

REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

June 4, 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, Brian Drayton, Bob Wurst, Kurt & Patty Hoffman, John & Theresa McGuire, Paul & Annie Mooradian, LD Armock, Heather Armock, Doug Armock, Kim Morgan, and Roman Benson.

Consent Agenda: Items #3 Regular Meeting Minutes 5/7/19. #5 Budget Adjustments: None, #6 Approval of Bills: \$26,366.91, #9 Blight Report: None. #10 Management Authority Report: None, #11 Assessor's Report: None. #13 Sewer Authority Report: In Packet, #14 Library Board Report: In Packet, and #17 Miscellaneous: Correspondence: MTA Update Letter, Land Bank Seminar 6/21/19, Mary Mitchell – Deadlines, and ECRC 5/30/19 Meeting Minutes. were all entered into the Consent Agenda and declared Adopted.

Treasurers Financial Report: K. Shomin reported: General Fund Checking \$23,351.76, Sewer Fund Checking \$29,435.76, Fire Fund \$17,511.70, Tax Account \$175.12, Cemetery Savings \$9,697.94, and Oden Light Savings \$4,169.11.

Public Comment: Roman Benson from B+B, LLC Medical Marijuana Provisioning came before the Township seeking approval to potentially open a medical marijuana provisioning center. They have received a prequalification status from the State of Michigan's Licensing and Regulatory Affairs under the Medical Marijuana Facilities Licensing Act. After Roman presented his comments on wanting to open a medical marijuana provisioning center within the township, the township board did talk about the need to either decide to say yes or no (for or against) by ordinance for medical marijuana facilities within the township. Up until now the township board has not taken a stance either way in hopes we would see more information from the state before we take a position. Currently by doing nothing it is like we have opted out and no one can come into the township and open up a medical marijuana facility. Roman does need to get a township to pre approve (step 2) the opening of a facility before the State of Michigan will proceed to a final approval. D. Henning stated that the township currently has taken a stance of not allowing any type of marijuana operation (medical or recreational) within Littlefield Township at this time. He also stated that he has done individual research through articles and attending a number of meetings trying to educate himself. For every positive there are negatives to allowing this to go through, and he personally doesn't feel Littlefield Township is the place for it. K. Derrohn stated personally she feels medical marijuana is a need and would help a lot of people and if the township were to enact an ordinance with strict/strong regulations it could be possible. She feels it is coming in that direction and why not be pro active to be a head of it. Currently there is no township that has approved it by an ordinance in our county. There has been a few that have opted out by ordinance and the rest of the townships have not done anything like our township which means they have opted out until they make an ordinance one way or another. D. Morford stated his opinion would be for the township to investigate changing zoning ordinances enough to be able to control as to where this type of facilities could be placed. At this time, he is not ready to say no, but he would like the township to think about where something like this would go by proper zoning. Once that was looked at then the township would have to decide what types of regulations would be placed on a business for a medical marijuana facility. The township will continue to look at this (zoning etc.) before making a final decision at a future date.

Fire Board Report: The Minutes and Financials were received. Art reported that Justin Hall passed his drivers training and Lloyd swaddling passed his HSMAT Operations class. Art also reported he was

approached by Bear Creek Township on the possibility of swapping out our Jaws of Life for a newer-used set from them and our old pair would be given to the RTC at the college for their fire training classes. With the approval of the Fire Board and Township Board, the swap would be done without any money being paid. The jaws from Bear Creek are newer and faster (5" instead of 4" cutting) than our current jaws but they are also heavier. The Bear Creek Jaws was tried out and the firemen found it to be a difference of 7 seconds one cut to our 14 seconds to cut since our current jaws needs to do two cuts to break the t bar in a car. D.

Henning made the **Motion** to approve the Chiefs recommendation to swap the Bear Creek Jaws of Life with the Littlefield Jaws of Life. Second by K. Shomin, Carried 5 Yes, 0 No.

Art reported that truck 4136 is back from Tri-River Collision and the Fire board has approved paying the final cost for those repairs. Currently the truck is getting striped at Sign & Design. A proposal was received to fix the damage to the firehall roof from Waterfront which is a new local business. Art did state that he has the claim paperwork from our insurance company and that he has until June 23rd to turn it back in. It was asked if D. Henning wanted to do a meeting with Art and Fire Board member Bob Wurst to go over how far we want to go on the roof repairs from this past winter damage so it doesn't keep happening. S. Festerling stated that Jon Koets our head insurance agent offered to come up and help fill out the paperwork so it can get turned in sooner than later. Jon, the insurance adjuster, requested Art to get three quotes on the repairs. Jon Koets, head agent, didn't think we would need to get more. S. Festerling said it might be helpful to have Art call Jon Koets to clarify what is needed and maybe to answer any questions on filling out the required paperwork.

Planning & Zoning:

PZBA19-04: Reviewing a request by Jack Turner for Bossingham Resort Association. The ZBA 100% denied this case. Part of the reason for their denial is the trailer has never had a permit or been legal permitted to be there. The ZBA can not grant any kind of permission for the trailer to stay there on the road because the road has not been abandoned yet. This case will most likely go to court. The county will pursue the fact that they want the trailer moved.

Reviewing Text Changes- PPTEXT 19-02: This amendment text would permit wineries and other hard cider operations in any zoning district which permits commercial farms. Bear Creek made a few changes and our committee thought that the changes made additional clarity to the language of this text amendment. The committee voted and recommend approval on this text change. K. Derrohn made the **Motion** to approve PPTEXT 19-02 that adds to the ordinance on wineries and other hard cider operations in the zoning districts permitted. The township approval will be sent on to Emmet County Planning and Zoning for their records. Second by D. Morford, Carried 5 Yes, 0 No.

Text Change- PPTEXT-19-06: This proposes an increase in density on properties zoned R-2 General Residential with public sewer. The text is directly transferred from the previously repealed zoning ordinance, so is consistent with existing R-2 properties with public sewer. This would allow an increase in density unit per acre with properties that have sewer. This adds to the text a multi-family density table with public sewers minimal land area per dwelling unit including public roads. This would allow for more use of the land and have more family dwellings, multi-unit apartments, and nursing homes to name a few. K. Derrohn made a **Motion** to approve PPTEXT-19-06 proposed increase on density on property zoned R-2 General Residential with public sewer as shown in the density schedule chart. The township approval will be sent on to Emmet County Planning and Zoning for their records. Second by D. Morford, Carried 5 Yes, 0 No.

Rezoning back half of Cincinnati St in Oden: The area being looked at to rezone is from Moore Rd to Rose St. in Oden along the back half of Cincinnati St. The reason for the rezoning is due to the property next to Northwoods Fish & Chips that had to tear down the blighted house with the blue tarp over it. Now that it has been torn down the property owner can not replace the house due to it being zoned currently as B-1. In looking at that area from Moore Rd to Rose St. it would make more sense to have it rezoned to Residential

R-2. That area has homes and cottages along there and it wouldn't make sense to not allow them to replace them due to being torn or burned down because they are currently in a B-1 zoning district. After a brief discussion, D. Morford made the **Motion** to have K. Derrohn and Littlefield Planning Committee to enter into discussions with Tammy Doernenburg at Emmet County Planning & Zoning to look into rezoning from a B-1 to R-2 between Moore Rd. to Rose St. along the north side of Cincinnati St because of it adjoining a residential area and it would not be suitable to business. Second by K. Shomin, Carried 5 Yes, 0 No.

Corridor Study: K. Derrohn mentioned that Tammy Doernenburg brought up the townships study from 2012 should either be updated or affirmed every 5 years. D. Henning noticed in looking the study over it was never implemented. The County adopted our Corridor Study into their Master Plan even though it wasn't implemented after we completed the strategies and recommendations for the study. K. Derrohn made the **Motion** that the township affirm the 2012 Littlefield Township Corridor Study. Second by K. Shomin, Carried 5 Yes, 0 No.

Case PREZN19-01: A request by Paul & Annie Mooradian for re-zoning two parcels, 7486 Keystone Park Dr. and 7349 M-68 Hwy. The properties are currently zoned R-2 (General Residential) & I-1 (Light Industrial, and R-2 & R-1 (One- & Two-Family Dwelling). The request is to re-zone both properties in their entirety to B-2 (General Business). The Committee looked at this and they talked about spot zoning & rezoning areas, but because our corridor study is older than 5 years the township needs to revisit these areas and make updates. If the Township plans to re-zone this area we would need to go through the proper steps by notifying the neighbors, have hearings, etc. The Committee postponed the case so the Township has the opportunity to look into it. The county always postpones re-zoning cases so they have two meetings on it before a decision is made. K. Derrohn said that with the committee tabling the case it will give them until the end of June to gather more information so they can make a recommendation to the township board for next months meeting. Paul presented to the township board his side of the request for re-zoning and stated that it was supported by the M-68 Corridor Study and the Emmet County Master Plan. Paul asked the Township to not postpone this case but to make a decision by either deny the case with reasons or to recommend it with reasons and conditions. Paul went on to say both of his properties are fractured between two different zoning (R-2/I-1 and R-2/R-1) and that his request would transition smoothly with the Master Plan and Corridor Study. K. Derrohn stated that at our last meeting we did talk about needing to update our Corridor Study. It would give all the residents along M-68 a chance to voice their opinion and then at that time we should possibly re-zone the area. D. Henning said that we have looked at this area and we have an existing study that we just didn't follow through and implement but we have affirmed it. There was discussion about other properties along the M-68 Corridor and how they came about. D. Henning did state that in whatever we do he wants to do it right the first time and have it make sense with the County. D. Morford stated in his opinion this is not spot zoning because it is adjacent to Industrial but went on to say that personally he wouldn't want to have a house next to the entrance of Keystone. D. Morford stated he personally feels it is a better use (B-2) of that land then residential, and that it is a valid request. Other board members agreed that no one is disputing it as a valid request/better use but that the process of changing it is different than what was brought before our township last month. D. Morford stated that even if you say it is spot zoning it is not shocking to request and is consistent with what we envisioned for that area. D. Morford made the **Motion** that Littlefield Township recommend to Emmet County Planning and Zoning that the application be approved on Case PREZN19-01 contingent on input from the neighbors and that serious consideration be given at the County level to re-zoning the adjoining properties. Second by D. Henning, Carried 4 Yes, 1 No.

Unfinished Business:

Alpine Propane: Last month we heard from LD Armock on trying to sell his property/house on M-68 which is next to Alpine Propane. He is having trouble selling the property because the mortgage company is telling him the propane tanks are too close to his house and it is not marketable. After that meeting Tammy

Doernenburg contacted and met with Herb Jenkins who is the supervisor to the Bureau of Fire Services Storage Tank Division. He advised that the setback is 50 feet from a property line to a 30,000-gallon propane tank. Tammy met with the TJ from Alpine Propane on the property and he confirmed both tanks are in fact 30,000 gallons. They measured the distance from the fence to the closest tank which ended up being 50'2". TJ stated that the fence is setback from the property line by approximately 2 feet. Tammy stated in her email to the township that it appears that the state regulation standards are met and to contact her if there are any questions. LD Armock asked about the assurance of the fence sitting back 2 feet from the property line but he would like to know when it was last surveyed showing proof of where the property line is because he doesn't ever remember it being surveyed since Keystone was put in. Paul Mooradian stated that he doesn't feel that the fence is 2 feet off of the property line and it should be verified. Tammy should be able to require the property owner has evidence of it being 2 feet off of the property line by form of a certified survey. LD stated that the fence is right on the survey stakes. LD said that the Township should be able to do something about this. K. Derrohn stated that we did do what we could by getting Tammy at the County Planning and Zoning involved and that he should contact Tammy if he has further questions as to the property line and placement of the fence. It was further stated that Tammy followed through by talking with Herb Jenkins and meeting with TJ from Alpine Propane at the property. It was found that the Zoning standards are met. Paul addressed LD Armock since he was the owner of Keystone Park stating that he would encourage Mr. Armock to contact Tammy at the County asking her to verify the property survey just as K. Derrohn did. Paul also stated that in the signed condo documents from the association standpoint if there was any error in dimensions or discrepancy it would be the property owner's responsibility to verify it. Paul said he would be willing to make a call to the property owner letting him know what is going on and ask that they verify it by getting those points marked. D. Morford thinks it might be possible that Tammy at the County may have the authority to have an as-built site plan survey done.

Invasive Species: Grenetta Thomassey from the Watershed Council sent an email (dtd 5/30/19) out stating they received all the permission slips and they are working on the permit and treatment schedule. Grenetta will send out invoices to each of the local governments for the amount approved. The payments can be made to the Watershed Council and they will send one check.

Admiral's Pointe: D. Henning reported that the demolition of the site is coming along and they are working on placing caps on the seawall along with doing the back-fill along the wall. The dredging could start as early as this Friday and the spoils will need to dry (de-water) for at least 1 week before it can be moved to the cemetery property. Williams Excavating will be starting on the cemetery to place the driveway in with the culvert at the back of the cemetery where the gate is. The gate and one section of the fence will be temporarily removed. Wade Williams will be removing all of the stumps and do some grubbing so the back property will be ready to receive the spoils after de-watering. The line item on our Admiral's Pointe project was decreased by \$1,600.00 for removal of the spoils and it will be paid out of our cemetery fund for the land improvement of the driveway and property.

Oden Gazebo Park: D. Henning provided the preliminary Site Concept Plan for Oden Gazebo Park that was drafted by Gosling Czubak. At some point we will need to have a meeting with Klaus to go over the plan and make any changes to it. D. Morford stated we need to add a play structure. Larry Williams discounted an invoice back in July 2018 so we could put \$1,000.00 into a playground as a charitable contribution to the future playground project. This project will have to be almost all grants. The plan showed developing the gazebo floor by reconstructing it with concrete and brick pavers along with defined lawn areas with new irrigation. Phase 1 is considered as 'grant items' in an estimated amount of \$38,680.00. K. Derrohn asked what we could ask Rotary for grant monies on. She would like to be able to give them a heads up this year letting them know we would be asking for a grant next year for parks. D. Henning stated he has talked to Nick McGuinness because he had stated that he knows a number of people who are looking

for buildings like the blue house. D. Henning would like him to come see the building and come up with a cost estimate of what it would take to move it off that way if someone is interested in it, we can let them know his estimate.

New Business:

Cemetery Report: Kim Morgan provided a Cemetery Report. Kim reported that there was damage to the fence this past winter and we will need to replace 169 (+/- 1 or 2) pickets, 11 large caps, and 3-4 spindles that were broken below the picket covers. In the past we have had damage just not at this level. Kim called and talked to Michigan Lake Products for cost to either replace with what we currently have or if there was something that might hold up better. The cost for what we have is \$1.28 per picket and there was a suggestion to consider replacing all of our 504(+/-) pickets with a smaller cap at .80 each. The cost to replace the large end caps are \$8.40 each, and the posts are \$5.04 each. After a brief discussion on the replacement costs, it was brought up by S. Festerling and D. Henning that Kim does have a budget for cemetery maintenance and the cost to replace all of the pickets to the smaller ones along with replacing the caps and spindles would be covered by her budget and more. Kim also brought to the board her issue at the cemetery with Laurie Greenacre Folmar. Mrs. Folmar decorates headstones of multiple family members on two adjoining lots. She placed edging and gravel around grave sites years ago and in 2017 Kim made her aware of the cemetery rules when she was planting. At that time Mrs. Folmar was told that she could not replace anything if it became unsightly. Mrs. Folmar argued at that time questioning the rules. Last year a new headstone was placed for a family member in the fall. She again has placed gravel in front of the new stone but not the edging. Kim was at the cemetery when she was removing the stones into a bucket and thought she was removing them. Kim later found out she was washing them off and placed them all back including in front of the new stone. A call was placed to Mrs. Folmar and she was again informed that the gravel would have to be removed from the new grave but can stay on the older graves since it wasn't new material and it was there for a long time. She feels her sites look better because they all look alike and she is taking care of them. Mrs. Folmar was not happy and wanted to know who she could contact about this. Kim told her she could call the Township Supervisor or the Board and gave phone numbers to her. Mrs. Folmar is also the only one in the cemetery who has 'remembrance lights' on graves and gave Kim a hard time when she was told about the rules on the lights. Kim is going to send a letter informing that she needs to remove the stones from around the newest headstone or we will. Kim also stated that if she continues to give her grief that she will let Mrs. Folmar know that if she wants them to look alike then she can remove all of the items from the grave sites that are not allowed. D. Henning wanted to make sure that Mrs. Folmar understands that she does not own the real estate that the township does, that it is the townships rules and regulations that is adopted for the cemetery, and that the Township Board supports our Cemetery Sexton for enforcing the rules.

Consumers Power- Streetlight Replacing: As our street lights have been going out in Oden Light, Consumers Energy has been replacing them with LED lights since September 2018 without our knowledge. We didn't find this out until after K. Shomin received multiple billing statements in 4 different envelopes dated May 17, 2019 showing two different account numbers. K. Shomin was concerned because of the amounts that were on the bills so S. Festerling picked them up to figure out what was going on. The one account number was our existing account and the other was a new number with an address of LED Light Street. We have been paying our bills for Oden Light every month so this did not make sense. When Consumers finally called S. Festerling back it was identified that Consumers was replacing the broken lights without notifying us and they are just now updating the account with those changes. They opened the new account because they are unable to place the new LED Lights on the same bill as the older lights. While straightening it out over the phone, Consumers said they sent out a new contract for us to sign authorizing all of the work retroactively that they need signed right away. We had yet to receive their documents only the bills and when asked when it was sent out, they said mid-May. S. Festerling asked them to email all

information and paperwork including an explanation of what was done and where each of the lights were updated since our Board Meeting was soon. The representative kept saying we should be happy because it was saving us money by the change. It was also explained that if we wanted to change over all the lights now that we would be billed for the upgrade, but if we wait for the lights to fail Consumers will replace them without additional charges to us. D. Henning found the contracts in his P.O. Box just before the meeting. His P.O. box has never been used for Consumers. After review of the contracts and resolutions, D. Henning made the **Motion** that the contracts are signed with Consumers Energy allowing them to replace our lights as failed with the new energy efficient LED lights. Second by K. Shomin, Carried 5 Yes, 0 No. The Authorization for Change in the Standard Lighting Contract (Company-Owned) Form 547 was signed by Damien Henning Supervisor. **Resolution # 19-03 was attached to the contract and was presented** authorizing Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the Township of Littlefield, dated April 1, 2014, in accordance with the Authorization for Change in Standard Lighting Contract dated June 4, 2019. Roll call vote: Dean Morford -Yes, Katie Derrohn -Yes, Kim Shomin -Yes, Damien Henning -Yes, Sondra Festerling -Yes. The resolution was then certified by S. Festerling, Clerk. The Standard Lighting Contract (Company-Owned) Form 548 with an initial term of 2 years beginning with the effective date of agreement of September 26, 2018 was signed by Damien Henning Supervisor. **Resolution # 19-04 was attached to the contract and was presented** entering into a contract with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the Township of Littlefield for a period of 2 years and thereafter from year to year, in accordance with the terms of the contract heretofore submitted. Resolved, further, that the Supervisor and the Clerk are authorized and directed to execute such contract on behalf of the Township. Roll call vote: Dean Morford -Yes, Katie Derrohn -Yes, Kim Shomin -Yes, Damien Henning -Yes, Sondra Festerling -Yes. The resolution was then certified by S. Festerling, Clerk.

Clerks Agenda: We have received the letter of engagement from Mason & Kammerman for our Annual Audit today in an email. The cost to do the Audit is \$9,200.00 with additional costs of \$650.00 for the F-65 reporting and \$100.00 for the qualifying statement. In their email they stated this amount will be closer to what the actual cost was to do the audit this last time opposed to having to write off \$3,000.00. S. Festerling Made the **Motion** to approve engaging Mason, Kammerman, & Rohrback, PC to do Littlefield Township's Annual Audit for \$9,950.00 that includes the F-65 reporting and the Qualifying Statement, and that it will tentatively be held the week of June 24th, 2019. Second by D. Morford, Carried 5 Yes, 0 No.

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

Regular Meeting was adjourned @ 10:14 PM by D. Henning