



## Park Township

From the Desk of Howard Fink,

Township Manager

1/29/2021

Hi Everyone. Attached is this week's management report. As always, please let me know if there is anything I have missed.

### **MOU / State Park Pier Gate**

I am anticipating that the DNR Memorandum of Understanding and access to open / close pier gate in the offseason will be on the February agenda. Much has changed since the Township assisted in getting the gate and materials donated and helped coordinate installation. I engaged in this effort and the larger State Park Safety consortium to affect change and do our part in reducing the number of fatalities / water rescues at the State Park. At the time the gate was installed, there was a verbal understanding that the DNR would assume responsibilities for opening and closing the gate during the season. In the offseason, mostly to accommodate fishermen, the Township Fire Department and Sheriff would collaborate on a day to day decision to open / close the gate for a two-month period (originally was one month but expanded to two months for the Fall fishing season). It is important to note that the pier is not designed for visitors to access. It is a navigational device for boating.

A few months ago, the Ottawa County Sheriff made the decision to remove themselves from the original MOU with Corporate Counsel's recommendation. This was done after the gate was installed. While governmental agencies have immunity, the State and Federal government have Sovereign Immunity; a more robust protection. The County is concerned about additional liability exposure and costs from a lawsuit if a fatality or injury occurs when the gate is open. Moreover, The DNR has also since indicated (after the gate was installed) that the opening and closing of the gate would need to occur on a real time basis, rather than once or twice a day as originally discussed and agreed to by all the parties. If I had been aware of this expectation, I would not have used township resources to assist with getting the gate installed; as it would have gone against my assurances that fishermen would be able to access the pier. The more

complicated analysis of liability has been a more recent discussion; one which likely would have changed the outcome of the gate being installed.

Moving forward, I will request that DNR provide additional resources to monitor the gate in the offseason and or extend their immunity protections to the Township. If not, I cannot in good conscience recommend that we enter into an agreement with the DNR. I acted in good faith, with an understanding that the entities were all in agreement with how the gate would be managed. I consulted legal counsel and was comfortable that the Township would not be increasing our liability exposure. Given all the recent changes and new information, I am no longer comfortable with that premise. In retrospect, these details should have been ironed out before instillation, and I take responsibility for the Township effort in assisting with the gate instillation before agreements were approved by all parties. While it's not our gate nor is it on our property, we did assist in the effort.

As you can see, monitoring and deciding when to open / close the gate in the offseason has been a moving target. I hope the DNR will assist in resolving this issue so the fishermen can have access during the Thanksgiving Whitefish run.

### **Speed Trailer**

The Sheriff's office is recommending we purchase a new speed trailer. The old one is requiring a lot of maintenance. It is the same speed trailer recently purchased for Holland Charter Township. For those that are unaware, the Township levies a public safety millage and contracts with the Sheriffs office for services. The cost of the trailer will be taken out of that fund. I will authorize purchase next week, as it is less than the \$10,000 threshold in our policy manual. Given the recommendation is coming from the Sheriff's office, we are considering this as a sole source bid relative to our purchasing policy.

### **Recreation Coordinator**

As you may be aware, the Township's recreation coordinator Bryan Dykema has been assisting with Audio Visual / IT efforts during the board meetings. There has been discussion that recording and or broadcasting our meetings may continue after COVID restrictions are lifted. In this case, I would advise having a person assist with audio visual duties. The next payroll processing will occur mid-February. I am recommending that Bryan receive a dollar raise on the next payroll for these additional duties. This will be on the agenda for the upcoming February meeting. We will also include this in the new budget, with an assumption that these activities continue. Obviously, there are

policy decisions regarding taping the meetings that are the Board's to determine. If Bryan's services are not needed at the future time, we will adjust his salary accordingly.

### **Visioning Process for the Former Airport Property**

I have identified two additional teams that the Board will be asked to consider for the February board agenda. The first is McKenna and Associates team operating out of their Grand Rapids office. The second is Paul McKenna, who was a former partner with LSL Planning. I believe both are capable of performing the tasks alongside township staff and support. I have met with both consultants to advise and inform them of the assignment. Both teams are aware of our desire for a highly participatory process over culminating in a preferred concept plan. Both teams will be presenting their thoughts on what such a process will include and guidelines on cost. Once a preferred consultant is chosen, we will need to refine our process / timeline and have that further vetted by the Board.

### **Cooper Van Wieren**

As you may know, the resident at the end of Perry Street, Sara Rooks has voiced concern with the Cooper Van Wieren parking lot. Approximately two weeks ago an incident occurred where Sara felt her dogs were being harassed. A sheriff deputy, staff and multiple board members were present during this issue. Following that, Daniele has informed me that Sara has requested the signage and a fence delineating her property from that of the Park. I am trying to set up a call with Jim Gerard, Myself and Ms. Rooks to discuss these issues and determine next steps. We have left message, but nothing has been scheduled.

### **Wendt Park**

Wendt Park bids have been received. I have attached a preliminary bid tab for your review. The bid spreads were tight, which can be an indication that the engineer did a good job clearly identifying the scope and requirements of the project so that everyone was bidding on an apple to apples comparison. In fact, two of the bids were identical, which is something that has never occurred in my career. If ready, we will have this on the February agenda for a bid award. If necessary, we will hold it until March. The engineer still has to perform post bid interviews, verify all figures, and ensure an apples to apples comparison. At that time, Progressive AE will recommend a contractor for the Board to consider.

## **Storm Water Ordinance**

The State is requiring changes to our storm water ordinance. The County and Macatawa Area Coordinating Council is advising municipalities on how to comply with the new regulations. Nearly all development must adhere to the County standards and are required to become a county drainage district prior to construction. This is not true of site condos or smaller developments that do not require such infrastructure development. With respect to site condos, we will be required to ensure that all developments have either a maintenance agreement with the Township and or a 433 agreement with the county drainage office for future repair. We are already doing this, but the regulations will effectuate it on paper. I prefer the Township require a 433 agreement, which puts the responsibility on the county drain office if the association is not maintaining the system, rather than the Township. Updated ordinances will be on a future meeting agenda and further information will be presented at that time.

## **Lisa and Steve Turkstra**

Residents along 160<sup>th</sup> adjacent to the most recent bike path installation are concerned that our drainage design was not sufficient. They have indicated that following the bike path, their property has flooded more intensely and more often than ever before. It's important to also note that the water table in Park Township has been at historic highs, particularly this last spring. The residents do not believe this was the reason for the flooding. I visited the site last night and spoke with the residents at length. I also have had preliminary discussions with Joe Bush and Ken Bosma on the issue. I will follow up with Prein & Newhof and the residents to see if any mistakes were made. I will keep the Board up to date on any determinations / outcomes.