

LEELANAU TOWNSHIP REGULAR BOARD MEETING AGENDA
TUESDAY, NOVEMBER 9, 2021 5:30 P.M.
231-386-5138

JOIN MEETING VIA ZOOM ELECTRONIC REMOTE ACCESS:
<https://us02web.zoom.us/j/87870732100?pwd=dDhCT3plM0l2VWc0TzNnc1MwUE5TUT09>

MEETING ID: 878 7073 2100
PASSCODE: 496700

TENTATIVE AGENDA

AGENDA CAN BE AMENDED AT THE MEETING.
CHANGES CAN/WILL OCCUR UP UNTIL AND AT THE MEETING
ORDER OF AGENDA ITEMS CAN/WILL CHANGE UP UNTIL AND AT THE MEETING

- I. CALL TO ORDER, ROLL CALL,
- II. SET AGENDA
- III. PUBLIC COMMENT – FIRST – LIMITED TO 3 MINUTES MAXIMUM
- IV. GENERAL BUSINESS
 - A. APPROVAL OF MINUTES OF OCTOBER 19, 2021 SPECIAL BRD MEETING,
 - B. APPROVAL OF BILLS FOR NOVEMBER
- V. REPORTS
 - A. LEELANAU COUNTY COMMISSIONER– TY WESSELL
 - B. LEELANAU COUNTY SHERIFF – OLIVIA DRZEWIECKI
 - C. EMERGENCY SERVICES – HUGH COOK
 - D. FACILITIES MANAGER – BEN PURDY
 - E. PLANNING COMMISSION – GINA HARDER
- VI. ACTION ITEM(S)
 - A. RECYCLING CENTER AGREEMENT –
 - B. OMENA HOME BUSINESS 5203 NW BAYSHORE DR. – STEVE PATMORE
 - C. EMS EQUIPMENT - COOK
 - D. AMENDMENT TO CHANGE ZONING 1029 MELKILD AG TO R1 - PATMORE
- VII. DISCUSSION ITEM(S)
 - A. DECLARATORY JUDGEMENT UPDATE - SANDERS
 - B. BROADBAND LETTER – SANDERS
 - C. AFFORDABLE HOUSING - SANDERS
 - D. LIBRARY – FUTURE
 - E. WEBSITE DEMONSTRATION – GINA
- VIII. PUBLIC COMMENT – SECOND – LIMITED TO 3 MINUTES MAXIMUM
- IX. CORRESPONDENCE AND ANNOUNCEMENTS

ADJOURN

**LEELANAU TOWNSHIP BOARD MEETING MINUTES
TUESDAY, OCTOBER 19, 2021, 5:30PM**

CALL TO ORDER, ROLL CALL:

PRESENT: Monica Diaz, Denise Dunn, Gina Harder, Georgie Murray, John Sanders and Host: Steve Patmore, with Scribe: Georgienne Hammer.

Zoom Meeting of the Leelanau Township Board called to order at 5:30p.m. by John Sanders

SET AGENDA:

John Sanders asked for agenda changes: John cited three significant changes to the agenda: 1. Add Discussion Item E for Fire Lane 6 discussion for a request to bid, 2. Remove Action Item C as no mediation agreement has yet been signed, and 3. Add, before Public Comment #1, an open discussion of the Board with our attorney, Seth Koches, regarding the action plan to take on TimberShores. Then we will move to Public Comment #1.

OPEN DISCUSSION WITH ATTORNEY, SETH KOCHES:

The Board has read letters, listened, and spoken openly with constituents about the action we plan to take, specifically the talk about releasing the 1998 and 2006 sewer agreement. We listened and listened, spoke in person, all the while being 100% transparent. The action we're taking on behalf of the people of the Leelanau Township is a Declaratory Judgement. Attorney, Seth Koches, fully explained the process of filing a declaratory judgement to put in front of the Leelanau County Circuit Court. Seth explained the actions are in the best interest of the township with its litigation with TimberShores. Q & A with Seth. The timeline will be expedited as quickly as possible. Seth explained the mechanics, purpose and scope of filing for a declaratory judgement to determine a status of disagreement on a contract.

John asked for a motion to approve filing for a declaratory judgement. Georgie Murray moved to approve filing a Declaratory Judgement as outlined by Attorney Koches. Gina Harder seconded the motion. Roll call vote: Yea: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried. unanimously.

PUBLIC COMMENT #1:

Ten members of the public shared comments about the TimberShores project and Discussion Item A: the 5203 N W Bay Shore home business issue, as well as clearer notification of cancelled and/or rescheduled meetings.

GENERAL BUSINESS:

A. Approval of 9/14/2021 Regular meeting and Special Meeting minutes from 9/21 & 21, 2021,

Denise Dunn noted that the word “be” was omitted on Regular minutes, Page 3, Item B, six sentences down.

Denise Dunn moved to accept the minutes as presented with the one correction. Georgie Murray seconded the motion. Roll call vote: Yea: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried unanimously.

Denise Dunn moved to accept the Special Meeting minutes on 9/24/21 as presented. Gina Harder seconded. Roll call vote: Yea: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried unanimously.

Denise Dunn moved to accept the Special Meeting minutes on 9/29/21 with one grammatical correction, line where it says: “Sanders stated...” it should be “he” not “she”. Georgie Murray seconded the motion. Roll call vote: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried unanimously.

B. Approval of Bills for October 2021

Georgie Murray questioned why posting dates are the same as due dates for the bills. Monica Diaz will look at these matching dates. Monica added that the HSA accounts for employees have had difficulties due to the TCF bank change-over to Huntington. Honor State Bank will now handle our HSA contributions as they are a locally based bank. AT&T bills still are overly high for the fire department on one number in particular and will again be researched. Discussion resulted in denying any usage of the phone and number involved.

Monica Diaz moved to accept the bills for the first half of October 2021 bills in the amount of \$34,114.93. Denise Dunn seconded the motion. Roll call vote: Yea: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried unanimously.

REPORTS:

A. Leelanau County Commissioners – Ty Wessell

Two items to report on this evening: Broadband Survey results, and a meeting utilizing the American Rescue Monies for this issue. Leelanau Township is the most limited area in the county receiving adequate broadband accessibility. We did approve our \$14 million dollar budget last week. Q & A. None

B. County Sheriff – Olivia Drzewiecki

Hugh Cook reported that Officer Drzewiecki was not able to attend tonight due to change in the meeting’s schedule.

C. EMS/Fire – Hugh Cook

EMS rescue on Omena Woods Trail utilizing the ATV to extract the patient. Between 9/1 – 9/30 there were 44 total runs. Hiring interviews are going well with 5 applicants: 2 have not yet graduated from training and one lives in Montana. Hugh will be talking to the last two tomorrow to schedule interviews.

D. Planning Commission – Gina Harder

On the 14th we had work session #8 with looking at the commercial resort district ordinance, we also looked at several other RV parks and ordinances relating to them. Our planner and Steve Patmore are working to get the wording together. October 21 is the next meeting with the next regular meeting on 10/28. On November 11 there will be a public hearing regarding commercial resort district changes to the ordinance. A possible meeting on 11/3 may be requested by the TimberShores developer, but it is up in the air right now due to no settlement at this time. Goal is to get the Ordinance to the County by 12/10/21. We received 501 responses on the survey put out by the Master Planner. Other changes: Setback changes from the highwater mark to the lake have taken place. It was 40' and is now 150' back from the lake. Front, rear and sides setbacks are also being looked at for increasing footage setback.

ACTION ITEMS:

A. Woolsey Stabilization

The Woolsey stabilization proposal for the terminal building (old creamery) was presented by Pat Machin and Ben Purdy. Immediate stabilization of the west end building requires four components in the 2nd phase which includes destructive testing, develop an engineering plan with a construction document and construction oversight to assure passing the County Code inspection. Q & A: Funding resources include General Township Fund as well as donations. The emergency stabilization includes engineering and testing. Discussion regarding the total work bill in the amount \$200,000 vs the Emergency Stabilization bill only at \$49,200. John Sanders asked for a motion to approve Machin Engineering, stabilization and testing project in the amount of \$49,200.

Monica Diaz moved to accept the project by Machin Engineering with the budget to not exceed \$49,200 to engineer, stabilize and test the terminal building. Denise Dunn seconded the motion. Roll call vote: Yea: Diaz, Dunn, Harder, Murray, Sanders. Nay: 0. Motion carried unanimously.

B. EMS/Fire Capital Request – Hugh Cook

Hugh presented the Capital Request for updated/new tools and equipment for emergency life-saving equipment in the amount of \$33,556.00. The third page of the request notes the department budgeted \$35,000 in their annual budget for just such important upgrades. Current tools are not able to cut into the metals of many of the newer trucks and automobiles. Denise Dunn cited the annual budget for EMS/Fire department goes until March 2022.

Georgie Murray moved to approve the request of \$33,556 from capital for the EMS/Fire to update necessary life-saving emergency equipment. John Sanders seconded the motion. Roll call vote: Yea: Murray, Sanders. Nay: Diaz, Dunn, Harder. Motion denied to 3 to 2.

DISCUSSION ITEMS:

A. Home Business Permit Update - Sanders

John Sanders shared a brief background on the Home Business Permit at 5203 N W Bay Shore Drive, Omena, MI. Steve Patmore prepared a report for the attorney to review. Both parties and board members have also received the report. If a Civil Infraction is found, the township has a civil infraction process in place. This will remain under discussion at each meeting going forward.

B. Township Move From .org To .gov Update – Harder

Gina spoke to the rationale for moving from a .org domain to a .gov domain. The .gov would provide much better cyber security and falls under Homeland Cyber Security. With the new website, it is a perfect time to make the move. Currently the cost is free for the changeover. The address would be leelanautownshipmi.gov rather than leelanautwp.org. No opposition by the board and is in support to move forward from .org to .gov.

C. New Township Website Update – Harder

The website is close to finalization and will be up and running within two weeks. Gina will share a video at the next meeting.

D. Rural Broadband Inventory Survey Results – Sanders

County Commissioners researched broadband services in Leelanau County. Over 1,000 persons in the county are without broadband services, with Leelanau Township being the highest without adequate services. Businesses need strong/reliable broadband. Ty Wessell and John Sanders will meet soon regarding this issue. Leelanau County has the largest number of residences/businesses without broadband in the State.

E. Fire Lane 6 – Sanders

The Leelanau County Road Commission asked to prepare a bid process for the repairs of Fire Lane 6 off Omena Point Road. This will aid in determining the cost and where to seek funding for the necessary repairs.

PUBLIC COMMENT #2:

Three comments/concerns were shared by the public addressing support for EMS/Fire capital request and the high cost in loss of life as well as a concern regarding not have email access to planning commission members.

CORRESPONDENCE & ANNOUNCEMENTS:

None

ADJOURN:

Denise Dunn moved to adjourn the meeting. Georgie Murray seconded the motion. Motion carried unanimously. Meeting adjourned at 7:26pm.

NEXT REGULAR MEETING OF THE LEELANAU TOWNSHIP BOARD:

November 9, 2021, 5:30 p.m., via Zoom.

Edit List of Invoices - Detail w/GL

Date: 11/04/2021

Time: 3:00 pm

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		
	ACCUMED GROUP	11/04/2021	02	BILLING SERVICE FEE	
	PO BOX 2122	11/04/2021	N		1,169.16
26126	RIVERVIEW	11/04/2021	N	N	0.00
2122	MI 48193-2122	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					1,169.16

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-818.000	CONTRACT SERVICES	1,169.16	0.00
Distribution Total		1,169.16	0.00

Vendor Total: 1,169.16

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
	AIRGAS USA, LLC	11/04/2021	02	OXYGEN	
	PO BOX 734445	11/04/2021	N		205.55
26125	CHICAGO	11/04/2021	N	N	0.00
378	IL 60673-4445	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					205.55

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	205.55	0.00
Distribution Total		205.55	0.00

Vendor Total: 205.55

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
	B&D CLASSIC SEWN	11/04/2021	02	SUPPLIES	
	1890 E. STONEY CORNERS RD	11/04/2021	N		664.90
26114	MCBAIN	11/04/2021	N	N	0.00
1890	MI 49657	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					664.90

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	664.90	0.00
Distribution Total		664.90	0.00

Vendor Total: 664.90

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
	BAKER & TAYLOR BOOKS	11/04/2021	02	BOOKS	
	P. O. BOX 277930	11/04/2021	N		701.26
26101	ATLANTA	11/04/2021	N	N	0.00
135S	GA 30384-7930	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					701.26

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-978.000	BOOKS	701.26	0.00
Distribution Total		701.26	0.00

Vendor Total: 701.26

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
	BAUCKHAM SPARKS ROLFE	11/04/2021	02	WIZINSKY	
	470 W. CENTRE AVE. SUITE A	11/04/2021	N		3,901.39
26122	PORTAGE	11/04/2021	N	N	0.00
458	MI 49024	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					3,901.39

GL Number	Account Name	Pay Amount	Relieve Amount
101-101-826.000	LEGAL SERVICES	3,901.39	0.00
Distribution Total		3,901.39	0.00

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		

Vendor Total: 3,901.39

26120	BELANGER SEPTIC SERVICE	11/04/2021	02	PORTA JON	51.38
2233	2233 M-37 SOUTH	11/04/2021	N		0.00
	TRAVERSE CITY	11/04/2021	N	N	0.00
	MI 49685	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			51.38

GL Number	Account Name	Pay Amount	Relieve Amount
101-276-818.000	CONTRACT SERVICES	51.38	0.00
Distribution Total		51.38	0.00

Vendor Total: 51.38

26100	CHARTER COMMUNICATIONS	11/04/2021	02	WIFI AND PHONE	539.90
94188	PO BOX 94188	11/04/2021	N		0.00
	PALATINE	11/04/2021	N	N	0.00
	IL 60094-4188	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			539.90

GL Number	Account Name	Pay Amount	Relieve Amount
101-265-853.000	TELEPHONE EXPENSES	139.92	0.00
101-265-818.000	CONTRACT SERVICES	160.01	0.00
271-790-853.000	TELEPHONE EXPENSES	29.99	0.00
271-790-977.201	INTERNET ACCESS - CHARTER	119.99	0.00
206-336-818.000	CONTRACT SERVICES	89.99	0.00
Distribution Total		539.90	0.00

Vendor Total: 539.90

26116	CONSUMERS ENERGY	11/04/2021	02	ELECTRICITY	110.64
0001	P.O. BOX 740309	11/04/2021	N		0.00
	CINCINNATI	11/04/2021	N	N	0.00
	OH 45274-0309	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			110.64

GL Number	Account Name	Pay Amount	Relieve Amount
101-748-921.000	ELECTRICITY	110.64	0.00
Distribution Total		110.64	0.00

Vendor Total: 110.64

26107	CORA SCHAEFF	11/04/2021	02	BOOKS	343.26
764	746 N. DEER PATH TRAIL # 8	11/04/2021	N		0.00
	SUTTONS BAY	11/04/2021	N	N	0.00
	MI 49682	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			343.26

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-978.000	BOOKS	343.26	0.00
Distribution Total		343.26	0.00

Vendor Total: 343.26

26112	DEMCO INC	11/04/2021	02	SUPPLIES	139.98
8048	P.O. BOX 8048	11/04/2021	N		0.00
	MADISON	11/04/2021	N	N	0.00
	WI 53708-8048	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			139.98

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-740.000	OPERATING SUPPLIES	112.72	0.00
271-790-956.001	LIBRARY PROGRAMS	27.26	0.00
Distribution Total		139.98	0.00

Vendor Total: 139.98

26102	DOG EARS BOOKS	11/04/2021		02	BOOKS		
	P. O. BOX 272	11/04/2021		N			42.94
272	NORTHPORT	11/04/2021		N	N		0.00
	MI 49670	11/04/2021	0.00	N	0		0.00
	<Emailing Stub Disabled>	11/04/2021					42.94

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-978.000	BOOKS	42.94	0.00
Distribution Total		42.94	0.00

Vendor Total: 42.94

26110	F.L.O.W.	11/04/2021		02	CLIMATE CHANGE		
	153 1/2 EAST FRONT STREET	11/04/2021		N			35.00
153	TRAVERSE CITY	11/04/2021		N	N		0.00
	MI 49684	11/04/2021	0.00	N	0		0.00
	<Emailing Stub Disabled>	11/04/2021					35.00

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-940.301	LIBRARY GRANTS	35.00	0.00
Distribution Total		35.00	0.00

Vendor Total: 35.00

26105	GALE CENGAGE LEARNING	11/04/2021		02	BOOKS		
	P.O. BOX 936754	11/04/2021		N			122.36
95501B	ATLANTA	11/04/2021		N	N		0.00
	GA 31193	11/04/2021	0.00	N	0		0.00
	<Emailing Stub Disabled>	11/04/2021					122.36

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-978.000	BOOKS	122.36	0.00
Distribution Total		122.36	0.00

Vendor Total: 122.36

26119	GALLS, LLC*	11/04/2021		02	OPERATING SUPPLIES		
	P.O. BOX 71628	11/04/2021		N			48.03
24297	CHICAGO	11/04/2021		N	N		0.00
	IL 60694-1628	11/04/2021	0.00	N	0		0.00
	<Emailing Stub Disabled>	11/04/2021					48.03

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	48.03	0.00
Distribution Total		48.03	0.00

Vendor Total: 48.03

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Sep. Ck.?	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	1099?	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		
26109	INLAND SEAS EDUCATION	11/04/2021	02	CLIMATE CHANGE	35.00
	100 DAME ST	11/04/2021	N		0.00
100D	SUTTONS BAY	11/04/2021	N	N	0.00
	MI 49682	11/04/2021	0.00	0	0.00
	<Emailing Stub Disabled>	11/04/2021			35.00

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-940.301	LIBRARY GRANTS	35.00	0.00
Distribution Total		35.00	0.00

Vendor Total: 35.00

26098	INTEGRITY BUSINESS SOLUTION	11/04/2021	02	supplies	222.41
	1302 INDUSTRY DR. STE. B	11/04/2021	N		0.00
1580	TRAVERSE CITY	11/04/2021	N	N	0.00
	MI 49696	11/04/2021	0.00	0	0.00
	<Emailing Stub Disabled>	11/04/2021			222.41

GL Number	Account Name	Pay Amount	Relieve Amount
101-265-740.000	OPERATING SUPPLIES	222.41	0.00
Distribution Total		222.41	0.00

Vendor Total: 222.41

26108	LEELANAU CONSERVANCY	11/04/2021	02	CLIMATE CHANGE	35.00
	105 N FIRST ST PO BOX 1007	11/04/2021	N		0.00
105	LELAND	11/04/2021	N	N	0.00
	MI 49654	11/04/2021	0.00	0	0.00
	<Emailing Stub Disabled>	11/04/2021			35.00

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-940.301	LIBRARY GRANTS	35.00	0.00
Distribution Total		35.00	0.00

Vendor Total: 35.00

26111	LEELANAU ENERGY	11/04/2021	02	CLIMATE CONTROL	35.00
	PO BOX 754	11/04/2021	N		0.00
754	NORTHPORT	11/04/2021	N	N	0.00
	MI 49670	11/04/2021	0.00	0	0.00
	<Emailing Stub Disabled>	11/04/2021			35.00

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-940.301	LIBRARY GRANTS	35.00	0.00
Distribution Total		35.00	0.00

Vendor Total: 35.00

26128	MCCARDEL WATER CONDITIONING	11/04/2021	02	H2O JUGS	52.25
	40 HUGHES DRIVE	11/04/2021	N		0.00
40	TRAVERSE CITY	11/04/2021	N	N	0.00
	MI 49686	11/04/2021	0.00	0	0.00
	<Emailing Stub Disabled>	11/04/2021			52.25

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	52.25	0.00
Distribution Total		52.25	0.00

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		

Vendor Total: 52.25

26121	MICHIGAN ASSESSING SERVICE	11/04/2021	02	ASSESSING CONTRACT	
1244	10655 RIVERSIDE DRIVE	11/04/2021	N	OCT AND NOV	8,077.00
	HONOR	11/04/2021	N	N	0.00
	MI 49640	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			8,077.00

GL Number	Account Name	Pay Amount	Relieve Amount
101-209-818.000	CONTRACT SERVICES	8,077.00	0.00
Distribution Total		8,077.00	0.00

Vendor Total: 8,077.00

26115	NICHOLS PAPER & SUPPLY CO	11/04/2021	02	SUPPLIES	
64335	2647 MOMENTUM PLACE	11/04/2021	N		239.46
	CHICAGO	11/04/2021	N	N	0.00
	IL 60689-5326	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			239.46

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	239.46	0.00
Distribution Total		239.46	0.00

Vendor Total: 239.46

26106	NORTHERN BUILDING SUPPLY, L	11/04/2021	02	SUPPLIES	
1480	1701 W. SOUTH AIRPORT RD.	11/04/2021	N		22.99
	TRAVERSE CITY	11/04/2021	N	N	0.00
	MI 49686	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			22.99

GL Number	Account Name	Pay Amount	Relieve Amount
101-747-740.000	OPERATING SUPPLIES	22.99	0.00
Distribution Total		22.99	0.00

Vendor Total: 22.99

26118	NORTHPORT BUILDING SUPPLY	11/04/2021	02	SUPPLIES	
5	P.O. BOX 306	11/04/2021	N		225.36
	NORTHPORT	11/04/2021	N	N	0.00
	MI 49670	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			225.36

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	155.43	0.00
101-747-740.000	OPERATING SUPPLIES	69.93	0.00
Distribution Total		225.36	0.00

Vendor Total: 225.36

26099	NORTHPORT LEELANAU TOWNSH	11/04/2021	02	SEWER	
158	P. O. BOX 158	11/04/2021	N		1,226.50
	NORTHPORT	11/04/2021	N	N	0.00
	MI 49670	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			1,226.50

GL Number	Account Name	Pay Amount	Relieve Amount
101-265-920.100	SEWER SERVICE	223.00	0.00

Edit List of Invoices - Detail w/GL

Date: 11/04/2021

Time: 3:00 pm

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Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	101-747-920.100	SEWER SERVICE				223.00 0.00
	206-336-920.100	SEWER SERVICE				557.50 0.00
	271-790-920.100	SEWER SERVICE				223.00 0.00
	Distribution Total					1,226.50 0.00

Vendor Total: 1,226.50

26113	NORTHWEST REGIONAL FIRE 3737 NIMROD RD TRAVERSE CITY	11/04/2021 11/04/2021 11/04/2021		02 N N	TRAINING N	 0.00
1555B	MI 49685 <Emailing Stub Disabled>	11/04/2021 11/04/2021	0.00	N	0	0.00 1,200.00

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-960.000	EDUCATION AND TRAINING	1,200.00	0.00
Distribution Total		1,200.00	0.00

Vendor Total: 1,200.00

26124	PITNEY BOWES PO BOX 371887 PITTSBURGH	11/04/2021 11/04/2021 11/04/2021		02 N N	LEASE N	 0.00
371	PA 15250-7887 <Emailing Stub Disabled>	11/04/2021 11/04/2021	0.00	N	0	0.00 174.66

GL Number	Account Name	Pay Amount	Relieve Amount
101-265-818.000	CONTRACT SERVICES	174.66	0.00
Distribution Total		174.66	0.00

Vendor Total: 174.66

26103	SYNCB AMAZON P.O. BOX 530958 ATLANTA	11/04/2021 11/04/2021 11/04/2021		02 N N	SUPPLIES N	 0.00
530	GA 30353-0958 <Emailing Stub Disabled>	11/04/2021 11/04/2021	0.00	N	0	0.00 67.42

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-978.002	VIDEO TAPES - DVD	9.99	0.00
271-790-740.000	OPERATING SUPPLIES	38.12	0.00
101-265-740.000	OPERATING SUPPLIES	19.31	0.00
Distribution Total		67.42	0.00

Vendor Total: 67.42

26117	T-MOBLE PO BOX 742596 CINCINNATI	11/04/2021 11/04/2021 11/04/2021		02 N N	CONTRACT SERVICES N	 0.00
742596	OH 45274 <Emailing Stub Disabled>	11/04/2021 11/04/2021	0.00	N	0	0.00 89.58

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-818.000	CONTRACT SERVICES	89.58	0.00
Distribution Total		89.58	0.00

Vendor Total: 89.58

Edit List of Invoices - Detail w/GL

Date: 11/04/2021

Time: 3:00 pm

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Sep. Ck.?	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	1099?	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		
	VILLAGE OF NORTHPORT	11/04/2021	02	VILLIAGE WATER	
	P.O.BOX 336	11/04/2021	N		655.38
26129	NORTHPORT	11/04/2021	N	N	0.00
336	MI 49670	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					655.38

GL Number	Account Name	Pay Amount	Relieve Amount
101-265-920.000	VILLAGE WATER	39.38	0.00
101-276-920.000	VILLAGE WATER	118.00	0.00
101-747-920.000	VILLAGE WATER	118.00	0.00
101-748-920.000	VILLAGE WATER	30.00	0.00
206-336-920.000	VILLAGE WATER	350.00	0.00
Distribution Total		655.38	0.00

Vendor Total: 655.38

	VISION SERVICE PLAN	11/04/2021	02	INSURANCE	
	P.O. BOX 742788	11/04/2021	N		274.41
26123	LOS ANGELES	11/04/2021	N	N	0.00
7427	CA 90074-2788	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					274.41

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-720.002	VISION INSURANCE - UNION	218.95	0.00
101-253-720.003	TWP VISION	10.98	0.00
271-790-720.003	TWP VISION	27.73	0.00
101-215-720.003	TWP VISION	16.75	0.00
Distribution Total		274.41	0.00

Vendor Total: 274.41

	W. S. DARLEY & CO.	11/04/2021	02	SUPPLIES	
	325 SPRING LAKE DRIVE	11/04/2021	N		383.70
26127	ITASCA	11/04/2021	N	N	0.00
2000	IL 60143	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					383.70

GL Number	Account Name	Pay Amount	Relieve Amount
206-336-740.000	OPERATING SUPPLIES	383.70	0.00
Distribution Total		383.70	0.00

Vendor Total: 383.70

	WHITE PINE LIBRARY COOPERA*	11/04/2021	02	CONTRCT SERVICE	
	429 NORTH STATE STREET	11/04/2021	N		5.50
26104	CARO	11/04/2021	N	N	0.00
429	MI 48723	11/04/2021	0.00	N	0
	<Emailing Stub Disabled>	11/04/2021			<u>0.00</u>
					5.50

GL Number	Account Name	Pay Amount	Relieve Amount
271-790-818.000	CONTRACT SERVICES	5.50	0.00
Distribution Total		5.50	0.00

Vendor Total: 5.50

Edit List of Invoices - Detail w/GL

Date: 11/04/2021

Time: 3:00 pm

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Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		

Grand Total:	21,097.37
Less Credit Memos:	0.00
Net Total:	21,097.37
Less Hand Check Total:	0.00
Outstanding Invoice Total:	21,097.37

Total Invoices: 32

Incidents monthly and annual (22) of Fire - Incident Types with Monthly and Annual Breakdown

Date: Monday, November 1, 2021 Time: 5:58:34 AM

Alarm Date between 10/1/2021

and 11/1/2021

Run

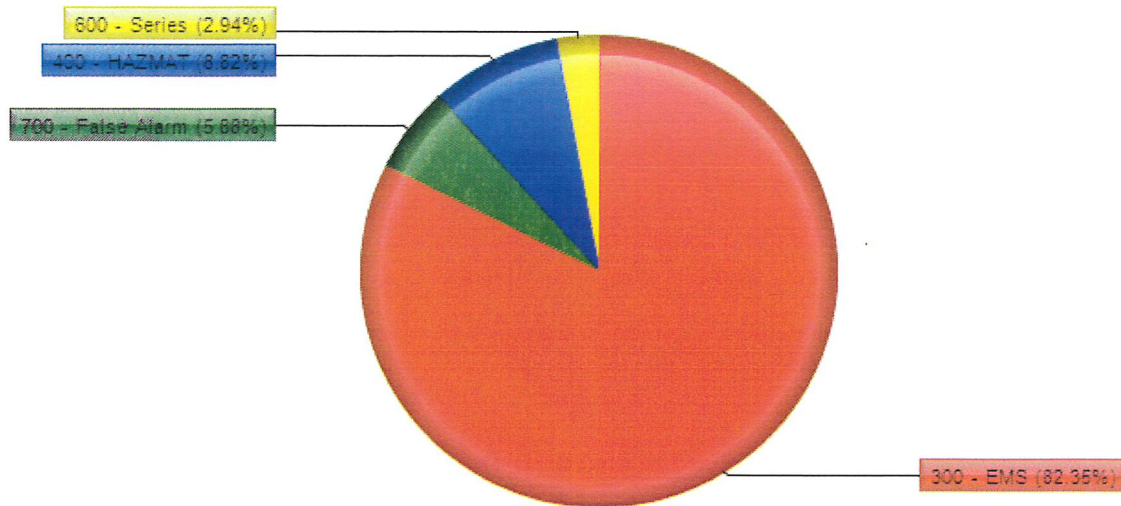
Run and Hide Parameters

Incident Type Group 2021 Total

300 - EMS	28	28
700 - False Alarm	2	2
400 - HAZMAT	3	3
600 - Series	1	1
Annual Total	34	34

Incident Type Group 2021-10-01 Total

300 - EMS	28	28
700 - False Alarm	2	2
400 - HAZMAT	3	3
600 - Series	1	1
Monthly Total	34	34



Incidents monthly and annual (22) of Fire - Incident Types with Monthly and Annual Breakdown

Date: Monday, November 1, 2021
Time: 5:57:31 AM

Alarm Date between 1/1/2021

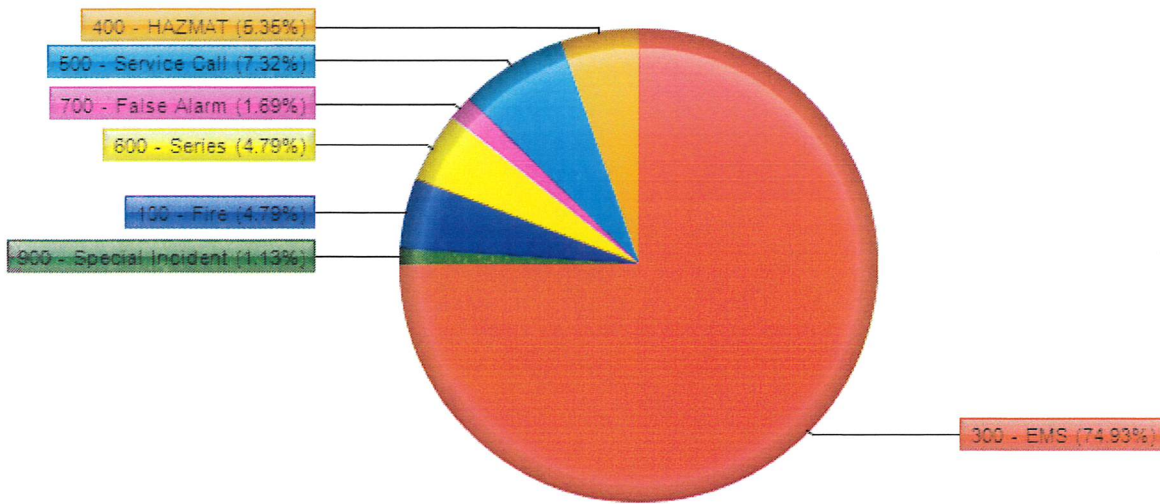
and 11/1/2021

Run

Run and Hide Parameters

Incident Type Group	2021	Total
300 - EMS	266	266
900 - Special Incident	4	4
100 - Fire	17	17
600 - Series	17	17
700 - False Alarm	6	6
500 - Service Call	26	26
400 - HAZMAT	19	19
Annual Total	355	355

Incident Type Group	2021-01-01	2021-02-01	2021-03-01	2021-04-01	2021-05-01	2021-06-01	2021-07-01	2021-08-01	2021-09-01	2021-10-01	Total
300 - EMS	25	17	23	19	23	29	33	35	34	28	266
900 - Special Incident	1	0	0	0	0	0	3	0	0	0	4
100 - Fire	3	3	2	1	1	2	3	2	0	0	17
600 - Series	1	0	3	1	2	2	3	3	1	1	17
700 - False Alarm	0	1	0	0	0	0	1	0	2	2	6
500 - Service Call	0	2	0	2	3	5	0	13	1	0	26
400 - HAZMAT	0	0	0	1	0	1	3	4	7	3	19
Monthly Total	30	23	28	24	29	39	46	57	45	34	355





Alarm Date between 10/1/2021



and 11/1/2021



Run

Run and Hide Parameters

Incident Type Details	2021-10-01 Total	
321 - EMS call, excluding vehicle accident with injury	28	28
744 - Detector activation, no fire - unintentional	1	1
440 - Electrical wiring/equipment problem, other	1	1
420 - Toxic condition, other	1	1
611 - Dispatched & canceled en route	1	1
444 - Power line down	1	1
700 - False alarm or false call, other	1	1
Total	34	34



Leelanau County Government Center
Leelanau County Planning and
Community Development

8527 E. Government Center Dr., Suite 108
Suttons Bay MI 49682
Phone: (231) 256-9812

County website: www.leelanau.gov

October 13, 2021

Monica Diaz, Clerk
Leelanau Township
PO Box 338
Northport MI 49670

Dear Monica;

Attached please find an amendment to the Agreement between Leelanau County and Leelanau Township, for a recycling site. This was approved on October 12 by the County Board and includes an increase to \$3,600/year for the lease, beginning January 1, 2022.

If the township approves of the Amendment, please have it signed and dated and returned to me.

Thank you, and please contact me if there are any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Trudy J. Galla".

Trudy J. Galla, AICP
Planning Director

Enclosure

AMENDMENT NO. 1
TO THE
AGREEMENT BETWEEN LEELANAU COUNTY AND
LEELANAU TOWNSHIP
FOR A COUNTY RECYCLING PROGRAM RECYCLING SITE

This Amendment No. 1, made and entered into by and between Leelanau County ("County") and Leelanau Township ("Site Host"), amends the Agreement entered into by the parties on May 22, 2018 for the use and operation of a Leelanau County Recycling Program recycling site on the Site Host's property ("Agreement") as follows:

1. Section 4, COMPENSATION, page 2, of the above-stated Agreement, shall be amended to read as follows:

"4. COMPENSATION:

The County shall pay the Site Host in accordance with the following:

- a) January 1, 2019-December 31, 2021: the total annual rental payment amount of One Thousand Two Hundred Fifty and No/100 Dollars (\$1,250.00), payable in equal installments on a quarterly basis. The County shall not be responsible for any additional costs incurred by the Site Host for repairs or improvements to the recycling site. In no event shall the total compensation paid under this Agreement during this term exceed the sum of Three Thousand Seven Hundred Fifty and No/100 Dollars (\$3,750.00).
- b) January 1, 2022-December 31, 2023: the total annual rental payment amount of Three Thousand Six Hundred and No/100 Dollars (\$3,600.00), payable in equal installments on a quarterly basis. The County shall not be responsible for any additional costs incurred by the Site Host for repairs or improvements to the recycling site. In no event shall the total compensation paid under this Agreement during this term exceed the sum of Seven Thousand Two Hundred and No/100 Dollars (\$7,200.00)."

2. All other terms and conditions of the Agreement remain in full force and effect, except as modified by this Amendment No. 1. This Amendment No. 1 shall become effective on the date in which it has been fully signed by the authorized representatives of both parties.

3. The people signing this Amendment No. 1 on behalf of the parties to the above-stated Agreement certify by their signatures that they are duly authorized to sign this Amendment No. 1 to the Agreement on behalf of the parties and that this Amendment No. 1 has been authorized by the parties.

[Signature page to follow]

COUNTY OF LEELANAU

SITE HOST: LEELANAU TOWNSHIP

By: William J. Bunek
William J. Bunek, Chairman
County Board of Commissioners

Date: 10-12-2021

By: _____
(Signature)

Name: _____
(Print or Type)

Title: _____
(Print or Type)

Date: _____

APPROVED AS TO FORM FOR COUNTY OF LEELANAU:
COHL, STOKER & TOSKEY, P.C.
By: COURTNEY A. GABBARA
On: October 6, 2021

N:\Client\Leelanau\Agreements\Recycling Site Rental Agrs\Comp Amendments\Leelanau Twp Amend.docx

MI Rescue Resources LLC

Sales Representative: Steve Funk

4298 Farrel Rd • Hastings, MI 49058 • 269.838.1930

EMAIL: michigangenesis@gmail.com

September 20th, 2021

Chief Cook
Leelanau Township Emergency Services
100 W Eighth St.
Northport, MI 49670
Hes601@leelanuatwp.org

Sir,

Rescue Resources hereby submits the following quote for Genesis Rescue Systems equipment from American Rescue Technology.

One (1) - Genesis C236-SL3 EFORCE 3.0 Cutter with Standard blades \$11,448.00

- Two (2) batteries and one (1) Charger per unit
- Length-39.1in.; Width-10.2in.; Depth-9.5in.
- N.F.P.A. 1936 Compliant with ratings of A8-B9-C8-D9-E9-F4
- 8.3 in. opening and 236,000 lbs. cutting force, weighs only 51.8 lbs.
- Cutter blades made of forged steel
- P/N: ART.109.351.45

One (1) - Genesis S49-SL3 EFORCE 3.0 Spreader \$11,619.00

- Two (2) batteries and one (1) Charger per unit
- Length-38.7in.; Width-11.1in.; Depth-9.5in.
- N.F.P.A. 1936 Compliant
- 28.1 in. opening, weighs only 45.6 lbs., Pulling Distance-22 in.
- Lowest Spreading Force-11,475 LBF, Highest Spreading Force-17,100 LBF
- Lowest Pulling Force-6,750 LSF, Highest Pulling Force-12,150
- P/N: ART.109.173.6

One (1) - Genesis 21"-36" EFORCE 3.0 Ram \$ 8,784.00

- Two (2) batteries and one (1) Charger per unit
- Length-21.3in.; Width-11.4in.; Depth-4.5in.; Weights only 34.6 lbs.
- Max Pushing Force- 25,021LBF
- N.F.P.A. 1936:2015 Compliant,
- P/N: ART.107.527.2

One (1) 12" Extension for EFORCE Ram \$ 495.00

- P/N: ART.106.244.2

One (1) Angled V Head for EFORCE Ram Threaded \$ 455.00

- P/N: ART.011.130.2

Genesis Rescue Tools

Sales • Service • Training

MI Rescue Resources LLC

Sales Representative: Steve Funk

4298 Farrel Rd • Hastings, MI 49058 • 269.838.1930

EMAIL: michigangenesisc@gmail.com

One (1) Angled V Head for EFORCE Ram Slip Fit

\$ 455.00

- P/N: ART.011.130.4

Subtotal

\$33,256.00

SHIPPING

\$ 300.00

TOTAL

\$33,556.00

Free Extrication Tool Training:

- Three (3) hours - Hands on training included with the purchase of a set of Genesis Extrication Tools.

Thank you for the opportunity to submit this quote. If you have any questions, I can be reached at 269.838.1930, 24/7. For further information on a full line of Genesis tools and training please visit the Genesis Tools website at <http://www.genesisrescue.com/html/battervefs45.php>.

- Prices Good Through: December 31, 2021
- Delivery: 60 days or less normally
- Terms: 15 days
- F.O.B.: Kettering, Ohio
- Shipping estimated actual cost will be noted on the invoice

Thank you,
Steve Funk

Genesis Rescue Tools

Sales • Service • Training

LEELANAU TOWNSHIP
LEELANAU COUNTY, MICHIGAN

Ordinance No. ____ of 2021

AN ORDINANCE TO AMEND THE LEELANAU TOWNSHIP
ZONING ORDINANCE BY AMENDING SECTION 3.2.C – ZONING MAP

THE TOWNSHIP OF LEELANAU ORDAINS:

Leelanau Township Ordinance Part 1: Amendment of Section 3.2.C

The zoning map incorporated into Section 3.2.C of the Leelanau Township Zoning Ordinance is hereby amended to rezone the following property situated in the Township of Leelanau, County of Leelanau, State of Michigan and described as:

Part of the Southeast ¼ of the Southeast ¼ of Section 33, Town 32 North, Range 11 West, Leelanau Township, Leelanau County, Michigan, described more fully as follows:

PT SE 1/4 OF SE 1/4 SEC 33 LYING N OF MELKILD RD EXC BEG 175 FT W OF NE COR OF SE 1/4 OF SE 1/4 SD SEC TH W 665 FT TH S 262 FT TH E 665 FT TH N 262 FT TO EC 33 T32N R11W 11.27 A ML

10929
Parcel

FOR NOVEMBER 9th

1) ZONING AMENDMENT TO
REZONE 10929 E. MELKILD RD
FROM AGRICULTURAL TO
R-1 RESIDENTIAL

from the Agricultural District, as authorized by Section 4

Residential District, as authorized being MCL 125.3405.

Leelanau Township
If any section
or otherwise
effect the va
thereof, othe

ty
is declared unconstitutional
on, said declaration shall not
as a whole or any part
stitutional or invalid.

Leelanau Township Ordinance Part 3: Effective Date

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation within the township.

Ordinance No. ___ of 2021 was hereby adopted on the ___ day of _____, 2021 by the Leelanau Township Board of Trustees as follows:

Motion by: _____
Seconded by: _____
Yeas: _____
Nays: _____
Absent: _____

MOTION _____

I certify that this is a true copy of Ordinance No. ___ of 2021 that was adopted at a regular meeting of the Leelanau Township Board on _____ and published in the Leelanau Enterprise on _____.

Dated: _____

Monica Diaz,
Leelanau Township Clerk

Date of Township Approval: _____

Date of Publication: _____

Effective Date: _____

FILED

Michelle L. Crocker
Leelanau 13th Circuit Court
10/25/2021

State of Michigan
13th Judicial Circuit -- Leelanau County

<p>LEELANAU TOWNSHIP Plaintiff,</p> <p>vs.</p> <p>NM INVESTMENT COMPANY, LLC and RVTS ACQUISITION, LLC Defendants</p> <p>and</p> <p>DENNIS J. TURNER, SUSAN M. HUSKEN and MICHAEL E. COMOS for themselves and on behalf of all property owners similarly-situated, Intervenor-Plaintiffs</p>	<p>Case 2021-10733-CZ</p> <p>Hon. Kevin A. Elsenheimer Circuit Judge</p>
<p>T. Seth Koches (P71761) Bauckham, Sparks, Thall, Seeber & Kaufman, P.C. Attorney for Plaintiff 470 W. Centre, Ave., Suite A Portage, MI 49024 (269) 382-4500 koches@michigantownshiplaw.com</p> <p>Thomas H. Oehmke (P22963) Ross, Brovins & Oehmke, P.C. Attorney for Intervenor-Plaintiffs 11997 E Camp Haven Rd Northport MI 49670 LawMode@comcast.net</p>	

**Intervenor-Plaintiffs'
Motion to Intervene
and
to Seek a Declaratory Judgment and Injunctive Relief
Proof of Service**

This pleading is filed under MCR 2.209(C)(2) in support of Intervenor-Plaintiffs' Motion to Intervene and stating the claim for which intervention is sought.

Incorporation by Reference

1. Intervenor-Plaintiffs incorporate by reference Plaintiff's Complaint filed in this action and further state:

Parties

2. Intervenor-Plaintiffs are owners or beneficial owners of real property either adjacent to or situated within a 300 foot radius of ~213 acres proposed as a recreational vehicle (RV) park owned by Defendants and situated near M22 and Overlook Road in Leelanau Township, Leelanau County, commonly known as Timber Shores.
 - a. Dennis J. Turner is a beneficial owner of property on Cove Trail;
 - b. Susan M. Husken is an owner of property on Camp Haven Rd.
 - c. Michael E. Comos is an owner of property on Indian Camp Rd.
3. Intervenor-Plaintiffs (or "Applicants") move to intervene on behalf of themselves and on behalf of the 63 similarly-situated property owners.

Motion to Intervene as of Right

4. For the reasons stated below, under MCR 2.209(A)(3), Applicants are entitled to Intervention of right because:
 - a. Applicants claim an interest as third party beneficiaries of certain restrictive covenants related to the real property known as Timber Shores including the 1998 and 2006 Sewer Agreements and a Notice of Well Isolation.
 - b. Applicants are so situated that the disposition of the underlying action may, as a practical matter, impair or impede the Applicants' ability to protect their property interests.

No Adequate Representation by Township Attorney

5. Applicants' interest is not adequately represented by Leelanau Township or its attorneys Bauckham, Sparks, Thall, Seeber & Kaufman, P.C.
6. Attorney Robert Thall (a principal in the law firm representing Plaintiff Township) is identified as the drafter of two proposed Mutual Releases of Municipal Conditions (which would have cancelled all rights and benefits of Intervenor-Plaintiffs as third party beneficiaries of the 1998 and 2006 Sewer Agreements).
 - a. These two Releases were drafted by attorney Thall in or before August 2021.
 - b. On 09/01/2021, both Releases were signed by Fred Gordon, Manager of both Defendants and notarized without knowledge or approval of the Leelanau Township Board.

Mutual Releases Not at Issue in Mediation

7. Weeks later on 09/17/2021, the Township and the Developer participated in court-annexed mediation (in a lawsuit concerning only a moratorium and an alleged conflict of interest).
 - a. Mediation concluded with an oral (non-binding) tentative settlement, subject to agreement on the written terms and being signed.
 - b. Unsigned mediation settlements generally are not valid.¹
 - c. The topic of Mutual Releases of the 1998 and 2006 Sewer Agreement was not a part of the underlying litigation.

¹ See Thomas H. Oehmke and Joan M. Brovins, *Commercial Arbitration*, § 2.47 (Mediated settlement agreement—Signed writing requirements); see, also, MCR 2.411(C)(4).

8. Just days later on 09/21/2021, Township Board held a special meeting to discuss an untitled and unsigned document (here called the *Mediation Settlement Agreement*).
 - a. Township litigation attorney Seth Koches presented a draft of the *Mediation Settlement Agreement* purporting to release both the 1998 and 2006 Sewer Agreements which the Township Supervisor John Sanders read aloud during public comment, but only after a demand was made of him to publicly disclose the terms.

Mutual Releases Secretly Signed Weeks Before Mediation

9. The next day on 09/22/2021, a copy of the Mutual Release of the 1998 Sewer Agreement was obtained revealing it had been signed by Defendant NM Investment's Fred Gordon and notarized on 09/01/2021, some three weeks before mediation.
10. A copy of the Mutual Release of the 2006 Sewer Agreement was later obtained and revealed it too was signed by Defendant NM Investment's Fred Gordon and notarized on 09/01/2021, again, some three weeks before mediation.
11. Township Supervisor Sanders publicly stated that the first time the Trustees learned that Township attorney Thall had negotiated and drafted Releases, and secured the signature of NM Investment's Fred Gordon on those Releases of the 1998 and 2006 Sewer Agreements, was after September 21st and subsequent to mediation.²

² Supervisor's statement made at a public meeting on 10/19/2021.

Previously-Suppressed Releases Favored Developer

12. Intervenor-Plaintiffs' interest cannot be adequately represented by Leelanau Township's attorneys Bauckham, Sparks, Thall, Seeber & Kaufman, P.C. because, upon information and belief, this law firm, without the Township Board's consent, clandestinely engaged with Defendants in negotiating the release of benefits and valuable contract rights to which Intervenor-Plaintiffs are third party beneficiaries.
13. Attorney Thall acted without express authority of the Township Board in the summer 2021 negotiation, drafting, and execution of Mutual Releases (from the 1998 and 2006 Sewer Agreements), failing to disclose those Releases to the Town Board until after the Board conditionally approved the *Mediation Settlement Agreement*.
14. No adequate consideration was negotiated by attorney Thall in exchange for these two Releases [other than for Defendants to temporarily withdraw (without prejudice) their pending Motion for Summary Disposition in the moratorium lawsuit which action has nothing to do with the 1998 or 2006 Sewer Agreements].
15. Attorney Thall did not act in the best interests of the Township but, instead, was in effect promoting the Developers' hidden agenda to avoid spending several more million dollars if it could evade its contractual obligation to connect to the Township sewer system.³
16. After the Developers threatened to file a slander of title action, the Township Board voted unanimously to take preemptive action by seeking this Declaratory Judgment.
17. Intervention will not unduly delay or prejudice the adjudication of the rights of the

³ Northport-Leelanau Township Utility Authority (NLTUA).

original parties.

18. No extra work will be required of the Court as the relief sought by the Intervenor-Plaintiffs is coincident with the Declaratory Judgment Complaint.

Applicants' Property Interests Threatened

19. The 63 nearby property owners represented by Intervenor-Plaintiffs:
 - a. Have properties with a combined market value of \$24,591,000 (2 x SEV), valued on average at \$390,333 (2 x SEV),
 - b. Were charged \$265,289 in 2020 property taxes,
 - c. Rely on private wells for their drinking water,
 - d. Largely are waterfront properties whose value depends on maintaining the crystal clean waters of Grand Traverse Bay.
20. If the Developers do not connect to the NLTUA sewer and adjacent wells are contaminated, then Intervenor-Plaintiffs' properties will plummet in value.

Timber Shores Zoning History

21. As to Plaintiff Township's zoning of Timber Shores...
 - a. Prior to 1976 and before the Plaintiff Township first enacted zoning, the property now known as Timber Shores was used for several summers as an RV park.
 - b. Zoning was adopted in 1976 and, until 2004-2005, only year-around manufactured homes were allowed in this commercial-resort district, not RV's or campgrounds. As no homes were constructed, the land remained vacant.
 - c. In 2004-2005, the land was re-zoned principally allowing single family

homes, rental cottages, inns, hotels and motels, while an RV park and campground were only permitted by special use by approval of the Planning Commission.

22. About 40% of the 63 properties are homesteaded and, by 2005, 60% of Applicants' properties were already family-owned.

5.7 Million Gallons Per Year of Waste Water

23. Leelanau County already has 912 RV camp sites located in Leelanau Twp. (45), Peshawbestown (26), Glen Arbor (64), Cedar (181), Empire (276) and Lake Leelanau (320).
24. Defendant-Developers have applied to Leelanau Township to construct this RV park adding 355 camping sites which will...
 - a. Host as many as 1,995 visitors daily, increasing the Township's summer population by 90% and Northport's head count by 380%.
 - b. Bring as many as 710 dogs and cats into the RV Park along with animal waste that will require disposal.
 - c. Generate up to 31,000 gallons per day (GPD) of septage (or 7,625 tons seasonally per year).
 - d. Discharge sewage after only secondary treatment into Rapid Infiltration Basins (RIB) where it will percolate through sandy, loamy soil 6'-9' underground.
25. Defendants have admitted that this "... treated effluent discharged into the groundwater will eventually flow to Ennis Creek [a certified trout stream] and

[Grand Traverse] Bay....”

26. This effluent potentially jeopardizes the clear waters of Grand Traverse Bay, the well water of Applicants’ 63 properties within 300 feet of Timber Shores, and may violate the 1836 and 1842 Indian Fishing Treaties between the Grand Traverse Band of Ottawa and Chippewa Indians and the U.S. Government.

1998 Community Septic Agreement

27. Plaintiff Township entered into a 1998 *Maintenance and Indemnification Agreement Regarding Privately Owned Community Septic Field* which states:⁴
- a. An on-site “...Treatment System shall be limited to ... 10,000 gallons per day...,”⁵ not the 31,000 GPD of wastewater proposed by Defendants.
 - b. If “... a municipal sanitary sewer system is constructed or extended in a manner to facilitate connection with [what is now Timber Shores], the [on-site] Treatment System shall be completely abandoned ... within six (6) months of the operation of the municipal sanitary sewer system,”⁶ now NLTUA.
 - c. “The terms of this Agreement shall bind the parties hereto and their respective heirs, representatives, successors and assigns, including but not limited to any and all individuals or entities who may acquire an interest in a

⁴ Exhibit 1 to Plaintiff’s Complaint, Agreement dated 11/12/1998 and recorded in Leelanau County Records, Liber 497, 31, Pages 613-621.

⁵ Exhibit 1, ¶ 1 to Plaintiff’s Complaint.

⁶ Exhibit 1, ¶13 to Plaintiff’s Complaint.

residential equivalent unit in [what is now Timber Shores].”⁷

28. Intervenor-Plaintiffs are third party beneficiaries of this 1998 Sewer Agreement.

2006 Sanitary Sewer Agreement

29. The law firm of Bauckham, Sparks, Rolfe, Losterfer & Thall negotiated and drafted (on behalf of Plaintiff Township) a 2006 *Agreement for Private/Public Sanitary Sewer System with NM Investment Company, LLC and R&R Tisch Investments LLC* which states:⁸

- a. “If a separate public sanitary sewer system becomes available, the Township shall have authority to require the [Timber Shores] system to be connected” to what is now NLTUA “... with all connection costs ... chargeable to [Timber Shores]”⁹
- b. This Agreement shall “bind the property,”¹⁰ and the sewer-connection “...obligation shall run with the land and bind all subsequent transferees.”¹¹
- c. “The [Exhibit B] policy ... shall be incorporated by reference or otherwise, in a written agreement with an interested owner-developer....”¹²

⁷ Exhibits 1 and 3, ¶ 15 to Plaintiff’s Complaint.

⁸ Exhibit 2 to Plaintiff’s Complaint, Agreement dated 12/13/2006 recorded in Leelanau County Records, Liber 931, Pages 1-16.

⁹ Exhibit B ¶ 12 of Exhibit 2 to Plaintiff’s Complaint.

¹⁰ Exhibit 2, page 2 of 16, ¶ 2 to Plaintiff’s Complaint.

¹¹ Exhibit B ¶ 13 of Exhibit 2 to Plaintiff’s Complaint.

¹² Exhibit B ¶ 15 of Exhibit 2 to Plaintiff’s Complaint.

30. Intervenor-Plaintiffs are third party beneficiaries of this 2006 Sewer Agreement.

2007 Well Isolation Notice

31. There is a Notice of Well Isolation Area identifying the locations of two drinking water wells at Timber Shores.¹³

32. The two wells are believed to have been drilled at depths of 100'-300':

33. They are at an incident altitude elevation ~70' above the Ordinary High Water Mark (OHWM) at Grand Traverse Bay and ~1,760 yards uphill of the Bay.

34. This Notice of record alerts future owners of the well locations and of the prohibition against certain uses of the land within a 200' radius that could threaten the aquifer or jeopardize the drinking water.

35. Defendant-Developers have now demanded that Plaintiff Township release or cancel this Notice. Intervenor-Plaintiffs are third party beneficiaries of this Notice.

Count 1 - Declaratory Relief

36. Plaintiffs pray for the following declaratory relief asking the Court to confirm that:

- a. These 1998 and 2006 Agreements run with the land and are binding on all future owners and developers including Defendants.
- b. Under the 1998 Sewer Agreement, any Developer shall connect to the NLTUA sewer system at its own cost.
- c. Under the 2006 Sewer Agreement, the Township has the authority to require a Developer to connect to the NLTUA sewer system at Developer's

¹³ Dated 04/19/2007 and recorded in Leelanau County Records, Liber 939, Pages 198-200.

cost.

Count 2 - Injunctive Relief

37. Plaintiffs pray for this Court to issue a permanent injunction that enjoins:
- a. Plaintiff Leelanau Township from executing or recording a release or diminution of any part of the 1998 or 2006 Agreements, or the Notice of Well Isolation without an order of this Court.
 - b. Defendant-Developers (including their successors, assigns and all future owners) from executing or recording any encumbrance of the 1998 or 2006 Agreements, or the 2007 Notice of Well Isolation, against the Timber Shores' property title without an order of this Court.

Proof of Service

Service was made on the attorney for Plaintiff Township via MiFile on 10/25/2021.

/s/ Thomas H. Dehmke

Attorney for Intervenor-Plaintiffs

Exhibits

1. 1998 Agreement (signed) - Incorporated by reference from Plaintiff's Complaint
2. 2006 Agreement (signed) - Incorporated by reference from Plaintiff's Complaint
3. 1998 Agreement (unsigned) - Incorporated by reference from Plaintiff's Complaint
4. 2007 Well Isolation Agreement (attached)



Grand Traverse
Lighthouse

LEELANAU TOWNSHIP

119 E. Nagonaba • P.O. Box 338 • Northport, MI 49670

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www.leelanau.cc/leelanautwp.asp

October 25, 2021

Mr. Chet Janik
Leelanau County Administrator
8527 East Government Center Drive
Suite 101
Suttons Bay, Michigan 49682

Dear Chet:

Leelanau Township is extremely complimentary and appreciative of the County's decision to undertake a comprehensive Rural Broadband Inventory Survey. The detailed data provided by DCS Technology Design, LLC confirms what Leelanau Township residents have instinctively known to be a particularly troubling status.

The report confirms that Leelanau Township has the single largest number of unserved parcels (1032) in the county. This equates to over one-third (34%) of all parcels in this township and 20.5 % of all the 5045 unserved parcels identified in the report. After RDOF funds are applied to bring service to 1125 currently unserved parcels in all the other townships (Only Leelanau and Elmwood are void of RDOF funds) Leelanau Township will account for 26% of the unserved parcels in Leelanau County.

It should be readily apparent to the county commissioners that Leelanau Township is the township with the greatest need for improved broadband service in our county.

As our county officials undertake the process of allocating the \$4.2 million dollars that are already known to be available for infrastructure investments and as additional federal or state dollars may be made available to Leelanau County it is the request of Leelanau Township officials that special consideration be given to the high percentage of unserved parcels that exist in our township when allocations are being determined.

The arrival of the COVID pandemic illustrated the importance of having access to high-speed internet as well as quality and reliable cellular service. Lack of such service was a hinderance and barrier to the successful application of remote learning for families with school age children, including college students who scrambled to find solutions to stay-at home learning away from campus.

Lack of ubiquitous broadband internet service has impaired Leelanau Township homeowners who would have preferred to work remotely from this community but were prohibited from doing so because of the lack of needed high speed broadband service. Working from home has proven to be a critical element in our ever-evolving economy. Leelanau Township's infrastructure is sorely inadequate to service the increasing number of work from home professionals and the entrepreneurial businesses that



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are investing in our community. Modern infrastructure availability, including better cellular coverage, is critical to this township's economic development.

We are conscious of a growing need for reliable internet speeds to accommodate an increasing reliance upon telemedicine and the immediacy of medical assistance when specialists and doctor's offices may be many miles away from this county and office visits are often discouraged.

We wish county planners to recognize there are gaps in cellular 911 service in this township that could be life threatening, especially where the township's public parks are along the shoreline and below bluffs. Likewise, the Leelanau State Park located at the most remote point of this peninsula serves thousands of visitors each year but lacks broadband access and has unreliable cellular service in many areas.

The county is currently considering the addition of two new communication towers to serve government entities in our county and to provide additional access for private enterprises to service Leelanau County residents and businesses. Neither of the proposed towers will bring service to Leelanau Township...THE most underserved township in the county. Nor does Leelanau Township receive any new service as a result of the RDOF dollars allocated in this county.

We urge the county to allocate American Recovery Act infrastructure funds to include a third communications tower to the existing plan and to site the tower beyond the village of Northport. A third communication tower in the northern geography of Leelanau Township will undoubtedly improve cellular service and assist the private sector companies that are expressing an active interest in bringing expanded broadband internet service to this township. A new tower in Leelanau Township would enhance and upgrade EMS reach and provide a more reliable and improved long-term solution to telecommunications in the far north end of the county.

A second priority would be to lay the "middle mile" of fiber in the right of way along the County Highway 629, also known as Woolsey Lake Road, from Northport to Leelanau State Park. This investment by our governments should tie into the new tower and provide a foundation any of the competing ISPs could leverage for their customer buildouts. Bringing service to the Leelanau State Park could open a dialog with the Department of Natural Resources for a financial commitment to assist with the project.

The proper role for our governments is to invest in the basic foundations to facilitate and encourage the private sector companies to bring equipment to county owned towers and build out the last mile of fiber to the homes and businesses that require it. It is inappropriate for governments to favor a single internet service provider (ISP) when it is logical to assume that getting service to all Leelanau County residents and businesses will come from a multi-vendor solution and variety of service options including satellite, wireless, fiber and the older hardwire cable networks. Ultimately, we would prefer to see an extensive fiber network throughout the county, but interim solutions will undoubtedly be required in the foreseeable future as the best means to get service to our residents as promptly as possible.



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Finally, I wish to state that the Leelanau Township board is deeply committed to satisfying the needs of this community for access to quality broadband service. The township board is prepared to make a substantial financial contribution from the \$157,000 it has recently received towards building broadband facilities in this township. If additional funding arrives in the coming months, we will be open to making additional investments in the network.

We think the case for allocating a substantial portion of the county's funds to Leelanau Township is strong and highly justifiable.

If there are any questions or additional clarifications that would be helpful do not hesitate to contact me in order that we may engage in this common interest in a collaborative and productive manner.

Respectfully,

John Sanders
Leelanau Township Supervisor

CC: Leelanau County Board of Commissioners
Leelanau Township Board Members
Leelanau Infrastructure Futures Team
Chris Scharrer, County Broadband Implementation Plan Consultant
Hugh Cook, EMS Chief for Leelanau Township
Matt Anson, Director Leelanau County Emergency Management
Steve Wetherbee, Northport Village Council President
Stephanie Rosinski, Unit Supervisor Traverse City & Leelanau State Parks

Monica Diaz

From: lawmode@comcast.net
Sent: Monday, November 01, 2021 11:53 AM
To: Denise Dunn; 'gina harder'; Lt Super; Monica Diaz
Cc: lawmode@comcast.net
Subject: Oehmke | Know Your Developer

Greetings Monica

Will you please include this email in the ePacket for the next Town Board meeting?

Thank you,

Tom Oehmke

Greetings Trustees

Timber Shores will NOT be operated by NM Investment or RVTS. Instead, this 355 site RV park "... will be ... **Camping for the Fun of It** ... operated by Mr. [Bud] Styer www.campingforthefunofit.com under contract with Commercial Recreation Specialists" [see Timber Shores LTTPC submission, Exhibit B-3, page 2]. Know your Developer.

Please watch the 19 minute video inserted on the website (link is below) for a real eye-opener.

The 5 featured campgrounds are all buffered by miles of forest, rivers, ag land and isolated rural roadways. None of those RV parks abut 63 residential properties or residential communities as does Timber Shores [visit GoogleEarth or Mapcarta for the Wisconsin park locations]. Then ask yourself:

Will Timber Shores' *Camping for the Fun of It* have a significant adverse effect on the 63 properties in the neighborhood area surrounding the ~213 acre site? [LTZO Sec. 11.16(A)(3)].

- **FAQ:** Would these happy-camper parents, after vacationing, wish to return home and live next door to a Kiddie-Land-Scream-a-Lot campground?
- **FAQ:** How would a No-Holds-Barred campground next door impact property owners working remotely from their home-based office?
- **FAQ:** How would such ground and watersports recreational activity affect an elderly, adjacent property owner who, aided by ShareCare, enjoys independent home living?

Thank you for your careful and thoughtful consideration.

Tom Oehmke

Please go online and look up **[Home Page - Camping For the Fun of It](#)**



Home Page - Camping For the Fun of It

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