

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, AUGUST 15, 2022**

The Regular Meeting of the Grand Haven City Council was called to order at 7:30 p.m. by Mayor Catherine M. McNally in the Council Chambers of City Hall, 519 Washington Ave.

Present: Council Members Mike Fritz, Karen Lowe, Kevin McLaughlin, Mayor Pro-Tem Cummins and Mayor Catherine McNally.

Absent: None.

Others Present: Interim City Manager Ashley Latsch, City Clerk Maria Boersma, City Attorney Ronald Bultje, Public Works Director Derek Gajdos, and Finance Director Emily Greene.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor McNally read the poem "Invitation" by Shel Silverstein

APPOINTMENTS TO BOARDS & COMMISSIONS

APPROVAL OF CONSENT AND REGULAR AGENDAS

22-293 Mayor Pro-tem **Cummins** moved, seconded by Council Member **Fritz** to amend the Consent Agenda section A. Council Meeting Minutes from 8-1-22 to say "*Requested the City look into banning AR-15's in the City. He also requested, in light of our First Amendment's protection of freedom of religion, that if we continue to provide an invocation at the beginning of City Council meetings, we include a broader range of religious traditions to be more inclusive.*" in the Public Comment section for Walter Davis at 209 S Third St.

Roll Call Vote:

This motion carried unanimously.

22-294 Mayor Pro-tem **Cummins** moved, seconded by Council Member **Fritz** to approve the consent and regular agendas as amended.

Roll Call Vote:

This motion carried unanimously.

FIRST CALL TO AUDIENCE

Oliver Shampine, 309 N Lake Ave, Spring Lake: Expressed concerns about the Board of Light and Power meeting that took place on August 3, 2022.

Margot Vandis, 1120 S Harbor Dr.: Expressed concerns about the Board of Light and Power meeting that took place on August 3, 2022.

Kent Blohm, 1820 Pine Ct.: Expressed concerns about the Board of Light and Power meeting that took place on August 3, 2022.

Kristal Boyd, 1855 Colfax: Expressed concerns about the Board of Light and Power meeting that took place on August 3, 2022.

Steve Miller 1540 Pennoyer: Expressed concerns about the Board of Light and Power meeting that took place on August 3, 2022.

Ashley, 100 Washinton Ave.: Commented on parking downtown.

Mike Westbrook, 423 Lafayette: Board of Light and Power Board Member, expressed support for approving Varnum as special legal counsel on behalf of the BLP.

Jim Hagen, 400 Lake: Commented on PFAS contamination on Harbor Island.

Gerri McCaleb, 1235 Slayton: Expressed support for appointing special legal counsel for the Board of Light and Power.

John Naser, 1450 S Ferry: Expressed concerns about the Board of Light and Power meeting on August 3, 2022 and other recent BLP actions.

Doug Vance, 100 Washington: Commented on parking downtown on behalf of tenants.

CONSENT AGENDA

22-295 Approve the regular council meeting minutes of August 1, 2022 as amended.

22-296 Approve the bills memo in the amount of \$2,422,133.23 (Attachment A).

22-297 Approve a commitment letter to the Grand Valley Metropolitan Council (Metro Council) to indicate the City of Grand Haven's intention to continue working with the Metro Council through 2025 to provide assistance with compliance with National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations and authorize the mayor and clerk to execute the necessary documents.

22-298 Approve of a resolution to transfer funds from ARPA bank account to pay FY 2022 Harbor Island expenses in the amount of \$83,959.20 paid to HDR Michigan.

Roll Call Vote:

This motion carried unanimously.

PUBLIC HEARING

The Mayor opened the public hearing concerning a request from Glassource, LLC to transfer the current 12-year, 50% abatement Industrial Facilities Tax Exemption Certificate for parcel 70-55-58-114-319 (expires 2026) and parcel 70-55-58-117-050 (expires 2029) to the new owners for the remainder of the 12-year period.

President of Glassource, LLC Jim Arnold, and the Director of Economic Development at the Grand Haven Chamber Elizabeth Butler spoke about the recent change in ownership and the role Glassource, LLC has played in the Grand Haven community.

The Mayor closed the public hearing.

22-299 Council member **McLaughlin** moved, seconded by Council Member **Fritz** to approve a resolution to approve the request from Glassource, LLC to transfer the current 12-year, 50% abatement Industrial Facilities Tax Exemption Certificate for parcel 70-55-58-114-319 (expires 2026) and parcel 70-55-58-117-050 (expires 2029) to the new owners for the remainder of the 12-year period and authorize the mayor and clerk to execute the necessary documents.

Roll Call Vote:

This motion carried unanimously.

NEW BUSINESS

22-300 Council member **Fritz** moved, seconded by Mayor **McNally** to approve a resolution, approved by the Grand Haven Board of Light and Power Directors at a special meeting held on August 3, 2022 to support their commitment to the continued environmental remediation and redevelopment of the former Sims Power Plant site on Harbor Island and to appoint Varnum as a special legal counsel.

Roll Call Vote:

This motion failed unanimously.

22-301 Mayor Pro-tem **Cummins** moved, seconded by council Member **Lowe** to affirm its decision of March 7, 2022, when it appointed Dickinson Wright as the City Attorney to provide legal services to the City, including utility and labor services for BLP, and when the Council refused to take action on the request by the BLP to hire Varnum as a special legal counsel (Attachment B).

Roll Call Vote:

This motion carried unanimously.

REPORT BY CITY COUNCIL

Mayor Pro-tem Cummins thanked the Coast Guard committee and city staff for their hard work on the Coast Guard Festival.

Council Member Fritz stated the Coast Guard Festival was very good this year, and he thought the location of the carnival alleviated a lot of traffic and noise in the residential neighborhoods. This Saturday will be Pedro's Pig Roast and donations will be going to the Momentum Center this year.

Council Member McLaughlin said the Coast Guard committee and staff did a wonderful job during the Coast Guard Festival this year. Council Member McLaughlin enjoyed his time on the fire truck during the parade.

Mayor McNally stated the community can tell the city is struggling with Harbor Island. She is discouraged this week by interactions with the Board of Light and Power, but is hopeful Council and the BLP will be able to work together in the future. The Mayor thanked Jim Hagen for the information he sent on potential new methods to clean up PFAS and other forever chemicals by Texas A&M.

CITY MANAGER REPORT

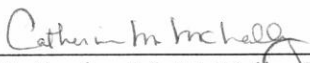
Interim City Manager Latsch thanked the Department of Public Safety and the Department of Public Works for their hard work during the Coast Guard Festival.

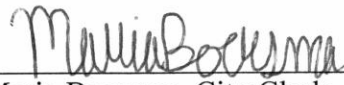
CALL TO AUDIENCE--SECOND OPPORTUNITY

Mike Westbrook, 423 Lafayette: Had a good time squirting water at City Council during the parade, and expressed disappointment City Council did not appoint Varnum as special legal counsel for the Board of Light and Power.

ADJOURNMENT

After hearing no further business, Mayor McNally adjourned the meeting at 8:30 p.m.


Catherine M. McNally, Mayor


Maria Boersma, City Clerk

Attachment A

To: Ashley Latsch, Interim City Manager
From: Emily Greene, Finance Director
CM Date: 08.15.22
RE: Bills From Payables Warrant

FUND NUMBER	FUND NAME	WARRANT 08.03.22	WARRANT 08.10.22	ACH WARRANT 08.10.22	CREDIT CARD WARRANT 08.10.22	TOTALS
101	General Fund	\$43,009.04	\$59,440.07	\$18,595.59	\$9,694.89	\$130,739.59
202	Major Street Fund	\$2,356.03	\$424.86	\$5.98	\$35.97	\$2,822.84
203	Local Street Fund	\$1,626.08	\$282.81	\$0.00	\$0.00	\$1,908.89
225	Land Acquisition Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
236	Main St Dist Dev	\$19.96	\$0.00	\$0.00	\$3,604.59	\$3,624.55
251	Econ. Dev. Corp. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
252	Brownfield Redevelopment Fund	\$0.00	\$0.00	\$13,262.70	\$0.00	\$13,262.70
252	BRA Peerless Flats EGLE Loan	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
253	Brfd LSRRF TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
254	Downtown TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
255	GLTIF Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
256	UTGO Inf Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
257	LTGO Bond Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
258	2015 UTGO Bond Rev	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
275	Housing Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
276	LightHouse Maintenance Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
278	Community Land Trust	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
310	Assessment Bond Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
351	Operating Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
352	Brownfield TIF Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
353	Downtown TIF Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
355	GLTIF Debt Serv Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
356	UTGO Inf Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
357	LTGO Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
358	2015 UTGO Bond Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
360	2020 LTGO Bond - Warber Drain	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
369	Building Auth Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
401	Public Improvements Fund	\$300.00	\$289.70	\$4,200.00	\$763.18	\$5,552.88
402	Fire Truck Replacement Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
403	Brownfield TIF Const	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
404	Downtown TIF Const.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
455	G/L TIF Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
456	UTGO Inf Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
457	LTGO Bond Construction Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
458	2015 UTGO Bond Inf Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
469	Building Auth. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
508	North Ottawa Rec Authority	\$0.00	\$0.00	\$0.00	\$1,313.20	\$1,313.20
581	Airpark Fund	\$14,626.82	\$90.00	\$544.76	\$0.00	\$15,261.58
582	Chinook Pier Rental Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
590	City Sewer Fund	\$3,987.27	\$4,546.89	\$750.75	\$0.00	\$9,284.91
591	City Water Fund	\$368,451.89	\$10,992.98	\$9.99	\$619.26	\$380,074.12
594	City Marina Fund	\$3,299.70	\$1,018.47	\$27.38	\$85.45	\$4,431.00
597	City Boat Launch Fund	\$0.00	\$160.00	\$0.00	\$0.00	\$160.00
661	Motorpool Fund	\$14,002.42	\$38,592.43	\$26,647.53	\$201.10	\$79,443.48
677	Self Insurance Fund	\$2,878.20	\$51,315.50	\$0.00	\$0.00	\$54,193.70
678	Retirement Health Fund	\$0.00	\$44,833.56	\$0.00	\$0.00	\$44,833.56
679	Health Benefit Fund	\$748.80	\$0.00	\$0.00	\$0.00	\$748.80
701	Trust & Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
703	Tax Collection Fund	\$0.00	\$1,525,566.99	\$39,678.29	\$0.00	\$1,565,245.28
711	Cemetery Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
750	Payroll Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Operations	\$1,107.11	\$28,559.84	\$1,255.89	\$28.00	\$30,950.84
800	Sewer Authority SL Force Mn	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	Sewer Authority Plant Mod	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2013 Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-SLPS/Force Main Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-Local Lift Station Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	GH/SL SA-2018 Plant Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
810	NOWS Operating	\$54,433.09	\$23,189.22	\$240.25	\$418.95	\$78,281.51
810	NOWS Plant Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
810	NOWS Replacement	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$510,846.41	\$1,789,303.12	\$105,219.11	\$16,764.59	\$2,422,133.23

Tonight, City Council will be approving, subject to audit, bills for this period, totaling as follows:

\$2,422,133.23 Total Approved Bills
\$1,665,021.34 Minus eligible bills for release without prior approval: including Utility,
\$757,111.89 Retirement, Insurance, Health Benefit, and Tax Collection Funds

Attachment B

**CITY COUNCIL
CITY OF GRAND HAVEN
Ottawa County, Michigan**

RESOLUTION NO. 22-301

Mayor Pro-tem Cummins, supported by Council Member Lowe, moved the adoption of the following resolution:

**RESOLUTION OF THE GRAND HAVEN CITY COUNCIL CONCERNING THE REQUEST
BY THE GRAND HAVEN BOARD OF LIGHT AND POWER FOR SPECIAL LEGAL
COUNSEL FOR UTILITY MATTERS**

WHEREAS, the Grand Haven City Charter states in Section 7.6(e) that the City Attorney is the attorney for the Boards and Commissions of the City; and

WHEREAS, the Charter states in Section 7.6(g) that upon the request of the City Attorney, or upon its own initiative, the Council may appoint an assistant to the City Attorney or may retain special legal counsel; and

WHEREAS, the Bylaws of the Grand Haven Board of Light and Power state, as drafted by the BLP, its former special legal counsel Varnum, and the City Attorney, that the City Attorney is the general legal counsel to the Board and to the BLP, and that any assistant or special counsel is subject to the approval of the Council; and

WHEREAS, the City Attorney has been the general legal counsel for the BLP since the BLP was created by the Charter, and there has been no finding of a conflict of interest for the City Attorney to serve as the general legal counsel for the BLP; and

WHEREAS, Varnum has in fact been used as special utility counsel by the BLP for many years; and

WHEREAS, Warner has at times been used by the City and by the BLP as special labor counsel; and

WHEREAS, the Council now has hired Dickinson Wright as the City Attorney, and Dickinson Wright is a large, international law firm with attorneys to handle the legal needs of the City and of the BLP, including utility and labor matters; and

WHEREAS, the BLP has requested the appointment of Varnum as special legal counsel for utility matters, but the BLP has not identified any areas of legal needs that are not being adequately serviced by the City Attorney; and

WHEREAS, the BLP has at times sought to receive general municipal work from Varnum, even though Varnum was designated as special utility counsel, with the result that on at least one occasion the BLP Board conducted an illegal meeting under the Open Meetings Act; and

WHEREAS, the BLP has at times hired its own attorneys without obtaining Council approval, as when the BLP hired environmental attorneys for the Harbor Island environmental matters and used those attorneys for virtually a year before asking Council for approval; and

WHEREAS, in asking to use Varnum as special legal counsel, the BLP has stated that it wants to use Varnum for any available work, since all of its work is utility related, without any oversight by the City Attorney; and

WHEREAS, the BLP has stated that unless Council approves its request to appoint Varnum as special utility counsel, the BLP will not pay the 16.5 million dollars it has budgeted for the environmental cleanup on Harbor Island, even though the BLP operations resulted in significant environmental liability; and

WHEREAS, since the Council decided to discontinue the services of the environmental attorneys the BLP selected and started to use without obtaining Council approval, the BLP has refused to participate in EGLE negotiations or discussions to resolve the environmental issues on Harbor Island;

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THEREFORE, the Council now affirms its decision of March 7, 2022, when it appointed Dickinson Wright as the City Attorney to provide legal services to the City, including utility and labor services for the BLP, and when the Council refused to take action on the request by the BLP to hire Varnum as special legal counsel.

BE IT FURTHER RESOLVED that this resolution shall take effect upon passage by the City Council.

YEAS: Council Members: Cummins, Lowe, Fritz, McLaughlin, McNally

NAYS: Council Members: None

ABSTAIN: Council Members: None

ABSENT: Council Members: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its duly appointed Clerk, I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of Grand Haven, Ottawa County, Michigan, at a regular meeting held on August 15, 2022.

Date: August 15, 2022



Maria Boersma, City Clerk