

**LELAND TOWNSHIP BOARD MEETING**  
**Monday, November 13, 2023 – 7:00 p.m.**  
Leland Township Library, Munnecke Room  
203 E. Cedar Street, Leland, MI 49654

**MINUTES**

**PRESENT:** Supervisor Susan Och, Clerk Lisa Brookfield, Treasurer Shirley Garthe, Trustee Clint Mitchell, Trustee Mariann Kirch.

**ABSENT:** 0

**GUESTS:** 5

**CALL TO ORDER:** Ms. Och called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Additions: approval of the audit as last item #14, and approval of proposal for repair of the culvert at the corner of St. Mary's and Meinrad as item #1. Other items on agenda renumbered accordingly.

**ACTION:** Ms. Garthe moved to approve the agenda as presented and amended; supported by Mr. Mitchell. Motion carried. (5,0)

**DECLARATION OF POTENTIAL CONFLICTS OF INTEREST:** None

**CONSENT AGENDA**

Correction in October 9, 2023 minutes noted.

October 9, 2023 (Regular Meeting):

**ACTION:** Ms. Brookfield moved to approve the minutes of October 9, 2023 as presented and amended; supported by Mr. Mitchell. Motion carried. (5,0)

Consent Agenda:

November 6, 2023 (Special Meeting/Workshop)

Event – Use of Hancock Field for ice rink, December-March daily.

**ACTION:** Mr. Mitchell moved to approve the Consent Agenda; supported by Ms. Garthe. Motion carried. (5,0)

**PUBLIC COMMENT**

Steve Mikowski – Mr. Mikowski was not present but asked that his comment be presented at the meeting: Mr. Mikowski presented his request to hold a referendum vote on the Leland Township Zoning Ordinance 96-1. This is the 326<sup>th</sup> month this request has been made. He also asked the Board to correct a longstanding error denying a 17 ½ inch side yard setback variance. This request has been made since 1983 at Planning and Township meetings.

Kathy Dawkins - Ms. Dawkins asked that her comment be read aloud at the meeting. “In the past, concerns have been voiced, by members of the Township Board, regarding the use of the Township Attorney. Based on that I watched the Michigan Township Association webinar, titled ‘Now You Know Who Can Talk to the Township Attorney & When.’ Basically, it states that those with statutory duties, i.e., the Supervisor, Clerk, and Treasurer should have the ability to do so. When done, it is recommended that the contact be forwarded to the rest of the Board, with an explanation. When done, be mindful of the OPA. If there is concern that this not being

done, then a request could be made for the information, I highly recommend that all Board members watch this webinar. It is an hour long and is very informative.”

<https://learn.michigantownshps.org/webinar/778297>

**REPORTS FROM BOARDS AND COMMISSIONS** – Reports are online and on file at the Leland Township Office.

Fire & Rescue, Chief Dan Besson

There were 37 calls and two structure fires in October. The department assisted a film crew doing an apprenticeship video. Halloween was done at the station and was successful. Information on the Harassment training will be forwarded to Lisa Brookfield.

Planning/Zoning, Tim Cypher was absent.

There was no planning commission meeting. Dan Korson will be resigning.

Harbor, Jeremy Anderson was absent

Ms. Brookfield reported that Jeremy and Jeff went to the Great Lakes Authority in regards to funding. It was explained why Leland Harbor is low priority for dredging of the Harbor in the spring. We will be doing our own dredging. Jeremy has begun making contacts to get that done.

Sewer, Steve Patmore

Flows, ingoing and outgoing, are normal. The lagoon is still a little high. 3.7; would like it about 5. There were several calls on the step pumps and nuisance calls this month. They are continuing to work on odor control. New vents and filters have been installed in problem areas. Mr. Patmore has the REU count. However, it should be noted that our sewer capacity is not based on REU's but is based on the amount of inflow. We are allowed 33 million gallons and we are using about 25 million gallons. Mr. Patmore has looked at an asset management software. He asserted that asset management is a good idea for the Sewer Department.

Parks & Rec, Susan Och

The Township is doing the best they can without a Maintenance person. Some of the leaves work was hired out. GFL pulled out the trash totes and are giving us new ones for \$150. The docks are out. The Portajohns will be picked up. People are needed to serve on the Parks & Rec committee.

County Commission, Kama Ross

The County 2024 budgets are out for public hearing. There is a plan for the finance vacancy. It will take about 6 months to get someone. An internal survey will be done with County employees to help improve the emotional climate. Input from the public will be sought as well.

## TREASURER'S REPORT

Ms. Garthe reported on income and expenses for the last month. Tax bills are being set up for the winter. The general fund pays for utilities and payroll. There are seven accounts for the sidewalk, as well.

**ACTION:** Mr. Mitchell moved to approve the Treasurer's Report as presented; supported by Ms. Kirch. Motion carried.

## SUPERVISOR'S REPORT

A written report was submitted to the Board prior to the meeting. It is on file at the Leland Township Office.

Mark Morton, Gary Coyle, and Susan Och are working on the construction easement to the seawall. The tree removal proposal was sent out.

Concerning roads, Ms. Och spoke about the practice of pulverizing roads. This could be used as a base for new road, or it can pass as a dirt road. We will be getting a report about road repairs and costs.

Ms. Och met with Siler Smith Data about asset management software.

Ms. Och will send out a doodle poll in order to schedule a workshop date to discuss Gary Coyle's concerns and easement expenses.

## ACTION ITEMS

1. Culvert repair – Clint Mitchell

Mr. Mitchell got a proposal from Elmer's to repair the culvert for \$8,300. Mr. Mitchell was not sure if he could find another contractor to submit a proposal. Also, the LCRC will not approve contractors that they don't use. Elmer's can do the job as early as Friday. This is not a budgeted expense but there are unused funds in the sidewalk fund and the Metro funds. There was discussion about the procurement process.

**ACTION:** Mr. Mitchell moved to approve Elmer's bid for \$8,300, subject to the procurement policy; supported by Ms. Brookfield. Motion carried. (5,0)

Mr. Mitchell will work on the painting of the roads when the culvert is taken care of.

2. Authorize Clerk to proceed with change of address request to the County for the administrative building – Lisa Brookfield.

People are confused because the address is Main Street, but access to the building is off of M204. The County will waive the fee for the change of address.

**ACTION:** Ms. Garthe moved to authorize the Clerk to proceed with the change of address request to the County for the administrative building; supported by Mr. Mitchell. Motion carried. (5,0)

3. Grand Traverse Band 2% matching grant application for seawall design phase, \$42,210 – Susan Och  
 There is work to be done to get to the bidding phase. The request is for \$20,000, but the application is not quite complete. The Township needs to research other grants that the Township have received from the Traverse Band.  
**ACTION:** Mr. Mitchell moved to authorize Supervisor Och to submit application for the 2% grant for \$20,000 to go with Township funds of \$22,210; supported by Ms. Garthe. Motion carried. (5,0)
4. Tree removal on Library campus.  
 Gary Coyle is concerned about the trees next to his building. Matt Harrow gave a quote of \$1,770 to remove two trees.  
 Mr. Mitchell suggested to table the item until we meet for the project as a whole. It might be a good idea to cut the trees now because they are a hazard. The trees will need to come out and the stumps will not be removed because the roots can provide support to the land base adjacent to the seawall.  
**ACTION:** Ms. Garthe moved to hire Parshall to remove 2 trees from the library grounds. *No support*  
**ACTION:** Mr. Mitchell moved to table the removal of the trees until the Township can meet for the project as a whole; supported by Ms. Kirch. Motion carried. (5,0)
5. Request from Marie Korson for reimbursement of legal fees resulting from Sunset Shores easement, \$715.  
**ACTION:** Ms. Brookfield moved to approve \$715 to Marie Korson for reimbursement of legal fees resulting from Sunset Shores easement; supported by Ms. Kirch.  
*DISCUSSION*  
 Ms. Och questioned what gives the Board authority to pay her. The expense cannot be rolled into the bond financing. Ms. Och characterized the amount as a gift. Mr. Mitchell commented that the costs were incurred by no fault of our own. He feels it is the fair thing to do. We agreed previously to pay her legal fees due to an error on our part and we told her we would take care of the recording of the documents.  
 Motion carried. (4 in favor, 1 opposed)
6. Approval of Borre contract to purchase property for Sunset Shores drain field in the amount of \$131,000, subject to all other easements and LCRC approval.  
 Ms. Brookfield reported that Mr. Jozwiak has provided communication. The Road Commission will come to an agreement concerning the crossing of the road. Approval of purchase is contingent on the agreement. The EGLE permit can't be issued until we own the property.  
**ACTION:** Mr. Mitchell moved to approve the Borre contract to purchase property for the Sunset Shores drain field in the amount of \$131,000, subject to all other easements and LCRC approval; supported by Ms. Brookfield. Motion carried. (5,0)

7. Contract with Smith & Johnson for Leland Township legal counsel – Clint Mitchell

Mr. Mitchell commented that an agreement was altered after Board approval by the current legal counsel. Mr. Mitchell has researched other attorneys in the area. His communications were forwarded to Board members. The Township could revisit this prior to the budget workshops in February. Mr. Mitchell stated that Ms. Och worked without Board input in matters with the attorney. He is suggesting new legal representation. Ms. Och felt that Mr. Mitchell has limited his communication with her. There was discussion about how this type of information should be shared with all members of the Board. Mr. Mitchell discussed how Smith and Johnson would benefit the Township. He felt that the present procedure is not effective. Aspects of the Korson easement were discussed.

**ACTION:** Mr. Mitchell moved to contract with Smith and Johnson for Township legal services; supported by Ms. Kirch. (5,0)

**DISCUSSION:**

Ms. Och commented that this is not the way new legal counsel should be chosen. It would be better to review our needs and look at all possibilities. Ms. Garthe stated she would be more comfortable putting it out to bid. As written, this motion has no time attached to the contract. Other Board members felt that we could change attorneys and then put out an RFP.

*Mr. Mitchell rescinded his motion and offered the following:*

**ACTION:** Mr. Mitchell moved to contract with Smith and Johnson for Township interim legal counsel with the intention of putting out an RFP for legal representation; supported by Ms. Kirch.

VOICE ROLL CALL: (not necessarily called in this order)

Supervisor Susan Och:	No
Clerk Lisa Brookfield:	Yes
Treasurer Shirley Garthe:	No
Trustee Clint Mitchell:	Yes
Trustee Mariann Kirch:	Yes

Motion carried. 3 in favor, 2 opposed.

This action would be subject to the stipulations of Mr. Parker's current contract.

8. Public restroom repairs and cleaning – Mariann Kirch

Ms. Kirch reviewed repairs that are needed in the Harbor bathrooms. The faucets' push down handles stick and sometimes keep flowing for a long time. The floor coating has eroded. The floors are holding moisture and urine and causes an odor. The stall doors are inoperable and one door is missing a latch.

Ms. Kirch also brought to the attention of the Board that the agreement with Spiffy Sam's noted cleaning until November 12, 2023. However, the bathrooms were closed on November 6, 2023, denying Spiffy Sam's 6 days of work as agreed.

Jeremy Anderson suggested getting a plumber for the repairs. The floor had been recoated in 2016. Stuff is stored in the bathrooms during the winter. The Board agreed to pay Spiffy Sam's for 6 additional days according to the agreement.

9. Sidewalk Phase Two: Gosling Czubak plan and cost estimate, schedule public hearing for SAD

Drawings were available of the sidewalk project. Grand Avenue is all residential. The area by the rest rooms is at the bottom of a hill. Gosling Zubak suggested a foot path and a guard rail to the Area by the rest room which would cost the Township \$24,000. The sidewalks by St. Mary's would cost \$85,900, paid for by the property owners. We do not have a cost per parcel yet. We can proceed with all, or one, or two of them. Letters will have to go out to property owners with projected costs.

**ACTION:** Ms. Brookfield moved to give directions to Gosling Czubak to get is a per parcel breakdown so we can schedule a public hearing for the Phase 2 sidewalk project; supported by Mr. Mitchell. Motion carried. (5,0)

Ms. Och will contact Gosling Czubak.

10. Re-appoint Geno Miller to Harbor Commission term expiring March 2026.

**ACTION:** Ms. Brookfield moved to re-appoint Geno Miller to the Harbor Commission, term expiring March 2026; supported by Ms. Garthe. Motion carried. (5,0)

11. Re-appoint Lisa Brookfield as Board rep to the Harbor Commission, term expiring March 2024.

**ACTION:** Ms. Garthe moved to re-appoint Lisa Brookfield as Board rep to the Harbor Commission, term expiring March 2024; supported by Mr. Mitchell. Motion carried. (5,0)

12. Re-appoint Sam Simpson to the Planning Commission, term ending September 2024.

**ACTION:** Ms. Brookfield moved to re-appoint Sam Simpson to the Planning Commission, term ending September 2024; supported by Ms. Garthe. Motion carried. (5,0)

13. Re-appoint Jim Redmond to the Sewer Commission , term ending July 2026.

**ACTION:** Ms. Garthe moved to re-appoint Jim Redmond to the Sewer Commission, term ending July 2026; supported by Mr. Mitchell. Motion carried. (5,0)

14. Approval of audit

**ACTION:** Ms. Brookfield moved to accept and approve the audit from Tobin and Company March 2023; supported by Ms. Garthe. Motion carried. (5,0)

**OTHER/OLD BUSINESS** - None

**BILLS AND ACCOUNTS**

The bills and accounts lists were distributed to Board members. There was nothing unusual for the month. Payroll, bills and the 403 construction bond were paid.

**ACTION:** Ms. Brookfield moved for payment of bills from October 10, 2023 to November 13, 2023; supported by Mr. Mitchell. Motion carried. (5,0)

**CORRESPONDENCE** - Correspondence from the Brownfield Authority was distributed to the Board members.

**BOARD COMMENT**

Mariann Kirch – She asked for a workshop meeting. Ms. Och will put out a google poll.

**PUBLIC COMMENT** - None

**ADJOURNMENT**

**ACTION:** Ms. Garthe moved to adjourn the meeting at 9:07 p.m.; supported by Mr. Mitchell. Motion carried. (5,0)

The next meeting is December 11, 2023.

Respectfully Submitted,  
Cindy Kacin, Recording Secretary

Date Approved: \_\_\_\_\_

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Susan Och, Leland Township Supervisor

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Lisa Brookfield, Township Clerk