

Regular Board Meeting Minutes

9/21/2021

The meeting was called to order by Supervisor Laureto at 7:32 PM. The meeting was held in the Glen Arbor Township Hall.

Roll Call – L. Houtteman, P. Laureto, T. Laureto, D. Lewis, and J. Pepler were present. Chief Ferguson, Lt. Dykgraaf and several members of the public were also present. The Pledge of Allegiance was recited.

The agenda was presented. **Motion J. Pepler, support D. Lewis, to approve the agenda as amended. Motion unanimously carried.**

All board members stated they had no conflict of interest with any items on the agenda.

Public Comment: Rick Schanhals said that at the curve of Oak and M-22 there is a sign that says 25 mph and that very few people obey that sign and it's dangerous. He also pointed out that in town the speed limit is 35 mph. He would like to see a flashing 25 mph hour sign at the curve and then keep the speed limit at 25 through town.

Kathleen King O'Brien said that no notice was published for tonight's meeting. She knows that we are going to tell her that legally we are not required to do that, but she believes that for the purpose of transparency and everyone having a busy life it would be extremely helpful if a notice was posted on the website. She recalled that those documents also indicated that if individuals had public comment or wished to send an email to the township there was an opportunity for them to do that. She is requesting that all boards, commissions, etc. have meeting notices posted on the website.

Minutes of the 8/17/21 Regular Board Meeting were presented. **Motion J. Pepler, support D. Lewis, to approve the minutes of the 8/17/21 Regular Board Meeting as presented. Motion unanimously carried.**

Minutes of the 9/15/21 Glen Lake Fire Department Public Budget Hearing were presented. **Motion D. Lewis, support J. Pepler, to approve the minutes of the 9/15/21 Glen Lake Fire Department Public Budget Hearing as presented. Motion unanimously carried.**

Treasurer's Report 8/31/21 – Cash on Hand by Fund Balance

General Fund	\$ 767,662.11	Park Debt Service Fund	\$120,059.06
Emergency Services Fund	\$2,781,243.11	Fisher Lake SAD Fund	\$ 52,214.33
GLFD Debt Service Fund	\$ 10,427.25	Tax Collection Fund	\$158,144.13

Clerk's Report – P. Laureto reported that General Fund expenses for the period of August 18 – September 21, 2021 totaled \$41,482.20 and the payroll for August was \$17,474.20. Also reported was that the interest payment for the Public Safety Bond is due October 25th and since there would not be enough time for mailing the \$8925.00 check it was prepared for approval this month. **Motion P. Laureto, support D. Lewis, to approve the payment of General Fund bills, the interest payment on the Public Safety Bond, and the payroll. Motion unanimously carried.**

Clerk Laureto stated that ESAC reviewed Emergency Services bills and payroll and recommended to the Township Board that those expenses be paid. The Emergency Services bills for August 7 – September 17, 2021 totaled \$93,595.76 and the payroll for payroll for August was \$100,786.23. **Motion P. Laureto, support J. Pepler, to approve payment of the Fire Department's bills and payroll. Motion unanimously carried.**

Emergency Services Advisory Commission Report – In DePuy's absence P. Laureto made the ESAC report. ESAC reviewed the 2022-2023 Draft Budget and the 3/31/2021 Reconciliation with Empire.

GLFD Operations Report – Chief Ferguson's reported that there were 84 calls in August and year-to-date the department has answered 400 calls. He believes the department is on track for having its busiest year ever. The department has been busy prepping for their ISO inspection which is scheduled for October 14th. The department

participated at Glen Lake Schools in an active assailant drill with the Leelanau County Sheriffs department, the State Police, and the National Park Service Police. The ladder truck is in Grayling having some repairs and should be back next week. On August 7th, there was a vehicle crash/structure fire at Crystal River Outfitters. That incident is still under investigation by the police department.

Park and Recreation Board Report – Rick Schanhals, Chair of the Park and Recreation Board, reported that earlier this year the Park Board noticed that the Basketball goals were rusting. He contacted the supplier, and 4 new backboards were shipped to us at no charge. This last spring those were installed and the baskets were adjusted to the correct height. Two of the pieces of adult fitness equipment were moved, a porous pave pad was laid down, and a ping-pong table was installed. Ping-pong has been very popular this summer. The Park had a maintenance manager in their budget for this year, but they were unsuccessful in finding someone for the position. They were able to hire a young man to clean the park each morning. Schanhals reported that tennis courts 3 and 4 are cracking badly. They've been cracking for a few years now and they have been patched but the cracks reemerge. He said those courts need to be replaced. Also, there is so much pickleball play we need to add some more pickleball courts to the park. He proposed that we higher Gosling Czubak, the designers of the park, to help us redesign courts 3 and 4 and to look at how more pickleball courts can be added.

Zoning Administrators Report – Submitted in writing

Monthly Assessors Report – Submitted in writing

Correspondence – The August correspondence is available in the Township Office for review.

Unfinished Business

1. T. Laureto introduced Draft Ordinance #5-2021 titled Ordinance to Confirm the Establishment of a Planning Commission with Zoning Authority. The ordinance was reviewed by legal counsel and all members have received a copy. **Motion J. Pepper, support D. Lewis, to adopt Ordinance #5-2021 titled Ordinance to Confirm the Establishment of a Planning Commission with Zoning Authority. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Motion carried unanimously.** The Supervisor declared the Ordinance adopted.
2. Supervisor's nominations for the Glen Arbor Township Planning Commission – Supervisor Laureto said that he received and reviewed 7 applications for 2 vacancies on the Planning Commission. He met with all seven candidates and described the duties and obligations that the position requires. He said that the term of the two positions will expire December 31, 2023. The planning commission terms are three years. Each of the vacancies will be filled with terms of 2 years and 3 month and then they are eligible for another three-year term if they desire. Laureto said that all the applicants were qualified and willing to serve.

Supervisor Laureto said it was his pleasure to nominate Andy Dotterweich to the 1st vacancy and reviewed Dotterweich's qualifications. **Motion T. Laureto, support J. Pepper, to nominate Andy Dotterweich to the Planning Commission.** Lewis asked Laureto if the applications become part of the public record and if they will be available to the public. Laureto responded that they will be available. Lewis stated that the statute is very specific that the Supervisor nominates the people for available positions on Boards or Commissions. He asked T. Laureto to explain how he arrived his nomination. Laureto explained that, even though all were qualified and willing to serve, that his basis was that they have a history in Glen Arbor and knew what was taking place here in the last couple of decades and that they have Planning Commission experience or other local government experience. **Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Motion carried unanimously.**

Supervisor Laureto said it was his pleasure to nominate Jeff Gietzen to the 2nd vacancy and reviewed Gietzen's qualifications. **Motion T. Laureto, support J. Pepper, to nominate Jeff Gietzen to the Planning Commission. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Motion carried unanimously.**

3. Supervisor's nominations for the Glen Arbor Township Cemetery Advisory Board – Supervisor Laureto said that he received and reviewed 5 applications for 5 vacancies on the Cemetery Advisory Board. If

approved, John Pepler and he will be meeting next Tuesday with the Charter Members to outline the duties and obligations of the Board. They will serve a two-year term although he has asked two nominees to initially agree to a one-year term to allow for staggered terms. **Motion T. Laureto, support J. Pepper, to nominate Linda Dewey to the Cemetery Advisory Board. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.**

Motion T. Laureto, support J. Pepper, to nominate Amy Peterson to the Cemetery Advisory Board. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.

Motion T. Laureto, support J. Pepper, to nominate Diane Calsbeek to the Cemetery Advisory Board. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.

Motion T. Laureto, support J. Pepper, to nominate Susan Johnson to the Cemetery Advisory Board. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.

Motion T. Laureto, support J. Pepper, to nominate Terri Myers to the Cemetery Advisory Board. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.

New Business

1. FY 21 GLFD Empire/GA Reconciliation – Supervisor Laureto gave history of the Glen Lake Fire Department and the relationship between Empire Township and Glen Arbor Township stating that Empire pays 47% of the operations cost. At the end of a fiscal year, and once the audit is complete, we reconcile their 47% of operations cost with their contract payments. This year, due to COVID 19 grant monies that were received by the Fire Department, the amount due Empire, \$164,450.00, is higher than other years. **Motion D. Lewis, second P. Laureto, to approve paying Empire \$164,450.00. Motion carried unanimously.**
2. GLFD proposed FY 2022-2023 budget – Supervisor Laureto explained that the Fire Department's budget needs to be approved 6 months ahead of time so that accurate numbers can be submitted for the winter tax bill. Chief Ferguson presented the proposed budget which is \$58,000.00 less than the prior year's budget. He is proposing capital purchases totaling \$645,000.00 for next year with the majority being spent on a new Fire Engine for Station 2 in Empire. **Motion D. Lewis, support J. Pepler, to approve the budget for the Glen Arbor Emergency Services for FY 2022-2023 for a total of operations and capital expenses of \$3,053,250.00. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.**
3. Fisher Lake Dredge – Supervisor Laureto stated that the Fisher Lake channel has needed dredging for many decades. Ten years ago, a Special Assessment District (SAD) that only affects the riparians on Fisher Lake was established in anticipation of dredging every 5 years. All the proper hearings were done four years ago in anticipation of dredging last spring. With COVID and many of the contractors not doing much business in northern Michigan we had to put it off until this fall. We found a vendor that was willing to dredge the channel this October. The riparians pay roughly \$6,500 each year to prefund this expense and the Township matches that money. However, because it is 5 years later the costs have increased.
 - a. Schlicht Ponds Contract – **Motion P. Laureto, support J. Pepler, to approve the contract with Schlicht Ponds for \$78,500 for dredging the channel between Glen Lake and Fisher Lake.** Lewis brought to the attention of the Board and the Public that he is the owner of Crystal Harbor Marina and that he pays virtually half of the funds collected by the SAD as they have 45 commercial slips. He is concerned that there may be a perception of a conflict of interest on this topic and asked the board to comment on how he should participate on this matter. Clerk Laureto thanked Lewis for bringing the issue to the attention of the board. She felt that this is a large cost that Lewis is incurring, that there is no financial benefit to Lewis, and she did not believe there is a conflict. L. Houtteman

also said he did not see a conflict because Lewis is incurring the costs. J. Pepler said he did not see a conflict and that Lewis is just being a good neighbor. T. Laureto said there is no conflict, that the SAD spells out what we are voting on and that there is not a lot of discretion on what we are voting on. **Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.**

- b. Clerk Laureto read Resolution #13-2021 titled Fisher Lake SAD Fund Transfer. **Motion P. Laureto, support J. Pepler, that we approve Resolution #13-2021 the Fisher Lake SAD Fund Transfer. Roll call vote. Voting for: D. Lewis, J. Pepler, L. Houtteman, P. Laureto, T. Laureto. Voting against: none. Motion carried unanimously.**

The dredge was discussed and specifically the current water level in the lake and the depth of the dredge. T. Laureto stated that the maximum depth that EGLE will allow for a dredge is 3 feet. Grobbel took measurements in the spring and estimated 811 cubic yards of sand to be removed. Laureto believes that Grobbel will make up for the difference between the spring and fall lake levels, but he will make that inquiry of Grobbel. Laureto also said that the contractor is anxious to get started but will not be starting until the bags arrive. They are anticipating an October 1st start date.

4. Supervisor Laureto reviewed with the Board the 4 millage rates that will be submitted to County this month for the winter taxes. T. Laureto said that the Township's taxable value rose 2.67% over last year. The Township has 4 millage categories, Operations, Public Safety Building Bond, Park Improvement Bond, and Emergency Services. The operations allocation is reduced yearly by the Headlee amendment but due to property value increases the Township will receive an increase of \$5,000 over last year's operations revenue. The Township will reduce the other three millages for a reduced collections of \$43,465.
5. Park and Recreation Board Quote from Gosling Czubak. Clerk Laureto reminded the board that she has brought the cracked Tennis Courts to the Boards attention several times over the last two years. Also, as Rick Schanhals had stated in his report, pickleball is a very popular sport and the Park and Recreation Board is interested in exploring the possibility of adding additional pickleball courts. The Park and Rec Board has been talking about different ideas and asked Gosling Czubak to quote on putting together various options for consideration. Because the Park and Recreation Board is an advisory board, we need to approve the expenditure for them. At the recent Park and Rec Board meeting we looked at the overall budget for the Park and there is money available. The proposed fee from Gosling Czubak is \$1,000.00 to create two conceptual drawings and cost estimates for three new pickleball courts, updating two tennis courts and their surrounding space design. **Motion L. Houtteman, support J. Pepler, to approve the \$1,000.00 quote from Gosling Czubak to look at the park improvements.** Discussion ensued. Pepler stated that he remembers when the park renovation was approved and the understanding at the time was that the two tennis courts that were not improved would need to be replaced in a few years. He understands that we are now at that time. T. Laureto asked the Park and Recreation Board Chairperson to explain what they think is feasible. Discussion ensued between Board Members and the Park and Recreation Board Chairperson. The Clerk restated the motion. **Motion carried unanimously.**

Park Board Report: Clerk Laureto reported that the Park and Recreation Board met and reviewed the budget, talked about a Pickleball tournament on October 9th, additional signage, and a proposed date of October 25th for a fall clean-up. Laureto encouraged board and community members to participate in the clean-up.

Planning Commission Report: J. Pepler reported that the Planning Commission met on September 2. They reviewed the Conflict-of-Interest resolution and collected signatures on the document. They also reviewed the Draft Planning Commission Bylaws.

Public Comments:

Rick Schanhals informed the Township Board that yesterday the Glen Lake Community School opened the park at the school. He encouraged everyone to visit the new park.

Tina Mehren thanked the Board for having the public information meeting for the Sleeping Bear Heritage Trail saying that it was informative. She wondered when the comments will be made available and inquired about

other progress being made on the trail. Mehran then asked if there is any sense of how many of the pickleball players are actually Glen Arbor Township residents and will we consider that when considering expenditures at the Park. Mehran also said she was confused about the ordinance adopted tonight, asking if we have a planning commission or not.

Amy Peterson said she was involved with the first dredge that took place on the Fisher Lake Channel where she provided information on how deep to dredge in relation to a certain level. She would be happy to provide the information.

Kathleen King O'Brien spoke about the ordinance to establish a planning commission. She doesn't think that the Township Board or the pseudo planning commission that met at the last meeting has ever made a formal statement that the documents and records constituting a planning commission are lost. Therefore, the presumption is that there is no planning commission. She doesn't know how far that goes back. She questions whether the actions that have occurred with regard to the pseudo planning commission are valid or can be challenged. She believes that tonight we indicated that we are giving the planning commission zoning authority. She questions the Michigan Planning Enabling Act, the provisions of that and stated that the Act came into effect in 2008 and had to be complied with by 2011 and that was never done. This entire matter came into light only because of the Conflicts letter that she, Ms. O'Brien, submitted as a complaint to the Township Board. That led to a question of Bylaws, to the question of a Conflicts of Interest Policy, that led to her belief that we don't have a planning commission. She also questions when this ordinance becomes effective and whether the Zoning Enabling Act has been complied with concerning the new Act that came into effect. Because if there was no planning commission then there could be no zoning power connected to the planning commission. She also brought to the Boards attention the legal effectiveness of when an ordinance becomes effective when it's with regards to a planning commission being created. She said she takes the position that a new planning commission needs to be approved and she has a question as to whether the signing of the conflicts of interest policy by the pseudo planning commission has an effect. She has requested the document and has not received it yet. She believes the best resolution would be for the township to put all this information on its website, with an explanatory memo indicating that there are no documents to constitute the planning commission. Also, the public has an opportunity to see the proposed ordinance, as well as the public has an opportunity to see the proposed bylaws, and the conflicts of interest policy. She thinks that would go a long way to transparency because she thinks that the public has a right to be aware of these matters and that the best objective would be to operate with transparency.

Board Member Comments:

T. Laureto asked if any Board Members wanted to comment on the pickleball residents vs. non-residents issue.

J. Pepler responded that he does not believe we want to do what Empire does and have to have a sticker on your car to use the facility.

T. Laureto asked for the SBHT comment to be addressed by a Board member. **P. Laureto** said that at 4:45 this afternoon she received from TART the compiled comments from the cards and the survey monkey. An intern from TART typed all the comments into the survey monkey so that a report could be generated. She will have the originals but also a report of all the comments. We will likely have a subcommittee meeting to go over the comments. We have not had any SBHT meetings since the public meeting and we are still at the 50% trail design. Once the preliminary design is finished then a decision will need to be made to move onto final design. We are still very early in the process, and we are happy that we were able to include the public in the preliminary design.

P. Laureto addressed Ms. O'Brien's comment on public notices stating that the dates and times for Board meetings is published, as required, at the beginning of the year in the Leelanau Enterprise. Individual notices need to go out if there are changes to that published time.

T. Laureto said to Ms. Peterson that he would be happy to hear about her work on the dredge.

J. Pepler said that he and Clerk Laureto met Saturday at the Cemetery, looked at the amount of clean-up work that needs to be done, found the east boundary line and determined that clean-up will head west from there.

T. Laureto asked for board comments on the planning commission issues raised during public comment.

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Tom Laureto, Supervisor Pam Laureto, Clerk Lee Houtteman, Treasurer
Donald Lewis, Trustee John Pepler, Trustee

J. Pepler said that we know that some records had been given to the Empire Museum by the previous Clerk. He called the museum curator and requested those be returned. We will look through them to determine if what we are looking for is there.

P. Laureto said that we have conferred with legal counsel on each of Ms. O'Brien's letters. Our attorney advises that the fact is that the Glen Arbor Planning Commission is legally existing and has been legally in existence for decades. We acknowledge that there is a possibility that the Planning Enabling Act may not have been followed correctly because we cannot find that document. We are using the title on our ordinance which came directly from the Michigan Townships Association sample ordinance because we are confirming the existence of an already established planning commission. Laureto said she doesn't believe there is anyone that really doubts that we have had a planning commission for decades. Our attorney has also provided us with published case law that basically states that even if you have lost those documents the planning commission is still in existence. So, we are not creating a new planning commission, rather we are just confirming its existence as our legal counsel has advised us to do. With regards to the question of effective date, we are following MCL 41.184 which, because the ordinance does not impose a sanction for a violation of the ordinance, allows the ordinance to take effect the day following its publication. The ordinance will be submitted this week for publication in next week's Enterprise and it will take effect the day after that publication occurs.

Supervisor Comments:

none

Motion T. Laureto, second P. Laureto, to adjourn the meeting. Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Pam Laureto
Township Clerk