

REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

September 4, 2018 TIME: 7:00 PM

Meeting called to order by Damien Henning, Supervisor. Present: Dean Morford, Trustee, Katie Derrohn, Trustee, Sondra Festerling, Clerk, and, Julie Peurasaari, Deputy Treasurer. Absent: Kim Shomin, Treasurer. Guests: Art Drayton, Paul Mooradian, Kurt Hoffman, Martie VanBerlo, Tammy Doernenburg, Josh Martin, Sarah George, and Dave Cooper.

Consent Agenda: Item **#3** Regular Meeting Minutes 8/9/18, **#5** Budget Adjustments: None. **#6** Approval of Bills: \$8,315.21 and added additional bills in the amount of \$4,049.17 to total \$12,364.38, **#11** Assessor's Report: None, **#13** Sewer Authority Report: In Packet, **#14** Library Board Report: In Packet, and **#17** Miscellaneous-Correspondence: MTA Meeting 10-17-18, Letter to Editor-Fosnaught, and MTS Learning Library were all entered into the Consent Agenda and declared Adopted.

Treasurers Financial Report: Julie Peurasaari reported for K. Shomin: General Fund Checking \$31,996.82, Sewer Fund Checking \$89,983.21, Fire Fund \$12,629.01, Tax Account \$258,204.42, Cemetery Savings \$9,144.42, and Oden Light Savings \$898.36. J. Peurasaari reported that she has started to work on the Winter Littlefield Township Newsletter. Articles that are being worked on is Post Office History for Oden, and there is a suggestion on updating Road Improvements along with a fire department update and wood stove advice.

Fire Board Report: The minutes and financials were received. Art Drayton reported that Cassandra Shorter would like to become a member of EMS. Her husband is on the department certified with fire I and II. It was suggested by Art that she experience multiple areas of the department before training was to begin so she becomes involved in the area that most interests her since she has no prior experience. The Fire Board approved Cassandra Shorter for joining the department on probation. D. Morford made the **Motion** to accept the Fire Chief's recommendation by placing Cassandra Shorter on a probationary EMS trial. Second by S. Festerling, Carried 4 Yes, 0 No, 1 Absent.

Crooked River Fire Fighters Car Show is this coming Sunday and they have asked for a donation from the Township for the Car Show. D. Morford made the **Motion** to allocate \$100.00 to the Crooked River Firefighter's Association for supporting the car show which is a community event. Second K. Derrohn, Carried 4 Yes, 0 No, 1 Absent.

Blight Report:

7151 Valley Rd: Martie VanBerlo from Emmet County Planning, Zoning, and Construction Resources and Tammy Doernenburg from Emmet County Planning & Zoning came to explain what they have done and their interaction to this property. D. Henning said that last month he talked to Commissioner Bill Shorter and said that the Township would be willing to pay for any overtime if employees of Building and Construction wanted to stay near the property late enough to see if the owner is staying overnight without an occupancy permit. D. Henning found out that County would prefer to have the Township do the overnight research and take pictures for proof if someone is actually residing in the mobile home. Martie VanBerlo reported that the county has been involved with this property since early last summer and understands all the complaints regarding this property and that he has heard from the neighbors as well. Martie reported that when the property owner first came in to get the proper permits for zoning and building she would be considered anti-government. After multiple explanations for the reasoning of Building permits and zoning she started to work with the department to become compliant to the laws. Not everything has been completed to finalize an occupancy permit. Martie did explain that he does not want his department being known for "policing" properties just waiting for something to go wrong. That is not the job of this department furthermore Public Act 230 would likely provide reason for a lawsuit stating that it could be a violation of civil rights because inspections are to be done certain times of the day. Martie went on to say that if the Township or Blight Inspector were to do an all-night watch with photographic proof the only thing he could do would be to deny occupancy. That would most likely have the property owner just walk away but not take care of the blight issues or mess, and it could become a bigger problem. It was suggested that the Township go out and explain the blight issues and the blight ordinance with her. It helped the county to explain things to her- she became more responsive over time. Tammy Doernenburg said that in a zoning perspective, multiple things were looked at such as every building, the pallet fence, setbacks, and the survey on file that shows where the property lines are. It was found that the mobile home complies, the structures that are on the property under 200 sq. feet comply, and the pallet fence is also in

compliance because it is under the height requirements. There might be some issues with the instillation of the septic and well but that is enforced by the Health Department. K. Derrohn talked to Dan at the Health Department. He said that he went out and inspected the septic and it was ok so a permit was issued. K. Derrohn said she didn't ask him about the well. Martie explained that there are certain distances that need to be in place from the septic and the well that needs to be followed, but that is also verified by the Health Department. Martie went over all the things that will need to be done by the property owner before his department will be able to give her an occupancy permit. D. Henning explained that as long as the property owner has a building permit and if the Township deems the pallet fence as building materials there would be nothing the blight ordinance can do since building materials while building is not able to be deemed as blight. The Township Board thanked both Martie and Tammy for coming to the meeting and explaining their position.

Miller Rd. Blight: K. Derrohn asked Tammy if Mike Vargo contacted her about Miller Rd. Martie said he had talked to Mike and that Tammy and him visited the property last week and stated that there is some mess outside. Mike Vargo stated that it smelled real bad outside but when Tammy & Martie were there they didn't notice any smell. Martie did walk around the whole house to make sure all the doors and windows were secured. Martie did report that from the building code standards as long as the building is secured/locked there is nothing they can do further. Tammy did say that if the township were to sign onto the Solid Waste Ordinance at the County then the DPW could act to enforce the ordinance, but currently Littlefield Township has not signed onto this. Tammy suggested to have someone from the DPW to come and explain the ordinance which limits the amount of solid waste that can be stored on a property based on a time frame and location of where it is. The penalty for not following the ordinance would be the same as a civil infraction. D. Henning will contact Emmet County DPW for further information and what it would take to join the Solid Waste Ordinance.

Gunderson Blight-7055 Armock Rd: Update on property was given in an email from Joel on August 15, 2018: Mike Vargo and Joel Wurster did go to court for the blight hearing on this case but it was decided to adjourn the case until 9/19/18 at 11AM since the property is estimated as being 85-90% compliant from where it was last year and earlier in the summer. The property owner is willing to work with Mike Vargo to finish brining the property into compliance. If it meets compliance the 9/19/18 court date will be dismissed otherwise it will be brought before the judge. A copy of the adjournment notice was provided by Joel.

LAMA: The LAMA financials were received. Dan Plasencia provided both the Village of Alanson and the Township with an email containing the financials and a reminder that he officially resigned from the LAMA Board and the Township Planning & Zoning Committee as of August 31, 2018. D. Henning reported that there are a number of people interested in the various open positions within the township. The positions to be filled are the Planning & Zoning Committee, Fire Board, and the Township's Representative to the LAMA Board. Sarah George attended tonight to turn in the application for LAMA, and to get further information on the appointment to the LAMA Board and what it entails. The Township Board took a few minutes to explain what goes into the LAMA Board appointment and that both the Village and Township have representatives that report to the Boards. Between the two representatives the building and property is looked after, managed & maintained (whether personally or hired out), hall rentals booked and managed, the lease to the Alanson Public Library is managed, bookkeeping and financials (including budget) are completed within QuickBooks, and a report is given monthly to both the Village and Township. It was also explained that the township's employee cleans the building with a cost share for payroll of 2/3 Township & 1/3 Village. There is a list of the cleaning responsibilities to be performed by the employee that LAMA manages and other items can be added on a "as needed" basis. The township's employee also helps the Village with snow removal within the Village limit during the winter months. Sarah did ask if the position had a high rate of turnover and the board let her know that Dan was in this position for around 12 years. D. Henning said he would be willing to provide more information after tonight's meeting, and that the sooner we fill the position the better since new bank signature cards will need to be done removing Dan and adding another signer.

Planning & Zoning:

Case #PZBA 18-015- Joshua Martin: A request for a side yard setback variance of up to 9 feet and a rear yard setback waiver to apply to a residential accessory building located at 4640 Pangbuin St. The request is to allow the existing accessory building to be raised and a new foundation put in that would also allow for an 18'x24' addition to be built up to the rear property line. K. Derrohn presented the case. She reported that a new drawing was submitted and the rear yard

waiver is no longer being asked for but a 5' setback is for a 20'x20' addition. K. Derrohn talked to Tammy Doernenburg since the P&Z Committee meeting and because his lot is nonconforming it was said that the building would require a firewall to be installed due to closeness to the lot line. K. Derrohn went on to explain that if the building was to be raised and moved over 5' from the property line to the west side he wouldn't have to put in a fire wall and he could park on the east side. He would also be able to store stuff in back of the building but it just wouldn't be enclosed. Josh Martin explained that the addition was being requested so his items would be stored indoors, and by raising the building and foundation it would attempt to provide a dryer indoor storage area. He said he provided other documentation supporting that there was no set back on the north side and that on the south side the road did not continue through but stops before his property. Mr. Martin stated his property is the lowest lying property and during heavy rain all the water ends up in the location where the building is suggested to be moved, which will create a bigger problem of water displacement not only for him but also surrounding neighbors. There is a septic mound on the north side, the Bell's have a berm on the east side, the south side is the road, and his garage on the west side currently sits lower than all the other surrounding property features. His thought was to raise the garage along with doing additional grading on the east side to lower it more so water will continue to puddle without displacing it onto the neighbor's property. Art Drayton reported that the fire department would still have to back the trucks down because there is no possibility of turning around in that area no matter what is being proposed. Mr. Martin said while he was researching the requirements for a fire wall he came across a 1 hour rated OSB that could sheet both inside and outside the east/west wall of the garage. Martie VanBerlo stepped in and stated that if Mr. Martin was to propose using 1hour rated OSB board on his garage and provide documentation showing it is a material with a 1-hour sub-rating; the building department could approve it. K. Derrohn stated that since the building is being raised, now is the chance to bring the sides of building back into compliance and that is what the variances call for. She explained it is felt there is alternatives that could be explored that wouldn't require a variance and that was the reason the ordinance was created in the first place was to bring as much into compliance as possible. The Committee denied the case by a vote of 3 Yes, 1 No, and 1 Absent. The denial was based on the factors that the applicant does not need a side yard setback if and when he raised the garage that it be moved over 9 feet. The garage is nonconforming as it currently stands and by moving it over when the foundation was placed down, he would bring it in compliance with the side yard setbacks. The addition of a building to the back of the garage would add to an already nonconforming building. Tammy reported that there is a provision in the ordinance that allows for maintenance of nonconforming structures. She believes that it states that nothing in this ordinance should prohibit maintenance to bring up a nonconforming structure into a safe condition. One of her initial discussions with Mr. Martin regarded the structure being damaged by water on a regular basis and could it be permitted to lift the building up, place a new foundation and set it back down. The policy and position of the County is that once a building is lifted, Tammy's office cannot administratively approve the building going back down at the same location without the zoning board of appeals approving it. She went on to say that there are provisions within the ordinance for nonconforming structures compared to new structures in regards to maintenance and will it materially increase a nuisance to the neighborhood. D. Henning asked Tammy if it is possible to add to a nonconforming structure. The response was if the zoning board of appeals approves a nonconforming building, or a building that doesn't meet the setbacks, or if you have a nonconforming structure and are adding onto it and the addition conforms to zoning -yes. All other aspects would have to meet the current zoning ordinance so 1200 sq. ft. would be the maximum that could be approved administratively without a variance if the addition conformed and the existing building was not being lifted. D. Morford made the **Motion** recommending approval of Case PZBA18-015 for the variance of a 9ft side yard setback to raise and place a new foundation under the existing building as requested and approve the new 20'x20' addition with the condition that Planning & Zoning is convinced the addition is compliant with current zoning and particularly the north setback. Second by S. Festerling, Carried 3 Yes, 1 No, 1 Absent.

Bossingham's: D. Morford asked if there were any new developments in regards to the Bossingham's Resort property and the Bell property split. D. Henning asked Tammy if she had heard anything at the County in regards to the problems that were identified a few months back. Tammy believed the parties are communicating to try and resolve the issues, and that she talked to MDOT about the road that is listed as being theirs. They claim that they do not have control over that road so it was suggested to the land owners to contact Dick Elke to see if that road has ever been vacated by MDOT. They are still working towards a resolution. Tammy has sent follow up notices that she is still enforcing the ZBA decision and as long as there is some progress towards a resolution she will continue to allow them time to bring it into compliance.

Unfinished Business:

Oden Parks: K. Derrohn reported the posts are in at Oden Dow Park and the cost came in very reasonable. An outlet is being added to the well that is in the sign so a drip system can be put in to water the plants. She currently is transporting water around from the fountain. The grass/weeds at Gazebo Park are starting to grow where the house was removed so we will wait to see how it is in the spring before deciding to spend additional money on grass. It was also reported that the Township is continuing to get donations from people for the Oden Parks and grants are being looked into. K. Derrohn has contacted a person from Rotary and found out that Rotary gives money for parks. If we can come up with a cost to put in irrigation or re-do the sidewalks we could fill out an application with them to see if they would be willing to help us out with the funding for the projects. An estimate is going to be requested from Larry Williams to pull up the cement around the flowing well at Woodruff Park to see where the well is. Once found we can put in gravel back in next to the fountain so the overflow water doesn't flow out onto the road like it has in the past. It can be absorbed into the ground. D. Henning reported that both him and K. Derrohn met with Jeff Wiengard after he was approached by Bill Mengs to donate a memorial picnic table or bench in memory of his wife. They always liked the park where the Gazebo is at. They also brought up donating a bicycle repair station that could be placed alongside the bike path at Gazebo Park. The repair station consists of a post that comes up from the ground that you can place your bike on, and the post has bike repair tools that are cabled to it allowing people the ability to do a quick repair their bike as they go along the pathway. Jeff Wiengard also suggested multiple sources for additional grant money for landscape engineering for Oden Parks.

Blumke-Milton Grant: D. Henning reported that it should be completed soon. He also provided the Township Board a letter that Max Putters wrote to Don Brill. Max set up a meeting with Damien, Don Brill, and Tom Oelke, and after the meeting they felt like there could be movement on Don Brill's part for the final mile between Milton and Powers Rd. One of the things that came out of the Blumke to Milton Grant was a lower appraisal for the property than what was expected (\$113,000.00 compared to \$130,000) which was disappointing to the property owners. The Township then appropriated an additional \$10,000.00 to narrow the gap so it satisfied Oelke and Brill on the deal. Don Brill would like to find out what the Powers to Milton property is worth currently. One of the appraisers that appraised Don's property between Powers and Milton is on the Grant approval list of DNR Approved Appraisers. D. Henning wanted to make sure that the Township Board still approves continued talks on the last segment. There was no opposition by the Board to the continued talks.

Powers Rd-20 Acres: Steve Boettger is reviewing the purchase agreement. Tom Swenor went back out and staked the driveway on the north east corner and it was found that it is just the back slope of the neighbors drive on the Township property that is being sold. It doesn't bother Steve Boettger like it would have if it was the whole drive. Steve is moving forward. The middle of next month the deal should be completed.

Admirals Point: Kurt Hoffman asked if there was any new news. Dave Cooper from Admirals Point Association was also wanting an update. D. Henning reported that he has not heard from Klaus since just after the holiday. He does know that he has been working on the plans and since we have two grants for this project they are looking at the direct division between the Waterways Grant and the Redevelopment Grant. Before the holidays Gosling Czubak had to properly partition the two grants from one another with the proper wording and properly documented on the plans. This takes time to process correctly and while that is being done they are preparing the bid documents. Dave Cooper asked if the bids have been received on the dredging yet. D. Henning stated that we are up to the point that the DNR is getting ready to approve the plans. Mr. Cooper stated that he wanted to let the Township know the Association is fed up in regards to the slow progress, they feel their property values are going down, the garbage trucks won't come into the subdivision due to the condition of the road (speed bumps), things are being torn up, and that their boat slips are in dis-repair and can't be used. He said that they are going to quit paying their taxes, and it is getting really nasty now. He said that they really need to know how to help the Township get this done, because they don't want to go another year with the way it is. D. Henning asked what was being referred to as being torn up because the only thing that the Township has broken up is the large building that was divided into three sections so it can be moved out to Keystone Park. Mr. Cooper then asked who is paying for the equipment that has been sitting there with the building. It was explained that the equipment is all owned by the owner of the moving company and not at a cost to the township. When the Township purchased the marina, we intended to move three buildings over to the township owned property on Powers Road. However, the Township ran into dissension from the property owners that neighbor our property forcing us to look for a different location for the buildings. Property was found and purchased in Keystone Park to move the buildings but it was found that two of the buildings weren't worth moving since they were not up to code. The cost outweighed any benefit on those two buildings so they will now stay on Kurt Hoffman's property within Admirals Pointe. There have been a few unforeseen complications on moving the segmented building and additional engineering work had to be done before the foundation could be put in, and the building moved. As far as any tear up the only thing we have been into Admirals Pointe for has been to cut the

building in three locations and get it ready for transport. We have not been in there with any other machinery. Mr. Cooper then removed his statement about things being torn up from the project. He then stated that the problem is that nothing has happened out there and people have a real hardship with the road during the winter, the lack of curbside garbage pick-up, that no one is interested in purchasing the vacant property, and no one cares about their property values. D. Henning then stated that all of the topics Mr. Cooper is bringing up is not problems that Littlefield Township caused. Their property was purchased as a part of Admirals Pointe Owners Association.

It was explained to Mr. Cooper that this type of construction has a process and we have to follow the grant process which doesn't happen overnight. The Township has never been responsible for the private road, the homeowners boat slips or the dredging of that area, or the dis-repair of the areas within the Admirals Point Association. The Property Owners Association have always had the responsibility and right to obtain the proper permits to do any of the improvements themselves since that is how their property was established before it was purchased. The Township didn't have ownership of the marina property until September 30th, 2016. That being said, the Township has included into our master plan of the marina, the dredging out the dock areas owned by the Association, and improvements to the township easement on road leading into the marina, but there is still a process that has to be followed to do the project right and to follow the granting process while obtaining all the proper permits.

New Business:

FOIA Request: A request has been received by all Township Clerks within the State. This request was made by a person named Emily representing the United Impact Group, LLC. This request is for copies of all the November 2016 ballots, Absent Voters Envelopes showing signatures along with the records that shows when the applications were received, ballot sent out and returned. It also asks for Overseas ballot requests and a few other things that our township did not have. These ballots are in their 22-month retention period and are supposed to be sealed. A request of this nature would allow for unsealing the ballots however election day protocols for handling the ballots would still need to be done. The ballots can only be unsealed and touched by me and/or a certified election worker. These ballots are too big to be copied on a normal photocopier so I will have to locate if it is even possible to copy them in our area. I might even end up denying the photocopies if a suitable printer is not located. They may have to come here to inspect the ballots if I am unable to find a copier or a business that would allow me to use their machine to make the copies. I have contacted Joel to assist in the proper response to this request. I will be sending out an extension letter which will give me more time to come up with a cost estimate and how I will proceed to meet this request while still following election laws. Kim Morgan has said she will help me fulfill the request if we get the 50% of the good faith estimate of cost. I will be able to update the Board as time goes on.

Alanson Estates Sewer Request: Kim Morgan has been talking with The Windward Group, LLC the parent company of the Alanson Estates Mobile home park about sewer taps and the quarterly charges. They would like to enter into an agreement with Kim Morgan for one-half (\$24,300.00) total cost of the \$48,600.00 for 18 additional tap-ins on their property. They would start paying the quarterly bond payments for all taps at that time, and would pay the remaining balance of the \$24,300 in installments as trailers are set in the park. The Sewer Department would be notified of the trailers being set so the remaining tap-in fee can be paid and the quarterly charges increased to include the O&M fee.

Clerks Agenda: S. Festerling went down through the Clerks Notes that was provided in the packets. The paperwork has been received for the remaining board members to get out of the Municipal Retirement Systems, Inc. (K. Shomin has already cashed out her account). We do need a motion stating we have decided to get out of the plan and start paying into Social Security. The Money will be sent to the Township for each of our benefits. D. Morford made the **Motion** that the Township Board has elected to not renew the contract in the Municipal Retirement Systems plan that is held with Brighthouse Life Insurance in lieu of paying into social security, that each Board member will fill out a determination to redeem the funds from this plan, and the clerk will start to pay into Social Security starting October 1st, 2018. Second by S. Festerling, Carried 4 Yes, 0 No, 1 Absent.

The Annual Littlefield Township Board's **Cemetery walk** will begin 6:15PM on October 2, 2018 at the Cemetery Vault and will conclude in time for the Township Board to be at the Community Hall for their Regular Board Meeting starting at 7PM. Clerk will post a notice of this.

Public Comment: Paul Mooradian has asked for a contact address for his \$50.00 donation to Sam Lowery's Eagle Scout Project in the Township Cemetery. D. Morford and D. Henning will locate an address for Paul.

Regular Meeting was adjourned @ 9:35PM by D. Henning -Sondra Festerling, Clerk