

**Whitewater Township Board  
Minutes of Regular Meeting held September 8, 2015**

**Call to Order/Pledge of Allegiance**

Supervisor Popp called the meeting to order at 7:01 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Roll Call of Board Members**

Board Members present: Benak, Goss, Hubbell, Lawson, Popp

Board Members absent: None

Others present: County Commissioner Carol Crawford, Assessors Dawn Kuhns and Amy Jenema, MMR Director of Operations Matt Holtcamp, and three others

**Set/Adjust Meeting Agenda**

Popp stated we may have to work in the Road Commission report as time allows.

**Declaration of Conflict of Interest**

None

**Public Comment**

Tim Shaffer, 5309 Moore Road, stated he would like to have Tim Arbenowske's correspondence read in the meeting.

Vaughn Harshfield, 4404 North Broomhead Road, reminded everyone that WESA's spaghetti dinner is this Saturday night at the Methodist church from 4 to 8. It is a family event for the community and he strongly recommended the board attend. Cost is \$8 and there are some neat things to bid on.

**Public Hearing**

None

**Reports/Presentations/Announcements/Comments**

**Grand Traverse County Sheriff Department Report** – No one is present from the Sheriff Department.

**County Board of Commissioners Report**

Carol Crawford gave the following report:

- Nineteen people have applied for the position of County Administrator. They chose three to interview; one declined the invitation. They will discuss this further tomorrow evening.
- They are having trouble getting a Human Resources director. They will review their expectations and the salary.
- They are awaiting some financial analysis numbers and recommendations from their auditor. The BOC is trying to get a handle on long-term liabilities, such as underfunded retirement.

- There is a lot of discussion about the dams. What do we really have to do with the dams? Does it really have to be a total restoration of the river, or can we repair and maintain them? Do we have to just remove them? What really are we obligated to do? There are some meetings coming up about the city's involvement and the Grand Traverse Band's involvement. A long time ago, both organizations pledged their support and the BOC wants to see exactly what that means.
- Two weeks ago, the seven commissioners met at Twin Lakes for a retreat. It was open to the public; no one attended. It was a good exercise. We have a mission statement, a vision statement, and a values statement. They have a half day left to go over the strategic plan to apply to the statements.

Questions were raised as to the cost of the retreat (nothing as facilitator donated her time); update on Maple Bay (DOC and jail crews removed debris and trees off trails); if jail crews will be available to townships (Crawford will talk to Bird and Captain Ritter).

Crawford also noted that the Acme Fall Festival is Saturday, September 26.

**Fire Captain Report** – Captain Arbenowske is not present.

**Ambulance Coordinator Report** – A written report is in the packet.

### **Planning Commission Report**

Lloyd Lawson gave the following report:

- They held their public hearing on September 2. There was not much public comment, no one objecting. Afterwards, the PC voted unanimously for approval of the Draft Master Plan.
- Lawson had some concerns at the meeting, i.e, conversation was being driven hard by the chair at the beginning, not allowing people to talk, almost telling them what they needed to vote on. At the end, during public comment, he asked a question of someone in public comment and talked down to the individual and smarted back to them.
- There was discussion of the articles and how they are enforced. The board actually determines how articles will be enforced or not enforced.
- The PC is discussing a possible open house and survey. The survey would be for the purpose of putting issues out to the people on articles they are having problems with and trying to get some input back before decisions are made on what to do with them. The PC wants to get an idea on postage and printing.

Discussion followed concerning crafting survey questions, whether to do a survey, last survey was in 2009, one big survey or several small ones.

Goss stated she attended the Planning Commission public hearing. She noted the chairperson of the PC ran the meeting in a fashion that he gave a lot more input than he solicited from the other PC members.

Brief discussion followed.

### **Parks & Recreation Advisory Committee Report**

Goss stated she is planning to attend Monday's meeting, which will be at Whitewater Township Park pavilion. Goss will check to make sure she sent the PRAC the board's comments on the 7/13 update of the Recreation Plan. The PRAC will start focusing on the DNR inventory. The "Park Temporarily Closed" signs came in. Three have been put up by Dennis Leach. Of the two remaining, one is for Petobego and one for the BCNA beach.

Discussion followed.

The Parks & Recreation Advisory Committee will be asked to review the BCNA and Petobego Management Plans to see if there are any rules or restrictions concerning logging.

### **Consent Calendar**

#### Receive and File

1. Supervisor's Report for August 2015
2. Clerk's Report for August 2015
3. Zoning Administrator's Report for August 2015
4. Fire Captain's August 2015 Activity Report (none)
5. Ambulance Coordinator's August 2015 Activity Report
6. Treasurer's Reports - March, April, May, June, July 2015
7. Approved 07/01/2015 Planning Commission Minutes
8. Approved 07/13/2015 Parks & Recreation Advisory Committee Minutes

#### Correspondence

1. Grand Traverse Rural Fire Department Approved 06/17/2015 Regular Meeting Minutes as Amended
2. Grand Traverse Rural Fire Department Approved 07/15/2015 Regular Meeting Minutes
3. Grand Traverse Rural Fire Department Approved 07/20/2015 Special Alternative Dispute Resolution Meeting Minutes
4. Grand Traverse Rural Fire Department DRAFT 08/19/2015 Regular Meeting Minutes
5. Grand Traverse Rural Fire Department DRAFT 08/26/2015 Special Alternative Dispute Resolution Meeting Minutes
6. E-mail 08/24/2015 from Tim Arbenowske re: MMR Letter
7. Clerk's Memo 08/26/2015 re: Telephone Call from Dan Harfst

#### Minutes

1. Recommend approval of 07/28/2015, 08/11/2015, and 08/25/2015 regular meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 39862 through 39972
2. Approval of First Community Bank Miami Beach voucher # 1167

Budget Amendments (none)

Revenue & Expenditure Report (none)

**Motion by Hubbell, seconded by Goss, to approve Consent Calendar items as presented.** There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

### **Unfinished Business**

#### **Review Ordinance 22 Pension Plan**

This agenda item was not discussed.

#### **Review Whitewater Township Planning & Zoning Fees**

This agenda item was not discussed.

### **New Business**

#### **Renewal of Contract with AD Assessing**

Kuhns stated that she and Jenema are here for contract renewal. They are asking for a \$1,200 increase. This is \$10.89 per parcel. They are part time here. They are proposing a three-year contract with 2% annual increases. Kuhns brought along an updated Employment Agreement for the separate employee compensation of \$1,200 a year.

Additionally, they would also like to discuss office hours. They would request that the current 1st and 3rd Tuesday of the month office hours be eliminated. Very rarely do taxpayers visit the assessor on those days. They would prefer to eliminate the requirement of set office hours. They will still come to the Whitewater office on a more flexible schedule to do filing, meet with taxpayers, etc.

Discussion followed.

Kuhns clarified that the new contract amount is \$20,800, plus the \$1,200 per month under the Employment Contract.

Goss noted a couple wording changes that should be made in the contract, i.e., changing the words “consulting agreement” to “independent contractor agreement,” changing “Antrim County Circuit Court” to “Grand Traverse County Circuit Court,” as well as adding the title “AD Assessing” above Kuhns’ and Jenema’s signature lines on the last page.

Kuhns agreed with the changes.

Further discussion followed regarding the information maintained by AD Assessing and where it is kept. Benak would eventually like to make all of the files electronic. There was discussion of utilizing a server.

Popp distributed copies of the township purchasing policy and noted the last time the township went out for bids for assessing services was in 2007. Popp quoted Section 4.8(b) of the policy, agreed that the exception for professional services applies, but stated he would not oppose going out for a quotation if the board wishes.

Benak stated she is more than happy with Kuhns' services; she does not get complaints.

Goss echoed Benak's statements.

Popp stated he is also very happy with the service. He stated he would like to run the proposed Employment Contract through legal representation to verify the 2012 employee issue.

**Motion by Hubbell, seconded by Benak, to accept the AD Assessing proposal with the increase, with revisiting of office hours in April 2016.**

Goss inquired if we are also approving the new Employment Agreement.

Discussion followed regarding the legal opinion Popp wishes to obtain. Popp added that he wants to make sure we are still doing things correctly with respect to the 2012 STC AG recommendations.

It was agreed that the board will vote on the Independent Contractor Agreement tonight, will not address the new Employment Agreement at this time, and will be operating under the previous Employment Agreement until that issue comes back in front of the board.

Goss re-read the motion and then suggested it be reworded as follows: Motion to authorize the supervisor to sign the Independent Contractor Agreement with AD Assessing effective October 1, 2015.

Hubbell stated he agreed with the rewording. Benak reiterated her support of the motion.

**Motion by Hubbell, seconded by Benak, to authorize the supervisor to sign the Independent Contractor Agreement with AD Assessing effective October 1, 2015, with revisitation of office hours in April 2016. There was no further discussion. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

**Dawn Kuhns – Explanation of Tax Tribunal Case (Borovich)**

Kuhns stated she felt the need to explain this tax tribunal case to the board. This is the second case by this particular law office filed in front of the full tribunal. Small claims division cases are handled by the assessor. Full tribunal cases are handled by the attorney. Typically, full tribunal cases are commercial properties. The last full tribunal case was settled, with a small difference in value. Kuhns is perplexed by the case. She provided a copy of the record card and pictures to the board, as well as historical information on the property.

Discussion followed.

Consensus was reached that the township's attorney will file an answer but will not otherwise initiate correspondence with opposing counsel.

Popp asked for board consensus to address New Business Item #6 out of order to accommodate Holtcamp, who has been waiting for quite some time.

There was no objection.

### **Ambulance Contract – General Discussion**

The board agreed to allow audience members to address questions, maintaining a 3-minute or less parameter.

Regarding Tim Arbenowske's letter, Hubbell asked for clarification of "jumped calls."

Holtcamp responded that in highly competitive markets, when an ambulance is dispatched, a competitor who is closer will try to beat the dispatched ambulance to the scene and haul the patient off. It does not really happen in rural markets. Holtcamp stated he did some research following the accusation of MMR jumping. There was a motor vehicle accident on Elk Lake Road close to the township line. The staff in Elk Rapids responded to the call as well. It was in Whitewater Township. According to the staff, no one was transported from the scene and MMR left the scene without any dispute with the Whitewater ambulance. Holtcamp stated that is the only case he could find where MMR showed up on a call in Whitewater Township since they started in Elk Rapids back on December 7, 2014.

Popp inquired of the public if they have any questions for Holtcamp.

There was no response.

Hubbell inquired if the opportunity to seek employment with MMR is no longer available on the computer.

Holtcamp stated that is not true; they just received their 22nd application today for Whitewater Township.

Benak asked if they have received applications from Whitewater's current employees.

Holtcamp confirmed that they have interviewed all of the employees who have applied from Whitewater Township and are ready to extend some job offers to them. However, since no contract has been executed, he does not officially have a place to offer them employment. All offers are tentative pending execution of the contract.

Goss stated another accusation is that North Flight has had to respond to calls in Elk Rapids because MMR is not available.

Holtcamp stated there is reciprocity, mutual aid. Yes, North Flight has had to respond into the Elk Rapids area when MMR was out doing calls. MMR has also responded into Acme Township when North Flight could not get there, especially during the construction time.

Goss noted she called Fahey the end of last week, who indicated he would have something to us in the week before our next meeting.

Holtcamp suggested the township attorney talk to MMR's attorney.

Hubbell brought up the supporting municipalities language in the contract.

Holtcamp stated that language has nothing to do with the contract with Whitewater as the principal municipality. It allows a contiguous township to Whitewater to approach Whitewater Township to also entertain the idea of using MMR as their ambulance service. They would become a supporting municipality that would help fund the ambulance service and would most likely bring down Whitewater's tax burden because of the sharing through economies of scale. Holtcamp stated he cannot sign on a supporting municipality without Whitewater Township's consent. The language is only there for ease of expansion if both parties agree to it.

Holtcamp said the words "Whitewater Region" can be stricken and replaced with "Whitewater Township."

Regarding response times, Holtcamp noted that resetting of the clock when the priority is upgraded is a recommendation of the American Ambulance Association. That does not mean it has to be done that way. For Elk Rapids and Milton townships, it is all raw data, no matter the priority. Holtcamp stated he has conversed with Grand Traverse Central; they are not in the practice of changing the priority. Holtcamp has no problem with changing that language.

Goss noted that Whitewater Township's life support agency license expires on September 30.

Discussion followed.

Consensus was reached that the license will be renewed in order to ensure there is no lapse.

Holtcamp stated it will take a few days beyond the contract signing for MMR to get everything in order.

### **Grand Traverse County Road Commission Report**

Marc McKellar gave the following report:

- The GTCRC is dealing with some unfunded liability issues, the MERS retirement benefit and healthcare benefits. He provided details. The two liabilities total \$6 million. They have discovered that the idea that you can retire at 55 and have full benefits paid for the next 10 years is an unrealistic expectation.

Further details and discussion followed.

- The GTCRC did make it a policy that they would no longer allow coal tar products to be used in the right-of-ways. They have not been using this product.
- The Road Commission had previously informed TC-TALUS that they would no longer be involved. TC-TALUS has completely reorganized under different leadership, with a new direction, a different voting board, different by-laws. Their focus is now to work together to bring federal and state dollars to our area. The cost to the Road Commission is \$3,000.

- The road tour is on October 8. There is a morning and an afternoon group. They meet at the Road Commission. Lunch will be served. It is a worthwhile and educational experience.

Popp reported on some work being done in Whitewater Township by the Road Commission.

Discussion followed.

Hubbell suggested Elk Lake Road needs to have gravel brought to the road edges. There is a lot of traffic on this road.

Audience member Kim Halstead commented that they tarred and chipped in the middle of Cook Road. Usually, they hit the holes on the side and miss the ones in the middle. It is looking a lot better.

#### **Correction of Resolution Numbers**

Goss stated her memo outlines the issue. Two resolutions were mis-numbered. The modified resolutions are in the packet.

**Motion by Benak, seconded by Popp, to correct the resolution numbers of the Freedom of Information Act Compliance resolution and the Authorization for Change in Standard Lighting Contract resolution, which will now be Resolution #s 15-12 and 15-13 respectively.** There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

#### **Resolution #15-14 – Placement of Park Bench in Memory of John A. Keuvelaar**

Goss stated the Keuvelaar family would like to donate a park bench to Whitewater Township in memory of John A. Keuvelaar, who originally brought the family to the park 52 years ago. In all those years, they have not missed one year of camping at Whitewater Township Park. The bench has been installed overlooking Elk Lake. It will be stored inside for the winter.

**Motion by Popp, seconded by Lawson, to adopt Resolution #15-14.** There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Resolution adopted.**

A true and complete copy of said resolution is attached to the minutes.

#### **Rural Fire – General Discussion**

Popp stated the Rural Fire Board does not think the pod organization will work, mainly because Green Lake now sees themselves as an island. It looks like there will be five remaining townships in Rural Fire, but that is not a done deal because the five townships want to see how the formula would be allocated between the five townships. Popp stated he prepared a full budget for the fire department. For the distribution, everybody goes up close to 12-18%. For Whitewater, that would be \$12-18,000.

The new budget will be discussed on September 10. The alternative dispute resolution will resume on September 17. The regular meeting is on September 16.

Discussion followed.

Benak, Hubbell, Goss, and Lawson stated they would prefer to stay with Rural.

Lengthy discussion followed, including several questions from the audience.

### **Tabled Items**

#### **Review Administrative Policy Section 5 (tabled 10/14/2014)**

This item was not discussed.

#### **Review Graded Wage Scale (tabled 04/14/2015)**

This item was not discussed.

#### **Rural Fire Station Lease (tabled 08/11/2015)**

This item was not discussed.

### **Board Comments/Discussion**

Hubbell stated he would like to see the issue of adding on or putting another building up for sleeping quarters on the next agenda, if possible.

Lawson stated another item for a future agenda is a server, as well as video cameras for the meeting room.

Goss noted a letter was received today from Steve Mangus with a proposal about video cameras; it should be discussed at an upcoming meeting.

Discussion followed concerning sleeping quarters, space in the existing building, and possible options.

Goss raised the issue of ambulance employee overtime. According to the supervisor report, Doug Straughen (Ambulance Coordinator) says they need relief. Goss asked what should be done for the next 30 to 45 days.

Discussion ensued as follows:

- Holtcamp (MMR) has offered to fill holes.
- This is a difficult thing for some people (in the ambulance service).
- We have a duty to the citizens.
- North Flight is an option.
- MMR has offered to cover if there is a mass exodus of employees.
- Holes in shifts will likely be a single person.
- There are limited options: North Flight or MMR.

There was board consensus as follows:

- The previously authorized limit of 56 hours per week will be enforced. Doug Straughen will be informed.
- Either North Flight or MMR should be called to fill holes in the schedule.

Goss also reported that Ben Quast from Lawn-N-Order has submitted estimates to clean up the storm damage at both cemeteries. He is providing separate estimates for cleanup that is covered by insurance and cleanup that will not be covered by insurance. Total estimates came to \$1,100 for all. That includes cleaning up the damage behind the fire station.

### **Announcements**

Next Township Board meeting is September 22.

### **Public Comment**

Tim Shaffer, 5309 Moore Road, stated the property at Cram and Elk Lake Road has been perk tested and is 11 acres designated for fire and emergency services. MMR or North Flight covering holes in shifts is a good idea if it can work. It will get MMR familiar with the area and some of our personnel. He suggested the board check the history of the prior attempt to leave Rural Fire. It was not financially feasible for the township to do it. Blair Township paid for their equipment, but he does not know how much. He will ask a trustee he knows at Blair. Regarding new building or expansion, the property at Elk Lake and Cram probably would be the best option. There is no room for expansion or parking at the current location.

### **Adjournment**

Motion by Lawson, seconded by Hubbell, to adjourn. Meeting adjourned at 9:59 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk