LELAND TOWNSHIP BOARD MEETING
Monday December 14, 2020– 7:00 p.m.
Minutes

(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.)

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

ABSENT: 0

GUESTS: 12

CALL TO ORDER: Ms. Och called the meeting to order at 7:02 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Two items came in from Robert Parker to be added to the agenda concerning the Old Art Building. The items are in regards to the Township waiving their first right of refusal on the sale of the building and getting out of the current lease. Not all Board members have examined the documents, so the subject will be discussed at the next meeting.

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

VOICE ROLL CALL:
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
November 9, 2020 (Regular Meeting): Ms. Garthe moved to approve the minutes of November 9, 2020; supported by Ms. Brookfield. Motion carried.

VOICE ROLL CALL:
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
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 291st request. His written request was read aloud at the meeting.

Mr. Mikowski also sent an email prior to the meeting expressing his opposition to approving the building of bike trails in the Provemont Pond area. His email was read aloud at the meeting.

Ms. Och reviewed actual actions concerning the Provemont Pond area which is different than his email statement concerning the zoning amendment.

Maude Babington – Ms. Babington thanked the Board for the recycling center. She also commented on the riprap wall that lake owners want to build on the shore between Thompson Street and Van’s Beach. She is opposed to it because it will restrict people from walking the beach.
REPORTS FROM BOARDS AND COMMISSIONS

Fire & Rescue – Chief Dan Besson
A written report was submitted and is on file at Leland Township Office. Chief Besson discussed various points from his report.

Planning/Zoning – Tim Cypher
Planning -There was not a Planning meeting last month. Mr. Cypher welcomed Mr. Mitchell to the Commission. Mr. Cypher also reported that Mr. Plamondon’s request for an outdoor eating area will be discussed at the next meeting.

Ms. Kirch asked about the parking at Detroit Dogs. Mr. Cypher responded that a C-1 is not required for the parking there. Ms. Kirch also asked about common practice for Planning Committee meetings. Mr. Cypher responded that she would have to talk to Dan Korson about that and Mr. Cypher will relay a message to him to call her.

Zoning – Mr. Cypher submitted a written report which is on file at the Leland Township Office. He reported on the various projects that were worked on in the last month. Income from the last month was $1120.00.

Ms. Kirch would like the Chairman of the Planning Commission present at Board meetings. She is concerned about the short term rental issue and the Master Plan.

Harbor - Jeremy Anderson
Mr. Anderson reported that it has been quiet at the Harbor and he has been learning a lot. The ice equipment has been prepared. The rest room have been cleaned and locked down. The transition pump is still an issue as it is located in an area where the fuel lines come down. The high water has caused water to get into the pump. It will have to be repaired this spring. We are hoping for some funding from the state for the repair.

Sewer – Steve Patmore
A written report was submitted and is on file at Leland Township Office. Mr. Patmore welcomed the new members of the Board. He extended an invitation for the new Board members to visit the Sewer Plant. The lagoon levels are good. It is planned to have the sludge pumped out of the lagoon this spring. Lin Maroff is our new technician from IAI. IAI is working on the hydrogen sulfide study. There were quite a few permits issued for new houses and home improvements. They are ready to start working on the budget and updating the capital improvement budget. The phosphorous levels are lower in our monitor wells. The levels are still higher than they should be but they are trending down.

Parks & Rec - Susan Och
The Commission has been busy. Karen Kirt is working on an RFP for a land use study for Hancock Field. Nick Bierschbach has been assisting in the removal of dangerous trees at Grove Park. Anyone who wants firewood should let him know. They are getting bids on replacing or repairing the stairway at Suelzer Park and the fence at Van’s Beach parking lot.

County Commission
Patricia Soutas-Little was absent.
TREASURER’S REPORT

Ms. Garthe reported on income and expenses for the last month. Nothing was unusual this month. A written report was submitted and is on file at Leland Township Office. Ms. Garthe has been setting up winter tax bills. The question was raised as to why there is a Treasurer’s report and a Bills and Accounts report at the end of the meeting. Ms. Brookfield explained that both the Clerk and the Treasurer keep a set of accounts that they reconcile together. Generally, Ms. Garthe is concerned with incoming monies and Ms. Brookfield handles the outgoing monies. Ms. Garthe, however, can write checks and she does the balancing.

**ACTION:** Ms. Brookfield moved to approve the Treasurer’s Report as presented; supported by Ms. Kirch. Motion carried.

**VOICE ROLL CALL:**
- 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 – Susan Och

A written report was submitted and is on file at Leland Township Office. The roads, sidewalks, and budgeting will be done in January. Golfview Street and McLeod Street are of the most concern. The Library failed a routine water quality test. The Township is responsible for the outside of the Library. Some people have expressed concern about the proposed riprap wall between Thompson Street and Van’s Beach. Dredging will be done this year. The Township has received a new FEMA map.

Ms. Kirch expressed concern for property owners who must share the cost of the sidewalks and they can’t afford it. Ms. Och reported that there is not a poverty exception and the amount can be financed over 5 years. Ms. Kirch expressed that the Library has carried a balance of $93,500 for years and she wondered if any of that would be returned to the taxpayers. Ms. Och did agree that the Library was funded generously because they have anticipated needing a lot for upkeep and capital improvement. The capital improvement needed is still more that what has been put aside. This will be discussed at the budget meeting.

**ACTION ITEMS**

1. Resolution R-20-17 Leland Township MERS Defined Contribution Plan – Debbie Rochester
   Debbie Rochester was present to answer questions. Ms. Brookfield has been working on transitioning to MERS as the pension provider. This began with the Fire department. This plan would be more efficient. They are adding the 457 option. This was decided because it will be less expensive for the employees. The 457 option will be authorized and there will be an addendum for 3 different structures for employees. Everything will remain the same, it will just be a different company. MERS has a fee structure similar to Nationwide. MERS will allow for more return to go into the employee’s retirement account. They will be working individually with every eligible employee to switch over.
Ms. Kirch asked if there is a time limit on this process. Ms. Brookfield responded that it is important to make this transition by the end of the year. Payroll audits are in December. Ms. Brookfield reported that the dispersing of transition information has been ongoing. We can call a special meeting if necessary but she is confident everyone is well informed. We are also under a collective bargaining agreement so we don’t have a lot of options to look at. Mr. Mitchell asked if any employee wants to stay with Nationwide. Ms. Brookfield said that will be discussed at individual employee meetings. If they want to stay with Nationwide, they would have to manage it themselves. This motion will allow Ms. Brookfield to finish the transition. Any future contributions will go only to MERS. Ms. Rochester stated that the Township decides what company will handle the pension option.

**ACTION:** Ms. Brookfield moved to adopt the MERS uniform 447 Supplemental Retirement Program Resolution R-20-17; supported by Ms. Garthe.

**VOICE ROLL CALL:**
- Supervisor Susan Och: Yes
- Clerk Lisa Brookfield: Yes
- Treasurer Shirley Garthe: Yes
- Trustee Mariann Kirch: No
- Trustee Clint Mitchell: Yes  

Motion carried. 4 in favor, 1 opposed

**ACTION:** Ms. Garthe moved to complete the administrative transfer to MERS; supported by Mr. Mitchell.

**VOICE ROLL CALL:**
- Supervisor Susan Och: Yes
- Clerk Lisa Brookfield: Yes
- Treasurer Shirley Garthe: Yes
- Trustee Mariann Kirch: No
- Trustee Clint Mitchell: Yes  

Motion carried. 4 in favor, 1 opposed

2. **Hancock Field ice skating rink proposal for winter 2020-21.**

Ellen Keen, Brian Price, Maggie Mielczarek

Brian Price discussed the current planning status of the ice rink. He stated why Hancock Field is the ideal location. The company they were going to buy the ice rink kit from is backlogged. However, someone offered Brian the use of a similar rink for this season. They would have to build a frame for it. The rink itself is valued at $1500. Brian has staked out the ice rink. It has been moved south by about 30 feet. Its dimension is 104’ by 64’. At the current location, it is within 6 inches of level throughout. If approved, and the weather permits, they could get it in this weekend. Using the flattest area will minimize the need for a lot of water. Mr. Price is confident that the water will not interfere with baseball use in the spring. They would like to get power there so they could string some lights around it. They would have someone plow the parking lot. The wood needed to build the frame will be funded by donations. They are not opposed to exploring other locations in the future.

**ACTION:** Ms. Brookfield moved to authorize the use of Hancock Field for an ice rink for 2021; supported by Ms. Garthe.
3. **Memorandum of Understanding Bike Leelanau bike trails at Provemont Pond.**

Molly Steck updated the Board on the plans for bike trails at Provemont Pond. In early 2019, the Bike Leelanau group worked with the Township on maintaining the trails at Provemont Pond. The Township was approached by Bike Leelanau to build bike trails on the property in memorial for a bike enthusiast, Dennis Colburn, who had passed away. All funds needed for this endeavor would be by donations. They have raised approximately $30,000. The Memorandum of Understanding has been reviewed by Bike Leelanau’s legal counsel. NIMBA will be legally reviewing the MOU on January 13, 2021. Then the plan will be brought back to the Township. The property has been walked with Kama Ross, forester. She provided advice about a select harvest being done before the bike trails are built. She advised that the forest floor should be cleaned up and diseased trees should be removed. The summary of this walk/meeting was sent to the Board. No action is needed at this time.

Mr. Cypher asked if EGLE is involved with the bridge over the stream. Robin Schmidt has been contacted. The planned bridge will be wide enough for an emergency vehicle.

Ms. Brookfield suggested that the Township legal counsel look at the MOU after NIMBA has and before it is brought to the Board for any action.

Mr. Mitchell expressed concern about how the bike trail would overlay the pedestrian trail. He also asked if they have considered access to the trail from the south that would not overlap the pedestrian trail. He would like the trails to be separated as to their planned use. Ms. Steck suggested that the trails could be made wider. Wide trails have been successfully used in other parks to serve both pedestrians and bikers. Ms. Och was concerned if the trails were too wide, four wheelers would find their way in there. Ms. Kirch saw some verbiage in the MOU that she thought should be changed. The Board is in favor of this proposal but there is still some items to work out.

4. **Renew contract with Township Planner, Larry Sullivan, for 2021-2022.**

This is the same contract that Larry has had for several years. The Planning Commission has used him on a “as needed” basis.

**ACTION:** Ms. Brookfield moved to renew the contract with the Township Planner, Larry Sullivan, as presented; supported by Ms. Garthe.

**Discussion:** Ms. Kirch suggested that the Planning Chair should be at the regular Board meetings. She does not see the need for Mr. Sullivan’s services. She would like the Planning Chair at the meeting to speak to this. Mr. Cypher said we looked for a planner and we received two responses. The one from Petoskey was not qualified. Larry Sullivan was qualified. There is work being done on the master plan. There have been problems with quorums and COVID. The survey is done except for the demographics.
5. **Appoint Lisa Brookfield as Board Representative to the Harbor Commission, term expiring March 2023.**  
**ACTION:** Ms. Garthe moved to appoint Lisa Brookfield as Board Representative to the Harbor Commission, term expiring March 2023; supported by Ms. Brookfield.

VOICE ROLL CALL:  
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. **Appoint Mariann Kirch as Board Representative to the Parks & Rec Commission, term expiring June 2023.**  
**ACTION:** Ms. Garthe moved to approve Mariann Kirch as Board Representative to the Parks & Rec Commission, term expiring June 2023; supported by Ms. Brookfield.

VOICE ROLL CALL:  
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. **Appoint Clint Mitchell as Board Representative to the Planning Commission, term expiring March 2024.**  
**ACTION:** Ms. Garthe moved to approved Clint Mitchell as Board Representative to the Planning Commission, term expiring March 2024; supported by Ms. Brookfield.

VOICE ROLL CALL:  
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 oppose

8. **Appoint Susan Och as Board representative to the ZBA, term expiring September 2023.**  
**ACTION:** Ms. Garthe moved to appoint Susan Och as Board representative to the ZBA, term expiring September 2023; supported by Ms. Brookfield.
VOICE ROLL CALL:
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

OTHER/OLD BUSINESS - None

BILLS AND ACCOUNTS
The bills and accounts list was distributed to Board members. There was nothing unusual for the month dating November 10, 2020 to December 11, 2020.

ACTION: Ms. Brookfield moved for payment of bills from November 10, 2020 to December 11, 2020; supported by Ms. Garthe.

VOICE ROLL CALL:
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
Any correspondence is being passed on to Board members. Ms. Kirch asked for clarification of what is correspondence. Letters from attorneys is business. Correspondence is emails and phone calls that come in that are not relevant to action items but still information that Board members should know. Ms. Kirch asked if she should share with the Board questions she gets from people. Ms. Och said yes. Ms. Kirch will forward these emails.

BOARD COMMENT
Ms. Kirch - Ms. Kirch stated that the roll call vote should be rotated so that votes would not be influenced by a previous vote. The vote cannot be done silently. She also asked why there was not an assessor’s report. Ms. Kirch would like a report from the assessor as to what was done during the month.

Ms. Och – There is a special meeting on Friday, December 18, at 10:00 a.m.

PUBLIC COMMENT
Jim Atkinson – Mr. Atkinson asked if the tentative agreement on Reynolds Street included agreement from the Road Commission. Ms. Och responded that an attorney from the Board, the Road Commission, and the plaintiff are all working on it.

Heidi Weckwert – An email was sent concerning the riprap wall.

ADJOURNMENT

ACTION: Ms. Brookfield moved to adjourn the meeting; supported by Ms. Garthe.

The meeting was adjourned at 9:18 p.m.

VOICE ROLL CALL:
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 January 11, 2021.

Respectfully Submitted,
Cindy Kacin, Recording Secretary

Date Approved: ____________________

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Susan Och, Leland Township Supervisor   Lisa Brookfield, Township Clerk