

**LELAND TOWNSHIP BOARD MEETING**

**Monday, March 14, 2022– 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:** 13

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

**APPROVAL OF AGENDA:** Ms. Garthe moved to approve the agenda as presented; supported by Ms. Brookfield. Motion carried. (5,0)

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

**CONSENT AGENDA: APPROVAL OF MINUTES**

February 14, 2022, Regular Meeting

Budget Workshops: February 15, 2022, February 16, 2022, February 25, 2022, March 1, 2022  
February 25, 2022, Special Meeting

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

**PUBLIC COMMENT**

Steve Mikowski - Mr. Mikowski presented his request to hold a referendum vote on the Leland Township Zoning Ordinance 96-1. This is his 306th request. He also asked the Board to correct a longstanding error denying a 17 ½ inch side yard setback variance.

**REPORTS FROM BOARDS AND COMMISSIONS**

Fire & Rescue, Chief Dan Besson

A report is on file at the Leland Township Office and is online. The department assisted in 1 house fire and 2 structure fires this month. James Howard accepted a full-time position with the department. Russell Korson has been promoted to the rank of captain. He will be considered the “fire chief in waiting” as part of the department’s long-term succession plan.

Planning/Zoning, Tim Cypher

*Planning* - A public hearing was held on the building of private air strip. It was conditionally approved. It will be used for personal use only. There was continued discussion of the land use permit request for a kennel. The applicant was asked for exact numbers and a sound (noise) study. The Commission has obtained some census data and there was some discussion on the master plan.

*Zoning* - Five land use permits were approved. Mr. Cypher reviewed other items from his report. An annual report was submitted to the Board for use at the Annual Meeting because Mr. Cypher will be unable to attend. He discussed some items from that report. He reported that there was \$8,465 that came in from fees in 2021.

### Harbor, Jeremy Anderson

Reservations have been overwhelming. They plan on a busy summer. They are currently doing a lot of maintenance. In answer to a question, despite the rise in gas prices, the profit is built in and will remain the same. The de-icer has been used a lot this winter and was turned off today. The de-icer costs \$110-120 a day.

### Sewer, Steve Patmore

A report is on file at the Leland Township Office and is online. Flows are normal and the lagoon level is adequate. The dosing station was totally rebuilt. It was 30 years old. Annual maintenance has been done on the generators. The monitor wells were tested and 3 were good and 1 had a jump in phosphorous. They asked to have that one retested. Engineers are exploring ways to store calcium nitrate in a permanent structure. They do have a plan for storage until a permanent one is installed. There is ongoing work at the Thompson Street station. The River Street gravity sewer project is moving along. The IAI contract was approved. Ms. Och reported that from April 1 to May 27, Elmer's will be working on the sidewalks.

### Parks & Rec

A new tennis net needs to be installed at Grove Park. Ken Hagstrom asked for a gate at the burn pile. The gate would be expensive so they are exploring a way to close it off with rope chains. The ice rink will be closed after this last weekend. The ice rink was a very successful volunteer effort. They will need a work party in the spring to get the baseball diamond ready.

### County Commission, Patricia Soutas-Little

Ms. Soutas-Little gave an update on the internet expansion in Leelanau County. They have a company to oversee the project over the next two years. Most of the county will have options for internet service. The public will be able to use the county website to find providers for their particular land parcel. All of Leelanau County will have internet access by the end of 2023. The county is interviewing for a Human Resource Director. BATA is providing a unique service which provides home to destination rides. Tire recycling will be done again this year.

### Assessor

No report. The Board of Review was held today and will continue through tomorrow. There were two appeals today. Ms. Och brought attention to the land value maps that were displayed in the room.

## **TREASURER'S REPORT**

The report is available on the website. Ms. Garthe reported on income and expenses for the last month. It was a partial sewer billing month. A revenue sharing check was received. Unpaid taxes went to the County.

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

## **SUPERVISOR'S REPORT**

A written report was submitted to the Board prior to the meeting and is available on the website. The census was 2,126 residents; up from the 2010 census. The Township received more revenue sharing as a result of the increased census.

There was a complaint of parking in Lake Leelanau. Parking for Nittolo's is infringing on parking for NJ's. A parking plan needs to be put in place for both villages.

The signs approved at the last meeting for Reynolds Street were installed and then taken down by the Road Commission. The RC contends that, per the agreement, the RC should also approve any additional signage. Mr. Mitchell contends that the agreement specifically states that the Leland Board has sole jurisdiction on additional "safety" signage. He feels that the RC needs to put the signs back up. Ms. Och will call Brendan Mullane to discuss the concern. Mr. Mullane is scheduled to be at the next Board meeting.

Ms. Och reviewed from her report the Celebration Act appeal for a settlement offer. There was discussion about the Board's notification of this offer and the inability of the Board to discuss their response to the offer. Ms. Och explained the procedure in such cases and the inability to schedule a meeting within the time frame of the offer.

The Sunset Shores project has been stalled because a land use permit cannot be approved unless the Township actually owns the land is question. The Township may have to purchase the property (reimbursable by the special assessment) in order to get the permit.

Union negotiations for fire fighters are in the final stages. Having the contract in place will help to determine the millage rate. The current contract is valid through the end of March.

## **ACTION ITEMS**

### **1. Resolution R-22-11 on Sidewalk cost sharing.**

Two large areas of the sidewalk will be costly to repair. Ms. Och explained the problems on River St. and Grand, and in front of NJ's. Ms. Och provided an itemized cost spreadsheet of repairs for the sidewalks. Residential and commercial cost sharing at different percentages were discussed. The purpose of the discussion was to decide what is a fair assessment for commercial and residential property for cost sharing. Cost sharing of 80% or higher can be financed by the Township over 5 years. Different options were discussed for cost sharing. It was suggested that whatever percent was decided should be used in future cost sharing for sidewalks. It was decided that residential properties should be responsible for 40% of the cost and the Township 60% of the cost. Commercial properties should be responsible for 60% of the cost and the Township 40% of the cost. Any ADA requirements would be paid for by the Township. There was also discussion about engineer costs and administration of the assessment or financing of these costs. The Township does not have a deputy clerk to handle the extra work.

**ACTION:** Mr. Mitchell moved to update the resolution on sidewalk cost sharing: Residential property would be charged 40% and the Township would pay 60% of the cost, commercial/industrial property would be charged 60% and the Township would pay 40% of the cost, and the Township would be responsible for costs related to ADA compliance at the corner; supported by Ms. Garthe.

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. Cleaning contract for public restrooms at the Harbor.**

Proposals from Solutions for You and Superior Image Cleaning were reviewed and discussed.

**ACTION:** Ms. Brookfield moved to select the Solution for You bid and put it out as a proper RFP next year; supported by Mr. Mitchell.

**DISCUSSION:** It was suggested that an actual contract would be preferred. Lou Ann from SFY was present at the meeting and contended that a contract would not work because the work can change through the season and at times biohazard cleaning is needed. The concern is that the Board is not aware when overrun charges are necessary. It was agreed that the Board will be kept informed so they could adjust the budget or cleaning schedule as necessary.

Motion carried. (5,0)

**3. Approve Leland Township Zoning fee schedule.**

The fee schedule was established in 2007. Mr. Cypher proposed adjusting the fee schedule in 2012 but it died in motion. Mr. Cypher stated that the permitting process often generates an expense higher than the fee and the general fund makes up the difference. He believes the proposed fee schedule is more accurate in reflecting the true costs of the permit process. Ms. Och shared what she found out when comparing Leland Township fees to other townships. There was a lot of discussion about what are the actual costs regarding applications. Mr. Cypher advised the Board to not compare their fees to other townships and to do what is right for Leland Township. It was also suggested that all fees could be increased by a set percentage. Ms. Kirch volunteered to research the fee increases.

**ACTION:** Ms. Brookfield moved to table the discussion of changes to the Zoning Fee schedule; supported by Ms. Kirch. Motion carried. (4,1)

**4. ARPA funds reporting assignment**

**ACTION:** Ms. Brookfield appointed Ms. Och to be the reporter for the ARPA funds; supported by Ms. Garthe.

DISCUSSION: Mr. Mitchell was concerned that how the funds would be used would be a decision of the Board and not solely the reporter. Ms. Och explained what is involved in reporting and what information is asked for. Ms. Kirch asked for a copy of what has been previously reported. The first reporting is due April 30. Ms. Och is taking a webinar on this subject. Ms. Brookfield assured the Board that the reporter does not make decisions about how the funds are spent. Ms. Kirch asked for a report prior to the reporting for ARPA.

Motion carried. (5,0)

5. Reappoint Jim Munoz to the Harbor Commission, term ending March 2025.

**ACTION:** Ms. Brookfield moved to reappoint Jim Munoz to the Harbor Commission, term ending March 2025, supported by Ms. Garthe. Motion carried. (5,0)

6. Appoint Supervisor Och to Board Representative on the Parks and Rec Commission.

Ms. Och noted that Ms. Kirch is out of town a lot and the Parks and Rec Commission needs consistent attendance of the rep. The ZBA does not meet as often and may be better suited for Ms. Kirch.

**ACTION:** Ms. Brookfield approved the appointment of Susan Och for Board Representative on the Parks and Rec Commission; supported by Ms. Garthe.

DISCUSSION: Ms. Kirch noted that the Parks and Rec Commission does not meet on a regular day and time. She has made every effort to get the information by phone. She doesn't want the move. Mr. Mitchell stated that there should be a procedure for removing a Board member from a commission. There also should be a planned meeting schedule for the year.

Motion failed. (1,3)

7. Appoint Trustee Kirch to Board Representative on the ZBA.

Failed for lack of motion.

**OTHER/OLD BUSINESS**

1. Township Hall/Office Committee

There will be a report next month with a list of options.

2. Board Vacancies

There is a vacancy on the Sewer Commission.

**BILLS AND ACCOUNTS**

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

**ACTION:** Ms. Brookfield moved for payment of bills from February 15, 2022 to March 14, 2022; supported by Ms. Garthe. Motion carried. (5,0)

**CORRESPONDENCE - None**

**BOARD COMMENT**

Mariann Kirch – She would like the full Salary Compensation Committee report on the website and available at the Annual Meeting. Ms. Och stated that the page containing the meeting dates could not be posted because those dates have not been approved yet. Ms. Kirch will review the website post and let Ms. Brookfield know if anything is missing

Susan Och – She commented on the postcard and ad in paper about the Annual Meeting on Saturday. The salary recommendations of the Committee were used except for the Clerk’s salary. The Board also turned down the per diem recommendation.

**PUBLIC COMMENT**

Jim Atkinson – He commented that we should not be paying for sidewalk repair in front of NJ’s because it is on M204 and the Drain Commission and/or the Road Commission should be paying for it. Ms. Och responded that she was told that platted parts of the village are the Township’s responsibility.

Steve Mikowski – He commented on the agenda item to have the Supervisor take over the Board rep position on the Parks and Recreation Commission. It is a fraudulent agenda item. He cited a similar case that happened 15 years ago. There should be a process for removing a Board rep or have a public hearing. He cautioned the Board to avoid such discussions at a Board meeting.

**ADJOURNMENT**

**ACTION:** Ms. Garthe moved to adjourn the meeting at 9:51 p.m.; supported by Mr. Mitchell. Motion carried. (5,0)

The next meeting is April 11, 2022.

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