

Fleis bails on trail; Friends of the Blue Star Trail ask why

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Fleis & VandenBrink will no longer serve two masters. Saugatuck city's longtime engineering firm has apprised Friend of the Blue Star Trail, who hired it at council's behest to design a non-motorized route through city boundaries, has told the group it is terminating their contract.

The 501c3 nonprofit Friends have been working for nine years to build a 20-mile nonmotorized recreational path in stretches, as funds allow, west of Blue Star Highway from South Haven north through Saugatuck. It would connect from there to trails north through Laketown Township and on through Holland.

Portions have been completed in Saugatuck Township and Douglas, north and south of the 0.4-mile Saugatuck city stretch, which includes the river-spanning Blue Star Bridge that Saugatuck city shares with Douglas.

The Friends, who have spent more than \$28,000 in engineering fees with Fleis, need connectivity support from governments of both cities and the township to be eligible for federal and state grants essential to move the north section of their project forward.

Saugatuck City Council has for two and a half years declined that, citing concerns about public safety and future costs involved taking ownership of what would become its section.

The Friends, with an anonymous \$200,000 pledge towards completing the north section pending all three local governments supporting a trail plan by Dec. 31, have stepped up the urgency of their appeals.

Those funds would be used, with others raised by the group through donations, to match state and federal grants, requiring little to no local government investments

for the path's construction.
In September Saugatuck

City Council directed manager Kirk Harrier to set up a stakeholders meeting of representatives from involved governments. That session was closed to others. The manager's summary of that session differed from how Friends remembered it.

Council voted unanimously Oct. 14 to back a resolution drafted by Harrier that, with verbiage added by member Barry Johnson, expressing "support" for the trail on terms the Friends found unacceptable.

Backers claim the city's resolution imposes responsible fiscal and safety conditions on the project. Friends agree both are imperative, but its conditions pose a poison-pill test that's impossible to pass. They also question council taking this action three weeks before an election guaranteed to replace at least two council members.

To become a truly "joint," therefore binding, resolution, it would require support from Saugatuck Township and Douglas governments.

The township board declined to do so Nov. 6, tabling a vote on the resolution in favor of naming representatives to a proposed committee comprised of peers from the Friends and cities to develop "a truly collaborative approach," as members put it, to getting the section done.

Douglas City Council was scheduled to consider the same resolution at its Monday, Nov. 18, meeting.

Fleis project manager Jon Moxey emailed Harrier Oct. 31, "As you are aware, we completed our original assignment with the FOTBST to evaluate alternatives in Saugatuck some time ago and have been providing follow-up consultation on an as-needed basis since then.

"The FOTBST," he continued, "are working with (Saugatuck Township Fire District Chief) Greg Janik on coordinating a meeting with the fire board aimed at addressing/resolving emergency services concerns raised at the July 18 (Saugatuck city) workshop. Possible bridge congestion was a topic at that night's meeting.

"Since the overall direction of the project has changed a little since that time toward a multijurisdictional approach, we're hoping for some direction from council on if and when they would like us to proceed with this and other aspects of the Blue Star Trail project.

“We’d be happy to attend the workshop or regular meeting when they take this up, if that would be helpful,” Moxey wrote Harrier. “In the meantime, please feel free to contact us with any questions or concerns.”

Harrier replied to the Fleis engineer that afternoon, “You are correct the FOTBST has recently requested the 3 communities undertake a joint capital improvement project and construct a portion of non-motorized trail that would encompass public property in all three jurisdictions as one single project ...

“Now that this project is being considered with a more multi-jurisdictional collaborative approach, the 3 separate governmental entities need to take a first step and approve a joint resolution in order to officially move in that direction.”

Saugatuck city had already forwarded its version of a draft to its neighbor governments, who had not at that point addressed it.

“If all three units of government agree to move forward with the project by approving the joint resolution,” Harrier’s Halloween email to Moxey went on, “then an intergovernmental agreement can be approved which will outline specific responsibilities of each jurisdiction. The specific design discussions/review would follow.

“However, I have no authority to tell F&V who it can or cannot meet with during the interim. I will keep you updated on the progress of the joint resolution approvals and any specific direction I get from City Council in the meantime,” Harrier said.

Friends board member Richard Donovan emailed Harrier, copying in Mayor Ken Trester and Friends president John Adams, Nov. 4, claiming Adams “was informed by Jon Moxey Friday that, pursuant to direction from you, effective immediately F&V is instructed to take direction only from City Council, not from the FOTBST, regarding the Blue Star Trail.

“We have the following questions and comments,” Donovan continued:

“1. Please confirm that Mr. Moxey’s statement is accurate, i.e. that you so instructed him and F&V.

“2. If so, please advise whether this instruction came from the Council or just from you. If from the Council, provide us with a copy of the resolution (as you say, the

Council can only act through a resolution). In either case, please explain why this action was taken.

“3. You are aware that (1) the FOTBST has a contract with F&V for this work, and that last year the Council approved F&V working with the FOTBSTW; and (2) we are at a crucial stage of the F&V engagement, where Mr. Moxey and F&V have a unique understanding of the situation and are crucial to all of us (City, Douglas, FOTBST and Fire Department) coming to a mutual decision as to the route option. Your action, if true, may severely prejudice the FOTBST and the project.

“4. At your meeting with Richard on Oct. 23, you said you had no objection to us meeting with the Fire Department and Mr. Moxey. We were about to confirm a rescheduled meeting when Moxey pulled out due to your direction to him.

“We look forward to your prompt response so we can plan accordingly,” Donovan’s email to Harrier said.

The manager that night responded he had attached his Oct. 31 correspondence with Moxey (shared above) and also sent it to council members immediately after he had responded.

“I specially noted in that email I take direction from City Council and would notify him (Moxey) of any specific direction from Council,” continued Harrier.

“I also explicitly stated that I do not have the authority to instruct F&V who they can or cannot meet with as a private contractor. If F&V chooses to meet with your organization as part of an independent contract, that is completely up to them to do so.

“My email to Mr. Moxey simply explains the current process the City Council is taking to move your project forward ... This new direction is substantially different from what your organization proposed before with each unit working independently of each other ... That was the intent of the joint resolution City Council adopted at their last meeting ...

“To clarify the conversation you (Donovan) and I had on Oct. 23, I told you very clearly I have no authority to give approval to who your organization meets or doesn’t meet with.

“Again, if the Fire District and F&V feel it is prudent to meet with your organization to discuss designing and alterations to critical public infrastructure

owned and controlled by the Saugatuck City Council and Douglas City Council, that is a decision the Fire District and F&V will need to make,” Harrier said.

Donovan emailed Fleis president Paul Galdes shortly after asking to set up a meeting. “We seem to be getting different versions of whether the City is directing your firm not to complete its engagement with us,” he said.

“As you know we have a contract with your firm that is ongoing, but Jon (Moxey) told John (Adams) you are unwilling to complete your obligations due to instructions from Mr. Harrier.

“Perhaps there is a miscommunication somewhere?” asked Donovan.

Galdes replied the next day saying, “Please allow me to further clarify. While we have sought input from Kirk, our decision was made internally. As he stated, Kirk has told us all along he has no authority to direct our firm on our business with other clients.

“Based on the change in direction of the project,” Galdes continued, “we don’t see a benefit in meeting with the Fire Department to discuss a concept that is not acceptable to at least one of the three entities or until the three have agreed on a path forward.

“The City of Saugatuck has passed a resolution in favor of a project that does not reduce the number of existing traffic lanes. This is the City’s desire and as the City’s engineer it would not be right for us to attend a meeting without City representation to discuss such a concept.

“As Jon Moxey indicated to John Adams, we will be taking our direction on all matters concerning the Blue Star Trail from City Council going forward,” Galdes went on.

“While the deliverables changed slightly from what was originally included in our Work Plan, we completed the critical elements of it and have been providing out of scope ongoing consultation since that time.

“Our Professional Services Agreement includes a termination clause, allowing either party to terminate upon seven calendar days’ written notice. We respectfully ask that you consider this correspondence that notice,” Galdes said.