

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 18, 2023**

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 Ryan Cummins, and Mayor Catherine McNally.

Absent:

Others Present: City Manager Ashley Latsch, City Clerk Maria Boersma, City Attorney Ron Bultje, Assistant City Manager Tim Price, Department of Public Works Director Derek Gajdos, and City Planner Brian Urquhart.

INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Emmett Brown, Trinity Reformed Church of Grand Haven.

APPOINTMENTS TO BOARDS & COMMISSIONS

APPROVAL OF CONSENT AND REGULAR AGENDAS

23-238 Council Member **Lowe** moved, seconded by Council Member **McLaughlin** to approve the agendas as presented.

Roll Call Vote:

This motion carried unanimously.

FIRST CALL TO AUDIENCE

Randy Boreson, GHT: Commented on the Board of Light and Power Charter Proposal.

Jim Hagen, 400 Lake: Commented on the re-roofing project for the RV Terrell building and solar projects in the city.

Cecil Bradshaw, 31 Sherman Ave: Commented on the Board of Light and Power Charter Proposal.

Sarah Schwartz, 202 S 7th St: Commented on the Board of Light and Power Whistleblower Resolution and the Charter Proposal.

Dave Walters, General Manager of the Board of Light and Power: Commented on the Board of Light and Power Whistleblower Resolution and his own whistleblower allegations against the Board of Light and Power.

Mack Davis: Thanked Mayor McNally for her service.

Todd Crum, 415 Sandpiper: Commented on the Board of Light and Power Whistleblower Resolution.

Mike Westbrook, Chairman of the Board of Light and Power: Commented on the Board of Light and Power Whistleblower resolution.

Jeffrey Miller, 1120 S Harbor Dr: Commented on the Board of Light and Power Whistleblower Resolution.

Gerri McCaleb, West Olive: Commented on the Board of Light and Power Whistleblower Resolution.

CONSENT AGENDA

23-239 Approve the council special work session minutes, regular meeting minutes, and closed session minutes of August 21, 2023; special council meeting minutes of August 30, 2023; and special work session meeting minutes, regular meeting minutes and closed session meeting minutes of September 5, 2023.

23-240 Approve the bills memo in the amount of \$4,301,004.55.

Attachment A

Council Member **McLaughlin** moved, seconded by Mayor Pro-tem **Cummins** to approve the Consent Agenda.

Roll Call Vote:

This motion carried unanimously.

NEW BUSINESS

23-241 Mayor Pro-tem **Cummins** moved, seconded by Council Member **McLaughlin** to approve a resolution to award the low bid contract with Diekever's Roofing Inc. of Grand Rapids Michigan, in the not-to-exceed amount of \$339,046.00 for the replacement of the roof of the RV Terrill Building located at 1120 Jackson Street and authorize the Mayor and the City Clerk to execute the necessary documents.

Roll Call Vote:

This motion carried unanimously.

23-242 Council Member **McLaughlin** moved, seconded by Council Member **Lowe** to approve a resolution to seek an independent investigation into whistleblower allegations concerning the Board of Light and Power. **Attachment B**

Roll Call Vote:

Ayes: McLaughlin, Lowe, Cummins.

Nays: Fritz, McNally.

This motion carried.

UNFINISHED BUSINESS

23-243 Council Member **Fritz** moved, seconded by Mayor Pro-tem **Cummins** to approve a final resolution to amend the zoning map, rezoning 626 Columbus Ave. (parcel #70-03-21-353-002) from Old Town (OT) to Neighborhood Mixed-Use (NMU) and within the Centertown Overlay District. **Attachment C**

Roll Call Vote:

This motion carried unanimously.

REPORT BY CITY COUNCIL

Mayor Pro-tem Cummins thanked Attorney General Dana Nessel for her visit to Grand Haven, city staff for their work on the Boards & Commissions Open House, and Clerk Boersma for her advocacy of the Early Voting Agreement. Mayor Pro-tem Cummins shared that he emailed the Ottawa County Board of Commissioners with concerns over budget cuts to the Health Department.

Council Member Lowe thanked Clerk Boersma. Council Member shared what an honor it was to carry the banner with Council Member Fritz during the Hispanic Heritage Fiesta Parade.

Council Member Fritz shared a similar sentiment as Council Member Lowe in regards to carrying the banner during the Hispanic Heritage Fiesta. Council Member Fritz thanked Clerk Boersma. Council Member Fritz expressed his disappointment in the amount the City Attorney is being used, and wished Council would have more trust in city staff to conduct business.

Mayor McNally thanked city staff for organizing the Boards and Commissions Open House. Mayor McNally also shared her gratitude to all of the volunteers to the Boards and Commissions and their donation of time and talent. Mayor McNally thanked Clerk Boersma.

CITY CLERK REPORT

City Clerk Maria Boersma gave an update on the Early Voting Agreement between the local municipalities and the Ottawa County Clerk's Office.

CALL TO AUDIENCE SECOND OPPORTUNITY

Cecil Bradshaw, 31 Sherman Ave: Commented on Board of Light and Power Whistleblower Resolution.

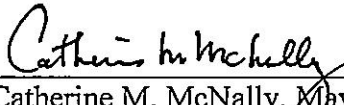
Dave Walters, Board of Light and Power General Manager: Commented on Board of Light and Power Whistleblower Resolution.


Jim Hagen, 400 Lake: Commented on Board of Light and Power Whistleblower Resolution.

Gerri McCaleb, West Olive: Commented on Board of Light and Power Whistleblower Resolution.

ADJOURNMENT

After hearing no further business, Mayor McNally adjourned the meeting at 9:17 p.m.


Catherine M. McNally, Mayor


Maria Boersma, City Clerk

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Attachment A

To: Ashley Latsch, City Manager
From: Emily Greene, Finance Director
CM Date: 09.18.23
RE: Bills From Payables Warrant

OLD FUND NUMBER	NEW FUND NUMBER	FUND NAME	WARRANT 09.08.23	ACH WARRANT 09.08.23	WARRANT 09.13.23	ACH WARRANT 09.13.23	CREDIT CARD WARRANT 09.12.23	VOIDS	TOTALS
101		General Fund	\$78,829.52	\$0.00	\$66,563.89	\$40,097.75	\$11,331.44	\$40,305.06	\$158,517.54
202		Major Street Fund	\$15,061.06	\$0.00	\$10,523.51	\$16.49	\$80.00	\$953.16	\$24,727.90
203		Local Street Fund	\$3,793.31	\$0.00	\$24.22	\$16.48	\$0.00	\$0.00	\$3,834.01
225		Land Acquisition Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
236	248	Main St Dist Dev	\$951.08	\$0.00	\$0.00	\$0.00	\$279.73	\$0.00	\$1,230.81
251	244	Econ. Dev. Corp. Fund	\$59.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$59.76
252	243	Brownfield Redevelopment Fund	\$0.00	\$0.00	\$0.00	\$5,369.45	\$0.00	\$0.00	\$5,369.45
252	243	BRA Peerless Flats EGLE Loan	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
253	242	Brld LSRRF TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
254	245	Downtown TIF	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
255	246	GLTIF Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
256	272	UTGO Inf Spec Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
257	273	LTGO Bond Rev Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
258	274	2015 UTGO Bond Rev	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
275	535	Housing Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
276		LightHouse Maintenance Fund	\$0.00	\$0.00	\$0.00	\$3,475.20	\$0.00	\$0.00	\$3,475.20
278		Community Land Trust	\$0.00	\$0.00	\$0.00	\$0.00	\$20.00	\$0.00	\$20.00
310		Assessment Bond Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
351		Operating Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
352		Brownfield TIF Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
353	394	Downtown TIF Debt	\$0.00	\$0.00	\$0.00	\$415,982.85	\$0.00	\$0.00	\$415,982.85
355		GLTIF Debt Serv Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
356	372	UTGO Inf Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
357	373	LTGO Debt	\$0.00	\$0.00	\$0.00	\$44,500.00	\$0.00	\$0.00	\$44,500.00
358	374	2015 UTGO Bond Debt Fund	\$0.00	\$0.00	\$0.00	\$90,000.00	\$0.00	\$0.00	\$90,000.00
360	384	2020 LTGO Bond - Warber Drain	\$0.00	\$0.00	\$0.00	\$9,486.75	\$0.00	\$0.00	\$9,486.75
369		Building Auth Debt Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
401		Public Improvements Fund	\$11,396.92	\$0.00	\$0.00	\$40,180.99	\$0.00	\$0.00	\$51,577.91
402		Fire Truck Replacement Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
403		Brownfield TIF Const	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
404		Downtown TIF Const.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
410		Harbor Island	\$0.00	\$0.00	\$0.00	\$44,411.84	\$394.14	\$0.00	\$44,805.98
455		GL TIF Construction Fund	\$0.00	\$0.00	\$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	\$0.00	\$0.00
457		LTGO Bond Construction Fund	\$0.00	\$0.00	\$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	\$0.00	\$0.00
469		Building Auth. Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
508		North Ottawa Rec Authority	\$0.00	\$0.00	\$0.00	\$0.00	\$1,362.37	\$0.00	\$1,362.37
581		Airpark Fund	\$967.83	\$0.00	\$1,106.48	\$435.70	\$0.00	\$967.83	\$1,542.18
582	572	Chinook Pier Rental Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
590		City Sewer Fund	\$2,243.26	\$0.00	\$1,083.60	\$43.10	\$16.91	\$1,823.40	\$1,563.47
591		City Water Fund	\$5,961.38	\$0.00	\$104,718.75	\$365.94	\$369.99	\$184.31	\$111,231.75
594		City Marina Fund	\$4,788.65	\$0.00	\$5,262.87	\$0.00	\$54.30	\$3,828.70	\$6,277.12
597		City Boat Launch Fund	\$0.00	\$0.00	\$160.00	\$0.00	\$0.00	\$0.00	\$160.00
661		Motorpool Fund	\$10,647.47	\$0.00	\$1,628.47	\$22,529.49	\$37.94	\$0.00	\$34,843.37
677		Self Insurance Fund	\$0.00	\$0.00	\$53,672.00	\$0.00	\$0.00	\$0.00	\$53,672.00
678		OPEB/Retiree Benefits Fund	\$0.00	\$0.00	\$36,800.59	\$0.00	\$0.00	\$0.00	\$36,800.59
679		Health Benefit Fund	\$0.00	\$0.00	\$91.80	\$0.00	\$0.00	\$0.00	\$91.80
701		Trust & Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
703		Tax Collection Fund	\$2,679,110.66	\$125,245.87	\$39,922.39	\$0.00	\$0.00	\$0.00	\$2,844,278.92
711	151	Cemetery Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
750	704	Payroll Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800	509	Sewer Authority Operations	\$138,673.54	\$0.00	\$18,237.14	\$1,437.01	\$18.00	\$17,189.38	\$141,176.31
800		509 Sewer Authority SL Force Mn	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800		509 Sewer Authority Plant Mod	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800		509 GH/SL SA-2013 Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800		509 GH/SL SA-SLPS/Force Main Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800		509 GH/SL SA-Local Lift Station Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
800		509 GH/SL SA-2018 Plant Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
810	510	NOWS Operating	\$61,300.88	\$0.00	\$59,308.35	\$620.21	\$0.00	\$58,728.39	\$62,501.05
810		510 NOWS Plant Debt	\$121,403.16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$121,403.16
810		510 NOWS Replacement	\$32,512.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$32,512.30

\$3,167,700.78 \$125,245.87 \$399,102.06 \$718,969.25 \$13,964.82 \$123,978.23 \$4,301,004.55

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

Total Approved Bills
Minus eligible bills for release without prior approval: Including Utility,
Retirement, Insurance, Health Benefit, and Tax Collection Funds

Attachment B

CITY OF GRAND HAVEN
COUNTY OF OTTAWA
STATE OF MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION TO SEEK AN INDEPENDENT INVESTIGATION
INTO WHISTLEBLOWER ALLEGATIONS CONCERNING
THE BOARD OF LIGHT AND POWER**

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

RECITALS

WHEREAS, the Grand Haven City Charter ("Charter") designates the city's electric utility facilities and services as a department of the city government;

WHEREAS, the Charter states, subject to the general direction of the City Council, the Board of Light and Power (the "BLP") shall have charge of the city's electric services, and shall organize and conduct the affairs of the city's systems for the generation, purchase, and distribution of electric light and power in a manner consistent with the best practices therefore;

WHEREAS, the Charter states that upon the city attorney's recommendation, or upon its own initiative, the City Council may provide for an assistant to the city attorney and may retain special legal counsel to handle any matter in which the city has an interest, or to assist the city attorney.

WHEREAS, a BLP employee, through their attorney, has come forward as a whistleblower (the "whistleblower") to the city attorney, alleging misconduct by the BLP including, but not limited to, the following:

- i. After receiving a Freedom of Information Act ("FOIA") request, the BLP coordinated an attempt to delete e-mail records related to the request;
- ii. The BLP considered and decided to pursue the permanent deletion of documents and e-mail records to avoid disclosure per FOIA;
- iii. The BLP has repeated false and misleading statements to its employees regarding a proposed Charter amendment;
- iv. The BLP has at least attempted to avoid compliance with the requirements of the Open Meetings Act;
- v. The BLP has pressured employees to sign a letter, to contribute funds, and to distribute door signs, all opposed to the proposed Charter amendment;

WHEREAS, the city attorney has received evidence from the whistleblower to at least tentatively support these claims; and

WHEREAS, the City Council has been advised by the city attorney that recent BLP presentations and mailings regarding a proposed Charter amendment may have included illegal statements under the Michigan Election Law.

NOW, THEREFORE, BE IT RESOLVED that:

1. If true, the allegations against the BLP may be violations of criminal and civil laws. The City has an interest in these allegations being thoroughly and independently investigated.
2. The City Council wishes to retain special legal counsel and directs the City Manager to recommend an independent attorney, excluding the city attorney, to conduct an investigation into all whistleblower allegations and possible violations of Michigan Election Law by the BLP. The independent attorney need not be an attorney with the firm of Dickinson Wright PLLC.
3. The city attorney shall notify the Michigan Attorney General of all whistleblower allegations and suspected violations of Michigan Election Law.
4. The whistleblower shall receive all protections afforded to them by law and shall not be retaliated against in any way.
5. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

YEAS: Council Members: _____

NAYS: Council Members: _____

ABSTAIN: Council Members: _____

ABSENT: Council Members: _____

ADOPTED this ____ day of _____, 2023

CITY OF GRAND HAVEN

BY: _____
Catherine McNally, Mayor

BY: _____
Maria Boersma, City Clerk

Attachment C

CITY COUNCIL
CITY OF GRAND HAVEN
OTTAWA COUNTY, MICHIGAN

Councilmember _____, supported by Councilmember _____, moved
the adoption of the following Ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP

THE CITY OF GRAND HAVEN ORDAINS:

Section 1. Amendment to Zoning District Map of the City of Grand Haven. The Zoning District Map approved January 4, 2021 is hereby amended by rezoning 626 Columbus Ave. (parcel #70-03-21-353-002) from OT, Old Town District to NMU, Neighborhood Mixed Use District and within the Centertown Overlay District.

Section 2. Effective Date. This Ordinance shall take effect twenty (20) days after its adoption or upon its publication in a newspaper of general circulation in the City, whichever occurs later.

YEAS: Councilmember(s) _____

NAYS: Councilmember(s) _____

ABSTAIN: Councilmember(s) _____

ABSENT: Councilmember(s) _____

APPROVED: _____, 2023

I certify that this ordinance was adopted at a meeting of the Grand Haven City Council held on
_____, 2023.

Maria Boersma, City Clerk

Introduced: _____

Adopted: _____

Published: _____

Effective: _____