

**Whitewater Township Board  
Minutes of Regular Meeting held February 28, 2017**

**Call to Order**

Popp called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

**Roll Call of Board Members**

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

Board Members absent: None

Others present: Tim Shaffer, Tim Arbenowske

**Set/Adjust Meeting Agenda**

Popp added Real Estate Lease Agreement as Unfinished Business #7.

At Goss's request, New Business #s 3, 4 and 5 were moved to Unfinished Business #s 1a, 1b, and 1c.

**Declaration of Conflict of Interest**

None

**Public Comment**

None

**Correspondence**

None

**Public Hearing**

None

**Reports/Presentations**

None

**Unfinished Business**

**Review Emergency Services Building Renovations**

Popp noted that some new floor plans were received today, and read the accompanying email from Dan Rudy.

Discussion followed regarding reconfiguring the bathrooms to allow more dining area.

Popp asked the audience if they would like to comment.

Arbenowske stated, in his opinion, most of this is going to be for the ambulance crew. He understands that and accepts it. As far as where the bathrooms and showers are, ambulance will use them 99 times before fire does. It would be nice if fire could go in the kitchen and have their

stuff, but he does not see it happening because fire is only there a small percentage of the time and ambulance is there 90% of the time. When they moved out to the trailer, they were like squatters and left us (fire) to clean up.

Discussion followed.

Hubbell reminded everyone that this is a band-aid until a new station can be built.

Rudy will be asked to provide suggestions of how the bathrooms/kitchen area could be reconfigured now that the bedrooms have been moved to the south and created some additional office/dayroom space.

**Set Deadline for Completed 8380 Old M-72 Plan Review Process (moved from New Business 3 to Unfinished Business 1a)**

Regarding completion of the plan review process, Popp inquired of the board if we want to put a deadline on it.

Goss suggested a 7-day deadline be given to Rudy for revised drawings, with a special meeting set for the first full week of March.

Popp stated that is a shorter range than he was thinking, because we still have to go through the plan review process.

Goss stated we are getting bogged down in the plan review process; the contractor and/or engineer should be doing that. Goss suggested that Rudy be given a 7-day deadline for revised plans, perhaps with a special meeting on the 9th to look at the design, after which we get it sent out for bids. The construction agreement (with a couple changes to the scope of work paragraph) and bid notice have been approved by the attorney. The bid process should not be held up by the plan review process. The successful bidder can pick up the plan review process at whatever stage it is in at the time of bid award. It needs to be sent out for bids soon, in March.

Hubbell stated, after talking to a couple builders, including his dad who was a builder for a lot of years, we need to let it get bid and let the builder take care of all that. We need to back away. That's how it gets done in the real world. That is not our expertise. They get the permits and all the stuff; we do not need to do that.

Popp noted that the engineer is the one who is doing the plan review.

Hubbell stated that the engineer can deal with the successful bidder to get all of that done.

There was discussion that the engineer can work with the construction manager to get the plan review done easier than he can work with the board because they are not waiting for the board to have meetings and discuss things.

Popp inquired if it is the consensus that the board would like to send out unapproved plans for the bid process.

Benak asked Popp to specify what he means by “unapproved.” If we approve it here, that is one approval. Engineered approval is something different. Benak stated we are not going to send out something for bid that we did not approve as a design.

Goss stated all we need are the latest set of sealed drawings. Pressell can resubmit the plans for plan review and the plan review can keep going on, but the bid process can be going on simultaneously.

Popp asked, if we had sent out the first set of sealed prints, where would we be in the bid process.

Lawson stated that change orders are made all the time; it is a fact of the industry.

Benak described her discussion with a commercial contractor, Garry Mannor, regarding the process the township has been using for this project. Mannor said the township should not be dealing with Construction Code; the general contractor does that. Benak noted that Mannor does not live here and will not be bidding on the project. Benak stated she feels confident that sending sealed drawings out for bid is the right way to go. If the plans are not approved yet by Construction Code, that is going to be the job of whoever wins the bid to get that through Construction Code. They speak the language; they know what they are doing; we do not.

Hubbell stated when the bathhouse was done at the park, that is the way it was handled. They let the contractor handle it all.

Popp stated that he believes the code review process could yield a project that is beyond our budget scope. We could dump more money into the building, not necessarily more than what it is worth, because we do have to update it, but the sleeping quarters do throw us into a completely different realm. Proceeding with the bid process before we understand what the costs are is a slippery slope.

Benak stated it will not cost that much to do the bid process and we will finally have a number of what this project is going to cost.

Lawson noted that we have already identified some of the major pitfalls, such as sprinkler system and firewalls, so we are already identifying things that will make the project more expensive.

The following plan of action was discussed and agreed to:

- Revised plans for kitchen and bath layout from Dan Rudy are due no later than March 8.
- A special meeting will be held on March 9 at 6:00 p.m. to review and approve the revised plans, with notification of decision to Dan Rudy by March 10.
- A complete set of sealed drawings to be received by March 17.
- A special meeting will be held on March 21 at 6:00 p.m. for final review of all bid documents (sealed drawings, construction management agreement, and bid notice).
- Publication in the Traverse City Record-Eagle, on Builders Exchange, and to known vendors will take place during the week of March 21.

**Construction Oversight Process – Written Confirmation/Agreement with Mark Pressell (moved from New Business 4 to Unfinished Business 1b)**

Popp stated that Rudy has told him he has not received a response from Pressell as to whether he is willing to supervise this project.

Goss stated she will call Pressell directly tomorrow to find out his answer.

In the event Pressell is not able to supervise the project, the need for those services will be added to the scope of the project in the bid document.

Popp stated he dropped his conversation with another engineer because of the board's response, but there are people out there who can do it.

Benak stated that if Pressell does not want to oversee the project, she prefers to put into the bid process that the construction contractor will acquire the engineer. They may have someone they work with.

Lawson noted that Builders Exchange has other resources available, too, such as referral lists.

**Discuss Ancillary Site Work Preparation – Tree and Siren Removal (moved from New Business 5 to Unfinished Business 1c)**

Goss reported that she did an inventory of trees on the property, with the assistance of her husband. The inventory included:

- 7 cedar-type trees on the west side, maximum height of approximately 12 feet
- 3 walnut trees
- 7 mature white pines, up to 70-80 feet tall
- 2 pines, 70-80 feet tall, possibly Norwegian pines
- 1 maple, approximately 30 feet
- 1 mass of several falling trunks, possibly a Chinese elm
- Brush piles

Arbenowske asked if there was value to the walnut and white pine trees.

Goss replied that the township is checking into that.

Hubbell stated his thoughts are that we get a company to come in and cut them down, after we know what we are going to do with the trees that are of value. When they come in to excavate for the building, let the contractor who wins the bid take the stumps out.

Lawson said the siren should be taken out as well.

Hubbell stated it would be a different person for the siren, but let's get someone to take the trees down and get them out of the way, leaving the stumps.

Goss proposed that the tree contractor would also remove all wood and brush from the site.

Benak stated she was very happy with work Charlie Kitchen did for them and has his phone number.

Goss reported that she had Doug Parshall look at the trees. He talked to a mill, who said they would only give him a thousand dollars for the walnut trees. Goss did not ask him about the white pines. Ted Hooper gave Goss the name of the Lumber Shed, Rare Earth Hardwoods, and Lake Ann Hardwoods as entities who could put a value on the trees.

Benak stated the companies will come out and measure, do an inventory.

Hubbell said he will ask a contact of his at the Lumber Shed roughly what the walnut trees are worth.

Goss will call Kitchen.

Discussion turned to the siren behind the fire station. Arbenowske stated Popp would have to look to the county to find out if there is a requirement to have a siren.

Hubbell stated removal of the siren should be included in the bid process. If we need to save it, we will tell them we need to save it. There will be a cost.

Arbenowske reported there is an inside drain in the building that runs out behind the shed. It is illegal.

There was discussion of the last time the fire siren was operational. Consensus was that it last worked sometime in the mid 1980's.

Popp provided an update from Forest Kraus with MDOT regarding potential purchase of land behind the fire station. The next step is to have a property survey. Mitchell & Associates has quoted \$900 to do the survey and the drawing, and then an additional \$375 to rework the entire legal description for the two parcels. Popp explained the need to combine the parcels to clean up the title and the deed work.

Brief discussion followed regarding using another surveyor. However, Bob Mitchell has all of the township drawings.

Arbenowske asked about the apron and the side drive along the cemetery. Is there consideration of asphaltting that? Snowplowing is digging up the ground.

Discussion followed.

Consensus was that it will be addressed at some point but not as part of the building project.

There was consensus that the shed will be retained for now.

Goss inquired about the tanks behind the station.

Arbenowske confirmed that they are township property.

Popp asked if he should proceed with purchase requirements (for the MDOT property). He stated the purchase price is going to be \$17,500.

Potential use of the property was discussed.

Goss pointed out that excavation will be needed because there is a lot of concrete in the ground.

Arbenowske reported there is a railroad siding there as well, not far from the brush pile.

Popp stated acquisition of the property would allow enhanced parking behind the building and allow for snow storage.

Brief discussion followed.

Popp stated this topic will be brought back at the next meeting. He will provide the GIS drawings with approximate dimensions of the property and where it is in relation to existing ownership.

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

Consensus is that this topic will be moved to Tabled Items.

#### **Update on Junk Complaint**

Popp stated there is no report available yet from Weinzapfel.

#### **Request from Grand Traverse Rural Fire Department to Purchase 2009 Ford Expedition**

This matter was previously on the agenda but was postponed until input could be received from the fire department personnel. Popp stated his information is that they would like to hang on to it.

Arbenowske said he has mixed feelings about it. He understands that Rural wants to downsize. This vehicle was purchased by the township. In the bad snowstorm two or three years ago, they were able to use the Expedition and the old rescue to get to areas that people could not get to. They do use it. With the building addition, maybe it will be stored inside. Arbenowske feels it is worthwhile to keep.

Hubbell stated he does not want to sell it, for reasons Arbenowske stated, and for reasons that we are not in a position to make that decision right now because we do not know what is going to happen in the future yet. It is a good vehicle. Also, he does not like the idea of Rural Fire going out to buy a vehicle for someone who has not been hired yet. If they want to do that, they can pay them mileage to use their own vehicle until they figure out what they are going to do for sure. Hubbell stated his vote is not to sell it.

Arbenowske also stated the fire department has three trailers, the trailer for the Kubota, trailer for the boat, and the trailer for the snowmobiles. The snowmobile trailer will be pulled by the air truck, but if the Expedition is sold, they would only have the air truck to tow with.

Goss stated she agrees with Hubbell's comments.

Lawson said the vehicle should be kept.

There was board consensus that the Expedition will not be sold.

**Ambulance Fund Budget Amendment re: Portable Housing Unit Setup Costs**

Goss provided a memo detailing a budget amendment to cover the cost of the portable housing unit setup costs.

**Motion by Hubbell, second by Lawson, to approve Ambulance Fund budget amendments as recommended by the clerk on 02/17/2017.** There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

**Proposal to Purchase Hi Pray Park Playground Equipment**

Goss provided a memo detailing the history of this request, namely, that it was previously brought to the board on 1/10, but the board wanted to wait for a decision on the 2% grant application. Since the grant application was not successful, it is being brought back for a determination as to the number of components to be purchased, if any.

**Motion by Hubbell, second by Lawson, to authorize the purchase of playground equipment for Hi Pray Park, in the current fiscal year, in an amount up to \$12,838.00, and to transfer \$3600 from the General Fund to the Recreation Fund to defray the cost of said equipment.**

Discussion followed concerning adequate room at the proposed site, the fact that the price does not include unloading, site prep, safety surfacing, or installation. Benak provided some information on play systems that she looked at.

Popp commented that the \$3600 from the General Fund was actually allocated toward computer hardware purchases, but Popp does not see any problem with changing what the allocation was for, as long as the board agrees to do so.

**Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Rural Fire Lease Agreement**

Goss reported that the township's lease agreement with Mobile Medical Response has been modified into a proposed lease agreement with Rural Fire. There are a few questions indicated by the yellow highlighted areas.

The lease was discussed paragraph by paragraph. Changes were made as follows:

- The term of the lease will be one year, January 1 to December 31.

- In paragraph 2, third line down, the word “them” will be changed to “the premises.”
- Paragraph 3, the rent will be quarterly, \$2000 per quarter, \$8000 per annum, payable quarterly. The lease will be effective retroactive to January 1, 2017. There will be no need to prorate.
- Paragraph 5, remove the entire last sentence related to payment of real and personal property taxes.
- Paragraph 5, add the following, “RURAL FIRE shall provide current certificates of insurance for public liability, general liability, and excess insurance limits.”

On a side note, Popp would like to make sure Mobile Medical Response has provided their certificates of insurance.

- Paragraph 10 on page 3, sixth line, regarding where notices are sent, “at the leased premise” will be changed to “at their business office address.”

Concerning the signature page, Popp stated that likely Chief Weber will sign on behalf of Rural, and if consistent with other documents, the chairperson also signs.

Goss noted Popp cannot also then sign on behalf of Whitewater Township.

Popp stated he will sign on behalf of the township, and he will not sign it for Rural.

The verbiage on Exhibit 1 was discussed. It will continue to say that Rural Fire will have the use of 3 bays. After “restroom/shower facilities,” the word “shared” will be added. After “kitchen facilities,” the word “shared” will be added. The words “one desk area” will be replaced with “office space in northwest corner of building.”

There was discussion of attaching a floor plan as Exhibit 2.

**Motion by Goss, second by Hubbell, to approve the Real Estate Lease Agreement with changes as discussed.** There was no further discussion. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

### New Business

#### **Resolution #17-01 Township Board Regular Meeting Dates for 2017/2018**

Goss provided a resolution detailing regular meeting dates for the next fiscal year.

**Motion by Hubbell, second by Lawson, to adopt Resolution #17-01.** There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

### **Cell Tower Lease Analysis**

Popp stated this report is the result of a study the board commissioned to help the board understand whether or not they are getting good value for the cell towers. Offers are regularly received from different companies who want to purchase the lease from the township.



Brief discussion followed.

There was consensus that the township should not sell the cell tower leases.

### **Tabled Items**

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

This agenda item will remain tabled.

#### **Review Ordinance 22 Pension Plan (tabled 10/25/2016)**

This agenda item will remain tabled.

### **Board Comments/Discussion**

Goss stated that she was slandered at one of the last meetings, at the beginning of the meeting, when the supervisor announced that she had exceeded her statutory authority in adding something to the agenda. Goss went on to point out that no elected official has a duty, by statute, to prepare the agenda. Boards have administrative policies and procedures unique to each township whereby they delegate certain responsibilities to certain elected officials. Goss provided a copy of section 2.4d Meeting Agenda from the Whitewater Township Administrative Policies and Procedures manual, which sets forth the procedures for preparation of meeting agendas, and pointed out that it says the supervisor and clerk shall finalize the agenda.

Goss stated that hopefully she will not continue to be slandered in front of the public at future township meetings regarding how the agenda is put together.

Also, contrary to Popp's previous assertion that he does not have to share all applications submitted for appointed positions, Goss provided a copy of a recent email exchange between herself and Grand Traverse County Prosecutor Robert Cooney on this issue. Prosecutor Cooney stated there is no reason the supervisor should not share all applications submitted. Also, members of the public are entitled to that information under the Freedom of Information Act.

Goss further stated, for any appointments that are brought to the board, she is requesting that all applications be provided to the board.

Popp stated, on the first point, he wants to clarify that he does not believe it is his sole responsibility to set the agenda, but it is the responsibility that we work together on it.

Brief discussion followed.

### **Announcements**

1. Next meeting is a budget work session on 03/02/2017 at 6:00 p.m.
2. Next regular meeting is 03/14/2017 at 7:00 p.m.

### **Public Comment**

Tim Shaffer, 5309 Moore Road, noted some upcoming meeting dates posted in the display case and stated he has put in his application for Zoning Board of Appeals and Board of Review and is

still waiting to hear whether he has been accepted or turned down. What is the status? It has been three months.

Popp stated this is a new process where we actually have an application form. Shaffer submitted a letter of interest. This is a process that affects a couple different policies of the township, and the township is currently rewriting those policies and procedures, i.e., section 3 of the personnel manual, as well as potentially the entire employee portion. He advised Shaffer to be patient; it is a new process.

**Adjournment**

Motion by Hubbell, second by Lawson, to adjourn. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk