

REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

May 7, 2019 TIME: 7:00 PM

Meeting called to order by Damien Henning, Supervisor. Present: Dean Morford, Trustee, Sondra Festerling, Clerk, Katie Derrohn, Trustee, and Kim Shomin, Treasurer. Guests: Julie Peurasaari, Art Drayton, Bob Wurst, Kurt Hoffman, Paul & Annie Mooradian, Jack Turner, John McGuire, Tim Davis, Frank Thomas, David McBride, LD Armock, Heather Armock, Doug Armock, Sharon Armock, Krista Lutz, Tammy Doernenburg, Fred Hollenbeck, and Theresa McGuire.

Consent Agenda: Item #5 Budget Adjustments and #6 Approval of Bills was removed from the Consent Agenda. Items #3 Regular Meeting Minutes 4/2/19. Item #9 Blight Report: None. #10 Management Authority Report: None, #11 Assessor's Report: None. #13 Sewer Authority Report: In Packet, #14 Library Board Report: Will Forward, and #17 Miscellaneous: Correspondence were all entered into the Consent Agenda and declared Adopted.

Treasurers Financial Report: K. Shomin reported: General Fund Checking \$127,820.28, Sewer Fund Checking \$42,635.04, Fire Fund \$27,462.50, Tax Account \$174.39, Cemetery Savings \$9,697.52, and Oden Light Savings \$5,147.91. Kim reported that all the Delinquent Personal Property has been collected.

Budget Adjustments: S. Festerling made a **Motion** approving an increase to General Fund Account #101-900-971 by \$95,000.00 to total \$110,000.00 with funds from the General Fund, fund balance for the purchase of the Brill/Oelke Property. Second by D. Morford, Carried 5 Yes, 0 No. S. Festerling also stated that these funds will be partially refunded to the township through the grant once all the paperwork is submitted to the State.

Approval of Bills: S. Festerling reported that two additional bills were received after submitting all reports for tonight's meeting. These two bills total \$8,072.48 and the additional report has been provided tonight for approval. D. Morford made the **Motion** to approval bills from the General Fund totaling the adjusted amount of \$141,828.07. Second by K. Derrohn, Carried 5 Yes, 0 No.

Public Comment: LD Armock stated that they are trying to sell his property/house on M-68 which is next the property that is owned by Alpine LP Gas in Keystone Park. The large LP gas tanks are too close to the house and the Mortgage Company says the house is not marketable. Mr. Armock did some research and said his findings on the rules and regulations of the footage is substantially off. He feels that the tanks were never checked after they were put in because the measurements, he took would be off of what the regulations would permit. In his findings a 30,000 gal above ground tank should be 75 ft. but these tanks measure 48ft. from the side yard. Tammy Doernenburg from Emmet Co. Planning & Zoning said that P&Z setbacks are different than what Mr. Armock is referring to. D. Henning replied that this involves land use vs. what the regulations are for such tanks and that Alpine LP Gas will need to be talked to. If anybody is to move those tanks it will have to be Alpine that is responsible for it to be a safe distance. Paul Mooradian introduced himself as Keystone Park Developer and that he no longer owns the sight but a few thoughts came to him. He said Alpine was Engineered and he thinks he remembers hearing something about 50ft number but it is not something that was required for him to know once the property was sold. He was unsure if the original plans were to have 20,000 or 30,000 gal tanks but Tammy could identify that within the county records. If he was approved for 20,000 but put in 30,000 then there is a true engineering problem. When they went through zoning, they agreed within the application that they met all other applicable State requirements. Tammy stated that she could look into what was recorded at the county, determine what size tank was

approved, and then coordinate a contact to Alpine LP Gas. D. Henning asked Mr. Armock how he determined the size of the tank. Mr. Armock said the appraiser for the mortgage company told him the size of the tank, but that he can't confirm it since he won't go on the fenced in property. Fire Chief Drayton said he looked back at the drawing and he remembers it stating that it would be 50ft off of the property line with a berm, and it was for 2- 30,000 gal tanks. K. Derrohn asked where Mr. Armock got the information for the 75ft. rule. Mr. Armock provided copies of the requirements he found off the internet site Legal Beagle and, in their information, it refers that these are OSHA mandates but local community may be stricter. Doug Armock introduced himself and asked questions in regards to the berm that was on the original plan but has now been removed when the fence was put up. He thought he remembered that the berm was supposed to be permanent even with a fence. K. Derrohn said that would be able to be checked into with the county P&Z records. D. Henning said now that it has been brought before the township it will now need to be identified if the information found on the internet is correct, and who established the distance from the tanks to the property line. D. Morford stated it would also be helpful to know what the regulatory rules are for this situation.

Fire Board Report: The Minutes and Financials were received. Art reported that the Fire Board meetings have been changed from the second Monday to the third Tuesday of the month and that it will need to be changed on the information board at the community hall. The Maple River Contract has been signed by both parties and filed. The documentation was noted and documented about next years contract. D. Henning stated that Randy Bricker is on board with meeting and they just have to coordinate with John Eby so they can open up discussions on the contract. Art reported that Glen Pemberton wants to come back on the rotation for running EMS. He has already been approved by the Association and Fire Board and now just needs the Township to approve. S. Festerling reminded Art to make sure all employee records are up to date including a current proof of personal car insurance. D. Morford **Moved** to approve reinstating Glen Pemberton as the Association and Fire Board have. Second by K. Derrohn, Carried 5 Yes 0 No.

The rescue squad vehicle was bad which is why all the repairs were approved to be done. The department is still hoping to get it back in 30 days, but it is now realized the back end needs to be changed. It will no longer have the diamond plate on the back because underneath the plate was bad and needed replacing. The NFPA standard plate will be put on the truck after the repairs are done.

The 2019 Jaws Contract has been received. The new contract under Section E is new requirements for a written report to be provided to the County by December 31 showing how the money was used including copies of any invoices for the equipment and maintenance of the equipment, invoices paid for personnel training sessions that would include the amount of time in training, a roster of attendees and the compensation paid for them to go to the training and how it is based (hourly or flat rate). Section F states failure to provide documentation may result in denial of future funding. D. Henning made the **Motion** to authorize the Township Supervisor and Clerk along with the Fire Chief sign the 2019 Jaws of Life Contract. Second by S. Festerling, Carried 5 Yes, 0 No.

Assessors Report: None. Assessor is not in attendance.

Planning & Zoning: Tammy Doernenburg presented to the township Proposed Zoning Ordinance Text Amendments -PPTEXT19-01 through 19-05 as provided in the Emmet County Memo dated 5/7/19. The first amendment #19-01 will not affect Littlefield Township since it is designed for L'Arbre Croche community. Amendment #19-02 is on accessory farm uses. Wineries were identified as a use which can be authorized by local zoning jurisdiction. The text would permit wineries and other hard cider operations as a Special Land Use in the Residential and Farm & Forest zoning districts. The text has specific standards to address health, safety, and welfare to include minimum property size, on-site consumption, hours of operation, maximum building size, parking, screening, lighting, signs, and fire protection. Amendment #19-03 would allow signs to be approved by the zoning administrator, and would include the option for the Planning Commission to

review signs referred by the ZA. It would eliminate the requirement for permits for certain signs. It also allows for real estate signs to be used without a permit. Amendment #19-04 would allow review by the ZA, rather than a committee to help reduce the need for additional meetings and to eliminate a membership expense to the zoning department. This text would also require a property owner to provide support for their request if their lighting levels exceed the standards. Amendment #19-05 is on Consent Judgment which only impacts one development in each of Bear Creek and Readmond Townships. Since the Township just received this information and the next Hearing is scheduled for June 6th at the County the Township is going to table this until our next meeting on June 4th to give more opportunity to review.

Case# PPUD19-002: A request by Dave McBride for an amendment to the PUD at 7320 M-68 Hwy zoned FF-1 with a PUD-1 Overlay. This request is to add to the Farm & Forest uses to allow storage buildings, outdoor storage, residential commercial and condominium storage, commercial service businesses, and contractor's uses. The Township P & Z Committee met on April 29, 2019 and made a recommendation on this case to the County since the Regular Township Meeting was after the County meeting. The Township P & Z Committee approved this case with conditions to have a greenbelt area around the property of 50 feet with some kind of screening (fence or trees). All outdoor storage is to also be screened. The fire department to approve any plans and Knox boxes are to be installed. The County decided to table this case until next month because they considered it to be a possible rezoning and they don't act on rezoning cases right away. It usually takes two months for any possible re-zoning cases to be enacted on. This property is located behind Astro Building Products, and it would share the drive that exists currently for Astro. In the Townships corridor study, the township would prefer most of the businesses along M-68 to be closer to the highway. This property was in the PUD zoned for multiple housing but it never happened. Mr. McBride has other business locations found on West Conway Rd and on Charlevoix Ave. Mr. McBride would own the property and the buildings and would rent out the building spaces making him a landlord. He would not be selling off parcels. Mr. McBride was in attendance but had Frank Thomas his president of operations present their case. Mr. Thomas said they are asking for a modification so they can do additional storage-cold storage, seasonal storage, and climate control at this location. K. Derrohn asked if anyone in the audience had any questions. Paul Mooradian identified himself and his wife Annie as the owners of Keystone Industrial Park on the North side of M-68. Paul also introduced Fred Hollenbeck as being one of the front 5-acre parcel owners that also has a listing agreement (for sale) with Paul since August 2018. Paul went over highlights from the Townships Corridor Study and the Emmet County Masterplan, and based on the information he presented he requested that the Township Board would deny this request and that it should be seen as a re-zoning since the request falls within a B-2 and I-1. Tammy Doernenburg clarified the County's Masterplan is not a regulatory document and that the Planning & Zoning Ordinance is. She stated that the Masterplan is adopted by the Emmet County Planning Commission and the Emmet County Board of Commissioners. The Townships Corridor Study was adopted by the Township and the Emmet County Planning Commission. Both the County's Masterplan and the Townships Corridor Study are used as guiding documents only. She stated that the Study was adopted in 2010 and that State's policy for planning documents is to be reviewed every 5 years. It was stated that the Township should identify if we are wanting to look at what was suggested at that time, and is it the Townships intent to move forward with those suggestions. If so then this document should be updated as a document that is still supported. K. Derrohn stated she thought it was the intent of the township that there be business development out in that area, and because there were slow development years since the study, the growth has not happened. We are not getting interest in multi family development in that area and at some point, we will need to review the corridor study for updates. We currently have a low impact company that wants to come in to utilize this property that hasn't had a buyer up until now. Mr. McBride stated again that he is not trying to be an industrial park just a self-storage business. He also stated that he can remove Contractor Use from his proposed use on his plan. Tim Davis of Davis Self Storage introduced himself as a business owner of three locations within Emmet County, and one of them in Keystone Industrial Park, stated that this request would be in direct competition with himself. There are also two others in Keystone that this would affect, Ryde

Marine that stores boats and a condominium storage at the end of the park that is for sale. Tim stated that as a whole there is already an abundance of land zoned correctly for this style of business in this area. He is in opposition to this re-zoning because Mr. McBride bought Farm Forest property when there is appropriate land available and then converting these 10 acres out of FF at a price point less than the available appropriate land. It discourages the existing businesses in Keystone Park and places them in an unfair advantage because they bought land zoned appropriately at the higher price. Mr. Davis stated that he doesn't mind competition but that it should be on a level playing ground. Fred Hollenbeck stated that he doesn't see a need for this re-zoning at this time with all the other properly zoned property in this area up for sale. K. Shomin stated that she doesn't aesthetically see affordable housing in these 10 acres. K. Derrohn made the **Motion** to make a recommendation to the County to approve Case# PPUD19-002 by Dave McBride to amend the PUD on M-68 Hwy from Farm Forrest to the use of storage buildings, outdoor storage, residential, commercial, and condominium leaving out commercial service business and contractor use. There are conditions of having a greenbelt area of 50foot screening along the property line, outdoor storage to be screened, the fire department gives approval of any plans and Knox boxes are installed on each of the buildings. It is consistent with the M-68 corridor study that was done in 2010/2012 with the fact that the study is old and the Township will need to look into upgrading it with making some changes but this request does fit with the study on M-68. Second by K. Shomin, Carried 4 Yes, 0 No, 1 Abstain.

Case #PZBA 19-004: a request by Jack Turner for Bossingham Resort Association for setback variances to allow a mobile home to exist at its current location at 4700 Oden Rd. The request is for a front yard setback variance of 32.8 feet and a waterfront setback variance of up to 55 feet from a canal. The Variance request includes review of property owned by Jane Kinsman Bell and James Bell since the boundaries of their property would be modified to accommodate the existing mobile home. The mobile home is currently located 7.2 feet from the plated/unimproved road Willard Street that is proposed to be partially abandoned and 5 feet from the canal from Crooked Lake to an adjacent property. The original mobile home on the property was a non-conforming structure as to the location. K. Derrohn reported that the Bells are going to ask MDOT to abandon Willard Street and Bossingham is going to ask Emmet County to abandon part of Meeker Ave. K. Derrohn stated that if Meeker Ave is abandoned, she would like to see that Bossingham's will take responsibility to maintain the break wall on the canal. K. Shomin wanted to make sure she is being put on record that the right of ways/road ends to the water for public use is maintained by the Road Commission like it was originally mapped. In this case it is not feasible since it only goes to a canal and that there is a mobile home in the middle of it, but others should be maintained and marked so the public has knowledge of them. D. Henning stated that he has knowledge of only one other road end that was ever given up in our township, and it wasn't taken lightly when it was. In the other case the land owners had been paying taxes on the road end property since 1922 since the developer never developed it into a road end. It didn't make sense to not abandon it to them. Tammy Doernenburg suggested that the Township table this request until the next Township Planning & Zoning Committee meeting on May 20th because the letters that the County just sent out to the neighbors informing them of this change stated it would come before our committee on the 20th. This would allow for any comments by the neighbors. The Township Board acknowledges that this is the best possible outcome for a very messy situation but has tabled this case until the Township Planning & Zoning Committee meets on May 20th, 2019.

Unfinished Business:

Blumke to Milton Rd. Acquisition: D. Henning reported that he and S. Festerling closed on this property this past Friday after two plus years on trying to obtain it for the trails. We will be proceeding forward on getting the allotted Grant money back from the DNR Trust Fund for the purchase of the property and putting up a sign. D. Henning is going to try and coordinate with Emmet Co. Road Commission to see if they can take their brush hog up through the property to address the overbrush and trees that are growing into the trail. D. Henning will let the Board know what a cost estimate for it to be brush hogged by the ECRC.

Admirals Point/Hay Lake Marina: The seawall is almost 100% in, and the cofferdam is also almost in for the ramp. Williams Excavating will be removing all the stumps at the Township Cemetery so the spoils from the dredging operation can be transported to that back area of the cemetery. The cost to clear out the stumps, brush and scrub trees will be between \$3,500 and \$4,000.00. The cost of the stump removal will come out of the Cemetery Fund since it is an improvement to the expansion area of the cemetery. D. Henning stated that we have to meet with the Road Commission on whether we need to place a culvert in at the back-entrance gate off of Grubaugh Rd. along with a little driveway so the trucks can get onto the property. D. Henning stated that there will be around 500 cubic yards of dredging spoils to be spread there. The first draw request has been approved, received, and paid out of the Hay Lake Marina account in the amount of \$441,489.60. D. Morford **Moved** that the Township contract with Williams Excavating to remove the stumps from the cemetery along with preparing it for the dredging spoils at a cost not to exceed \$7,500.00. Second by K. Shomin, Carried 5 Yes, 0 No.

New Business: 7151 Valley Rd Blight status report was requested by Krista Lutz. The property owner is now creating a new issue by going around and asking the neighbors about moving the crick. There is now additional structures and pieces of OSB walkways. Our blight officer has sent her notices but then winter arrived. Martie VanBerlo is also pursuing her violations in regards to building codes. Tammy Doernenburg stated that she has come into compliance in Planning & Zoning with the required zoning permit so there are no violations currently. D. Henning reported that Blight Inspector Mike Vargo has been out of town. The steps to this process is once Mike has sent the letter outlining what needs to be done and the time frame to come into compliance with the blight ordinance, it would be turned over to the townships attorney after the compliance deadline was not met. The township attorney would then send a letter giving her another chance to come into compliance but if not met again it would be taken to court. K. Derrohn asked Tammy if the Health Department can still get involved on this case and she confirmed that they could especially if there are issues with the land & water. Tammy also stated that the DEQ can also get involved.

Clerks Agenda: S. Festerling stated that at the annual meeting with the Township's Insurance Agent, he stated it would be good for the township to make motions using the word "appointing" to regularly used vendors like our lawn maintenance and gardening people. By adding the word appoint it decreases the liability if something were to happen while they were on a job for us. Without the appointment, it potentially wouldn't stand up in court if the township was to have to go to court for something that happened while the vender was on a job for us. S. Festerling made the **Motion** to appoint Johnston's Lawncare Solutions, Inc. for the Townships Lawncare and cleanup needs and to also appoint Peggy's Gardening for any specified gardening needs within the township. Second by K. Derrohn, Carried 5 Yes, 0 No.

S. Festerling reported information that was provided at the ES&S Users Group meeting that was in Bay City. Verizon has required that all election machines are to be updated to a new 4G modem at the cost to the township between \$325.00 to \$400.00 depending on when the update is done. If the modems were to be installed at the same time as the annual ES&S contracted maintenance on the machine it would cost less. The annual maintenance has yet to be scheduled but it would be the hope of the county that these modems would all be purchased, installed, and maintenance for the entire county at the same time. It was also suggested with the changes that were made to the election laws that it would be advisable for each township to purchase at least 1 more VAT (Voter Assist Terminal) before the start of next year's elections. The cost for the VAT is between \$3,300 & \$3,800.00. These machines help with decreasing spoiled ballots which is feared to happen more than in the past.

No other comments or information was brought before the Township Board.

Regular Meeting was adjourned @ 9:45PM by D. Henning