

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, Tad Carter – Trustee, Roger Noonan – Trustee
Member(s) Absent: None
Staff Present: None

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

PUBLIC COMMENT: Gary Cozette – They live on Burdickville Road. Regarding the Baatz Road construction, he presented a letter from a neighbor, which will be entered in the record (see attached). He believes the construction that is being done on Baatz Road is not what was presented by Elmers. He feels that the removal of the road was not explained properly to the public. He thought it was only two months that the road was supposed to be closed. He asked who the point person is to contact with the township on this project – Julian replied that would be Tim Cypher. Cozette asked if this is what the Board thought would happen? He thinks that this is not the project that was approved. He asked whether Kasson Township has legal counsel to see if there has been a breach of the standards of the approval for the project?

MINUTES – The board discussed the minutes from the regular meeting on August 8, 2023. **T. Carter moved, J. Carter seconded to approve the August 8, 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 \$245,092.78. Disbursements \$302,202.06. Balance \$1,003,148.20.

b) **BUDGET REPORT:** Boomer presented a budget report for August. The board briefly discussed.

c) **BILL APPROVAL** – Boomer presented the updated check detail. The board briefly discussed. **Noonan moved to pay the bills as presented; seconded by T. Carter. All in favor, motion carried.**

UNFINISHED BUSINESS:

a. **Cemeteries** – Boomer reported no discussion items for cemeteries this month.

b. **Mining/Gravel Legislation** – Julian reported that the legislature is on recess for the summer, and no action is anticipated.

- c. **Sidewalk Ordinance** – No discussion - tabled
- d. **Township Master Plan** – The Township Board discussed the updated Master Plan and memo from Attorney Grier. Several changes to wording were discussed and adopted. Boomer will make these amendments and then distribute the final plan for review of any additional typos or grammatical errors prior to final hard copy printing. Boomer will also forward the resolution of adoption to the Leelanau Enterprise – the plan will be in effect two weeks after publication. **J. Carter moved to approve Resolution # 13-2023 – Adoption of the 2023 Master Plan (as amended), seconded by Noonan. Roll call vote: J. Carter (yes), T. Carter (yes), Noonan (yes), Boomer (yes), Julian (yes). All in favor, motion carried.**
- e. **Park Tables & Benches** – Julian has been continuing to work on getting specifications and quotes for park tables and benches. Dave Murphy from Complete Outdoor believes he could rebuild the existing benches for approximately \$500. Julian also discussed the current engraving with Don Drabik. Drabik stated that laser engraving the words “Kasson Township Park” on the benches could be done by engraving a marine-quality wood and then attached to the back of the bench, as laser engraving is not able to be done on treated lumber. Julian believes the full project could be completed for no more than \$1,000. The board discussed the project and how to move forward. The board had consensus for Julian to continue to move forward in working with Murphy and Drabik to complete this project. **Boomer moved to approve up to \$1,000 for the rebuilding of the benches at the park. Noonan seconded. All in favor, motion carried.**
- f. **Consumers Franchise Agreement** – Attorney Grier has reviewed the proposed ordinance and submitted a memo to the board with no objections to approval. Boomer stated that she located the prior ordinance, passed in December 1993, and Grier determined that the old and new ordinances are substantially similar. **Noonan moved, T. Carter seconded to approve Ordinance # 2023-01, Consumers Energy Company Electric Franchise Ordinance. Roll call vote: J. Carter (yes), T. Carter (yes), Noonan (yes), Boomer (yes), Julian (yes). All in favor, motion carried.**
- g. **Other Unfinished Business** - None

NEW BUSINESS –

- a. **ZBA Appointments** – Don Drabik is up for re-appointment to the ZBA. Julian recommended that Drabik be reappointed to the ZBA. **Boomer moved, T. Carter seconded to re-appoint Don Drabik to the Zoning Board of Appeals through November 2025. All in favor, motion carried.** There is also an open alternate appointment needed. Julian recommended the appointment of Frank Sellgren as alternate to the ZBA. **Boomer moved, Noonan seconded to appoint Frank Sellgren as the alternate to the Zoning Board of Appeals, through November 2025. All in favor, motion carried.**
- b. **Election – Ballot Dropbox** – Boomer reported that with a November election, a ballot dropbox with security monitoring system is required to be installed. The dropbox has been ordered through the state and will be billed directly to the state. Boomer asked who the board would like to have install the box when it arrives – this cost will be reimbursed by the state. The board had consensus that if the Leelanau Construction crew is still working at the township hall when the dropbox arrives, they will be requested to install the box and provide a separate invoice for

the work for reimbursement. Julian and Boomer have looked at the hall and believe that the southeast corner of the building under the new porch roof would be the best location. The board had consensus for that location.

Boomer stated that a video monitoring system is required for the dropbox. She has received a quote from EPS for the appropriate video monitoring and storage equipment – the quote is for \$2,949 for equipment and installation, and a \$25/month service fee. The equipment and installation will be reimbursed by the state, the monthly service fee will not. Boomer would like to get on the schedule for EPS, as they are currently booking into October and the monitoring system needs to go into place as soon as possible after the dropbox is installed. The board had consensus to move forward with the EPS.

Julian stated that the Election Commission is continuing to take the security and legality of Kasson Township's election seriously.

c. Other New Business - None

CAPITAL PROJECTS – EXPLORATION

- a. **Maple City Improvement Project** – Julian and T. Carter are continuing to work with the LCRC and Gosling Czubak on this project. Julian received an email from Brendan Mullen at LCRC, who provided an update that the project is still undergoing engineering and legal review. Julian also received an email from Gosling Czubak with additional needs to move the project forward, which include the reviews from the LCRC. The board had consensus to forward the Gosling Czubak communication to the LCRC with a note that the township is committed to the project, and ask for the reviews and timeline to be forwarded as soon as possible. In addition, in order to move forward on the sidewalk project, Julian will request a quote and timeline from Gosling Czubak on a survey of the current sidewalk condition, which would allow repair of any failing sections and the passing of the pending sidewalk ordinance.
- b. **Township Hall Renovation** – Leelanau Construction has made substantial progress on the construction at the hall. Julian continues to be in contact, with the first draw being paid tonight. Regarding the exterior doors, Julian requested the board consider an upgrade to the front door to a higher quality door and the replacement of the rear door with an outward swinging door – these were not included in the original quote – there was original \$750 budgeted and it will now be approximately \$2,500. Julian will double check code requirements with Leelanau Construction. The board had consensus to upgrade the front door and replace the rear door with an outward swinging door if there are no issues with code requirements.
- 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 reported that at the August meeting the PC worked on amendments to the Zoning Ordinance, focusing on changes to definitions. They are also continuing their work on farm markets and stands. T. Carter brought up a potential parking ordinance in Maple City, to assist with resolving parking issues in the village. The board had consensus to direct the Planning Commission to begin review and discussion of a potential parking ordinance for the village of Maple City or the township as a whole. Boomer reported that Allison Hubley-Patterson has resigned as recording secretary. She and the clerks from Leland and Solon have developed an ad,

which will be running for two weeks in the Leelanau Enterprise. No interested candidates have been found so far. Boomer will be preparing the minutes for the Planning Commission for September.

Zoning Administrator (ZA) – Cypher had previously submitted written reports to the board, and he summarized those for the board. Cypher has been communicating with the LCRC and Elmers regarding the Baatz Road project to make sure that it is complying with all conditions set by the PC and ZBA. The board briefly discussed – they recall the allowance being for approximately six months of construction with approximately two weeks of full road closure on either end of construction. Cypher also provided a summary of the two ZBA cases regarding the Enduro application that will be heard later this year. He is working on ongoing enforcement of various zoning issues. With the resignation of Hubley-Patterson, Boomer will be preparing minutes for the upcoming ZBA meeting unless another recording secretary is found prior to that time.

Supervisor – Julian summarized his activities for the month. He has had conversations with a number of citizens regarding the sidewalks in Maple City.

Assessor – Standard assessing business is ongoing.

Fire Board – There have been no fire board meetings since the last township meeting – the next fire board meeting is later this week. That meeting will include the public hearing for the draft 2024-26 fire department budget.

Clerk/Elections Report – There will be a November election for a millage request for Glen Lake Schools. The dropbox and video monitoring are required to be in place for this election. Early voting is not required to be in place until the February presidential primary. Boomer has been in contact with other clerks and attended a township and county clerk meeting last week where there was extensive discussion regarding early voting. There has been no decision yet regarding what type of agreement will be put in place for early voting. It has not been determined yet when the final agreement needs to be in place and who needs to approve that – there may need to be a special meeting of the Election Commission and/or Township Board prior to the next regular monthly meeting.

COMMITTEE REPORTS: Hall Use and Buildings and Grounds Reports – The community music group has continued to use the hall, and there will be a meeting of the Davis Lake Association on September 16.

PUBLIC COMMENT: None

BOARD COMMENT: None

The next regular meeting will be Tuesday, October 10 at 7 pm.

Motion by Noonan to adjourn, second by J. Carter / **All in favor, motion carried.** Meeting adjourned at 8:30 pm.

Submitted by:
Dana Boomer, Township Clerk

Milton and Carrie Eder
10169 S. Bow Rd
Maple City, MI 49664

September 4, 2023

KASSON TOWNSHIP
BOARD MEETING- Tuesday - September 5, 2023 7:00 P.M.

We wish to enter a public comment regarding the W. Baatz construction project

We are writing the Township Board as a home owner and full-time resident of the area that has been directly impacted by diversion of W. Baatz Road, west of S Coleman Rd., for virtually the entire summer. When we indicate a direct impact, prior to the construction of a temporary roadway we road on this portion of W. Baatz Road more than 50 times in the prior year.

A letter regarding the variance request of November 6, 2022 advances a request for temporary material extraction, use of a box culvert under W. Baatz Road, and temporary placement of a by-pass road. What is not clear is what exactly is meant by temporary material extraction and when the temporary by-pass road will no longer be needed.

The original proposal was to allow Elmer's to extract material necessary only to change the roadway, but the line between extraction to create a safe new roadway and to mine materials remains unclear. It appears that Elmer's has prioritized mining and material extraction with little evidence that rebuilding W. Baatz Rd. is a current priority. It seems that changing the roadway to descend and ascend with the contours of a gravel pit was always and only about mining as much of the land as possible.

Since there was significant discussion at the Kasson Township December 19, 2022 Zoning Board of Appeals Meeting and Public Hearing that extraction for the purpose of road construction would not be considered mining. We are writing to ask if that remains a defensible position given the current activities in the area and the progress on rebuilding W. Baatz Road. Additionally, what is the clear timetable for completing of this project and how does it align with the initial proposal presented to the Board? In short, we are asking for an update regarding whether Elmer's acted in good faith in advancing their proposal and in their subsequent actions.

Respectfully,



Milton and Carrie Eder

Resolution 13-2023

STATE OF MICHIGAN)
LEELANAU COUNTY) SS)
KASSON TOWNSHIP)

RESOLUTION BY THE KASSON TOWNSHIP BOARD TO ADOPT A REVISION TO THE 2014 KASSON TOWNSHIP MASTER PLAN

WHEREAS, the Michigan Planning and Enabling Act, MCL 125.3801 *et seq* (“MPEA”), delegates to local units of government the power to zone and regulate development within their municipal boundaries; and

WHEREAS, the MPEA, MCL 125.3807 provides, that a local unit of government may prepare and, after public hearing, adopt or amend a municipal Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, the Michigan Zoning Enabling Act MCL 125.3201 (MZEA) *et seq* provides that a local unit of government may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon only after the municipal Planning Commission has adopted a Master Plan; and

WHEREAS, MPEA 125.3845 (2) provides that a local unit of government shall, at least every 5 years, provide for a general reexamination of its Master Plan by the Planning Commission, which shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan; and

WHEREAS, the Kasson Township Planning Commission (“Commission”) last reviewed and updated its municipal Master Plan, which included a Land Use Plan Element and a Housing Plan Element, in 2014, the Commission voted to review the 2014 Master Plan and subsequently determined that updates were needed; and

WHEREAS, the Commission commenced a 5-year general review of the Master Plan, beginning December 16, 2019; and

WHEREAS, the COVID-19 epidemic, and its resulting restrictions on public gatherings, delayed and hampered meetings where the Plan was to be discussed and updated; and

WHEREAS, at the Kasson Township Board’s February 8, 2022 meeting:

“Boomer moved to assert the right of the Township Board to have final approval of the Master Plan, after approval by the Kasson Township Planning Commission. J. Carter seconded. All in favor, motion carried.”

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP BOARD, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

(a) That the Kasson Township Master Plan 2023 draft version as amended at the September 5, 2023 Township Board meeting be accepted and adopted as the Board's final draft of the update to the Kasson Township Master Plan 2014.

PASSED BY THE KASSON TOWNSHIP BOARD THIS 5th DAY OF SEPTEMBER, 2023.

A motion was made by J. Carter, and seconded by Noonan to approve Resolution # 13-2023.

Ayes: J. Carter, T. Carter, Noonan, Boomer, Julian

Nays: None

Absent: None

The supervisor declared the resolution adopted.

Possible Franchise Enactment Schedule

REVOCABLE ELECTRIC FRANCHISE

TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN

First Meeting

Meeting of Township Board

Franchise Ordinance passed

Within 30 days

Publish complete franchise ordinance (in full)

ORDINANCE NO. 2023-01

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF KASSON ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on October 12, 2023.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, on the 5th day of September, 2023.

Greg Julian, Township Supervisor

Attest:

I, _____, Clerk of the TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

Dana Boomer, Township Clerk

Dated: _____, 20__