



CITY COUNCIL MEETING AGENDA

March 27, 2023 – 7:00 pm

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.
The meeting will also be available live, virtually on Zoom.*

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Mayor's Comments
5. City Manager Comments
6. Agenda Changes (*Additions/Deletions*)
7. Guest Speakers
8. Public Comment on Agenda Items Only (*Limit 3 minutes*)
9. Consent Agenda: (*Roll Call*)
 - A. Regular City Council Meeting Minutes - March 13, 2023. (pg.3)
10. Staff Reports, Boards, Commissions & Committees:
 - A. Staff Reports: Starting on (pg. 8)
 1. City Manager
 2. Treasurer
 3. Planning and Zoning
 4. Department of Public Works
 5. Police
 6. Engineer
 - B. Boards, Commissions & Committees:
 1. Fire District Administration Board
 2. Interurban Board

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 JWolters@saugatuckcity.com for further information.

3. Kalamazoo Lake Sewer & Water Authority
4. Kalamazoo Lake Harbor Authority
5. Zoning Board of Appeals
6. Historic District Commission
7. Planning Commission
8. Parks & Public Works Committee
9. Tri-Community Non-Motorized Trail Study Committee
10. Tri-Community Recycling Ad-Hoc Committee

11. Request for Payment

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

- A. Accounts Payable in the amount of \$53,397.89 (pg.13)

13. Introduction of Ordinances

14. Public Hearings

15. Unfinished Business

16. New Business:

- A. Waterfront Moratorium (pg. 27)
- B. EOADA Letter to Business Owners (pg. 32)
- C. STR Task Force Recommendations (pg. 38)
- D. Solberg Dock Request (pg. 42)
- E. Dock agreements/Street End (pg. 61)
- F. QR Code ask for CVB (pg.75)

17. Public Comments *(Limit 3 minutes)*

18. Correspondence: (pg. 76)

- A. Dino Tedaldi
- B. Bruce & Donna Henke
- C. Nico Leo
- D. Kate McPolin

19. Council Comments

20. Adjourn *(Voice Vote)*



**CITY COUNCIL MEETING MINUTES- Proposed
March 13 , 2023**

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

Call to Order:

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

Attendance:

Present: Mayor Dean, Councilmembers Baldwin, Gardner, Leo, and Muncey.

Absent: Lewis and Mayor Pro-Tem Stanton

Others Present: City Manager Heise, Clerk Wolters, Allegan County Police Captain Ensfield and City Attorney Witte.

Motion by Baldwin, second by Leo to approve the excused absences of Lewis and Stanton. Via voice vote, motion carried 5-0.

Mayor's Comments: None.

City Manager Comments:

Noted that the Closed Session on the agenda was a holdover from the last regular meeting.

Agenda Changes: None

Guest Speakers: None

Public Comment on Agenda Item Only: None

Consent Agenda:

A. Regular City Council Meeting Minutes – February 27, 2023.

Motion by Leo, second by Baldwin to approve the consent agenda. Via roll call vote, motion carried 5-0.

Staff Reports:

City Manager, Treasurer, Director of Planning & Zoning, DPW Superintendent and Engineer submitted status reports of current activities since the last Council meeting on February 27th, 2023, for their respective departments.

Steve Manns- Chair of the Planning Commission spoke in the absence of Director of Planning & Zoning Cummins. He addressed what the planning commission will be discussing during their meeting on Thursday March 16th. He explained why the short-term rental moratorium is on the agenda. The Planning Commission researches zoning laws which possibly could result in recommending to City Council to discuss the possibility of a moratorium which would possibly lead to changes to the City ordinances. He also gave an update to the Short-Term Rental Task Force. There were 24 applicants and interviews will be starting soon.

Boards, Commissions & Committees:

Fire District Administration Board: None

Interurban Board, Councilmember Muncey:

He updated Council with the previous Council request in looking at an interurban shuttle bus to Oval Beach in the summer. The last time the Interurban had that service was in 2005, it ran between the Chain Ferry and Oval Beach. He suggested that there be specific pick-up points in the City where people can call for the free ride to the beach via the Interurban.

KLSWA: None

Kalamazoo Lake Harbor Authority: None

Zoning Board of Appeals, Jim Bouck: They had a meeting in March with one item for the Wickwood Inn which was approved. They were advised there will be multiple items for April's meeting.

Historic District Commission, Councilmember Lewis: None.

Planning Commission, Councilmember Gardner: Meeting is Thursday March 16th.

Parks and Public Works Committee, Councilmember Baldwin: They continue to have the study groups to fact find and information gathering and will meet again on March 28th.

Tri-Community Non-Motorized Trail Study Committee, Councilmember Leo:

Stakeholders meeting with all three municipal managers, engineers and Friends of Blue Star along with Nancy Kimble (PPW member). Continuing to get ready for the engineering phase.

Tri-Community Recycling Ad-Hoc Committee: None

Request for Payment: None.

Approval of Accounts Payable:

A. Accounts Payable in the amount of \$ 279,517.80.

Motion by Gardner, second by Muncey to approve the accounts payable. Via roll call vote, motion carried 5-0.

Introduction of Ordinances: None

Public Hearings: None

Unfinished Business: None

New Business:

Chain Ferry Fare change Request:

Sean Steele (Owner Operator of Saugatuck Chain Ferry) requested an adjustment to the Chain Ferry fares. The contractual relationship with Mr. Steele requires that Council approves any changes (contract in packet). Staff has expedited this request due to Mr. Steele's desire to get the adjusted fares included in the printed materials at the Visitors Bureau. The charge is \$2 per person, with ages 2 and under free and they are requesting \$3.00 for passengers 11 yrs and older, and \$1.00 for children 10 yrs and under. Children 2 and under are still free.

Motion by Leo, second by Baldwin to approve the change of fare from \$2 per person, with ages 2 and under free to \$3.00 for passengers 11 yrs and older, and \$1.00 for children 10 yrs and under. Upon roll call, motion carried 5-0.

Art Out Loud featuring Mountainfilm On Tour – Saugatuck Center for the Arts

Signage Request:

The Saugatuck Center for the Arts has multiple sign requests advertising the Art Out Loud featuring Mountain film on Tour happening on March 25th.

- Banner sign to be placed under the Saugatuck Palette sign.
- Temporary yard signs to be displayed within the right-of-way.
- An upright piano functioning as a temporary promotional installation.

Motion by Baldwin, second by Muncey to approve the signage request from the Saugatuck Center for the Arts to place a banner under the Saugatuck Palette sign, temporary yard signs displayed within the right-of-way and an upright piano on the corner of Butler and Hoffman Streets to advertise the Art Out Loud featuring Mountainfilm On Tour. Upon voice vote, motion carried 5-0.

Venetian Festival:

Rotary Club of Saugatuck/Douglas is proposing the Venetian Festival to be held from July 28, 2023, thru July 29, 2023. See attached application and event application letter from the organizer. City Staff, Fire, Police, DPW and event organizer will meet in the next week to discuss specifics needed from each department during the required safety meeting.

Motion to approve the Venetian Festival to take place from July 28th thru July 30th 2023, organized by the Rotary Club of Saugatuck/Douglas contingent on approval from Fire, Police and DPW after safety meeting is conducted. Via voice vote, motion carried 5-0.

Mt. Baldhead Engineering Proposal:

The City is partnering with AT&T on a project that will add AT&T infrastructure at the tower and a building at the bottom of the dune that will also house new City restrooms. Council approved a conceptual planning proposal from Fleis & Vandenbrink in an amount not to exceed to \$15,000.00.

Motion by Leo, second by Baldwin to Approve Mount Baldhead Conceptual Planning proposal from Fleis & Vandenbrink in an amount not to exceed \$15,000.00. Authorize Mayor or Mayor Pro Tem to execute subject to final staff approval. Upon roll call vote, motion carried 5-0.

Resolution 230313-A Approving a Change in the City's Schedule of Fees:

The City's various ordinances and state law allow the City Council to set fees for the provision of permits. As staff has reviewed the current fee schedule, it was found that many fees have not been updated in nearly twenty years, and do not reflect anything close to current costs. In other cases, staff has found that a fee for commonly requested permits has not been established at all.

Motion by Baldwin, second by Leo to approve Resolution 230313-A, a change in the City's Schedule of Fees. Upon roll call, motion carried 5-0.

Resolution 230313-B Fenn Valley Social District:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Fenn Valley Vineyards Inc. at 310 Butler St. has requested approval to be added to the City of Saugatuck Social District.

Motion by Muncey, second by Baldwin to approve Resolution 230313-B adding Fenn Valley to the City of Saugatuck Social District. Upon roll call vote, motion carried 5-0.

Wicks Park Boat Slip:

A winner in the Wick's Park Boat Dock lottery asked for Council's consideration to accommodate a boat rental rather than being the registered boat owner for the Wicks Park Boat slip. Please see the exchange with City staff below and attachments related to the application.

Motion by Baldwin, second by Muncey to deny the application for the permit. Via roll call, motion carried 4-0. Abstain: Mayor Dean.

Public Comment:

CJ Bagierek- *resident*- He thanked Planning Commission chair Steve Manns for all he is doing with the Short Term Rentals and noted Council should consider the economic impact before shutting down a significant driver of the economy.

Correspondence:

Community & Police Meeting PDF from 3-6-23. Councilmember Gardner gave Council a recap of the community meeting.

Council Comments:

- Councilmember Baldwin: Wished Councilmember Gardner a Happy Birthday.
- Councilmember Muncey: Saturday is the people and pet parade in Douglas. He wished Councilmember Gardner a Happy Birthday.
- Councilmember Leo: None.
- Councilmember Gardner: Mentioned that during the closed session City Manager evaluation he made a suggestion that he would like to share publicly. He suggested Council should implement a 360 review process to obtain feedback on the City Manager's performance.
- Mayor Dean: Wished Councilmember Gardner a Happy Birthday. He commended Council for listening civilly and having civil discussion on the large agenda.

Adjournment:

Motion by Gardner, second by Baldwin to adjourn. Upon voice vote, motion carried 5-0. Mayor Dean adjourned at 8:20 p.m.

Respectfully Submitted

Jamie Wolters, City Clerk



City Managers Report –Highlights

March 27, 2023

New! MDOT Exit 36 and 41 Bridge Work

In a meeting with MDOT, we learned that upcoming bridge work at exit 36 and exit 41 will impact traffic this summer. The exit 36 bridge will be completely *redecked* starting in April and lasting through October. While we didn't get an opportunity to review the detour plan, those in attendance had concerns about how traffic would be managed while the work is in progress. MDOT stated that the detour would be complex. Each manager took the opportunity to ask for a temporary traffic management device be placed at intersections of concern on Blue Star HWY based on our last experience with MDOT work and traffic using Blue Star. Their preliminary suggestion back to us was that a four-way stop would be most likely. The exit 41 bridge will be resurfaced and shouldn't have a long-term impact on traffic, was the message received. Another meeting will be held in the coming weeks to review the detour plan and safety concerns.

New! Parks and Recreation Master Plan- Tri-Community Effort (Including Saugatuck Public Schools Community Recreation).

An update to our Parks and Recreation Master Plan is due. Discussions were had amongst the Managers in Douglas and Township related to developing (or redevelop) a Tri-Community Plan. We have an initial buy-in to develop the Master Plan together, and we would like to have Saugatuck Public Schools Recreation have a seat at the table. I highly recommend that we approach the update as a Tri-Community effort (which had been done in the past). Staff would like consensus that developing a tri-community plan as recommended is OK with Council. A proposal for professional services to assist in updating plan will be brought to Council.

Newish! Harbor Dredging Funding- Tri-Community Effort

The Army Corp has confirmed that Saugatuck Harbor will be receiving \$895,000.00 for dredging this year. The focus is now on timing; this is a major unknown now.

Barricades for Events

City Staff and Allegan County Sheriff's Department met with the Holland Police Department to review road barricades "show and tell." Holland partners with Zeeland, Grand Haven and Grand Valley State University to share resources. Recommendations to Council for the potential procurement of barricades to assist with safety for events forthcoming. Allegan County Sheriff's Department are looking into potential grant opportunities, including Homeland Security.

Cellular Service Discussions Continue with AT&T

Full update presented at the 2.27.23 Council meeting (refer to packet or minutes for information). AT&T has presented preliminary plans for facilities at Mt. Baldhead and staff along with City engineer. Continued discussions with the AT&T government liaisons to review install/service agreements and permitting. City legal has started their review of the boiler plate lease agreement from AT&T. Lease agreements are being collected from around the state, including monthly rental rates charged to telecom. Final design for restrooms and landscape being developed by AT&T. This has the makings of an excellent private/public partnership and a fantastic repurposing of the tower. Discussions are occurring between City and AT&T regarding repair and paint of the dome.

Parks and Public Works Update

Attention remains on the following projects: playground/village square, Blue Star Trail multi-modal path, Airport Property, Mt. Baldhead and Park Street. The PPW Committee has organized study groups to perform fact finding to present to the PPW Committee. This is designed to be a bottom-up process with many opportunities for citizen input. From a staff perspective the top two priorities are: 1) Playground area, driven by the age of the existing playground facilities and 2) Mt Baldhead, driven by the public/private partnership with AT&T for cellular improvements and new restroom facilities.

Ongoing- Kalamazoo Lake Sewer and Water (KLSWA) Agreement- Tri-Community

City/Township Managers continue to discuss the Asset Management Plan, along with our respective attorneys and engineers. Meeting scheduled with City of Douglas and Township for March 31st to discuss. KLSWA prefers to begin with negotiating the asset management plan for sewer to utilize as a roadmap for the water agreement. KLSWA has requested an extension from EGLE to provide the agreement. I've been sorting through historical water agreements in anticipation of the next phase of discussions. Discussions with City Council needed for collecting funds for long-term asset management.

Blue Star Highway Multi-Modal Path

Received a proposal for phase 2 work: construction design and oversight. Next steps include a programming schedule for construction design and long-term schedule for the project. Council will be presented with the Phase 2 proposal for continuing engineering services. The City/Township Managers are in discussion with Friends of the Blue Star Trail regarding funding opportunities.

Ongoing- Oval Beach Staffing and Operations

Excellent efforts in recruitment and staffing Oval Beach operations for the '23 season. Discussions on safety improvements, operational improvements, staff retention and recruitment continue. Beach Community Safety Summit conducted in South Haven was helpful. This year's summit to be held in Saugatuck.

City Hall

Contractors are planning on starting the lead paint removal the second week of April; a more detailed schedule after the next onsite meeting. The materials for the stair replacement have been ordered and delivered. The permit for the stair replacement is approved and received. Contractors will be removing the shutters and gutters prior to the commencement of the lead removal. Everything is on track for an early season completion.

Ongoing- Road Resurfacing (and utility) Projects

Road Project Kickoff meeting took place with City staff and engineer. Final bids for the street projects will be presented to Council at a future date.

Discussions continue with Allegan County Conservation District

Allegan Conservation District (ACD) conducted surveys for treating Hemlock trees for hemlock woolly adelgid (HWA). A reminder that they are willing to assist with other invasive species treatment in the area, including Phragmites on city owned property.

https://www.canr.msu.edu/news/invasive_phragmites_australis_what_is_it_and_why_is_it_a_problem

Old news- Dune Ridge Waterfront Update

Litigation continues...

Gratitude

- Thank you, Lyle, for the framed Picture gifted to City Hall.
- Thank you, Garden Club, for starting to plan for seasonal plantings.
- Thank you to the generous donors of the swing set at Oval Beach.
- Thank you CVB for their willingness to partner with the City on the QR code tourist information parking pass project.

Meetings

- City Managers Meeting – Douglas and Holland.
- MDOT meeting for bridgework project.
- Floodplain ordinance update meeting with EGLE.
- Holland City Hall Tour and introductions to staff.
- West Michigan Municipal Executives (MME) meeting in Grand Rapids.
- CVB Board meeting.
- Douglas/Township/City meeting to discuss five-year park and recreation plan.
- Venetian Festival Special Event Meeting with Emergency applicants, police, fire and DPW.
- Meeting with Outdoor Discovery Center staff to discuss partnerships on projects in motion (Airport Property, Village Square Park, Dune revegetation/stabilization at Mt Baldhead)

Items On Deck for Council

- Blue Star Trail Proposal for phase 2 and Intergovernmental Agreement
- Airport- ESA Phase 1 & Site Use Proposal (ODA)
- Mt Baldhead Cellular Lease, first introduction
- COLA for employees
- Final Bathroom Design from F&V Baldhead
- Recommendation for STR consultant
- Three (3) remaining dock agreements

Council-Manager form of Government Tid-bit

Professional managers encourage elected officials to focus on policy level thinking. Policy making resides with elected officials, while oversight of the day-to-day operations of the community resides with the manager. In this way, the elected officials are free to devote time to policy planning and development.



Treasurer Report

Below is a summary of notable activities carried out by the Treasurer's Office since the last council meeting on 3/13/2023:

- Paid routine bills
- Completed and disseminated bi-weekly payroll
- Settling on 2022 tax bills with Allegan County
- Start 2023-2024 budget process after MBOR
- Attended the last STFD board meeting

Vendor Name	Description	Amount
1. ALLEGAN COUNTY HEALTH DEPT	OVAL CONCESSION	355.00
2. ALLEGAN COUNTY SHERIFF	SHERIFF CONTRACT	31,019.60
	DEBT CREW	120.00
	DEBT CREW	96.00
	TOTAL	31,235.60
3. COMCAST	TELEPHONE & INTERNET	153.40
4. CUSTOM DESIGN WORKS	PLOW REPAIRS	179.50
5. DUNESVIEW KWIK SHOP INC	GASOLINE & DIESEL	1,641.56
6. E DOWD CRANE SERVICE LLC	TREE SERVICE	4,030.00
7. IHLE AUTO PARTS	SUPPLIES	1,310.04
8. KALAMAZOO LAKE SEWER & WATER	WATER & SEWER	1,847.44
9. LAMB INDUSTRIAL SUPPLY	SUPPLIES	126.12
10. NET2PHONE INC	TELEPHONES	209.92
11. PRIORITY HEALTH	HEALTH INSURANCE	9,759.94
12. RATHCO SAFETY SUPPLY CO	SIGNS	215.14
13. SAUGATUCK FIRE	INSPECTIONS	1,325.00
14. SHORELINE TECHNOLOGY SOLUTIONS	COMPUTER SERVICES	390.63
15. STANDARD INSURANCE COMPANY	INSURANCE	427.46
16. STINGERS PEST CONTROL	PEST CONTROL	101.20
17. ULINE	SUPPLIES	89.94
TOTAL - ALL VENDORS		53,397.89
FUND TOTALS:		
Fund 101 - GENERAL FUND		47,492.34
Fund 202 - MAJOR STREETS		746.00
Fund 203 - LOCAL STREETS		555.86
Fund 661 - MOTOR POOL FUND		4,590.12
Fund 715 - ROSE GARDEN		13.57



Planning, Zoning and Project Report

March 27, 2023

Planning and Zoning

- Prepared for and attended ZBA meeting.
- Prepared for and attended Planning Commission meeting.
- Reviewed proposal submitted by McKenna to assist and facilitate the STR Task Force work.
- Prepared draft letter to restaurants and proposed plan for Expanded Outdoor Dining options for 2023.
- Set up and conducted STR Task Force member interviews.
- Met with EGLE to discuss updated floodplain maps and necessary ordinance amendments.
- Participated in a phone conference with Mayor and Planning Commission Chair Manns to discuss STR Task Force recommendations.
- Attended a speech by Supreme Court Justice Bernstein about inclusion and a healthy community imperative.
- Responded to many calls and e-mails to answer questions about the draft STR moratorium.
- Completed planning and zoning casework as outlined in the chart below.

Projects

- City Hall and Information Booth Exterior Repairs – Received an update from the contractor. He advised they will be on site in two weeks with the lead abatement contractor to go over lift placements, process and finalize schedule. They are planning on lead paint removal the second week of April. Materials for stair replacement were ordered and delivered. The permit for stair replacement was approved and received. Removing the shutters and gutters will commence prior to lead removal. They advised everything is on track for an early season completion.

Planning and Zoning Casework

383 Dunegrass Circle	New Home	Claim of Appeal remains pending. Applicant submitting updated plans to EGLE for approval.
726 Water St	Short Term Rental	Existing STR units. Renewing. Sent to Fire Department for inspection. Unit 2 failed. Sent reinspection invoice. Reviewed PUD history.
807 Lake #7	Short Term Rental	Existing STR renewing. Initially failed inspection but passed re-inspection. Re-inspection invoice remains unpaid despite e-mails and letter. STR certificate will not be issued until paid.
350 Mason St	New Bed and Breakfast	Applicant updated plans to meeting zoning requirements. Zoning permit issued. Applicant is seeking variances from the ZBA to have a different parking layout and screening. Will be heard at the April ZBA meeting.
764 Mason St	Short Term Rental Application	New STR. Sent to fire department for inspection. Passed inspection. Will be issuing a STR certificate.
526 Butler St	Short Term Rental	Existing STR changed ownership and submitted application. Also received application for guest house. Researched history regarding prior approvals. Reviewed with legal and provided response to the applicant. Found that the unit was being advertised and rented without the certificate being issued. E-mailed owner and agent. Units have now passed inspection. Will be issuing STR certificate but ADU and home may only be rented under single contract.
181 Park St	New Garage	Zoning permit received for new garage. Received variance from ZBA for lot coverage. Front setback is not met. Discussed with applicant and owner the need for a survey and verification of actual right of way and easements. Applicant advised locations were confirmed and they desire to seek a setback variance. ZBA application received. Will be heard at April ZBA meeting.
520 S. Maple St	Short Term Rental	Working on cleaning up old STR holds prior to my start date. System showed Fire inspection was not completed. Fire Authority never received application. E-mailed them the application to conduct inspection. Failed inspection. Sent re-inspection invoice. Still pending re-inspection.

Planning and Zoning Casework Continued

1050 and 1052 Elizabeth St	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. New owner in 2020. Sent letter to complete app or advise if no longer used as a short term rental. Applications received for both 1050 and 1052 Elizabeth. Worked with legal on identified non-conformity. Units are eligible to be rented separately. Sent to Fire Authority for inspection. Applicant advised units are being renovated and not ready for inspection. Will need to reapply when ready.
239 Mary St	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. E-mailed them the application. Still pending. Scheduled for April when de-winterized.
565 Weirich	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. No application in the system but payment received. Sent owner an e-mail requesting application. No response. Sent a letter. Owner called and will be submitting application.
115 Butler St	Short Term Rental	STR application, renewing. Application was incomplete. Updated application received after many attempts. Will be sent to Fire Authority for inspection.
133 Butler St	Short Term Rental	STR application, renewing unit B. Application initially incomplete. Owner advised unit A is no longer an STR. Talked with agent and advised of required information in applications to process. Complete application received and sent to Fire Authority for inspection. Still pending.
865 Holland St	Addition to Duplex	HDC application received for an addition to duplex. Two family dwellings are not a permitted or special land use in the CR district. Structures with nonconforming uses cannot be enlarged or extended. Advised applicant. Answered applicant questions. Applicant submitted a use variance request. Scheduled for April ZBA meeting. Applicant also re-submitted an HDC application. Scheduling for May due to lack of quorum for April meeting.

Planning and Zoning Casework Continued

Vine Street Cottages	Land Division	Lot split application received. Continued reviewing in coordination with legal, consultant and Fire Authority. Application was deemed incomplete. Applicant was advised and provided further information to review.
890 Simonson	New Home	HDC and zoning permit application received for a new home. HDC approved. Engineering reviewed plans. Applicant addressed engineering feedback and updated plans accordingly. Zoning review is ongoing. Applicant revised ceiling and floor height related to the lower level/basement. Updated plan being reviewed.
333 Culver St	Deck Replacement	Zoning permit application for a deck replacement. HDC previously approved. Lot coverage is nonconforming. Applicant revised application and received zoning permit to replace decks under the roofs. Applicant submitted ZBA application for a variance for the east and west decks. Scheduled for April ZBA meeting.
720 Butler #16	Short Term Rental	STR application, new owner renewing. Sent to Fire Authority for inspection. Still pending.
201 Butler	New ATM	Request for a Huntington Bank ATM outside drug store. Historic District application received. Scheduled for May meeting due to lack of quorum.
320 Mason	Short Term Rental	New agent checked on status of certificates. Previously a bed and breakfast. Accessory structure also on the property. Reviewed history and gathered further information from new agent. Reviewed with legal and consultant. Drafting options for applicant.
449 Water St	Enforcement	Complaint that a large outdoor fireplace was not indicated on approved site plan. Reviewed site plan. No outdoor fireplace shown or mentioned. Reviewed consent judgement. Reviewed zoning regulations for site plans. Reviewed with legal. Sent owner an e-mail requesting amended site plan to review. Owner consulted with her attorney. City Attorney is conversing with owner's attorney. Will also be sent to Fire Department for review.

Planning and Zoning Casework Continued

324 N Maple	Short Term Rental	New STR application to rent the ADU. Planning Commission approved ADU rental in February. Sent to Fire Authority for inspection. Passed inspection. Will be issuing STR certificate.
221 Elizabeth ST	Short Term Rental	STR Application. Existing STR, new owner. Sent to Fire Authority for inspection. Passed inspection. Will be issuing STR certificate.
615 Park St	Structural Improvements	Zoning permit application received for exterior wall, deck and foundation work. Some units will also receive interior re-builds due to water damage. Under review.
275 North	Land Division	Land division/lot line adjustment application received. Under review.
790 Lake St	Complaint	Complaint of stormwater issues with pool installation. Reviewed by engineering last summer and recently. Under legal review after correspondence received from neighbor's attorney.
515 Water St # 4	Short Term Rental	STR app from a new owner to rent out an existing STR. Sent to Fire Authority for inspection.
994 Holland St	New Shed	Zoning permit app received for new shed. Under review.
237 Francis	Short Term Rental	STR application for new STR in the lower dwelling unit. Property contains multiple separate dwelling units. Discussed use and history with owner's daughter. Sent to Fire Authority for inspection.
245 Spear	Rented ADU	Special land use application for a rented accessory dwelling unit. Awaiting further materials from the applicant to schedule public hearing with Planning Commission in April.
234 Butler	Dumpster in Right of Way	Questions about obtaining a dumpster in the right of way permit for interior carpet replacement. Answered questions. Permit issued.

Planning and Zoning Casework Continued

127 Hoffman	Inquiry and HDC Application	Various questions about permits required improvements to property, parking signage, placement of trash cans and improving support of awning. Answered questions and provided resources. Historic District application received to add a board to the structure to attach the awning too. Under administrative review after consultation with HDC Chair.
441 Frederick	Water/Sewer Connection	Water/Sewer Connection application. Sent to engineering for review.
412 Mason	Short Term Rental	STR application. Under Review.
138 West	Short Term Rental	STR application. Under Review.
651 Holland	Short Term Rental	STR application. Under Review.
842 Lake #5	Short Term Rental	STR application. Under Review.
841 Holland	Short Term Rental	STR application. Under Review.
647 Butler	Short Term Rental	STR application. Under Review.
143 West	Short Term Rental	STR application. Under Review.
149 Griffith	Short Term Rental	STR application. Under Review.
727 Butler	Short Term Rental	STR application. Under Review.
129 Griffith	Short Term Rental	STR application. Under Review.
339 Lucy	Short Term Rental	STR application. Under Review.
612 Holland	Short Term Rental	STR application. Under Review.
143 Van Dalson	Short Term Rental	STR application. Under Review.
828 Park	Short Term Rental	STR application. Under Review.
186 S. Maple	Short Term Rental	STR application. Under Review.
703 Pleasant	Short Term Rental	STR application. Under Review.
349 St. Joseph	Short Term Rental	STR application. Under Review.
842 Lake #4	Short Term Rental	STR application. Under Review.
237 Francis Apt B	Short Term Rental	STR application. Under Review.
237 Francis Apt D	Short Term Rental	STR application. Under Review.
128 Van Dalson	Short Term Rental	STR application. Under Review.
230 Culver St	Inquiry	Questions about social district. Left voicemail answering questions.
615 Park #5	Inquiry	Owner requested expiration date for STR certificate. Provided expiration date.
450 Culver St	Inquiry	Voicemail received wondering about STR certificate expiration. Upon call back, owner located certificate.
N/A	Inquiry	Comments and questions about notice requirements for land divisions and zoning. Answered questions and provided resources.

Planning and Zoning Casework Continued

510 Butler	Addition and Exterior Updates	Zoning permit application received for kitchen enlargement. Other exterior work includes windows, doors, siding and roof. HDC approved. Lot coverage is non-conforming and would be increased. ZBA approved lot coverage variance.
100 Park St	Tree Removal	Removing dead or dying trees from a vacant lot with no proposed construction. Answered questions. Applicant received feedback from EGLE. Tree permit issued noting that EGLE guidance and permitting requirements shall be followed.
1055 Holland St	Short Term Rental	STR app, new. Sent to Fire Authority for inspection. Passed inspection. Issued certificate.
836 Park St	Short Term Rental	STR app, renewing. Permitted. Sent to Fire Authority for inspection. Owner has not responded to message left from Fire Authority. Sent no inspection letter. Passed inspection. STR certificate issued.
720 Butler #14	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. No application in the system but payment received. Sent owner an e-mail requesting application. Application received. Sent to Fire Authority for inspection. Fire Authority received no response to message left to schedule inspection. Sent no inspection letter. Passed inspection. STR certificate issued.
840 Lake St	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. E-mailed them the application. Passed inspection. STR certificate issued.
129 Griffith St #207	Short Term Rental	STR application, renewing. Sent to Fire Authority for inspection. Failed inspection. Sent reinspection invoice. Paid. Passed reinspection. STR certificate issued.
412 Francis	Inquiry	Question about expiration date for STR certificate. Advised of expiration date.

Planning and Zoning Casework Continued

N/A	Inquiry	Answered and responded to calls with questions about the moratorium and current STR regulations.
710 Pleasant	Inquiry	Questions about siding and window replacement and permitting. Advised not in a historic district to require a permit.
931 Holland	Inquiry	New agent asked about whether STR certificate is valid for this property. Advised no STR certificate has ever been issued for this property.
505 Grand	New Fence	Fence permit application for a side and rear yard privacy fence. Fence permit issued.
510 Butler St	Enforcement	Complaint about a dumpster placed without cones or reflective tape. A dumpster in the right of way permit was not in place. Reached out to the owners and requested submittal of items required for a permit, including reflective tape and cones to mark the dumpster. Info received. Dumpster in ROW permit issued and cones and tape added.
234 Butler	Dumpster in Right of Way	Carpet replacement. Dumpster in ROW permit issued.
304 Lucy	Inquiry	Question about expiration date for STR certificate. Advised of expiration date. Updated rental agency.
331-333 Culver St	Window and Door Replacement	HDC application to replace windows and doors. Set for March HDC review. Tabled to special meeting March 16. HDC approved. Permit issued.
344 Lucy St	Inquiry	Questions about setbacks and required permits for a possible garage addition. Resources provided.
241 Culver	Short Term Rental	STR application. Previous STR. Would be in rear residential unit that is 1 1/2 stories. STRs permitted on second and third floors. Reviewed history. Sent to legal for review. May not be rented due to not being on second or third floor. Advised applicant and also advised of options. Application rejected.
1044 Holland	Inquiry	Questions about window wells and whether they can encroach into the setback area. Reviewed zoning ordinance. Advised applicant of interpretation.

Planning and Zoning Casework Continued

810 Park St	Inquiry	Questions about setback on non-conforming lot. Provided regulations.
1021 Allegan St	Enforcement	Complaint about a dumpster being partially on the right of way and obstructing traffic views. Talked with contractor. He advised he will move it and address the concern.

Department of Public Works

Below is a summary of notable activities carried out by the Department of Public Works since the last council meeting on 03/13/2023:

Brush and Leaf Collection:

Staff completed the first city-wide brush and leaf collection of 2023. The next collection is scheduled for April 11th and 12th.

Pothole Patching:

Public Works has filled potholes with cold patch several times over the past two weeks. Cold patch is a temporary solution until hot patch can be used. The Wyoming Asphalt plant sent notification that it will be open for business beginning Monday April 3rd. Saugatuck DPW plans to be among the first in line.

Seasonal Staffing:

Interviews have been scheduled and many have been conducted. DPW is in great shape for the 2023 season. Currently 3 of the 4 Seasonal Maintenance Worker positions have been filled with returning employees and it is anticipated that the 4th position will be filled early this week (if not already). Oval Beach hiring continues.

Meetings:

- **03/13/2023** – DPW Weekly Goals Meeting
- **03/16/2023** – Meeting with the Outdoor Discovery Center
- **03/16/2023** – Meeting with Consumer’s Energy
- **03/16/2023** – City Hall Team Meeting
- **03/17/2023** – DPW Weekly Goals Follow Up Meeting
- **03/20/2023** – DPW Weekly Goals Meeting
- **03/20/2023** – Venetian Festival Meeting
- **03/21/2023** – 5-Year Parks Planning Meeting
- **03/24/2023** – DPW Weekly Goals Follow Up Meeting

Oval Beach:

Thanks to a generous donation of \$7,500 from the Daniel J. Reid Foundation the City was able to replace and upgrade the old swing set that was located near the concession stand building at Oval Beach. City staff worked with Susan Swanson, Pete Swanson, and Gordon Stannis who had approached the City in hopes of making a donation to honor the memory of Mary Eileen Swanson, Daniel J. Reid, and Laura Stannis. A decal will be placed above each set of swings in their memory as each had a strong connection with Oval Beach and Lake Michigan.



**City of Saugatuck
Status Report of Engineering Activities
March 23, 2023**

General Consultation

- Water Street Sidewalk: Project is complete. Will review grass restoration in the spring.
- Olde Mill Apartments Water Service: Quotes have been received. Drafted a background memo to summarize what limited information is available to assist council with making decisions on whether to proceed, cost sharing, etc. This work could be combined with other work on Maple Street or the Drinking Water State Revolving Fund project.
- City Hall Exterior Renovations: Pre-construction activities are underway. Work is anticipated to begin once the weather is conducive.
- Spark Grant: There are two rounds of funding in 2023, \$25M each. It will be a competitive program, but if the City has a park-type project (or projects, up to 3 can be submitted), we can assist with conceptual design/planning work and submitting the application.
- Mason Street and Oval Beach Drainage Improvements: Provided spillway sketches to DPW to get quotes. Meeting to review locations March 28.
- System-wide Crack Sealing: Anticipate assembling a bid package spring/summer for fall construction.
- System-wide Patching and Surface Sealing: Anticipate assembling a bid package summer/fall for spring 2024 construction. Meeting with DPW to revisit timing and coordination with other projects.
- Airport Property Environmental Assistance: Met with City staff and prepared a proposal for a Phase I Environmental Site Assessment for discussion at the April 5 workshop.
- System-wide Pavement Markings: We are finalizing bid documents. The work is anticipated to take place in the fall and be coordinated with other road maintenance activities.

Blue Star Highway Bridge Navigation Lighting

- We received the permit with direction from the US Coast Guard and finalized the bid package for the project based on their direction.
- The bid package has been distributed to prospective bidders, focusing on those that are prequalified by the Michigan Department of Transportation and located in the West Michigan area. We have followed up with prospective bidders.
- Bids are due April 6, and the project will tentatively be on the April 12 Saugatuck Township, April 17 Douglas and April 24 Saugatuck City agendas for an award.
- The bid package went out later than anticipated, due to the time spent coordinating with USCG, and Memorial Day may not be a realistic timeframe for completion. We restructured the bid package for bidders to list the price and a proposed completion date so that both can be evaluated.

EGLE Drinking Water State Revolving Fund

- Work on the draft Project Plan is underway with input from KLSWA and City staff.
- The draft Project Plan is anticipated to be completed in late April or early May to be on public display for 15 days prior to a public hearing at the May 22 council meeting.
- The final project priority list is anticipated to come out in the fall. If the project is funded, design would begin in late 2023 or early 2024 for construction to begin in late 2024 or early 2025.

West, East Takken & Taylor Resurfacing

- Topographic survey work is complete and preliminary design is underway. Soil boring work is scheduled for late March or early April.
- A notice has gone out to property owners in the area with general project information and contact information for any questions or concerns.
- Design and permitting is anticipated to be completed in spring for bidding in late spring or early summer and construction in fall 2023 (after Labor Day to mid-November).

Mt. Baldhead Conceptual Planning

- A kickoff meeting with the Parks & Public Works Committee is scheduled for March 28 to discuss strategy for public engagement and other items.

Mt. Baldhead AT&T Project Assistance

- Providing design support to the AT&T team as needed for the restroom building. The current design direction is the twin pod concept with aesthetics similar to the museum building.
- We are working on graphics to illustrate the current design direction.
- Based on conversations to date, we anticipate that we will be providing design assistance for the restroom building and take the lead in obtaining the EGLE/USACoE Critical Dunes permitting for the overall project.



City Council Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: March 22, 2023

SUBJECT: Ordinance No. 230322-B: Temporary Waterfront Commercial Development and Construction Moratorium

DESCRIPTION:

There is a recent increase in the demand to develop or expand structures and buildings along the waterfront. An increase in waterfront commercial development could pose significant environmental risks, due to the close proximity of the Kalamazoo River and Kalamazoo Lake. It is important to ensure that future waterfront commercial development is harmonious with the City by ensuring that existing zoning regulations protect the City's waterways, natural resources, economic land uses, health, safety and general welfare.

The City Council listed a long-term vision for commercial and residential waterfront development as a desirable priority in their recent strategic planning meeting. In October, the Planning Commission raised concern about waterfront development patterns. The Planning Commission established updates to the zoning ordinance regarding waterfront development as a priority for 2023.

Attached is a proposed police power ordinance to enact a temporary moratorium on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts.

City Council is responsible for passing police power ordinances. However, the Planning Commission was asked to make a recommendation to City Council on whether to adopt a temporary waterfront commercial development and construction moratorium. The Planning Commission reviewed and discussed the police powers ordinance at their regular meeting on March 16. The Planning Commission voted 5-1 to recommend that the City Council adopt a temporary waterfront commercial development and construction moratorium. The City Council may make any changes to the draft ordinance that it deems appropriate. The City Council may also decide not to adopt a temporary moratorium.

Should City Council impose a moratorium, staff intends to work in partnership with the Planning Commission and our consulting planner, David Jirousek, to:

1. Review of existing ordinance: What does it allow? Will it implement the master plan? Will it result in desirable waterfront development?
2. Review best practices and examples of waterfront commercial development guidelines and requirements.
3. Conduct an online survey with waterfront-focused questions and visual preference options.
4. Prepare zoning recommendations and potentially overlay district boundaries.
5. Conduct a public hearing and approval process.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission reviewed and discussed the police powers ordinance at their regular meeting on March 16. The Planning Commission voted 5-1 to recommend that the City Council adopt a temporary waterfront commercial development and construction moratorium.

LEGAL REVIEW:

The City Attorney prepared the draft police power ordinance.

SAMPLE MOTION:

Motion to adopt Ordinance No.230322-B: Temporary Waterfront Commercial Development and Construction Moratorium

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE ESTABLISHING TEMPORARY WATERFRONT COMMERCIAL
DEVELOPMENT AND CONSTRUCTION MORATORIUM**

ORDINANCE NO. _____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the Saugatuck City Hall on _____, 2023 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to enact a temporary moratorium until September 30, 2023 or an earlier time in which the City adopts new regulations governing the activities regulated in this ordinance and rescinds this ordinance, on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. This temporary moratorium does not apply to any interior upfits, interior alterations, or changes in land use that do not require expansions to existing buildings or structures.

THE CITY OF SAUGATUCK ORDAINS:

WHEREAS, the City of Saugatuck (“City”) has enacted a zoning ordinance under the Michigan Zoning Enabling Act (“Zoning Ordinance”) that governs the development of lands within the City for reasons, including, but not limited to, the orderly development of lands, the compatibility of neighboring and nearby land uses, and the general health, safety, and welfare of City residents and visitors. See e.g., MCL 125.3201(1); and

WHEREAS, Section 152.04(F) of the City Code provides regulations that allow the City Council to adopt a moratorium to prevent irreparable harm to the resources located within an established historical district and the City’s Historic District includes various areas listed below. Moreover, Michigan courts have interpreted Michigan law as authorizing cities to pass temporary moratoria to protect or promote the public health, safety, and welfare; and

WHEREAS, the “Waterfront Commercial Temporary Moratorium Area” is an area of lands that: (1) are waterfront parcels on the Kalamazoo River or Kalamazoo Lake; and (2) are located in either the Water Street North, Water Street South, Water Street Commercial, or Resort Zoning Districts; and

WHEREAS, the City is aware that there is a recent increase in the demand to develop or expand structures and buildings within the Waterfront Commercial Temporary Moratorium Area. Given that trend, the City desires to study its zoning regulations and temporarily stop permitting, consideration, and construction within the Waterfront Commercial Temporary Moratorium Area

as specified below to ensure the City can adequately develop land use regulations to protect the public health, safety, and general welfare of the City and its residents; and

WHEREAS, the City plans to study its zoning regulations and make any necessary amendments to ensure that future projects in the Waterfront Commercial Temporary Moratorium Area are harmonious with the City by ensuring that existing zoning regulations protect the City's waterways, natural resources, and economic land uses. The City plans to study its zoning regulations to ensure that commercial waterfront development does not cause dangerous traffic or parking conditions, which would adversely impact the health, safety, and general welfare of the City. An increase in waterfront commercial development could pose significant environmental risks, due to the close proximity of the Kalamazoo River and Kalamazoo Lake, and the City wants to ensure its zoning regulations are sufficient to protect the health, safety, and general welfare of the City and its residents; and

WHEREAS, given the possible adverse environmental, traffic safety, and economic impacts posed by inappropriate development in the Waterfront Commercial Temporary Moratorium Area, it is appropriate to enact a temporary moratorium on the activities specified below until any necessary revised regulations can be enacted to protect health, safety, and general welfare of the City and its residents.

NOW, THEREFORE, The City of Saugatuck Ordains:

Section 1. Title: This ordinance shall be known and cited as the City of Saugatuck Temporary Waterfront Commercial Development and Construction Moratorium.

Section 2. Temporary Moratorium: The City enacts a temporary moratorium on permitting, accepting applications, approvals, and consideration of new site development including parking and site improvements, new building construction, and existing building expansion in the Waterfront Commercial Temporary Moratorium Area (an area of lands that: (1) are waterfront parcels on the Kalamazoo River or Kalamazoo Lake; and (2) are located in either the Water Street North, Water Street South, Water Street Commercial, or Resort Zoning Districts) under Michigan law until September 30, 2023 or an earlier time in which the City adopts new regulations governing uses in the Waterfront Commercial Temporary Moratorium Area (and rescinds this ordinance). This temporary moratorium shall not apply to any building interior upfits, building interior alterations, or changes in land use that do not require expansions to existing buildings, structures, or additional site development (parking and other site improvements) in the Waterfront Commercial Temporary Moratorium Area. The City Council may extend this temporary moratorium by resolution from time-to-time to finish adopting new regulations governing uses in the Waterfront Commercial Temporary Moratorium Area.

Waiver: In the event that a landowner will suffer immediate and irreparable harm for the short duration of this ordinance, or this ordinance otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the City Council. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of

the moratorium. The City Council, upon a sufficient showing, may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

Section 3. Severability: The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 4. Repeal: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date: This ordinance shall take effect immediately after publication.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Scott Dean
City of Saugatuck, Mayor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2023, pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2023.
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2023.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE ESTABLISHING TEMPORARY WATERFRONT COMMERCIAL
DEVELOPMENT AND CONSTRUCTION MORATORIUM**

**Ordinance No. ____
Notice of Adoption**

Please take notice that on _____, 2023, the City Council of the City of Saugatuck adopted ordinance No. ____, a temporary moratorium on permitting, accepting applications, approvals, and consideration of new site development including parking and site improvements, new building construction, and existing building expansion in the Waterfront Commercial Temporary Moratorium Area (an area of lands that: (1) are parcels on the Kalamazoo River or Kalamazoo Lake; and (2) are located in either the Water Street North, Water Street South, Water Street Commercial, or Resort Zoning Districts) under Michigan law until September 30, 2023 or an earlier time in which the City adopts new regulations governing uses in the Waterfront Commercial Temporary Moratorium Area. Copies of the ordinance may be obtained from Jamie Wolters, City of Saugatuck Clerk, at 102 Butler Street, P.O. Box 86, Saugatuck, Michigan 49453 during regular business hours.

Published by Order of the City Council
City of Saugatuck, Allegan County

Jamie Wolters
City of Saugatuck, Clerk
(269) 857-2603
JWolters@saugatuckcity.com

Publication Date: _____, 2023



City Council Agenda Item Report

FROM: Ryan Cummins

MEETING DATE: 3/27/2023

SUBJECT: Expanded Outdoor Dining for 2023

DESCRIPTION:

During the course of the COVID-19 pandemic, the City and many other local governments declared emergencies which allowed measures, including suspending specific ordinance requirements, to reduce the risk and spread of the virus. This included creating flexibility to expand dining outdoors. Part of this flexibility allowed restaurants to expand dining onto sidewalks and into the street.

Following the emergency measures and during a time of unknowns as it related to what would happen with the viral spread, the City Council continued to offer flexibility by adopting an expanded outdoor dining ordinance and policy in February 2022. This allowed for a licensee to temporarily occupy City streets.

The Zoning Ordinance considers expansions of restaurant seating into the right of way (which would include streets) as a special land use. A special land use requires a public hearing and site plan review by the Planning Commission. During the pandemic, because of the emergency and continued need for flexibility, zoning approvals were not required.

Staff have discussed that:

- Three summers of licensing approvals and expanded outdoor use by establishments downtown has created a hybrid of approvals, as well as likely some confusion on the necessary approvals for outdoor dining.
- Some establishments obtained prior special use permit approval for expanded dining on the sidewalks, received additional expanded dining on sidewalks under temporary licenses issued during 2020-2022, and additionally received licenses for the use of City streets or parking spaces under temporary approvals.
- Others may only have first started expanded outdoor dining areas based on the temporary licenses authorized during 2020-2022, and have no zoning approval.
- As a result, establishments will be returning for the summer in 2023 for approvals and will be likely operating under the assumption that a temporary license will be sufficient because of the multiple paths permitted by the City over the last few years during and after COVID-19.

- As COVID-19 is no longer at high levels of transmission, many communities are now working through how to bring restaurants with expanded outdoor dining into compliance with zoning code requirements.

Staff wishes to bring these issues to your attention and is seeking City Council feedback and endorsement of the following:

- Continued flexibility and staff discretion for temporary expanded outdoor dining during the 2023 spring/summer/fall tourist season. This would include following the same application process for temporary expanded outdoor dining licensing that occurred in 2022.
- Staff to work with legal counsel over the summer to make sure the zoning and other code requirements for outdoor dining are aligned.
- Provide restaurants with the attached letter advising that the City will continue its flexibility during 2023, but after November 1, 2023 all city codes, including zoning, will have to be followed.
- Staff setting up an open house after November 1, 2023, to further educate restaurants of the zoning and other code requirements for expanded outdoor dining and answer questions on how to apply for zoning approval for the 2024 season. This would allow restaurants to apply for zoning approvals during the winter months.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

These concerns and recommendations were discussed with the City Attorney.

SAMPLE MOTION:

Motion to continue flexibility and staff discretion for temporary expanded outdoor dining during the 2023 spring/summer/fall tourist season.

March 20, 2023

<Name>

<Address>

Saugatuck, MI 49453

Re: Expanded Outdoor Dining for 2023 Season

Dear Restaurant Owner:

From 2020-2022 we all experienced unprecedented challenges from the COVID-19 pandemic. During the course of the pandemic, the City and many other local governments declared emergencies which allowed measures, including suspending specific ordinance requirements, to reduce the risk and spread of the virus. This included creating flexibility to expand dining outdoors. Part of this flexibility allowed restaurants to expand dining onto sidewalks and into the street.

Following the emergency measures and during a time of unknowns as it related to what would happen with the viral spread, the City Council continued to offer flexibility by adopting an expanded outdoor dining ordinance and policy in February 2022. This allowed for a licensee to temporarily occupy City streets.

As COVID-19 is no longer at high levels of transmission, many communities are now working through how to bring restaurants with expanded outdoor dining into compliance with zoning code requirements. The City Zoning Ordinance considers expansions of restaurant seating into the right of way (which would include streets) as a special land use. A special land use requires a public hearing and site plan review by the Planning Commission. During the pandemic, because of the emergency and continued need for flexibility, zoning approvals were not required.

Three summers of licensing approvals and expanded outdoor use by establishments downtown has created a hybrid of approvals, as well as some confusion on the necessary approvals for outdoor dining. For example:

- Some establishments obtained prior special use permit approval for expanded dining on the sidewalks, received additional expanded dining on sidewalks under temporary licenses issued during 2020-2022, and additionally received licenses for the use of City streets or parking spaces under temporary approvals.

- Others may only have first started expanded outdoor dining areas based on the temporary licenses authorized during 2020-2022, and have no zoning approval.

For 2023, City Council has endorsed continued flexibility and staff discretion for temporary expanded outdoor dining for the spring/summer/fall tourist season. This would include following the same application process for temporary expanded outdoor dining licensing that occurred in 2022.

Throughout the summer, City staff will be working with our legal counsel to make sure the zoning and other code requirements for outdoor dining are aligned. **After November 1, 2023, all city codes, including zoning, will have to be followed.**

City staff will be setting up an open house after November 1 to further educate restaurants of the zoning and other code requirements for expanded outdoor dining and answer questions on how to apply for zoning approval for the 2024 season. This will allow restaurants to apply for zoning approvals during the winter months.

If you have any questions before November, please do not hesitate to contact me via e-mail or phone.

Sincerely,

Ryan Cummins
Director of Planning and Zoning
E-mail: rcummins@saugatuckcity.com
Ph: (269) 857-2603



City Council Agenda Item Report

FROM: Ryan Cummins

MEETING DATE: 3/27/2023

SUBJECT: Short-Term Rental Task Force Appointments

DESCRIPTION:

The City Clerk provided notice that the city was accepting applications for the Short-Term Rental Task Force. Twenty-four applications were received. Fifteen residents applied and nine non-residents applied. The following is a breakdown from the City Clerk of the number of applicants for each stakeholder group and the individuals who applied. All applications are also included for City Council review:

Stakeholder	Group	Total Applicants
Member from the retail, restaurant or lodging business owner community	1	3
Member from a short-term rental property management group	2	3
Member from a residential zone who holds a short-term rental license and/or is positive about short term-rentals	3	9
Member from a commercial zone member who is not the owner of a short-term rental	4	0
Member from the real estate realtor community with no short-term rental ownership	5	2
Member from a residential zone who is not a short-term rental owner and who feels negatively impacted by short-term rentals in their neighborhood	6	5
NA- filled out wrong app or does not fit stakeholder	7	2
Applicants- Residents- 15 Non-Residents-9		Total 24

Scott Fallick	1	Resident
Sean Steele	1	Non-Resident
Kevin Tringali	1	Non-Resident
Ethan Barde	2	Non-Resident
Anne Gudith	2	Non-Resident
Mark Klungle	2	Resident
CJ Bagierek	3	Resident
Elizabeth Boerema	3	Resident
Brian Elmore	3	Non-Resident
Keely Frye	3	Non-Resident
Clifford Francoeur	3	Resident
Eric Lanning	3	Non-Resident
Suresh Rajapakse	3	Resident
Christopher Vishey	3	Resident
Kam Morris	3	Non-Resident
Cathy Hart	5	Resident
Dick Waskin	5	Non-Resident
Joe Clark	6	Resident
Gary Kemp	6	Resident
Christopher Raphael	6	Resident
Doug Rodewald	6	Resident
Tim Straker	6	Resident
Steve Friedman	na	Resident
Marta Petter	na	Resident

Marta Petter Response to Stakeholder

Don't exactly fit categories above
I am owner/operator of STR in Saugatuck commercial zone and manage a residential zone short term rental in Douglas and a residential zone short term rental in South Haven. I have been managing for 12 years in good standing. Family moved to the area in early 1970's and I have been living or working in the area throughout my life and returned to full time to Saugatuck in 2011 because I love Saugatuck charm.

PHONE INTERVIEWS:

Planning Commission Chair Manns conducted phone interviews with the applicants. Following his interviews, he provided a recommendation to Mayor Dean of who should be invited to a second interview.

INTERVIEWS:

The following individuals were recently interviewed by myself and Mayor Dean:

STR Task Force Interview Schedule		Location
Friday, March 17		
9:30	Sean Steele	Zoom
10:00	Cathy Hart	Zoom
10:30	Dick Waskin	In Person
11:00	Joe Clark	In Person
11:30	Kevin Tringali	In Person
12:00	Anne Gudith	In Person
12:30	Lunch Break	
1:00	Suresh Rajapakse	Zoom
1:30	Keely Frye	In Person
2:00	Eric Lanning	In Person
2:30	Mark Klungle	In Person
3:00	Tim Straker	Zoom
3:30	Gary Kemp	In Person
Monday, March 20		
9:00	Elizabeth Boerema	Zoom

Recommended Appointments:

During the interviews it was found that many applicants could be considered for multiple stakeholder groups. Following the interviews, Chair Manns and I discussed our recommendations with Mayor Dean and we were able to reach consensus on the six applicants and the two representatives from the Planning Commission and one representative from City Council who should make up the task force.

At Wednesday’s City Council workshop meeting Mayor Dean provided the following recommendations on who to appoint to the Short-Term Rental Task Force:

Member from the retail, restaurant or lodging business owner community – Sean Steele

Member from a short-term rental property management group – Kevin Tringali

Member from a residential zone who holds a short-term rental license and/or is positive about short term-rentals – Elizabeth Boerema

Member from a commercial zone member who is not the owner of a short-term rental – Cathy Hart

Member from the real estate realtor community with no short-term rental ownership – Anne Gudith

Member from a residential zone who is not a short-term rental owner and who feels negatively impacted by short-term rentals in their neighborhood – Joe Clark

Members from the Planning Commission – Holly Anderson and Steven Manns

Member from City Council – Lauren Stanton

Mayor Dean requested that Holly Anderson chair the task force. It is anticipated that the task force will begin meeting in the second half of April or early May.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

Planning Commission Chairperson, Steven Manns, was provided with a copy of the applications and interview questions, conducted phone interviews, and provided his recommendations to Mayor Dean.

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to appoint Sean Steele, Kevin Tringali, Elizabeth Boerema, Cathy Hart, Anne Gudith, Joe Clark, Holly Anderson, Steven Manns and Lauren Stanton to the Short-Term Rental Task Force.



City Council Agenda Item Report

FROM: Ryan Heise
MEETING DATE: March 27, 2023
SUBJECT: Solberg Dock Request, 720 Park Street

DESCRIPTION:

This is a request to extend a five-year street end/parcel structure-dockage license, including construction of a new dock (a portion of parcel number 0357-009-050-00).

You may recall that the Solberg's made an offer to purchase the property on November 17th, 2021, and again May 18th, 2022. The Solberg's have been made aware of the decision to deny both requests. Please see attached drawing prepared by DK Construction for the dock that the Solberg's would like to build. Before DK Construction can move forward with the state permit process, they will need the approval of the City (as the owner of the leased property and river bottomlands).

The Solberg's are aware that they will need to submit a separate minor waterfront construction application to the city for zoning review of the dock and boat lift. A copy of the application is attached. Our waterfront construction regulations cover both lifts and docks. Here is a link to the regulations:

https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355

BUDGET ACTION REQUIRED:

None

COMMITTEE/COMMISSION REVIEW:

Yes

LEGAL REVIEW:

Yes

SAMPLE MOTION:

Extend the street end parcel structure-dockage license agreement with Mr. Scott Solberg, whose address is 720 Park Street, for five (5) years from 2023-2027, ending December 31, 2027. Allow for construction of a new dock subject to applicable local and state regulations. Final agreement to be executed by Mayor or Mayor Pro Tem after staff and legal review and approval.

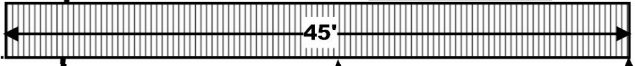
Applicant: City of Saugatuck
Lessee: Scott Solberg
Agent: D.K. Construction, Inc.
County: Allegan
Body of Water: Kalamazoo River
Date: December 13, 2022

15'

Park St

City of Saugatuck
PP # 57-009-050-00
735 Park St
PO Box 86
Saugatuck, MI 49453

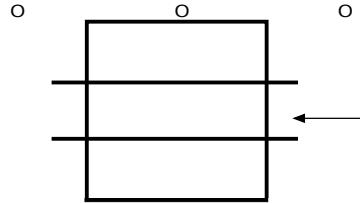
30'



Proposed 45' x 4'
Open Pile Dock

54'

Natural
Shoreline

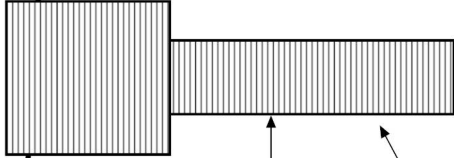


Proposed 13' x 13'
Permanent Cradle
Boat Lift Set Back
from Dock End 6'

14'

12'

Kalamazoo River



Existing Wood
30' x 5' Dock

18'

Property Line

Michael & Kathern Economos
716 Park St
Saugatuck, MI

Existing SSP
Seawall

2023-2027 STREET END/PARCEL STRUCTURE-DOCKAGE LICENSE

THIS LICENSE AGREEMENT is made on this 27th day of March, 2023 by and between the CITY OF SAUGATUCK, a municipal corporation, located in Allegan County, Michigan (the “City”) and Mr. Scott Solberg, whose address is 720 Park Street, Saugatuck, Michigan 49453 / 508 S. Cook Street, Barrington, IL 60010 (“Licensee”).

IN CONSIDERATION of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Description of Licensed Premises: The City grants a license to Licensee as to the following described land (“Premises”):

A portion of parcel number 0357-009-050-00 described as N 1/3 OF GOVT LOT EX LOTS 1 & 2 PARK ADDITON ALSO EX COM NE COR OR LOT 3 OF PARK ADDITION TH W 102.92’ AGL N LIN OF LOTS 3 7 4 OF SD PLAT TH N 59.90’ TH E 99’ TH S 3 DEG 20’ E 60’ ALG W LIN OF PARK ST TO POB SEC 9 T3N R16W (LOCATION NUMBER 1 – N. ½ SOUTH OF MUSEUM – OF ATTACHED **EXHIBIT A**) and shown on attached location map.

The Premises include the water frontage and fifteen (15) feet landward of the shoreline or bulkhead line, as well as the bottomlands attributable to the Premises.

2. Purpose of License: Licensee may use the Premises and waters of the Kalamazoo River abutting the Premises for the purpose of boat docking, but for no other purpose (or purposes) unless specifically approved in writing by the City Council of the City. Licensee may utilize such boat slip(s)/mooring(s) as are agreed to by the City.
3. Term: The term of this License shall be for five (5) years and shall commence on January 1, 2023 and shall terminate on December 31, 2027. This License can be canceled pursuant to Sections 14 and 15.
4. License Charge: In consideration for this License, the Licensee shall pay to the City the sum of \$1,130.98 for a one-year license (the “Base License Charge”), payable in full to the City in advance. In the event the Premises is a parcel and not a street end, then the Base License Charge will be adjusted for each annual anniversary for so long as this License remains in effect, starting

at **\$1,312.14** annually. Such new adjusted Base License Charge will be equal to the product of the Base License Charge immediately prior to the adjustment multiplied by the CPI as reported by the Bureau of Labor Statistics (or successor agency) in October of the year immediately preceding the Base License Charge adjustment as exemplified below; provided, however, that the Base License Charge may not decrease in any year. If the CPI ceases to be published, a reasonable substitute index will replace it for purposes of this License. For purposes of this subsection, “CPI” means the Consumer Price Index of the Bureau of Labor Statistics, United States Department of Labor (CPI-U), all items index for all urban consumers-U.S. city average (October to October), or any subsequent replacement for that index. By way of example, if the relevant Base License Charge for Year 2 is \$100 and the CPI for the period October, Year 1 to October, Year 2 is two percent (2%), then the adjusted Base License Charge for Year 3 would be \$102.

5. Control of Structures: The Licensee may, at the end of the term of this License, remove any of the following structures and equipment presently located on the Premises, or which may be constructed during the term of this License and located on the Premises, or in or over the waters of the Kalamazoo River which abut the Premises: docks, power pedestals, finger piers, dock boxes, and lighting fixtures. In the event the Licensee elects not to remove the aforesaid structures or equipment as permitted in the preceding sentence, then ownership of the same shall lie with the City, which may dispose of such structures or equipment as it, in its sole discretion, deems fit. Licensee shall not remove the aforesaid structures or equipment during the term of this License.
6. New Construction or Major Repair: Licensee agrees not to undertake any new construction, alterations, or major repair work of any kind or description on or to the Premises (or any structures thereon), or in the waters of the Kalamazoo River abutting the Premises, without the prior written permission of the City. Licensee further agrees that it will, prior to commencement

of any construction, alteration, or repair, obtain any necessary permits required under the City Waterfront Construction Ordinance, Zoning Ordinance, or other applicable ordinance, as well as any required Michigan Department of Environmental Quality or Army Corps of Engineer permits or approvals. The City shall be responsible for the costs associated with replacement and/or major repair of the seawall and boardwalk on the Premises.

7. Liability Insurance: Licensee will obtain and keep in effect public liability insurance with limits of not less than \$ 1,000,000.00 for each person and \$ 1,000,000.00 for each occurrence of bodily injury and \$ 1,000,000.00 for each property damage occurrence arising out of the use of the Premises. The City of Saugatuck shall be added to that policy of insurance as a named insured, and Licensee shall file a certificate of insurance, or other written proof of such insurance coverage (acceptable to the City) with the City Clerk not later than the first day of each new year during the term of this License, and also on the date of the signing of the License at its inception. Such insurance shall not be canceled or cancelable during the term of this License (or beyond the term of the License or after the termination of this License so long as any dock or boat, structure, or personalty belonging to Licensee is present on or at the Premises).
8. Indemnification and Hold Harmless Provision: Licensee shall indemnify, reimburse, and hold harmless the City (as well as any official, employee, officer, agent, or contractor of the City) for, from, and against any and all liabilities, damages, causes of action, attorney fees, and costs for injuries, death, or damages to any person or destruction of or damage to any property arising out of or related to Licensee's (including for purposes of this Section 8 Licensee's contractors, subcontractors, guests, invitees, tenants, assignees or sublicensees) use, presence on or at the Premises, or structures of or at the Premises, including any use of a boat/ watercraft or of the water abutting the Premises.
9. City Inspections: The City may, but is not obligated to, inspect any boardwalk, dock, or other structure located on or at the Premises at the commencement of the License (or at any time); and

if any such item is not in a safe condition, in the City's sole discretion, the City shall notify the Licensee, and Licensee shall immediately repair the structure(s) and put the structure(s) in a safe and satisfactory condition as determined by the City in its sole discretion. Failure of Licensee to repair the dock(s) or other structure(s), and to put the same in a safe condition within fifteen (15) days from date of notice of its unsafe condition, shall be cause for the City to cancel this License, and to re-enter into possession of the Premises. Failure to repair the structure(s) shall constitute a material breach of this License. Nothing in this Section 9 shall be construed as creating a duty or obligation, of any kind, on, by, or for the City or to waive the City's entitlement to rely on a defense of governmental immunity to the extent otherwise provided by law.

10. Maintenance: Licensee shall, at all times, keep the Premises free of debris and in a neat, safe, and orderly condition, and keep any structures located thereon in good and safe repair. Licensee agrees not to move, alter or remove any deck or structure(s) now existing or hereafter built on or at the Premises without the prior written consent of the City.
11. No Assignment Without Prior City Approval: Licensee shall not assign or sublicense any portion of the Premises or this License to any other person or party for any purpose without the prior written consent of the City, which approval shall not be unreasonably withheld. Any attempt to so assign or sublicense the Premises to anyone other than Licensee shall automatically render this License null and void unless approved by the City as provided for herein. This Section 11 shall not, however, prevent the renting out of a particular boat slip or dock space.
12. Fire Department and Emergency Use: Licensee understands and agrees that a public fire department, police department, or emergency responders may, in the event of an emergency, use the Premises access to the water or to temporarily place trucks or suction equipment in order to pump water from the Kalamazoo River for fire fighting or rescue purposes. Further, the City may permanently install suction stand pipes to facilitate access to water in the event of an emergency.

Licensee will cooperate fully and promptly with any fire department, police agency, or emergency responders if and when an emergency arises requiring their use of the Premises.

13. Passage of the Public: Licensee may not interfere with the orderly passage of members of the public, along with their personal effects, on any boardwalk which parallels the water, in passage over the Premises to the Kalamazoo River or Kalamazoo Lake or in passage from or to the Premises from adjacent parcels of land; provided, however, that to the extent permitted by law, Licensee's docking privileges contained herein shall be exclusive for the benefit of Licensee during the term of this License.
14. Default: Each of the covenants and requirements of this License are deemed to be material to the satisfactory performance of this License, and a breach or failure of Licensee to perform in accordance with any of the covenants or requirements of this License shall give the City the right to declare a forfeiture of this License, to terminate this License, and to retake possession of the Premises. In case of Licensee's default, or failure to perform any of the covenants contained herein, the City shall give written notice of such default, or failure to perform any of the covenants and requirements contained herein and Licensee shall then have 14 business days from the date the notice is received via certified US Mail, or personally served, to cure the default or comply with any of the covenants not being complied with. If Licensee fails to do so, the City shall have the right to re-enter and retake possession of the Premises and this License shall there upon be immediately terminated. Notice provided for in this section shall be sufficient if mailed by certified US mail to Licensee's address as stated above, or notice is personally served upon Licensee or any of its officers.
15. Termination by the City. The City shall have the right to cancel this License at any time upon thirty (30) days' prior written notice to Licensee if Licensee substantially or materially breaches this License or Licensee endangers the public health or safety with regard to the Premises.

16. Removal of any Boat or Personalty of Licensee. If this License is terminated for any reason (including pursuant to Sections 14 or 15), Licensee must remove any boat, personalty, or other item owned by Licensee (except for structures as provided in Section 5 hereof) from the Premises within ten (10) days. If that does not occur, the City may remove any such item and to bill the costs for removal back to Licensee who will pay and reimburse the City for such amount within ten (10) days.
17. Licensee Takes the Premises “As-Is.” The parties agree to and acknowledge all of the following:
 - (a) Licensee takes the Premises “as-is” and in its current condition. The City makes no representations, warranties, or promises regarding the Premises or the ability of Licensee to use the Premises.
 - (b) It is up to Licensee to determine where the underwater/riparian boundary lines are and to ensure that no boat mooring space, boat, or other item is moored, kept, or installed beyond the bottomlands attributable to the Premises or over onto the bottomlands of another private property owner.
 - (c) The City makes no representations, promises, or warranties regarding whether or not permanent or overnight dock mooring, anchoring, or boat slips are allowed on or at the Premises involved pursuant to the common law, Michigan property rights, or otherwise.
18. No Claims or Causes of Action Regarding Adverse Possession, Prescriptive Easement, or Similar Theories.
 - (a) Licensee acknowledges and agrees that any prior use by Licensee (or Licensee’s predecessors) of the Premises was done or occurred with permission, and that any future use of the Premises by Licensee will also be deemed permissive. Licensee agrees not to claim any right or assert any cause of action regarding adverse possession, prescriptive easement, acquiescence, or similar legal theory against the City or with regard to the Premises.

- (b) Licensee agrees that the use of any property adjoining the Premises (whether involving dry land or bottomlands of the Kalamazoo River), whether intentional or inadvertent, by Licensee or by Licensee's predecessor or predecessors was done with permission, and Licensee has not claimed (and will not claim hereafter) any adverse possession, prescriptive easement, acquiescence, or other similar right or cause of action (whether on dry land or the bottomlands of the Kalamazoo River) as to any adjoining property regarding the Premises.
19. The Adjoining Boardwalk(s) Shall Remain Open During this License. Any boardwalk, sidewalk, or similar walkway along the waterfront which is located outdoors and on property owned, leased, or controlled by the Licensee near or adjacent to the Premises shall remain open for pedestrians who are members of the general public to walk on while this License is in effect.
20. Property Taxes. Property taxes, if any, which pertain to any of the docks (or related dock items) covered by this License (including the westernmost dock) shall be the sole responsibility of the Licensee, without any reimbursement or offset by or from the City. Any payment due hereunder may be paid by a sublicensee of the Licensee.
21. Amendments: This License contains all of the agreements and understandings of the parties hereto, and shall not be amended or changed in any way, unless any such amendment is done in writing and is signed by the both Licensee and the appropriate City officials on authority of the City Council of Saugatuck.
22. Prior License: Effective January 1, 2023, any and all prior licenses, leases, or other arrangements between the parties hereto covering the Premises are hereby canceled and are for all purposes null and void, and of no further force or effect.
23. Representations of Authority: Licensee represents that it has full authority to enter into this License.

24. Compliance with All Laws: Licensee agrees that Licensee (as well as Licensee’s family and invitees) shall comply with any and all applicable ordinances, laws, and regulations regarding the Premises and any use thereof. Licensee shall not create or permit any nuisance to occur on the Premises.
25. Controlling Law: The laws of Michigan shall control any disputes arising out of the interpretation or operation of this Agreement.

CITY OF SAUGATUCK, City

Dated: _____, 2023

By _____
Scott Dean, Mayor

Dated: _____, 2023

And by _____
Jamie Walters, Clerk

[LICENSEE], Licensee

Dated: _____, 2023

By _____
_____, Licensee

Dated: _____, 2023

By _____
_____, Licensee



City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: February 27, 2023
SUBJECT: 2023 Municipal License Renewals

DESCRIPTION: Annually the Saugatuck City Council reviews the renewal of Municipal License Agreements. The 2023 rate is calculated by applying the CPI (7.4%) calculated from the Bureau of Labor Statistics to the previous year's rate. **Attachment A** are details of all the municipal licenses and the new rates. **Attachment B** is a copy of the standard Agreement. Please note that the Solberg agreement on your agenda is a five-year agreement. There are three (3) additional five-year agreements being reviewed for a future staff recommendation (S, ½ south of Museum, Van Dalson, Cook Park).

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

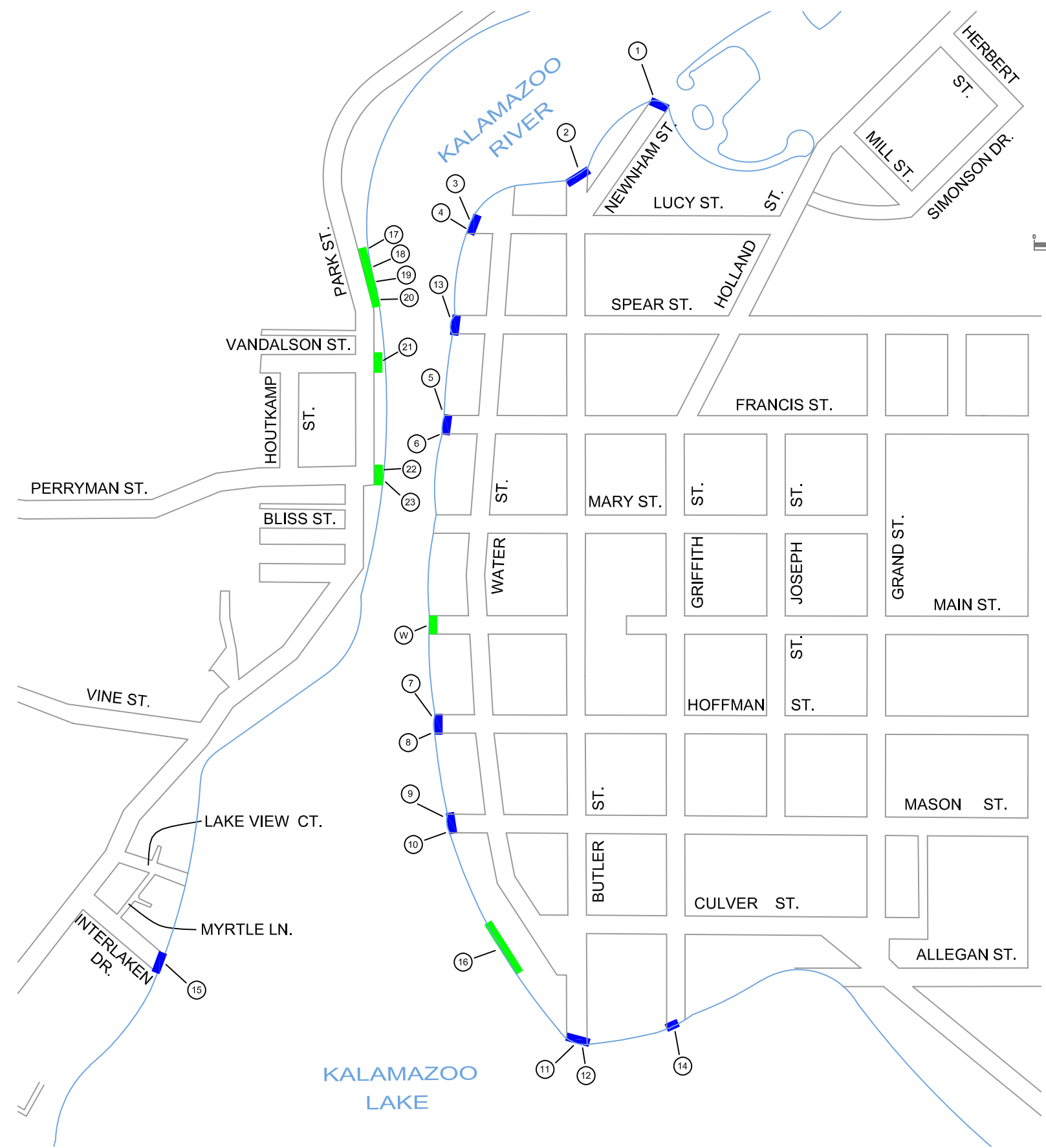
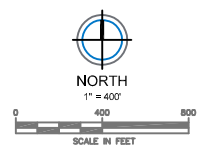
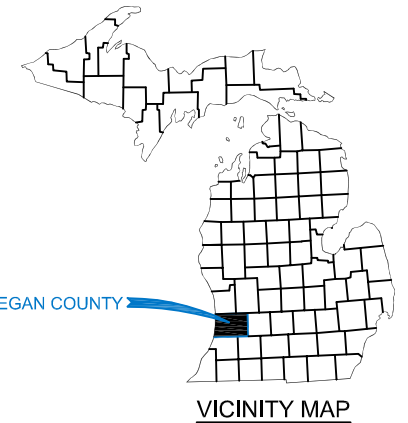
N/A

LEGAL REVIEW:

Reviewed 2023 Municipal License Agreement

SAMPLE MOTION:

Motion to **approve/deny** the 2023 Municipal License Agreement rates as presented on Attachment A and authorize the Mayor and City Clerk to sign such Agreements for 2023 as presented.



STREET END LICENSES:

- ① NEWNHAM STREET END
- ② UPPER BUTLER STREET END
- ③ LUCY STREET END (STFD FIRE BOAT DOCK)
- ④ LUCY STREET END SOUTH
- ⑤ FRANCIS STREET END NORTH
- ⑥ FRANCIS STREET END SOUTH
- ⑦ HOFFMAN STREET END NORTH BOARDWALK
- ⑧ HOFFMAN STREET END SOUTH BOARDWALK
- ⑨ MASON STREET END NORTH BOARDWALK
- ⑩ MASON STREET END SOUTH BOARDWALK
- ⑪ LOWER BUTLER STREET END WEST BOARDWALK
- ⑫ LOWER BUTLER STREET END EAST BOARDWALK
- ⑬ SPEAR STREET END
- ⑭ GRIFFITH STREET END WEST
- ⑮ INTERLAKEN STREET END

CITY PROPERTY LICENSES:

- ⑯ COOK PARK
- ⑰ BALDHEAD PARK DOCK #1
- ⑱ BALDHEAD PARK PUMPHOUSE
- ⑲ BALDHEAD PARK DOCK #2
- ⑳ BALDHEAD PARK DOCK #3
- ㉑ VAN DALSON
- ㉒ PERRYMAN STREET END NORTH
- ㉓ PERRYMAN STREET END SOUTH
- Ⓜ WICKS PARK

LEGEND

- █ STREET END LICENSES
- █ CITY PROPERTY LICENSES

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
CITY OWNED DOCK AREAS



Sort Order	LOCATION	2022 Calculation	2023 RATE (+ CPI 7.4%)	Licensed Feet	2023 Total Charge	Monthly Holdover Charges	Balance Due	PROPERTY TYPE	TERM	Agreement Expires
1	W. ½ of S. Butler	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
2	E. ½ of S. Butler	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
3	N. ½ Francis	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
4	S. ½ Francis	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
5	W. ½ Griffith	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
6	N. ½ Hoffman	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
7	S. ½ Hoffman	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
8	S. ½ Lucy	1092.90 (15'x\$72.86)	\$78.25	15	\$1173.75	\$97.81	\$1173.75	15' Street-end	1 year	12/1/2023
9	N. ½ Mason	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
10	S. ½ Mason	2,404.37 (33'x\$72.86)	\$78.25	33	\$2582.25	\$215.19	\$2582.25	66' Street-end	1 year	12/1/2023
11	N. 22' Spear	1602.92 (22'x\$72.86)	\$78.25	22	\$1721.50	\$143.46	\$1721.50	66' Street-end	1 year	12/1/2023
12	Interlaken	1656.00 (50'x\$33.12) (NC)	\$35.57	50	\$1778.50	\$148.21	\$1778.50	50' Street-end	1 year	12/1/2023
13	N. ½ Perryman	828.00 (25'x\$33.12) (NC)	\$35.57	25	\$889.25	\$74.10	\$889.25	50' Street-end	1 year	12/1/2023
14	S. ½ Perryman	828.00 (25'x\$33.12) (NC)	\$35.57	25	\$889.25	\$74.10	\$889.25	50' Street-end	1 year	12/1/2023
15	N. ½ south of Museum	1221.73	\$1,312.14		\$1,312.14	\$109.35	\$1312.14	City Parcel #0357-009-050-00	5 year Agreement	12/31/2028
16	S. ½ south of Museum	1221.73	\$1,312.14		\$1,312.14	\$109.35	\$1312.14	City Parcel #0357-009-050-00	5 year Agreement expires 2022	12/31/2028
17	Van Dalson	1221.73	\$1,312.14		\$1,312.14	\$109.35	\$1312.14	City Parcel #0357-009-057-00	5 year Agreement	12/31/2028
18	Cook Park	\$13774.16 -\$5297.92 \$8,476.24	\$ 14,793.45		\$14793.45 - \$5689.97 = \$9103.48	\$1232.79	\$9103.48	City Parcel #0357-009-215-00	5 year Agreement	12/31/2028

2023 STREET END / STRUCTURE-DOCKAGE LICENSE

THIS LICENSE AGREEMENT (“License”) is made on this ___ day of _____, 2023, by and between the CITY OF SAUGATUCK, a municipal corporation, located in Allegan County, Michigan (the “City”) and _____, whose address is _____ (“Licensee”).

IN CONSIDERATION of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Description of the Licensed Premises: The City grants a license to Licensee as to the following described land (“Premises”):

[INSERT DESCRIPTION]

The Premises include the water frontage and fifteen (15) feet landward of the shoreline or bulkhead line, as well as the bottomlands attributable to the Premises.

2. Purpose of License: Licensee may use the Premises and waters of the Kalamazoo River and Kalamazoo Lake comprising the Premises for the purpose of boat docking, but for no other purpose (or purposes) unless specifically approved beforehand in writing by the City Council of the City. Licensee may utilize such specific boat slip(s)/mooring(s) as are agreed to by the City.
3. Term: The term of this License shall be for one (1) year and shall commence on January 1, 2023 and shall terminate on December 31, 2023. This License can be canceled pursuant to Sections 14 and/or 15 of this Lease.

4. License Charge: In consideration for this License, the Licensee shall pay to the City the sum of \$_____ for the one-year term, payable in full to the City in advance. Holdover charges shall be \$_____ per month (due on the first day of each month).
5. Control of Structures: The Licensee shall have the right, at the end of the term of this License, to remove the following structures and equipment presently located on the Premises and owned by the Licensee, or which may be constructed during the term of this License and located on the Premises and owned by the Licensee, or in or over the waters of the Kalamazoo River which abut the Premises: pilings, power pedestals, finger piers, dock boxes, and lighting fixtures. In the event the Licensee elects not to remove the aforesaid structures or equipment as permitted in the preceding sentence, then ownership of the same shall lie with the City, which may dispose of such structures or equipment as it, in its sole discretion, deems fit. Licensee shall not remove the aforesaid structures or equipment during the term of this License. Notwithstanding the foregoing, the parties agree that full ownership of any structure(s), including any docks, seawall, bulkhead, underground power supply and public utilities, and boardwalk located on the Premises, or which may be constructed during the term of its License and located on the Premises, or in or over the waters of the Kalamazoo River which abut the Premises may not be removed or interfered with by the Licensee or its agents, assigns, or sublicensees and that the same fixtures and equipment shall be and remain property of the City. Licensee acknowledges that the current dock and related improvements are owned by the City.

6. New Construction, Alterations or Major Repair: Licensee may not undertake any new construction, alterations, or major repair work (i.e. over \$2,500) of any kind or description on, within or to the Premises (or any structures thereon), or in the waters of the Kalamazoo River or Kalamazoo Lake within the Premises, without the prior written permission of the City. Licensee further agrees that it will, prior to commencement of any construction, alteration, or repair, obtain any necessary permits required under the City Waterfront Construction Ordinance, Zoning Ordinance, or other applicable ordinance, as well as any required Michigan Department of the Environment, Great Lakes and Energy or Army Corps of Engineer permits or approvals. If any construction, alterations or major repair work that will be done by Licensee shall in any way impact or affect any City property or utility or any seawall, retaining wall, boardwalk or similar structure or item, the Licensee shall not commence any such construction, alteration or major repair unless and until the Licensee consults with the City (and obtains City approval) and the parties negotiate about whether the City will contribute any monies for any such alteration or modification of or to any such City property, utility, seawall, retention wall, boardwalk or similar item or structure.
7. Liability Insurance: Licensee will obtain and maintain public liability insurance with limits of not less than \$ 1,000,000.00 for each person and \$ 1,000,000.00 for each occurrence of bodily injury and \$ 1,000,000.00 for each property damage occurrence arising out of the use of the Premises. The City of Saugatuck shall be added to that policy of insurance as a named insured, and Licensee shall file a certificate of insurance or other written proof of such insurance coverage (acceptable to the City) with the City Clerk not later than the date of the signing of the License at its inception. Such insurance shall not be canceled or cancelable during the term of this License (or beyond the term of the License or after the

termination of this License so long as any dock or boat, structure, or item belonging to Licensee is present on or at the Premises).

8. Indemnification and Hold Harmless Provision: Licensee shall indemnify, reimburse, and hold harmless the City (as well as any official, employee, officer, agent, or contractor of the City) for, from, and against any and all liabilities, damages, causes of action, attorney fees, and costs for injuries, death, or damages to any person or destruction of or damage to any property arising out of or related to Licensee's (including for purposes of this Section 8, Licensee's contractors, subcontractors, customers, guests, invitees, tenants, assignees or sublicensees) use or presence within, on or at the Premises, or structures of, within or at the Premises, including any use of a boat/watercraft or any dock or pier in the water abutting the Premises or the shore thereof. The provisions of this Section 8 shall survive any termination of this License.
9. City Inspections: The City may, but is not obligated to, inspect any boardwalk, dock, or other structure or item located on, within or at the Premises at the commencement of the License (or at any time); and if any such item is not in a safe and reasonable condition, in the City's sole discretion, the City shall notify the Licensee, and Licensee shall immediately repair the structure(s) or item(s) and put the structure(s) or item(s) in a safe and satisfactory condition as determined by the City in its sole discretion. Failure of Licensee to repair the dock(s), items(s) or other structure(s), and to put the same in a safe and reasonable condition within fifteen (15) days from the date of notice by the City of its unsafe or unreasonable condition, shall be cause for the City to terminate this License, and to re-enter into possession of the Premises. Failure to repair or replace the structure(s) or

items(s) shall also constitute a material breach of this License. Nothing in this Section 9 shall be construed as creating a duty or obligation, of any kind, on, by, or for the City.

10. Maintenance: Licensee shall, at all times, keep the Premises free of debris and in a neat, clean, safe, reasonable and orderly condition, and keep all structures and items located thereon in good and safe maintenance and repair. Licensee agrees not to move, alter or remove any deck, item or structure(s) now existing or hereafter built on, within or at the Premises without the prior written consent of the City.
11. No Assignment Without Prior City Approval: Licensee shall not assign or sublicense any portion of the Premises or this License to any other person or party for any purpose without the prior written consent of the City, which approval shall not be unreasonably withheld. Any attempt to so assign or sublicense the Premises to anyone other than Licensee shall automatically render this License null and void unless expressly approved by the City as provided for herein. This Section 11 shall not, however, prevent the renting out of a particular boat slip or dock space.
12. Fire Department and Emergency Use: Licensee understands and agrees that a public fire department, City department, police department, or emergency responders may, in the event of an emergency, use the Premises for access to the water or to temporarily place trucks or suction equipment in order to pump water from the Kalamazoo River or Kalamazoo Lake or for other emergency uses for firefighting, emergency or rescue purposes. Further, the City may permanently install suction stand pipes to facilitate access to water in the event of an emergency. Licensee will cooperate fully and promptly with any fire department, City department, police agency, or emergency responders if and when an emergency arises requiring their use of the Premises.

13. Passage of the Public: Licensee may not interfere with the orderly passage of members of the public, along with their personal effects, on any boardwalk which parallels the water, in passage over the Premises to the Kalamazoo River or Kalamazoo Lake or in passage from or to the Premises from adjacent parcels of land; provided, however, that to the extent permitted by law, Licensee's docking privileges contained herein shall be exclusive for the benefit of Licensee during the term of this License.
14. Default: Each of the covenants and requirements of this License are deemed to be material to the satisfactory performance of this License, and a breach or failure of Licensee to perform in accordance with any of the covenants or requirements of this License shall give the City the right to declare a forfeiture of this License, to terminate this License, and to retake possession of the Premises. In case of Licensee's default, or failure to perform any of the covenants contained herein, the City shall give written notice of such default to Licensee, or the failure to perform any of the covenants and requirements contained herein, and Licensee shall then have 14 business days from the date the notice is received via certified US Mail, or personally served, to cure the default or comply with any of the covenants not being complied with. If Licensee fails to do so, the City shall have the right to re-enter and retake possession of the Premises and this License shall there upon be immediately terminated. Notice provided for in this section shall be sufficient if mailed by certified US mail to Licensee's address as stated above, or notice is personally served upon Licensee or any of its officers.
15. Termination by the City. The City shall have the right to terminate this License at any time upon thirty (30) days' prior written notice to Licensee if Licensee (or any authorized sublicensee) substantially or materially breaches this License, violates any City ordinance

or code or any federal or state law regarding the Premises or endangers the public health or safety with regard to the Premises.

16. Removal of any Boat or Personalty of Licensee. If this License is terminated for any reason (including pursuant to Sections 14 or 15 hereof), Licensee must remove any boat, personalty, or other item owned by Licensee (except for structures as provided in Section 5 hereof) from the Premises within ten (10) days. If that does not occur, the City may remove any such item and bill the costs for removal back to Licensee who will pay and reimburse the City for such amount within ten (10) days.
17. Licensee Takes the Premises “As-Is.” The parties agree to and acknowledge all of the following:
 - (a) Licensee takes the Premises “as-is” and in its current condition. The City makes no representations, warranties, or promises regarding the Premises or the ability of Licensee to use the Premises.
 - (b) It is up to Licensee to determine where the underwater/riparian boundary lines are and to ensure that no boat mooring space, boat, or other item of Licensee is moored, kept, or installed beyond the bottomlands attributable to the Premises or over or onto the bottomlands of another property owner.
 - (c) The City makes no representations, promises, or warranties regarding whether or not permanent or overnight dock mooring, anchoring, or boat slips are allowed on, within or at the Premises pursuant to the common or statutory law, Michigan property rights, or otherwise.

18. No Claims or Causes of Action Regarding Adverse Possession, Prescriptive Easement, or Similar Theories.

- (a) Licensee acknowledges and agrees that any prior use by Licensee (or Licensee's predecessors) of the Premises was done or occurred with permission, and that any future use of the Premises by Licensee will also be deemed permissive. Licensee agrees not to claim any right or assert any cause of action regarding adverse possession, prescriptive easement, acquiescence, or similar legal theory against the City or with regard to the Premises.
- (b) Licensee agrees that the use of any property adjoining the Premises (whether involving dry land or bottomlands of the Kalamazoo River or Kalamazoo Lake), whether intentional or inadvertent, by Licensee or by Licensee's predecessor or predecessors was done with permission, and Licensee has not claimed (and will not claim hereafter) any adverse possession, prescriptive easement, acquiescence, or other similar right or cause of action (whether on dry land or the bottomlands of the Kalamazoo River or Kalamazoo Lake) as to any adjoining property regarding the Premises.

19. The Adjoining Boardwalk(s) Shall Remain Open During this License. Any boardwalk, sidewalk, or similar walkway along the waterfront which is located outdoors and on property owned, leased, or controlled by the Licensee near or adjacent to the Premises shall remain open for pedestrians who are members of the general public to walk on while this License is in effect.

20. Property Taxes. Property taxes, if any, which pertain to any of the docks (or related dock items or structures) covered by this License (including _____) shall be the sole

responsibility of the Licensee, without any reimbursement or offset by or from the City.
Any payment due hereunder may be paid by a City-approved sublicensee of the Licensee.

21. Amendments: This License contains all of the agreements and understandings of the parties hereto, and shall not be amended or changed in any way, unless any such amendment is done in writing and is signed by the both Licensee and the appropriate City officials on authority of the City Council of Saugatuck.
22. Prior License: Effective on January 1, 2023, any and all prior licenses, leases, or other arrangements between the parties hereto covering the Premises are hereby canceled and are for all purposes null and void, and of no further force or effect, except for matters specified in this document as continuing.
23. Representations of Authority: Licensee represents that it has full authority to enter into this License and to make it binding.
24. Compliance with All Laws: Licensee agrees that Licensee (as well as Licensee's family, contractors, subcontractors, employees, customers and invitees) shall comply with any and all applicable ordinances, codes, laws, and regulations regarding the Premises and any use thereof. Licensee shall not create or permit any nuisance to occur on the Premises.
25. Controlling Law: The laws of Michigan shall control any disputes arising out of the interpretation or operation of this Agreement. Venue is proper in Allegan County.
26. Duplicate: This document may be executed in duplicate but constitutes only one contract or agreement.

CITY OF SAUGATUCK (“City”)

Dated: _____, 2023

By _____
Scott Dean, Mayor

Dated: _____, 2023

And by _____
Jamie Wolters, Clerk

Dated: _____, 2020

By _____
_____, Licensee

Dated: _____, 2020

By _____
_____, Licensee



City Council Agenda Item Report

FROM: Ryan Heise
MEETING DATE: March 27, 2023
SUBJECT: QR Code Oval Beach Day Pass

DESCRIPTION:

Request permission to partner with the Saugatuck Convention and Visitors Bureau (CVB) to print a QR Code on the back of Oval Beach and downtown parking day passes. The QR code will direct people to a web page hosted by the CVB specifically designed to provide information about 1) The Interurban 2) Current events 3) restaurant/retail hours of operation. There were 41,000 day passes sold last season.

BUDGET ACTION REQUIRED:

NA- modest increased print cost for double sided printing.

COMMITTEE/COMMISSION REVIEW:

None

LEGAL REVIEW:

None

SAMPLE MOTION:

Allow staff to work with the CVB to create a QR code to be printed on Oval Beach and downtown parking passes, directing visitors to a home page hosted by the CVB that provides pertinent visitor information.



Dino Tedaldi
Great Lakes Appraisal
560 Campbell Road
Saugatuck, MI 49453
616-638-4374
Dino@glac.com

City of Saugatuck City Council

Dear members,

This week, I have been contacted by numerous realtors to comment on the recently proposed moratorium on short-term rentals and how it affects home values in the City of Saugatuck.

I am a current State Certified Appraiser who has worked in the City of Saugatuck for nearly 30 years in this capacity along with growing up here in the local community.

I would also like to inform the board I am involved with a local hotel (Secret of Saugatuck Suites) who would benefit from a short-term rental moratorium and guidelines being adopted for any limitation or denial of short-term rentals.

With that being said, I wanted to address the realtor's questions concerning values.

Currently, the proposed moratorium has already had a negative impact on the home sales in the area by adding an additional layer of skepticism for our market in the City of Saugatuck outside of rising interest rates and a slowing economy.

Within the time-frame of COVID-19 starting a nationwide shut down, the home values in the City of Saugatuck have increased at a high rate. This is in part due to low interest rates and the new found interest in “small town America”.

Many buyer's in the past 3 years have purchased in our community with financing based on rental income from short-term rentals in order to meet income requirements for mortgages. This has led to an increase in the short-term rentals in the City of Saugatuck and surrounding areas.

For those homes with a current and renewable rental certificate, there are few worries. For those purchasing homes or building homes currently, it has added skepticism and slowed sales until this issues is resolved.

For the period of the moratorium, the City of Saugatuck prices may be discounted and the listing inventory is expected to grow aside from the current interest rates and economy.

The realtors who have reached out to me have asked what impact the moratorium may have on current values. This is a question which lacks imperial data within the market.

For homes unable to obtain a rental certificate, home values will decrease. The buying power of people purchasing homes in the City of Saugatuck has decreased. Those who were counting on the rental income to help with the costs of a home in the City of Saugatuck will suffer along with seller's who are planning on selling their home within the next 9 to 12 months.

For those long-time residents who have lived in their home in the City of Saugatuck over the past many years, they will be penalized for not having a rental certificate or the ability to currently obtain a rental certificate when they sell. This could impact home values by as much as 30% and possibly more.

As an appraiser developing an estimate of value for homes in the City of Saugatuck, the lack of a rental certificate or the lacking ability to transfer a rental certificate to a new purchase of a home detracts greatly from the subject's marketability. This action could also stall home sales in the area while adding a positive market value impact on the surrounding communities.

I have recently watched nearby communities adopt short-term rental guidelines without having the negative market value impact we are currently undergoing due to the proposed moratorium. It is possible to work quickly and efficiently to adopt simple guidelines for short-term rentals in the area without the moratorium.

In my opinion, this moratorium does not help the existing community along with the potential community. The life-long residents without a rental permit will suffer when they attempt to sell.

In closing, I agree with laws and guidelines being adopted for the regulation of short-term rentals. We do not need the possible shock to the system from the moratorium. The moratorium is selective on who benefits and who suffers. Especially those residents considering selling in the next 12 months and possibly more.

Lets work together now to determine what is best for our community without having a negative impact on our current residents.

Please feel free to call with any questions.

Sincerely,

Dino Tedaldi
Great Lakes Appraisal
Michigan State Certified Appraiser.
616-638-4374

From: [Ryan Cummins](#)
To: [Sara Williams](#)
Cc: [Ryan Heise](#)
Subject: FW: Our thoughts on the rental moratorium
Date: Wednesday, March 22, 2023 2:02:23 PM

Hey Sara,

Can you please include this in correspondence for Monday's Council packet?

Thanks,
RC

From: Bruce Henke <brucehenke@comcast.net>
Sent: Wednesday, March 22, 2023 1:58 PM
To: Ryan Cummins <rcummins@saugatuckcity.com>
Subject: Our thoughts on the rental moratorium

Mr. Cummins - I spoke with you earlier this year regarding renewing our rental certificate, and also recently with some questions about our renewal application. I understand there are currently a number of meetings scheduled to discuss a rental moratorium and we are concerned that we might fall through some cracks in what's being planned and possibly implemented. Below are our thoughts about this and we would hope that you could get this in the hands of the persons responsible for discussing this and making decisions.

Mr. Cummins and board members:

We have a house at 612 Holland Street in Saugatuck that we've owned since 2002 and have done short-term rentals in the summer every year since then. That's 20 years of providing guests a place to stay in Saugatuck where they go out and spend money supporting the restaurants, shops, and other establishments and attractions in town. In January we received a letter (which actually said "a friendly reminder") that we needed to renew our rental certificate. We contacted the city and told them we would get the application and fee in as soon as we were able to confirm that we were in compliance with the items on the fire inspection list. The city told us that there was no rush, just get it done as soon as you can. There was never a word said in either the letter or phone conversation about any rental moratorium. We sent the application and the \$350 fee to the city in early March. Now we're hearing that the city may RETROACTIVELY not grant our renewal due to backdating of a date limit. We have 9 groups of 6 or fewer renters already booked with deposits paid for 35 days this summer. It is at least unreasonable and probably illegal for the city to arbitrarily set a date limit for us, especially after telling us over the phone that we had plenty of time to get our renewal done. We come to Saugatuck all year round and only rent our house in the summer and have plans to use our house as a retirement home. We

feel the solution is not to discriminate against long-time property owners and small scale rental providers, but to create an ordinance to better control some of the issues that are causing concern for local full-time residents.

Regards,

Bruce and Donna Henke

From: [Ryan Heise](#)
To: [nico leo](#); [Jamie Wolters](#); [Ryan Cummins](#)
Cc: [Sara Williams](#)
Subject: RE: Short Term Rental Moratorium
Date: Wednesday, March 22, 2023 8:54:59 AM

Hey hi Nico,

Packet went out on Monday, happy to add this to the Council meeting for the 27th.

Best,

RH

From: nico leo <nico.leo@cbgreatlakes.com>
Sent: Tuesday, March 21, 2023 5:49 PM
To: Jamie Wolters <Jwolters@saugatuckcity.com>; Ryan Cummins <rcummins@saugatuckcity.com>; Ryan Heise <Ryan@saugatuckcity.com>
Subject: Short Term Rental Moratorium

Please include the following in the packet as public correspondence for the Wednesday workshop. Thanks.

Dear Saugatuck City Council,

I am writing to express my strong opposition to the proposed short term rental moratorium in our city. As a resident, property owner and local Realtor I believe that such a moratorium would have serious negative consequences for both the local economy and our community as a whole.

Short term rentals have become an important part of our local economy, attracting visitors from all over the country and bringing much-needed revenue to our small businesses. In fact, a report out of South Haven determined that visitors contributed \$204 Million dollars to the Saugatuck/Douglas economy alone in 2020, now is not the time to mess with our economy. These rentals also provide a valuable source of income for many homeowners who rely on the income to pay their mortgages and support their families. Our tax rate along with property values are very high, perhaps you should focus on ways to reduce our millage rate.

Furthermore, short term rentals are an important way for visitors to experience our city and get to know our community. By staying in local homes and interacting with local residents, visitors gain a deeper appreciation for the unique character of our city and are more likely to return in the future. In fact I would guess that most of you were visitors here at one time and decided to move here after experiencing our town.

I understand that there are concerns about the impact of short term rentals on the availability of housing for full-time residents. However, a moratorium is not the solution to this issue. Instead, we should work together to find ways to regulate short term rentals in a way that balances the needs of visitors with the needs of our local residents and the task force you are about to seat

From: [Ryan Heise](#)
To: [Kate McPolin](#)
Cc: [Scott Dean](#); [Sara Williams](#); [Ryan Cummins](#); [Scott Dean](#)
Subject: RE: Today's City Council workshop (if not too late)
Date: Wednesday, March 22, 2023 2:26:12 PM

Kate,

Thank you.... We can include this in the Monday packet.

Best,

RH

From: Kate McPolin <katemcpolin@gmail.com>
Sent: Wednesday, March 22, 2023 12:52 PM
To: Ryan Heise <Ryan@saugatuckcity.com>
Cc: Scott Dean <scottdean2@gmail.com>
Subject: Today's City Council workshop (if not too late)

City council members,

Regarding a moratorium on STR applications: I wonder if an appropriate middle ground might be to apply the moratorium to new home purchases only. This way, we can discourage investors from purchasing homes for use as STRs (thereby "minimizing damage with loss of housing stock") while preserving the existing right of current homeowners to apply for STR use if they so choose.

The idea of passing an STR moratorium next week seems rushed and without appropriate notice and discussion, given that it potentially impacts every homeowner in the city. Let's let the task force study the issue and make their recommendation, rather than taking unilateral action so abruptly.

As a side note, I appreciate that the City is addressing waterfront construction, and hope you will work to preserve access to the waterfront (via existing boardwalks) and water views.

Sincerely,

Kate McPolin
349 St. Joseph Street
(full-time resident)

Kate McPolin
marketing communications copywriter
katemcpolin@gmail.com | (616) 990-7720

is tasked with exactly that.

There are many successful examples of cities that have implemented thoughtful regulations to address the impact of short term rentals on their communities. By studying these examples and working collaboratively, we can find a solution that works for everyone.

In conclusion, I urge you to reconsider the proposed short term rental moratorium and instead work to find a solution that balances the needs of our visitors and our residents. To place a moratorium on short term rentals without any data in place to justify it is irresponsible and potentially actionable by those negatively affected.

Thank you for your attention to this important issue

Best regards,

Nico Leo
Associate Broker
International Chairman's Circle Member
Coldwell Banker Woodland Schmidt
Prime Properties of West Michigan
Residential and Commercial Real Estate Professional
Saugatuck / Douglas
License #6506047375
cell 810-602-0564