

LELAND TOWNSHIP BOARD MEETING

Monday, August 14, 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.

GUESTS: 27

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

APPROVAL OF AGENDA: Several changes were made to the agenda:

- Strike item #1 – Approval of Harassment, Discrimination, Retaliation and other misconduct training.
- Add R-23-21 – Authorize Leelanau County Sheriff's Department to pursue grant funding to patrol any and all public roads within the Township of Leland under the jurisdiction of Public Act 416 – Undersheriff Kiesel.
- Add to the Consent Agenda approval of the Boats on the Wall event on 9-16-23.
- Add request for approval to use Hancock Field by the Leelanau Soccer Club from 9-16-23 to 10-21-23 to the Consent Agenda.
- Correct typo in Item 4: R-20-23 should be R-23-20.
- Change order of agenda: Public Comment ahead of Consent Agenda.

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

PUBLIC COMMENT

Frank Migda - He noted that the 7-10-23 minutes said he was "opposed" when it should be "in favor of" in his public comment. He is in support of neighbors who walk their kayaks in to launch on the road end. The road end is public property. Mooring is allowed during certain hours. Part-time and full-time residents should be able to use the road end. He cited a property owner who built his driveway 25 feet into the road end and now wants to extend it. Another has cleared vegetation from the road end.

Elizabeth Hill – She informed the Board that the Waterford Hills Association surveyed the neighborhood for support in initiating a SAD for repair of the cul de sac road. She wants to know if they have enough signatures.

Kathy Dawkins- She asked for the minutes of meetings to be posted on the website. The May meeting minutes are not there. She also questioned the residency of a current Trustee. She wants to know the Trustee's address, not a PO Box. She feels the residency could be a conflict of interest.

Steve Mikowski – He noted the layout of the meeting was changed and the podium was moved. He stated that instituting the administration fee on property taxes shows that the Board is not managing the budget. He feels the administration fee is a service fee.

Mr. Mikowski presented his request to hold a referendum vote on the Leland Township Zoning Ordinance 96-1. This is the 323rd 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.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None

CONSENT AGENDA

APPROVAL OF MINUTES:

Regular meeting of July 10, 2023 with 1 correction in Frank Migda’s public comment.

Special meeting of July 21, 2023

Special meeting of July 26, 2023

APPROVAL OF EVENTS

September 16, 2023 Lake Leelanau Street Fair.

Leelanau Soccer Club – use of Hancock Field daily from 9/5/23 to 10/21/23.

Boats on the Wall event, 9/16/23

ACTION: Mr. Mitchell moved to approve the Consent Agenda with the correction in the July 10, 2023 minutes; supported by Ms. Garthe. Motion carried. (5,0)

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

Fire & Rescue, Chief Dan Besson

A written report was sent to the Board.

Planning/Zoning, Tim Cypher

The Planning Commission reviewed a PUD application and set a public hearing for 9-6-23 at 7:00 p.m. Information is on the website. The Residential Character amendment was tabled until the September meeting.

The Zoning Administrator issued 3 land use permits. \$240 was taken in. There was one zoning violation. The matter was resolved with the property owner.

Harbor, Jeremy Anderson

Ms. Brookfield received a report from Jeremy Anderson. The Harbor is busy, things are going well, the staff is excellent, and the parking system is going well.

Sewer, Steve Patmore

The last month was busy. Flows are a little above normal. The lagoon is at 3.9 feet and they would like it at about 2.0 feet. A small leak on the force main on Popp Road was repaired. A new meter was installed. They are still working on odor control. At the last meeting, two residents expressed concerns about odor control and another remedy was suggested. For the time being, calcium nitrate will be used. It works but they hope to find a method that is more

efficient. The next meeting is September 1, 2023. There is a need for more residents to serve on this commission.

There was a question from the public about capacity. Mr. Patmore explained that there are about 200 REU's left. The system was not designed for a lot of extra capacity. It is now at about 80% capacity.

Parks & Rec

Ken Hagstrom is still recovering. Ms. Och commended the work of Mr. Hagstrom. Mowing has been hired out. A retaining wall has been lost at Hancock Field. Trash bins at Van's Beach were burned to the ground. The trash company will work to clean that up. A lifeguard was hired. The lifeguard would like to work next year as well. The next Parks & Rec meeting will be October 17, 2023. It is time to renew the Parks & Rec plan. There will be a survey and a public hearing. Mr. Mitchell asked about the hiring of the lifeguard and Ms. Och reviewed the lifeguard's qualifications. How a lifeguard is hired and what fund he/she is paid from may need to be clarified.

County Commission, Kama Ross

Ms. Ross is working with Paige Sykes on safety concerns on M22 outside of Leland. The speed limit approaching Oxford Drive is a concern. The County Board approved an energy futures task force for one year. The goal is to determine how the county can be more sustainable. They are looking for people to serve. The Sheriff obtained a boat for use in Lake Michigan. The county 911 system is trying to get more on our towers. It was hoped to be wrapped up this summer but is now extended to July, 2024. They are working on an economic growth grant. There were complaints that the lake level on South Lake Leelanau is too high. There was a clean-up event on the Leland river. September 25, 2023 is the date for recycling electronic hazardous waste.

TREASURER'S REPORT

Ms. Garthe reported on income and expenses for the last month. It was a partial sewer billing month.

ACTION: Mr. Mitchell moved to approve the Treasurer's Report as presented; supported by Ms. Kirch. Motion carried. (5,0)

SUPERVISOR'S REPORT

A written report was submitted to the Board prior to the meeting. It is on file at the Leland Township Office. There is a need for a water study on Golfview Street. Surveyors have recommended a complete rebuild of M22 from Christmas tree corner to North Street. Ms. Och reported on the LCRC report of Leland Township roads. It is estimated that 8.26 million is needed to repair Township roads. Scheduling a workshop for USDA funding was disrupted by the moving of the office. Another date needs to be set for the workshop. She discussed the Celebrate Life tribunal confidentiality concern. A bill of \$74 was paid to the attorney from the

Supervisor’s legal budget. There has been concerns voiced about the pickup of deer kills on the roads.

ACTION ITEMS

1. ~~Approval of Harassment, Discrimination, Retaliation, and other misconduct Prevention Training for all Township employees~~
R-23-21 – Authorize Leelanau County Sheriff’s Department to pursue grant funding to patrol any and all public roads within the Township of Leland under the jurisdiction of Public Act 416.

ACTION: Ms. Garthe moved for the Leland Township Board to authorize the Leelanau County Sheriff’s Department to patrol any and all public roads within the Township of Leland under the jurisdiction of Public Act 416; supported by Mr. Mitchell.

Discussion: This does not include golf carts.

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

Supervisor Susan Och:	Yes	
Clerk Lisa Brookfield:	Yes	
Treasurer Shirley Garthe:	Yes	
Trustee Clint Mitchell:	Yes	
Trustee Mariann Kirch:	Yes	Motion carried. 5 in favor, 0 opposed

2. Approve Leland Township Seawall Project preliminary plan – Jim Tiffany
Mr. Tiffany gave a slide presentation of the planned seawall project. The plan includes best management practices as recommended by EGLE. He responded to questions from the Board and public. The project could be done in phases but would be less costly if done in whole. Mark Morton offered information about tree removal and the aged irrigation system. Mr. Tiffany stated that there is flexibility in changes to the boardwalk after permitting. It will take 3-5 months for EGLE approval after Board approval. Funding is yet to be determined. Easements from property owners will be needed.

ACTION: Ms. Brookfield moved to approve the Leland Township Seawall Project preliminary plan as presented; supported by Ms. Garthe. Motion carried, (5,0)

3. Introduction to Brownfield project (Bluebird) – Trudy Galla, Skip and Lynn Telgard, Therese Searles

There was a presentation from Fishbeck Consultants. A Q&A session followed.

4. Michigan Community Center Grant (Leo) Resolution R-23-20
The request is for 1 million for a capital project grant. The grant includes language for a land contract.

ACTION: Ms. Garthe moved to approve the submission of a Michigan Community Center Grant Application, R-23-20, without financial support for the construction of the Leland Township Community Center; supported by Ms. Brookfield.

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

Supervisor Susan Och:	Yes	
Clerk Lisa Brookfield:	Yes	
Treasurer Shirley Garthe:	Yes	
Trustee Clint Mitchell:	Yes	
Trustee Mariann Kirch:	Yes	Motion carried. 5 in favor, 0 opposed

5. Amend SAD policy, changing “at least 50%” to “more than 50%” property owner agreement.

ACTION: Ms. Brookfield moved to amend the SAD policy as discussed; supported by Ms. Garthe. Motion carried. (5,0)

6. Authorize Clint Mitchell to work with LCRC to develop a plan to address the culvert in front of Jaffe’s in Lake Leelanau (Meinrad and St. Mary’s streets), and to renew parking lines and crosswalks on Meinrad between St. Joseph and St. Mary’s.

ACTION: Ms. Garthe moved to authorize Clint Mitchell to work with LCRC to develop a plan to address the culvert in front of Jaffe’s in Lake Leelanau (Meinrad and St. Mary’s streets), and to renew parking lines and crosswalks on Meinrad between St. Joseph and St. Marys; supported by Ms. Kirch. Motion carried. (5,0)

7. Resolution R-23-19 to adopt a Property Tax Administrative fee up to 1%.

Ms. Garthe explained the Property Tax Administrative fee. It is a law made in 2008. Leland Township property tax administrative costs exceed 1% of the property taxes.

ACTION: Ms. Garthe moved that the Township Board approve and authorize the imposition of a property tax administration fee of one percent (1%) on all sums, voluntarily paid for property taxes before February 15 of the succeeding year in which the same shall become due and payable; supported by Mr. Mitchell.

Discussion: This resolution can be adjusted on a yearly basis.

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

Supervisor Susan Och:	Yes	
Clerk Lisa Brookfield:	Yes	
Treasurer Shirley Garthe:	Yes	
Trustee Clint Mitchell:	Yes	
Trustee Mariann Kirch:	Yes	Motion carried. 5 in favor, 0 opposed

8. Replace Treasurer’s computer, \$2035

The computer cannot be updated and is the oldest computer in the office.

ACTION: Ms. Brookfield moved to approve the replacement of the Treasurer’s computer for \$2,035; supported by Mr. Mitchell. Motion carried. (5,0)

9. Lease to own printer \$105.80 per month (60 months) with maintenance agreement, \$294 yearly.

Ms. Brookfield discussed the proposed purchase of a new printer.

ACTION: Mr. Mitchell moved to approve a lease to own printer at \$105.80 per month (60 months) with a maintenance agreement, at \$294.00 yearly; supported by Ms. Garthe. Motion carried. (5,0)

10. Temporary banner to identify the Township Administrative Offices - \$300 + shipping

A proof of the banner was in the Board packet. Ms. Brookfield suggested adding the address to the banner, 489 W. Main Street above the phone number. The banner will be blue and white and two-sided.

ACTION: Mr. Mitchell moved to approve the purchase of a temporary banner to identify the Township Administrative Offices for \$300 plus shipping; supported by Ms. Garthe.

Discussion: Ms. Kirch suggested using canvas for the sign. She also suggested in her trustee report that the Township could run a contest to design a permanent sign. The Township could work with the Chamber of Commerce because they have done this before. She would take the lead on this and requested that this subject would be put on the next agenda.

Motion carried. (5,0)

OTHER/OLD BUSINESS

1. Road Repair Fund Policy – Clint Mitchell

Mr. Mitchell has been in discussion with the LCRC on this policy.

ACTION: Ms. Brookfield moved to adopt the Road Repair Fund Policy, supported by Ms. Kirch.

Discussion: Ms. Och suggested a change in wording in the policy – “additional funds may (change to will) be needed. She would like to work on a capital improvement plan. Ms. Brookfield would like to keep the word, “may” because we don’t know what will happen in the future. Ms. Kirch agreed.

Motion carried. (4,1)

2. Sunset Shores - We will need to authorize outside council to verify easements. Tabled.

BILLS AND ACCOUNTS

The bills and accounts lists were distributed to Board members. Ms. Brookfield reviewed the bills and accounts. There was nothing unusual for the month. Repairs and maintenance on the dredger went on the credit card for the Harbor.

ACTION: Mr. Mitchell made a motion to approve bills and accounts, as presented, with any pending and future legal costs related to past tax tribunal cases, including but not limited to depositions, be subject to board approval prior to payment, and any future legal consultation on such matters be board authorized beforehand; supported by Ms. Brookfield.

Discussion: Mr. Mitchell explained the reason he asked for the wording of the motion. It concerned a payment of \$74 paid by Ms. Och to the attorney for an investigation into the confidentiality of a deposition in the Celebrate Life tribunal case. Ms. Och explained her position on the matter. It concerns public comment on a legal case. Ms. Brookfield explained her understanding of whether or not the depositions were confidential and the importance of Board oversight..

Motion carried. (4,1)

CORRESPONDENCE – Board members commented on recent correspondence they received.

BOARD COMMENT

Mariann Kirch – She had requested a workshop meeting and one was not scheduled. She commented on what needed to be discussed.

Lisa Brookfield – She cautioned to the Board that comments about an employee’s medical record and employment status in a meeting is a violation of law. Health information is confidential. She expressed concerns about this information appearing in the Parks & Rec and Supervisor’s report again.

PUBLIC COMMENT

Kathy Dawkins – She stated that some information in government is confidential and can’t be expressed in a public meeting whether the public is there or not. She said it is evident that the Board members are not getting along and she urged them to work it out.

Lynn Telgard – She wanted to know the amount of the 1% administrative fee. Ms. Brookfield gave the amount and what that amount will cover.

Steve Mikowski - He stated that the Board is incompetent. He is opposed to the 1% administrative fee because it does not have taxpayer approval. The Township should not have the burden of the extra costs of election because of new state laws. The state should pay for that. He commented on the commercial side of Meinrad Street. He also stated that meaningful phone conversations with Board members should be followed up with a letter. He handed out a document to Board members of his request in the first public comment section of this meeting.

Carolyn Telgard – She expressed her confusion as to when the public can make comment or ask questions.

ADJOURNMENT

ACTION: Mr. Mitchell moved to adjourn the meeting at 9:50 p.m.; supported by Ms. Garthe. Motion carried. (5,0)

The next meeting is September 11, 2023.

Respectfully Submitted,
Cindy Kacin, Recording Secretary

Date Approved: _____

Susan Och, Leland Township Supervisor

Lisa Brookfield, Township Clerk