

Bear Creek Township Board Meeting

August 5, 2020

I. Called to order at 7:00 p.m.

II. **Roll Call**

- a. Golding, Hoffman, Nowland, Keiser, Kendziorski
- b. Others Present: Al Welsheimer, Mitch Brown, Dean Hicks, Dan Armstrong

III. **Pledge of Allegiance**

IV. **Approval of Minutes**

- a. Minutes from four meetings: Regular BCT Board Meeting on July 1, 2020, Election Commission Meetings on July 7, 2020, July 31, 2020 and August 3, 2020.
 - i. **Motion** by Hoffman to approve the minutes as presented, 2nd by Nowland. **Unanimous**

V. **Request from the Floor/Discussion**

VI. **Approval of the Agenda**

VII. **Unfinished Business**

a. **Howard Rd- Sewer Extension**

- i. Keiser reported that the extension is substantially complete with a few items to go. The road turned out well, and Keiser has a meeting with the representatives of Maple Creek subdivision next week to discuss future hook-ups (and how it would be funded). Keiser reported that the third pay request came in from MDC for \$208,765.68. Additionally, the railroad company sent us a bill for around \$7,000 for monitoring the railroad right of way during the construction; however, this bill is very high. Keiser noted that the MDC bill is going to come to around \$8,000-10,000 less than we anticipated, so the total cost of the project will still be about the same.
 - 1. **Motion** by Nowland to pay MDC Contracting, LLC in the amount of \$208,765.68 for the third pay request for the Howard Rd Sewer Extension project. 2nd by Golding. **Passed**
- ii. Nowland asked if the power pole on the corner of Lears Rd and Howard Rd is going to be moved.
 - 1. Keiser noted that the tribe has resubmitted the paperwork for the money for this project. They are hoping to have this project funded in the next few weeks so that this project can be completed in September.

b. **Roads**

- i. Keiser reported that Powell Rd is complete. Graham Rd has started and Country Club Rd should be started by the end of August. Keiser reported on the intersection study of the Mitchell/Division Rd intersection. The short-term fix is to adjust the timing of the light as well as to add a right turn only light. This would cost between \$5,000-7,000. The board will wait to get a formal proposal in order to approve. Additionally, there was major damage in the East Bay View area after the tornado hit. Keiser authorized Gibson Excavating to come in and open a few storm drains on Old Tannery Creek because the road commission couldn't do the work until fall. Lastly, Keiser reported that there have been a few complaints of people parking on Evergreen Trail and putting their kayaks in.

c. **Library Report**

- i. Golding noted that the Petoskey Library sent out a newsletter and there is a portion of the newsletter that addresses racism. This portion of the letter encourages "white people" to read and buy books written by "black people". Golding noted that the library has received complaints from the community about this. Some have even gone so far as to withdraw their library membership.
- ii. Hoffman noted that the library is funded by government bodies, and should be staying neutral when it comes to controversial and political topics (in order that everyone can feel comfortable going to the library).
- iii. Nowland explained that taxpayer money is being used to produce this newsletter. He suggested that the board writes a letter to the library.
- iv. Kendziorski supports the idea of writing a letter. She noted that other townships that fund the library may want to send one as well.
- v. Hoffman and Nowland will work on drafting a letter.

d. **Spring Lake Park**

- i. Keiser noted that there was some tree damage during the storm that has been cleaned up for the most part. There is still one stump that needs to be removed. In regards to the rotted railing at the park, Waterfront Builders was brought in to repair the railing earlier this year. Keiser authorized an estimate of \$5,500, however, there was some additional work that needed to be done, so the total bill came to \$7,488.77. Joe Villemure and Keiser met with the owner of the company and agreed (after some recalculation) that the extra would be \$1088.77.
 - 1. **Motion** by Nowland to pay Waterfront Builders in the amount of \$1088.77 for the extra Spring Lake Park charges. 2nd by Hoffman. **Passed**

e. **Jones Landing Park**

- i. Keiser reported that we had minor storm damage at the park, with only a few branches down. However, the power was out for three days and we had to close the bathrooms down. We have been having an over-crowding and parking problem this year, which has caused the neighbors to complain. Dan Goldsmith and Keiser ordered some “no parking” signs to go near his driveway. With the high water levels, we have also had flooding problems (flooding onto the neighbor’s property). Keiser would like to have our engineer look at this and come up with a solution and will bring in a proposal next month.

f. Blight Existing Case

- i. Keiser reported that we have an existing blight case at 4408 River Rd. On August 3, 2020, we went to court and stipulated to the enforcement order. This gives the owner 45 days to get a plan and permit to fix the house, and one year to make the repairs. If the owner fails to do either of these things, we have a court order to tear down the house.

g. Election Update

- i. Kendziorski reported that we had around 2200 voters yesterday at the August primary (which is about a 40% turnout). Around 1650-1700 voted via absentee ballot, 220 or so voted in person at Precinct 1 and 350 or so voted at Precinct 2. Overall, it was a very successful election. Precinct 1 and 2 started closing at 8 and the counting board was done tabulating at 8:15. We cleaned up and the workers left at 9:15 (for all precincts). The extra tabulator we purchased has paid off (in regards to the time it takes to tabulate absentee ballots). Kendziorski also reported that we received a free drive-up drop box from the state as part of a grant (from the CARES Act). She asked if the board would be interested in seeing a drive-up display board outside the hall (to post meeting notices and such) with the drop box next to it.
 - 1. The Board is interested in looking at this project. Keiser will seek a proposal on this for next month.
- ii. Kendziorski noted that many townships are offering hazard pay to the election workers, as they worked through COVID-19, even when voters were not required to wear a mask at the polls. She explained that some townships were paying \$50 per worker and some were paying \$100 per worker.
 - 1. **Motion** by Kendziorski to pay each election worker an additional \$75 in Hazard Pay for the August 4, 2020 election because of COVID-19. 2nd by Golding. **Passed**

VIII. New Business

a. Blight (New)

- i. Keiser reported that he has received complaints about 1500 Click Rd, and now has two letters of complaint in order to make it an official blight case. The property is in poor condition.
- ii. **Motion** by Nowland to authorize an official blight case at 1500 Click Rd. 2nd by Hoffman. **Passed**

b. Fireworks Ordinance

- i. Keiser reported that the 4th of July was busy with fireworks complaints. There were no public fireworks this year, so more people were shooting them off privately. Keiser noted that he had a few complaints new the Skyline Dr area, and our ordinance doesn’t cover that. Currently, our ordinance covers to about Alcan Dr and not much further east. Keiser would like to know if the board would like to expand the ordinance for next year.
- ii. Nowland suggested amending the ordinance to reflect residential areas.

c. Road Extension Study

- i. Keiser reported that we are looking to get a study to create a new road that would extend from the light at D&W to run behind McDonald’s, Culver’s, etc and go out to Manvel Rd. OHM has an office in Petoskey and works with MDOT and many government entities. OHM has proposed a two-phase contract. The first phase would be to fly the area with a drone and create a map with all the driveways, buildings, wet areas, etc. The second phase would be to have employees on the ground mapping it out. Ultimately, something needs to be done, because the traffic on the highway is only going to get worse. Keiser noted that there may need to be a light at Manvel, and the intersection of M-119 and 31 may also have to be addressed. The proposal from OHM for the first phase (to be completed this fall) would cost \$12,500 if MDOT already has the necessary data (OHM feels confident that they do) or \$19,500 if MDOT does not have all the necessary data. Keiser suggested that the second phase could be budgeted for next year. He also noted that the intersection of Pickerel Lake Rd and the highway could be included in this study. Keiser explained that this project could also help with some of the drainage issues in this area. This will not be an easy or inexpensive project, but it is a necessary one.
- ii. Hoffman noted that he feels the key to this project is the property behind Culver’s.
- iii. Mitch Brown remarked that the Planning Commission would like to see this road put in place.
- iv. **Motion** by Golding to approve the first phase of this project with OHM for up to the amount of \$19,500. 2nd by Kendziorski. **Passed**

d. Marijuana Ordinance

- i. Keiser reminded the board that we adopted a marijuana ordinance last year. We opted out of medical marijuana and we did not opt in to recreational marijuana. However, we have a recreational marijuana retailer operating in Bear Creek Township on tribal land. The tribal land is in a federal trust, and marijuana is illegal federally. Keiser would like to understand why our ordinance doesn’t apply in this case, and why this business

does not need local government approval. Joel has recommended that we talk to Thad Morgan, who represents us in other federal cases. Keiser would like board approval to discuss this with Morgan.

1. The Board agreed that Keiser should discuss this with Morgan.

e. City Recreation Appointment

- i. Keiser reported that Bill Hansen has been the liaison person representing Bear Creek Township on the city recreation committee. Bill has indicated that he would like to resign at the end of the month. Jerry Bush has indicated that he will be willing to serve starting in September. Keiser feels it is fitting that the Bear Creek Township liaison is someone on the Parks and Recreation committee.

IX. Planning/Zoning Report- Report by Kendziorski

- a. Kendziorski reported on four cases this month. The first case heard by the Planning Commission this month was MKB Holdings, LLC, who requested a PUD Amendment and Site Plan Review for property located at 4472 US 131 Hwy. Walloon Village Marina is requesting further outdoor storage in the winter. The Planning Commission recommended approval of this case.
- b. Dean Hicks explained that the boat hoists are 13-15ft, but those will be behind the building to the south. The barges for the 4th of July would be stacked four high behind the building (at a maximum of 10ft). He noted that the side walls of the building are 14ft.
- c. Keiser suggested that we have a more specific classification on the height. He suggested 3 sets of 4th of July barges (to be stacked at 4 high for a maximum of 10ft). Keiser noted that the 15ft height stacking would only take place behind the building, everything in front of the building would be ground level. He also noted that we have a concern regarding the footage of the tree line. If the tree line goes away, what would mark the storage area (so it wouldn't recede)?
 - i. Hicks noted that there is a steep drop off by the tree line and they are not planning to excavate. The storage-line is 10-15ft away from the ridgeline.
- d. Keiser suggested making the powerline easement the edge of the storage line. In that situation, the business could store boats up to the easement area, whether the powerline was overhead or above ground.
 - i. Hicks noted that it would cut into storage space, but it would be okay.
- e. Keiser would like clarification as to what is being stored and where.
 - i. Hicks noted that boats and trailers would be stored in front of the building, and shore stations and floats would be behind the building.
- f. Keiser asked if the emergency overflow on the southwest corner could be identified on the site plan as a four inch pipe. Hicks confirmed that it could.
- g. Dan Armstrong, neighboring property owner, noted that he would like to see further clarification in the motion regarding how general the words "storage" and "tree line" can be.
- h. Hoffman is concerned about Walloon Village Marina tying up the dock at Jones Landing to do maintenance. Hicks noted that he will solve this with the mechanics.
- i. The second case was David Firman for Site Plan Review for property located at 3529 Howard Rd. This case was postponed by applicant request, so it was not discussed. The third case was case Joseph Daly, for a Special Use Permit for an Accessory Building as a Main Use at 770&782 Lears Rd. This case was approved.
 - i. **Motion** by Hoffman to accept the Planning and Zoning Report, with the following conditions added to Case PUDF21-01 MKB Holdings LLC: In front of the building, only boats and trailers may be stored. In the back of the building, shore stations and fireworks barges may be stored, with a maximum of three sets of fireworks barges (stacked 4 high for a maximum of 10ft). Additionally, that a four inch pipe for emergency overflow be identified on the site plan in the southwest corner. 2nd by Golding. **Passed**
- j. Keiser remarked that a violation letter went out to Gabriel Farms regarding the campers on the property. Tammy Doernenburg has received many complaints and there are no campers permitted on the current site plan.

X. Fire Department Report- Report by Welsheimer

- a. Welsheimer reported that they did tanker maintenance as well as a drill of day to day operations. The ladder truck was serviced. There were 71 fire calls (many were from downed power lines during the storm) and 7 EMS calls. He submitted a Hazard Pay grant request for the firefighters and hasn't heard back yet.

XI. Parks and Recreation Report- Report by Keiser

- a. Keiser noted that the committee has been meeting often to update the recreation plan. The first draft should be available soon. The board should review this plan and make comments before next Monday's Parks and Recreation meeting if possible. Keiser noted that the Parks and Recreation committee is considering having a maintenance person that would be shared with Resort Twp or Emmet County. There may be opportunities which arise in the future for this. Keiser explained that Dan Goldsmith has put up 6 signs, and we will be reimbursing him \$159 for these signs. However, Goldsmith has done quite a bit of work in the township for the parks this summer, and Keiser suggested the board pays him for his time.
- b. Nowland suggested a flat amount of \$150.
- c. The Board agreed to pay Dan Goldsmith \$150 for the work he has done at the parks this summer.

XII. Correspondence

- a. Keiser received an email from the watershed council. They have offered to do a free assessment to look for gaps in our Master Plan. Considering we have a portion which addresses shoreline and erosion, it may be a good thing for them to look at it. Keiser reported a complaint on Bren Del regarding a disturbance of the peace. Keiser received information from MTA and Spectrum. He received a letter from Opal Goldsmith regarding the construction at Fabiano Brothers. He also received a letter from Dan Malec regarding the conditions of the roads.

XIII. Clerk's Business/Bills- Report by Kendziorski

- a. Kendziorski reported bills in the amount of \$221,413.33.
 - i. **Motion** by Kendziorski to pay the bills in the amount of \$221,413.33. 2nd by Golding. **Passed**

XIV. Treasurer's Report- Report by Golding

- a. The Treasurer's Report shows a balance of \$7,527,513.31 as of 7/31/20. Our revenue sharing this year is projected to be down by \$24,768 (from what we put in our budget).
- b. **Motion** by Nowland to approve the Treasurer's Report. 2nd by Hoffman. **Passed**

XV. Building Department Report- Report by Golding

- a. Golding noted that she is unsure as to how much the building department will be down this year. It seems on track for now.
- b. Keiser added that Culver's has gotten flooded multiple times this year. He and Tammy Doernenburg are going to walk from Culver's to Country Club to identify the problem.

XVI. Sewer Business/Bills- Report by Keiser

- a. Keiser explained that we will need to approve the restated agreement for the authority. Other townships are approving it next week. When this is approved, we will move onto dissolution agreements. Hopefully, the sewer authority will be closed by 10/31/20, when Sally retires (so that Lizzy does not have to be trained for the authority).
- b. **Motion** by Hoffman to authorize the clerk and supervisor to sign the restated agreement for the authority. 2nd by Nowland. **Passed**
- c. Keiser explained that we are currently renting 250,000 gallons of capacity. When the plant comes to 90% capacity, we will need to help expand the plant. At this point, the plant is not at 90% capacity, but we do need to rent more capacity. Keiser suggested that we rent an additional 150,000 gallons from Little Traverse Township, Village of Alanson, and Littlefield Township (who all have capacity left that they are willing to rent).
- d. **Motion** by Kendziorski to authorize the supervisor to sign the agreement to rent an extra 150,000 gallons from Little Traverse Township, Village of Alanson, and Littlefield Township. 2nd by Hoffman. **Passed**
- e. Keiser reported the July sewer bills amounted to \$249,543.66.
 - i. **Motion** by Keiser to pay the sewer bills in the amount of \$249,543.66. 2nd by Golding. **Passed**

XVII. Request from the Floor/Discussion

- a. Mitch Brown asked the board if there is any way we can require a right in and right out only at Culver's. He is afraid of a head on collision.
- b. Keiser agrees that this is a problem, but noted that we do not have the authority to tell an existing business to do this. He explained that MDOT's recommendation was to have an entrance to be shared with Pirate's Cove and an exit to the light through ProBuild.
- c. Golding noted that Culver's approached ProBuild multiple times but no easement was given.
- d. Keiser suggested that Brown bring this to the Planning Commission. There may be something Tammy Doernenburg can do.

XVIII. Other Business: None

XIX. Adjournment: 8:59 p.m.

Respectfully submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk