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**Bear Creek Township Board Meeting  
June 1, 2022**

Called to order at 7:00 p.m.

**Roll Call:** Keiser, Hoffman, Urman, Radatovich, Golding

**Pledge of Allegiance**

**Approval of Minutes:** Regular mtg of May 4, 2022, closed session of May 4, 2022, special mtg of May 6, 17, and 23, 2022, and closed session of May 23, 2022.

**Motion** by Hoffman to approve the minutes as presented. 2<sup>nd</sup> by Urman.

**Passed**

**Request from the Floor/Discussion:**

Matt Koontz spoke in regards to the proposed development on Atkins Rd. Our community needs housing and he is in support of the project. The developer is not asking for tax breaks of any kind. We are losing young professionals in the area because of the housing crisis. Koontz knows several young teachers who have to live outside the school district because of lack of housing. The housing crisis is going to require all of us to help. He wants to see this project move forward.

**Approval of the Agenda**

Keiser suggested that we start with the planning report.

**Planning/Zoning Report**

Radatovich shared the Planning Commission cases of the month. Case PPUDF22-01 Michael McGrath (old RG properties for the car wash) was approved. PSUP22-08 Traven Michaels (for one campsite) was postponed. PSPR22-004 Schaner property was approved. PPUDF22-02 Alexander Petoskey was approved.

Hoffman recognized the need for housing. Throughout the project, he has been wanting to ensure that it looks good. Last time, he voted no on the plan because of a few perceived issues with the plan. He disapproves of the 20ft setback and think it should have been 50ft. He thinks there should be a buffer between these buildings and the school property because of future school development. In addition, we gave a variance on the 10ft parking spaces down to 9.5ft. Now there is an excess of parking spaces that will be used for snow storage. Hoffman is questioning why we are using parking for snow storage when we didn't have enough parking to begin with. Hoffman was hoping the developer would put in irrigation, at least along Atkins Rd, but the ordinance doesn't require it. He hopes the developer will follow through so this project will look nice.

Golding feels this is a great project and recognized the need for housing. She agreed that she would have liked to see irrigation on the project. She thinks it is important to keep the trees and grass watered.

Urman asked if the dumpster and landscaping are okay for the fire department access. Welsheimer agreed that they are acceptable.

Welsheimer shared the code requirements: 150ft access from the fire truck to any point of the building. There will be a foot path in the rear of the buildings to access the back. This path must be maintained. The one building on the corner by McDougal cannot meet the 150ft requirement, so the developer is putting in standpipes in the stairwells (and also in the three story buildings).

Urman believes the landscape was done well, but that irrigation should have been pushed harder. He noted that trees will not grow without water on islands. The shrubbery also needs irrigation. The storm sewer has been addressed. There are deep retention ponds on the front side. He is hoping they will be able to keep them mowed. The sidewalk was discussed at the planning commission meeting, but Urman thinks we should request a full sidewalk with curbing to tie into the city. He thinks it is the developers turn to give, as the township has given a lot. In regards to the setbacks, he is totally against the 20ft setback, as the ordinance requires 100ft for three story buildings. He is concerned about the density. When this first started, it was all two story and had more of a neighborhood feel. He doesn't think three story will fit in the area. The drainage plan is sealed and stamped, however, he wants to ensure we will not have water going across the road. He noted that almost the entire site is covered in hard surface. The snow storage was addressed, but he is not sure how they are going to push the snow. He feels we should push for irrigation and sidewalks. He also is "not following" the 10 Airbnb units.

Radatovich agreed that we need housing. She feels the project really needs to be irrigated.

Keiser noted that we really need housing in the area. This project is not asking for any tax credits and is market rate housing. Bear Creek is going to be the area where these new housing developments go. We agreed in the Master Plan that this is the designated area for high density residential. This is probably the easiest parcel in Bear Creek to develop, because of the utilities. Every development after this will likely be more difficult. In regards to the setbacks, Keiser does not have a problem with it. The school gave the developer a grading easement. His biggest concern was for fire access and that issue has been settled. He would have liked to see the project irrigated. He

was concerned when it came to drainage, but they have a sealed drainage plan and got it worked out. This project is a give and take and the township got housing out of it. We gave on things such as setbacks, density, storage, 10 short-term rentals, limited commercial uses. The landscape plan as a whole is good. He is glad we got the 200ft connector sidewalk, however, we cant have curbing there without storm sewer. The utilities will be extended to the southeast corner of the property. Keiser noted that the Planning Commission had a 7-0 vote and reviewed it thoroughly. He feels the snow removal and irrigation could have been stronger, but that is not the fault of the Planning Commission. He opened up public comment about this project.

Jeff Anneke from DBS thanked the board and Planning Commission for their collaboration. He felt that the setbacks and height comments were fair. When they started this project, it was for 180 units, and the buildings were going to be flat roof, more institutional looking. Part of the reason they asked for variances is to make this more attractive to the community. He recognized the desire for irrigation and have money budgeted to keep the trees, shrubs, and lawn watered. They will be using a UTV with a water tank on the back and a staff member will drive around to water. The City of Petoskey's Master Plan talks about conservation of water. The reason they are not irrigating is more of a conservation effort than a budget issue. At the end of the day, they also want this project to be beautiful. They heard the snow storage concerns and have met the ordinance. They have access to a variety of equipment to maximize the snow storage space. They have identified some other areas for snow storage on the plan that are not parking and will be suggesting them at the county next week. He feels this will be an attractive asset to the community.

Dylan Borland thanked the board, Planning Commission, and audience for their comments. He feels there were wonderful recommendations and appreciates the effort and commitment.

Keiser shared a public comment he received from Sarah Koetje. She asked that now that the Japanese knotweed has been identified, how is the developer planning to irradicate the problem? Keiser noted that he spoke with the head of invasive species for the area and she is aware of the issue. She explained to Keiser that there is grant money available to help get rid of it. Jeff Anneke is glad they were made aware of the issue. They started putting remediation plans in place and will have three different options by the end of the week.

Carlin Smith thanked the board and Planning Commission for their leadership and for addressing a critical issue in our community.

Nikki Devitt appreciates the efforts the board has made on this project.

Ben Slocum supports this project. He feels that density is important to prevent sprawl. He noted that most lawns in Bear Creek are not sprinkled and feels that the sacrifices that were made for this project are appropriate.

Hoffman hopes that the developer will follow up with Emmet County to add recycling to the project.

Urman noted that the road commission approved the traffic situation. Keiser explained that there are deceleration lanes on both entrances. The road commission has approved the access. The lift station has an easement from the school.

**Motion** by Hoffman to approve the Planning Commission Report- to approve case PPUDF22-01, PSPR22-004, and PPUDF22-02, and to postpone case PSUP220-8. 2<sup>nd</sup> by Golding.

Roll Call: Urman, Hoffman, Keiser, Golding, Radatovich

Yes: Urman, Hoffman, Keiser, Golding, Radatovich

**Passed**

Radatovich shared that the Brownfield educational panel (training) for our planning commission will be June 15<sup>th</sup> at 6:30pm. Andrea Jacobs shared that this training is aimed at officials. It is an opportunity to learn together and recognize our opportunities when it comes to Brownfield in a rural area.

## **Unfinished Business**

### Roads

Keiser shared that dust control was applied yesterday. The seal coating was done yesterday and finished today. In working with the neighbors regarding Krause Rd, last year, the cost was estimated to be approximately \$350,000. The current estimate is for \$550,000 with a 10% contingency (so over \$600,000 in total). Maybe we can pursue this project next year if the oil prices come down. The board agreed to wait on this project.

In regards to Atkins Rd, the project came in at \$261,100 and is for the portion that did not get done. Keiser suggested that we do that project this year. Ultra thins came in at \$109,600 for Hendricks, Iduna Ln, Rice St, and Rolling Hills. The board agreed to both. Keiser will sign the estimates tomorrow. In regards to road signs, Keiser shared that the county is considering replacing the road signs.

Karla Buckmaster asked the pricing of the signs. The quote to replace the whole county was for \$137,000 (not including installation). The decision on these signs is important. She asked about the signs that have been out there 3-4 years. She questioned why there isn't a warrantee on the signs. We need to make sure there is a warrantee this time. She noted that these may be completed with computerized painting, but that has nothing to do with the quality of the paint itself. She asked why the last road signs were not UV protected.

Keiser shared that the signs are \$65 a piece on average and he estimates we would need about 100 in Bear Creek (just to replace the ones that are really faded). The signs have all faded at different paces. The original signs from 8-10 years ago are still out there, however, some have been replaced due to the pole being hit or them being damaged. Originally, he suggested the Bear Creek replace the signs in our community that need it, but he has gotten indication that the county is going to do that. Some of the poles are damaged, so if the county replaces signs, there will need to be new poles on some, plus the cost of the nuts and bolts. What moved the county to replace the signs in the first place was a mandate by the federal government. The federal government was requiring a certain size in order to get federal funding. Keiser noted that these signs need to be UV protected. He firmly believes they need to be replaced.

Urman asked why the township didn't do all of Atkins Rd at once. Keiser shared that at the time they did the Atkins Rd project, this portion had just been capped. It was the intention of the board to come back to it.

Karla Buckmaster requested a guard rail on Kolinske Rd and ask that Keiser share that with the road commission. In addition, she asked if they had painted arrows at the bottom of Pickerel Lake Rd. Lastly, she would like to see the cross bar at the bottom of Alcan Rd painted. Keiser noted that the arrows have not been painted. In his communication with the road commission, it seems that there is no contractor in the area for painting.

#### Library Report

Hoffman attended the library meeting. OHM gave an assessment of the Carnegie and main library building. Both are in good shape but will have long term repairs. There was a ride for equality presentation on May 27<sup>th</sup>. On June 2<sup>nd</sup> there is a program on how to respond to hateful language. Val Meyerson, the library director, went to the high school to attend the "No Place for Hurt Group", which received an award from the head of the Michigan Anti-Defamation group. Meyerson has been attending diversity courses and the library board thought it was great for her to have this training. The library will be putting books in Magnus Park for campers.

#### Click Rd Property

Keiser shared that the board had two special meetings to discuss this. Welsheimer and Radatovich will be visiting Green Lake Township, where they are building a new fire hall. Urman is going to contact Miller Canfield about grants. Welsheimer is going to contact design builders. Radatovich reached out to MTA and the local USDA liaison about Community Facilities grant programs. Keiser shared that we planted trees at the property last year and we have temporary electric going in. Keiser met with the road commission and applied for a temporary driveway permit. It appears a driveway won't need a culvert.

#### Maple Creek Sewer

Keiser noted that the residents would like to use the township hall to meet with the supervisor, engineer, health dept, and an attorney to ask questions. They will likely meet in late July. We would have to pay for an attorney and Gosling Czubak to be there.

#### Land Bank

Keiser shared that Joel Wurster, our attorney, hired a firm to do a title search on the property in question, and it came back that there are current utility easements on the property, a driveway easement, and the property is unbuildable. This is still a desirable piece of property to the township for future public needs or utilities. It will become available after July 2<sup>nd</sup> and would cost the township \$5751.46 plus the \$30 recording fee, for a total of \$5781.46.

**Motion** by Hoffman to purchase PID 24-01-19-07-300-044 for a total cost of \$5781.46 (\$5751.46 for property and \$30 for recording fee). 2<sup>nd</sup> by Radatovich. **Passed**

#### Flood Plain Ordinance

Keiser noted that out of the flood plain area in Bear Creek, 80% of it is in Bay View and the rest is across Division along the lake. If we were to adopt this ordinance, it would force owners in the flood plain to get flood insurance, however, it is limited as to when they can use it. There are no houses in Bay View within the flood plain, just properties. Joel Wurster will help us draft a letter to property owners letting them know that they are in the flood plain and can buy insurance if they choose. Keiser recommends not passing this ordinance. The board agreed.

#### **New Business**

##### Rec Agreement- City of Petoskey

Keiser shared the City of Petoskey recreation agreement, to allow our residents to use the city programs at the same rate as the city residents. This year's cost is \$42,787.

**Motion** by Radatovich to approve the City of Petoskey recreation agreement, to authorize the supervisor to sign this agreement and to authorize payment with this agreement in the amount of \$42,787. 2<sup>nd</sup> by Golding. **Passed**

#### **Fire Department Report- Report by Welsheimer**

Welsheimer reported 7 fire calls and 4 EMS calls. They did some pump and drafting operations and completed live content training. The fire department finished preplans at the schools, so all schools and hotels are complete. Thursday night the fire department will be doing a live burn on Howard Rd.

## **Parks and Recreation Report**

Keiser shared that the parks committee will be meeting next week. The temporary boat wash will be delivered this week. We have a signed copy of the Memorandum of Understanding from the association. We wanted to have a permanent boat wash on site, but the location is within 200ft of the lake and EGLE will not allow it. EGLE is considering amending their rules on this. In the meantime, we have this temporary wash that is approximately 4x8ft and is self contained. The association will be paying for this temporary wash, which will cost approximately \$36,000. The agreement states that they will buy the wash and we will insure it. When a permanent wash becomes available, this unit will go back to the association. Keiser explained that we will have to maintain the wash and have the tank pumped 2-3 times a year. Keiser spoke with Todd Flynn about having the site work done for preparation for the wash to be set. There needs to be a culvert put in and some gravel. Flynn can do this next Monday or Tuesday, and it will cost no more than \$2,500. Keiser noted that it is state law to clean your boat for invasive species, but it is not often enforced. The association will likely host trainings out there on how to use the boat wash. In addition, there will be some painting on the road that this is a boat wash. The building will be powered by solar. Joel Wurster has reviewed the agreement. After the site is prepared, then the wash can be set.

**Motion** by Hoffman to approve memorandum of understanding with the Walloon Lake Association and to agree to pay Todd Flynn up to \$2,500 for site preparation (with the understanding that if the cost is more than \$2,500, then the expectation is for the association to pick up the remainder). 2<sup>nd</sup> by Radatovich.

**Passed**

Keiser shared that a survey was completed behind D&W and it turns out it is more the developers property than it is the state. We can't spend the money to put gravel in there if it is a private parking lot.

Keiser shared that Spring Lake Park has had trouble with the well. Sand has gotten into our system. We had a plumber out twice to look at the bathrooms (both to replace and flush out our systems). There still is some replacements to be done in the women's bathrooms. The sprinkler system also has sand in it. In talking to All Seasons, they suggested that the sprinkler system needs to be upgraded (due to age). In talking with Tony Hoffman, Keiser discovered that it is not easy to flush a sprinkler system, as sand can still be in the heads. He will meet with Tony Hoffman to get his recommendation. In addition, the railing at Spring Lake is rotten. Bryan Conklin went down last week and fixed a few spindles, but next year, the railing will need to be replaced with vinyl. Keiser shared that the wooden walkway leading to the pavilion has sunk 4-5 inches. Keiser asked Charlie Budnik to take a look at it. He thinks he can get under there and brace the deck.

Urman noted that the tree work looks nice. Keiser shared that we had beavers removed at Spring Lake Park, but now there are some additional trees that will need to be removed.

## **Correspondence**

Keiser noted that the only correspondence was the normal materials from MTA.

## **Clerk's Business/Bills- Report by Radatovich**

Radatovich reported bills in the amount of \$113,078.53.

**Motion** by Radatovich to pay the bills in the amount of \$113,078.53. 2<sup>nd</sup> by Golding.

**Passed**

Preparations have begun for the August election. Absentee ballot applications will go out tomorrow. Bear Creek hosted a state election training this morning and it went well.

## **Treasurer's Report- Report by Golding**

The Treasurer's Report shows a balance of \$9,718,831.41 as of 5/31/22.

## **Building Department Report**

Building dept reports were shared through 5/31/22. Radatovich noted that Wayne appreciates his new desk.

## **Sewer Business/Bills**

Keiser reported bills for the township sewer in the amount of \$74,428.89.

**Motion** by Keiser to pay the township sewer bills in the amount of \$74,428.89. 2<sup>nd</sup> by Radatovich.

**Passed**

Keiser shared that we have one sewer service permit application for an addition to a bungalow at Hearthside Grove for 0.23 REUs.

**Motion** by Keiser to approve the sewer service permit application for 2243 Hearthside Dr for 0.23 REUs. 2<sup>nd</sup> by Radatovich.

**Passed**

Keiser shared the proposal from Gosling Czubak for the upgrades to lift station 2. At the time we estimated last year, it was going to cost approximately \$126,000. Bids came in a bit less, but we also will need to pay \$11,550 to upgrade the service panel and transfer switch. The total cost of the project is proposed to be \$101,057. Urman suggested a higher amp electrical wiring.

**Motion** by Hoffman to approve the contract with Gosling Czubak to upgrade lift station 2, with additional the switch, for a total project cost of \$101,057. 2<sup>nd</sup> by Urman. **Passed**

**Request from the Floor/Discussion:** None

**Other Business:** None

**Adjournment:** 8:58 p.m.

Respectfully submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk