

**Whitewater Township Board
Minutes of Regular Meeting held June 13, 2017**

Call to Order/Pledge of Allegiance

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, County Road Commissioner Marc McKellar, Mobile Medical Response Interim Director Scott Kiernicki, Fife Lake Township Supervisor Linda Forwerck, Fife Lake Township Clerk Terry Street, and 18 others

Set/Adjust Meeting Agenda

Popp made the following adjustments: Move Unfinished Business #2 to Unfinished Business #1. Also, move New Business #4 to Unfinished Business #2.

Goss added the following items:

- Failure of the supervisor to turn over Paul Olson insurance documents to the clerk's office.
- Declassification of the Private Road Ordinance legal opinion.

Added as New Business #7 and #8.

Declaration of Conflict of Interest

None

Public Comment

None

Public Hearing

None

Reports/Presentations/Announcements/Comments

County Board of Commissioners Report

Carol Crawford gave the following report:

- Last week, the Board of Commissioners (BOC) agreed with their pension service, MERS, to take pension payments out from 12 years to 16 years and pay an even \$5.9 million per year. This will be more budgetable.
- They also agreed to sell 160 acres in Whitewater Township to the Grand Traverse Regional Land Conservancy. There was a higher bidder who did not want to divulge what they want to do with it, almost 50% higher than what was asked. The land conservancy will eventually turn it over to the DNR to become part of the Pere Marquette State Forest. Five different trails run through there. It puts it back on the tax rolls.

- They have received between 25 and 30 applications for administrator. It will be narrowed from 3 to 5. BOC will choose to interview 2 to 3 in person. They hope to have a new administrator in late August.
- Next Wednesday, they will be talking about properties they still own, what can be done with them, what can't, how did we get them, why do we have them, what are the strings attached to them.
- They will be talking more about pension things, may be talking about bonding still, maybe a millage. They will flesh those out and make final decisions.

There were no questions from the board.

County Road Commissioner Report

Marc McKellar gave the following report:

- Congratulations on the Baggs Road project. The road commission has extended the project beyond Baggs Road to take care of some additional issues.
- They are out doing a lot of road maintenance and mowing.
- The asset management plan is improving tremendously. They are getting a lot of cooperation from townships.

Popp thanked the road commission for leveraging state and federal contribution dollars to get the Williamsburg and Elk Lake Road projects done.

There was some discussion of an east-west crossing in Grand Traverse County, as well as Cook Road to the north.

Mobile Medical Response Report

Scott Kiernicki, Interim Director, reported that the call total for May was 9 and described the nature of the calls.

Goss thanked Kiernicki for responding so quickly to a recent phone call from Woodland School trying to determine whether their ambulance service comes from East Bay Township or Whitewater. They also had a concern about several students with allergies. Kiernicki very promptly contacted Woodland School and has arranged to do some public relations activities at the school in the fall.

Planning Commission Report

Lloyd Lawson reported that, due to his work schedule, he has not attended the last two meetings. The minutes are available, though.

Parks & Recreation Advisory Committee Report

Cheryl Goss gave the following report:

- The last meeting of this committee was on Monday, June 5th, at Battle Creek Natural Area. We walked down to the lake, even though there is no trail to the lake for the last several hundred feet. We walked to the pond and dam area. The committee is formulating ideas for improvements to the BCNA.

- The trail in those areas which was cleared last fall of down and leaning trees is in good shape and very passable. There is some growth of grass/weeds but not enough to warrant any type of mowing or trimming at this time.
- The Hi Pray Park playground equipment has been installed and has received a lot of use already. A final coat of paint on the swing set frame and grass seed around the playground equipment area are left to be done.
- A new item of maintenance for the restroom building at Hi Pray is that the double doors and frame on the equipment room actually fell to the ground this past weekend. This will be replaced with a 36" steel door, with studs and siding for the rest of the opening.
- Chuck Decker is working on some grant projects to recoup the cost of the Hi Pray Park playground equipment.
- The used playground equipment purchased last week for Whitewater Township Park will be picked up on or before June 21 and delivered to the park. There will be additional installation costs.

Consent Calendar

Receive and File

1. Supervisor's Report for May 2017
2. Clerk/Parks & Recreation Administrator's Report for May/June 2017
3. Zoning Administrator's Report for May 2017 (no report)
4. Mobile Medical Response May 2017 Activity Reports
5. Grand Traverse Rural Fire Chief's Report May 2017
6. Treasurer's Reports May 2017
7. Approved 04/10/2017 Parks & Recreation Advisory Committee Minutes
8. Approved 05/03/2017 Planning Commission Regular Meeting Minutes
9. Approved 05/17/2017 Planning Commission Special Meeting Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for March/1st Quarter/April/May 2017
2. Letter 04/13/2017 Grand Traverse County Treasurer Heidi Scheppe re: Settlement History for Whitewater Township
3. Grand Traverse Rural Fire Board DRAFT Minutes 04/19/2017
4. GTRFD Officers' Meeting Minutes 05/03/2017
5. Letter 05/16/2017 Springfield Township re: Request to Dissolve – Mailed to Clerk
6. Letter 05/25/2017 Fife Lake Township re: Request to Dissolve – Mailed to Clerk
7. Fife Lake Township Resolution 05/25/2017 Approving Withdrawal from Rural Fire Department – Mailed to Clerk

Minutes

1. Recommend approval of 05/09/2017, 05/23/2017, and 05/31/2017 regular meeting minutes and 05/09/2017 closed session minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 41650 through 41755
2. Approval of First Community Bank Miami Beach voucher # 1189

3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Motion by Hubbell to approve the Consent Calendar as presented; second by Lawson.

There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Unfinished Business

Ordinance 28 - Miami Beach Sewer Project

John Divozzo, Director of the Grand Traverse County Public Works Department, is in attendance.

Popp noted that this process started with Juanita Pierce coming to the township board asking about a generator and potentially some leftover funds from the special assessment district that may need to be returned to the public. The township began to look into Ordinance 28, which was adopted in 1997. There is a contract with the Grand Traverse County Board of Public Works to maintain the system. Because it was a special assessment district, it was not under the township general fund budget, so the board did not address any of the expenses or budget for them.

Referring to various sections of the document entitled “Ordinance No. 28, Whitewater Township Sewage Disposal System, Miami Beach Rate Ordinance,” the following information was provided:

- Benefit Charge (a) is a lump sum paid at the time a structure was connected to the sewer when it was constructed. It looks like an incentive to tap in early.
- Benefit Charge (b) is the additional charge if you waited 12 months or more to connect.
- The system was designed to handle 10,000 gallons of effluent per day, which breaks down to 250 gallons per riser. There is an ability to charge an additional 25 cents per gallon if they go over 250 gallons per day. Divozzo confirmed there is no way to effectively measure that. To his knowledge, there is no metering of the sewage individually at each connection.
- Average water usage is typically 50 to 60 gallons per person per day.
- Divozzo reported that the system is getting pretty close to the 10,000 gallons per day capacity limit. An annual report is submitted to the state. Water usage is based on the number of people in the house and water use behavior. Multiple bathrooms in a house does not necessarily mean that more water is used. It comes down to the number of people. There is less usage certain times of the year. In the summer, there is a lot more water usage. The average is around 10,000 gallons per day.
- An audience member reported that there is a counter on the pump station, which normally runs around 7,000 gallons.
- If it goes over capacity, the state may ask us to do something to increase capacity. Engineers can tell you what the cost will be.
- Thirty-eight homes are connected. The system was designed for 40 lots or parcels.

- The ordinance calls for bills to be issued quarterly. However, the county's contract allows them to bill their customers in the same manner as other customers. They have moved to monthly billing for all customers.
- If people are delinquent in paying their bill, past due charges can be moved over to the property tax bill. Benak confirmed that is what happens but very infrequently. DPW certifies a letter to the township; then it is added to the taxes.
- Divozzo said he would have to look at the bond documents and drawings to determine whether the individual pumps on residents' properties are part of the system or are personal property of the residents. He has seen it both ways. An audience member said it is their understanding they own what is on their property. Divozzo advised that anyone with a pump issue should contact BPW first to see what they can do prior to a homeowner expending money on a pump.
- He is not aware of any assets (generator) that they have pertaining to Whitewater, but he will look into it.
- The township has not received any records regarding pumping of individual septic tanks at regular intervals. Divozzo would be able to identify all of those brought to the septicage facility within the last few years.
- Filter socks have been installed on the gray water tanks to reduce the frequency of pumping. Inspections are performed every two years and a report is generated.
- Divozzo stated he would have no problem with longer than 24 months between pumpings.
- The ordinance establishes a right of the township to shut off sewer service to properties in violation of the ordinance. Divozzo says there is typically a valve for each property. He explained the shutoff procedure. If a situation arose, homeowners and the township would be notified well in advance, and they would not continue without the blessing of the township.
- The BPW operates, maintains, manages, and administers the system but does not have the authority to set rates. The township should identify them and put them out in a public document.
- Resident Juanita Pierce stated that if association members are not paying their sewer bill or their dues or their taxes, the board (of the Miami Beach Association) goes to work to put a lien on the property.
- In the 09/23/1996 BPW minutes, there is an estimate of 30 years and upward as the period of usefulness for the project. Divozzo stated usually the life expectancy does not exceed the bond schedule. We need to do a condition assessment. An engineering firm will tell us what stage we are in the useful life and then tell us what the useful life is. Then all budgets can be based on that. It is not going to be an estimate. We should be able to get an assessment this year.
- Benak reported that, as of 5/31, there is \$75,523.23 for maintenance and repair. The other money sitting in the bank was from the special assessment and was only used to pay the bonds. This is money that will be refunded and there is \$47,232.55 as of 5/31.
- Divozzo would ask their engineer to provide a cost estimate for the condition assessment and would let the township know what it is. If it fits within the current budget, the BPW would ask for the township's blessing and do it. If it is more than what they have available, they would let the township know.
- The DPW gets paid \$7,000 per year. With that, they pay all of their costs.

- The township is only responsible for the public aspect of the system, typically anything in the right-of-way.
- The funds set up by the township to handle the monies were discussed.
- Divozzo stated now that the bonds are paid off and the township owns the system, the township gets to rewrite the ordinance any way they want it.
- Divozzo affirmed that the BPW is willing to continue operation and maintenance of the system, stating he sent out a memo and also did a draft budget for O&M for 2018. From a monthly or daily standpoint, the rates are sufficient to cover the operation and maintenance. Replacement is going to require additional funds. He provided copies of the draft budget.
- The document entitled “Agreement Between the Grand Traverse County Board of Public Works and the Township of Whitewater for Operation of a Sewer System,” dated 10/27/1997, was next discussed. Some things will have to be changed. Divozzo’s office will redraft the agreement for the township’s review.
- Divozzo will search their files for information on the bids and the actual construction costs.

Popp stated we will move forward with the condition assessment and spend time developing a budget. There is no problem with maintaining the existing payment schedule to BPW.

Per Benak, we can leave everything status quo for now until we get the condition assessment.

Divozzo quickly summarized the details of the Miami Beach Sewer System. The township has to now own the system, instead of the county. For questions, Divozzo can be reached at 995-6039.

Fife Lake/Springfield Townships’ Request to Dissolve Rural Fire

Linda Forwerck, Fife Lake Township Supervisor, and Terry Street, Fife Lake Township Clerk, are present.

Popp asked what information he can supply to the board, and what are the board’s directives to him at the Rural Board.

Benak stated she has made her opinion known a couple different times during previous meetings. She is set for Rural Fire to dissolve. We have had several committees in the past. The reason we did not leave is that it was too cost prohibitive. The deal to buy the equipment back was much more expensive than what they gave Green Lake or Long Lake, so Whitewater could not really afford to go out on their own. There are some benefits, such as organized training, keeping track of certifications, volume buying. If we choose to go on our own, we would have to hire a fire chief and possibly some administrative so they could track all the things Rural Fire does now. Benak stated she thinks it is doable. Other townships are doing it.

Hubbell stated he wants out. He echoes everything she says. He thinks it is time. Watching what has happened over the course of the last few years, it is not going to stay together. It is not beneficial to us as far as cost effective anymore. It is time to move on.

Direct costs are Popp's major concern. Also, some residents enjoy less than an ISO 9 standard on their homeowner's insurance.

Benak stated hers is at 7.

Popp stated Rural Fire is up for ISO reinspection.

Forwerck stated it is her understanding that the ISO industry is looking at their rating system differently now, but she does not know what the results of that will be.

Popp noted that the number of full-time personnel has been/will be reduced with the departure of various townships. The rating will go up.

Hubbell stated it will depend what we do with surrounding townships.

Popp stated Elk Rapids is not interested in coming together at this point.

Goss expressed concerns with how a vote to dissolve would take place in 2018, after Fife Lake and Springfield leave (if next week's motion to dissolve does not pass). After Fife Lake and Springfield leave, there will be only one other township in Rural Fire who can provide equipment and manpower. Also, we have already been told the .72 we are paying will go to .85 in the new budget. We could be doing a lot with the \$100,000 we are paying to Rural.

Benak pointed out that Rural is still pushing EMS-based fire, which she is not interested in.

Goss stated she is leaning toward dissolution.

Popp stated a supermajority is needed to dissolve, four votes.

Lawson stated he has felt for quite a while that it was not going to last, and it is going quicker than what we want it to go, but he thinks we are going to be doing something for ourselves here real soon. It is going to be a mess and a lot of work trying to get it organized, dealing with the dissolution, getting our equipment back, if we can. It is a lot to worry about, a lot of money to put out, too.

Short discussion followed regarding repair of fire trucks.

Motion by Hubbell that if a motion for dissolution is put forward at a Rural Fire Board meeting, the Whitewater Township Board directs our Rural Fire representative to vote yes to dissolve; second by Lawson. There was no further discussion. Roll call: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Forwerck asked to address the board and stated that Fife Lake and Springfield have been struggling with this. Tom Gonyer is the supervisor at Springfield. They have had one joint meeting. They do already have their own ambulance authority that is a combination of the two townships. They have been joined at the hip since way before Rural Fire started. They have

hired Todd Millar for their attorney for the fire situation and that is who did Long Lake Township's legal work. They are having another joint work study meeting on 6/27, which is an open meeting, Whitewater is welcome to come, and they will ask Todd to be ready with some kind of generic language to put their fire and ambulance together. Springfield Township is in Kalkaska County. Garfield Township in Kalkaska County has been a very strong support system for them when their volunteers were and are currently down to 1-2 members. They just cannot operate their own fire station. They say every 10 minutes a fire doubles in size. If they wait for the people at the Kingsley station to come over and man their equipment, you are at 30 minutes, so it has tripled in size. Garfield has had their backs through this difficult time. Their goal is to be out of Rural Fire by the end of this year, if not before, but they have a lot of homework to do. They are prepared to do that. They think they will easily have 10-15 volunteers back for fire. She explained how their full-time ambulance employees were allowed to respond to fire calls and the days/hours their station is manned. She wanted to let us know they are really doing a lot of preparation work; they will have mutual aid agreements. Whitewater is welcome to call them with questions or come to the workshop meeting on 6/27 at 7:00 at the Fife Lake Township hall. They will be happy to answer questions.

Terry Street stated he has put a lot of thought and effort into this as well, and he saw the long-time benefits from the past from Rural Fire, but it has served its purpose and it is time to move on. At Whitewater's \$100,000 annual contribution, that is \$500,000 over 5 years. You can pay for equipment over and over again.

Forwerck stated they have a tentative budget and they think they can do it very well with the \$96,000 combined funds that Springfield and Fife Lake now contribute to Rural.

Brief discussion followed.

Emergency Services Building Renovation/Addition Project

Goss stated she sent everyone the e-mail received from Chris Richter today. They are going to have their attorney look at our construction agreement; they are not going to insist on the AIA document. Goss sent an e-mail to Dan Rudy and Mark Pressell with Richter's proposal and advising that we have awarded the contract to Richter Construction, also advising Pressell that we need the professional engineer agreement signed and returned.

Personnel Administration Policy 3.0, Section 3.10

Popp stated there is no update on this agenda item.

Community Survey vs Town Hall Meeting

Benak provided an update on what she has done with the medical marijuana survey. It needs to be on the next board agenda for approval.

New Business

Resolution #17-09 Elk Rapids Schools 2017 Summer Tax Collection

Motion by Goss to adopt Resolution #17-09; second by Lawson. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes.**

Motion carried.

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

Resolution #17-10 Traverse Bay Area ISD 2017 Summer Tax Collection

Motion by Lawson to adopt Resolution #17-10; second by Goss. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes.**
Motion carried.

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

Resolution #17-11 Traverse City Area Public Schools 2017 and 2018 Summer Tax Collection

Motion by Hubbell to adopt Resolution #17-11; second by Lawson. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes.**
Motion carried.

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

Access to Treasurer/Zoning Office

Benak stated if neither she nor the zoning administrator are in the office, people should not be in her office. She is responsible for the funds that are in the office and the records of the funds that are in the office. She is not comfortable with it just being opened. As far as the zoning administrator stuff is concerned, she is sure whoever comes in or whoever is filling in wants to know their stuff is where it was when they left it. The only other person who goes in there is Dawn Kuhns, the assessor.

Addressing the supervisor, Benak told him she knows he likes to get in her office when a township person is here, but he just simply needs to tell them the office is not open and to make an appointment.

Popp replied that, according to MCL 41.62, the records that he gained access to are that of the supervisor's office, so we have a conflict of interest. Also, section 5.2a of our own policy manual says that both the clerk and the supervisor shall have access to the key control cabinet, which has keys to every building in the township.

Benak said she does not believe it says what keys are supposed to be in the cabinet and she chooses not to have her key in the cabinet. She stated she has a right to keep control of her office as the treasurer.

Popp proposed trading offices.

Benak said no, the supervisor's office is not big enough. If she has to share an office with somebody, the zoning administrator and the assessor are the logical ones to share it with. Benak stated that while Popp is considered the chief assessor, he does not do the assessing job and he does not do the zoning administrator job.

Popp admitted he does not do the zoning administrator's job.

Benak repeated that he does not do the assessor's job; he does not have the certification for it.

Popp stated he is still held accountable.

Benak said he does not do the day-to-day work of assessing and he really shouldn't be talking to the citizens about it. They should be referred to who we actually pay to do the job.

Popp stated the fact is that he is the one responsible for the records.

Benak stated the fact is she is the one responsible for the funds and the tax records back there. The more her door is open, the more chances something could happen. Benak stated she had a taxpayer stand right behind her and steal \$40 off a stack of money they gave her. Things happen.

Hubbell inquired of Popp whether what he needs can happen during the hours the treasurer is in the office.

Popp pointed to the difference in office hours. In this particular case, it happened to be one of his son's golf coaches. They met in the parking lot and he asked to have information on a parcel of land he was interested in. Popp stated that our procedures say that he has access and MCL says that he has access, and that comes directly from our attorney.

Goss pointed out that the gentleman that Popp helped had already been helped by the clerk. The citizen walked in as Popp was walking out. He said he had a question about land division. Goss gave the man Dawn Kuhns' card and he left the building. Next thing Goss knows, the supervisor has him in tow walking back into the office and telling Goss he needs to get in the zoning administrator's office. Goss stated she asked Popp for what purpose. Popp replied "taxation." Goss told Popp he was not the treasurer. Popp replied with "I'm the assessor." Goss told Popp that was Dawn's job. Goss reported that she did go ahead and open the office, which is the last time she will ever do that.

Goss further stated to Popp that the gentleman had a question about land division, which is not in the supervisor's purview; he needed to talk to one of the three people who handle land divisions.

Goss also stated that Popp does have access to the key safe. Popp's township asset record sheet shows that he was issued a key to the election closet in June of 2015, and Popp produced the key on a prior occasion when he claimed he did not have it. Goss did, however, say that there is not a key to the treasurer or clerk office in the key safe. Goss further stated that Popp has not been given any authority by the board to be in the treasurer office looking at anything. Goss stated Popp is not going to get access to that (treasurer) office, period, end of discussion.

Popp stated he will go right to the attorney and let him know.

Benak asked Popp why he insists on doing the zoning administrator's job; that is the only reason he would need to have access to those files.

Popp stated that is incorrect.

Hubbell says he does not understand why Popp cannot wait to do what we are supposed to do here. We have people in all these positions, and if they (the public) can't wait, that is their problem, not Popp's problem. It's no different than any other township.

Goss stated Popp can have Chris Patterson send something to the board about it and we will take it up. Also, the supervisor is not bonded at a high enough rate to have access to the treasurer's office.

There was discussion of the zoning administrator's bonding.

Popp stated it is something we need to get figured out because he needs to be able to have access. We will have Chris advise us on it.

Revision of Zoning Administrator Job Description

Goss stated she does not think it will be fruitful to put the job description back out there when we are only requiring four hours of office time. We need somebody here 12 to 16 hours a week in the township, either in the office or doing site inspections. When Meyers was here, it was three days a week.

Discussion followed.

Hubbell suggested it be 16 to 24.

Motion by Goss to revise the Hours of Work paragraph in the zoning administrator job description to reflect that the zoning administrator needs to be in the township 16 to 24 hours a week; second by Lawson. There was no further discussion. **On voice vote, all those present voted in favor, none opposed. Motion carried.**

Goss will repost the job with the revised job description.

Failure of Supervisor to Turn Over Paul Olson Insurance Documents to Clerk's Office (added)

Goss stated Paul Olson was here on May 23 (meeting) while Goss was out of the office. Lois MacLean's notes and the audio clearly reflect that Olson made a presentation and handed a letter, an invoice, new insurance certificates, and the workers' compensation policy to the supervisor for the clerk. Those documents have not been given to Goss. On Monday, 6/5, Goss sent a memo asking the supervisor to provide those documents to the clerk's office. There is an invoice to be paid, and the Expedition is being driven without a current insurance certificate. The insurance paperwork is always filed in the clerk's office, and Goss would like the supervisor to explain why he has not turned it over and when he is going to turn it over.

Popp stated he must have missed the memo; he is sorry. It is clearly an oversight. He would assume the documents are under lock and key in his filing cabinet.

Goss stated she would like it in her box by tomorrow morning.

Declassification of Private Road Ordinance Legal Opinion (added)

After brief discussion, there was consensus that the Private Road Ordinance legal opinion can be publicized.

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.

Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)

This agenda item will remain tabled.

Board Comments/Discussion

None

Announcements

Next regular township board meeting is June 27, 2017, at 7:00 p.m.

Public Comment

None

Adjournment

Motion by Hubbell to adjourn; second by Lawson. There was no further discussion. **On voice vote, all those present voted in favor, none opposed.** Meeting adjourned at 9:44 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk