

## **LELAND TOWNSHIP BOARD MEETING**

**Monday January 11, 2021– 7:00 p.m.**

(Leland Township will be holding all meetings remotely under the COVID19 Executive order issued to limit person to person transmission of the virus until such order is lifted. Directions to participate in the meeting via Zoom were included in the posting of the agenda.)

### **MINUTES**

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

**ABSENT:** 0

**GUESTS:** 15

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

**APPROVAL OF AGENDA:** Melissa Biddix is moving. The Board will not need to approve Item #10. The final memorandum of understanding for the bike trails is not available yet. The subject can be discussed but no action will be taken. Ms. Kirch stated that Mr. Mikowski had made a complaint about the MOU. Ms. Och stated that she has heard positive remarks about the bike trails.

**ACTION:** Ms. Brookfield moved to approve the agenda as presented and amended; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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

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

### **APPROVAL OF MINUTES**

**December 14, 2020 (Regular Meeting):** Ms. Garthe moved to approve the minutes of December 14, 2020; supported by Ms. Brookfield.

VOICE ROLL CALL: (not necessarily in the order called in 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

**December 8, 2020 (Special Meeting):** Ms. Brookfield moved to approve the open and closed minutes of December 8, 2020; supported by M. Garthe

Discussion: Mr. Mitchell asked about edits. The edits were done.

VOICE ROLL CALL: (not necessarily in the order called in 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

**December 18, 2020 (Special Meeting):** Ms. Brookfield moved to approve the open and closed minutes of December 18, 2020; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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

#### **PUBLIC COMMENT**

Dan Lisuk – He commented on the Tribe requesting compensation for land. Congressman Jack Bergman is in support and would like Townships in the affected areas to be involved. Centerville has approved support of this request. He would encourage the Township to approve the efforts of the Tribe.

Alexander Janko – Mr. Janko commented via telephone. He sent an email with his comment and asked that it be recorded in the minutes.

Good evening.

My name is Alexander Janko and I reside at 308 West Reynolds St in Leland.

I would like to make 3 comments regarding tonight's Supervisor's Report.

First: I urge the Board to limit any new extra-voted millage to one year at a time. In this uncertain economy it's important to allow voters to decide how much they are willing to be taxed on an annual basis, similar to our yearly school millage and fiscal budget hearings.

Secondly: I would like to remind the board that our township's dredging permit requires US Army Corps of Engineers and littoral owner approval before depositing spoils or operating machinery on private property above 581.5 feet, which is currently underwater. There are seven private properties within the permit zone between South, Thompson and Reynolds streets. 2 have withdrawn permission and 3 are not cc'd on the DEQ permit issued in 2017. I urge the Board and Harbor Commission to review your files and avoid any potential violations of law. If Leland Township wants to dredge our harbor this spring, the spoils legally can be placed in the open water between the 3 and 8 foot contours below 581.5 feet without any need for littoral owner permissions.

Thirdly: I'm intrigued about the possibility of grants available for workforce housing. In light of last week's Planning Commission discussion regarding zoning amendments, it seems this opportunity should be included in the conversation. How wonderful would it be if we could find a way to retain the character of our two villages while also solving our lack of affordable housing. Like our Capital Improvements fund, maybe there could be a way to start budgeting now to help finance future workforce accommodations.

Thank you for listening.

Steve Mikowski - Mr. Mikowski 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 292<sup>nd</sup> request.

His second comment was in regards to item #2 on the agenda. The Michigan Planning Act MCL125386 dictates that such projects must be approved by the Planning Commission. The approval of the bike trail is not evidenced in the minutes of the Planning Commission. Ms. Och read aloud Mr. Mikowski's public comment from his email.

## **REPORTS FROM BOARDS AND COMMISSIONS**

### Fire & Rescue – Chief Dan Besson (A report is on file at the Leland Township Office)

Chief Besson reviewed items from his report. The Fire Department has reviewed the request for an outside restaurant. The Fire Department hosted a drive-through flu shot clinic at the Leland Fire Station through the county Health Department. Chief Besson commended J.P. VanRaalte for 36 years of service.

Discussion: Ms. Kirch asked about the narrow building site for the outside restaurant being approved for change of usage. She was also concerned about the seating capacity on the interior. Chief Besson has not reviewed a plan for seating capacity. She also asked about parking. Parking concerns would come from the County or the Planning Commission.

Mr. Mitchell asked Chief Besson if suicidal ideations or drug overdoses were on the increase. Chief Besson would have to look at the individual reports to determine that.

### Planning/Zoning – Tim Cypher

Mr. Cypher addressed the questions from Ms. Kirch. The zoning of the building is exempt from off site parking regulation. Seating capacity was part of the approval. Seating capacity is set at 4 in the interior. He urged Ms. Kirch to call him to discuss any other details.

Mr. Cypher discussed the details from his report of calls and permits. There was not a meeting in December. \$950 was taken in of fees.

Planning Commission – There was an election of officers: Dan Korson is the Chairman and Skip Telgard is the Vice Chairman. There is a recording secretary in place. They need to get Zoom in place for meetings. There was a site plan review for Dick's Pour House. It has been thoroughly vetted and supported by the commissioners. The plan is subject to Road Commission and MDOT approval. MDOT will need a resolution from the Board. The line of sight from the corner is good. This plan will also cause better spacing of seating in the interior. The outside plan is for April through October, weather permitting.

Mr. Cypher also discussed ongoing consideration of a character clause for homes or size limitations for homes. Public concerns have come from residents concerning Lake Michigan shorelines and high-water marks related to setbacks. Further questions can be directed to Mr. Cypher or Mr. Korson. Larry Sullivan is bringing information for the formation of the Master Plan.

Ms. Kirch commented that she has requested Mr. Korson to come to Board meetings. There is not a clear direction for the issue of short-term rentals.

Mr. Cypher responded that there has been a lot of discussion about the Master Plan and short-term rentals. The Planning Commission would like some direction from the Board. Mr. Cypher has received a few calls about short-term rentals. There is an ordinance about nuisance.

Harbor – Jeremy Anderson

The repair of the transition chamber is scheduled for April 2021. The repair of the lighting fixtures has been done. The Army Corps will get their dredging allocation in February. Right now the Harbor is planning on doing our own dredging in April 2021. We will not be able to pump fuel until the transition sump is repaired. The pump is key to everything. They are on track for getting it repaired.

Sewer - Steve Patmore

Influent flows are about the same as 2019. The lagoon is 2 ½ feet lower than this time last year. This is good for sludge removal in spring. We are at 83% of capacity of discharge. Monitor well results are trending downward. A new tech is on sight from IAI. The biofilter backwater pump was replaced. They are working on the hydrogen sulfide study. Duck Lake Road and Popp Road have high readings. Two other locations were at zero. Clean Water has a loan fund available, but we are not in need of that. Budget was discussed at the last meeting. We would like to update the capacity study and do a rate study. Getting an asset management program was discussed. We are still issuing permits.

Parks & Rec - Molly Steck

The majority of the commission's work will be discussed in agenda items #1-4. The budget will be discussed on February 2. The ice rink is being used a lot. The volunteer group is still seeking donations for maintenance and the portajohn that was installed. The maintenance truck needs repair. The stairs at Suelzer Park need to be repaired or replaced.

County Commission - Patricia Soutas-Little was absent. She asked the Board to convey that the Health Department is having trouble with their website. It can take up to 48 hours for the website to be rebooted. They want people to go to the website to schedule appointments for the COVID vaccine. It may take a day or so for website to recover.

Old Art Building - Dan Lisuk

Dan Lisuk is the President of the Leelanau Community Cultural Center. He gave a brief history of the MSU ownership of the Art Building and LCCC's lease of it. Lawn maintenance and some tree removal has been done by the Township. \$500,000 has been put into renovation of the building. The LCCC has first right of refusal for buying the building. They are now in negotiations with MSU to buy the building. They would like to maintain a partnership with the Township. They would like the Township to continue to do the lawn maintenance and also to

continue holding the Township Annual Meeting there. It will be discussed in the budget meetings.

Assessor - Julie Krombeen

A report is on file at the Leland Township Office. Assessments will go out in February. Tax day was December 31, 2020.

**TREASURER'S REPORT**

Ms. Garthe reported on income and expenses for the last month. A report is on file at the Leland Township Office. December was the start of the winter tax season. This was not a sewer billing month.

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

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

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

**SUPERVISOR'S REPORT**

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

The Township staff was registered for COVID vaccines as essential workers. Decisions about the operating millage will be made in the budget meetings. Issues about political signs and the potential installation of riprap on Lake Michigan shoreline have been recent concerns brought to the attention of the Township. Sand from the dredging will be put on the shoreline and it is hoped there will be enough for people to walk the shore. The maintenance truck will have \$1100 worth of work done next week. The library water system is backed up. We are still looking at alternative street lighting. We have an ordinance of full cut off of lighting and have been trying to get Consumers Energy to conform. We have been unable to get specifications from them at this point.

**ACTION ITEMS**

1. Memorandum of Understanding with the Northern Michigan Mountain Bike Association to improve trails at Provement Pond Nature Area.

**DISCUSSION:** There is not a final draft yet. It would be a multi-use trail. There is some opposition to that. Phase 3 of the plan shows two trails: one for families and one for bikes. It was suggested that the Phase 3 plan of separate use trails be part of Phase 1. Then the usage could be evaluated. Perhaps making the trail a one-way loop would be helpful. How the trail is used cannot be monitored but signs could be put up. The width

of the trail has not been addressed yet. The Fire Department has requested that the trail be wide enough for their John Deere Gator for rescue operations if needed. No action was taken.

2. Approval of Hancock Field Land Use Study RFP - Karen Kirt

Three different companies were contacted. There are 15 acres in the property with 8 acres in use. The time line was discussed. They would like to have a draft of a plan by July 15, 2021. Town meetings and a public hearing would be done in August, 2021. There is \$10,000 set aside in the budget for this but it is anticipated that it will cost more. The Commission will explore available grants. The soccer club has provided a lot of input. Baseball people have been contacted but there has not been a response as of yet. Mr. Mitchell stated that it is still yet unknown the future of baseball in the Township. It has been hard to get kids interested in baseball since their hasn't been any organized baseball in two years. Finalization of the plan would be in October, 2021. Development is planned for the other side of Sixth Street. People building there will assume the trees on the park side of the street will stay there as a buffer. The RFP is for a consultation. Once a plan is in place, we can apply for grants. Mr. Mitchell asked if lines could be painted on the basketball court and commented that the tennis courts at Grove Park need attention.

**ACTION:** Ms. Brookfield moved to approve the RFP plan for consultive services for the Hancock Field Land Use Study; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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. Approval of bid for Grove Park tree work and stump grinding from Parshall Tree Care.

The bid from Parshall Tree Care was distributed to the Board members. Two bids were sought. Trees #7 and #8 may not be on the property. A survey of the property is being done. Parks and Rec has budgeted for this work. There was concern that Grove Park is a shady park and people go there for the shade. The trees designated to come down are dead or in danger of invasive species. The beech tree, although it looks okay is actually hollow inside. It was requested that replacement trees be considered.

**ACTION:** Ms. Brookfield moved to approve hiring Parshall Tree Service for the bid for Grove Park tree work and stump grinding, not to exceed \$8500; supported by Mr. Mitchell.

VOICE ROLL CALL: (not necessarily in the order called in 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. Authorize Parks and Rec to seek a consulting forester for Provemont Pond.

Molly Steck – In early December, Molly Steck, Kama Ross, and Susan Och did a walk-through of the Provemont Pond area. Kama Ross recommended a selective harvest of trees prior to the building of the trail. Low quality trees and bad trees should be removed. She offered names of local foresters. This request is for a consultation, not a cutting. It has not been budgeted.

**ACTION:** Ms. Brookfield moved to authorize the Parks and Rec Commission to seek (interview) a consulting forester and come to board with recommendation for Provemont Pond; supported by Ms. Garthe.

Discussion: There was a question about the funds that would come from selling the wood that is cut. There are a variety of fee structures considering harvesting and the selling of wood.

VOICE ROLL CALL: (not necessarily in the order called in 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

5. Transfer of \$100,000 from General Fund to Capital Improvement Fund per policy.

We have a fund equity balance policy. A minimum is kept in the general fund and the rest is put in an equity fund.

**ACTION:** Ms. Garthe moved to transfer \$100,000 from the General Fund to the Capital Improvement Fund per policy; supported by Ms. Brookfield.

VOICE ROLL CALL: (not necessarily in the order called in 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

6. R-21-01 Resolution to collect Summer 2021 Taxes for Leland Public School.

**ACTION:** Ms. Garthe moved to approve Resolution R-21-01 to collect the Summer 2021 taxes for Leland Public School; supported by Ms. Brookfield.

VOICE ROLL CALL: (not necessarily in the order called in 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

7. R-21-02 Resolution to collect Summer 2021 Taxes for Traverse Bay Area Intermediate School District.

**ACTION:** Ms. Brookfield moved to approve Resolution R-21-02 to collect Summer 2021 taxes for Traverse Bay Area Intermediate School District; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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

8. R-21-03 Resolution to collect Summer 2021 Taxes for Suttons Bay Public School.

There are 8 parcels in Suttons Bay.

**ACTION:** Ms. Garthe moved to approve Resolution R-21-03 to collect Summer 2021 taxes for Suttons Bay Public School; supported by Mr. Mitchell.

VOICE ROLL CALL: (not necessarily in the order called in 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

9. Resolution R-21-04 Leland Township MERS Defined Contribution Plan.

It was thought that the Township could duplicate the Fire Chief's plan as previously approved. However, the Chief is in a different bracket.

**ACTION:** Ms. Brookfield moved to approve Resolution R-21-04 for the Leland Township MERS Defined Contribution Plan; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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

10. Appoint Melissa Biddix to the Parks & Recreation Commission, term expiring June 2023.

**OTHER/OLD BUSINESS - None**

**BILLS AND ACCOUNTS**

The bills and accounts list was distributed to Board members. There was nothing unusual for the month.

**ACTION:** Ms. Brookfield moved for payment of bills from December 15, 2020 to January 11, 2021; supported by Ms. Garthe.

VOICE ROLL CALL: (not necessarily in the order called in 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

**CORRESPONDENCE - None**

**BOARD COMMENT**

Ms. Kirch – She would like the Board to prioritize discussion of short term rentals. Some are illegal according to Zoning. Discussion followed. Ms. Och planned at one time to do a joint public hearing with the Planning Commission and the Board. The Board was not interested at the time. Mr. Mitchell was tasked to look through the master plan. If this is a separate issue from a master plan, we could bring it up again now. Mr. Mitichell could not give an opinion on that at this time.

**PUBLIC COMMENT**

**ADJOURNMENT**

**ACTION:** Ms. Garthe moved to adjourn the meeting at 9:16 p.m.; supported by Ms. Brookfield.

VOICE ROLL CALL: (not necessarily in the order called in 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

The next meeting is February 8, 2021 at 7:00 p.m.

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