with the appropriate people, if you have any suggestions I would greatly appreciate it.

Thank you for your time,

Alex Ashcraft

> On Jul 28, 2021, at 10:45 AM, Lukas Hill <LHill@springlaketwp.org> wrote:
> 
> > Hi Alex,
> > > The Village does not permit food trucks in any zoning district on private or public property. Only uses that are specifically permitted in each zoning district are allowed and food trucks are not listed as a permitted use. In other words, a zoning ordinance is a permissive document and lists only permitted uses and it does not attempt to list all of the prohibited uses. My understanding is that the Village decided to not allow food trucks in order to support the “brick and mortar” businesses that pay significant taxes and provide jobs.
> > > Please let me know if you have any further questions.
> > > Best,
Hi Lukas,

I am Alex Ashcraft with Smoke N Ash’s, I previously talked to you about the ordinance against food trucks in the Village. I wanted to email you to clarify the ordinance. If we are on private property within the village are we ok to operate? If you could send me a copy of the ordinance that would be great, I am having a hard time finding it on my own.

Thank you for your help,

Alex Ashcraft
Joan,

Lloyd’s Bayou has their own board. Here is the link:

http://www.springlakevillage.org/lloyds-bayou-lake-board/

I know the Chairperson of the board regularly boats on the bayou and his grandkids swim all the time. I would say that if he's comfortable putting his grandkids in the water, that you're probably A-OK! 😊

Have a safe Coast Guard weekend!

Chris

---

From: Marco Polo <mark.powers.jd@gmail.com>
Sent: Thursday, July 22, 2021 4:03 PM
To: JE Rich <joanelnis@gmail.com>; Christine Burns <christine@springlakevillage.org>
Subject: Re: Help

Joan,

1. I have been swimming in Spring Lake since I was five years old. I am now 51. No adverse effects that I know of. (Perhaps my IQ has been affected a little bit, however.)

On occasion, back about a decade ago, there were some warnings coming out of Grand Rapids, when they were dumping their raw sewage into the Grand River. But that is fixed, and it doesn't happen now.

2. On those occasions where there is a lake advisory of some sort, due to algae or on a bacterial growth bloom, I would expect the village or township authorities to post information about it on the local government website. That would be a good place to check. The same would go for Ottawa County, I would expect. I am less familiar with the county notification systems, however.

3. I copied Chris Burns, the village Manager, on this email. She might be able to direct you to something more informed and authoritative than me.

On Thu, Jul 22, 2021, 3:43 PM JE Rich <joanelnis@gmail.com> wrote:

> I'm new to area and can't seem to find anyone who can tell me if Lloyds bayou is safe to swim (fall off paddle board) in. Can you please help me?
> Is there a health dept?
> Thank you,
> Joan Rich
>
> Sent from my iPhone
President **Powers** called the meeting to order at 7:00 p.m.

1. **Assistant to the Village Manager – Burns** provided an overview of the Assistant to the Village Manager position through a Work Session Agenda Report dated July 9, 2021. **Council** discussed this position along with item 2.

2. **Communication Specialist – Burns** provided an overview of the Communication Specialist position through a Work Session Agenda Report dated July 9, 2021. **Council** discussed this position. President **Powers** asked if the Township was interested in sharing a Communication Specialist. **Burns** said she had asked the Township if they were interested in sharing either of these positions, but the Township Board members were not able to come to an agreement on the need, so they prefer to not commit. **Council** agreed that these positions were needed for the Village, and place these items on the Consent Agenda.

3. **Alden Street Right-of-Way – Burns** gave an overview of the Alden Street right-of-way permit through a Work Session Agenda Report dated July 9, 2021. **Council** agreed these monitoring wells were a requirement and for the good of the community. This item would be added to the Consent Agenda.

4. **Alden Street Crossing – Burns** provided an overview of the Alden Street crosswalk through a Work Session Agenda Report dated July 9, 2021. **Council** agreed to accept the low bid from RA Holmes and add this item to the Consent Agenda.

5. **4-Way Stop Jackson & Exchange – Burns** provided an overview of the 4-Way stop request for Jackson & Exchange from Gary Hanks through a Work Session Agenda Report dated July 9, 2021. President **Powers** suggested a 3-way stop at Exchange and Meridian. Mr. Hanks said he was concerned with speed on Exchange, especially with the Tanglefoot Parks redevelopment. **Burns** shared that a Traffic Study would be done for Tanglefoot Park. **Council** discussed the Exchange Street traffic issue and the need to slow vehicles down.

6. **Ordinance Amendment (PILOT) – Burns** provided an overview of the Ordinance Amendment (Pilot) through a Work Session Agenda Report dated July 9, 2021. **Council** discussed building size, height, and parking for the 53-unit senior housing building on E. Savidge and agreed to allow the applicant to move forward. **Council** agreed to have **Burns** get ordinance drafted.

7. **Ordinance Amendment (Peddler/Solicitor) – Burns** provided an overview of the Peddler/Solicitor ordinance amendment through a Work Session Agenda Report dated July 9, 2021. **Council** agreed this ordinance needed to be updated.

8. **Incentives for ACH & Digital Billing – Burns** provided an overview of incentive ideas for ACH & Digital Billing sign up through a Work Session Agenda Report dated July 9, 2021. **Council** discussed incentives for ACH & Digital Billing sign up and/or disincentivizing paper billing. **Council** agreed that
Burns should ask Spring Lake Township how they have achieved such a high percentage of ACH & ebilling customers and to purchase gift cards from local businesses as incentives for signing up for ACH and digital billing.

9. **MML Worker’s Compensation Ballot – Council** needed no discussion and agreed this item could be added to the Consent Agenda.

10. **Business of the Year Award – Council** discussed which business they would like to nominate for Business of the Year and chose On the Path Yoga.

11. **Mediation Settlement Authority – Burns** provided an overview of the Mediation Settlement Authority through a Work Session Agenda Report dated July 9, 2021. **Council** agreed to approve Manager Burns and/or President Powers as the person/people authorized to settle the mediation on behalf of the Village.

12. **Wage & Salary Survey – Burns** provided an overview of the wage and salary survey through a Work Session Agenda Report dated July 9, 2021. **Council** agreed it was time to do a wage and salary survey and to add this item to the Consent Agenda.

13. **Communications** –
   - Complaint – Noise (downtown)
   - Complaint – Noise (Village Cove Marina)
   - Complaint – Parking at Dollar General
   - Complaint – Storm water at 205/207 Dixie
   - Complaint – Township code enforcement & weeds
   - Complaint – Traffic on S. Lake
   - Complaint – On-street parking on Exchange
   - Complaint – Water shut-off
   - Court Date – 341 S. Lake
   - Economic Development Update – Chamber of Commerce
   - Heroes & Legends Dinner

14. **Minutes** – Minutes of the May 10, 2021 Work Session and May 17, 2021, Council meeting are attached for review. June minutes should be completed by early next week. Should you wish to make edits, please share that information with Chris Burns or Maryann Fonkert prior to July 16, 2021.

15. **Public Comment** –


17. **Adjournment:** There being no further business, Village Council adjourned the meeting at 8:21 p.m.

__________________________________  _________________________
Mark Powers, Village President                   Maryann Fonkert, Deputy Clerk
1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call


Absent: TePastte

Motion by Duer, second from Miller, to excuse the absence of Council Member TePastte.

Yes: 6  No: 0

4. Approval of the Agenda

Motion by Duer, second from Miller, to approve the agenda as presented.

Yes: 6  No: 0

5. Consent Agenda

A. Approved the payment of the bills (checks numbered 61780 to 61834 and electronic payments 207 to 212) in the amount of $601,166.96.

B. Approved the minutes for the May 10, 2021 work session and the May 17, 2021 Council Meeting.

C. Approved the minutes for the June 14, 2021 work session and the June 14, 2021 Council Meeting.

D. Approved to seek a proposal from Edgewater Resources to apply for a grant for boat docks.

E. Approved the creation of a Communication Specialist position.

F. Approved a request from the Cote La Mer Condominium Association to place two monitoring wells in the Alden Street Right-of-Way.

G. Approved the purchase of Spring Lake merchant gift cards valued at no more than $500 for the ACH & digital billing incentive gifts.

H. Approved the MML Worker’s Compensation ballot.

I. Approved Village President Mark Powers and Village Manager Christine Burns as having mediation settlement authority in the case Martinus v. Village of Spring Lake

J. Approved a compensation study to be performed by the Michigan Municipal League.
Motion by Duer, second from Miller, to approve the Consent Agenda as presented.

Yes: 6  No: 0

6. General Business – None.

7. Department Reports
   A. Village Manager – Burns added that the Social District was up and running and Stan’s would be holding a fundraiser, the Laker Leader Loop (.33 miles), for the SL Cross Country Team, and that she would be leaving the next day for a MME Summer Workshop in Rochester.
   B. Assistant to the Manager (none included)
   C. Clerk/Treasurer/Finance Director
   D. DDA
   E. OCSO
   F. Fire/911
   G. DPW
   H. Zoning/Planning
   I. Water (none included)
   J. Sewer
   K. Minutes from Various Board & Committees
      1. Planning Commission (05/25/21)

8. Old Business and Reports by the Village Council – N/A

9. New Business and Reports by Village Council – N/A

10. Status Report: Village Attorney – N/A

11. Statement of Citizens

   There were no statements of Citizens.

12. Adjournment

   Motion by Van Strate, second from Miller, Village Council adjourned the meeting at 7:07 p.m.

   Yes: 6  No: 0

____________________________   __________________________
Mark Powers, President          Maryann Fonkert, Deputy Clerk