

## SUTTONS BAY TOWNSHIP

### NOTICE OF PUBLIC MEETING:

The Regular Meeting of the Suttons Bay Township Board and the annual Truth in Taxation and Budget Hearings are hereby called for 5:15 PM Wednesday, March 10, 2021. The Public Hearings will precede the Regular Meeting.

Due to current isolation guidelines this meeting will be via Zoom.

### PRELIMINARY AGENDA:

#### **CALL TO ORDER: PUBLIC HEARING (TRUTH IN TAXATION & BUDGET)**

#### **ADJOURNMENT: Public Hearing**

#### **CALL TO ORDER: REGULAR MEETING**

#### **APPROVAL OF THE AGENDA**

**PUBLIC COMMENT:** and communications about items not on the agenda

#### **REPORTS:**

- Treasurer
- Planning & Zoning
- Fire Authority
- Parks & Recreation
- Facilities

#### **OLD BUSINESS:**

1. Approval of the Minutes: Previous Meetings
2. Payment of the Bills
3. Civil Infraction Ordinance: review final Draft
4. Networks Northwest: Contract / Planner Services (Tom Nixon)

#### **NEW BUSINESS:**

1. Budget Adoption: Fiscal Year 2021-2022
2. Set Millage Rate
3. Set Date for "Township Clean-up / Drop-off Day"

#### **PUBLIC COMMENT:**

#### **BOARD MEMBER COMMENTS:**

#### **ADJOURNMENT:**

SUTTONS BAY TOWNSHIP

PO Box 457

Suttons Bay, MI 49682

Date: February 16, 2021

From: Rich Bahle Supervisor

@: 271-5800 voice 271-4211 FAX

To: Leelanau Enterprise

Voice: 256-9827

Facsimile: 256-7705

Attn: Debbie via E mail at composition@leelanaunews.com

RE: Display Ad / Copy as follows;

Suttons Bay Township

Notice to the Public

Millage Levy & Budget Hearings

As required by MCL 141.412 the Truth in Budgeting Act, a Public Hearing will be held at 5:15 PM on March 10, 2021. **The property tax Millage rate proposed to be levied to support the 2021 – 2022 Township Budgets will be the subject of this hearing.** This will also be a Public Hearing on the proposed 2021 - 2022 Fiscal Year Budget. Due to current Health Department and State Mandates these Hearings will be virtual and via Zoom at the following log-in:

<https://us02web.zoom.us/j/81290189638?pwd=aW9mUVRiV3FTSjVHMEI1Rk1kc0ttZz09>

Meeting ID: 812 9018 9638 Passcode: 841295 Dial In: +1 312 626 6799 US

Copies of the budget will be available for public inspection at the office of the Township Clerk beginning February 25, 2021.

Richard Bahle

Suttons Bay Township Supervisor

231-271-2722

Copy in bold to run in 11 point, bold typeface as above.

SUTTONS BAY TOWNSHIP

Page 1

2/24/2021

	<b>FUNDS ENDING <u>3/31/2020</u></b>	<b>ADOPTED BUDGET <u>2020/2021</u></b>	<b><u>1/31/2021</u></b>	<b>PROPOSED <u>2021/2022</u></b>
Total General Funds Revenue	532,130.47	460,745.00	480,486.30	471,287.00
Total Restricted funds	<u>63,675.04</u>	<u>8,200.00</u>	<u>35,940.32</u>	<u>9,800.00</u>
<b>TOTAL REVENUES</b>	<b>468,455.43</b>	<b>452,545.00</b>	<b>444,545.98</b>	<b>461,487.00</b>
Total Expenses	429,475.16	462,477.00	418,682.35	470,685.00
Total Restricted	<u>63,675.04</u>	<u>8,200.00</u>	<u>35,940.32</u>	<u>9,800.00</u>
<b>TOTAL EXPENSES</b>	<b>365,800.12</b>	<b>454,277.00</b>	<b>382,742.03</b>	<b>460,885.00</b>
<b>UNSPENT BALANCE</b>	<b>102,655.31</b>	<b>-1,823.00</b>	<b>61,803.95</b>	<b>602.00</b>

## SUTTONS BAY TOWNSHIP

## BUDGET

Page 2 Revenues

2/24/2021

	REVENUES ENDING <u>3/31/2020</u>	ADOPTED BUDGET <u>2020/2021</u>	REVENUES <u>1/31/2021</u>	PROPOSED BUDGET <u>2021/2022</u>
<b><u>PROPOSED REVENUES</u></b>				
*Tennis Courts	0.00	100.00	0.00	100.00
*Pickelball Courts	41,000.00	100.00	0.00	100.00
*Soccer fields	14,090.00	0.00	25,555.50	0.00
Property Taxes	142,832.71	142,000.00	90,702.45	143,000.00
Short Term rental Fees	8,200.00	4,000.00	3,200.00	4,000.00
State Shared Revenue	207,713.00	203,045.00	173,950.00	212,787.00
*Metro Funds	7,685.04	7,200.00	8,584.82	8,600.00
Summer Tax Collection Fee	5,665.00	5,800.00	5,700.00	5,700.00
Property Tax Adm Fee	68,450.46	69,000.00	69,179.01	69,500.00
Bingham Zoning Contract	19,200.00	19,200.00	16,280.00	20,000.00
*Cemetery Lot Sales	900.00	800.00	1,800.00	1,000.00
Interest	2,201.79	2,500.00	247.76	500.00
Refunds & Reimbursements	2,996.70	3,000.00	7,614.84	3,000.00
Pension Distribution	0.00	0.00	74,991.92	0.00
Zoning Permits	3,965.00	4,000.00	2,680.00	3,000.00
Fire & Rescue Bond Balance	<u>7,230.77</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL</b>	<b>532,130.47</b>	<b>460,745.00</b>	<b>480,486.30</b>	<b>471,287.00</b>
<b>*LESS TO RESTRICTED FUNDS</b>	<b><u>63,675.04</u></b>	<b><u>8,200.00</u></b>	<b><u>35,940.32</u></b>	<b><u>9,800.00</u></b>
<b>GENERAL FUND REVENUE</b>	<b>468,455.43</b>	<b>452,545.00</b>	<b>444,545.98</b>	<b>461,487.00</b>
*Metro funds	7,685.04	7,200.00	8,584.82	8,600.00
*Cemetery	900.00	800.00	1,800.00	1,000.00
*Tennis/Pickleball Funds	41,000.00	200.00	0.00	200.00
*Soccer field	<u>14,090.00</u>	<u>0.00</u>	<u>25,555.50</u>	<u>0.00</u>
<b>TOTAL</b>	<b>63,675.04</b>	<b>8,200.00</b>	<b>35,940.32</b>	<b>9,800.00</b>



**SUTTONS BAY TOWNSHIP****Page 3 expenditures  
2/24/2021**

	<b>EXPENSES ENDING <u>3/31/2020</u></b>	<b>ADOPTED BUDGET <u>2020/2021</u></b>	<b>EXPENSES <u>2/28/2021</u></b>	<b>PROPOSED BUDGET <u>2021/2022</u></b>
<b><u>TOWNSHIP BOARD EXPENDITURES</u></b>				
Capital Outlay	0.00	2,000.00	0.00	2,000.00
Meetings/Fees	225.00	500.00	395.00	500.00
Misc/Bank Charges	5,588.70	1,000.00	1,056.14	1,200.00
Secretary	1,140.00	1,100.00	800.00	1,100.00
Salaries & Wages-Twp. Board	3,428.08	3,500.00	3,045.26	3,500.00
Clerical-office staff	5,735.00	4,000.00	1,560.89	3,000.00
Fica/medicare	0.00	135.00	36.24	100.00
Pension	0.00	400.00	425.48	500.00
Office supplies	4,109.08	3,500.00	1,403.84	3,000.00
Profession Fees-Acct & Legal	6,595.49	8,000.00	2,420.09	10,000.00
Publications	883.10	1,500.00	550.40	1,500.00
Association Dues	4,126.42	4,300.00	4,388.84	4,450.00
Equipment lease & maint.	<u>4,535.91</u>	<u>4,200.00</u>	<u>3,456.63</u>	<u>4,500.00</u>
<b>TOTAL</b>	<b>36,366.78</b>	<b>34,135.00</b>	<b>19,538.81</b>	<b>35,350.00</b>
<b><u>SUPERVISOR</u></b>				
Salary	17,595.00	18,035.00	16,532.01	18,035.00
Fica/medicare	0.00	262.00	239.80	270.00
Pension	<u>0.00</u>	<u>1,984.00</u>	<u>1,983.85</u>	<u>1,984.00</u>
<b>TOTAL</b>	<b>17,595.00</b>	<b>20,281.00</b>	<b>18,755.66</b>	<b>20,289.00</b>
<b><u>ELECTIONS</u></b>				
Salary	4,326.00	12,000.00	10,649.49	2,000.00
Supplies	<u>4,444.59</u>	<u>3,000.00</u>	<u>4,988.12</u>	<u>1,500.00</u>
<b>TOTAL</b>	<b>8,770.59</b>	<b>15,000.00</b>	<b>15,634.61</b>	<b>3,500.00</b>
<b><u>ASSESSOR</u></b>				
Salary	49,986.68	52,000.00	45,886.99	53,000.00
Fica/medicare	0.00	459.00	373.38	460.00
Supplies	595.00	1,500.00	235.00	1,500.00
BSA Support	<u>901.00</u>	<u>1,000.00</u>	<u>918.00</u>	<u>1,000.00</u>
<b>TOTAL</b>	<b>51,482.68</b>	<b>54,959.00</b>	<b>47,413.37</b>	<b>55,960.00</b>

**SUTTONS BAY TOWNSHIP****Page 4 expenditures  
2/24/2021****EXPENSES  
ENDING  
3/31/2020****ADOPTED  
BUDGET  
2020/2021****EXPENSES  
2/28/2021****PROPOSED  
BUDGET  
2021/2022****CLERK**

Salary	26,231.04	26,887.00	26,146.49	26,887.00
Deputy Clerk	404.00	1,500.00	495.00	2,000.00
Election Administrator	0.00	5,000.00	3,250.00	1,000.00
Fica/medicare	0.00	900.00	424.21	500.00
Pension	<u>0.00</u>	<u>2,958.00</u>	<u>2,957.57</u>	<u>2,958.00</u>
<b>TOTAL</b>	<b>26,635.04</b>	<b>37,245.00</b>	<b>33,273.27</b>	<b>33,345.00</b>

**BOARD OF REVIEW**

Salary	831.25	1,000.00	0.00	1,000.00
Fica/medicare	0.00	77.00	0.00	100.00
Supplies	0.00	100.00	113.70	100.00
Publishing	<u>319.37</u>	<u>300.00</u>	<u>107.85</u>	<u>300.00</u>
<b>TOTAL</b>	<b>1,150.62</b>	<b>1,477.00</b>	<b>221.55</b>	<b>1,500.00</b>

**TREASURER**

Salary	22,137.00	22,690.00	20,799.24	22,690.00
Deputy Treasurer	924.00	2,000.00	3,492.68	3,000.00
Supplies	2,315.48	2,200.00	2,828.95	3,000.00
BSA Support	787.00	825.00	802.00	850.00
School Contract-Salary	5,250.00	5,250.00	5,250.00	5,250.00
School Contract-Supplies	2,000.00	2,000.00	1,933.48	2,100.00
Fica/medicare	0.00	588.00	320.89	500.00
Pension	0.00	3,074.00	3,073.38	3,074.00
Pension Distribution	0.00	0.00	74,991.92	0.00
Tax Tribunal Adjustments	<u>798.52</u>	<u>1,000.00</u>	<u>1,031.41</u>	<u>1,000.00</u>
<b>TOTAL</b>	<b>34,212.00</b>	<b>39,627.00</b>	<b>114,523.95</b>	<b>41,464.00</b>

**PLANNING & ZONING**

Planning Contract	14,330.00	15,000.00	8,170.00	15,000.00
Salary-Secretary	960.00	1,000.00	960.00	1,000.00
Salary-Planning Commission	2,456.94	3,000.00	4,240.82	5,000.00
Salary-Zoning Administrator	39,313.94	40,180.00	36,878.61	42,700.00
Clerk-office staff	0.00	3,000.00	3,010.00	3,500.00
Fica/medicare	0.00	3,305.00	3,122.55	4,000.00
Office supplies	185.00	500.00	90.00	500.00
Legal-Zoning	243.00	5,000.00	1,912.00	10,000.00
Publishing	172.20	1,500.00	551.10	1,500.00
Meeting & Classes	<u>597.50</u>	<u>1,500.00</u>	<u>0.00</u>	<u>1,500.00</u>
<b>TOTAL</b>	<b>58,258.58</b>	<b>73,985.00</b>	<b>58,935.08</b>	<b>84,700.00</b>

**SUTTONS BAY TOWNSHIP**

Page 5 expenditures

**2/24/2021****EXPENSES****ENDING****3/31/2020****ADOPTED****BUDGET****2020/2021****EXPENSES****ENDING****2/28/2021****PROPOSED****BUDGET****2021/2022****PARKS**

Management	5,000.00	5,000.00	3,750.00	5,000.00
Parks maintenance assistant	0.00	4,000.00	2,500.00	4,000.00
Salary-Rec Committee	0.00	4,300.00	1,400.00	1,500.00
Fica/medicare	<u>0.00</u>	<u>830.00</u>	<u>181.73</u>	<u>400.00</u>
<b>TOTAL</b>	<b>5,000.00</b>	<b>14,130.00</b>	<b>7,831.73</b>	<b>10,900.00</b>

**HERMAN PARK**

Maint. (Whiteford & Herman Bros.)	16,423.23	17,000.00	14,518.00	16,500.00
ADA compliant bottle fill station	0.00	0.00	0.00	2,500.00
Operations: trash/port-a-jons	3,099.71	2,500.00	5,001.55	5,000.00
Grant match	5,917.20	0.00	0.00	10,000.00
Prof. Services (Soil /general)	6,305.97	5,500.00	6,420.00	11,000.00
Tennis Court Maintenance	179.14	4,000.00	3,300.00	18,000.00
Pavilion Maintenance	33.95	4,500.00	160.00	9,300.00
Misc.gnrl A-F on report of 2/16/20	20,444.82	7,000.00	1,843.83	0.00
New Pickle Ball Court Construction	0.00	10,000.00	10,000.00	0.00
Electrical work-shed, fountain, etc	0.00	15,000.00	7,568.63	0.00
Restroom-restricted	0.00	1,500.00	0.00	1,500.00
Playground-restricted	0.00	1,500.00	0.00	1,500.00
Soccer Field Eng.	0.00	2,100.00	807.50	0.00
Electric for Herman Park	0.00	0.00	359.50	600.00
Water Testing	0.00	0.00	233.12	500.00
Restripe parking lot	0.00	0.00	0.00	800.00
Repair damaged paved trail	0.00	0.00	0.00	1,500.00
Pruning-pond and trail	0.00	0.00	0.00	3,000.00
Soccer Field construction	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL</b>	<b>52,404.02</b>	<b>70,600.00</b>	<b>50,212.13</b>	<b>81,700.00</b>

**ICE RINK**

Maintenance/salary	2,317.00	3,500.00	2,331.71	2,000.00
Operations: trash/port-a-jons	1,590.98	1,000.00	737.34	1,200.00
Electric	307.44	500.00	332.26	500.00
Rink Liner	2,875.25	0.00	0.00	0.00
Aerate, overseed & fertilizer	0.00	0.00	0.00	1,500.00
Signage & Post	0.00	0.00	<u>0.00</u>	<u>1,400.00</u>
<b>TOTAL</b>	<b>7,090.67</b>	<b>5,000.00</b>	<b>3,401.31</b>	<b>6,600.00</b>

Suttons Bay Township  
Page 6 expenditures  
2/24/2021

EXPENSES ENDING <u>3/31/2020</u>	ADOPTED BUDGET <u>2020/2021</u>	EXPENSES ENDING <u>2/28/2021</u>	PROPOSED BUDGET <u>2021/2022</u>
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**GRAHAM-GREENE**

Maintenance	1,360.00	2,000.00	1,392.00	2,000.00
Operations: trash/port-a-jons	744.38	1,200.00	585.81	1,000.00
Stump removal	0.00	1,500.00	1,500.00	0.00
Signage & post	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,600.00</u>
<b>TOTAL</b>	<b>2,104.38</b>	<b>4,700.00</b>	<b>3,477.81</b>	<b>4,600.00</b>

**STEIMEL PARK**

Maintenance	2,455.00	2,500.00	1,390.00	2,500.00
Operations: trash/port-a-jons	701.83	1,000.00	589.11	1,000.00
Stump Removal	0.00	1,000.00	315.00	0.00
Signage & post	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,600.00</u>
<b>TOTAL</b>	<b>3,156.83</b>	<b>4,500.00</b>	<b>2,294.11</b>	<b>5,100.00</b>

**45th Parallel Park**

Signage	0.00	0.00	0.00	<b>1,600.00</b>
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**CEMETERY**

Salary/Sexton	1,000.00	1,000.00	1,000.00	1,000.00
Fica/medicare	0.00	77.00	0.00	77.00
Maintenance	4,304.58	4,300.00	6,601.60	6,500.00
Improvements	<u>4,298.74</u>	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
<b>TOTAL</b>	<b>9,603.32</b>	<b>7,377.00</b>	<b>7,601.60</b>	<b>9,577.00</b>

Suttons Bay Township  
Page 7 expenditures  
2/24/2021

	EXPENSES ENDING <u>3/31/2020</u>	ADOPTED BUDGET <u>2020/2021</u>	EXPENSES <u>2/28/2021</u>	PROPOSED BUDGET <u>2021/2022</u>
<b><u>PUBLIC SAFETY</u></b>				
Road Maint. S. S. Drive Balance	53,095.78	13,861.00	13,861.00	0.00
Road Maint. S. S. Drive Balance	21,000.00	0.00	0.00	0.00
Road Improvements	<u>0.00</u>	<u>20,000.00</u>	<u>0.00</u>	<u>20,000.00</u>
<b>TOTAL</b>	<b>74,095.78</b>	<b>33,861.00</b>	<b>13,861.00</b>	<b>20,000.00</b>
<b><u>OTHER FUNCTIONS</u></b>				
Short Term Rentals	2,532.00	5,000.00	0.00	3,000.00
Insurance	8,536.50	9,600.00	7,953.50	9,000.00
Payroll Expenses	6,201.22	5,000.00	2,302.45	7,000.00
Pension Program Expenses	8,467.71	0.00	0.00	0.00
Spring Cleanup	<u>4,170.00</u>	<u>4,300.00</u>	<u>3,750.00</u>	<u>4,000.00</u>
<b>TOTAL</b>	<b>29,907.43</b>	<b>23,900.00</b>	<b>14,245.95</b>	<b>23,000.00</b>
<b><u>TOWNSHIP OFFICE</u></b>				
Office crawl space	710.00	0.00	0.00	0.00
Condo Fees	1,481.47	2,000.00	243.45	2,000.00
Building Maint/Custodial	3,231.60	3,200.00	1,675.11	3,200.00
Electric	1,162.83	1,200.00	1,000.06	1,500.00
Heat	914.98	1,100.00	907.22	1,300.00
Water/Sewer	1,180.67	1,100.00	727.58	1,200.00
Phone	2,959.89	3,100.00	2,906.99	3,300.00
Long Term Building Fund	0.00	10,000.00	0.00	10,000.00
Roof & carpet replacement	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>9,000.00</u>
<b>TOTAL</b>	<b>11,641.44</b>	<b>21,700.00</b>	<b>7,460.41</b>	<b>31,500.00</b>
<b>TOTAL GENERAL FUND EXPENSES</b>	<b>429,475.16</b>	<b>462,477.00</b>	<b>418,682.35</b>	<b>470,685.00</b>

2/24/2021

PAGE 8

BALANCES IN RESTRICTED FUNDS

<u>ACCOUNTS</u>	<u>BALANCE</u>
PARKS	11,115.41
CEMETERY	13,000.10
METRO	8,813.07
TECHNOLOGY	1,722.61
PICKLE BALL	38.00
SOCCER FIELDS	39,055.50
<b>TOTAL RESTRICTED</b>	<b>73,744.69</b>

## DRAFT MINUTES

### **SUTTONS BAY TOWNSHIP REGULAR MEETING- FEBRUARY 10, 2021**

Due to current isolation guidelines the February 10, 2021 meeting will be via Zoom.

#### **CALL TO ORDER – REGULAR MEETING**

Rich Bahle, Supervisor, called the regular meeting of the Suttons Bay Township Board of Trustees to order at 5:15 p.m., February 10, 2021, at the Suttons Bay Township Offices, #95 W. Fourth St., Suttons Bay, Michigan.

#### **ROLL CALL - Quorum Present**

Present: Rich Bahle, Supervisor, in township office, Dorothy Petrosky, Treasurer, in office in Suttons Bay; Tom Nixon, Trustee, at home in Suttons Bay; Sandy VanHuystee, Clerk, in township office; Debbie Slocombe, Trustee, at in St. Joe, MI

Absent and excused: None

Also in attendance via Zoom: Marge Johnson, Bill Drozdalski, Eric Carlson, Steve Patmore, Susan Odom, Pete Ostrowski, Dennis Rathnaw, Gary Hoenscheid, Debra Palms

#### **APPROVAL OF THE AGENDA**

*Rich Bahle/moved, Debbie Slocombe/supported, to adopt the Agenda as presented, PASSED.*

#### **PUBLIC COMMENT**

Susan Odom said she is concerned that there is a possible violation of the Open Meetings Act.

Members of the Parks & Rec Committee - Dennis Rathnaw, Gary Hoenscheid, Deb Palms, Pete Ostrowski all stated they are in favor of supporting the development of the soccer fields at Herman Park with the \$50,000 donated for that purpose.

Future Township Board Meetings - Rich Bahle asks that all agenda items to be considered for the township board meeting be submitted to him by Wednesday noon.

#### **REPORTS**

- Treasurer - Report submitted.
- Planning & Zoning Commission reviewed the site plan for property at the corner of Peck Rd and M-22, and asked the township attorney for some language regarding the proposed use.  
with regard to the proposed use.
- Fire Authority - Meeting cancelled and rescheduled to later date.

- Parks & Recreation - The life rings which were ordered have arrived. The pond will be checked to see if there is any open water that is a risk.
- Facilities - No report.

### **OLD BUSINESS**

1. Approval of the Minutes - January 13, 2021  
*Tom Nixon/moved, Dorothy Petroskey/supported, to approve the January 13, 2021 Minutes as presented (correction - pg. 2, 3rd paragraph replace 4 lifesaving rings of 24 inches at the pond with a 9foot rope.) PASSED.*
2. Payment of Bills  
*Sandy VanHuystee/moved, Rich Bahle/supported, to pay the bills as presented in the amount of \$21,385.94, PASSED.*
3. Board Appointment: Plann Comm  
*Rich Bahle/moved, Tom Nixon/supported, to withdraw the appointment of Paul Audette to the Planning Commission, as he is not a resident of the township and doesn't meet the requirements of the by-laws of the Planning Commission, PASSED.*  
  
*Rich Bahle/moved, Debbie Slocombe/supported, to appoint Andrew Brandt to the Planning Commission, the term being January 1, 2021 thru December 31, 2023, PASSED.*
4. Public Input: MNRTF Grant Request for a Public Bathroom at Herman Park.  
Bill Drozdalski said notice had been placed in the Leelanau Enterprise about public input for the plan for the public restroom at Herman Park. Any public input would be welcomed by zoom. There was no public input or correspondence received.
5. Resolution of Support to the MNRTF for Funding for a Public Bathrom at Herman Park  
*Rich Bahle/moved, Tom Nixon/supported, to adopt Resolution of 3 of 2021 Support to the MNRTF for Funding for a Public Bathroom at Herman Park.*  
*Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.*
6. Civil Infraction Ordinance  
A Civil Infraction Ordinance was drafted and reviewed. Noreen the Leelanau County Magistrate would enforce the ordinance and who people would appear in front of. The civil infraction ticket book meets the requirements. Dorothy Petrosky and Debbie Slocombe will make the recommended changes to the ordinance and then will bring it back to the March meeting.
7. Resolution 2021-9 - Poverty Exemption.



The State has made some changes with regard to poverty exemptions. This Resolution allows the township to approve poverty exemptions and meets the State statute as to how and why a poverty exemption should be granted.

***Rich Bahle/moved, Debbie Slocombe/supported, to adopt Resolution 2021-9 Poverty Exemption. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

## **NEW BUSINESS**

### **1. Salary Resolutions**

Rich Bahle said the Salary Committee has determined elected officials will not receive raises in the coming year.

***Rich Bahle/moved, Dorothy Petroskey/supported, to adopt Resolution 4 of 2021, the Supervisor's salary plus pension of \$18,035.00. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

***Rich Bahle/moved, Tom Nixon/supported, to adopt Resolution 5 of 2021, the Clerk's salary plus pension of \$26,887.00. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

***Rich Bahle/moved, Sandy VanHuystee/supported, to adopt Resolution 6 of 2021, the Treasurer's salary plus pension of \$27,940.00 for winter and summer tax collection. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

***Rich Bahle/moved, Sandy VanHuystee/supported, to adopt Resolution 7 of 2021, the Trustee's salary plus pension of \$1,551.00. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

***Rich Bahle/moved, Dorothy Petroskey/supported, to adopt Resolution 8 of 2021, the Trustee's salary plus pension of \$1,551.00. Roll call vote: Yes: Tom Nixon, Sandy VanHuystee, Rich Bahle, Debbie Slocombe, Dorothy Petroskey. No: None. Motion passed.***

### **2. Open Meeting Standards/Compliance: Memo from Figura**

Issues Regarding Potential Violations

Rich Bahle said he received and read comments from Susan Odom regarding a possible violation of the Open Meetings Act. The comments were forwarded to Attorney Figura who submitted a Memo with regard to the use of e-mail. The

second Memo is a work product and is only for the township board to be reviewed in a closed session. Rich Bahle said he would to schedule a closed session for the township board sometime in the near future when the Figura's would be present to review the subject matter.

3. Preliminary Budget Review

Rich Bahle said a budget workshop will be held at 9 am on February 24, 2021 (zoom meeting).

4. Herman Park-Pump Track Proposal

Bill Drozdalski said Bike Leelanau and Northern Michigan Mountain Bike Association are interested in putting in a bicycle pump track at Herman Park. The group picked a site where there is a large pile of overburdened soils which used to be south of the tennis courts. The concern is to do something with the soil, have it tested to determine the composition to see if it is hazardous other than having all the items listed in it. A quote was received to do some sampling and lab results of the soil at a cost of approximately \$5,000 to \$6,000. There may be Brownfield monies available for this project. The bike groups have to look at raising some money to bring some soil in for the pump track. The Parks & Rec Committee is in favor of working with the two bike organizations. Rich Bahle said the issue of the soil should be addressed right now. Pete Ostrowski said the bike associations are looking for approval to put the pump track in Herman Park so they can get the word out for a fundraising effort. Bill Drozdalski said the Parks & Rec Committee is in favor of having a pump track at Herman Park, the only discussion is where is it going to go.

***Rich Bahle/moved, Dorothy Petroskey/supported, to endorse the concept of placing the pump track at Herman Park. Motion passed.***

Bill Drozdalski said the bike groups would draft a Memorandum of Understanding to address what their responsibilities will be - do all construction and take care of future maintenance.

Cody Sprathmoran thanked the township board for addressing the pump track proposal

5. Herman Park - Investigation into the composition, usage or disposition of overburden soil

Bill Drozdalski said it would cost approximately \$13,000 to test the frozen soil. It would be half that cost to test the soil if it thaws. Bill Drozdalski does not know if the township would be reimbursed if it spent monies on testing the soil. Sandy VanHuystee said she sees a price of \$33,000 to \$62,000 to remove the soil. Bill Drozdalski said the cost of removal of the soil is one of the reasons why Trudy Galla was contacted to see if there are Brownfield monies for that purpose. Rich Bahle said we won't know the answers to questions posed until the testing is done.

6. Re-Appoint Barbara Graves to the Suttons Bay-Bingham Library Board  
*Rich Bahle/moved, Sandy VanHuystee/suported, to reappoint Barbara Graves to the Suttons Bay-Bingham Library Board to a 4 year term - April 1, 2021 thru March 31, 2025. Motion passed.*
7. Set 2021 Budget Hearing for March 10, 2021  
Rich Bahle said this is a reminder when the township board will actually adopt the budget. Rich Bahle said a special meeting will be announced before March to address year-end expenses.

#### **PUBLIC COMMENT**

Susan Odom asked if her statements about a possible violation of the Open Meetings Act will be addressed. Rich Bahle said that will be taken up when the township board holds its closed meeting.

#### **BOARD MEMBER COMMENTS**

Tom Nixon - Encourage everyone to sign up for the webinar.  
Debbie Slocombe - Nice to see the ice skating rink being used during the day.  
Rich Bahle - There is a pond hockey Leelanau tournament that is going on.

#### **ADJOURNMENT**

Rich Bahle adjourned the meeting at 6:26 P.M.

**MINUTES BY MARGE JOHNSON, RECORDING SECRETARY  
SANDY VANHUUSTEE, CLERK**

Work Session for the 2021/2022 budget was held on Wednesday, February 24, 2021, beginning at 9 a.m. by Zoom. Session called to order by Supervisor Bahle.

Members present: Bahle, Van Huystee, Nixon, Slocombe, Petroskey

Parks Manager: Bill Drozdalski

Board reviewed each page of the budget. No discussion until page 4, Planning & Zoning Cost Center Where Tom explained that the legal fees were increased to \$10,000 to cover the legal costs for the Zoning Ordinance. On page 5 parks, – reviewed the line items and clerk indicated that what was put into the budget was maintenance the committee had on their parks schedule. Clerk stated that what we have out at Herman Park needs to be maintained and we can't keep building and ignore maintaining what we have. So that is what this budget has in it this year. Debbie stating that the Parks Committee recommended a line item for Soccer Fields of \$20,000 and that some of the items were not priority at this time. Debbie felt the signage for each park is one item and that the committee requested \$3,300 for Pavilion maintenance and there is \$9,300, asking if that \$6000 as well as the signage and Tennis Court maintenance be reduced to \$9,000 so the total can be dedicated to a Soccer line Item. Board members consensus felt each park should have signs and to leave in the budget.

Tom's comments not in favor of the soccer fields at this time and felt that with the soccer fields at The school and Village Fairgrounds, that it was not viable for township residences taxes help construct a soccer field when the survey indicated #10 as priority for Herman Park. Rich disagrees with Tom and felt that there should be a line item for soccer fields. Felt the green area could also be for T-Ball and Pop Warner football for kids of all ages. He would like to have a line item in the budget with a zero balance. Tom asking that maybe the board ask the Parks Committee to consider a mileage for maintenance and soccer fields and come up with a mileage rate to cover all parks and then go for the mileage next year's elections. Dorothy agreed with Tom and would support going for a mileage to support the parks. Discussed the Headlee rollback procedure a possibility to go towards parks.

Cemetery Cost center has \$2,000 for improvements and Tom mentioned that we should replace the white crosses this year. Tom mentioned that there's possible culvert repairs in Road Improvement.

Tom has received a cost from Carpet Galleria for replacing carpet with vinyl of \$6,500 and also will be getting an estimate for roof replacement. We have in budget \$19,000 towards roof and carpet replacement.

Rich said that he had someone asking to put a memorial for their parents and asked Parks Committee to set a policy regarding benches and other memorials. Bill said he would like to keep benches to our design to be consistent and will follow up on the request.

Work session adjourned at 10:15

Sandy Van Huystee

Clerk

A Special Meeting of the Suttons Bay Township Board was held on Thursday, February 25, 2021 beginning at 2:30 P.M. Meeting was called to order by the Supervisor by Zoom.

Members present: Rich Bahle, Sandy Van Huystee, Tom Nixon, Debbie Slocombe, Dorothy Petroskey

Guest: Eric Carlson

Purpose of meeting: To review the opinion from Attorney regarding Open Meetings Violation.

Public Comment: Eric Carlson said he received a flier at the Enterprise from Suttons Bay Voice and will pay attention in the future regarding this.

Rich Bahle telling the board this meeting is regarding the allegations of the Open Meetings Act. Tom Nixon stated that the reason for these allegations is that a Planning Commission Member was accused of contacting members to discuss board chairman appointment by telephone and Susan Odom felt that it was a violation of the Open Meetings Act. Tom Nixon said that Don Gregory, cited by Susan Odom complaint, is not a violation of the Open Meetings Act from Mr. Figura's opinion. You cannot make decisions but contacting others outside of a meeting is not a violation. Tom stated he is very comfortable with Mr. Figura's opinion.

Discussion of Board and Planning Commission members might benefit from some training seminars on decorum at meetings.

Debbie Slocombe asked if someone would let Susan Odom know of our decision and to keep it from going around the community and before printed in the newspaper. Tom Nixon asked Rich Bahle if he would contact Susan Odom. Dorothy Petroskey felt there were several names mentioned and fair to all, they too should be contacted of the decision.

A motion was presented by Rich Bahle to accept our Attorney's advice that there is no violation of the Open Meetings Act, supported by Dorothy Petroskey. Roll Call Vote:

Rich Bahle, yes; Sandy Van Huystee, yes; Dorothy Petroskey, yes; Debbie Slocombe, yes; Tom Nixon, yes. Ayes-Motion carried.

Meeting adjourned at 3:10 pm.

Submitted by Sandra Van Huystee

Clerk

**Suttons Bay Township**  
**Unpaid Bills Detail**  
 As of March 12, 2021

Type	Date	Num	Due Date	Aging	Open Balance
<b>Bill Perkins</b>					
Bill	03/10/2021		03/20/2021		16.00
Total Bill Perkins					16.00
<b>Christy Brow</b>					
Bill	03/01/2021		03/11/2021	1	444.67
Total Christy Brow					444.67
<b>Debbie Slocombe</b>					
Bill	03/01/2021		03/11/2021	1	127.45
Total Debbie Slocombe					127.45
<b>Dorothy Petroskey</b>					
Bill	03/01/2021		03/11/2021	1	1,694.89
Bill	03/10/2021		03/20/2021		465.45
Total Dorothy Petroskey					2,160.34
<b>DTE Energy</b>					
Bill	03/10/2021		03/20/2021		138.22
Total DTE Energy					138.22
<b>ElectionSource</b>					
Bill	03/10/2021		03/20/2021		389.59
Total ElectionSource					389.59
<b>Federal Tax Deposit</b>					
Bill	03/10/2021		03/20/2021		1,967.05
Total Federal Tax Deposit					1,967.05
<b>Granicus</b>					
Bill	03/10/2021		03/20/2021		2,659.65
Total Granicus					2,659.65
<b>Hansen Plaza Condo Association</b>					
Bill	03/10/2021		03/20/2021		125.07
Total Hansen Plaza Condo Association					125.07
<b>Integrity Business Solutions</b>					
Bill	03/10/2021		03/20/2021		4.14
Total Integrity Business Solutions					4.14
<b>Jill Williamson</b>					
Bill	03/10/2021		03/20/2021		50.00
Total Jill Williamson					50.00
<b>Leelanau Enterprise</b>					
Bill	03/10/2021		03/20/2021		301.68
Total Leelanau Enterprise					301.68
<b>Michigan Assessing Service</b>					
Bill	03/10/2021		03/20/2021		3,689.58
Total Michigan Assessing Service					3,689.58
<b>Moses Window Cleaning</b>					
Bill	03/10/2021		03/20/2021		50.00
Total Moses Window Cleaning					50.00

**Suttons Bay Township**  
**Unpaid Bills Detail**  
 As of March 12, 2021

Type	Date	Num	Due Date	Aging	Open Balance
<b>Mr. Hoxies Garage Ilc</b>					
Bill	03/10/2021		03/20/2021		162.69
Total Mr. Hoxies Garage Ilc					162.69
<b>Networks Northwest</b>					
Bill	03/10/2021		03/20/2021		700.00
Total Networks Northwest					700.00
<b>Northern Building Supply, LLC</b>					
Bill	03/10/2021		03/20/2021		32.41
Total Northern Building Supply, LLC					32.41
<b>Pitney Bowes</b>					
Bill	03/10/2021		03/20/2021		200.73
Total Pitney Bowes					200.73
<b>Richard Bahle</b>					
Bill	03/01/2021		03/11/2021	1	1,181.11
Total Richard Bahle					1,181.11
<b>Sandra Van Huystee</b>					
Bill	03/01/2021		03/11/2021	1	2,138.75
Total Sandra Van Huystee					2,138.75
<b>Spectrum Business</b>					
Bill	03/10/2021		03/20/2021		270.29
Total Spectrum Business					270.29
<b>State of Michigan</b>					
Bill	03/10/2021		03/20/2021		268.06
Total State of Michigan					268.06
<b>Steven Patmore</b>					
Bill	03/01/2021		03/11/2021	1	2,825.16
Total Steven Patmore					2,825.16
<b>Tom Nixon</b>					
Bill	03/01/2021		03/11/2021	1	127.45
Total Tom Nixon					127.45
<b>Village of Suttons Bay</b>					
Bill	03/10/2021		03/20/2021		65.18
Total Village of Suttons Bay					65.18
<b>William Drozdalski</b>					
Bill	03/10/2021		03/20/2021		904.37
Total William Drozdalski					904.37
<b>TOTAL</b>					<b>20,999.64</b>



**Suttons Bay Township  
Municipal Civil Infractions Ordinance  
Ordinance No. 2021-**

AN ORDINANCE TO DEFINE MUNICIPAL CIVIL INFRACTION AND RELATED TERMS, TO PROVIDE FOR PENALTIES AND SANCTIONS FOR VIOLATION OF TOWNSHIP ORDINANCES, TO ESTABLISH A MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS BUREAU, TO AUTHORIZE CERTAIN TOWNSHIP OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF SUTTONS BAY COUNTY OF LEELANAU, AND STATE OF MICHIGAN ORDAINS:

**Section 1. Definitions.**

For purposes of their use in this Ordinance, the following words and terms are herein defined. Any word or term not herein defined shall be considered to be defined in accordance with its common or standard definitions.

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means a police officer or other personnel of the Township authorized by Ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- C. "Bureau" means Suttons Bay Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. "Municipal civil infraction" means an act or omission that is prohibited by Ordinance of the Township, but which is not a crime under this Ordinance or other Ordinances of the Township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser and included offense of a violation of the Ordinances of the Township, which is deemed a criminal offense.
- E. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Township official, directing a person to appear at the Suttons Bay Township Municipal Ordinance Violations Bureau regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- G. "Municipal civil infraction determination" means a determination that a defendant is responsible for a municipal civil infraction by one of the following: (1) An admission of responsibility for the municipal civil infraction, (ii) An admission of responsibility for the municipal civil infraction "with explanation," (iii) A preponderance of the evidence at an



informal hearing or formal hearing, (iv) A default judgment for failing to appear as directed by citation or other notice.

H. "Municipal civil infraction violation notice" means a written notice prepared by an authorized Township official, directing a person to appear at the Suttons Bay Township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, as authorized under Sections 8396 and 8707(6) of the Act.

I. "Repeat offense" means a municipal civil infraction violation of the same provision of a Township Ordinance committed by a person within twelve (12) months of the date of an earlier municipal infraction violation for which the person either admitted responsibility or was determined to be responsible.

J. "Second or subsequent repeat offense" means a municipal civil infraction violation of the same provision of a Township Ordinance committed by a person within twelve (12) months of the date of the most recent of earlier civil infraction violations for which the person either admitted responsibility or was determined to be responsible.

## **Section 2. Municipal Civil Infraction Action: Commencement.**

A municipal civil infraction may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the Suttons Bay Township Municipal Ordinance Violations Bureau.

## **Section 3. Municipal Civil Infraction Citations: Issuance and Service.**

Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

A. The time for appearance specified on a citation shall be within a reasonable time after the citation is issued.

B. The place for appearance specified on a citation shall be the District Court unless the person cited for a municipal civil infraction is under the age of 17 at the time of the occurrence of the violation, in which case the matter shall be referred to the Probate Court.

C. Each citation shall be numbered consecutively, shall be in the form approved by the state court administrator and shall consist of the following parts:

(1) The original, which is a complaint and notice to appear, shall be filed with the District Court;

(2) The first copy shall be retained by the Township and/or the ordinance enforcing agency;

(3) The second copy shall be issued to the alleged violator if the violation is a municipal civil infraction; and

(4) The third copy shall be issued to the alleged violator if the violation is a misdemeanor.

D. A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

E. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

F. An authorized Township official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Township attorney approves in writing the issuance of the citation.

G. Municipal civil infraction citations shall be served by an authorized Township official as follows:

(1) Except as provided in subsection 3(g)(2) below, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the municipal civil infraction citation does not need to be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first - class mail to the owner of the land, building, or structure at the owner's last known address. A citation served in accordance with this subsection for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant.

#### **Section 4. Municipal Civil Infraction Citations: Contents.**

A. A municipal civil infraction citation shall contain the name of the Township and the name and the address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

B. A municipal civil infraction citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail, in person, or by representation by the time specified for appearance.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney. A party requesting a formal hearing shall notify the court and the Township or other named party or parties of the request at least 10 days before the hearing date, which request may be made in person, by representation, by mail or by telephone.

C. The citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction. Return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of citation with an admission of responsibility with explanation and with full payment of applicable civil fines and costs, or timely application to the court for a scheduled date and time for an appearance under subsection 4(c)(1) or a hearing under subsection 4(c)(2) constitutes a timely appearance.

E. If an authorized Township official issues a citation as set forth in this section, the court may accept an admission with explanation or an admission or denial of responsibility without the necessity of a sworn complaint. If the defendant denies responsibility for the municipal civil infraction, further proceedings shall not be held until a sworn complaint is filed with the court. A warrant for arrest for failure to appear on the municipal civil infraction citation shall not be issued until a sworn complaint relative to the municipal civil infraction is filed with the court.



## **Section 5. Municipal Ordinance Violations Bureau.**

A. BUREAU ESTABLISHED. The Township hereby establishes a Municipal Ordinance Violations Bureau (the "Bureau") as authorized under Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized Township officials, and to collect and retain civil fines and costs as prescribed by Ordinance. The expenses of operating the Bureau shall be borne by the Township, and the personnel of the Bureau shall be Township employees.

B. LOCATION; SUPERVISION; EMPLOYEES; RULES; AND REGULATIONS. The Bureau shall be located at the Suttons Bay Township Hall and shall be under the supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified Township employees to administer the Bureau.

C. DISPOSITION OF VIOLATION. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. Nothing in this Chapter shall prevent or restrict the Township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's right, privileges and protection accorded by law.

D. BUREAU LIMITED TO ACCEPTING ADMISSION(S) OF RESPONSIBILITY. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

## **Section 6. Municipal Civil Infraction Notices: Contents, Issuance and Service.**

A. SERVICE OF NOTICE. An authorized Township official may issue and serve a municipal civil infraction violation notice instead of a citation under the same circumstances and upon the same persons as provided for service of municipal civil infraction citations. In addition to any other information required by this Ordinance or other Ordinances, the violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

B. APPEARANCE; PAYMENT OF FINES AND COSTS. An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

C. PROCEDURE WHERE ADMISSION OF RESPONSIBILITY NOT MADE OR FINE NOT PAID. If an authorized Township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, are not paid at the Bureau, a municipal civil infraction citation may be filed with the District Court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

**Section 7. Municipal Civil Infractions; Sanctions, Continuing Violations, Injunctive Relief.**

A. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by Ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of Ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 12 -month period (unless some other period is specifically provided by Ordinance), and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense shall be no less than \$500.00, plus costs.

B. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by Ordinance; and any omission or failure to act where the act is required by Ordinance.

C. Each day on which any violation of Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

D. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of Township Ordinance.

### **Section 8. Authorized Township Official.**

Members of the Leelanau County Sheriff's Department, Township Officials or other personnel of the Township are hereby designated as authorized Township officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Suttons Bay Township Municipal Ordinance Violations Bureau) as provided by Township Ordinance(s).

### **Section 9. Severability and Captions.**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

### **Section 11. Repeal.**

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, are hereby repealed.

### **Section 12. Administrative Liability.**

No officer, agent, employee or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

This ordinance will take effect 30 days after publication.

Approved by the Suttons Bay Township Board \_\_\_\_\_

Published in the Leelanau Enterprise \_\_\_\_\_

Contractual Agreement

Between

Suttons Bay Township  
P.O. Box 457  
Suttons Bay, MI 49682-0457

And

Networks Northwest  
  
P.O. Box 506  
Traverse City, MI 49685-0506

This Contract, designated Number 1982 is made and entered into by and between Suttons Bay Township, P.O. Box 457, Suttons Bay, MI 49682-0457, hereinafter referred to as THE TOWNSHIP and Networks Northwest, P.O. Box 506, Traverse City, MI 49685-0506, hereinafter referred to as NN.

In consideration of the mutual promises, covenants, and representations herein contained, the parties hereto agree as follows:

I. STATEMENT OF PURPOSE

The purpose of this agreement is to develop terms and conditions to support the arrangement for NN to provide Planning Services to Suttons Bay Township.

II. SCOPE OF WORK

NN agrees to perform the functions set forth in Attachment A and comply fully with mutually agreed upon subsequent revisions and/or modifications.

III. PERIOD OF PERFORMANCE

NN shall commence performance of this Contract on April 1, 2021, and shall complete said performance on March 31, 2024.

IV. STIPULATIONS

1. All powers not explicitly vested in THE TOWNSHIP shall remain with NN.
2. A request for Contract modification can be made by either party and will be subject to negotiation and mutual consensus.
3. It is understood that THE TOWNSHIP will operate in a professional capacity of appropriate and accurate administration of their zoning ordinance regulations, management of meetings in accordance with commission by-laws.
4. NN staff shall not be considered parliamentary professionals nor legal representatives to the respective bodies of Suttons Bay Township.
5. The time allotment within this contract shall not be applied to supplemental planning projects that require a broader scope of work for completion. These projects include but are not limited to the following:



- Zoning Ordinance regulation revision, re-writing or development
- Master Plan updating and development
- Recreation Plan updating and development
- Capital Improvement Plan updating and development
- Codified Ordinance updating and development

## V. COMPENSATION

1. THE TOWNSHIP agrees to pay NN as compensation for all work performed and services provided under this Agreement's allowable costs, as outlined in attachment A. Payment shall be due quarterly upon receipt of invoice from NN. Additional time requested to be spent outside of the contracted allotment of ten (10) hours per month, will be charged at an hourly rate of \$71.40 per hour, or by individual project with an outlined Scope of Work and deliverable at an agreed upon contract amount. See Attachment A for subsequent years of the agreement.

## VI. TERMINATION

1. Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof, at least 30 days before the effective date of such termination.
2. If either party terminates this Contract, NN will be reimbursed for all costs incurred up to receipt date of said effective termination date. NN will be reimbursed a proportionate share of the fixed fee based on the portion of the project that is complete as determined by THE TOWNSHIP; and THE TOWNSHIP will receive the work product produced by NN under this Contract up to the effective date of termination, prior to NN being reimbursed. In no case will the compensation paid to NN for partial completion of services exceed the amount NN would have received had the services been completed in full.

## VII. INDEMNIFICATION

To the fullest extent permitted by law, the THE TOWNSHIP shall indemnify, defend (at THE TOWNSHIP's sole expense) and hold harmless NN (including its officers, employees and agents) from and against any and all claims for bodily injury, death or damage to property, demands, damages, actions, causes of action, suits, losses, judgments, obligations and any liabilities, costs and expenses (including but not limited to investigative and repair costs, attorneys' fees and costs, and consultants' fees and costs) which arise or are in any way connected with the work performed, materials furnished, or services provided under this Agreement by NN or its agents. These indemnity and defense obligations shall apply to any acts or omissions, negligent or willful misconduct of NN, its employees or agents, whether active or passive.

THE TOWNSHIP's indemnification and defense obligations hereunder shall extend to claims occurring after this agreement is terminated as well as while it is in force, and shall continue until it is finally adjudicated that any and all actions against NN (including its officers, employees and agents) for such matters which are indemnified hereunder are fully and finally barred by applicable laws.



IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

ACKNOWLEDGEMENT OF AGREEMENT

FOR SUTTONS BAY TOWNSHIP

\_\_\_\_\_  
Richard Bahle  
Supervisor

\_\_\_\_\_  
Date

NETWORKS NORTHWEST

  
\_\_\_\_\_  
Chris Christensen  
Chief Elected Official

2-2-2021  
\_\_\_\_\_  
Date

## **Attachment A**

### **SCOPE OF WORK**

#### **Suttons Bay Township Planning Services Proposal:**

1. Planning Support: (10 hours per month, with additional time compensated at \$71.40 per hour)
2. Period of Service: April 2021 through March 2024 (3 year contract, with a 2% increase each year)
3. Cost:
  - a. 1<sup>st</sup> year: \$8,568.00 (This is a 2% increase from the 2020 contract)
  - b. 2<sup>nd</sup> year: \$8,739.36
  - c. 3<sup>rd</sup> year: \$8,914.15
4. Services to be Provided:
  - Networks Northwest staff will provide professional planner services to the Suttons Bay Township Planning Commission and Township Board. Networks Northwest staff will attend, participate, and provide professional assistance/support at Planning Commission meetings.
  - All other attendance at meetings outside of regularly scheduled Planning Commission meetings shall be at the hourly rate of seventy dollars and forty cents (\$70.40) per hour (rounded to the half hour) and shall include a flat rate of forty dollars (\$40) per meeting to cover travel expenses and travel time if in-person, non-virtual attendance is requested.
  - Conduct research and provide reports on planning topics as requested by the Planning Commission.
  - Report on trends and issues pertinent to Suttons Bay Township.
  - Review meeting agendas, minutes, packets, and reports, with the caveat that all meeting materials and packet distribution shall occur at least five (5) business days prior to the scheduled meeting and with the understanding that at times additional information may be distributed within that five (5) day timeframe, but this shall not constitute normal practice.
  - Work with Zoning Administrator, Township Planning Commission, Township Board, and staff to coordinate activities and project implementation.
5. Contract Period:
  - This contract would run April 1, 2021 through March 31, 2024.