

# REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

**June 2, 2020 TIME: 7:00 PM**

Meeting called to order by Damien Henning, Supervisor. Present: Dean Morford, Trustee, Kim Shomin Treasurer, Katie Derrohn, Trustee and Sondra Festerling, Clerk. Guests: Scott Lauer, Jule Peurasaari, Kim Morgan, Brian Drayton, Lloyd Swadling, Rik Lobenherz, Kurt Hoffman, and Bryan Nolan

**Consent Agenda:** Items #3 Regular Meeting 5-7-20, #5 Budget Adjustments: None #6 Approval of Bills: \$12,107.94, #9 Blight Enforcement Report: None, #10 Management Authority Report: In Packet, #11 Assessor's Report: None, #13 Sewer Authority Report: None, #14 Library Board Report: Will Forward, and #17 Miscellaneous: Correspondence: ECRC Meeting Minutes 5/13/2020 & 5/28/2020 were all entered into the Consent Agenda and declared Adopted.

**Treasurers Financial Report:** K. Shomin reported: General Fund Checking \$238,265.58, Sewer Fund Checking \$28,124.09, Fire Fund \$76,843.51, Tax Account \$0, Cemetery Savings \$10,452.95, and Oden Light Savings \$6,699.84. Personal Property Taxes have all been collected, and the summer tax bills will go out the first week of July.

**Fire Board Report:** Minutes and financials were received. Scott reported that the Department and Fire Board did add two of the applicants from last month. Both have the certifications that are needed.

**Planning & Zoning:** K. Derrohn presented:

**Case #PPUDF20-30:** A request by Boathouse Village LLC (Rik Lobenherz) for an Amendment to a Final Planned Unit Development and Site Plan Review for proposed parking spots and boat docks at 3656 Oden Rd. The Property is zoned R-2 General Residential with a Planned Unit Development -1 Overlay (PUD-1) which is part of the Windjammer PUD. This request is to allow parking and boat slips using existing piles. K. Derrohn reported that the Committee approved the concept with conditions. Some of the conditions were met on the new plan that was presented in tonight's packets, but there is still some that is missing. The Committee approved the concept with conditions so it could be moved onto the Township due to the time frame of the County's upcoming meeting. If it wasn't approved with the conditions it would have had to be tabled until July. One of the conditions was to move the parking that was blocking the existing garages. The new plan shows a few of the conditions that the Committee asked for, such as the dumpster, handicap parking, greenspace, and lighting. The lighting will need more clarification as to the type of lighting for the county. There also needs to be approval from the Fire Department for not only the docks but also the existing garages. K. Derrohn said that the Fire Chief stated that he would not be able to get a fire truck between the garages and the docks. There was a management plan provided but it doesn't cover all of the concerns. The Committee was looking for no more than two crafts per boat well, no parking other than in garages or on spaces shown on the plan, along with who is in charge of the management of the property, what their agreement dues are, and their contact information, along with a copy of the boat space lease that outlines the responsibilities and conditions of the lease and what they can and can't do (for example parking). K. Derrohn reported that she went back to the original approval of the property and it was never approved as a marina like what is being proposed now. After the original approval, the garages were allowed to be put in ahead of the condos that were to be built over two boat slips. K. Derrohn stated that there would be no need for additional parking as long as the current site plan was to include the garages being a part of the proposed boat slips and they park within the garage. Rik Lobenherz stated that he is not prepared to build the units over the pilings at this point because what was originally approved didn't work

economically. His hope is to use the property in a justifiable way that would also clean it up some. The pilings and sea wall are already in from when the project was first initiated. He stated he would like to have the same right that the yacht club has with their slips but on the same PUD. Windjammer Marina would be the ones to manage the leasing of the slips since they are already on site. S. Festerling asked if the boat slips would go with one of the garages because that is where the parking would appear to be for anyone in the boat slip area. It is also where people would have parked if the original plan was to have been built. Rik replied that they would attempt to market it that way but not everyone who would lease a slip will want a garage and there are only 12 garages but 26 slips. Bryan from Benchmark Engineering responded that by his calculations there is enough parking (32) between Windjammer Marina's existing parking and Boathouse Village. He also stated that he has shown a possible 8 more parking spaces in the grass area that wouldn't block the garages if needed. Fire Chief, Scott Lauer, responded that he noticed when looking at the two drawings, he wouldn't be able to get a fire truck down between the garages and the seawall and if there were 8 cars in that grass area, he would have an even harder time addressing any fire along the docks. Kurt Hoffman stated the original plan was approved by the fire department years ago when it was going to be condos. Scott reported that the turn is too great for a fire truck to get in there and it would take out a corner of the garage. After additional discussion K. Derrohn stated that the township needed to get this right since down the road there will more than likely be someone coming back in to build the condos. In order for the township board to get a real feel for what is being asked for, K. Derrohn proposed that the case be tabled and have the board meet down at the property to walk through the plans. D. Henning asked Scott to show him on the provided plans what his thoughts were on the fire route if they got called to the property. Scott explained that they would have to drag hose into that area for multiple reasons including the radius the trucks need to enter & exit property and the placement of the well heads to name a few.

D. Morford commented that by leasing the boat slips people will not want to park as far away as the existing parking lots. They will try parking near or in front of the garages due to easier access to their boats. There is not enough room for parking in front of the garages allowing access to anyone who has leased a garage. The garages were never meant to have outside parking when built because they were to have gone with a condo and two boat slips. Rik stated that the area could be policed to prevent parking by the garages and that the policing could be done by Windjammer. D. Henning asked for his clarification on the leasing of the slips, the garages, and what the cost was believed to be for each. Leasing the slips with the garages was mentioned by multiple board members stating it would provide interested people with winter storage. S. Festerling stated she felt it would be smart to go down and walk the property to assess the proposed layout. It was stated that by driving by it doesn't look feasible that people wouldn't be tempted to park around the outside of the garages or even alongside of the highway to have more convenient access to their boats not to mention if the boat owners have guests joining them. Our Township does not want to have similar parking issues that Little Traverse Township has at their boat launch. Rik asked when would the Township be going to the property to walk it. The reply was it would be before the next regular board meeting and that it could be done by calling a special meeting. Rik then stated that the County's Planning & Zoning meeting is this coming Thursday and if he misses that date, he will be missing the whole season. K. Shomin asked the question if the garages were to be kept with the slips then would it be closer to the original approved use, and if they were leased separately would we have a problem down the road when they come back to build the condos? D. Henning did say that this is no longer what was approved originally which was two slips under a residence that included a garage. Now the request is to move towards a marina as a rental operation, but it doesn't get rid of the previously approved condo/residence that was given years before. K. Shomin also commented that the approval or denial is not just about the parking that it is also about the change of use which was mentioned in the emailed disapproval and request for clarification from a resident of the existing condos.

After further discussion it was stated that parking would be accepted inside of garages not outside. Rik felt that he could lease at minimum of 8 slips with the garages. D. Henning stated that he felt we are trying to accommodate Rik by coming up with a resolve this evening so it wouldn't delay his request an additional

month. K. Derrohn made the comment that this was not a new concept and that it was originally discussed last fall but just now being brought forward by the applicant. Rik confirmed this was talked about last fall around the same time as the yacht club presented their case but did not submit his case. K. Derrohn commented that the Township shouldn't feel that an answer needs to be done this evening because there is no hardship when it was known since last fall that this was the direction, he wanted to go but didn't submit it. The Township should be more concerned about getting it right because if we get it wrong there is no going back. D. Morford stated that he didn't care about the number of garages/slips that are leased together as long as there is no one parking outside of the garages. All parking is to be either within the garage or the existing parking at Windjammer. Rik stated that there are two places that have been used for parking in the grass at the end of garage 12A. He would like to keep it as parking even though it is not shown on the site plan, because they have better access to the pier and boat slips 25 & 26. D. Henning made the comment that it seems weird that the fire lane doesn't go all along the garages for access. That what is shown looks like you would have to drop a firetruck onto the property instead of driving it. Bryan Nolan explained that he drew it based off of the original plans that were approved. D. Henning would like to see the fire lane extended the whole way from the yacht club parking to the end of the existing lane because what is there doesn't account for an actual fire truck turning radius. The existing dry hydrant is located down by the condos and public plaza recreation easement/boat launch. The yacht club was to have put one in as part of their compliance approval and it is believed to be in the vicinity of the parking area closest to garage 12A. Scott Lauer stated he didn't remember seeing it there when he checked the property over. K. Derrohn will check into the placement of that dry hydrant and if it is not there, she will find out from Tammy Doernenburg when the yacht club has to have it installed by. D. Morford made the **Motion** recommending approval of **Case #PPUDF20-30** with the following conditions: The Fire Lane be extended completely across from building to building, that there is to be no parking outside of the garages, and to comply with the County Planning & Zoning's Sign & Lighting. Second by K. Shomin, Carried 5 Yes, 0 No.

#### **Unfinished Business:**

**Luce St. House:** D. Henning reported that the contract has been signed for the sale of the house and they paid the \$5,000.00. The township will end up needing to re-rout the flowing well and S. Festerling has called both Consumer's and DTE for their services to be disconnected. There is no cost for disconnection so sometime between now and October 1<sup>st</sup>. the house should be moved.

**Village of Alanson Request for Assistance:** D. Henning reminded the Board that Doug Larson from the Village came before our Board at our Regular March meeting asking for assistance by way of an appropriation. The Village is obtaining matching funds for a grant that would expand the Village playground. The playground structure is geared for 0-5-year-old children, ADA compliant, and is known as a "talking is teaching" playground program. The Village asked if we would consider appropriating \$5,000.00 for this project. D. Henning pointed out with the sale of the Luce St. house; we have the additional money for the appropriation. D. Henning made the **Motion** to appropriate to the Village of Alanson \$5,000.00 to go towards the construction of the Talking is Teaching playground equipment. Second by S. Festerling, Carried 5 Yes, 0 No.

#### **Admiral's Pointe Update:**

**Keystone Park Lot #15-** There is a problem with water flowing from the developer Paul Mooradian's property onto our Keystone Park Lot #15. It is eroding the ditch designed to take away the water coming off of our building before heading into the detention pond. The detention pond wasn't designed to be taking on the additional properties' runoff, but for our property and Ryde Marine property. Damien reported that there was a stream flowing through our property when D. Morford, Paul Mooradian, Kurt Hoffman, and himself all met to assess the situation. The detention pond was overflowing, and there are signs of the detention pond overflowing from time to time. The water that we have going to the pond is from the perimeter drain from our building around our foundation along with the water run off from our parking lot that goes into a manhole. During the meeting it was noticed that besides our property there was two other sources of water going to the pond causing

the overflow. The first was from the Ryde Marine property and the other was from Paul's property. D. Henning talked to Gosling Czubak (Klaus and Kevin) and asked why soil borings weren't done. Klaus stated based on the conditions of the sand and gravel they saw out there they didn't feel that they needed to do soil borings. Klaus was not the engineer on this project but will be getting together with the one that was to get a better idea of what they had mapped out for there. D. Henning has since talked with Paul and what he would like to do is get a backhoe to ditch his property. He also will be talking to the two property owners along M-68 that water is running from onto his property. D. Morford thought that we might want to get a little bit of dirt to create a berm on our property to protect it from water coming through. The engineers may have some obligations to assist in fixing the situation as well.

**Two buildings at Admiral's Pointe-** D. Henning talked with Joel Wurster and he said what would make the most sense is to hold a meeting that would have D. Henning, D. Morford, Joel Wurster, Kurt Hoffman, and Kurt's new attorney to try and hash this out without going to court. Neil Marcella, Kurt's previous attorney was the one who drafted the original agreement but has since retired.

**Construction Progress:** Estimates have come in for the Gas & Tender building. In our projected costs we set aside \$100,000.00 for gas and \$30,000.00 for the building and essentially it has come back at \$102,000.00 for both. The fuel system complete came back at \$58,631.00. There is some site work that has to be done: 8" thick concrete tank pad (100 sq. feet), 6" thick concrete building pad (270 sq. feet), and a 6" thick dispensary pad (35 sq. feet) plus there will be additional excavation work that will need to be done along with electrical. The attendant's building (structure being 10'x12' or 120 sq. feet) will be made portable by ProBuild, look similar to our restrooms, and be brought to the site. D. Henning stated that he called Klaus before coming tonight to find out how long we could put them off on accepting the bids because he would like to find out what is going to happen with the remaining two buildings that Kurt owns and the outcome of the planned joint meeting with the lawyers. K. Shomin made the comment that Kurt should be paying for the use of our building at Keystone because at this point the Township has paid for everything there including insurance and him not having to pay taxes on the property and storage that he has been getting for free while we continue to pay out for him. D. Henning would recommend that the township move forward with placing the infrastructure required for this portion of the project but to hold off on the fuel system and structures until we have a clear picture of what is going to come out of the meeting on Kurt's two buildings. It would be too costly to hold off on the infrastructure portion of the estimate since it would require the people servicing it would have to come back at potentially higher cost. D. Morford made the **Motion** authorizing D. Henning to obtain quotes for the infrastructure, the attendants building, and the gasoline at his discretion. Second by K. Derrohn, Carried 4 Yes, 1 No.

#### **New Business:**

**Crystal Housding Well:** D. Henning had told all the board members of his encounter with the property owner that lives behind Crystal's Well verbally assaulting him at his place of business. She came to his business and told him he was a liar & a bad supervisor because he didn't recognize that she had been removing garbage, cutting grass, and removing tree limbs. She then claimed that she has never talked to him and that he never returned her telephone calls even though he has proof of sending her an email, returning her phone calls and talked to her on one of those occasions. D. Henning went on to explain that in all the years as Supervisor or being an Assessor, he has never had anything happen quite like she put him through. D. Henning stated that before she came to his business, she had already shut the water off and started yelling at him that it was his fault that she shut it off because he doesn't call her back. D. Henning stated she called his business while he was with a customer at 2:55PM and by 3:10-3:20 she showed up and started to yell at him. He then asked if she was there to yell at him or was, she there to solve a problem. She then started to yell at him in a whole different direction in front of his customers so he had asked her to leave. She continued to yell and D. Henning stated that she would need to leave or he would have to call the police. S. Festerling ended up getting a phone call from a lady that lives in St. Ignace at 5PM after talking with D. Henning about his encounter. She said that she was at the well earlier in the afternoon and experienced the crazy lady that lives in the house screaming at another lady that

was getting water from the well. She said when she first stopped the well was going but because of the screaming she decided to leave and come back on her return home to get water; however, the well was off. She was calling to inform us at the township that she and her grandson who is from this area and was there at the time would be willing to make a statement publicly if we needed to take action against the lady turning off the public well. K. Shomin reported that when she stopped by the well the sign on the well was off, broken, and resting against the well. K. Morgan said when she stopped by it looked like someone hit the well which broke the sign. She took a few pictures. D. Henning did call Joel after this occurrence and he suggested signage be placed to respect the property easement. D. Henning stated that she is wanting to be for clean-up and grass cutting around the well. We have the well mowed by Johnson's Lawncare and K. Morgan has been keeping an eye on the well but never has seen garbage that needed to be cleaned up. Today the homeowner had a sign posted on the well stating that as of today the well will be turned off at 6PM and back on at 6AM sorry for any inconvenience. D. Henning stated that the wishing well in her yard needed to be serviced. Joel Wurster also said it might be a good idea to call Pete Wallin to let him know what is going on and that maybe one of his deputies could go with two of us to talk with her and work this out so it doesn't continue to happen. She has had issues with the law before so it would be best to call Pete and ask him. It also might be possible to place a "t" in the wells plumbing that wouldn't allow her to shut off our portion of the well by locking it down leading to the public fountain. We could talk to Fairbairn's to see if there is anything that can be done.

**Sewer Bills Received:** We have received two bills from the HSASDA. One was for \$4,070.00 for an Eagle Beach blockage issue. The second bill is for two stations that we share with the Village of Alanson that needed their pumps replaced so we are being invoiced for half of the cost for their replacement \$6,115.11. D. Henning made the **Motion** to pay both the \$4,070.00 and the \$6,115.11 out of the Sewer Fund. Second by K. Derrohn, Carried 5 Yes, 0 No.

**Hay Lake Marina Pay Application #5:** D. Henning just received the approved pay application #5 from Ironwood Construction in the amount of \$20,098.62. D. Henning made the **Motion** to pay Application #5 from Ironwood Construction. Second by S. Festerling, Carried 5 Yes, 0 No.

**Kammerman & Bascom, P.C. Letter of Engagement:** K. Shomin gave an engagement letter that was received today to S. Festerling at the beginning of the meeting. S. Festerling reported that the accountants were contacted to find out when our annual audit could begin and how much it would cost. S. Festerling asked Corey Bascom if some of the Audit could begin since our minutes are on our website and we could send over the QuickBooks files to them. Corey stated that their office hasn't gone over their procedures under our current circumstances with COVID but there may be less of or no onsite audit. We may be asked to provide certain documents or files to their Petoskey office. The day after asking the questions on getting an engagement letter and how to start the procedures for the audit, an email was received giving instructions on how to send over portable files for their review. Currently those files haven't been sent because it was felt that it should be mentioned to the Township Board before proceeding. The amount for the annual audit with completing the F-65 reporting on the township's behalf is estimated at \$11,000.00 as stated in the Letter of engagement. D. Henning made the **Motion** Authorizing the Clerk to Sign the Letter of Engagement with Kammerman & Bascom, P.C. for the Annual Township Audit for the amount not to exceed \$12,000.00. Second by D. Morford, Carried 5 Yes, 0 No.

**Clerks Agenda:** Michigan Township Insights provided information on the Constitutional Revenue Sharing payment estimates for the remaining of this year and into next year. A copy of those estimates was provided so we can be aware of how the decrease in revenues due to COVID could affect the budget we just set. D. Henning stated that it comes down to \$177,000.00 when we just budgeted \$197,000.00. We will be seeing around \$20,000.00 less than what we had budgeted for.

The Village sent over the joint employee billing and a copy of that has been provided in the packets. There is a question that needed to be brought to our board's attention in regards to this billing. One of the months shows overtime hours and in the past the Township did not have overtime for this position because our hours were set to 40 even if the position was called away during the day for an EMS call. D. Henning commented that his understanding of when we met with the Village that they would be responsible for the overtime hours. The other concern is that over these last three months the buildings (LAMA or Firehall) or the Library has not needed to be cleaned like normal due to the shutdown of the buildings for normal usage. The month of March there really wasn't any normal duties that the township would be paying an employee for. The time would have been geared more towards Village duties other than a few fire department duties. D. Henning let the Board know that Glen has been working closely with the Village workers so when it came time to work at the Cemetery, he thought that the Village workers would be helping him. He also didn't realize that the Cemetery's equipment is to be used for the township jobs and not to be carried over to any jobs within the Village. Once it was brought to Glen's attention, he was ok with it. Unfortunately, Glen was hired in without the previous employee still on the job to show him the ropes and when he was first hired in, we were still under contract with the cleaning service so he didn't have the responsibility of the hall and then COVID shut it down completely. Glen has been working these past 90 days almost completely for the Village of Alanson. With the Post Audit in place we are able to go ahead and pay the Township's 2/3 portion but with this being the first one and the issue of the overtime it was felt that the Township Board should make the decision to pay the bills as presented or to ask for modifications ensuring that the township is getting 2/3 of the employee's work week for our needs or until all of the jobs we have are getting done complete and thorough. D. Henning's suggestion would be for K. Morgan, Greg Babcock, and himself talk it over with Glen so everyone is on the same page. It is felt by our Board that if the overtime is not something that is generated from the township's needs going into overtime then the Village should be paying for it because we typically would not have overtime. S. Festerling stated that for this billing she would suggest that we pay as submitted but that going forward a conversation might want to be had in regards to overtime. D. Henning did comment that another thought is that the Village is also taking on more of a cost by adding the employee to their payroll not only because of the higher wages but also the liabilities and insurance costs. It will be something that will be talked about when the meeting happens with Greg and then they will let us know how it will be handled going forward.

S. Festerling stated that our MTA annual dues bill was received and it has three options to choose from as an online learning subscription. The billing due date is by July 1<sup>st</sup>. but our next meeting is not until July 7<sup>th</sup>. The township would need to decide if we are wanting any of their packages for the on line learning that ranges in cost for \$750.00 (basic) to \$1,000.00 (unlimited) for all township members to have access. It was decided to have everyone look into the programs they have out on their site during their try before you buy phase to see if we have any interest in these packages. Most likely there will not be any in-person trainings this next year and this is their response.

Bills were turned in tonight that is not covered in our Post Audit Policy. The first is for Lloyd Swadling in the amount of \$162.85 for turning on the Cemetery water. The next two invoices #132529 & #132528 both come from Fairbairn's to fix the well in Gazebo Park with the total coming to \$239.68. The next bill is from Gosling Czubak in the amount of \$5,113.75 for professional services at Hay Lake Marina through 5/10/20, and the final bill is to reimburse K. Derrohn in the amount of \$46.03 for three receipts she turned in for Oden Dow Park that was for the purchase of flowers and a soaker hose. After brief review of all of the above receipts and invoices, D. Henning made the **Motion** approving the Clerk to pay all the bills presented this evening from Lloyd Swadling, W.W. Fairbairn's, Gosling Czubak, and K. Derrohn's receipts for Oden Dow Park. Second by K. Shomin, Carried 5 Yes, 0 No.

The State of Michigan is sending out the requests for absent voter ballots to all registered voters for the upcoming two elections. The State will pay to purchase 40% of our total registered voters AV Ballot envelopes

that has been updated since the May Election. The remaining 60% of the envelopes will be at the expense to the Township, something that the County has always provided us in the past. These new envelopes have new requirements by the US Postal Service including printing the clerks address on all outer and inner envelopes. This is not something we had budgeted for and could cost us around \$600.00 not including shipping charges. There will be an increase of people requesting absentee ballots again. The order for these envelopes was placed just after last months meeting and they have not arrived yet but we also don't have ballots yet from the county. I am hoping I will have enough envelopes left over after the August election to get us through the November election.

**Public Comment:** K. Morgan reported that she had a new situation in the Cemetery last Wednesday where a flat rock being used as a headstone has been painted a very bright pink, and on the same lot there is a Veterans WWI marker that was painted green over the lettering on the stone. A letter was sent out to a family member that was listed in the obituary found online explaining what was found on the gravesite and that it would be categorized as vandalism of public property since it was unknown who did the damage. K. Morgan went on to say that she received a call this evening while our meeting was in progress and she responded that she would have to return the phone call after the meeting. The person asked if she knew who was calling and why. Kim answered no but she would return the call. The woman then responded that she received the letter regarding her parents and grandparent's cemetery lots and that she was offended by the letter. Kim read the original letter that was sent to the woman that explained the vandalism and that the freshly painted pink rock was non-conforming before it was painted but was overlooked since it has been in the cemetery for some time. Now that the rock is painted it can no longer be overlooked and will need to be removed. It was also explained that the Veterans stone will need to be professionally sandblasted to prevent further damage to the stone, and addressed the mulch that has been placed on the plots for the past years without the old being removed. The mulch has been placed across the plots and not just around a few plants which is also a violation of the Rules and Regulations. In the response the woman admitted that she was the one to have painted the headstone so it would take better pictures to send to family members and that the paint would just wash off. The woman stated that the large rock has always been painted but when Kim reached out to both Jim Cantrell and Brian Johnson neither of them ever remember it being painted only that there was mulch across the plots. Kim went on to say that she will be calling the woman tomorrow to talk about this situation. D. Henning stated to Kim to keep supporting the Rules and Regulations as printed and that she is doing a great job.

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

Regular Meeting was adjourned @ 10:50PM by D. Henning