



CITY COUNCIL WORKSHOP AGENDA

December 7, 2022 – 4:00 pm

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

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

1. **Call to Order**
2. **Roll Call**
3. **Agenda Changes** (Additions/Deletions)
4. **Guest Speaker**
5. **Public Comment on Agenda Items Only** (Limit 3 minutes)
6. **Discussion Items:**
 - A. Resolution 221212-A City Council 2023 Schedule of Meetings
 - B. Spear Street License Agreement
 - C. Planning Commission and Zoning Board of Appeals
Appointments
7. **Public Comments** (Limit 3 minutes)
8. **Closed Session:** Pursuant to MCL 15.268 (e) to consult with the City attorney regarding special counsel to assist on trial strategy in connection with specific pending litigation involving Dune Ridge, SA, LP vs. City of Saugatuck, Case No. 21-64709.
9. **Correspondence:**
 - A. Board of Review Vacancy Notice
 - B. Jim Bouck
 - C. Gary Medler
10. **Council Comments**
11. **Adjourn** (Roll Call)

NOTICE:

Join online by visiting:

<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:

**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":

2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:

ryan@saugatuckcity.com

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting.

Please contact Saugatuck City Clerk at 269-857-2603 or

Wolters@saugatuckcity.com for further information.



City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: December 12, 2022
SUBJECT: City Council Schedule of Meetings for the year 2023

DESCRIPTION:

Michigan’s Open Meetings Act (Public Act No. 267 of 1976, as amended) states that within 10 days of the first meeting of the public body in each calendar or fiscal year, the body must publicly post a list stating the dates, times, and places of all its regular meetings at its principal office.

Section 4.13 of the City Charter- Regular meetings of the council shall be held at least twice in each calendar month at the usual place of holding meetings of the Council. If any time set by resolution of the Council for the holding of a regular meeting of the council shall be a holiday, then such regular meeting shall be held on the next following secular day which is not a holiday or on such other day as may be set by the Council.

Regular City Council meetings will be held at Saugatuck City Hall, 102 Butler Street, Saugatuck, MI 49453 at 7:00 p.m. on the second and fourth Monday of each month.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** Resolution 221212-A listing the City Council schedule of meetings for the year 2023.

**City of Saugatuck
County of Allegan
State of Michigan**

RESOLUTION NO. 221212-A

A RESOLUTION ADOPTING CITY COUNCIL SCHEDULE OF MEETINGS FOR 2023

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

WHEREAS, Section 4.13 for the City Charter requires that regular meetings of the City Council shall be held at least twice in each calendar month and;

WHEREAS, Michigan’s Open Meetings Act (Public Act No. 267 of 1976, as amended) states that within 10 days of the first meeting of the public body in each calendar or fiscal year, the body must publicly post a list stating the dates, times and places of all its regular meetings at its principal office.

NOW, THEREFORE, IT IS RESOVED THAT:

1. Regular City Council meetings will be held at Saugatuck City Hall, 102 Butler Street, Saugatuck, MI 49453 at 7:00 p.m. on the second and fourth Monday of each month.
2. Special and Irregular meetings of the City Council require a notice posted indication the date, time, and place at least 18 hours before the meetings.
3. The City Council adopts the following meeting schedule for the regular City Council meetings for 2023.

January 9, 2023	May 8, 2023	September 11, 2023
January 23, 2023	May 22, 2023	September 25, 2023
February 13, 2023	June 12, 2023	October 9, 2023
February 27, 2023	June 26, 2023	October 23, 2023
March 13, 2023	July 10, 2023	November 13, 2023
March 27, 2023	July 24, 2023	November 27, 2023
April 10, 2023	August 14, 2023	December 11, 2023
April 24, 2023	August 28, 2023	December 25, 2023

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABESTN: _____

ADOPTED this 12th day of December 2022

Signed: _____
Scott Dean, Mayor

Jamie Wolters, City Clerk

Certification:

I, Jamie Wolters, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is true and complete copy of resolution adopted by the Saugatuck City Council at a regular meeting held on December 12, 2022, in compliance with the Open Meetings Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

Jamie Wolters, City Clerk



FROM: Ryan Heise
MEETING DATE: 12.7.22
SUBJECT: Spear Street Launch ramp Operation

DESCRIPTION:

The CITY OF SAUGATUCK, a Michigan home rule city with offices located at 102 Street, Saugatuck, Michigan 49453 (“City”) and Star of Saugatuck, LLC of 716 Water St., Saugatuck, Michigan 49453 (collectively, “Operator”), enter into the attached Launch Ramp Management Agreement (“Agreement”).

BUDGET ACTION REQUIRED

N/A

COMMITTEE/COMMISSION REVIEW

None

LEGAL REVIEW

No.

SAMPLE MOTION:

Approve the continuation of the Spear Street Launch Agreement with “Star of Saugatuck,” agreement begins March 1, 2023 to November, 2023.

LAUNCH RAMP MANAGEMENT AGREEMENT

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

RECITALS

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

AGREEMENT

The parties agree as follows:

1. Term. The term of this Agreement shall extend from March 1, 2023 through November 30, 2023, unless sooner terminated as provided in this Agreement. The Operator will provide services under this Agreement from March 1 through November 30 during each calendar year of the term.
2. Operator Obligations. The Operator shall, at its sole cost and expense, manage and operate the Ramp. The Operator’s obligations shall include:
 - 2.1. Overseeing the use of the Ramp, it being understood by the Operator that the Ramp has historically been used by the public from March through November and during both daylight and non-daylight hours; provided, however, that the minimum hours of supervision by the Operator required under this Agreement shall be from 8:00 a.m. to 5:00 p.m. for the months of March, April, May, September, October and November and from 8:00 a.m. to 9:00 p.m. for the months of June, July and August unless otherwise agreed to by the City Manager;
 - 2.2. Collecting (including personally and via secured collection boxes) fees from users of the Ramp according to the schedule of fees adopted by the City (“User Fees”), and remitting such fees to the City on not less than a monthly basis;

- 2.3. Maintaining accurate records of all persons using the Ramp during the hours specified in Section 2.1 and all fees assessed and collected. The Operator will also use best efforts to prepare a list of those persons who use the Ramp during the hours of operation described in Section 2.1 but fail to pay User Fees. This provision will not require the Operator to conduct any investigation to determine the identity of users who fail to pay user fees, but the Operator will maintain records containing identifying information concerning such users, such as vehicle license plate numbers and/or watercraft MC numbers ;
- 2.4. Providing access for those persons using the Ramp to the bathroom facilities located on the Operator's property adjacent to the Ramp during the hours the Operator's facilities are open to the public; and
- 2.5. Overseeing the use of the Ramp and adjacent street end in a good faith effort to control, and promptly reporting to the City any instance of, misuse or improper use of the Ramp, such as: (1) the operation of boats causing damage to the Ramp or areas adjacent to it; (2) the mooring of boats at the Ramp; and (3) the conduct of commercial activities at the Ramp.

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

3. Operator Compensation. In consideration of its obligations hereunder, the City shall pay to the Operator 50% of all User Fees collected and remitted to the City by the Operator, which payment shall be made in accordance with City payment policies. Remittance of the User Fees to the City shall be accompanied by all documents the City may reasonably request. The Operator shall remit User Fees on at least a monthly basis, or more frequently if the Ramp is used frequently. Additionally, the City may request at any time during the term of this Agreement that the Operator provide to the City reports and other documents regarding the use of the Ramp.
4. Expenses. The Operator shall, at its sole expense, provide all supplies, equipment and labor for performing, and shall pay all expenses associated with the performance of, its obligations under this Agreement; provided, however, that the City shall pay the expenses with respect to the printing of launch passes to be used by the Operator.
5. Relationship of the Parties. The Operator shall act as an independent contractor. Nothing herein shall be deemed to grant to the Operator any legal or equitable interest in the Ramp.
6. Termination. Either party may terminate this Agreement at any time upon material breach of this Agreement by the other party. Further, either party may terminate this Agreement without cause upon 10 days prior written notice; provided, however, that the Operator shall not terminate this Agreement without cause from March through November. Upon termination, the Operator shall remit to the City the User Fees collected through the date of termination, and provide the City with all supporting documentation, and upon such remittance, the City shall pay the Operator as provided in Section 4.

7. Indemnity. Each party (“**Indemnifying Party**”) agrees to hold the other party, including such other party’s officers and employees (collectively, “**Indemnified Party**”), harmless from, indemnify the Indemnified Party for, and defend the Indemnified Party (with legal counsel reasonably acceptable to Indemnified Party) against any liability for damages, injury or other casualty and any costs and expenses, including reasonable attorneys’ fees, caused or arising from: (1) any act or omission by Indemnifying Party or its agents or employees with respect to Indemnifying Party’s obligations under this Agreement; and (2) a breach by Indemnifying Party of any of its obligations under this Agreement.
8. Insurance. The City shall maintain general liability insurance with respect to the Ramp, as well as property insurance with respect to any damage or destruction of the Ramp. The Operator shall be responsible for maintaining general liability insurance with respect to the performance of its obligations hereunder and with respect to the services it will provide pursuant to this Agreement. Additionally, the Operator shall maintain automobile insurance in such amounts as the City may reasonably request.
9. No Assignment. This Agreement shall not be assigned, in part or in whole, without the prior written consent of the City in the City’s sole and absolute discretion.
10. Third-Party Beneficiary. No person shall be deemed to be a third-party beneficiary of this Agreement.
11. Miscellaneous. This Agreement is written pursuant to the laws of the State of Michigan and was made in Allegan County, Michigan. This is the entire agreement between the parties regarding its subject matter. There are no contemporaneous agreements. It may not be modified or amended except in writing, signed by both parties. More than one copy of this Agreement may be signed, but all constitute but one agreement.

Executed this 12th day of December, 2022.

CITY OF SAUGATUCK

Date _____

By _____

Scott Dean
Its Mayor

Date _____

And by _____

Jamie Wolters
Its City Clerk

OPERATOR

Date _____

By _____

Date _____

And by _____

391565.04



City Council Agenda Item Report

FROM: Ryan Cummins

MEETING DATE: 12/12/2022

SUBJECT: Planning Commission and ZBA Appointments

DESCRIPTION:

The City Clerk provided notice that the city is accepting applications for the Planning Commission. Six applications have been received for the open seats. All six applicants were contacted to participate in an interview with Mayor Dean, Chairperson Manns and myself on December 9.

One applicant elected to pass on the Planning Commission interviews and instead interview for the open Zoning Board of Appeals seat. A second applicant withdrew their application for family reasons.

The following candidates will be interviewed on Friday. Following the interviews, a recommendation to Council on who to appoint will be made by Mayor Dean:

Planning Commission Interview Schedule	
Friday, December 9	
9:00	Michael Kenny
9:30	Christopher Bagierek
10:00	Holly Anderson
10:30	William Donahue

The City Clerk also provided notice that the city is accepting applications for the Zoning Board of Appeals. Two applicants are interested in the open seat. One of the applicants is a current ZBA alternate member who wishes to be considered for the regular seat. Both applicants were contacted to participate in an interview with Mayor Dean, Chairperson Kubasiak and myself on December 14.

Following the interviews, a recommendation to Council on who to appoint will be made by Mayor Dean:

ZBA Interview Schedule	
Wednesday, December 14	
11:00	Kate McPolin
11:30	Jane Verplank

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

Planning Commission Chairperson, Steven Manns, has been provided with a copy of the applications and interview questions and advised he will be attending the interviews on December 9.

Zoning Board of Appeals Chairperson, Bob Kubasiak, has been provided with a copy of the applications and interview questions and advised he will be attending the interviews on December 14.

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Sample motion related to Planning Commission appointments to be provided in your December 12 packet based on Mayor's recommendation.

Jamie Wolters

From: no-reply@weebly.com
Sent: Sunday, November 20, 2022 9:18 PM
To: Jamie Wolters
Subject: New Form Entry: Application for Boards & Commissions

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

[Mark as Spam](#)

Submitted Information:

Name

Holly Anderson

Email

andersonholly616@gmail.com

Home Phone Number**Mobile Phone Number**

615-319-6123

Address

567 Weirich Dr.
Saugatuck, MI US 49453

Current Employer

Retired

Occupation/Position

Business Phone Number

Business Reference Name

Business Reference Phone Number

Business Reference Email

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

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

Yes

On which boards and/or commissions would you be willing to serve? .Planning Commission

1

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

My cover letter provides more detail, but to sum up, I am keenly interested in participating in any updates to the Tri-Community Master Plan and discussions about how to best address our approach to short-term rentals. My background as a consultant to businesses undergoing significant change has given me strong skills at working with diverse

stakeholder groups.

Digital Signature

Holly Anderson

Submitted Files

Cover Letter

[holly_anderson_cover_letter.pdf](#)

Resume

[holly_anderson_resume_2022.pdf](#)

November 20, 2022

Steven Manns, Planning Commission Chair
Jamie Wolters, City Clerk
City of Saugatuck
100 Butler Street
Saugatuck, MI 49453

Dear Steve and Jamie,

I'm writing to express my interest in joining the Saugatuck Planning Commission and have completed the online form and provided a copy of my resume.

When I retired from professional employment nearly a year ago, I set a goal to make time for my personal passions – longer walks with my dog, more time with family and friends, reading, and having fun, while also finding new opportunities to use my skills and experiences to serve my community. It's been a great start to this phase of my life and I'm excited about what lies ahead.

As a communications consultant for the Saugatuck Dunes Coastal Alliance, I've learned the critical importance of the Planning Commission in ensuring that our neighborhoods, local businesses, and natural space continue to thrive. And, even before Steve reached out to see if I might be interested in applying for a position, I had given that thought.

In addition to the month-to-month work of the Planning Commission, I am particularly interested in participating in any assessments and updates to the Tri-Community Master Plan – an invaluable roadmap for our communities. I'm also keenly interested in exploring how best to approach short-term rentals, which are essential for our tourism economy while also creating issues (noise, trash, overall vibe) for our neighborhoods, including mine. My experience consulting with companies undergoing significant business and cultural challenges has taught me to be fair-minded, pragmatic, and collaborative in addressing the competing interests of different stakeholders. I believe those skills, coupled with an ability to get up to speed quickly on new assignments, would make me an effective Planning Commission member.

Please let me know if you'd like me to provide references who can speak to my work and working style. I look forward to next steps.

Best regards,

Holly Anderson
567 Weirich Dr.
Saugatuck, MI 49453
andersonholly616@gmail.com
615-319-6123

Holly Anderson (she/they)
andersonholly616@gmail.com
615-319-6123
567 Weirich Drive
Saugatuck, MI 49453

Overview: After 40+ years consulting with organizations and leaders on strategic communications and change initiatives, I retired from the [FleishmanHillard](#) Talent + Transformation practice at the end of 2021 with the goal of shaking things up, learning new things, spending more time with friends and family (including my dog and cats), and using my skills and experience to advocate for social, environmental, and economic justice.

Current Volunteer Commitments:

- [Saugatuck Dunes Coastal Alliance](#), Saugatuck, MI (March 2022 – present): I serve as an advisor to the board of directors and am a member of the executive committee to collaborate on communications strategy, planning, messages, and implementation.
- [Grace Episcopal Church](#), Holland, MI (January 2017 – present): I currently serve as vestry clerk and executive committee member and co-lead of the short-term care team, which provides support for parishioners needing help during challenging life events. I previously served as a vestry member and co-lead the yearlong 150th anniversary celebration.
- [Community Action House](#), Holland, MI (October 2021 – present): I work at least one monthly shift to stock shelves and sort through donations at [Food Club](#), a membership-based grocery store that provides choice, flexibility, and access to healthy foods for low-income community members.

Professional Highlights:

- **FleishmanHillard** (2008 – 2021): As a senior vice president and partner, I consulted with major corporations and their leadership teams to equip and engage employees to successfully navigate significant changes (e.g., acquisitions and divestitures, restructuring and strategy changes, technology transformations, and major workplace issues/crises). Clients included Abbott, AT&T, Cargill, Elanco, General Motors, Lowe's, and Medtronic. I also worked for FleishmanHillard from 1996 – 1998.
- **Independent Consultant** (1999 – 2008): Partnered with clients on financial, reputation management, and employee communications. Clients included Apple, Intuit, and Kodak. Converted to employee status to lead financial and M&A communications at Intuit from 2003-2006.
- [Ketchum](#) | **PR/Marketing** (1998 – 1999): Served as general manager of Ketchum's \$6 million, 30-person Silicon Valley office, which Ketchum acquired in 1997. Responsible for managing significant post-acquisition changes, while driving revenue, client, and staff growth during the .com boom.
- **Continental Bank** (1983 – 1995): Held a variety of communications positions, including media relations, financial communications, employee communications, and marketing communications from shortly before the bank's failure in 1984 through its acquisition by Bank of America in 1995.
- Before joining Continental Bank, I worked for two Chicago-based marketing communications agencies.

Education: Bachelor's degree in English Literature, Occidental College, 1978.

References: Available upon request.

NOV 16, 2022

IP 24.128.129.100

Name

Christopher Bagierek

Email

badge_cj@yahoo.com

Home Phone Number

2486403598

Mobile Phone Number

2486403598

Address

610 Lake Street

PO Box 1104

Saugatuck

MI

49453

United States

Current Employer

Retired

Occupation/Position

Business Phone Number

Business Reference Name

Business Reference Phone Number

Business Reference Email

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

No

If yes, please explain:

United States

Current Employer

Retired

Occupation/Position

Business Phone Number

Business Reference Name

Business Reference Phone Number

Business Reference Email

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

No

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

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

Yes

On which boards and/or commissions would you be willing to serve?

Planning Commission

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

I have attached my most recent resume. My private sector business experience has equipped me with exceptional problem solving skills.

Digital Signature

Christopher Bagierek

Cover Letter

Christopher J. Bagierek

Business Operations Consultant.

PROFILE

30+ year career of automotive equipment turnkey integration. As an operations leader, I have cultivated a “cradle to grave” project management system for automotive equipment installations. I have transferred that system throughout an international network of related companies. This “service first” philosophy encompasses a project from estimation, engineering, fabrication, installation, and validation. I have implemented a premiere quality and safety program that has been recognized as a leader for 10 straight years.

EMPLOYMENT HISTORY

Director of Special Applications
Process Automation Solutions ATS July 2020-June 2021

Company lead subject matter expert for automotive conveyor systems. to automotive customers.

Vice President Automotive Group.
Dearborn Mid-West Company Sept 2000-June 2019

Company lead contact to automotive customers. Developed annual budget, maintain P&L responsibility of group while maintaining direct reporting from a project management team

Project Manager 2003-2007.
Project Engineer 2000-2003

Chief Operating Officer.
Hubei DMW Intelligent Equipment Co. LLC
Sept 2015-June 2018

As COO based in our China office implemented the project management and quality systems, needed to ensure conveyor products would meet the same standards used in the United States. Provide customer interface to International Automotive projects within China.

Controls Project Manager.
Electrical Design and Controls Co. 1994-2000

Controls Project Engineer.
Ann Arbor Computer Co. 1988-1994

DETAILS

610 Lake Street #1104
Saugatuck Michigan 49435
248.640.3598 badge_cj@yahoo.com
DOB: 1969 June 10

EDUCATION.

Michigan Tech University.
Electrical Engineering.
Controls Specialty 1988-1992

SKILLS.

Problem Solving Skills

Analytical Thinking

Business Performance Skills

Direct Communication Style

Project Estimation and Scheduling

REFERENCES.

Jason Benson – DMW 734.934.6857

Tony Rosati – DMW 313.215.2816

Jamie Wolters

From: no-reply@weebly.com
Sent: Friday, June 24, 2022 9:00 PM
To: Jamie Wolters
Subject: New Form Entry: Application for Boards & Commissions

Follow Up Flag: Follow up
Flag Status: Flagged

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

Submitted Information:

Name

Lawrence Botz

Email

lbotz@comcast.net

Home Phone Number**Mobile Phone Number**

6162606826

Address

420 Spear St
Saugatuck, Mi 49453

Current Employer

Retired

Occupation/Position

Former owner Pumpernickel eatery

Business Phone Number

Business Reference Name

Dan Brown

Business Reference Phone Number

Business Reference Email

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

No

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

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

Yes

On which boards and/or commissions would you be willing to serve? .Planning Commission

1

On which boards and/or commissions would you be willing to serve? .Zoning Board of Appeals

1

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

Business owner and resident 34 years
VP operations hotels

Digital Signature

Lawrence Botz



P.O. Box 86, Saugatuck, MI 49453
Phone: 269.857.2603 Fax: 269.857-4406
Website: www.saugatuckcity.com

**APPLICATION FOR APPOINTMENT TO
BOARDS/COMMISSIONS/COMMITTEES**

Name: William E. Donahue II Home Phone: _____

Home/Mailing Address: 995 Maple Woods Drive PO Box 1196

E-mail Address: William.donahue2nd@gmail.com

Employer: Retired 2001 Occupation/Position: VP, Chief HR Officer

Business Phone: _____ Business Reference: _____

Are you a Saugatuck City resident? yes Are you a registered Saugatuck City voter? yes

Do you or your employer have any business dealings with the City which might present a conflict of interest? no If yes, explain _____

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

On which Boards and/or Commissions would you be willing to serve?

- | | | |
|----------------------------|-------------------------------------|-------------------------|
| <u>Planning Commission</u> | <u>Historic District Commission</u> | Zoning Board of Appeals |
| Board of Review | Harbor Commission | Township Fire Board |
| Twp. Recreation Comm. | Kalamazoo Lake Sewer & Water | Library Board |
| Interurban Transit Auth | Peterson Nature Preserve | Construction Board |

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

Recently retired AS A Chief HR Officer. While recently A FT resident, I have owned A home in Saugatuck since 2001.

You may wish to submit a cover letter with your application. Please return the original to the City Clerk's office at the above address for processing. The City of Saugatuck recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Saugatuck's diverse community, including citizens of all ethnic groups as well as people with disabilities. Reasonable accommodations and equal access to communication are provided upon request.

Signature: William E. Donahue II Date: 9/12/2002

****Disclaimer:** Per the City of Saugatuck's retention schedule this application will be kept on file for twelve months, unless you are chosen to serve on a board, then this application is kept on file for the duration of your term. *Will email you A copy of my resume.

COPY: Mayor City Council City Clerk

NOV 16, 2022

IP 143.244.61.78

Name

Michael Kenny

Email

michael.kenny@cfoadvise.com

Home Phone Number**Mobile Phone Number**

269-512-4561

Address

363 Dunegrass Ridge Dr

Saugatuck

Michigan

49453

United States

Current Employer

CFO Advise LLC

Occupation/Position

Principal / Owner

Business Phone Number

2695124561

Business Reference Name

Dennis Kalten

Business Reference Phone Number

917-880-5042

Business Reference Email

dennis.kalten@crowe.com

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

No

Occupation/Position

Principal / Owner

Business Phone Number

2695124561

Business Reference Name

Dennis Kalten

Business Reference Phone Number

917-880-5042

Business Reference Email

dennis.kalten@crowe.com

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

No

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

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

Yes

On which boards and/or commissions would you be willing to serve?

Planning Commission

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

CPA for last 35+ years Past Board Member of Dunegrass Association 2022

Saving the Hemlocks Project

Digital Signature

Michael Kenny

Cover Letter

saugatuck_planning_commission.pdf

To Whom It May Concern:

I am interested in filling a vacant seat on the Planning Commission. As a CPA for 30+ years with a career as a Business Financial Advisor, I am fair-minded with a firm understanding of rules and regulations.

Also, as a full-time resident of the City of Saugatuck, I am very interested in the future development of the City and want to be involved in the City's progress both economically and environmentally.

I look forward to contributing to the City.

Regards,

Mike Kenny

MICHAEL KENNY, CPA, CIRA

Saugatuck, MI 49453 • (269) 512 4561 • Michael.Kenny@CFOAdvise.com • [LinkedIn Profile](#)

SUMMARY OF ACCOMPLISHMENTS

- Track record as an interim CFO for firms up to \$75M in sales and \$25M in debt, Financial Advisor for profit and non-profit firms, FP&A Manager for firms ranging from \$1B to \$7B in sales, and Controller/Director for firms with up to \$100M in sales.
- Proven success as a financial advisor and interim CFO for 80+ clients across diverse industries, conducting detailed business model analysis to identify cash flow and profitability improvement opportunities and develop realistic, best practice solutions.
- A results-driven financial and business consultant with 15+ years of excellence in transforming distressed companies into profitable entities with positive cashflow, improved capital structures, and objective and metric focused management.
- Highly proficient in stabilizing and improving financial systems through customized cash flow projections, integrated financial projections, customer/SKU profitability analysis, objective driven metrics, stakeholder analysis and win-win negotiations.

AREAS OF EXPERTISE

Executive Leadership | Strategic Business Planning | Financial Planning and Analysis | Interim and Fractional CFO Services | Turnaround Strategy | Finance Operations Optimization | Debt Restructuring | Risk Assessment | Cash Flow Management and Reporting | Integrated Financial Projections | Financial Reporting and Metrics | Customer and Product Profitability Analysis | Due Diligence and Quality of Earnings | Continuous Process Improvement | Change Management | Training and Development | GAAP

CAREER HIGHLIGHTS

- **Lead operational and strategic turnarounds, and organizational transformation for small (\$5M) to mid-sized (\$75M) firms** in growth, plateau, and distressed phases by providing business/financial consultancy at **CFO Advise, LLC** including:
 - **Saved a \$165M company from COVID-related financial insolvency** by advising and guiding management including developing rolling 13-week cash flows and an integrated financial projection to secure a \$12M Main Street loan package.
 - **Directed a 6-month transformation of a \$60M company's accounting department** by streamlining and eliminating non-value-added processes, creating an organized and disciplined team, and recruiting, selecting and training a new CFO.
 - **Turned around a \$55M freight hauler in 7 months as its interim CFO** - resulting in a reversal of \$3M in net losses to \$1.0M in net income – by renegotiating rates on significant routes with its primary customer and payment plans with its key vendor, revising the KPI and reporting, creating a management action plan and developing a refinancing package.
 - **Developed and remotely taught 3 CPE finance courses for a \$8.1B regional bank** – Analysis of Financial Statements & Business Drivers, Cash Flow Projections & Management, and Appraising Your Customer's Business.
- **Delivered over 15,000 hours of financial restructuring services – including out-of-court turnarounds, Chapter 11 process, and M&A buyer due diligence** – to strengthen the financial performance of diverse clients while serving at **Crowe, LLP**, including:
 - **Spearheaded the 20-month turnaround of a \$72M collections service company** - reversing net losses of \$2.5M into net income of \$2.3M by focusing management on negotiating price increases through customer profitability analysis, facility recommendations including optimizing existing offices and offshoring, and on limiting discretionary spending.
 - **Leveraged strong communication and interaction skills with university executives** in diagnosing financial issues and recommending solutions related to (1) proposed closing of a Law School, and (2) capital versus operating cashflow issues.
 - **Led the separate transformation of two \$400M divisions of conglomerates into stand-alone companies**, from cash flow/annual financial projections and compliance monitoring to KPI reporting and monthly consolidations.

PROFESSIONAL EXPERIENCE

PRINCIPAL | OWNER - CFO Advise, LLC, Grand Rapids, MI

2017 to Present

As a trusted business and financial advisor, improve the financial position, people and processes for small to mid-cap companies by conducting detailed analysis and projections to gauge financial health and executing tailored strategies and transformative processes.

- Evaluate and project business performance through quality of earnings analysis, income bridge analysis and SWOT analysis:
 - For an event company with sales 2019 sales of \$165M versus \$45M in sales in 2020, leveraged income bridge analysis to analyze pre-COVID financial statements, then reversed the process and built the 2021 post-COVID financial statements based on vetted changes from 2020 and applied sensitivity and scenario analysis to analyze downward risk.
 - Provided quality of earnings analysis (historical and projection) to support \$25M refinancing of a \$130M dairy processing company that had recently been acquired by a PEG and had transformed its operations and customer pricing model.

- Deliver a suite of five core services – customized weekly cash flow projections, integrated financial forecasting/reports, customer/product profitability analysis, focused management reporting/metrics, and interim/project and fractional CFO services:
 - As the interim CFO for a \$20M food processor, developed product profitability and real-time production profitability analysis, refinanced \$7M in debt, obtained \$1M in new debt for expansion, and hired and onboarded a new controller.
 - As the interim CFO for a \$7M Tier II OEM supplier, led a five-month turnaround by developing customer profitability analysis, revised historical financial statements, rolling 13-week cash flows and monthly financial projections.
 - For a \$20M website reseller, created an integrated monthly financial projection linked to key financial drivers and income statements by business segment and product type and developed product profitability analysis and recommendations.
 - For a \$5M construction start-up, created WIP construction schedules for completed and in-process jobs in addition to projecting profitability and cashflows for the next 12 months for working capital and refinancing purposes.
- Identify areas for improvement, and deliver solutions through process improvements to facilitate organizational transformation:
 - For a \$60M service company, transformed the accounting function within 6 months by streamlining and eliminating non-value-added processes, creating an organized and disciplined team, and recruiting, selecting and training a new CFO.
 - For a large regional bank, developed and taught a 3-module training course for financial lenders and portfolio managers.
 - Through Michigan SBA, working with small businesses to improve their financial function, projections and reporting.

SENIOR MANAGER (RESTRUCTURING ADVISORY SERVICES) - Crowe, LLP, Grand Rapids, MI 2008 to 2017

Delivered turnaround services to distressed companies encompassing debt restructuring, evaluation of working capital and cash flow needs, preparation and evaluation of financial projections and plans, interim financial management, and profitability improvement.

- Provided out-of-court finance advisory services across the manufacturing, service, food processing, university and construction industries with companies ranging from \$5M to \$100M in sales resulting in over 2,500 saved client jobs over a nine-year period.
- Conducted buyer due diligence on numerous mid-cap acquisition targets and managed two carve-outs of \$400M subsidiaries.
- Served as the Interim CFO for 3 distressed companies ranging from 3 to 20 months in duration and \$20M to \$72M in sales.

MANAGER (CORPORATE FINANCIAL PLANNING) - Priority Health, Inc., Grand Rapids, MI 2005 to 2007

Established and developed the financial planning department and quarterly planning processes for an organization with over 100 users, a \$125M operating budget, and \$150M capital expenditures budget while driving company-wide cost reduction initiatives.

- Developed balanced scorecard approach for company with goals and metrics and presented to executive management.
- Introduced and adopted benchmarking metrics and financial reporting metrics that led to over \$2M in annual cost reductions.
- Directed the selection and implementation of a multi-dimensional data warehouse (TM1/Cognos) companywide.

CHIEF FINANCIAL ANALYST (CORPORATE FINANCIAL PLANNING) – Amway/Alticor, Grand Rapids, MI 1999 to 2005

Provided financial analysis and recommendations to executive leadership including long-term global financial projections, evaluation of multi-million project initiatives, and saving over \$1M in annual corporate support services during a retrenchment process.

- Developed a 5-year financial projection model on a global / ad hoc basis for over 100 companies using Hyperion Strategic Finance.
- Evaluated and recommended organic and M&A growth initiatives using @ Risk Monte Carlo simulation software.
- Developed and implemented hard/soft dollar metrics to improve the supply chain process (Operational Excellence initiative).

ADDITIONAL EXPERIENCE

Director of Finance • RCI TRAVEL • Grand Rapids, MI

Controller | Administrator • CWI FURNITURE, INC. • Kalamazoo, MI

Controller • COUNTRY FRESH, INC. • Grand Rapids, MI

Senior Accountant - Assurance • BDO USA, LLP • Grand Rapids, MI

Advanced Staff Accountant - Assurance • ERNST & YOUNG, LLP • Kalamazoo, MI

EDUCATION

Master of Business Administration (MBA) • Grand Valley State University • Allendale, MI

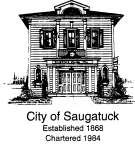
Bachelor of Business Administration (BBA) • Stephen M. Ross School of Business, University of Michigan • Ann Arbor, MI

CERTIFICATIONS AND LICENSURE

Certified Public Accountant (CPA), State of Michigan • Certified Insolvency and Restructuring Advisor (CIRA)

City

P.O. Box
Phone:
Website:



of Saugatuck

86, Saugatuck, MI 49453
269.857.2603 Fax: 269.857-4406
www.saugatuckcity.com

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/
COMMITTEES

Name: Kate McPolin Home Phone: (616) 990-7720

Home/Mailing Address: PO Box 953, Saugatuck, MI 49453

E-mail Address: katemcpolin@gmail.com

Employer: self Occupation/Position: Marketing copywriter

Business Phone: same Business Reference: _____

Are you a Saugatuck City resident? yes Are you a registered Saugatuck City voter? yes

Do you or your employer have any business dealings with the City which might present a conflict of interest? no If yes, explain _____

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

On which Boards and/or Commissions would you be willing to serve?

Planning Commission

Historic District Commission

Zoning Board of Appeals

Election Inspector

Board of Review

Township Fire Board

Twp. Recreation Comm.

Kalamazoo Lake Sewer & Water

Library Board

Interurban Transit Auth

Peterson Nature Preserve

Construction Board

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

I'm interested in serving as an alternate on the ZBA. I've lived in Saugatuck for 30 years and spent 15+ years on the planning commission, much of that time as vice-chair.

You may wish to submit a cover letter with your application. Please return the original to the City Clerk's office at the above address for processing. The City of Saugatuck recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Saugatuck's diverse community, including citizens of all ethnic groups as well as people with disabilities. Reasonable accommodations and equal access to communication are provided upon request.

Signature: Kate McPolin
COPY: Mayor City Council

Date: 10/14/21

Jamie Wolters

From: no-reply@weebly.com
Sent: Saturday, November 12, 2022 1:43 PM
To: Jamie Wolters
Subject: New Form Entry: Application for Boards & Commissions

Follow Up Flag: Follow up
Flag Status: Completed

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

Submitted Information:

Name

Jane Verplank

Email

verplankj@yahoo.com

Home Phone Number**Mobile Phone Number**

616 836 6532

Address

447 Butler Street
Box 111
Saugatuck, Mich Allegan 49453

Current Employer

Inn of Saugatuck

Occupation/Position

owner

Business Phone Number

616 836 6532

Business Reference Name

Jane Verplank

Business Reference Phone Number

616 836 6532

Business Reference Email

verplankj@yahoo.com

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

No

If yes, please explain:

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

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

Yes

On which boards and/or commissions would you be willing to serve? .Planning Commission

1

On which boards and/or commissions would you be willing to serve? .Zoning Board of Appeals

1

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

I was involved with writing the last try-community plan. I have been on council and understand the workings of the government and have a necessary knowledge of the history of the city.

Digital Signature

Jane Verplank



NOTICE

The CITY OF SAUGATUCK is accepting applications for appointment to the following board:

Board of Review – The Board of Review meets in March, July, and December at 9:00 a.m. The Board of Review purpose is to review and correct assessments. It shall hear the complaints of all persons considering themselves aggrieved by assessment, and if it shall appear that any person or property has been wrongfully assessed or omitted from the rolls, the board shall correct the roll in such manner as it deems just.

If you are a resident of the City of Saugatuck and have the desire and ability to serve, please contact City Hall at (269) 857-2603 for more information or to request an application.

Jamie Wolters
Saugatuck City Clerk
Dated: December 7, 2023

Jamie Wolters

From: Jim Bouck <jamesbouck@protonmail.com>
Sent: Sunday, November 27, 2022 5:24 PM
To: Ryan Heise; Jamie Wolters; Russ Gardner
Subject: Fwd: City Council membership on Planning Commission

Follow Up Flag: Follow up
Flag Status: Completed

I ask that this letter in support of Russ Gardner's continuation as the Saugatuck City Council representative on the Saugatuck Planning Commission be included in the official records of the next meeting

Jim Bouck
638 Spear
Saugatuck Michigan

Sent from Proton Mail for iOS

----- Forwarded message -----

From: Jim Bouck<jamesbouck@protonmail.com>
Date: On Sun, Nov 27, 2022 at 12:45 PM
Subject: Fwd: City Council membership on Planning Commission
To: Scott Dean <sdean@saugatuckcity.com>, Russ Gardner <russ@saugatuckcity.com>, hleo@saugatuckcity.com <hleo@saugatuckcity.com>, lstanton@saugatuckcity.com <lstanton@saugatuckcity.com>, Gregory Muncey <gmuncey@gmail.com>, Helen@Saugatuckcity.com <Helen@Saugatuckcity.com>, glewis@saugatuckcity.com <glewis@saugatuckcity.com>
Cc: mannssteven@hotmail.com <mannssteven@hotmail.com>, Ann Broeker <annbroeker@hotmail.com>, bagaunt@comcast.net <bagaunt@comcast.net>, mwlachey@gmail.com <mwlachey@gmail.com>, richardh@landscapeforms.com <richardh@landscapeforms.com>

Dear City Council:

There are multiple rumors that the City Council may consider replacing Russ Gardner with another City Council member as their representative on the City Planning Commission.

My thoughts are as follows:

§ 31.31 TERMS OF OFFICE.

The membership of the City Planning Commission shall consist of a member of the City Council who shall be selected by the Council and whose term of office shall correspond with his or her term as a Council member; and six residents of the city who shall be appointed by the Mayor, subject to the approval by a majority vote of the members elect of the City Council. (Ord. passed 5-13-2002; Am. Ord. 191209-2, passed 12-9-2019)

According to the City Charter, inclusion of the word **shall** makes City Council membership on the Planning Commission mandatory and the direct responsibility of the entire City Council.

For the current City Council to imply that Russ Gardner's representation as that mandatory City Council representative was not official would confirm that the prior City Council had no official representative and intentionally violated the City Ordinance and perhaps the State of Michigan Planning Enabling Act.

It seems that recognizing Mr. Gardner as that representative member was the method chosen to fulfill the legal requirement binding on the City Council. By failing to appoint another Council member as the required representative, Mr. Gardner's Planning Commission position was formally recognized.

Mr. Gardner's term on the PC must be the same as his City Council term unless removed following public charges of malfeasance and a public hearing.

Mr. Gardner has served with integrity, honesty and honorably as a Planning Commission member and deserves our full support.

Sincerely

James Bouck
638 Spear Street
Saugatuck, Michigan

Sent with [Proton Mail](#) secure email.

GARY E. MEDLER

gary.medler@yahoo.com

461 Vine Street PO Box 461

Saugatuck, Michigan 49453

312-848-2453

November 28, 2022

BY EMAIL DELIVERY

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

Ryan Cummins
Director, Planning, Zoning & Proj. Mngt.
rcummins@saugatuckcity.com

David M. Jirousek, AICP
Consultant

Re: City Council Meeting Agenda
November 28, 2022, Agenda Item 12 (A)
Organizational Meeting Discussion for
Committee, Commission, Chairperson Appointments

Dear Ms. Wolters:

This comment letter is submitted for inclusion in the Record for the City Council Meeting set for November 28, 2022.

At the September 26, 2022, City Council Meeting, the Fahey firm presented an opinion regarding the effect of Garnett Lewis’ admission to the Petition to Rectify an Abuse of Process in the appointment of commission members. Quoting the Fahey firm:

PLANNING COMMISSION

Steven Manns, Chair
Ann Broeker, Vice Chair
Bobbie Gaunt
Russ Gardner
Richard Heriford
Mark LaChey

CITY COUNCIL

Scott Dean, Mayor
Lauren Stanton, Mayor Pro-Tem
Garnett Lewis
Holly Leo
Russ Gardner
Gregory Muncey
Helen Baldwin

“We think it is significant that state law ... provides for the removal of a member of the Planning Commission or Zoning Board of Appeals only in the event of very specific circumstances which involves misfeasance, malfeasance or nonfeasance in office by that appointee ... so under State law there’s really no grounds to invalidate these appointments.”

Despite what Garnett Lewis “should have” done in the process of her appointments, the Fahey firm labeled the policy variations which surrounded the appointments as “harmless error.”

Today, Council is proposing to void the Russ Gardner selection as Council Representative on the Planning Commission from November 3 and 8, 2021, because the Fahey firm stated Russ “should have” resigned his citizen position and “should have” been nominated to be Council Representative.

City Code Section 31.31 states:

The membership of the City Planning Commission shall consist of a member of the City Council who shall be **selected** by the Council and whose term of office shall correspond with his or her term as a Council member; and six residents of the city who shall be appointed by the Mayor, subject to the approval by a majority vote of the members elect of the City Council (emphasis added).”

The Council Representative is “selected” and the citizen members must be Mayor appointed and confirmed by a majority of the Council.

At the November 3, 2021, City Council Workshop, Russ Gardner was clearly and affirmatively removed from citizen representative and “selected” as Council Representative to the Planning Commission without objection. At the November 8, 2021, City Council Meeting, Mark Bekken confirmed Russ Gardner’s selection as Council Representative. Since selection in November 2021, Mr. Gardner has served as Council Representative without question by Council.

While the Fahey firm asserts Mr. Gardner “should have” resigned (despite there being no such requirement) and “should have” been nominated by Council (City Code requires no such action, only selection), there is simply no grounds to invalidate Mr. Gardner’s “selection.” Consistent with the Fahey opinion in the Garnett Lewis abuse of power appointments, the offered “should have” process (resignation/nomination) constitute “harmless error.”

Making the false determination Mr. Gardner’s selection was invalid raises significant legal issues and possible City exposure for actions taken during Mr. Gardner’s position on the Planning Commission.

With all due respect for the Fahey firm, before City Council takes any action on invalidating Mr. Gardner's Planning Commission selection, Council should seek clarification from the Fahey firm as to the distinction between the Abuse of Power Appointments and the selection of Mr. Gardner to the Planning Commission. There clearly is no distinction.

Sincerely

Gary E. Medler