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**Bear Creek Township Board Meeting  
October 5, 2022**

Called to order at 7:00 p.m.

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

**Pledge of Allegiance**

**Approval of Minutes:** Regular mtg of September 7, 2022 and special meeting of September 22, 2022.

Keiser noted that at the special meeting, a remark was made about using taxpayer dollars for sewer uses. He clarified that tax dollars cannot go towards sewer uses.

Hoffman would like to correct the minutes for the misspelling of a last name during public comment. “Meyers” should be spelled “Myers”.

**Motion** by Urman to approve the minutes as presented, with the correction of the last name to “Myers” in the 9/7/22 minutes. 2<sup>nd</sup> by Hoffman. **Passed**

**Request from the Floor/Discussion:**

Karla Buckmaster asked about the snowmobile club parking lot. Are we renting or leasing? Keiser clarified that we do not rent or lease from them, however, we are allowed to use the space for elections.

**Approval of the Agenda**

**Unfinished Business**

Roads

Keiser explained that Brian Gutowski has officially retired. Typically, we meet with the road commission in January and get our road lists in February or March. However, there is so much work to be done that the contractors cannot get to it all. The suggestion of the road commission is to move our meetings up to the fall so we can bid out in January, which is earlier, when contractors are still filling their schedule. The proposed meeting dates with the road commission are October 24<sup>th</sup> or 25<sup>th</sup>. The Board agreed to meet with the road commission on October 24<sup>th</sup> at 6pm.

Keiser explained that Brent does the road ratings differently than Brian did, so it appears that our ratings are lower, however, it is just the way he does the ratings. He also rated the gravel roads. The recommendations from the road commission are as follows: 1) Atkins Rd from Maplewood to the first corner for \$320,000. 2) Bellmer Rd at the gravel road portion for \$760,000. 3) Fochtman Industrial Park for \$300,000. This can be tied to the sewer that will be going in there with Pine Pond and Hearthside. 4) Krause Rd for \$550,300. 5) Division Rd from the highway to Mitchell. Normally we wouldn't not participate in something like this but he is \$4,500 short and asking the township for the difference. If you take out Bellmer Rd, that puts the total at about \$1.2 million next year. This year, we are about \$550,000 under budget, because we did not do Krause Rd. Typically, we spend about \$700-750,000 a year on roads, so if you add that to the extra from this year, it would be about right.

Karla Buckmaster noted that Kolinski was misspelled in the road commission minutes. She wanted to ensure that the new signs being made have the correct spelling.

Urman asked if the county line is the primary county road. Keiser clarified that Charlevoix County takes care of that road from River Rd to Sterly. Emmet County does take care of a portion of it, probably from Evergreen to Stradling.

Click Rd Property- Design Build Agreement

Keiser explained that we have been discussing a new fire hall/voting location at the Click Rd property. We need to get a design and some hard costs for the project. We have a contract with Ironwood for a design build for review. For the contacts, the supervisor is listed as the owner's representative. And the individuals to work with for design are the clerk and fire chief. They are the individuals who fully understand the need for fire and elections. If there are questions to be answered between meetings, that would be who Ironwood would go to. The entire process will be board driven, however, there may be some things between board meetings that need to be answered, so they can keep moving forward and aren't held up each month. Keiser noted that Urman would like to have his name added, but we cannot add just one board members' name, because then there would be three board members in the contract, which could violate OMA. So if we wanted add names, we would need to add all five board members and have a meeting. If we enter into a contract with Ironwood, it will take a few weeks to get into their schedule. We will need to get into schematic design and design development. They will work with Radatovich on the meeting room side and Welsheimer on the fire side. If it is a large change, then it would have to come back to the board to approve the change. By next May or June we should have complete drawings. Keiser suggested that we start meeting early ahead of our board meetings to work on this project. If there is a major decision that needs to be made, we can always call a special meeting.



Fred Campbell explained that he would like to have a series of meetings with Radatovich and Welsheimer to confirm what we have done to date. This is to work out the details and to make sure that we meet the program requirements. We need to confirm that we can meet the needs while maintaining a manageable number from a tax standpoint. The monthly meeting will be more of a work session. He can address the board as we go along if that is something we would like.

Keiser noted that we need to ensure we meet the fire and election needs, but also to bring the whole board along. When we get to the end, we need to make sure this is a project we can all support.

Serenity Dankert from Ironwood noted that she can attend monthly meetings and the meetings with Radatovich and Welsheimer. She would like to keep the board involved for their input.

Urman noted that when we get to the building structure itself, he would like it to be the board's input. When it is time to select the hardware, doors, etc., that is not Radatovich and Welsheimer's responsibility.

Dankert explained that that will come later in the program, when we discuss materials and finishes.

Urman wants to make sure this is an energy efficient building and that the board can all give input on the look and feel of a 50+ year building. He would like this to be low maintenance.

Campbell noted that first we are in the design development phase. Then it will get down to details and what the finishes are.

Keiser noted that the survey costs were in the contract, but were removed, because we already have a topographical survey done as well as soil borings. He asked if the price is included for the railroad crossing. Dankert noted that the railroad fees will be included in the construction budget.

Keiser noted that we have about three months to respond to this. We have the option to pay for some of this on our own, or pass a resolution so we can be reimbursed by the bond.

Radatovich remarked that we have some money that we are planning to spend out of pocket on this project anyways. It may be a good idea to pay for these upfront costs out of pocket. However, we could consider passing the resolution as a safeguard.

Keiser noted that we are planning to spend about \$2 million of our own monies anyways, and the resolution could be a safety net.

Hoffman noted that there will be plenty of opportunities to spend our own monies, with site preparation.

Keiser asked when this would be plugged into the schedule. Is May 2023 realistic for complete plans? Campbell and Dankert confirmed it is.

Keiser noted that our attorney has reviewed this contract. It is a standard construction document and it is similar to the one we have used in the past.

Urman noted that we will pull permits, so that does not need to be in the contract. Dankert explained that they have to pull the permits as the contractor, so it will be rolled into our budget.

Urman asked if Denny will be notified about change orders before anything progresses. Dankert noted that we will need to amend this contract before starting construction.

Hoffman is okay with paying out of pocket for these costs.

**Motion** by Radatovich to authorize supervisor to sign the design build contract with Ironwood Construction for the new fire hall on Click Rd. 2<sup>nd</sup> by Hoffman.

**Passed**

## **New Business**

### Audit 2021-22

David George shared the 2021/22 audit. They have issued an unofficial clean opinion. The township has \$6.9 million in assets. The liabilities this year are primarily made up of ARPA funds. The public works showed an increase in road spending. George went over each fund, the revenue and expenses. There was only one account over budget (recycling), and it was due to a budgeting error. The township does a good job of amending the budget throughout the year. Taxes are the township's biggest funding source. The two capital assets added this year were the air filtration system in the fire hall and the Click Rd property. The bookkeeping is in good order for the township.



Hoffman asked if there are any recommendations for improvement. George noted that the investment activity wasn't recorded to fair market value. In addition, there could be more segregation of duties for the sewer. Keiser noted that it is difficult with a small team. Lizzy Coats collects the money and pays the bills for sewer. Golding and Radatovich sign the checks and Keiser initials the invoices. This keeps extra eyes on it.

**Motion** by Radatovich to accept the 2021/22 audit. 2<sup>nd</sup> by Golding.

**Passed**

#### Computer

Radatovich explained that she and Coats met with Common Angle to go over our current and future computer needs. Our account representative outlined for us the immediate needs as well as needs we will need to budget for next year. The immediate need is for switches and wireless access points which are at end of life, which means that they are not being supported by the manufacturer anymore. The cost for this immediate need is \$2591.87.

**Motion** by Radatovich to approve the quote from Common Angle for wireless access points and switches, for \$2,591.87. 2<sup>nd</sup> by Golding.

**Passed**

#### Blight

Keiser explained that we received two letters of complaint for a property located at 5566 Pickerel Lake Rd. We also received a second letter of complaint for property located at 117 Mishe Mokwa Dr.

**Motion** by Hoffman to open a formal blight case at properties at 5566 Pickerel Lake Rd and 117 Mishe Mokwa. 2<sup>nd</sup> by Radatovich.

**Passed**

#### Snowmobile Club Parking Lot

Keiser explained that the snowmobile club is doing some upgrades to expand the parking lot with gravel and some site work to prepare a building pad for a storage barn. The lack of parking has been an issue for us at election time. The gravel for the parking area is \$9,000 and they are asking us to split the cost.

Urman asked if we can use taxpayer dollars on private property. Keiser confirmed that the auditors approved it, as we are actually using that property for township use. We cannot make a donation to the snowmobile club, but we can pay the contractor directly for the gravel.

**Motion** by Hoffman to share the cost of gravel for the snowmobile club parking lot, not to exceed \$4,500. 2<sup>nd</sup> by Golding.

**Passed**

#### **Planning and Zoning Report**

Radatovich shared that there were four planning commission cases this month. The first was Case PPUDP22-02 Coseo Properties for a PUD-RO at 2287 Anderson Rd and 2404 US 131 Hwy. This case was postponed by request of the applicant and was not discussed. The second case, Case PSPR22-008, was for Walloon Lake Country Club for the addition of two pickleball courts. This case was approved. The third case, Case PSUP22-021 Barb Daniel, was for a PUD amendment and site plan review for a farmer's market at the Friendship Center. This case was approved. However, after the meeting, the applicant realized that they have more vendors than what was approved. We should send this back to the Planning Commission to review the updated number of vendors. The fourth case, Case PREZN22-03 Mazin Samona, was for a rezoning request at 1265 and 1313 Anderson Rd. The request was to rezone the property from R-2 to B-2. This case was denied.

**Motion** by Hoffman to accept the Planning Commission report, and to postpone Case PSUP22-021 for the Friendship Center. 2<sup>nd</sup> by Urman.

**Passed**

Urman noted that our Planning Commission is not subscribed to the American Association of Planning, Michigan chapter. This costs \$675 annually for up to 12 people, or \$65 per person. You get the magazine and there is lots of good information for our commissioners.

Mitch Brown noted that there was some interest, and he has not seen this magazine in the 16 years he has been on the commission.

Keiser asked if it is something we want to work into the budget for next year.

Radatovich noted that she sends the planning commission the training opportunities for organizations we are currently registered for, and they do not take advantage of those training opportunities that they have now. It is unlikely that they will participate in these.

Urman noted that we could register the planning commissioners as well as Bryan, Wayne, and Denny.

Keiser and Golding think we should ask the planning commission if they are interested.

#### **Fire Department Report**



Welsheimer shared that the fire department completed a pump and relay training. They had the annual picnic with the township boards. There were 4 EMS calls and 17 fire calls. They completed a fire extinguisher training. The state has over \$1 million for fire detectors. If anyone needs a fire detector, they should contact the fire department.

### **Parks and Recreation Report**

Keiser noted that the parks and recreation committee did not meet this week, and will meet next week on the 10<sup>th</sup>. We are scheduled to close the parks the week of October 24<sup>th</sup>.

### **Correspondence**

Keiser shared a letter from Deneen Smith, the Friendship Center director, notifying the townships that funding could potentially be cut by \$165,000. This is a result of more applicants for the money. There is an aging committee that recommends to the county commissioners how to allocate the money. Smith is asking for people to attend the county commissioner meeting to help the Friendship Center. Keiser has had several calls from senior residents who are asking what we can do. There are individuals questioning the ballot language of the millage. They associate the senior millage with the Friendship Center, when really, the ballot language is generic and can be used for any senior service.

Keiser shared a letter from Christy Turk, the secretary of the Maple Creek Board of Directors. She has concerns of the process of how their association is voting. The township has nothing to do with what their Master Deed says or how they vote. We still do not know the results of the vote.

Christy Turk stated that she read the letter from the township attorney through Mika Meyers. She asked that, in order to do a special assessment bond, is it 51% and does it take into consideration how large the total properties are that voted one way or another? There needs to be \$20-30,000 of improvement per lot in order to make it. She knows that there are going to be more no votes than yes, but the developer owns 13 lots. The majority of the homeowners are saying no. She feels it is like signing a blank check. She tried to call Gosling Czubak and left a voicemail four times. She is on the board of Maple Creek and they paid for the survey.

Keiser noted that if Maple Creek calls Gosling Czubak, then they will have to pay for that.

Turk noted that if you take the land mass of the owners, it is more no than the yes voters. For 51% that is about 20 votes, and the developer has 13.

Keiser explained that the vote just gives the board the direction of the interest of the residents. This is not the official vote. If there is indication that this is what the residents want, then there would be an official vote coming from the township, an official ballot. We are not going to spend time working on this if it is not what Maple Creek residents want. However, if it is what the majority wants, then we will move forward. It is 51% of the land, and the lots are close in size. If you call the attorney or Gosling Czubak, then they will bill Maple Creek privately.

Turk asked if they will have another vote with the township. Keiser noted that it would only be if the majority voted an indication to move forward.

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

Radatovich reported bills in the amount of \$131,567.98.

**Motion** by Radatovich to pay the bills in the amount of \$131,567.98. 2<sup>nd</sup> by Urman.

**Passed**

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

The Treasurer's Report shows a balance of \$9,643,275.57 as of 9/30/22.

### **Building Department Report**

Building dept reports were shared through 9/30/22.

### **Sewer Business/Bills**

Keiser reported bills for the township sewer in the amount of \$90,674.49.

**Motion** by Keiser to pay the township sewer bills in the amount of \$90,674.49. 2<sup>nd</sup> by Radatovich.

**Passed**

There are three sewer service permit applications this month. The first is for HP Golf Developments at 1895 Marshview for 0.23 REUs for a pergola addition. The second is for William Barfield at 1835 Hearthside Dr for 0.5 REUs for a bungalow. The third is for Rugarber at 2213 Ciderpress Dr for 0.5 REUs for a pavilion.

**Motion** by Keiser to approve the sewer service permits as follows: HP Golf Developments at 1895 Marshview for 0.23 REUs, William Barfield at 1835 Hearthside Dr for 0.5 REUs, and Rugarber at 2213 Ciderpress Dr for 0.5 REUs. 2<sup>nd</sup> by Golding.

**Passed**



Keiser received a letter today from Gosling Czubak, as a follow up of our special meeting. We have Pine Pond, Hearthside, and vacant property on Shaw Rd that will likely be developed. We tried to estimate flows for these developments, but the flows are coming back higher than we anticipated. When we submitted out part 41 permit to upgrade lift station 2, EGLE said that we need to upgrade it with even larger pumps. Pine Pond's application came in first, and there is enough capacity, so that one is likely to get approved. But then Hearthside will get put on hold until our pump station gets permitted. Gosling Czubak is recommending that we send a letter to EGLE stating that no more part 41 permits will be approved until our pump station is permitted, and that we will have the work done by the end of 2023.

**Motion** by Radatovich to send a letter to EGLE confirming that no additional part 41 permits will be approved until our pump station is permitted. 2<sup>nd</sup> by Hoffman. **Passed**

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

#### **Discussion with Legal Counsel**

**Motion** by Hoffman that the township board go into closed session to consult with its attorneys regarding trial or settlement strategy in connection with the pending litigation involving the Marijuana Regulatory Agency (MRA), as discussion in open session would have a detrimental financial effect on the litigation or settlement position of the township. [MCL 15.268 (e)] and also to discuss with its counsel a written legal opinion that is subject to the attorney/client privilege and therefore exempt from disclosure [MCL 15.268(h)]. 2<sup>nd</sup> by Radatovich.

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

Yes: Golding, Urman, Hoffman, Keiser, Radatovich

Time: 8:45pm

**Passed**

**Motion** by Radatovich to come out of closed session. 2<sup>nd</sup> by Hoffman.

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

Yes: Urman, Hoffman, Keiser, Radatovich, Golding

Time: 9:23pm

**Passed**

**Motion** by Hoffman that the township authorize the filing of a complaint for declaratory relief in the Emmet County Circuit Court against the Michigan Cannabis Regulatory Agency (CRA) as recommended by counsel. I further move that the township authorize the dismissal of the pending appeal against the CRA in the Michigan Court of Appeals, as recommended by counsel. 2<sup>nd</sup> by Urman. **Passed**

#### **Other Business:**

Urman asked about the reports that show TCF bank, as it has become Huntington now.

**Adjournment:** 9:30p.m.

Respectfully submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk