

MINUTES
LAKETOWN TOWNSHIP
BOARD OF TRUSTEES
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423

SPECIAL MEETING
AUGUST 26, 2015

ARTICLE I. CALL TO ORDER

Township Supervisor Terry Hofmeyer called the special Board of Trustees meeting to order at 7:19 P.M.

MEMBERS PRESENT: Terry Hofmeyer, Wendy Van Huis, Linda Howell, Ed Stielstra
MEMBERS ABSENT: Gary Dewey
STAFF PRESENT: Al Meshkin – Township Manager
Brad Fisher – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. OPENING COMMENTS

Township Supervisor Terry Hofmeyer opened the meeting stating Gary Dewey would not be available tonight due to health reasons. Hofmeyer expressed his appreciation for the residents being present tonight. Following tonight if the Board votes against the proposal everything would stop and if they approve it, things would move forward with construction beginning in November of this year and likely over the next season. In accordance with the local and state statute we follow Robert's Rules of Order with our public hearings. Everyone will have an opportunity to speak and for the record must state their name and address prior to their comments. We ask that you limit your comments to three (3) minutes and once everyone has had an opportunity to speak, we will allow for second and third comments if needed. This is the biggest project that we as a township have looked at in many years, much bigger than the 1978 sanitary sewer project in that area. The Board has certain responsibilities to ensure the health, safety and welfare of the residents in the township. There are generations of families in the North and South Hills, a very beautiful area rich in history and we understand why you want to maintain it.

ARTICLE III. PUBLIC HEARING ON REVISED ASSESSMENT ROLL FOR MACATAWA
WATER S.A.D. NO. 12

Supervisor Hofmeyer opened the public hearing.

Steve Grunst of 2423 Waukazoo Trail, Macatawa, thanked the Township Board for the opportunity to accommodate the residents that are here in a civil and temperate manner. Grunst stated that he began a quest 4 years ago to see what it would cost to bring water to the Macatawa Hills. At that time the study was supported by over 70% of the residents which included Park Township. A minimum of 62% was required by the Township which we met and surpassed that requirement. Through attrition as the project went on people would fall off the roll. Municipal water in north beach and Castle Park was estimated at a cost of \$3,315 per parcel, and then increased to \$15-\$2,000 per parcel and upon that increase, conflict was raised. The next assessment was \$24,750 which heightened the conflict. Bids were obtained and the plans were revised but the cost did not conform and we are now at \$47,750. If at the time I began this project, it had been quoted at that amount, I would not have pursued it any further. Today the township roll should reflect opposition of no less than 93% of the current assessment roll, signed petitions all of which were submitted. There is no longer conflict over the municipal water in Mac Hills because we are all in agreement that we do not support the project.

Bill Sikkel 42 E. Lakewood Boulevard in Holland, attorney for a number of Mac Hill residents opposed to the project. Sikkel stated that he filed a written objection highlighting that there is no support for the project. It is unconscionable to think that the Board would vote to approve it with full opposition of the residents. Secondly, the legal standard that applies when looking at a special assessment, the cost must be equivalent to the value of the property which would increase each parcel by \$47,750 does not meet that of market value. Municipal water is not worth \$47,750 and the fire protection will likely not be translated equivalent for market value. No one's property will increase in value by that much which is another reason not to move forward with the project.

Kim Edgel of 2377 Maksaba Trail asked for permission to question the Trustees. Hofmeyer responded that a public hearing is to receive information and not for debate. Edgel asked to what degree the will of the people affects your decision. It was originally communicated that the project required a 62% approval by the people to move forward. Has that changed in the minds of the Trustees?

Nancy McDaniel of 2421 Cherry Walk stated that her grandparents bought their cottage in 1934, has been through five generations and she now owns it with her cousins. Being the youngest of the cousins, the others are 11-20 years her senior of which two of them would not be able to sustain their ownership with this proposed assessment. The property taxes alone are 70% of the annual budget because there is no homestead allowance. If you approve the \$47,750 assessment, our property taxes will go up 50%. It is very likely we will lose the cottage and the five generations of families will be no more. Many of the cottages in Macatawa are passed down to generations of family members, approving this assessment would be a travesty for the families. Please listen to what is said here. I, Nancy McDaniel implore you to terminate S.A.D. 12.

Bill Arnold of 2257 Crescent Walk stated he is also speaking on behalf of his mother Josephine Arnold of 2433 Valley Avenue. He understood the first petition that was circulated was for purposes of conducting a study for the possibility of water to come to the hills because we realize there is potential danger with the fire. At that point, the estimates for the project were much lower. I basically have considered the possibility of water coming into the hill and still think it would be wise to have it but not at this assessment of \$47,750. I did sign the statement that was sent to your office that I am no longer in favor of this nor is my mother.

James Canel of 2382 Waukazoo Trail stated that he was opposed to the petition originally and still of the opinion that the cost will not enhance the value of property that much.

Don McDaniel of 2259 Crescent Walk, North Hill stated that he realizes the charge of the Board is to ensure health, safety and public welfare for the residents and the operative word there is public. McDaniel stated that he served on government boards in Indiana and took pride in listening to the public. In this case, the public welfare is 91 residents will have to fund this project that seems to have no limit. It is concerning that there seems to be no active listening here as there is a unanimous unified voice opposed to the project. In this Board you have the capacity to correct the situation. I pray you listen to your heard and terminate S.A.D. 12 immediately.

George Zania of 2250 Maksaba Trail stated \$300,000 has already been spent on this project and the thing to do when you are in a hole is to stop digging.

Tom Cath of 2411 Cedar Walk stated that he owns his cottage with his sister. He understood the project was being investigated at the will of the people. The Board should respond to the will of the people now since the circumstances are different than they were four years ago. The people are now in opposition of the project.

David Martin of 2389 Waukazoo Trail thanked the Board for listening to the people tonight. He acknowledged the duties of the Board to ensure health, welfare and safety of the residents. The point that most of the residents have made is that the path of the project has changed almost tripling in cost with no known cap. The best scenario would that one of the board members be part of this project so you would know how everyone feels. There is a value placed on fire protection which is understood but please recognize that the residents are held hostage with an unlimited cap on spending and are

now at a point with no recourse. Please vote tonight to end this project.

Don McDaniel of 2259 Crescent Walk stated only 6 residents were in favor of the \$24,750 assessment and with the new number of \$47,750, those people have changed their vote. So it is unanimous that no one wants this now.

John Korb of 2387 Maksaba Trail said at the December meeting at the Felt Mansion meeting we were told that due to the increase in cost (\$40,000) bids would be put out to several smaller construction firms to get the cost down. Why wasn't communication sent at the time stating the cost of the project had almost tripled and given property owners the chance to end the project then instead of spending \$300,000 to end up at the same place we are now at \$47,750. We have had no meetings since December and now we are told the cost has tripled. No one is in favor of the project at this cost. When do you cry uncle and say that it doesn't make any sense? Each homeowner will have to come up the money and it will still be a lien against the house. I would like you to terminate the project.

Randy Woodall of 2367 Belmont Way said there are cottage owners but also year around homeowners and the market values are not going to increase by the amount of this assessment. The original petition was to agree to a study but not move forward with the project. The cost is outrageous and you must vote to stop it.

Kyle Hubble of 2450 Nahan Path apologized to those who did not sign the original petition. He understood it to be a study and would require 62% favorable vote to move forward with the project. This has been a bait and switch scam and should be put on the shelf before another penny is spent on it.

Mike Cook of 2255 Crescent Walk stated that he does not question the sincerity of the process to investigate the feasibility of the project. He supported the original proposition to investigate and would do so again if the benefits for the fire, health and safety but it must be measured by a cost benefit analysis. The cost does not support the benefits so while it is unfortunate that all this time and money has been spent but he can no longer support it at this cost. It just doesn't make sense.

Roy Welton stated that he and his wife Cynthia live at 2256 Crescent Walk on North Hill and they initially thought they were looking at a feasibility study and not a petition to process. In the spirit of looking at water and fire safety issues and to support others who might be having water problems they agreed with the study. Later it developed into a situation that we understood it was a petition to move forward with the project and was not sure how that occurred. He would appreciate the Board taking it under serious consideration and understanding other responsibilities that the same value back to the cottage owner and the level of what has occurred is way in excess of what was envisioned. He asked that S.A.D. 12 be terminated.

Joel Krissoff of 2400 Crescent Walk stated he is a permanent resident in Park Township and was in favor of the project at the cost of \$24,500. Jerry Felix of Park Township insisted that a new petition be circulated because the original did not list a price. When it didn't pass that was the end of it for Park Township and also cut the expenses involved.

Judith Canel of 2382 Waukazoo Trail stated that he spoke to many residents over a long period of time, most of the people in the room and no one is interested in this project. She humbly asked that the Board put themselves in the place of the property owners to see how they would feel. Please treat us as the way you would wish to be treated. Please.

Erick Deaton of 2265 Maksaba Trail stated that certainly there are benefits in safety, health and welfare but at what cost? The benefits cannot be pursued if the cost does not justify the outcomes.

John Colburn Sr. of 2291 Crescent Walk stated that he built their home 28 years ago and enjoys it. Al Meskin made the point when he first said he saw the project and said no way, this is not going to happen. Then we moved along with this pragmatic view of the 1% that the Township would receive for handling and 4% amortization of the \$47,750 at 20 years is \$80,000. What is the cap? Will the next installment raise it to \$50,000 or \$60,000? It is a difficult project and the cost will probably go up from there. He hopes the Board will not put that kind of burden on the property owners.

Paul Brown of 2405 Griswold stated that he owns the property with his mother, property that his grandmother bought in 1947 for \$4,000. He has been opposed to the project from the get go and had understood it to be a non-binding study. He added that the trenching done in front of his cottage for the 1978 sewer project did significant damage to his property. Everyone is in favor of the fire benefits but he has lived through wild fires in urban California and does not believe a few fire hydrants will stop such a fire. He implores the Board members to terminate this project adding that he would be open to exploring other fire protection options but not this one.

Larry Haslett 2425 Waukazoo Trail mentioned that he has not heard anything about the possible damage to the current infrastructure to the dunes and cannot believe engineers can predict what would happen. A few years ago there was so much concern about building in the dunes and this type of project has the possibility of damage to dunes and stability of the whole South Hill. He feels it should be terminated for that reason alone.

Steve Rowe of 2416 Cherry Walk said everyone has made very eloquent points and hopes the Board has listened. He knew nothing about his until three weeks ago and that doesn't seem to convey the right sentiment that you are interested in my safety, health and welfare.

After hearing no further comments from the audience Supervisor Hofmeyer declared the public hearing closed at 8:15 P.M.

ARTICLE IV. RESOLUTION 2015-13

A motion was made by Wendy Van Huis and seconded by Linda Howell to approve Resolution 2015-13 Water Special Assessment District No. 12.

Hofmeyer asked Al Meshkin about the letters received. Meshkin stated that a substantial number (approximately 81) of letters have been received and entered into record as of this meeting. Hofmeyer asked about engineering costs and the sizeable increase from Prein and Newhof. Meshkin responded that Prein and Newhof fees were the bulk of the engineering costs and then Fleis and Vanden Brink were brought in to rework the project for approximately \$80,000. There were also some legal costs so the estimated investment to date is \$300,000.

Ed Stielstra asked if the second engineering cost was built into the cost of the project if it moves forward. Stielstra also asked if of the letters received was anyone in favor of the project. Meshkin stated the engineering costs are in the project costs and of the letters received there was no one in favor of the project.

Hofmeyer asked part of the total project cost includes street restoration. Meshkin responded that the cost to replace the concrete roads is 20-25% of the project cost so approximately \$900,000. Wendy Van Huis asked how old the roads are and Meshkin responded that they had not been replaced since the 1978 sewer project. Van Huis asked if the project does not move forward, would the cost of road replacement be at the property owners' expense. Meshkin responded it would be at the property owners' expense because they are not public roads.

Van Huis asked if the petition drafted specifically stated "feasibility study". Meshkin responded that it was a petition to acquire and construct a water system and the words feasibility study was not on the document. Van Huis said she understood the Macatawa Association Board was 100% behind it was until the new price came in after we had all this money invested. Stielstra asked if the Association is prepared to deal with the road issues on their own. Hofmeyer said he is not aware of any concerns or comments but wants to confirm that the Township or County would not fund the roads as they are private roads.

Stielstra commented maybe tonight's comments can be summarized as "do not push this down our throats or against our wallets". We have made a good effort to hear everyone's comments and there is significant resistance.

Linda Howell said she came onto the Board in the middle of this project, has studied the history and listened carefully to the comments made tonight. That being said one of the things she listened to carefully were the comments from the Fire Chief and his predecessor including watching the film of how devastating the fires have been in the past. On the Cottagers Association website it notes the fire danger. There are a lot of renters in the summer that may not be as careful. Knowing full well if something happens up there we will be faced with questions of why we didn't improve the fire safety and the roads. Safety is a huge issue.

Van Huis said the request for water was taken seriously when a resident came to the Township to ask for it. The Township did not go to the residents. She feels for the people and for the Board but agrees with Howell that fire protection is a concern.

Meshkin as a non-voting member stated that the drinking water is a benefit even if you have good wells today. The roads and the fire protection are a major benefit not only for the people who own the cottages but for their guests who do not know the area. Another benefit is for the safety of the fire department members as they will risk their lives to get you out of your house.

Stielstra said if he were on the other side of the table he would be for it, not against it.

Hofmeyer asked for final comments. **Supervisor Hofmeyer called for a roll call vote. Howell – yes, Van Huis – yes, Stielstra – no, Hofmeyer – yes. MOTION CARRIES – MOTION APPROVED**

ARTICLE V. CITIZEN'S COMMENTS

Nancy McDaniel stated that before all of your meetings it is written that you say a prayer. You are not listening to us. We could have a S.A.D. 13 and figure out the fire protection. People are going to lose their homes. We can talk about ways to fight fires that are not at a cost of \$47,750.

ARTICLE VI. ADJOURN

A motion was made by Ed Stielstra and seconded by Wendy Van Huis to adjourn the meeting at 8:36 P.M. UNANIMOUS DECISION – MOTON APPROVED

Wendy Van Huis, Township Clerk

Diane Ybarra, Recording Secretary