

# REGULAR LITTLEFIELD TOWNSHIP BOARD MEETING

**April 6, 2021 TIME: 7:00 PM**

Meeting called to order by Damien Henning, Supervisor. Present: Dean Morford, Trustee, Kim Shomin Treasurer, and Sondra Festerling, Clerk. Absent: Katie Derrohn, Trustee. Guests: Tim Burden, Kim Morgan, Doug Carlson, Patrice Carlson, Kurt Hoffman, Scott Lauer, Jason Losey, Skip ?, Michael Houtz, and Brian Drayton.

D. Henning asked if there were any items to be removed from the Consent Agenda. None were requested.

**Consent Agenda:** Items **#3 Minutes:** Public Hearing: Grant Request for RR right of Way 3-2-21, Regular Meeting 3-2-21, Joint Meeting: LAMA 3-8-21, and Special Meeting: Budget & Public Hearing on Tax Levy 3-23-21, **#5 Budget Adjustments: General Fund:** Account #809-802 Land Division: Adjust to \$250.00. Adjustment to come from General Fund-Fund Balance. **Cemetery Fund:** Account #809 Re-Purchase of Lot: Adjust to \$20.00. Adjustment to come from Cemetery Fund-Fund Balance. **#6 Approval of Bills:** \$3,214.73, **#9 Blight Enforcement Report:** None **#10 Management Authority Report:** In Packet. **#11 Assessor's Report:** None **#13 Sewer Authority Report:** In Packet. **#14 Library Board Report:** Will Forward, and **#17 Miscellaneous: Correspondence:** Emmet County Road Commission Minutes and Dust Control Bidders were all entered into the Consent Agenda and declared Adopted.

**Treasurers Financial Report:** K. Shomin reported: General Fund Checking \$456,062.00, Sewer Fund Checking \$40,875.99, Fire Fund \$112,110.64, Tax Account \$8.30, Cemetery Savings \$11,082.13, Oden Light Savings \$10,560.87, and Hay Lake Marina \$11,918.91. The Settlement check has been received from the County and will be verified before depositing. Kim will be taking an MTA online class. Kim has also investigated setting up electronic payments since there has been a push to allow for electronic payments for taxes and now with Hay Lake Marina leases, boat launch, and transit reservations. The rate she was quoted was 2.65% fee for credit card payments and 2.95% for e-checks that would be charged to the customer/user. No charges would be given to the township for this service. There will be some work that will need to be done to get it up and running on our Gaslight Media website. There will need to be a way to establish a difference between the type of payment being received etc.

**Public Comment:** Patrice Carlson asked if there was a website for Hay Lake Marina because she has been receiving questions about it. D. Henning stated that D. Morford and him have been working on the permitting, fees, and applications for leasing. The State also must give their final approval.

**Fire Board Report:** Minutes and financials were received. D. Henning stated that there are two items that is before us this evening: the 2021-22 Fire Dept. Budget, and the Cost Recovery Ordinance Review. K. Morgan reported in addition to the \$800.00 received last month for the Cost Recovery Ordinance #116 billing the department just received \$500.00 for a second Cost Recovery. D. Henning did say that with coming out of BOR the millage revenue is understated. We should see closer to 139,000.00 after the Headlee Rollback. Kim also stated that the Maple River contract will be more than what is shown as well but the exact figure was not known at this time. For the 2021-22 Budget year the departments proposed budget totals: Revenues and Expenditures balanced at \$193,852.47. D. Morford asked about the decrease in payroll, and it was explained that the department had gone on runs that was felt higher than normal for power lines etc. S. Festerling asked if they have budgeted anything for the request to update the air packs or any other equipment needs for this year. No was the answer given. Scott Lauer stated that currently truck #4102, 1993 Pumper truck has been down for three weeks and is down at Zaremba's now. They are trying to trouble shoot why it would not shift- the transmission was nonresponsive. Zaremba's had to order a test computer to hook up to the truck for troubleshooting. Scott went on to say there was a recall on that year of truck and they don't believe was ever addressed having to do with grounding in the truck. An intermittent ground could be the cause of this problem. Its uncertain what the cost will be to fix a problem that has yet to be identified and could require a budget adjustment for the expense. D. Morford made the **Motion** to approve the 2021-22 Fire Department Budget as presented, Second by K. Shomin, Carried 4 Yes, 0 No, 1 Absent.

Scott gave an update on the 4 air packs that are down- 3 of which are at Douglas Safety for repair. Douglas Safety has found that the pressure regulator valve needs replacing but it is no longer being made. They have tried to find used replacement parts within the US, but none was found. The Department has received two quotes on new air packs. A quote from Apollo Fire Equipment came in at \$130,682.00, and the other came from Dinges Fire Company for \$115,027.25. The prices would allow for buying in stages over a few years until we replace all 16 and they could also be set up for financing. Both have a 15-year warranty. The Dinges Fire brand (Drager PSS7000) has been around for a long time (back in 1800's) and the brand is not going anywhere. They are the preferred brand by the firemen. D. Henning stated he has talked with a representative from the Baiardi Family Foundation and their foundation doesn't have a deadline to submit a grant request. He went on to say we may want to place a grant request for 6 or 8 air packs from the Baiardi Foundation and investigate financing the remainder of them. It was asked how many packs we still have in current working order and was answered 10.

An updated Littlefield Township **Cost Recovery Ordinance** was provided for review after last month's suggestions and review by the Township Attorney. S. Festerling asked about section 5 when it talks about rates and guidelines: do we still need to come up with guidelines. D. Henning stated that our attorney's opinion that it would be better to stay away from assigning guidelines. The rates were updated to the costs that Jason Losey provided us from last month. D. Henning also pointed out that he had added Section 14: Repealer. This will repeal any other ordinances (#116 & #117) or parts of ordinances that conflict with this new ordinance. D. Henning stated that at our next Regular Meeting May 6<sup>th</sup>, 2021, (date was previously changed due to Special Election on May 4<sup>th</sup>) we can hold a Public Hearing where we could adopt the ordinance if it is acceptable. Once it is adopted the synopsis would be published and then 30 days after publication it would be enacted. D. Henning made the **Motion** recommending that we would hold a **Public Hearing** on the Littlefield Township Cost Recovery Ordinance at 7PM May 6<sup>th</sup>, 2021 with the Regular Township Meeting starting immediately after close of the Public Hearing. Second by K. Shomin, Carried 4 Yes, 0 No, 1 Absent.

**Planning & Zoning:** D. Henning presented the Committee cases & recommendations as presented for tonight's meeting.

**Case #PZBA21-001:** A request by Patrice Carlson of Crooked Lake Yacht Club for an expansion of a non-conforming use & waterfront setback variance as outlined in the Zoning Evaluation Form dated 3/25/21 from the Office of Planning and Zoning Emmet Co. Littlefield Township Planning & Zoning Committee unanimously approved and is recommending Option 1 of the draft motions, as shown, with the addition of signage on-site and throughout Emmet County needing to be addressed and brought to code. D. Henning made the **Motion** to accept the Committees recommendations and to forward them on to Emmet County Planning & Zoning. Second by K. Shomin, Carried 4 Yes, 0 No, 1 Absent.

**Case #PSPR21-004:** A request by Midtown Development Inc, Tim Burden, for Boathouse Village LLC, Richard Lobenherz, for Site Plan Review for multiple family dwellings, boat docks, and accessory buildings at 3656 Oden Road. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) which is part of the Windjammer PUD. The Township P & Z Committee unanimously voted to postpone the approval until bylaws, management agreement, performance guarantee amount obtained, and rental of individual units addressed, due to parking concerns as of the date of the committee meeting 3-29-21. Mr. Burden wrote a letter dated 3-30-21 hoping the Township would approve his plans based on his vision of the development. Committee Member Erika Walls stated in her email dated 3-30-21, Mr. Burden's attached letter still didn't provide enough information to ensure the best interest of the uses. Mr. Burden addressed the Board and presented his plan. He stated that the project will be a site condominium where each owner will own their building, their 2 boat slips, and a 2-car garage and the rest will be common elements. The buildings presented are two story buildings and the decks on the lake side will be over the water. D. Henning asked if these condos are designed to be rentals and Mr. Burden answered that they were not going to limit the ability to rent them out if that is what the owner wants to do. He said that they have some owners who said they will never rent them out, one that said as of right now they won't but might in the future, and others that will rent them out to supplement the cost of purchase. Mr. Burden mentioned his condominium documents will manage that when drafted. Currently there is only two units left and they are making adjustments within the unit to appeal to the buyers wants. D. Morford asked how will the Condo Association deal with the architectural standards. Mr. Burden did not know, so D. Morford asked what would prevent the buyer from tearing it down and put something else up. Mr. Burden answered that the Condo Documents wouldn't allow that. D. Morford then asked who would determine what is and is not allowed because in a site condominium you own the

entire site but in a traditional condominium you don't own it and can't make changes. Mr. Burden stated again said the condo/management documents wouldn't allow the changes without the entire ownership agreeing to changes. D. Henning brought the discussion back up to the board and pointed out as the P & Z Committee stated the bylaws, management agreement, or condominium documents are not ready at this point. The Township Committee gives us recommendations based on their knowledge of P & Z issues and didn't approve because the applicant does not have these documents prepared for review. Even if someone gives their word it is not enforceable, only a formal document spelling out how things are to be handled would be. S. Festerling explained that by Mr. Burden asking us to approve this today on his word he is asking the Township to take a risk which is something the Township is not wanting to do because it could open us up for many problems in the future not only with this project but any future projects that will be coming before us. We cannot afford to set that type of precedence. Everyone needs to be held to the same accountability by providing the requested documentation before an approval could be considered. Mr. Burden stated that his PUD plan was already approved, however the township board members stated that the plan before us tonight has not been seen or approved by our board. It is a completely different development before us than what we have ever seen. The original plan that had approval was to create more of the same condos that already exist at Windjammer Marina with a boat house and condo above it. This past summer our Township only saw a plan to create the docks without condos and to be granted approval to lease out the slips with the garages and that plan was approved with conditions. Mr. Burden continued to not understand why he was told this PUD Plan was approved and why the township would not approve it now. He also stated his attorney was on Spring Break and couldn't get a hold of him between the committee meeting and tonight to address some of the things that were being asked for. D. Morford explained that because this PUD plan is not the original approved plan, he does need to provide the documents that have been requested before the case can move forward. S. Festerling explained the Township's next Regular Meeting will not be until Thursday May 6, 2021 due to the Special Election being held on May 4<sup>th</sup>. The Township's P&Z meeting will be at its regular date and if he has all the documents being requested by that meeting it could speed up the next step in this process since Emmet County's next P&Z meeting is the same night as the Township's May meeting. D. Henning made the **Motion** to accept Littlefield Township Planning & Zoning Committee's recommendation to Postpone the approval for Boathouse Village Case #PSPR21-004 until bylaws, management agreement, performance guarantee amount obtained, and rental of individual units addressed, due to parking concerns Second by S. Festerling, Carried 4 Yes, 0 No, 1 Absent.

#### **Unfinished Business:**

**Hay Lake Marina/Admiral's Pointe Slip Rental Docs Review:** D. Henning reported that he and D. Morford has worked on documents for the Marina and provided them in the packet for review. D. Henning asked if there were any questions or changes to be addressed. S. Festerling pointed out a few typing errors in the Marina Rules & Regulations 2021 under #17 & #18 and asked for clarification on # 32. No Camping is permitted on the premises... The question was if #32 is regarding any other "camping" than sleeping on their boat in the Marina slip. After a brief discussion it was agreed if #32 was to add No RV or tent camping...it would be understood that outside of sleeping on your boat in the leased or rented slips there is no camping. D. Henning marked the changes for correction to the final draft.

D. Henning did say he talked with Kurt Hoffman recently as to rates for slips. Kurt let the Board know that the slips Patty manages on the Crooked River at River Walk (yellow unoccupied Condos just off M-68) is leased for two different rates. The north wall rates are \$1,300.00 or \$1,700.00 annually and the rest are \$1,300.00. He also said that location does not have bathrooms only an outhouse. He went on to say that Windjammer's leased rates for being on the wall where there is power is \$2,300.00 and the floating docks were \$1,700.00 or \$1,800.00 last year and may see an increase this year. He said our proposed rates are in line for having the type of facility we have. D. Morford talked about the Waterways Commission and that we are only able to lease up to 50% of our slips and the remaining slips are to be for transient rentals. We must follow their instructions due to obtaining the Grants we received. After we have data on the percentages of transient rentals compared to what is not rented, we could appeal to them on the ratio of leased to transient slips if it can be shown we would do better having more leases.

D. Henning brought up the subject that our board needs to also think about is the restrooms and when they would be locked for cleaning and possibly for a time during the night to prevent damage like we have seen at the Community Building's outside bathrooms that serve the Village Park. Nighttime closing would also prevent people "camping out" in the bathrooms on top of misuse. The current locks are automatic and programable, but we might want to look into locks

that require a code to access after a certain hour or to only allow usage of the restrooms to people who lease or rent slips and we give them the code after payment. D. Henning stated he was going to call Gosling Czubak to see if the locks could be converted or what our options would be to give added security of the restrooms.

D. Henning asked what the Board thought of the Marina Schedule/Fees for 2021. Discussions were started on what was meant under daily ramp usage fees for each additional 15 minutes at the rate of \$10.00 and the overnight parking fee. The each additional 15 min. charge is to help discourage people launching their boats and not moving out of the way so another person can launch their boat without having to wait too long. 15 min. is a good amount of time and if they are waiting for friends to join them, they can move over to the wall area where there is a 2-hour limit for free. Proper boating etiquette would have a boat already packed with the items a person is taking on their boat before entering the launch area. Overnight parking fees would be for things like one of the leased slips going on an overnight boat trip and their car is parked until their return and if any of their guests that go on their boat also needs to park overnight. It could also be someone from the area that is using the ramp to put their boat in for an overnight trip leaves their truck & trailer in the lot until they return. S. Festerling asked about the transient slip daily fees for both a 27' & 28' boat and if our slips can accommodate them since our lease agreements will only allow boats sizes up to 26' max. -no exceptions as it was provided in this packet. D. Henning stated when they were figuring out the length for the leased slips they averaged since the slips on the west are 25-26' slips from the walkway and the ones on the east are 24'. It was figured that some of these boats could hang out in the fairway by a couple of feet (depending on the location of the slip) and still have enough room in the fairway to allow another boat to pass by. Kurt Hoffman stated it can be managed by placing the larger boats down in the "u" section of the marina, but he also said that what the industry considers to be a 24' pontoon boat could actually measure 26'+. He went on to explain that in pontoon boats the measurement comes from the actual pontoons not including any overhang of a swim platform or the motor hanging out further.

#### **9:15pm**

D. Henning stopped the meeting to explain that we needed to recess the Regular Meeting briefly because it has run longer than what was thought it would. There was a Special Election Committee Meeting scheduled to start at 9:00PM and we need to hold that meeting. We can come back to the Regular Meeting after the Election Committee Meeting finishes to finish the Regular Meeting.

#### **9:20pm**

D. Henning re-opened the Regular Township Board Meeting and continued to discuss Hay Lake Marina under Unfinished Business. The Special Littlefield Township Meeting Minutes will be recorded separately for April 6, 2021.

Kurt Hoffman asked what was on the 2021 Seasonal Slip Rental Application for the maximum boat size. D. Henning said it was 26' but the transient slip daily fees are for 25' @ \$30, 26' @\$31, 27' @\$33, and 28' @\$34.00. Kurt thought we would be safe in allowing the Seasonal Slip boats to be a maximum of 28' but it may not be in the slips with electric & water. He also explained that the slips for seasonal rental and transient could be intermingled with each other. D. Henning explained that this year will be a year of learning. Changes may need to be done next year once we experience this year, but he wanted to make sure for this year the Board is ok with the rates as provided. Everyone agreed to the rates. D. Henning went on to say that a source has been found to purchase stickers, envelopes, honesty drop box etc. He also asked the Board if it was agreeable to make a change to the 2021 Seasonal Slip Rental Application for the boat size to be 28' max. No exceptions and again everyone agreed to make that change.

S. Festerling stated she informed D. Henning about calling the township's insurance agent to ask about full Marina Liability Insurance since we are no longer in the construction phase. Our agent stated it would be from a different provider than EMC because EMC does not provide full marina insurance. He also said that a couple of his recent clients looking for marina insurance the underwriters came back and insisted that the boat slip permit contain the requirement of the permittee having watercraft liability and hull insurance. D. Henning stated that a simple change can be made in #9. *Insurance.* to add to marina/watercraft liability 'and hull' insurance to the first sentence.

Kurt cautioned the township board on using the words Pro-Rated, and explained that the season here truly doesn't start until mid to late June not in May when you can start placing your boats in. D. Morford explained that the only area we have pro rata refund is under termination, but no refund is given for just cause termination or after June 15<sup>th</sup>. Kurt also

wanted to make sure that the township was aware of storm water protection permit or SWAPP since all things close to the water needs to have a plan for storm water runoff. D. Morford stated we do have one because we could not proceed with the State for the grants without all of that being in place. Kurt's final helpful information was on MBIA or Michigan Boaters Industry Association. He went on to say they have a Harbor Master Membership and hold a meeting every year in the fall that will create connections with other Harbor Masters that are a wealth of information besides the information that MBIA also has. Kurt thought the membership might be around \$250.00 and would be comparable to MTA but for the marina industry. They watch what is happening in legislation along with information on clean marinas which could help to get rate reductions on insurance if the marina can be classified as a clean marina.

As the information wrapped up on the marina, S. Festerling asked if we need to make a motion of approval on the packet of documents. D. Henning stated that the only item that needs approval this evening is the Littlefield Township Marina Schedule/Fees for 2021 to present it to the State for final approval. S. Festerling made the **Motion to approve the Littlefield Township Marina Schedule/Fees for 2021 boating season as presented.** Second by D. Henning, Carried 4 Yes, 0 No, 1 Absent.

#### **New Business:**

**Sewer Line Proposal - Geoff Frye:** Mr. & Mrs. Frye proposed in an email dated April 1, 2021 that their current private sewer line be purchased by Littlefield Township for \$10,000.00 because there is interest by their neighbor Mr. Droste to move off their septic and connect to the sewer system for \$5,000.00. There is a possibility that other neighbors (5 more) that could be interested as well. The Township Board discussed this proposal and the fact that most of the neighbors could already have seen a septic system failure to some degree, and since the property surrounding the Frye's wouldn't qualify for a septic field per the Health Dept. tests any new construction would have no choice but to connect to the sewer, this sewer line would become public. As soon as a second person connects to the line it would become a public system and the Frye's would have to set up an LLC and sign the form Part 41 which is what was signed when we took over Eagle Beach. Eagle Beach had to pay \$115,000.00 for their line to be brought up to code before the Township would take it over. K. Shomin asked how the others that could potentially want to tap into this line be charged \$5,000.00 along with paying the regular tap in fees. It was explained it would end up becoming a special assessment district or sewer district 3. D. Morford stated that he would want to know more about the engineering before anything was to be considered and it would need to go to Scott at HSASDA and/or Gosling Czubak to be looked over. D. Morford commented that if it is not something that makes sense for the Sewer Authority to maintain then it would be a no go. D. Henning will contact Scott at HSASDA to let him know of this and that Mr. Frye needs to provide the Authority and/or Gosling Czubak with the plans to go over before it could even be considered as an option. D. Morford stated that as a member of the Sewer Authority if the Authority says we shouldn't do it we don't do it.

**Clerks Agenda:** S. Festerling reported that she signed up to attend the complete MTA Spring conference that is being held on ZOOM. By signing up for this we will have access to all the classes/meetings they provide for the 3 days even if it wasn't attended during the set time. It will be provided to revisit since all sessions are being recorded at the regular conference price. Normally the in-person conferences would not give you access to the sessions you were unable to attend live.

Reminder that our May Regular Board Meeting was changed to 5/6/21 due to the May 4<sup>th</sup> Special Election being held. For the May 4<sup>th</sup> Special Election, it was posted in the States QVF records that I will be holding my weekend required hours (8 total) before the May 4<sup>th</sup> election on Sunday May 2, 2021 from 9am to 5pm for Absentee ballots and for anyone who wants to register to vote for this election. I will also have office hours on Monday May 3<sup>rd</sup> from 9am-4pm at the hall as well.

**Public Comment:** Kim Morgan stated that the Cemetery fence held up this past winter without any damage. The smaller caps worked out perfectly and as a reminder the old caps that remained on the fence the previous winter was all removed, and the smaller caps were placed on the whole fence at no charge to the Township before winter 2020 arrived.

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

Regular Meeting was adjourned @ 10:22PM by D. Henning.