

LELAND TOWNSHIP BOARD MEETING

Monday, June 14, 2021– 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: 37

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

APPROVAL OF AGENDA: The request for fireworks approval (Item #2) has been withdrawn.

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

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None

CONSENT AGENDA

May 10, 2021 Minutes (Regular Meeting)

May 20, 2021 Minutes (Special Meeting)

APPROVAL OF EVENTS

1. Lake Leelanau Street Fair
2. Leland Yacht Club
3. Request to use Hancock Field for the summer Leelanau County Youth League.

ACTION: MS. Garthe moved to approve the Consent Agenda as presented; supported by Ms. Brookfield. Motion carried (5,0).

PUBLIC COMMENT

Maude Babington - Ms. Babington commented on the Reynolds Street situation. The current agreement doesn't solve any problems but creates more problems. She urged the Board to reject the agreement. The focus should be on finding a solution for the erosion of the beach. The Township should manage the beach area. She urged the Board to appoint a working group of citizens to make recommendations that will work for everyone involved.

Bob Schlueter – Mr. Schlueter described his background and his experience with local accesses. He feels that there are no positive points to the agreement. This situation goes far beyond reasonable process. The discussion should be about the 60 feet of beach access. This will not be resolved by limiting access but by responding to the problems. The people involved need to be kind with our properties.

Jim Carpenter – He stated that he supported the two previous comments. This situation is about problem solving and not about an entitled few. He also stated that he supports the Popp Road recycling center. He urged the Board to move in a timely manner. This is much wanted by the public.

Tony Borden - Mr. Borden reported on homeowner problems and aspects of the Reynolds Street situation since 2017. He believes the Board did not act in a timely fashion on the complaints which led to the present litigation. He warned that if the Board continues to stonewall the conversation, the situation will get very much worse.

Bill Lievense – He is opposed to settlement agreement. It will result in the deterioration of the beach. He commented on the current political climate which would favor the public’s right to access the Great Lakes. He believes the Board was not fully informed and there is confusion about what is in the settlement agreement.

Doug Julian – If the Reynolds Street situation goes back to court, the Township should make a case for adverse possession. The true owner of the property should be involved. Since the true owner is not known, legal notices should be placed in the newspaper and the Board should make a case for adverse possession. Easement rights belong to the public and not Leland Township.

Jane Lievense – She commented that the agreement does not specify the high water mark.

Steve Mikowski – He recognizes the Township’s lack of interest on this issue.

Mr. Mikowski also presented his request to hold a referendum vote on the Leland Township Zoning Ordinance 96-1. He also asked the Board to correct a longstanding error denying a 17 ½ inch side yard setback variance. This is his 297th request.

He urged the Board to rescind any document in favor of putting a recycling facility on top of a dump. An area should be found in Leland for a recycling center. The Provemont Pond property has been commercialized and everyone refuses to address this issue.

Tim Maylon – He commented about the acceptance of the permit application for the Metro Act by Cherry Capital Connection. There is \$6-7 million allocated to Leelanau county, with more to come. The money is to be used for broadband, water, or sewer. The work has already started at Gill’s Pier. He is asking the Board for permission to fulfill the vision for broadband fiber installation in Leelanau County. This will be further discussed in an Action Item.

Sarah Landry-Ryder - Ms. Landry-Ryder urged the Board to retract the settlement agreement on the Reynolds Street situation. This settlement does not represent the public or the Board’s opinion. Neighbors have the right to have their concerns heard. We should be experiencing mediation in a more love-based manner. The community wants this to be a public space. The Board should start this process over.

REPORTS FROM BOARDS AND COMMISSIONS

Fire & Rescue, Chief Dan Benson

A report is on file at the Leland Township Office and is online. Chief Benson commented on highlights from his report. He gave details of significant calls. Three firefighters (one who is a paramedic and two who are EMT’s) were hired. Ms. Och asked several questions about staff turnover, hiring and wages. Firefighters receive \$15.00 - \$15.50 per hour. Leland is losing full time workers to other agencies because of the low pay scale. Leland Township is not keeping up with trending wages.

Planning/Zoning, Tim Cypher

A report is on file at the Leland Township Office and is online. Eight land use permits were issued. An application came in for the Zoning Board of Appeals. An amendment request was received. A site plan review was done for the proposed recycling center. Eleven site inspections were done. \$530 came in as income.

The Planning Commission's public hearing on the proposed recycling center was well attended. Most comments were in favor of the center. No formal action was taken because the soil borings were not completed yet. The soil borings study came back clean. A geologist was on site.

Harbor, Jeremy Anderson

Repair was done on the dock. It has been a busy spring with a lot of repairs. Last May was the best month in the last 10 years. July and August reservations are almost full. Summer help is back. The water level is down.

Sewer, Steve Patmore

A report is on file at the Leland Township Office and is online. It is a normal year; nothing is out of the ordinary. The Thompson Street work has been done. The hydrogen sulfide control is the project for the summer. It now needs EGLE approval. The sludge pumping of the lagoon has been delayed because of a new need for PFAS testing. It has been cleared by the DEQ. The dosing station will be repaired when the lagoon is empty. They are working on updating the capacity study. Mr. Patmore believes that there is capacity for all residents of the sewer district. A rate study will be done as well. Ms. Och reported that they get a lot of phone calls for septic tanks to be emptied. The recommended time frame is every 2 years if you have an individual system on your property. Under the sewer system, septic tanks can be emptied every 6 years. Ms. Och asked Mr. Patmore for people to preserve their systems. Ms. Kirch asked for usage date on short term rentals. Rental properties have not been monitored mainly because it is not always known if a property is a short-term rental property.

Parks & Rec

Ms. Och reported. Suelzer Park has a new stairway. Dock repair has been done at Emelia's Landing. Trash cans have been put out. Ms. Och discussed the need to purchase a new truck.

County Commission, Patricia Soutas-Little

Ms. Brookfield received a report from Ms. Soutas-Little which she summarized. It concerned the demolition of the buildings at Sugar Loaf, recycling, and Eurasian milfoil.

Assessor

The Board of Review will be in July. Board members are urged to take the Board of Review training available online.

TREASURER'S REPORT

Ms. Garthe reported on income and expenses for the last month. The Township has settled with the County with tax collecting. The Township has received a check for delinquent taxes. It was a partial sewer billing month.

ACTION: Ms. Brookfield 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. Questions have come in about live streaming the meetings. It is more complicated to livestream meetings than it is to hold zoom meetings. Live streaming will cost \$20,000 or more. We would need a designated person to monitor it. The library may have some money to do this.

Ken's Hagstrom's work truck needs to be replaced. \$25,000 was budgeted.

A Lot of FOIA requests have come in. The "Covid windfall" money is being studied. The amount was predicated on the 2019 population. There are more residents now. Leland might get \$184,000 over two years. There are a lot of specifications on how that money is to be spent. A traffic study of Leland School has been requested of Leland.

ACTION ITEMS

1. Adopt intercept care agreement with Leelanau Township Fire Department – Dan Besson
This allows us to interchange specialized employees with other departments.

ACTION: Ms. Garthe moved to adopt the intercept care agreement with the Leelanau Township Department as presented; supported by Ms. Brookfield. Motion carried. (5,0)

2. Request for July 3rd Fireworks Permit off Cemetery Point – Tim Vondra
3. Resolution R-21-14 to adopt the Waterways Grant Agreement – Jeremy Anderson
This will allow the Township to get money to pay for some expensive repairs. We need to have a 5-year plan completed in order to get the grant.

ACTION: Ms. Brookfield moved to adopt the Waterways Grant Agreement, Resolution R-21-14; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called at the meeting)

Supervisor Susan Och:	Yes
Clerk Lisa Brookfield:	Yes
Treasurer Shirley Garthe:	Yes
Trustee Mariann Kirch:	Yes

Trustee Clint Mitchell: Yes

Motion carried. 5 in favor, 0 opposed

4. Request to apply for a Rotary grant for a feasibility study to make the south pier of Leland Harbor as an accessible fishing pier.

Alan Campbell came to the Board with this idea. Mr. Campbell spoke about the feasibility study. He described the vision. This will help the public know what is public and what is not public and define the south side of the river. It will give accessibility to handicapped individuals. The proposal is for \$4,800 with a 25% match. The match (\$1,200) could possibly be funded privately. There are great opportunities to get this funded. Mr. Anderson also spoke on other benefits of this pier. The Harbor Commission supports this endeavor. This would be a joint venture with the Parks and Rec commission and the Harbor Commission. In answer to Mr. Mitchell's question, Mr. Anderson explained where he thought people would fish. Other concerns were raised about safety and ice build-up. Money cannot be authorized at this meeting as the Parks and Rec Commission is in the midst of reviewing their budget.

ACTION: Ms. Brookfield moved to approve the application for a Rotary grant for a feasibility study for the South Pier Project and take the next step for funding; supported by Mr. Mitchell. Motion carried. (5,0)

5. Request to relocate the Lake Leelanau Community Association storage shed to Drow Field – Madeline Houdek

The shed is used for storage of various items for the LLCA and the community. It was at the fire station but because of remodeling, it can't go back there. The LLCA did not want to put it on private property. Ms. Houdek met with Molly Steck (Chair of Parks and Rec) at Drow Field and picked out a suitable location. St. Mary's is the primary user of Drow Field and they support placing the shed there. Mr. Cypher told them that a land use permit would be needed and also that the Board could waive the land use permit fee. Ms. Houdek assured the Township that they would not be responsible for the shed. They understand that Drow Field is not plowed in the winter but they have a plan for access. Ms. Kirch asked about insurance for the shed. Ms. Och said she would look into including it on the Township policy and Ms. Houdek will look into how the LLCA could insure it on their own.

ACTION: Ms. Garthe moved to relocate the LLCA storage shed to Drow Field; supported by Ms. Brookfield.

DISCUSSION: Ms. Kirch was concerned about the insurance. She felt that the LLCA should bear the expense of the insurance in any case.

Motion carried. (5,0)

ACTION: Ms. Brookfield moved to waive the land use permit fee; supported by Ms. Kirch. Motion carried. (5,0)

6. Acceptance of application for permit under the Metro Act by Cherry Capital Connection and request to have Zoning Administrator process permit request.

Tim Maylon presented the request and fielded questions from the Board. The Metro Act allows utility companies to access the road easements for installing and maintaining their equipment. This request is for installing fiber network along the roadways in Leelanau County. Ms. Brookfield asked for a map. Mr. Maylon explained existing and anticipated easement use and stated that the permit is not limited to certain roads. Mr. Cypher asked how many miles of fiber have been placed already. Mr. Maylon responded that they expect to have 30 miles laid by October. There were questions about how individual homes would access the fiber network. The main line would be at road and homeowners would pay for a connection to their home. Most prefer to connect at the time the main line is put in. Clarification of easement access will be done at the State government level. Mr. Cypher cited several errors or needs for clarification in the application document and recommended that the Board submit the application to legal review. The contract can be downloaded from the internet. The capacity of the fiber is unlimited and the company can sell service off of it. Ms. Brookfield stated that the Board has a responsibility to Leland residents to offer connection to them at an affordable price. She is concerned that the Board hasn't looked at other companies. Mr. Maylon responded that companies do not want to do Leelanau County and there has not been any competition to this point. Total cost cannot be determined at this time.

ACTION: Mr. Mitchell moved to accept the application for permit conditional on corrections to be made as discussed, and upon review of the contract by the Township's legal counsel; supported by Ms. Garthe. Motion carried. (5,0)

7. Authorize Supervisor to sign contract to engage Tobin & Co. for the yearly financial audit.

This is a company that the Township has historically used.

ACTION: Ms. Garthe moved to authorize the Supervisor to sign a contract to engage Tobin & Co. for the yearly financial audit; supported by Ms. Brookfield. Motion carried. (5,0)

8. Renewal of MTA membership and continuation of online learning subscription, \$8129.65.

This subscription offers legal advice and training. The cost has been budgeted. It has proven to be very useful.

ACTION: Ms. Garthe moved to renew MTA membership and continuation of online learning subscription at a cost of \$8,129.65; supported by Ms. Brookfield.

DISCUSSION: Mr. Mitchell asked if this subscription included in-person conferences. It does not. Conference costs would be additional.

Motion carried. (4 in favor, 1 opposed)

OTHER/OLD BUSINESS

1. Office space for Township

There will be a meeting on Thursday to discuss acquisition of office space and preliminary plans for sidewalk repair. Mr. Mitchell brought up the Leelanau Excavating space and reported on the details of the space. He thought it would be appropriate. Ms. Garthe and Ms. Brookfield felt the space was too small and would not have room for the file cabinets, storage items, and other equipment. Ms. Kirch mentioned that she and Mr. Mitchell were not informed about the visit to the office space. Ms. Och reminded the Board that 3 Board members in one place for Board business constitutes a quorum.

The subject will be further discussed on Thursday.

2. Clarification of Leland Township authorization to sign proposed Reynolds Street settlement agreement.

An email to clarify the settlement agreement from Robert Parker, the Township's legal counsel, was discussed. It explained why Ms. Och was advised to not sign the agreement. Mr. Parker explained that the Township would take the Road Commission's suggestions under consideration. Based on the previous motion that was carried, Mr. Mitchell understood that Ms. Och should sign the agreement. He further explained his position on the matter. Ms. Och explained that the agreement had three different versions and had elements that were not agreed on verbally at mediation. She also stated that continued discussion with the Road Commission is needed. The process would dictate that a new motion be considered.

Ms. Brookfield suggested that the original motion could be rescinded and that would put a pause on the process. She expressed her concern to represent the will of the public who have expressed opposition to the agreement.

ACTION: Ms. Brookfield moved to rescind the authorization of the signing of the Reynold Street settlement agreement; supported by Ms. Garthe.

DISCUSSION: There was discussion about if a motion could be made in the Old Business portion of the meeting and would this set a precedent that motion would be allowed as an item in Old Business. Ms. Kirch expressed her concern that the public could lose access altogether without the agreement.

VOICE ROLL CALL: (not necessarily in the order called at the meeting)

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

Motion carried. (3 in favor, 2 opposed)

3. Compensation Committee recommendation and process

No applications have been received.

4. Popp Road recycling

Soil borings were clean. The report was sent to the Board and the Planning Commission. Mr. Cypher spoke about the fabric that would be placed on the graded soils. The bid for the work should include pricing for an 8 inch base and a 12 inch base. The Planning Commission will be meeting in July. The cost of the soil borings could be recovered. There has been an estimate that the recycling center would be a cost of \$40,000 to the Township. This amount has not been budgeted. There could be some savings on the asphalt details. A lot of fill and compaction will be needed. The initial estimate did not include a fence.

BILLS AND ACCOUNTS

The bills and accounts list was distributed to Board members. There was nothing unusual for the month. There were regular expenses. Some payments were made out of 403 for repairs to the fire station. There was a 1.7% increase in health insurance costs. A 2.5% increase was budgeted.

ACTION: Ms. Brookfield moved for payment of bills from May 11, 2021 to June 14, 2021; supported by Ms. Garthe. Motion carried. (5,0)

CORRESPONDENCE

- There was a letter from Dona Laskey about the uneven sidewalk in front of her office. The Board will be talking about that on Thursday. There were a lot of emails about Reynolds Street and recycling which were forwarded to Board members.
- There was correspondence about speeding on 641.

BOARD COMMENT

- Ms. Och noted that the millage is needed to run the Township. Ballot language needs to be ready by the end of July for the November vote. Workshops will be held.

PUBLIC COMMENT

Jim Atkinson - He stated that office space is available at the fire station. He feels that the Township should let the judge make the decision about Reynolds Street. The Fire and Rescue workers are underpaid. Their pay is an insult. Parking regulations are an issue. The sheriff department will not enforce parking regulations unless the Road Commission is putting up the signs.

Steve Mikowski – Mr. Mikowski gave documents to the Board members bringing their attention to page 4.

Mr. Mikowski reminded the Board that, in this type of government, the Board makes the decisions, not the public. He stated that the recycling center at Provemont Pond needs to be rationalized. The sewage plant has messed up the property. Putting the recycling center there further commercializes the property which was supposed to be used as a nature area. The Board should decide to sell the property or commercialize it. The recycling center could be put somewhere in Leland.

Maude Babington thanked the Board for making the brave move to rescind the Reynolds Street settlement agreement motion.

ADJOURNMENT

ACTION: Ms. Brookfield moved to adjourn the meeting at 10:16 p.m.; supported by Ms.Garthe. Motion carried. (5,0)

The next meeting is July 12, 2021.

Respectfully Submitted,
Cindy Kacin, Recording Secretary

Date Approved: _____

Susan Och, Leland Township Supervisor

Lisa Brookfield, Township Clerk