

**CALL TO ORDER:** Supervisor Julian called the regular meeting of the Kasson Township Board to order at 7:00 pm, with the Pledge of Allegiance.

**ROLL CALL:** Members Present: Greg Julian – Supervisor, Dana Boomer - Clerk, Julia Carter – Treasurer, Roger Noonan – Trustee  
Member(s) Absent: Tad Carter – Trustee  
Staff Present: None

**AMENDMENTS TO AGENDA** – The board briefly discussed the agenda. **J. Carter moved to approve the agenda as presented. Noonan seconded. All in favor, motion carried.**

**PUBLIC COMMENT:** (J. Carter absented herself during the public comment of Agnes Carter and Mary Shimek.)

Agnes Carter distributed a written letter to the board (see attached) and summarized that letter in her public comment that addressed farm markets and farm stands and what she feels is a need for increased regulation to prevent people from selling items they did not produce. She does not feel that this is a family issue, she feels that this is an issue that needs to be addressed by the township.

Amede DeCruydt – The Leelanau County Board of Commissioners holds their meetings on the same day and time as the Kasson Township Board. He requested that the Kasson Township Board change their meeting night.

Barry Krull – He and his wife Linda have a farm stand, and they worked extensively with Tim Cypher to set this stand up. He asked Agnes Carter whether her husband (Tad Carter) agreed with her comments tonight. Mrs. Carter said yes. Krull stated he spent a substantial amount of money and time to get his stand allowed in the township. He feels more regulations and hoops to jump through for farmers will just make it harder for farmers to survive. It's going to cost a lot more money to implement Mrs. Carter's proposal. He disagrees with the proposed changes to the ordinance.

Andria Bufka – She owns Red Gate Farm. She has worked with Tim Cypher on her farm stand. There are lots of farm stands all over Leelanau County, and she disagrees with Mrs. Carter that there are more farm stands in Kasson Township than elsewhere. Bufka has a lot of local customers. She is not sure why the Carters are trying to be the police of everything in Kasson Township, but she is doing everything by the book, including working with MDARD. Adding additional ordinances is inappropriate, and any additional farm ordinances should be put to a ballot if they are going to be implemented.

Mary Shimek – She owns Bohemian Lavender Farm. She is not sure why they are still talking about the GAAMPS issue. The PC has discussed this issue at three meetings, and with input from Mr. Cypher, the PC voted to drop all further discussion of farm markets and farm stands and let current practice stand. In the PC minutes, there was a discussion of implementing a police power ordinance to govern farm stands. As stated at that point by Mr. Cypher, police power ordinances do not generally cover land use issues – those are the purview of the Zoning Ordinance. She requests that

the Kasson Township Board follow the lead of the Planning Commission and drop all further discussion of the topic. (See attached for full statement)

Linda Krull – Farm stands are part of the tourist scenery of the area. These stands are welcomed by both tourists and locals. It would be a shame to hinder the sale of these items, especially when MDARD has already put a lot of thought into the regulation that they have of farm stands.

Jerry Mansur – He appreciates the way the township is regulating the gravel mines. He would appreciate being kept more informed of the environmental aspects of the mining. He asked Tim Cypher for a copy of the EGLE records of the permitting, and never received that. He would still like to see a copy of that. Agnes Carter seconded Mansur’s approval of the township’s regulation of gravel.

**MINUTES** – The board discussed the minutes from the regular meeting on September 5, 2023. **Noonan moved, J. Carter seconded to approve the September 5, 2023 regular meeting minutes as presented. All in favor, motion carried.**

**PERTINENT COMMUNICATIONS:** None

**PRESENTATION:** None

**FINANCIAL REPORTS:**

- a) **TREASURER’S REPORT:** J. Carter had previously submitted the treasurer’s report to the board. Receipts total \$771,096.46. Disbursements \$768,305.26. Balance \$1,005,939.46.
- b) **BUDGET REPORT:** Boomer presented a budget report for September. The board briefly discussed.
- c) **BILL APPROVAL** – Boomer presented the updated check detail. The board briefly discussed. **J. Carter moved to pay the bills as presented; seconded by Noonan. All in favor, motion carried.**

**UNFINISHED BUSINESS:**

- a. **Cemeteries** – Boomer reported the sale of six plots at the Kasson Township Cemetery and one plot at the East Kasson Cemetery. She is continuing to work on finding new corner markers for the Kasson Township Cemetery.
- b. **Mining/Gravel Legislation** – Julian reported that the legislature has taken no action on the gravel legislation.
- c. **Sidewalk Ordinance** – No discussion - tabled
- d. **Township Master Plan** – The Master Plan has been finalized and printed, and is in the process of being distributed to the Township Board and Commission members.
- e. **Park Tables & Benches** – Julian has been continuing to work on getting specifications for park tables and benches with Dave Murphy.

**f. Other Unfinished Business - None**

**NEW BUSINESS –**

- a. CAFR 2024-2026 Budget** – Boomer had previously distributed the proposed 2024-2026 budget for Cedar Area Fire & Rescue, which has been approved by the CAFR board and forwarded to the townships with a request for approval. Boomer reported that the proposed numbers could be covered with the existing millage rate with a 3% increase in taxable value over the next two years, which is extremely conservative given the increases in taxable value seen over the last few years. **Noonan moved, J. Carter seconded to approve the 2024-2026 Budget for Cedar Area Fire and Rescue. All in favor, motion carried.**
- b. Election Worker Pay** – Boomer requested that the board consider increasing election worker pay to \$18/hr for election workers and \$21/hr for the election chair, from the current rates of \$15 and \$18/hr. Election workers are under increasing pressure, are requiring increasing amount of training, and Boomer feels the increase is warranted. The additional money is in the budget for this year. **Noonan moved to approve election worker pay of \$18/hr and election chair pay of \$21/hr. J. Carter seconded. All in favor, motion carried.**
- c. Handicap Parking Signs** – The existing handicap signs are quite worn and weathered. Julian would like the board to consider installing new signs. He spoke to the LCRC, who suggested trying to find them locally. The board approved Julian purchasing new handicap parking signs for a reasonable price.
- d. Other New Business - None**

**CAPITAL PROJECTS – EXPLORATION**

- a. Maple City Improvement Project** – Julian is continuing to work with the LCRC and Gosling Czubak on this project. The board briefly discussed the sidewalks; Julian will be making contact with Gosling Czubak about the possibility of a survey of existing sidewalk conditions.
- b. Township Hall Renovation** – Leelanau Construction has made substantial progress on the construction at the hall, and is expecting to finish the majority of the work by the end of the month.
- c. Fire Department Capital Improvements** – Julian has been continuing to work on finding potential properties for a new fire station, reaching out to both realtors and citizens in the area. He has continued speaking with Tim Stein on the subject.

**REPORTS: Planning Commission (PC)** – T. Carter was not present to report. Boomer reported that a parking ordinance was not discussed at the September PC meeting, and so she will be reaching out to Chairman Roush to make sure that the board request for such was passed along. Boomer requested a discussion regarding the Recording Secretary position, which is currently open for the PC and ZBA. There have been ads in four issues of the Leelanau Enterprise with no result. The board suggested reaching out to the MTA and potentially the county regarding whether they might have any suggestions. Boomer stated that Leeland and Solon Townships are experimenting with using a firm in Traverse City that produces minutes from recordings, but she feels it is better to have an in-person recording secretary to allow clarification of motions and other details. For now, Boomer will be producing minutes for the PC and ZBA.

**Zoning Administrator (ZA)** – Cypher had previously submitted written reports to the board. There will be a ZBA meeting on October 11 at 3 pm regarding the Enduro matter.

**Supervisor** – Julian summarized his activities for the month. He has been in touch with the BLDHD regarding whether the reports are sent in paper or electronic format; the board had no opinion on whether a particular format was better. There has been some discussion about re-opening the snowmobile trail portion in Kasson Township.

**Assessor** – Standard assessing business is ongoing.

**Fire Board** – At the October meeting, the board finalized the paperwork for the ambulance purchase. The final inspection for full-time ALS is this week, after which the department will be off the Bennett Bill and be fully responsible for Advanced Life Support Coverage in the four townships. There are a lot of items that go into a potential new station, with space needed for not just the building, but parking, well, drainfield, training, and other items. Julian keeps in touch with not just the supervisors of the other three townships in CAFR, but also supervisors from other nearby townships.

**Clerk/Elections Report** – There will be an Election Commission meeting to appoint election inspectors after tonight’s meeting, and public accuracy testing on October 24. Over 270 absentee ballots have been sent out so far. The ballot drop box has been installed, and the security camera installed, with final work on the installation being completed tomorrow. No further information regarding early voting for 2024 has been received from the county.

**COMMITTEE REPORTS: Hall Use and Buildings and Grounds Reports** – The community music group has continued to use the hall. Noonan asked Julian to look into better night lighting for the flag – possibly a light pointing up rather than down – as the current light does not illuminate the flag at night.

**PUBLIC COMMENT:** Andria Bufka – She was unaware of the recording secretary position opening and will be contacting Boomer about it.

Agnes Carter – The snowmobile trail appears to be moving forward for the year, and the group running it was approaching landowners for contracts today.

**BOARD COMMENT:** J. Carter apologized for her absence from public comments earlier but as an elected official she would prefer to not involve herself in issues involving her immediate and non-immediate family.

Noonan stated that there has been legislation introduced at the state level to co-opt local control of wind and solar farms, including large commercial installations. He also hopes to find a property soon for the fire department, as time is slipping by.

Julian thanked everyone for attending, and wished them a happy fall and hunting season. Leelanau County no longer slows down in the fall, and it continues to be a destination – Kasson Township is part of it.

Noonan would like to have an item on the next meeting discussing the request by Mr. DeCruydt about the meeting dates.

The next regular meeting will be Monday, November 13 at 7 pm.

**Motion** by J. Carter to adjourn, second by Noonan / **All in favor, motion carried.** Meeting adjourned at 8:00 pm.

Submitted by:  
Dana Boomer, Township Clerk

Kasson Township Board Meeting – October 10<sup>th</sup>, 2023

I have been a year around resident on Shimek Road in Kasson Township for 53 years. During these years, there have been many changes within Kasson Township. There are now subdivisions, more people living in the township, gravel pits, storage buildings, event venues, new businesses, but the fact remains that the people of Kasson Township want to protect their rural, peaceful life. This was exhibited by the results of the Kasson Township Planning Commission 2019 survey of Kasson Township residents. Recently, this has been exhibited by the public outcry over the proposed Dollar Store in a town with no stores and more recently by the proposed Enduro motor cross race track that would host races three times a year.

I am no stranger to complaining about the Kasson Township ordinances. Years ago, I was instrumental in making sure an asphalt plant would not be placed in Kasson Township, not too far from the school – in fact I even had my students writing letters to the township about this – not sure if I could get away with that now. Since 2015, I have been very concerned about the enforcement of the blight ordinance. In fact, I submitted my last blight ordinance complaint in January 2023, and it still has not been addressed to me.

I am here this evening to talk about adding language to the Kasson Township Zoning Ordinance that would address and differentiate between farm stands, farm markets, retail shops/stores, and agritourism venues. The township ordinance that we currently use was put into effect in 1997 (probably when the only farm stand then was Shorters out on M72) and updated in 2019. During these years of growth in Kasson Township, language has been added to the Kasson Township Ordinance to monitor and protect the rural atmosphere of our township. Language has been added about fireworks, gravel pits, blight, event venues, etc.. There are now at least eleven farm markets/stands/stores in Kasson Township – more than any of our neighboring townships or maybe even more than any township in Leelanau County. This is at least twice as many markets as there were when the ordinance was updated in 2019. Most of these businesses are abiding by the true nature of what a farm stand is and MDARD (Michigan Department of Agriculture and Rural Development)/GAAMPS (Generally Accepted Agricultural and Management Practices) guidelines, which are minimal farm stand/market guidelines. The Kasson Township Zoning ordinance does not address farm stands or farm markets – only in a vague manner. Also, Agritourism is one of the fastest growing farm businesses in Michigan and this is not addressed at all in the ordinance. This is current Kasson Township ordinance language pertaining to farm stands/markets.

(Section 4.5.1) Agriculture permitted uses:

I. A stand for the sale of agricultural products that:

1. No more than one stand is allowed for each 600 lineal feet of road frontage.
2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
3. The products sold on any stand are mainly grown or produced on the premises.

First of all, what constitutes a stand in Kasson Township? There is no definition given and they were probably picturing “Shorter’s stand” when this ordinance was written. Then products sold on any stand are mainly grown or produced on the premises. What kind of products – agricultural, crafts, or furniture? This needs to be defined. They do address retail stores, as any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale (2.2). They address retail stores being in high density (section 4.8.1) or commercially (4.9.1) zoned areas of the township. By what the ordinance states, none of the current farm stands/ farm markets would be in compliance. Ted Gilmer ran a small retail shop by M72 and Armstrong Lake Rd and he was commercially zoned.

You can imagine my displeasure in 2020, when people started telling us about their visits to the “store” down in the woods at Bohemian Lavender Farm on Shimek Rd. Prior to 2020, we had been very supportive of them



operating a lavender farm and selling their farm raised products. When I heard that they were selling note cards, t-shirts, tote bags, art prints, copper fish, etc. I immediately felt that our township ordinance would not allow a retail store to be run in the woods on Shimek Road that was Forestry zoned. Further research showed that they are advertised throughout Michigan on many of the Michigan tourism and agritourism sites...bringing many tourists and out of area visitors up Shimek Road. I doubt 90% of the Kasson township residents have ever been to the Bohemian Lavender Farm. In all of the articles written about Bohemian Lavender farm, it always mentions their "store" or "shop", it never mentions that it is a farm stand. Through my research the past three years, I have sadly found that the Kasson Township Ordinance does not protect their citizens from these type of businesses within our township because of the vague ordinance language.

A few of the objectives of the Kasson Township Ordinance are:

- \*To ensure that land uses shall be in appropriate locations and in proper relationships to other uses.
- \*To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not.
- \*To eliminate the improper use of land.

In my opinion, having a retail store located in the woods on Shimek Road does not meet these objectives. The automotive and bicycle traffic on curvy, rural Shimek Road has increased immensely since 2020, during the already busy summer months of the year. Barry Krull's stand/market at the corner of Nash Road and 616 on a busy curve does not meet these objectives.

Let's look at a few of the ramifications of not having clearly defined zoning for farm markets/farm stands/retail stores and shops, and agritourist areas and why some of the owners of farm stands/markets in Kasson Township do not want a change in the zoning ordinance. We also need to keep in mind what the real nature of a farm stand or farm market is – to promote and sell the individual farmer's farm products...not wholesale products or nonfarm produced products.

\*Is it really fair that some of the so called farm stands are sourcing their products from other counties to sell, when their neighbors are growing and selling their own products within the township. For example, Ryan Noonan is growing and selling his own pumpkins when some of the local farm stands/markets are selling pumpkins from other counties. Bohemian Lavender Farm is obtaining their honey from Benzie County to sell when a neighboring farm market is producing their own honey to sell. They are buying soy wax and adding lavender oil to them and calling them lavender candles when a neighboring market makes their own candles from their own wax. They are also advertising and selling lavender plants that they buy from a wholesale place in Traverse City.

\*Currently there is nothing to stop a farm stand/market from purchasing items wholesale and repackaging them and selling them at their own farm stand/market as their own products.

In my opinion, by not having language to address the operations of farm stands/markets, the township is opening themselves up to having many roadside stores/shops blighting the countryside with not much the township can do about it.

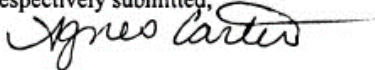
I do not feel that this is a family issue or it is a conflict of my interest to discuss why farm stand/market practices need to be addressed in the Kasson Zoning ordinance. To me there are right and wrong ways to run businesses in Kasson Township and they should be monitored. Yes, our son and his wife have opened a farm

stand on our property (Which has been in the planning for about eight years) and are waiting to see if Kasson Township enacts new language into their ordinance as to what they can sell at their farm stand. They have had several people contact them about selling their products at their farm stand.

It was actually the head person at MDARD/GAAMPS that told me that Kasson Township needs to address farm stands/markets in their zoning. When I talked to him in July, he wanted to come up and inspect the farm stands in Kasson Township since he was up visiting some other farm stands in the county. I told him to hold off until we see what happens with the zoning ordinance.

In conclusion, I feel that the evidence I have presented should encourage the Kasson Township Board to add more definitive language to their zoning ordinance that defines a farm stand/market and agritourism, what they can sell, and where they can be located within the township. The Kasson Township Zoning Ordinance already addresses retail stores. All farm stand/markets need be on equal footing, therefore, none of the current businesses should simply be "grandfathered in". Finally, a police power ordinance needs to be enacted to regulate the activities of the farm stands/markets and agritourism within the township. This all could be accomplished by forming a committee with a representative (if they chose) from each of the eleven or current farm markets in Kasson Township, along with a member from the planning commission and a township board member. We all should be interested in keeping Kasson Township a rural, peaceful, beautiful township in which ordinances are followed to benefit our welfare and safety.

Respectively submitted,





Mary Shimek Statement:

I am Mary Shimek, owner of Bohemian Lavender Farm. I don't really understand why we are still talking about the GAAMPS issue, and it is sad to think I even have to be here to support farm stands in Kasson Township.

The Planning Commission has now discussed farm stands and GAAMPS at 3 meetings. After much discussion, and with knowledgeable input by Mr. Cypher, the PC voted to drop all further discussion of farm markets and farm stands and let current practice stand under the existing zoning ordinance.

Now there is a discussion of creating a new police power ordinance to regulate farm markets and farm stands, and override the recommendation and vote of the Planning Commission. As Mr. Cypher already pointed out, a police power ordinance is generally very different from this issue. A police power ordinance governs activity, such as motor vehicle registration, or noise, or blight. It does not cover use of land. The use of land is covered by zoning ordinances, and the people in charge of such for Kasson Township have addressed it. As evidenced by their vote, they are satisfied that the current ordinances handle it, and have taken this issue off their agenda. I, and other farm stand owners, respectfully request that the Kasson Township Board follow the reasoning and logic of the Planning Commission, which is charged with this issue, and drop any further discussion on the topic.

Thank you.