

REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

September 3, 2019 TIME: 7:00 PM

Meeting called to order by Damien Henning, Supervisor. Present: Dean Morford, Trustee, Kim Shomin Treasurer, Sondra Festerling, Clerk, and Katie Derrohn, Trustee. Guests: Art Drayton, Brian Drayton, Kim Morgan, Bob Wurst, Kurt Hoffman, Paul Mooradian, Annie Mooradian, and Roman Benson.

Consent Agenda: Items **#3** Regular Meeting Minutes 8/8/19 and Special Meeting 8/19/19. **#5** Budget Adjustments: **General Fund** Account #101-959- Dues: Adjust +\$50.00 to total \$2,255.00 from Fund Balance, and Account#101-210- Legal & Professional: Adjust +\$20,000.00 to total \$81,000.00 from Fund Balance. **Sewer Fund** Account #626 -Tap-in Fee: Adjust +\$2,700.00 to Fund Balance, and Account #664 -Interest Bank: Adjust +\$600.00 to total \$1,450.00 to Fund Balance. **Cemetery Fund** Account #853-Cemetery Improvements: Adjust +\$500.00 to total \$5,500.00 From Fund Balance. **#6** Approval of Bills: \$32,067.76, **#9** Blight Enforcement Report: None **#10** Management Authority Report: In Packet, **#11** Assessor's Report: None. **#12** Planning & Zoning Report: None **#13** Sewer Authority Report: In Packet, **#14** Library Board Report: In Packet, and **#17** Miscellaneous: Correspondence: MTA Meeting-October 16, 2019, Emergency Management Meeting 8-18-19, Safe in Northern Michigan, ECRC Meeting Minutes 8-22-19, and Email Update from Bear Creek Township Supervisor on upcoming election costs were all entered into the Consent Agenda and declared Adopted.

D. Henning reported that K. Derrohn would like to add Indiana Pointe Rd and Woodruff Park Fountain under New Business.

Treasurers Financial Report: K. Shomin reported: General Fund Checking \$20,919.24, Sewer Fund Checking \$51,444.68, Fire Fund \$30,259.31, Tax Account \$44,461.38, Cemetery Savings \$9,899.16, and Oden Light Savings \$2,278.89. We have received a Revenue Sharing deposit from the State of Michigan and the due date for Summer Taxes will by Monday 9/16/19. Kim will be at the Hall from 9 to 11AM and after 11AM there will be a sign on the door stating the remainder of the day she will be available at her home address.

Public Comment: Ryan Lutz who owns Bob's Place contacted D. Henning and requested to be removed from Public Comment until a future meeting.

Fire Board Report: The transmission is done and going back in truck 4127. Ron Wolford has asked to be removed from the roster due to him moving out of the area. The bid was received for the roof from Joe Lucier and the Fire Board turned it down. Bob Wurst reported that the bid was submitted was \$4,000.00 over what was received from the Insurance Company to fix. It was felt it was too high. D. Henning asked what the plan was to move forward in fixing the roof. Art reported that he plans to go back to Joe and ask if the quote was serious – apparently Joe saw what the Insurance Adjuster was paying out and his bid came back more than the insurance amount. Art stated that they would go elsewhere to get quotes. Art also reported that he has not heard back from the insulation guy. It was stated that the Fire Board will need to get on this to be fixed otherwise we will be looking at another winter. The Fire Board may also want to create an RFP and publish it to see who responds on bidding for the job. A suggestion was also made to call Butcher & Baker who did the community building to find out if they could come out and take a look as well.

Brian Drayton reminded everyone that the Crooked River Firefighters Car Show is on September 7th & 8th and wondered if the Township would appropriate money towards the show like they have in the past. K. Derrohn made the **Motion** to appropriate to the Crooked River Fire Fighters \$100.00 for the annual antique car show. Second by K. Shomin, Carried 5 Yes, 0 No.

Unfinished Business:

Admiral's Pointe – Project Extension Resolution: D. Henning reported that originally the project was going to be substantially completed by August 1, 2019 but due to unforeseen circumstances they need to extend that date to

October 31, 2019. To do the extension, D. Henning introduced and made the **Motion** to approve the **Littlefield Township Michigan, Natural Resources Trust Fund Agreement Amendment Resolution #6 of 2019 Amended**. Second by S. Festerling with a roll call vote with **Ayes** from Damien Henning, Kim Shomin, Sondra Festerling, Dean Morford, and Katie Derrohn, **Nays**: None. The Resolution was then declared **Adopted**.

Admiral's Pointe – Bonding: An Email was received from Patrick McGow of Miller Canfield with three questions for proceeding with the Bonding process. The questions covered the Townships completion date of the 2019 audit filing, finalizing the bids or construction numbers to proceed with financing, and when would the township need the money for the project or to sell the bonds. S. Festerling has been in touch with the Auditors. The audit is complete and is on Vel Kammerman's desk needing final approval from her. Once it is finalized the filing will be done with the State which will allow us to bond. D. Henning stated that we do have the bids/construction numbers and he is just waiting for Patrick to call him back to go over the numbers and to find out what type of accounting or pre accounting that we will have to do to allow him to present for the bond. It looks like we are positioned to be able to start to sell bonds in October.

D. Henning reported he received questions from K. Shomin on the Admiral's Pointe/Hay Lake Project relative to the actual costs of the project. Due to the complexity, we will need to do a special meeting to go over the project and its costs to answer the treasurer's questions. The meeting would also include Kurt and Patty Hoffman and any other public parties interested. D. Henning set the Special Meeting for September 17, 2019 5:30PM at the Littlefield Township Offices to review the costs surrounding the Hay Lake Marina development and anything else to come before the Township Board. S. Festerling will post the notice of this special meeting.

Medical Marijuana- Public Meeting Results: The Public Meeting was held on August 19, 2019 at 7PM. We have received the Poll Results from Michigan State University Extension Educators Lindsey Gardner and Mary Reilly. The Townships count of attendees was approximately 25 people. Not all of the people who attended could answer the polling questions because they did not live or have a business in Littlefield Township, and not all of the 21 able to vote answered all the questions (either by electronic or paper answers). Due to the low turnout the report cannot be considered substantial information representing Littlefield Township residents or business owners. The report showed those that could vote: 5 were Local Government Officials, 8 Residents, and 8 Business Owners. When asked on recommending the township to "Opt In" for Medical Marijuana: 1 was unsure, 6 no, and 12 yes. When asked on support for Commercial Growing Facilities: 0 were unsure, 9 no, and 9 yes. When the next question asked what type of Commercial Growing facility would be supported it showed: 7 for none, 4 for partially open, 2 for open, and 9 for enclosed. The total number of voters on this question out numbered the total number of possible voters. The next question was if there was support for Processing facilities: 8 no and 11 said yes. Support for Provisioning Centers came back at: 0 unsure, 7 no, and 12 yes. The final question reported was if there was support for Stacked Licenses: 0 unsure, 8 no, and 10 yes. There were three other questions that allowed for more input than a yes/no answer. They asked about concerns with allowing Medical Marijuana, what would be the main benefits of allowing Medical Marijuana, and what else would they like to know about the topic that wasn't covered in the presentation. Concerns comments ranged from community hassling people for weed/money like in Colorado, Open mindedness, Hoping/wanting the community to allow this great resource to come into the area, Schools, Churches, Playgrounds, & Daycares. The comments on benefits of allowing Medical Marijuana ranged from Health, growth, money for things the township needs, more options for those suffering, Big Pharma should not have so much control, Money & jobs, Revenue stream, Pain relief to qualified patients, Regulation, and benefit to those who need it. The last question was answered with the comment on if there will be an update soon as to what the Township planned on doing. After the report was read aloud so guests could hear the findings, D. Henning made comments of concern with the potential zoning issues and how to administrate in a small community. We would be pretty stretched to administer this law and enforce it. He stated that he believed it would take more than a part-time Township Board to administer. The other negative to this was since the recreational marijuana law went into effect, the economic advantage of allowing medical marijuana has all but gone away. He was surprised by the small amount of people in Emmet County holding certificates for Medical Marijuana - 698 card holders and only 98 care givers. The fee that could be collected annually can only be up to \$5,000.00 per licensed establishment with the proper documentation showing the charge is justified. The financial benefits to allowing this has substantially diminished however the cost to administer hasn't. D. Henning said that some of the larger communities in Emmet

County (like Bear Creek Township) basically felt there were problems with it and that they would rather let even larger communities like Ann Arbor work through the problems of this start up. D. Henning has contacted the Township Attorney about this and stated that we do not have to draft an Ordinance against it because by choosing to do nothing is saying that we are opted out. D. Henning stated that he is only one of 5 on the board but these are the thoughts he had after the meeting. He doesn't see this being something for Littlefield Township. S. Festerling stated she had the same thoughts coming out of the meeting. She stated she personally is not against Medical Marijuana but doesn't feel that our Township Board could justify the cost to manage these facilities. It is a cost to the Township that would no longer be able to be recouped since Recreational Marijuana passed, and would take away from our current budgeted items that we manage. A part time clerk position could not take this on especially after the election laws have changed creating more work for all clerks. The job is more of a full-time position on election years. D. Henning added that if we were to pass an ordinance of support, we would have to enforce our own ordinances. We don't fall under Emmet County's enforcement or administrative capabilities. Anything that would require police powers surrounding an ordinance like this would have to be contracted with the Sheriff Department and the possible \$5,000.00 fee would not be enough to cover the contract and administrative business costs. D. Henning stated that if our township chooses to stay opted out, he has found that other townships have adopted a resolution to make it known that they are done. The only other thing that could change it would be if it were to go to a referendum by the electorate after a petition was passed around for signature of support to place it on a ballot to be voted on. K. Derrohn, who has gone on record supporting a Medical Marijuana Ordinance, asked if it was possible to opt in at a later time if Littlefield Township was to change their stance after watching other communities manage such an ordinance. After discussion on this topic, it was stated it is always easier to opt in after it is shown how to be successful in administering such an ordinance than to opt in and to try to revoke it afterwards for many different reasons. The later could open the township up for lawsuits.

Roman Benson was given the opportunity to address the Township Board. He presented his case again on the vetting process from the State of Michigan and how extensive it is to get to the point of being approved by the State. In his opinion, he feels the township should start out small by opting in with only allowing a Medical Marijuana Provisioning Center like he has been approved for. In his comments he stated it wouldn't hurt to authorize a Provisioning Center for a 1-year term stating it would be re-visited after the year is up. He stated that if his business was lucky enough to be allowed to operate a Medical Marijuana Provisioning Center within the Township, after the first year, they will have to re-apply for the license to operate within the Township. He felt it wouldn't cost the township anything and that they would have an open-door policy for the township to go in at any time to observe the business. It was also stated that within the family they have a semi-retired attorney who would work pro-bono for any legal advice on this and could work with the township attorney to try to save money. He wants the township to look at his business much like a walk-up bank for Medical Marijuana – customers in and out without spending a lot of time within the Provisioning Center.

D. Henning brought the meeting back up to the board stating at this time he would like to poll the board members to see if they are wanting opt-in or opt-out of Medical Marijuana and then from there we will know what we will need to do going forward. D. Morford stated he would be opting-out but not necessarily permanent. K. Derrohn stated she supports opting-in and she really thinks that we don't have a lot to lose if we were to go a year and if after a year we don't want to continue- we can say no. D. Henning stated at this point he is opting-out. D. Henning explained, in a question format, that if a business comes in to open up in this community and after a year of operating and having the capital investment in this community the township then said no to the renewal- would they just walk away? Roman Benson interjected that is what the State of Michigan says, and if they were no longer approved by the Township they would have to come up with a different plan for business. D. Henning stated that it would open the Township up to a legal challenge and it would become a court battle. It is never cut and dry when it comes to taking something away after the right has been given. S. Festerling stated that she is opting-out for this very reason. It is too new, and if we were to opt-in at this point in time D. Henning is correct -there would be no easy way of going back. It would open up the Township to being sued, which would take money away from all other aspects of the Townships responsibilities to the community we represent. K. Shomin stated that she is opting-out and that she would have anyway. She did say that she is concerned about the money, and she feels there are still changes that will happen with Medical Marijuana and how it is regulated.

D. Henning allowed Roman to make one last comment before the Township moves on. Roman strongly asked that we were to reconsider because he thinks the legality of the threat of money is a weak argument and it is no different than any other business. He feels the State has done all the work on this and that they are going to be the first to take away a license if they see any improprieties- they will be the watch dog in this and we wouldn't have to be. He replied if we opted-in and he was lucky enough to be given the ability to open- what would the township have to lose? He stated that we wouldn't be exposing ourselves to any ramifications and he firmly believes that when other communities opt-in the township will realize there was nothing to be afraid of. It's a business and its one he would like to open here. Geographically US 31 and M-68 is a great corridor that would allow his business to serve many. He stated that if in a year we decided to not renew they would leave. The license is movable and they would look for another township. D. Morford replied that may be what Roman thinks at this point. The township has to consider the fact that if you know it would be legal for us to say -no, you are out of here, there is going to be a lawsuit. It may not be from them but it would open the township up to be sued from someone. We can not place the township in that position. Roman then asked if it is the official position that Littlefield Township will be opting-out of Medical Marijuana. D. Henning replied yes.

New Business:

BGN Letter- Quiet Island: A request for input from the U.S. Board on Geographic Names (BGN) has asked for recommendations about a proposal they received from Lawrence Smith, a member of the Pellston Downtown Development Authority. The proposal is requesting to apply the name Quiet Island to the area north of the Michigan Inland Waterway in Emmet and Cheboygan County. The BGN would like the opinion of municipalities within the two counties on applying the name Quiet Island to this area. After a brief discussion, S. Festerling made the **Motion** that Littlefield Township Supervisor is authorized to sign the USGS / U.S. Board on Geographic Names (BGN)- Geographic Name Proposal Recommendation on behalf of Littlefield Township with our response by a vote of 4 Yes, 1 No -Rejecting the Proposed Name. Second by D. Morford, Carried 5 Yes, 0 No.

Woodruff Park Water Fountain: K. Derrohn talked to Wade Williams and it was said that the township would need to dig up the cement around the fountain in order for Fairbairn's to locate where the well head is so a shut off valve can be installed like the one at Walter Dow Park. It would enable us to be able to turn it off during times of repair. The fountain is deteriorating quite a bit. It will cost \$1,000.00 to pull up all the cement and once Fairbairn's finds out where the well head is Wade Williams will come back and place gravel in. The gravel will enable the overflow water to go down into the ground and not out into the road making it slippery during the winter months. D. Henning made the **Motion** to appropriate up to \$1,500.00 for Wade Williams to expose the piping for the Woodruff Park artesian well. Second by S. Festerling, Carried 5 Yes, 0 No.

Indiana Pointe Rd: K. Derrohn has been working with the Road Commission for almost two years trying to find a solution to water drainage and the culverts that are supposed to be helping divert the water. The Road Commission came and cleaned out the culvert under the road but only partially cleaned out the one leading to the lake stating that some of it is on private property. In the past they have completely cleaned it out. All of the residents on this corner realize there is a real problem. This last year the water was so bad with all of the rain and freezing there was one garage that was previously lifted was filled with over a foot of ice. Another neighbor was not able to go out his back door because the water was up to his second step and either the Road Commission or Sewer Department came in and placed sand bags around his sewer because they didn't want the water to go into the sewer. K. Derrohn also stated that the culvert has an additional problem allowing the water to flow out to the lake since it is at the same level as the lake. K. Derrohn would like to have D. Henning and Emmet County Road Commission meet at Indiana Pointe Rd to go over options to fix the situation. The property owners had suggested placing a French drain in but not all of the parties at the Road Commission agree it would work. Some feel it would freeze up in the winter. K. Derrohn stated it is not needed during the winter months only in the spring during the thaw and rainy times and in the fall when it rains more than average. D. Henning stated he would be contacting the ECRC asking them to meet him on Indiana Pointe Rd. to talk about a solution.

Clerks Agenda: S. Festerling reminded the Board that October is usually our month to do the Cemetery Walk. D. Henning made the **Motion** to start our Regular October Board Meeting at 6:15PM at the Littlefield Township

Cemetery and to reconvene at the Township Hall at 7PM. Second S. Festerling, Carried 5 Yes, 0 No. The notice of the change will be posted.

Election Update: The meeting in Gaylord was not as informative as it should have been. A handout was given consisting of the power point presentation and then a few things were done in the training module. The training was for clerks who do not currently use the QVF (Qualified Voter File) Refresh Complete It is now required for all clerks since election law 18-3 passed last year. All clerks have to process their own files instead of the County doing it for them. This includes inputting new registered voters, updating voter file changes, and printing all QVF records. The law makes the local clerk's office as the only location for people to register to vote starting on the 14th day before an election all the way up through the day of the election especially if they are wanting to obtain a ballot.

The meeting last week at Little Traverse Township Hall was more informative. The State of Michigan's Manager of the QVF help desk, E-Pollbook and Program Development was running the meeting. I asked what I needed to put down for an address when setting up QVF Refresh for our township since that information populates over to other State of Michigan resources that people can go out and see clerk's office hours before an election, where to register to vote, or obtain an absentee ballot, etc. We were told to put down where our clerk's office is. I use my home as my primary office where I have always received all election mail. I do not have office hours at the township hall unless it is the Saturday or Monday before the election. Later in the meeting it was stated that on the Saturday and Monday before an election, and on election day I would have to be at the clerk's office address for the whole day to register people who want to vote. I have always been at the election either as an election inspector (when I am not on the ballot) or to handle any problems in the back office on the years I show up on the ballot. It would require the Election Inspectors to refer any problems or requests to register to vote on election day to my home before they could go back to the polling room to get a ballot. This is counterproductive in many ways. The only way around it was to have my office set up on the system as by appointment only, reflecting the physical address of the hall, and to show P.O. Box 188 as the address to send all election mail. I will now need a key to P.O. Box 188 so I can obtain any election mail on a timely basis during election times.

The County will continue to process all of my voter cards and maintenance of the QVF Refresh files until after January. They want us to focus on all the other new aspects of implementing this law for November's election. There will be some equipment that I will have to purchase.

Going forward our Regular Meetings that fall on Election dates will need to be rescheduled to a different date so I can stay available during election hours. S. Festerling made the **Motion** to Change the Regular November Board Meeting to November 7, 2019 at 7:00PM due to the Special Election being held on November 5, 2019. Second by K. Derrohn, Carried 5 Yes, 0 No.

S. Festerling also stated that there will be a Special Littlefield Township Election Committee Meeting after the Regular October 1, 2019 meeting to approve the Receiving Board and Election Inspectors for the November 5, 2019 Election.

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

Regular Meeting was adjourned @ 9:00 PM by D. Henning