

FIFE LAKE TOWNSHIP

**Fife Lake Township Hall, 134 Morgan Street, Fife Lake, MI 49633
231-879-3963 Phone / 231-879-3146 Fax**

Regular Meeting

APPROVED AMENDED

Thursday, April 27, 2023, 6:00 p.m.

CALL TO ORDER:

Supervisor Gerianne Street called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

ROLL CALL: Supervisor Street called Roll.

Present: Supervisor Gerianne Street, Clerk Leigh Gifford, Treasurer Cathy Sorrow, and Trustee Dawn Zimmerman. A quorum was established.

Absent: Trustee Nicole Gibson.

Also Present:

Fife Lake Township Deputy Supervisor, Mr. Jeff Berthiaume
Fife Lake Village President, Mr. Tom Hempsted
Fife Lake Chamber Vice President, Mr. Stan Patrick
Recording Secretary, Ms. Kay Held

APPROVAL OF AGENDA:

Amendments:

New Business:

Attorney Invoices of 3/9/23 and 4/13/23

Old Business (previously tabled items from April meeting):

Planning Commission Discussion
Meeting Reimbursement
Civic Center South Invoice Approval
Walton Junction

Correction to Agenda:

Correct "Special Hearing" to "Public Hearing" on the Agenda.

Board Action:

Ms. Sorrow made a motion to accept the Agenda as amended. Ms. Zimmerman seconded the motion.

YEAS: All. NAYES: None. Motion carried.

CONFLICT OF INTEREST: None.

CONSENT CALENDAR:

Clerk Gifford read the purpose of the Consent Calendar to include: Fife Lake Township Regular Minutes of March 23, 2023, Fife Lake Township Closed Minutes of January 26, 2023, Financial Report, Transfers and Bills to be Paid.

Ms. Zimmerman asked for Bills to be Paid be pulled and moved to New Business.

The January 26, 2023, Closed Session Minutes were previously distributed to the Board for review, and collected, at the last Regular Meeting. At the last meeting, Supervisor Street asked to listen to a portion of the recording before the Board moved to approve the Minutes. They were again distributed to the Board this evening for approval.

Supervisor Street explained to the Board the minor change she suggested to one line. One word was deleted and three were added to ultimately read: "There was Board discussion after the attorneys left the conference for clarity purposes."

Board Action:

Ms. Street made a motion to approve the Fife Lake Township Closed Session Minutes of January 26, 2023, as amended. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Gifford-Y, Sorrow-Y, Street-Y. 3-Yes, 0-No. Motion carried.

Ms. Zimmerman abstained as she was not present at the Closed Session Meeting.

Clerk Gifford collected the Closed Session Minutes from the Board upon approval.

It was noted on the Consent Calendar portion of the Agenda where the Closed Session Minutes are listed, the date should be January 26, 2023, instead of January 27, 2023.

Board Action:

Ms. Sorrow made a motion to approve the Consent Calendar as amended. Ms. Gifford seconded the motion.

ROLL CALL VOTE:

Zimmerman-Y, Street-Y, Sorrow-Y, Gifford-Y. 4-Yes, 0-No. Motion carried.

CORRESPONDENCE:

Supervisor Street received several items of correspondence from Ms. Dede Weaver, who requested they be put on public record. Ms. Street read each aloud:

Email of April 26, to Gerianne Street, Fife Lake Township Supervisor:

"Gerianne, I wrote you on April 16th and reminded you that the Legion said they would fix the sign in around three days. That would have been March 31st. You never responded. It is now April 26th and it has been almost a month ago and it is still not fixed. I asked you in that email of April 16th why it wasn't fixed. You never responded. I would like this letter entered into the public Record. Dede Weaver."

Email of April 26, 2023, to Gerianne Street, Fife Lake Township Supervisor:

"Gerianne: I have discussed with you before about the Legion's lights. The ordinance for exterior lights is to have full cutoffs so they don't shine on others' property. The three 20 foot (estimated) high lights plus the ones that are owned by Consumers, maintained by Consumers and paid for by the Legion, I believe are in violation of that ordinance. The one that is owned by Consumers on the east side, shines on the road, on the people's across the street and of course our property. The one on the barn and the one over the kitchen door were to be fixed with full cutoffs according to the agreement that was signed and voted on by the members of the Legion. They are not fixed, and I can see them through their privacy fence. I would like this entered into the public record. Dede Weaver."

Note: Trustee Nicole Gibson arrived at 6:13 p.m.

E-mail of April 26, 2023, to Gerianne Street, Fife Lake Township Supervisor; John Roth, State Representative; Darryl Nelson, Grand Traverse County Commissioner; Dakota Baker, State Senator; and Tom Bensley, Grand Traverse County Sheriff:

"Gerianne: Since the Legion has made this into a 7-day a week, almost 365 days a year, and 12+ hours a day bar, there have been multiple problems. This discussion is about the way these vehicles driven by members, family and friends is no less than reckless driving at times. Also, disturbing the peace. The loudness of their vehicles pertaining to the revving is disturbing to say the least. This happens from early day to 1:00 a.m. For the past 5 years, I have witnessed careless to reckless driving. Not only have they burned rubber in the parking lot but also out of the driveways and down the road. Some will wait till they get to our driveway and floor it down to the roundabout with their horribly loud vehicle. After exiting it, they floor it again into town also, north and south on 131. With their souped up, uncapped, broken muffler or pipes, it is very, very loud, and I can hear it above my TV and even taking a shower. This has been going on for almost 5 years, all year round. I would like this entered into the public record. Dede Weaver."

E-mail of April 26, 2023, to Gerianne Street, Fife Lake Township Supervisor; John Roth, State Representative; Darryl Nelson, Grand Traverse County Commissioner; Dakota Baker, State Senator; and Tom Bensley, Grand Traverse County Sheriff:

“Gerianne: Since the Township gave this Legion a permit to build this deck, which is 200 feet from my house, it has done nothing but cause problems. You also issued them a permit for a tent, which causes the same problems. Partying, loud, disgusting language, obnoxious noises and at times continuous beeping of their horns as they pass by the deck. There was no observation done on the effects of this deck before issuing the permits. The fence has done nothing but entice them to intensify the yelling, howling and obnoxious noises. They park in the back so when anyone goes by the deck they yell at the vehicle and hoot and holler. They also park at an angle in the very back where there is no fence, so their lights on high beam shine into our house. I would like this entered into the public record. Dede Weaver.”

Supervisor Street responded to Ms. Weaver’s correspondence today stating she would look into the Ordinance to see if there is anything there to help her out. She noted that Deputy Colley is also involved, which may be brought up in his report.

Clerk Gifford noted that Assessor Jessica Marvin stated when the Township receives calls for her resulting in a written phone message, she would like her phone number provided to the caller or the caller’s message emailed to her in order to provide a quicker response.

Clerk Gifford referenced email correspondence dated 4/27/23 from Mr. Shane Lewis with a subject line “For your attention and consideration – April 27, 2023.” Ms. Gifford reported it was just received today, and she added it to Board Member packets for review.

Clerk Gifford referenced the recent MTA Annual Conference attended by several Board Members. She stated as Clerk, it is her statutory duty to receive, open and properly distribute Township mail. She referenced an email correspondence to her from Supervisor Street dated 3/29/23. The first topic was the previously questioned and resolved \$74 ACCO charge, which was indeed a planner for Supervisor use.

She then read to the Board the second portion of the email from Ms. Street which, in summary, asked the Clerk to put any mail with her name or Supervisor on it on her desk unopened, particularly attorney bills. As the legal agent for the Township, she needs to see what we are being charged for and question any charges before the bill goes public. In her absence, Deputy Clerk Berthiaume opens her mail on the phone with her and they discuss it. She will make sure he forwards anything the Clerk will need.

There was discussion between the Supervisor and the Clerk. Supervisor Street stated she resolved the problem and asked the attorney that invoices be emailed directly to her.

Trustee Zimmerman referenced correspondence dated 4/19/23 from Zoning Administrator Bob Hall and asked Supervisor Street to read it aloud during this Correspondence portion of the meeting as it is not a “report” from him for use in the Reports section.

Supervisor Street read his letter to the Fife Lake Township Board Members, prefacing that it would not be an easy read due to emotional feelings but that with conflict and positive communication, positive changes can result.

“Dear Fife Lake Township Board Members:

Having had the opportunity to serve in 22 distinct municipalities (Townships, Cities and Villages) over the past 22 years has afforded me an opportunity to observe many administrative practices associated with planning and zoning. These include simple site (and complex) plan reviews, special use reviews, ordinance amendments, and other ministerial activities requiring notices and publications for a public hearing.

The last 7-1/2 years have found me involved with the Wexford Joint Planning Commission as their Planning and Zoning Director. As a zoning administrator, we’re taught to do everything with an eye towards risk management. With that being said, the FLAPC has demonstrated that they do not have the proper training or even the desire to properly apply standards of the zoning ordinance, as required, on behalf of Fife Lake Township. In my brief two years I have attempted to interject with cautionary suggestions that would assist in their processes, only to be ignored.

This is not an indictment of the individual members that comprise the FLAPC or of the legislative bodies of the participating municipalities. As any employer will evaluate their employees, I spend a great deal of time evaluating myself and scoring my performance standards. I would ask that the Fife Lake Township Board ask themselves what the FLAPC has achieved in the last two years for the benefit of Fife Lake Township. This is a serious question that needs to be answered and addressed.

You are the 'legislative' body answerable to your constituents, residents and property owners alike. You should demand no less than the very best from those whom you appointed to represent you on the FLAPC, as well as those who represent 'you' and are appointed by the Village of Fife Lake. Briefly, when I am making ministerial decisions, I am exposing the Township to more risk than any other body or individual – it's important that I base my decisions on 'fact' and do not act in an arbitrary or capricious manner – that I base my decisions on policy such as the zoning ordinance. The Fife Lake Area Planning Commission must be held to the same exact standards without exception.

I have observed the FLAPC membership engaging applicants in personal rather than professional conversations based upon the ordinance standards, engaging applicants in conversation via email and personally outside of an open meeting regarding active applications, all an example of ex-parte communication which is, at the very least unethical and perhaps of violation of due process.

The 'joint' planning commission is attempting to work from two individual zoning ordinances with two separate zoning administrators and little to no training to do their job. I professionally believe that the FLAPC is not able to perform in the best interest of the Township and the Village based upon the abbreviated observations above. This in effect places me in a vulnerable position as a contractor responsible for the administration of your ordinance(s).

Not bringing these observations to your attention is a breach of my own personal and ethical standards. I have no other solutions to offer other than to urge the Fife Lake Township Board to engage the Village of Fife Lake in a serious conversation regarding the future of the Fife Lake Area Planning Commission. This is a 'joint' venture.

To allow yourselves and those you represent to be exposed to this level of unprofessional governmental behavior does not present an admirable image.

Respectfully submitted, Robert Hall, Certified Zoning Services.”

Commissioner Zimmerman reported she received an email while she was still in Florida dated 3/23/23 from Fife Lake Township Supervisor Gerianne Street. She stated she is presenting this information for transparency purposes. Ms. Zimmerman read aloud the email and a document authored by Ms. Street entitled “Reasons why a Joint Planning Commission is not in the best interest of Fife Lake Township.”

The email reads as:

“Good morning Dawn, I hope all is well and you are enjoying Florida. In previous conversations you had stated that you questioned the practicality of the Fife Lake Area Planning Commission and were supportive of looking into withdrawing from the Fife Lake Area Planning Commission. I am wondering if the Board decided to withdraw, if you would still be willing to serve on a Fife Lake Township Planning Commission. I have checked with the other three Fife Lake Area Planning Commission members from the Township, and they are supportive and willing to move on. Bob and I will meet with Tom Hempsted today to discuss the process and get his input. Please see the attached draft. I will send this out to the whole Board after Bob, Tom and I go over it.”

Ms. Zimmerman replied via email:

“Gerianne, I am responding to your email that I received this morning. In December, the Township and Village appointed new Planning Commission members and the Village has a new President as of November. With the changing of arms happening just a few months ago, the timing is off as to making a decision to withdraw. Most of the reasons you listed are from the past administration and members, not the present members and administration. Shouldn't we see how it goes with the new Members moving forward before making a decision? I did have concerns a year ago, but with the new changes, now is not the right time. With that being said, whatever the Board's desire, I would still be interested in serving on the Planning Commission.”

Trustee Zimmerman then read aloud the second document compiled by Ms. Street with input from others “Why a joint planning commission is not in the best interest of Fife Lake Township.” The document was an attachment to the above read email. It was distributed to Board Members. It read:

- “The FLAPC has hired their own attorney and is moving in a direction that presents itself as an independent unit, not a unit that serves the FLT Board. It is in the FLT's best interest to use their attorney, Bloom & Sluggett, for all matters related to the Township. Recently there was a rezoning issue that was handled in a manner that our Township attorney advised against. I was told the FLAPC attorney was contacted for advice on the rezoning, but

we or our FLT attorney have yet to see that in writing or to see where the FLAPC was billed for that. This request was made months ago to the FLAPC Vice Chair, who I believe is the legal contact for the FLAPC.

- The FLAPC works off two different Zoning Ordinances. FLT has been a member of the FLAPC for four years and there has been no progress in combining the Village Zoning Ordinance and the Township Zoning Ordinance together. There is just not enough volunteer time to do the work to combine the documents.
- The FLAPC has two different Zoning Administrators. The FLAPC has been critical of the Township Zoning Administrator for missing FLAPC meetings, yet there looks as if there has been no outreach to the Village Zoning Administrator to attend meetings.
- The FLAPC has struggled greatly to get things posted within legal timeframes. For three months, there wasn't any progress in meetings and tasks at hand. This has been very frustrating to both the Township and Village members. If we dissolve the FLAPC, we can keep a better tab on postings and our Zoning Administrator can play a bigger part in being a help mate to an FLT Planning Commission.
- The FLAPC updated their bylaws, but never presented those new bylaws to the FLT Board for approval. Legally, they do not have to but it would have been a good faith move to do so. The new bylaws conflict with the FLAPC resolution.
- Both the Chair and Vice Chair are Village appointed members of the FLAPC. This could possibly give too much control to the Village.
- There are seven members on the Commission. Four members make a quorum. This could create a circumstance when a vote would be decided where three of the four members are Village appointed and vice versa for the Village (Ms. Zimmerman believes Ms. Street may have meant "Township" at the end of that sentence where she typed "Village.")
- The Village has been the fiduciary for the FLAPC. Billing for the FLAPC expenses from the Village to the Township has been disorganized at best. FLT is not getting bills quarterly and there have been times where multiple months have passed without any bills being presented to the Township for FLAPC expenses. We also do not receive itemized bills in those billings. There has been discussion to make FLT the fiduciary instead of the Village.
- There are not any positives for FLT to continue as members of the FLAPC. We will need to have five members for a Commission, and it should be no problem for FLT to fill one more seat to make a full Commission for FLT.
- The Master Plan can be easily tweaked to be an FLT Master Plan. Or we can check to see if a Village/Township Master Plan could still work if we dissolve the FLAPC. There have been many holdups in creating a Joint Master Plan.
- The FLAPC has not looked into insurance coverage. Since they are a separate entity, they need their own insurance. If each unit of government had their own Planning Commission, they would be covered in the blanket policy already held by the municipalities.
- There possibly will be conflicts as we move forward with Cannabis businesses. Will Village members be against Township Cannabis and will Township members be against Village Cannabis? Both will still get the per retail store payout, but having it in both the Village and Township creates a decrease in sales tax revenue for each."

CITIZEN COMMENT:

Ms. Mary Ellen Dilley, 8611 East Sparling Road, Fife Lake, MI 49633:

Ms. Dilley had earlier asked whether her comment should be treated as Correspondence or Public Comment and asked if Ms. Street would read it under Correspondence. She replied she would rather Ms. Dilley read it aloud. At the end of the Correspondence section and beginning of this Citizen Comment section, Ms. Dilley again asked if her remarks should be presented under Correspondence as she was not sure she could make her remarks within the 3-minute Public Comment timeframe. Ms. Street replied "I think you can do it."

Ms. Dilley stated:

"I am writing to the Board and would like to express my huge concern regarding the Fife Lake Area Planning Commission and a seemingly unworkable situation which now exists. I have attended all of the FLAPC meetings over the last few years and have become acquainted with how they work and approach problems. I am quite often the only citizen participant in the room.

The smooth function of the Board seemed to change when Mr. Lewis joined the Planning Commission in 2021. Every meeting was a conflict when he determined that meeting notices were not being handled properly and generally objected to not exactly following the Rules of Order. This led to many cancellations over the next few years and debates that caused very long meetings. Ms. Zimmerman began to take three months away from the Board each winter. This led to participation and progress during the meetings being affected by being one Member short. April is then catch up time, and both of these situations have led to great delays in completing the Master Plan revision.

However, I am writing due to the big change that occurred in January, 2023. When Ms. Forwerck joined the Planning Commission in January of 2023, as the Village Representative taking the seat held by Mr. Dave McGough, the changes were immediate. On the Master Plan, she wanted to review every item discussed over the last two years and adjust them to her liking [delays].

When the subject was on the Agenda for February 14 regarding the Marihuana Ordinance to allow Skybox Cannabis to have a drive up window, which has been delayed since August of 2022, she took over the meeting. She demanded that new research be conducted, even in outlying counties, so she had more information. Other Board Members spoke up and said they had been reviewing this for many months and a Public Hearing for the request should be scheduled for the March meeting. The vote was 4-1 to proceed. The day of the March Planning Commission meeting, Ms. Forwerck staged a no quorum situation by saying she had an emergency and could not attend. She then went to the Village meeting that same night and was caught in a lie. This cancellation gave her another month for her to prepare to confront the Marihuana Amendment and another delay for Skybox. I feel that the Board should ask her to reimburse Mr. Coulolias as he has been required to front all the expenses for the Zoning Amendment, which no other applicant has been asked to do. This was a deliberate act by Ms. Forwerck to control meetings and shape topics to her liking. So the additional cost of dual legal notices should fall on her. In the few months since she joined the Planning Commission, she has attempted to be in charge. She is a bully, wanting to regain power that she lost during the last election for Township Supervisor.

The Minutes of the February 14 meeting are full of her requirements. The next request of the Skybox request in April was done under her list of facts. This discussion only included curbside service and change of hours."

Clerk Gifford interrupted Ms. Dilley's comment, noting her 3-minutes were up (3 minutes and 20 seconds).

Ms. Dilley stated she was afraid of this and had wanted her remarks handled under Correspondence. She was denied Board permission to complete her remarks. Ms. Dilley stated she would complete her statement at the second Public Comment.

Ms. Amanda Scott, 11380 Phillip Street, Fife Lake, MI 49633:

Ms. Scott stated she is sorry to be here talking about the Planning Commission and agrees with some of what has been said, but not all of it, particularly the comments from the Zoning Administrator.

Ms. Scott submitted a formal letter of resignation from the Fife Lake Area Planning Commission to the Township and summarized its content for the sake of time restrictions. She summarized her letter, stating:

"It is with regret that I have to submit my resignation from the Fife Lake Area Planning Commission. I served on public and non-profit boards the last 10 years, including the last eight on Planning Commissions. I applied to join because I love planning and zoning and am dedicated to serving my community. It's a very tough job and takes a lot of work, but it's important and I honestly enjoy it. However, over the past three years, I have seen the productivity and professionalism of the Planning Commission decline significantly. I listed several examples in my letter and kept several more to myself but the theme of most is a general lack of mutual respect, order, structure, training and support. Overall, the Board is inefficient and quite frankly embarrassing.

I want to be clear that I believe there are very good and passionate people on the Commission who care a lot, but they lack the training and support necessary to be effective. It was my pleasure to serve with those Commissioners. However, there are also a small few whose goals appear to be to distract and disrupt as much as possible. It appears to be working.

I also need to say that it should not be left to the Planning Commission to train themselves or to do this work on their own. Bob has only attended a handful of our meetings, and I think the Village Zoning Administrator has attended once. I've never heard of a Planning Commission operating on its own without support, training and guidance from staff.

On the Township website, it says that the Zoning Administrator is to advise the Township Planning Commission in their role and function as Planners. It is generally understood that the ZA's job is to support all things Zoning including the Planning Commission. This expectation has not been followed. As a public body of volunteers, most with little to no Planning experience, it's no wonder the meetings are regularly derailed and unproductive. Both ZAs seem unsupportive, are often snarky, and are little help to the PC. And honestly, it feels like most times Bob wants us to fail. Even when we ask direct questions, his answers are short and do little to showcase his supposed years of experience and knowledge. Perhaps in a growing township of our size with increasingly complex regulations and ordinances, one-ish office day is not enough.

I respectfully suggest that the Village and the Township, as I have been saying for a long time, either truly come together under one Zoning Ordinance with one Zoning Administrator or they need to split up. This is not working.

I do promise to spend my new 10-20 hours each month making an impact in our community, and I regret this outcome and hope for the opportunity to serve again under better conditions where our Commissioners are adequately trained, supported and held accountable. Thanks."

GUESTS: None.

REPORTS:

County Commissioner, Mr. Darryl Nelson:

Absent – No Report. Mr. Nelson was unable to attend due to a death in the family.

Sheriff Department - Grand Traverse County Deputy Ryan Colley, FLT CPO:

Deputy Colley has attended some trainings regarding crime prevention with commercial and residential properties. Much of this has to do with crime prevention through environmental designs; i.e., landscaping, exterior items, natural surveillance and sight alignments to make property visible, inviting and with positive viewing. This deters the potential for crime to be attractive. If anyone has questions or would like assistance with the available programs, he is happy to answer them and share what he has learned.

Deputy Colley has been performing property checks, residence patrols and traffic enforcement. He reported his monthly stats:

11 Traffic Stops, 2 Misdemeanor Citations (7 issued the past month), 6 Traffic Crashes (1 that resulted in injuries).

There was an issue on Hodge Road/Gleaner Hall area regarding drone harassment and a drone flying close to homes, windows and bedrooms of homes with small, young families. He reached out to the Michigan State Police who have the ability to park and secure a machine to monitor drone frequency and show flight paths and operator location. There are criminal laws specific to drones and harassment, and being within a certain distance of homes. There are also extra patrols. He asked for public input from anyone who may be aware of drone activity or knows or who may be responsible.

There was a wild fire off East Elliott Road. They were able to locate the origin and responsible party. There was a good, multi-agency response. DNR Fire has taken over the criminal investigation. A citation was issued.

On Merritt Street in the Village, there was a home that had damaged windows at 3 a.m. from BB gun use. This appears to be an isolated incident.

He is investigating the possible financial exploitation of a vulnerable adult.

He has been in contact with a Vans Lane resident who is having noise issues and an ongoing complaint about noise, lights and vehicles. To his knowledge, the Township does not have a Noise Ordinance in place; therefore, he is not able to take corrective action on something that is not a criminal offense.

He received the emails Supervisor Street read earlier regarding the Legion Hall. He has not received calls or complaints involving traffic, noise, lights, loud patio parties, etc. He will contact the author of the email. The Township may want to consider putting a Noise Ordinance in place in the future. Clerk Gifford stated she will provide a copy of the Township's Nuisance Ordinance to Deputy Colley.

Deputy Colley is a Field Training Officer (FTO) in the Department and has been training new officers.

He encouraged public contact with him regarding any requests or input. His phone number is on the office door at the Township Hall.

Ambulance/Fire/Emergency Planning – Ms. Nicole Gibson, Chief Scott Tinker.

Ms. Nicole Gibson:

No report as Ms. Gibson was unable to attend the last meeting. However, she has an EMS report from Mr. Mike Berendsohn, EMS Director of Kalkaska Emergency Services.

There were 22 calls for service in Fife Lake Township and four in Springfield Township for the month.

A new ambulance will be delivered in June. It replaces the old, red truck here that is out of service.

An ITLS refresher course was held in April. There will be ALS and PALS refresher courses in May.

Chief Scott Tinker:

Chief Tinker reported there were nine calls for service in March:

- 3/5/23 MVA Rollover, Union Township, 7 personnel responded, 1 hr., 5 min. on scene.
- 3/10/23 Structure Fire, Springfield Township, 7 personnel responded, 1 hr., 35 min. on scene. Assisted by Garfield Fire, Boardman Fire and Kalkaska Fire assisted.
- 3/11/23 Tree Blocking Road, Springfield Township, 4 personnel responded, 40 min. on scene.
- 3/14/23 CO Alarm Activation, Springfield Township, 5 personnel responded, 45 min. on scene.
- 3/15/23 PDA, Fife Lake Township, 2 personnel responded, 50 min. on scene. Assisted by Paradise Emergency Services.
- 3/18/23 MVA with Entrapments, Boardman Township, 3 personnel responded, 2 hr., 4 min. on scene. Mutual aid given to Boardman Fire.
- 3/25/23 Assist/Stand By for Kalkaska EMS, Fife Lake Township, 3 personnel responded, 15 min. on scene. Mutual aid given to KEU.
- 3/27/23 Fire Alarm Activation, Fife Lake Township, 8 personnel responded, 30 min. on scene. Cancelled.
- 3/31/23 Chimney Fire, Fife Lake Township, 7 personnel responded, 50 min. on scene.

Chief Tinker encouraged people to be extra cautious with burns right now due to conditions. They have been on 9 brush fires so far this month.

Lt. Jeff Wellman and Firefighter Kyle Tinker completed their Firefighter Instructor course. This was paid for by the Bear Lake Fire Department. This will be followed by Officer classes.

Fife Lake Village – Village President Mr. Tom Hempsted:

President Hempsted reported that both boat launches are operational, and the baseball field is ready for use. The yard waste dump (for leaves, tree waste, etc.) property has been worked up and is now more functional and includes signage. The ground is soft right now, so he advises caution with vehicles.

The Village Spring Cleanup is May 13, from 8-12. Proof of residency (FLT, FLV) must be shown. There are some charges for tires, etc. It is posted on the website and throughout town.

Fife Lake Area Utility Authority (FLAUA) – Ms. Leigh Gifford:

Ms. Gifford was absent at the meeting. Supervisor Street reported in her place.

Silversmith Data out of Gaylord delivered a presentation about their data management systems and its features in marking all assets of the system and interpreting data. There are numerous layers and functions to the system, which is fully customizable to the Utility. She will be meeting with Compliance Officer Ravary regarding a similar software program through the State of Michigan Asset Champion Program.

There have been some employee issues that Compliance Officer Ravary is monitoring and managing.

Zoning Administrator – Mr. Robert Hall:

Absent – Supervisor Street read his correspondence earlier.

Fife Lake Area Planning Commission (FLAPC) – Ms. Dawn Zimmerman:

Ms. Zimmerman reported all Board Members were present at the April 11, 2023, meeting.

A Public Hearing was held regarding a proposed Amendment to the Fife Lake Township Marihuana Ordinance. There was open discussion for 2-1/2 hours. The recommendation to the Township Board is as follows: Hours change from Mon-Sat 8am-8pm TO 8am-10pm, Sunday from 12pm-7pm TO 10am-7pm. Curbside Pick-up is permitted.

There was discussion regarding insurance needs as it was brought to the Planning Commission's attention that we are a separate entity from the Township. Chair Marcia Eby will contact the FLAPC attorney regarding this.

The FLAPC voted to approve the Village of Fife Lake Adult Use Marihuana Ordinance.

Ms. Zimmerman read an email and attachment from Supervisor Street dated 3/23/23 regarding the possible withdrawal of Fife Lake Township from the Fife Lake Area Planning Commission. This is the same information she read earlier in tonight's Township meeting. A heated discussion had followed at the FLAPC meeting.

The gas station signage at the Village Market was discussed. There is supposed to be a sign there, per the site plan. This issue has been brought up approximately five times and no sign is yet in place.

Planners accepted, with regret, the resignation of FLAPC Board Secretary Amanda Scott.

The next meeting will be 5/9/23 at 6:30 p.m. at the Township Hall.

Civic Center South – Ms. Gerianne Street:

Ms. Street reported the Board discussed a grant they will be writing for installation of the security cameras donated by Hayes Manufacturing. They will write a SPARK grant to defray these costs.

They also discussed the pros and cons about the possibility of joining forces with the Village of Kingsley. Civic Center South is currently a separate entity. As a part of the Village, they may be able to apply for more grants. This will be an ongoing discussion.

Board Action:

Ms. Street made a motion to close the Open portion of the Regular Meeting to move into the Public Hearing. Ms. Sorrow seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

Note: The Open portion of the Regular Meeting was closed at 6:57. p.m.

PUBLIC HEARING FOR INVASIVE AQUATIC SPECIES SPECIAL ASSESSMENT DISTRICT RESOLUTION:

Board Action:

Ms. Street made a motion to open the Public Hearing for Invasive Species Special Assessment District Resolution. Ms. Sorrow seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

Note: The Public Hearing began at 7:00 p.m.

Supervisor Street announced the Township Board will hear any objections to the proposed improvements, the Township's determination to proceed and the proposed Special Assessment District. She asked for Public Comment:

Public Comments:

Mr. Shane Lewis, 11744 East State Street, Fife Lake, MI 49633:

Mr. Lewis stated he had not known much about Milfoil until he learned about it. He is on board for it and it is a good thing for our community. He is a lakefront owner and will cut the check. However, he has concerns. He's been trying to add it up and doesn't have a firm answer. It appears the Township has spent, just this year, between \$15-20k of Milfoil money for chemicals on attorney fees. Correct him if he is wrong. He understands there are other bills.

We have one year at \$25k to treat the Milfoil and \$20k was spent on attorney fees? Wow. The other concern he has is the better way to go about this, if there was an overage, is to stop collecting money from people. Run the overage down then request funds. He would prefer to have seen that.

When looking at the detail on attorney bills, listed is the term "research, research, research." You hired attorneys who are supposed to be versed in this, why are you paying so much money for them to research? They should be able to knock that out.

Lastly, his concern is we are going through another assessment which will require us to write another check. Will that again put us in another position to have an over 5% carryover that needs to be refunded back again? He cautions against this. He hopes due diligence is going to make sure this doesn't happen again.

He's on board with an assessment; we should treat it. More than just lakefront owners use the lake, and we are paying it. That's ok. But let's be good with our money.

Ms. Laura Brandt, 11463 Lake Shore Drive, Fife Lake, MI 49633:

Ms. Brandt commended the Township and Village for doing something proactive in installing the boat cleaning stations. She appreciates them. Now we need to get people using them. As previously discussed, lakefront residents are not the only people using the lake. She encouraged the Township to have signage posted so that boaters understand they have to utilize the boat washes before they launch their boats.

Supervisor Street thanked Ms. Brandt for bringing the boat wash idea to the Board. Ms. Brandt was pleased the Township pursued the grant.

Mr. Gary Burkholder, 11801 Evergreen, Fife Lake, MI 49633:

Mr. Burkholder is a lakefront resident. The system we had was pretty good. Why do we need to change it, and who is going to benefit by this change? The owners or other groups? Who makes the decision on how that money is going to be spent as there is no appeal? Whatever the Board decides is what will occur. It is not clear if this is an efficient mechanism to attack specific problems. Do you have the skill to do it?

Ms. Street asked for clarification on "the system" in his comment. He replied "the system for treating the lake." The issue at hand is the money that residents have put into the fund to treat the lake. How is it going to be treated under the new plan and who is in charge of that?

Mr. Denny Meyer, 11765 Lake Shore Drive, Fife Lake, MI 49633:

Mr. Meyer asked how many acres are to be treated this year. What generated the \$200/year figure? He understands the cost increases brought about by Covid. It seems like we are treating less and are down to our goal of less than 40 acres, give or take. We are paying more now to address that out of the gate, so to speak, than when we first started at \$300 and here we are 10 years later at \$200, we started out with a lot more acreage.

Mr. Fred Joles, 11728 East State Street, Fife Lake, MI 49633

You are having a Special Hearing for the Special Assessment District and you sent out Exhibit B, which he received in the mail.

It reads in part: "partial eradication of aquatic plants and weeds of a portion of Fife Lake located in Fife Lake Township by means of chemical treatment, biological agents and/or mechanical harvesting." He is concerned with the last phrase "mechanical harvesting." If you do mechanical harvesting and that weed breaks in places, every piece will start a new plant. Supervisor Street responded that was the way it had to be written; mechanical means will not be used to eradicate it. The Township may use biological means. Mr. Joles stated if you are basing the opinion on Public Act 188 of 1954, it has nothing in there about how you do it.

How many parcels are you basing your round figure of \$200 on? He added up the Township's list and came up with 146 parcels; the last calculation was 148. What two parcels were left out and why?

Lastly, what is your relationship with Springfield Township? There is one lake between two townships. Have you, in your estimate of approximately \$200, considered the amount that should come from Springfield Township toward lake treatment? It used to be an 80/20 responsibility (80% Fife Lake/20% Springfield). Is that what we are supposed to interpret with the \$200 per parcel to mean? It doesn't say that in the document. What coordination have you had with Springfield and has

Ms. Street attended a meeting there herself to discuss this? She stated she has been in contact with them but not attended a meeting there.

Mr. John Verhey, 11637 Lake Shore Drive, Fife Lake, MI 49633:

Of the money you are estimating, \$196.25 per parcel, are the attorney fees rolled into this amount and divided among the 146 parcels? His concern is that this process with Fred Joles and a number of other lake property owners was put in place years ago. He is sure at that time attorneys were used, the process was defined, and every year the amount of money showed up on the tax bill.

Why do you need to go back to attorneys and spend money on attorneys to get this done again? He was here last year talking about this, and a lot of information fell through the cracks. The money in the fund was talked about. He believes the attorney was here as well. There was money in the bank available to use. The discussion was "we don't even know if we have to hit the property owners with a formal assessment." So we had that money to work with. Add to it the cost of the attorney. Now we are at \$200 and here we go again. That needs to be clarified.

Mr. Fred Joles:

Mr. Joles asked what updates have been established for 2023 and which company are you going to utilize?

Board Action:

Ms. Street made a motion to close the Public Hearing. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Zimmerman-Y, Street-Y, Gibson-Y, Gifford-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

Note: The Public Hearing closed at 7:17 p.m.

Board Action:

Ms. Street made a motion to re-open the Open portion of the Regular Meeting. Ms. Gibson seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

Note: The Open portion of the Regular Meeting re-opened at 7:18 p.m.

Supervisor Street addressed the questions asked during the Public Hearing.

- Springfield Township is 20% and Fife Lake Township is 80%. We are using our original contract with Savin. The fee presented is based on our 80%.
- The two parcels not on the roll are one parcel that had access from the railroad and the same is likely for the second parcel.
- Regarding attorney fees, the Board is comprised of lay people. Legal advice is a necessary expense. What we started out with, and were called out on by the public, was a very abbreviated step sheet which had historically worked. However, five Resolutions, five Public Hearings and newspaper postings are required. It is a very costly process. She showcased the step sheet from the attorney outlining the proper process for a Special Assessment District. It is a bit different from what was done in the past and is now what is required. There is a big difference in what we were doing and what we have to do to be legal about the process. Citizens have high expectations, and we must comply with the law. That is where the legal fees came.
- There was a balance over 5% in our coffers for Milfoil. We are going to work hard to prevent an overage and not over-collect money.
- The system was working. We are using the same company and the same system once or twice a year. They have put a cap on what they will charge per year. Mr. Burkholder asked if they will continue where the weeds are growing. Will they find them and communicate that information to Savin on areas to spray? Ms. Street stated in the past, we had someone to do that. She will be in contact with them to see if they are still available or able to teach someone else. If so, it is a savings of \$1,500-2,000 to the Township by eliminating the need for Savin to GPS the lake. Ms. Brandt asked if she were to be paddle boarding and sees Milfoil, whom should she call. Ms. Street advised her to call the Township office. Mr. Joles stated he and John have provided information for years. Ms. Street stated the Township appreciates it, and they have done a great job.

- Mr. Shane Lewis commented if this is 80% and the Township is collecting \$29k and another 20% comes from Springfield Township, does that bring the total collected approximately \$35k? He asked if it costs \$35k to treat the lake. Ms. Street stated no, the cost was \$23k last year, and historically costs have been going down. It used to be \$382 per parcel.

Mr. Lewis stated she didn't answer his question. If the cost is going down and the Assessment is going up, that's more than we pay, plus Springfield Township is paying 20%. What is the annual cost to treat? Ms. Street stated at the most, it cannot exceed \$30,900 for 2023. Annual increases are \$900 or \$1,100. Mr. Lewis replied if the maximum charge is \$30,900, why is the Township collecting \$35k? Ms. Street responded because it is averaged over nine years. Mr. Joles interjected the fall treatment was not done last year, that is why there was a 5+% balance.

- Mr. Denny Meyer remarked that we don't know how many acres will be treating this year? Ms. Street replied no, not until we get the GPS coordinates. In his observations touring the lake, there is a tremendous amount of boats that harbor at docks on the railroad property. They are not property owners; they live elsewhere but get the benefits. You can't really treat that like somebody who lives two blocks over and puts their boat in, tooling around for the day and leaving. This is just food for thought, but maybe we should put an assessment on boats that come in and out of the lake to help treat the Milfoil. The wash station is a good thing. He's been at the lake when the sheriff's boat has drug Milfoil out with it.

It all comes down to policing; it's not going to happen. People camping on the lake are not paying a penny. We need to keep the lake clean and that takes a lot of effort. Back in the day, he knocked on a lot of doors asking for donations to treat the lake. He understands what it's all about. Down the road, he suggested the Township think about growing the taxation district. Everyone in Fife Lake Township and Springfield Township needs to contribute to the beauty of this lake and its long-term legacy. We didn't ask for this problem but have been assigned to offer good ideas to fix it. It is unfair to ask 140 individuals to continue to carry this load. He doesn't know how much has been spent on this to date, but he's rather see it go to Milfoil than pay \$25k to an attorney to tell us the five steps. Ms. Street corrected her previous statement, clarifying the attorney fees were \$14,302.

Supervisor Street stated she is working on a grant through the Michigan DNR for a Fish Habitat Grant. MDOT and the railroad company own one-half to one-third mile along the lake. It is going to look swampy. This grant would allow us to put in fish sticks (trees), plant native species and put in a nursery for baby fish. She would like community input on this matter. With Board approval, she would like to hold a meeting with people who are interested. Their input would aid in her grant writing process.

There is the potential to be awarded a very large grant. A member of the public asked she discuss Pickerel Lake as well. Ms. Street asked for Board consensus to hold a Special Town Hall type meeting.

Board Action:

Ms. Street made a motion to have a Special Meeting as a work session with the community for a DNR Fish Habitat Grant on Thursday, July 13, 2023, at 6:00 p.m. She will attempt to have members of the DNR and MDOT attending the meeting. Ms. Sorrow seconded the motion.

ROLL CALL VOTE: Gifford-Y, Gibson-Y, Zimmerman-Y, Street-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

Mr. John Verhey asked when and where residents will hear more information about the likelihood of the road repair of Grand Kal/Lake Shore Drive. Where will it be published? When will they know more? Supervisor Street stated the liaison between the community, Township and the Road Commission is Mr. Greg Sova. Any time there is information available, it is given to residents. She does not see it happening this year. The Road Commission will be paying 100% of the cost when it does happen.

NEW BUSINESS:

Planning Commission Vacancy:

Supervisor Street will be interviewing candidates for the vacant seat on the Planning Commission. She will have someone to present to the Board next month.

Gravel Road Brining:

Supervisor Street distributed in the meeting packet the County Road Improvement Agreement for gravel road brining from the Grand Traverse County Road Commission. The estimated cost of the county-maintained roads is \$29,008.82. The Township pays 50% which is \$14,504.41. There is \$20k budgeted for this expense.

The Board reviewed seasonal roads for brining with the remaining budgeted funds, closely examining road usage, residences, and the length of each road. The cost would be \$1,495/mile. In the past, the Township has been able to brine 2.28 miles of seasonal roads. This year, it can afford to brine an additional 2.5 to 3 miles.

Board Action:

Ms. Street made a motion to accept the County Road Improvement Agreement from the Grand Traverse County Road Commission and add the following seasonal roads to be brined:

- East Sparling: M-113 to Lake (2.05 mi.)
- Grand Kal Road SW: Marsh Road to U.S.131 (.18 mi.)
- Hodge Road: Walton Road to the railroad tracks (.25 mi.)
- Lake Road: Vans Lane to Marsh Road (.99 mi.)
- Vans Lane: Forest Road to Kennies Lane (1.25 mi.)

Ms. Gibson seconded the motion.

ROLL CALL VOTE:

Gifford-Y, Sorrow-Y, Street-Y, Zimmerman-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

ARPA Expenditure Report:

Ms. Emily Escajeda from H&R Block contacted Supervisor Street regarding the ARPA Expenditure Report. Board approval is required for any changes.

One item should be removed from the ARPA Expenditure Report: \$1,000 for driveway widening from the boat wash station. This amount should be posted with the boat wash grant monies.

Board Action:

Ms. Street made a motion to remove \$1,000 from the ARPA funds and moved into the boat wash grant fund. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Street-Y, Zimmerman-Y, Sorrow-Y, Gifford-Y. 4-Yes, 0-No. Motion carried.

Ms. Gibson abstained from the vote.

Supervisor Street explained the Fife Lake Township Special Assessment District for Invasive Aquatic Species. It expresses the Township's intent to proceed with the public improvements and the proposed Special Assessment District, it expresses the Township's intent to defray the cost of the public improvements by Special Assessment, and it directs the Township Supervisor to prepare a Special Assessment Roll and file the roll with the Township Clerk for presentation to the Township Board.

SAD for Invasive Aquatic Species Resolution #2:

Supervisor Street read aloud to the Board and members of the public the entire proposed Special Assessment District for Invasive Aquatic Species Resolution #2.

Board Action:

Ms. Street made a motion to proceed with and make the public improvements; approval of the plans and estimate of costs, to defray the costs by special assessment; final determinations of the special assessment district; directive to the Township Supervisor to prepare the Special Assessment Roll. This Resolution Number will be: MSAD 03-23 of 2023-2. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Zimmerman-Y, Gibson-Y, Gifford-Y, Sorrow-Y, Street-Y. 5-Yes, 0-No. Motion carried.

SAD for Invasive Aquatic Species Resolution #3:

Supervisor Street read aloud to the Board and members of the public the entire proposed Special Assessment District for Invasive Aquatic Species Resolution #3.

Board Action:

Ms. Street made a motion to pass the Resolution MSAD 03-23 of 2023-3 to acknowledge the filing and presentation of the Special Assessment Roll to the Township Board; Notice of Public Hearing. Ms. Zimmerman seconded the motion.

ROLL CALL VOTE:

Sorrow-Y, Street-Y, Gifford-Y, Gibson-Y, Zimmerman-Y. 5-Yes, 0-No. Motion carried.

Attorney Invoices of 3/9/23 and 4/13/23:

Trustee Zimmerman commented about Township attorney invoices from March and April for dates of service in February and March, which were distributed to the Board in the meeting packet. She specified the following dates of service, which reflect work performed by Bloom Sluggett, PC, in reference to the Fife Lake Area Planning Commission. She also commented about other subjects as outlined below.

ITEM #1: ATTORNEY FEES

Bloom Sluggett Invoice Dated 3/9/23:

Dates of Service:

2/1/23: Receive and review from D. Eberle client inquiry regarding withdrawal from Joint Planning Commission. Cursory review of email correspondence and client submitted documents. (\$37.00)

2/8/23: Review Michigan's Zoning Enabling Act and Michigan's Joint Planning Commission Act provisions related to joint planning commissions; draft formal memorandum regarding withdrawal process and potential issues. (\$222.00)

As Board Member, she assumes some sort of draft has been provided to the Supervisor regarding the process for potential withdrawal of the Township from the Planning Commission.

2/10/23: Review Fife Lake Area Joint Planning Commission Agreement and Ordinance and provisions related to joint planning commission withdrawal procedure; research related case law for issues in withdrawal process; draft, finalize and send to D. Eberle formal memorandum regarding withdrawal process and potential issues. (\$444.00)

2/15/23: Review Joint Planning Commission memorandum. (\$19.50)

It was confirmed these charges were pulled from payment last month.

Trustee Zimmerman stated in Minutes reviewed tonight, it was first brought up to the Board at that meeting (March) about possible withdrawal from the Planning Commission. In looking at this as a Board Member, it only came to the Board's attention from Supervisor Street at that meeting. The attorney fees are from February and March dates of service. However, she believes this subject should have been discussed with the Board prior to that. If the group then determined to move forward, they would direct Supervisor Street to contact the Township attorney to start the review process of withdrawing.

One individual of this five-member Board chose to contact the attorney for information, without Board level knowledge or discussion, and gather information we didn't need to have yet until discussed at the Board level.

She continued with the April invoice as outlined below:

Bloom Sluggett Invoice Dated 4/13/23:

Dates of Service:

3/8/23: Review memorandum regarding Joint Planning Commission; research regarding the same; email B. Hall, et al., regarding the same. (\$175.50)

Trustee Zimmerman inquired what parties are being referred to as "et al.?" Ms. Street is unaware of who is being referred to.

3/10/23: Research concerning incompatible offices for the Village President to serve as the Township's Deputy Clerk. (\$185.00)

3/10/23: Email with B. Hall, et al., regarding FLAPC. (\$19.50)

These seven charges total \$976, which is money this Board did not approve to be spent as they were unaware of this.

(Editing Note from Recording Secretary: Totals listed add up to \$1,102.50, rather \$976. Which is correct?)

It is evident from the documentation presented, Supervisor Street has been in touch with the Township attorney from 12/14/22 through 3/10/23. Somewhere behind the scenes, someone has been talking but nothing has come to this Board until last month. Ms. Street asked to act on it at the March meeting, but Treasurer Sorrow suggested the Board await the return of Trustee Zimmerman because she is on the Planning Commission.

These fees should not come out of the Planning Commission budget as they were unaware of any of these matters.

Trustee Zimmerman reiterated she is bringing this information up for transparency purposes.

Supervisor Street asked to respond. She agreed with Trustee Zimmerman's concerns and believes some policy should be in place for Supervisor limitations. They discussed whether ZA Hall's concerns were previously brought up in his monthly report or a Supervisor's report. She contacted MTA Attorney Catherine Mulhaupt who informed her you cannot have a joint planning commission with two Zoning Ordinances. Ms. Zimmerman would like to see that in writing.

Trustee Zimmerman reiterated she does not believe the Planning Commission should have \$976 come from its budget when it was not approved but rather from the General Fund.

ITEM #2: WALTON JUNCTION

At last month's meeting, the Walton Junction foreclosure property was discussed. This was not previously brought before the Board prior to that meeting. The following legal fees were charged in that matter:

1/6/23:

Discussion with D. Eberle regarding 11422 regarding Phillips Street. Research property to determine current owners. Saved in email documents to D. Eberle. (\$85)

Supervisor Street replied the County contacted the attorney, who sent the letter to the Township. Ms. Zimmerman referred to the March minutes and the discussion of this property: "There was Board discussion about what potential the property holds for Fife Lake Township. There may be several opportunities such as an open space, park, playground, etc. The Township could also purchase it and sell it for a profit. Treasurer Sorrow would prefer to focus on the 40 acres the Township currently owns. If it becomes available, the Township has until July 3, 2023, to make a determination about this property. There was Board consensus to table this item for future consideration."

Ms. Zimmerman noted no action was made via motion to move forward in any direction on this subject.

1/12/23:

Receive notice of Show Cause Hearing and Judicial Foreclosure Hearing for 11422 Phillips Street. Scanned, saved and duplicate of previously copy emailed to D. Eberle. (\$850)

1/18/23:

Research Michigan's General Property Tax Act provisions regarding tax foreclosure process and local municipality options to obtain property under the same draft. Formal email memorandum to D. Eberle regarding the same. (\$444)

1/20/23:

Research Michigan's General Property Tax case law regarding foreclosing governmental unit's obligations to remit surplus provisions on claim and effect on foreclosure procedure. Draft and send information email memorandum to D. Eberle regarding the same. (\$333)

1/24/23:

Emails with D. Eberle regarding conference with S. Weaver regarding tax foreclosure matter and judicial lien. Email G. Street regarding same. Research regarding tax foreclosure matters. (\$156)

3/1/23:

Email G. Street et al., regarding lien. Conference with B. Conklin regarding SAD. (\$19.50 – Ms. Zimmerman has split the original amount in half due to some of it relating to the SAD, equaling \$19.50 to the Township.)

3/14/23:

Discussion with D. Eberle regarding payment deadline 11422 Phillips Street. Scanned and saved in email to Fife Lake Township Supervisor. (\$17)

\$1,186 total - paid to research possibility of buying Phillips Street property.

Ms. Street stated these are the daily workings of the Township. Ms. Zimmerman reiterated her point that these were not approved expenses nor a subject discussed with the Board. We are a Board of five people, each with a voice, not one person directing Township business before the Board decides what to do.

ITEM #3: INCOMPATIBLE OFFICE

(Date of Service not noted): Supervisor Street contacted the attorney regarding research concerning incompatible offices for the Village President to serve as the Township Deputy Clerk. (\$185)

3/13/23:

G. Street regarding incompatibility matter. Research regarding the same. (\$97.50)

Total: \$282.50

Trustee Zimmerman stated she Googled the Michigan Municipal League and found this information in less than five minutes. Additionally, it can be located in the MTA Handbook. There is no reason for attorney involvement when it was easily accessible in two sources.

ITEM #4: McCONKIE HEARING

The Zoning Board of Appeals held a hearing on 11/14/22 regarding the McConkie Helen Island property. She is only aware of this as she sits on the ZBA; however, does not believe anyone on this Board with the exception of Supervisor Street and ZA Hall (a contracted provider) knows anything about this. She asked the Board and they do not; Treasurer Sorrow recalls a check in the past.

11/30/22: ZBA Hearing cancelled due to wrong publication by Zoning Administrator.

11/30/22: ZBA received an email stating the applicant withdrew request.

Based on this, Ms. Zimmerman assumed everything had stopped at that point. However, attorney bills equaled \$4,095 bills at that time.

Ms. Zimmerman states between 10/22/22 – 3/29/23 there are 15 entries on the attorney invoices regarding the McConkie property.

1/11/23: This issue started back up.

Draft a memorandum regarding the use of RVs on an island property as a prior non-conforming use and other legal theories.

Attorney bills now total \$6,988.50.

As a Board Member, Ms. Zimmerman does not know what is going on.

Supervisor Street responded to Ms. Zimmerman, stating she wasn't aware of Ms. Zimmerman's comments in advance and was unable to review/prepare remarks.

Regarding the McConkie case, she believes he may have put escrow down. Ms. Zimmerman does not believe an escrow account was created because we are way over budget in Zoning. Has one been open in the applicant's name?

She found these expenses by accident and asked for invoice copies because the attorney expenses so high. She realized things have been acted upon without being brought before the five-member Board.

Supervisor Street will look into the fees, especially the McConkie property. ZA Hall may have resolved the issue with the McConkie property owners. She agreed the Board could make policy if they would like, to require approval for the Supervisor to run daily operations. She stated Ms. Zimmerman and Ms. Sorrow have come to her in the past to contact the attorney about items.

Ms. Zimmerman reiterated the Board needs to be aware of what is going on; we cannot have one person on the Board making decisions for the group. Ms. Street agrees. There are policies from 2009, 2010 which need to be updated as well. Most of the attorney expenditures have been paid; Ms. Zimmerman recommended the bills related to the Planning Commission should be pulled and some of the others. There was no Board action for these expenses. There were 30 times the attorney was contacted regarding the McConkie matter for \$6,988.50. The line item states we are over by \$7k+.

Supervisor Street gave a recap of legal fees:

\$14,302.65 - Milfoil
\$16,171.90 – All Other
\$30,477.55 Total Legal

Legal Breakdown:

\$5,471.40 Lewis Civil Suit (will be paid by insurance)
\$1,969.25 Cannabis Administrative Fees
\$1,091.50 Cemetery (Township Expense)
\$854 Planning Legal
\$6,785.75 Zoning Legal

Of the \$30,477.55 total, we can remove \$1,969.25 for Cannabis and \$5,471.40 for the Lewis suit. The new Legal total is \$23,033.92. \$17,250 was budgeted. We are somewhat over budget, but not to the extent portrayed on social media.

Clerk Gifford asked if a motion could be made that we don't generate attorney fees without Board approval. Supervisor Street agreed. Trustee Zimmerman made the recommendation for a policy that all detailed attorney invoices that are received to the Township be emailed to all Board Members as soon as received for review and included in the monthly Board packets.

Trustee Gibson stated she doesn't want to see the Supervisor's hands tied if something requires immediate attention. There was Board discussion to include a statement ensuring the Supervisor still has the authority to contact attorneys when it regards the safety, health and welfare of the Township.

Supervisor Street stated she spoke with Attorney Eberle today because she cannot find some of the things we are being charged for. Attorney Eberle agreed the firm would reduce its fees by half.

There was Board agreement that one individual cannot make these decisions. Ms. Zimmerman stated the consequences of those actions have resulted in the expenditure of a lot of Township monies. The most bothersome issue is one of transparency.

Clerk Gifford stated they learned a lot at the MTA Annual Conference. Fife Lake Township has people on other Boards. Ms. Zimmerman is on the Planning Commission. No other Board Member needs to go to that meeting that isn't on the Planning Commission. The MTA actually suggests that as well.

Board Action:

Trustee Zimmerman made a motion to adopt a policy that reads as follows: All detailed attorney invoices that are received of the Township be emailed to all Board Members as soon as received for review and be included in the monthly Board packets. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Gibson-Y, Street-Y, Gifford-Y, Zimmerman-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

ITEM #5: CLAIMS

Ms. Zimmerman has brought this up before, and that is to adopt a policy to allow for recurring bills to be paid ahead of a Board meeting.

There is a sample MTA post-audit policy stating:

"All claims should be approved by the Township Board prior to payment except the following: Payroll, Election Workers, Sexton wages, etc., Utilities, Invoices with penalties if payment not received prior to Board meeting, (ex: debit/credit cards for supplies, approved MTA classes, etc.). The Supervisor and another official may authorize emergency expenses when deemed essential where there is an imminent threat to the health, safety and welfare of the Township."

In looking at the Bills Payable, recurring expenses include Elections, Board Education, Sewer, Phone, Electric, Garbage. Regarding Contracted Services, they should not be paid before approval in the event they were not satisfactory or there was some other problem.

Ms. Zimmerman would like clarification from the Supervisor and the Zoning Administrator as to why so much money has been spent with no Board approval. Supervisor Street asked the Board for permission to call the attorney about the McConkie property. They would like to hear from Mr. Hall about this matter first.

Pull the following Bloom & Sluggett invoice fees:

3/9/23 \$722.50 Planning Legal
3/31/23 \$195 Planning Legal
3/31/23 \$1,270.50 Zoning Legal
3/31/23 \$358 Legal (not specified)

Total: \$2,546.00

Trustee Zimmerman stated several attorney fees listed have been paid and should not have come out of the Planning Commission budget as they were not previously discussed with the Board. She questions how this can be resolved. Additionally, the Board would like a written statement from the attorney regarding a 50% reduction.

Clerk Gifford will contact Ms. Emily Escajeda and H&R Block to adjust the entries from the Planning Commission to the General Fund.

Baird Cotter & Bishop are doing the audit regarding the ARPA fund. The Board states this is a required process.

Bills to be Paid:

Explore 131 North:

Clerk Gifford stated the Township has paid \$500 to the Chamber for our portion of Explore 131 North. We have also been billed by the Village. Village President Hempsted stated the Village pays this expense which is divided among the Township, Chamber, DDA and Village. They then bill each entity. Somehow, the Township has already paid their \$500 portion. It was agreed this invoice should be pulled from the Bills to be Paid as it is essentially a duplicate and has already been paid.

Civic Center South Invoice:

There was a previous question about this expense. Clerk Gifford verified we are under contract with Civic Center South in the amount of \$2,500, which we have been paying since 2017. This invoice is ok as is.

Ask Clerk Questions:

The prior question about the Pro Tech invoice was resolved.

Loon's Nest expense: The Board of Review spends eight hour days during that period and is unable to leave the facility. Other Townships have paid for their meals in the past; the Deputy Clerk of the Board of Review, with the Assessor's input, approved the Township purchase of two meal purchases. Board Members agreed that, given the scenario, this is acceptable.

Clerk Gifford referenced the mileage reimbursement charge of \$13.50 for Zoning Administrator Bob Hall. He has instructed the Board to disregard this.

Clerk Gifford provided missing receipts from the MTA Conference to Ms. Emily Escajeda at H&R Block.

Supervisor Street asked about payment for the Deputy Clerk to attend the MTA Conference. For Board Members, the Township pays for the class but not hours attended. Village President Hempsted noted the MTA addressed this at the conference; if a non-salaried employee attends, they are to be paid an hourly wage even if the class was paid for. The Deputy Clerk is a paid hourly staff member and should be paid for his time.

There was Board consensus to approve payroll timesheets.

Each item on the Ask Clerk report was reviewed and resolved.

Board Action:

Ms. Gibson made a motion to pay the monthly bills less the following legal expenses from Bloom & Sluggett, P.C.:

3/9/23 \$722.50 Planning Legal
3/31/23 \$195 Planning Legal
3/31/23 \$1,270.50 Zoning Legal
3/31/23 \$358 Legal (not specified)
Total Bloom & Sluggett payment withheld: \$2,546.00

The \$500 Village invoice for Explore 131 North and Bob Hall's \$13.40 mileage reimbursement are also to be pulled.

Ms. Zimmerman seconded the motion.

ROLL CALL VOTE:

Gifford-Y, Gibson-Y, Street-Y, Zimmerman-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

Trustee Zimmerman suggested adopting be a formal policy to allow for payment of recurring bills and invoices with penalties or discounts.

Board Action:

Ms. Zimmerman made a motion to adopt a post-audit policy that reads "All claims should be approved by the Township Board prior to payment except the following:

1. Any recurring monthly bills i.e., telephone, electric, sewer, gas, etc.
2. Invoices with penalties or discounts incurred if payment was not received prior to the Board meeting where claims would be approved; i.e., previously approved expenditures such as the MTA Conference, use of credit/debit card for election, office supplies, etc.
3. The Supervisor or Clerk may authorize emergency expenditures when deemed essential to the imminent threat to the health, safety and welfare of the Township."

Ms. Street seconded the motion.

ROLL CALL VOTE

Sorrow-Y, Street-Y, Zimmerman-Y, Gibson-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

Trustee Zimmerman read from MTA Handbook about the Supervisor as Legal Agent:

"The Supervisor is the Township's agent for transacting all legal business upon whom suits may be brought and defended and upon whom all process against a Township is served. Having said that, being an Agent for transacting the Township's legal business does not mean that the Supervisor decides or directs the Township's course in legal matters. The Township Board acts as the Township."

She suggested the Board consider this and prepare to develop a formal policy on this matter at the next Regular Meeting. She also stated the Board needs to look into any outdated policies of the Township.

Motion Slip Form: Trustee Zimmerman presented a "Motion Slip" with the recommendation that Board Members consider using this form indicating formal Motions made, seconded and a section for specific verbiage for the Motion made. She believes this form will be helpful for both Board Members and the Recording Secretary's use.

OLD BUSINESS

Cemetery Bids:

Treasurer Sorrow reported the insurance company requested bids for damage from the wind storm on fencing at both cemeteries. Deputy Supervisor Jeff Berthiaume reached out to Apple Fence and Hamburg Fence. Apple Fence has declined to submit a bid due to lack of resources to commit to the project.

Ms. Street read aloud to the Board the following existing requirements:

“Any expenditures for goods and services, the cost which is \$10k or more within one fiscal and calendar year, shall be made by the Township Supervisor only after the approval of the Township Board as first secured.

A formal bid shall be defined as a submission of a written sealed price quotation by a vendor to the Township pursuant to the issue of public notice thereof by the Township based on written specifications and standard conditions stipulated by the Township for the purpose of procuring goods and services for the use of the Township.

So the scope is the \$5k bid requirement shall apply to all goods and services that can be procured through this process within one fiscal and calendar year. An invitation to bid shall be issued and include a purchase description and/or specifications and all material contractual terms and conditions applicable to the procurement. An invitation to bid shall be mailed or otherwise distributed by the Township Supervisor to a sufficient number of known reliable vendors.

Public Notice in Advertising: Adequate public notice for the invitation to bid shall be given a reasonable time prior to the date set therein for opening the bids. A minimum of five days' notice must be given prior to the bid opening with the advertisement for bids having been published at least once in the newspaper of general circulation or within the appropriate trade publication. Advertisement is required for contracts \$50k or greater.

Purchases from \$2-5k shall be based upon solicitation of no less than three written or internet price quotations when practical and feasible to do so and shall be made from the lowest price vendor unless a good cause exists not to do so. Factors including but not limited to product quality, serviceability, delivery, emergencies, vendor history, performance, existing contracts and other considerations of a similar kind normally relevant to the exercise of good business judgment shall constitute sufficient and good cause on which to base such decisions with Board approval.”

Board discussion followed. The Board agreed some of this information is convoluted and a new policy should be designed. The existing one also includes Village verbiage. There seems to be a grey area on purchases between \$5-10k.

The Board discussed what measures should be taken moving forward regarding damaged fence repair quotes. The formal invitation for bid process was not done; these vendors were contacted directly. Sexton Plamondon was able to walk the sites with Hamburg Fencing. Trustee Gibson asked why the bids are significantly different. Mr. Berthiaume stated Perfect Fence's bid is replacing sections versus repairing. Hamburg Fence's bid is primarily repairing materials. Their bid does not indicate removal of any trees; Ms. Sorrow confirmed with them they would remove trees that knocked down fencing.

Trustee Gibson referenced the past requirement for three snowplowing bids, which was a significantly less expenditure. She stated all bid processes must be conducted equally across the board and must be sent out for three bids/Request for Proposal (RFP) and requested this be put out for bid. There was Board agreement.

The Board determined they will put out a Request for Proposal for cemetery fence repair on the Township Website and social media. We will specify requirements in the request in order to review like services and expenses.

Deputy Supervisor Berthiaume will prepare the verbiage and content for the fencing RFP. We need a third fencing quote.

The Board acknowledged Ms. Linda Forwerck who stated insurance should be able to cover some of this expense. Ms. Sorrow confirmed this was the case.

Treasurer Sorrow has bid specifications for excavation work ready to put out. This is for pulling stumps and leveling the ground in preparation for part of the cemetery expansion at the Fife Lake Cemetery. This will be put on the website.

Roofing Project Bids & County ARPA Fund Grant:

An RFP for the Fire Barn/Emergency Services building was posted. Three sealed bids were received. They remained unopened. They are from: Story Roofing Company, Springfield Roofing and Ankersen Construction.

Supervisor Street stated in meeting with various contractors on the site, there are differing roofing systems used and ideas on dormers/no dormers, ice stoppers, materials, etc. In order to learn specifically what each company can offer and the type of roofing systems and recommendations they make, she suggested inviting them to a Special Meeting where they may make presentations to the Board, answer questions, and have their bids reviewed.

Roofing Project Bids:

There was Board discussion and consensus to schedule a Special Meeting for the three roofing contractors to deliver presentations and review sealed bids. The meeting will be held on Wednesday, May 10, 2023, at 6:30 p.m. Supervisor Street will invite each vendor to the meeting.

RE: \$75k ARPA Grant:

Supervisor Street was successfully awarded a \$75k ARPA Grant from Grand Traverse County, as previously announced. She included in the meeting packet a formal County ARPA Funding Application for Board signature. She would like Board Members to read the packet prior to signing. In order to do so, there was Board consensus to table this item to the May 10 Special Meeting.

Committee Resolutions:

Ms. Street stated the Township has been without committees for some time now. She referenced an article from MTA and questioned whether full-fledged resolutions are required to create committees but will leave that matter up to the Board for decision. Clerk Gifford suggested the Board review the material and reconvene on it.

Ms. Zimmerman stated the sample document in the packet is dated 2017 and should be disregarded. She directed the Board to the MTA Handbook from 2020 for revised material under "Advisory Committees." This will be added to the Agenda of the May 10 Special Meeting.

Supervisor Street impressed upon the importance for a Budget Committee to be formed in order to move forward with budget review and planning for the next fiscal year, which begins July 1, 2023. Ms. Zimmerman suggested a policy be formed to create a Budget Committee. There are sample policies available through the MTA for use as a template. This will be added to the Agenda of the May 10 Special Meeting.

Board Action:

Ms. Gifford made a motion to schedule a May 10, 2023, Special Meeting with an Agenda that includes:

- Fire Barn/Emergency Services Roofing Bids
- Resolution for Committee Policy
- Budget Committee
- County ARPA Grant Fund

Ms. Street seconded the motion.

Reminder: This meeting will be held at 6:30 p.m.

ROLL CALL VOTE:

Sorrow-Y, Street-Y, Gifford-Y, Gibson-Y, Zimmerman-Y. 5-Yes, 0-No. Motion carried.

Board Action:

Ms. Street made a motion to table following items on the Agenda due to the late hour of this meeting.

- Planning Commission Discussion (originally tabled at March meeting):
- Meeting Reimbursement (originally tabled at March meeting):
- Walton Junction (originally tabled at March meeting):

Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Street-Y, Gifford-Y, Zimmerman-Y, Sorrow-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

OTHER BUSINESS: None.

CITIZEN COMMENT:

Ms. Mary Ellen Dilley, 8611 East Sparling Road, Fife Lake, MI 49633:

Ms. Dilley feels that given the length of this meeting, no one will be listening to the remainder of her comment. She feels strongly about her statements and will be submitting it next month as Correspondence, to be read aloud in its entirety.

Mr. Dar Zimmerman, 6533 Fife Lake Road, Fife Lake, MI 49633:

Mr. Zimmerman asked why the Township is spending the remainder of the budgeted funds allocated for road brining; i.e., those funds that were above the total cost, but less than the budgeted amount. He asked why brine on the two-tracks? Wouldn't that extra money be better spent put toward Lake Shore Drive? He stated the Supervisor was voted into office in good faith by the majority of the people of the Township that she would make good decisions. He does not think that is happening. He stated she doesn't include her people; how can they do their job if she isn't including them in what she is doing.

Ms. Deb Newell, 8927 Wil-Pet Drive, Fife Lake, MI 49633:

Her comment is similar to Mr. Zimmerman's. If Lake Shore Drive isn't going to be repaired in the coming year, what is the plan? She drives down the middle of the road. It is a disaster and has been going on for over five years. If Plan A can't happen, where's the money for Plan B? As she recalls, there was quite a bit of money for Road Repair in the budget at one time. Where did this money go?

Secondly, regarding Zoning Administrator Hall's letter, for someone with all of that education and experience, his letter is very inappropriately addressed in content.

Third, regarding Civic Center South, if they decide to join the Village of Kingsley, the Township wouldn't have to pay the annual \$2,500 fee and remain within the Township funds.

Last, regarding the Special Assessment District, if everything else requires three bids, why does the Township go only with Savin? Clerk Gifford responded that at the beginning of the District, the Township went out for bids. Savin was chosen, and we are under contract with the long-term, capped pricing they provided.

Mr. Phil Coulolis, 325 Crescent Bay, Laguna Beach, CA 92651:

Mr. Coulolias stated he is here about his Marihuana Amendment Proposal. Two and one-half weeks ago, he proposed an Amendment to the Marihuana Code to the Planning Commission. He met with Zoning Administrator Bob Hall last Monday and asked him if he was on track to have a meeting here this evening and a vote. Mr. Hall replied yes, he thought so.

Statutorily, Minutes should be available in eight days; it has been six. He is waiting to see those. He asked Bob Hall Monday this week if things were good and he replied he thought so. He asked why he didn't have the vote tonight.

Supervisor Street replied it was a combination of things. She is sorry she didn't speak about this in "Other Business." The Notice wasn't published correctly as far as she can tell and needs to go back to the Planning Commission and then back to the Township. She believes the Minutes were being sent to her; the Recording Secretary confirmed they were emailed.

Mr. Coulolias asked if he has to start all over. She replied no, but that it has to go in front of the Planning Commission. A Special Hearing must be posted and conducted. He replied "that is starting all over."

Ms. Zimmerman stated the posting was not due to Bob Hall but the Secretary of the Planning Commission. Mr. Coulolias stated the loss of Secretary Amanda Scott is a big one and suggested the Planning Commission do whatever they can to get her back and beg people like her to be involved on Boards. He offered to post it himself. Something has to change. It is dysfunctional. He is on the ninth month and needs to start all over again. Members of the Township Board stated it is due to publishing. He stated that's only one reason and there are many reasons to go around.

Last August, the code was not properly put on the site and the Zoning Administrator was looking at an old code to give him the go ahead on the drive-thru. In December, it was discussed what could and could not be expensed; there were no laws about that. Subsequently, he was the first person ever to post escrow for an Amendment. It took four months to get to that point. It is five months later and he is still at square one. Nothing has happened yet. There was a meeting with no quorum, he has posted money which has likely all been spent by now and it is getting absolutely ridiculous.

He stated he probably wasn't doing himself any favors right now for a vote in the future, but told the Board they have a fantastic town. He sees constituents on a daily basis, and they are really great people. The Township has to lead them. There is a beautiful lake, downtown and people who live here who are depending on the Board to do their jobs. It shouldn't take this long. You need more people like Amanda Scott. She may have made mistakes. He has too, as has everyone in this room. Get more people like her to be involved on your Boards and in your community. That's how stuff gets done. Nothing has gotten done in nine months.

Trustee Zimmerman states it is not solely the fault of the Planning Commission. The Zoning Administrator is also involved in this. She asked him to remember the Planning Commission also has other business to do besides his issue. There are numerous other items on their agendas. They are a small crew trying to do a big job; there are Planning Commission

members in the audience who would agree with this. He replied there have been other Cannabis Amendments come before the Board that were passed in two months.

He attends many Township and Planning Commission meetings and doesn't see people there having the same issues he is experiencing. Supervisor Street stated she completely understands his frustration. She will speak with ZA Hall Monday. The Planning Commission needs to get another Public Hearing posted and make sure it's done right. She has concerns about legal actions; Mr. Coulolias stated that is something he would never do. He understands people are trying their best, but try harder.

OUTSTANDING TASK LIST:

The Outstanding Task List was reviewed. New tasks were added throughout the meeting and completed items removed.

ADJOURNMENT:

Board Action:

Ms. Sorrow made a motion to adjourn the meeting. Ms. Street seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 10:32 p.m.

Submitted by: Kay Z. Held, Recording Secretary