

**Whitewater Township Board
Minutes of Regular Meeting held November 10, 2020**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:00 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: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

Board Members absent: None

Others present in person: 5

Others present via Zoom: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, Popp, and 4 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment (3:44)

Julie Brown, superintendent for Elk Rapids Schools, came to introduce herself and thanked the community for supporting the bond.

All those present via Zoom declined public comment.

Public Hearing (7:10)

None

Reports/Presentations/Announcements/Comments (7:21)

County Board of Commissioners Report

Gordie LaPointe gave the following report:

- The board approved the Cass Road drain to address flooding south of South Airport Road and a bond of \$2.8 million.
- (some instances of LaPointe's audio cutting out)
- Regarding the jail oversight report, two county commissioners challenged the sheriff on a number of topics. Most of it stemmed from the issue with Captain Ritter.
- Grand Traverse Parks and Recreation has formed an ad hoc committee to look into a new senior center, location, cost, etc. If it is built, it will be funded by county dollars and the county will determine where it goes.
- Regarding the AS400, the backbone of the county's data processing, the IS director has come forward with a plan to replace it. It is going to take place over the next couple years and will be a significant impact on the county's budget.
- The county came up with an HR policy entitled Telework to address people working from home during the pandemic. It has a lot of restrictions regarding working from home. LaPointe thinks it is a good policy.

- Budget discussions have just started.
- The county has invested in software called GovInvest to track the pension in more detail than what MERS provides. They are still seeing a \$48 million liability. They have a plan in place to put in \$7 million per year through 2034, when it would be fully funded assuming a rate of return of 5.75. They have found that \$7 million is not going to cut it, so it is back to the drawing board to take another look at that.
- The county hired NCCHC last summer to do an audit of the county jail. They did an in-depth analysis of the two vendors that provide health services to the jail, Wellpath and Northern Lakes Community Mental Health. The county spends over \$900,000 a year providing healthcare to the 150-on-average inmates, which amounts to about \$6,000 per inmate annually. There was considerable criticism that the county needs to do better, and there is a special meeting on Thursday where the two health providers respond to the issues in the audit. In LaPointe's opinion, they will have to spend a lot more than \$700,000 a year to get to the standard that a lot of people are clamoring for.

Goss thanked LaPointe for his service.

LaPointe responded to questions from Popp about the PACE program.

County Road Commissioner Report (21:03)

No one is present from the Road Commission.

Mobile Medical Response Report (21:03)

No one is present from Mobile Medical Response. October activity reports were provided.

Fire Department Report (21:15)

Brandon Flynn gave the following report:

- They had a busy month with emergency calls, trainings, and meetings. It seemed that everything was getting back to normal, but with the uptick of COVID cases, he is not sure what is going to happen with some of our establishments and new executive orders.
- They were able to finish the asphalt paving project.
- They got through Fire Safety Month. They were only able to visit Mill Creek because a couple other schools were not having in-class sessions.
- He reported that we did not receive either of the AFG grants. He will try again in March.
- He received a AAA Traffic Safety Grant for \$12,000 toward another piece of eDraulic extrication equipment.
- They did some preliminary VASA race meetings. The race is scheduled for February 13-14. They do not think the DNR is going to issue the permit and are pretty confident that the VASA race is going to be cancelled.

Planning Commission Report (24:35)

Planning Commission did not meet this month due to lack of a quorum.

Parks & Recreation Advisory Committee Report (24:49)

Cheryl Goss gave the following report:

- The committee held their monthly meeting last night. Two members of the committee and the alternate member were present. Two members were absent.
- Minutes from their 10/12 and 10/26 meetings were approved.
- The committee discussed Phil Knapp's request at the 10/13 township board meeting that something be done to remedy the wet area on the Lossie Road Nature Trail. Goss explained to the committee that the township will need to seek professional help in order to determine what the best options are and to shepherd a permit through the DNR process. Melton suggested that a professional give an assessment in the spring of next year. The committee wants to keep an eye on this.
- They also discussed the issue of adjacent property owners wanting motorized access to the Lossie Road Nature Trail. Goss advised that the board is looking into what the options are.
- Regarding the dugouts at Hi Pray Park, Goss used the county's new online permitting process to obtain the construction permit. There is a holdup on Perfect Fence's end with procuring some clamps. Melton found a couple online sources for the clamps and that information was relayed to Perfect Fence. They still want to get this project finished this fall.
- Regarding the new Whitewater Township Park trail signs, Melton and Slopsema plan to get those installed soon.
- Regarding the three new kiosks for Lossie Road Nature Trail and BCNA, Goss has requested a quote from Steve Jahr for installation but has not received it yet.
- The committee discussed getting their park improvement survey out soon. It will be put on the township website, sent as an attachment to the e-mail blast list, and announced in the December newsletter. There will be a 30-day deadline for responses. The survey is being done to comply with a DNR requirement of seeking public input for the Recreation Plan.
- The committee also discussed further updates to the Recreation Plan.
- Before leaving the meeting at 9:00 p.m., Goss reminded those who have appointments expiring in December to convey a letter of interest to Popp if they are interested in reappointment.

Consent Calendar (27:38)

Receive and File

1. Supervisor's Report for October 2020
2. Clerk/Parks & Recreation Administrator's Report for October/November 2020
3. Zoning Administrator's November 2020 Staff Report
4. Mobile Medical Response October 2020 Activity Reports
5. Fire Department October 2020 Report
6. Historical Society October 2020 Report (not available)
7. Approved 09/02/2020 Planning Commission Minutes
8. Approved 09/09/2020 Historical Society Minutes
9. Approved 09/14/2020 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for October 2020
2. Habitat for Humanity Home Repairs

3. Revised MDHHS Emergency Order under MCL 333.2253 effective 10/09/2020
4. Epidemic Order 10/09/2020
5. Networks Northwest 10/29/2020
6. MTA Open Meeting Act Update 10/2020
7. Tracy Spincich 10/13/2020 E-mail re: Reject Dispensary
8. Jessica Ziecina 10/13/2020 E-mail Opposed to Marijuana in Home Town
9. Letter of Resignation Glenn Savage
10. Letter of Resignation Kim Halstead
11. E-mail 10/27/2020 Don Bailey re: Recreational Marijuana
12. Notification of Award – Michigan Traffic Safety Council

Minutes

1. Recommend approval of 10/13/2020 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 45931 through 46044
2. Approval of First Community Bank Miami Beach voucher # 1274
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

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

Unfinished Business (28:09)

None

New Business (28:12)

Hazard Pay for 11/03/2020 Precinct Inspectors and Deputy Clerk

Motion by Goss to award hazard pay at the rate of \$2 per hour for the deputy clerk, election assistant, and precinct election inspectors as outlined, not to exceed \$800; second by Lawson.

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

Request for Skegemog Point Road Funding (29:05)

Popp asked if anyone has questions on the information provided.

Goss asked where it says what is planned for the heavy tree canopy on the north end of the road, and has that cost been added into these figures.

Popp said yes, because the road commission was on site and they talked about doing two different fixes. He believes heavy maintenance is the term used from M-72 to a point of a

section intersection on Skegemog Point Road, just south of the beginning of the canopy of trees. After that, in the canopy of trees, it is a full reconstruct, crush and shape, which would affect most everything in the road right of way.

Goss inquired whether there any costs that will be incurred that are not included in these figures.

Popp replied this is not a bid. This is a probable opinion of cost. The next step is to get a bid. Project details would move into engineering. He does not believe a survey is in the county's plan; he thinks they are going to leave the road where it has been since about 1934.

Goss asked Popp how you can put something out to bid when you don't have funding.

Popp replied that is what this discussion is all about. The county has given a probable opinion of cost. They have also generously elected to contribute up to 60% of the heavy maintenance and 30% of the crush and shape. It is up to the board to decide if they want to contribute to a road replacement project and, if so, how much. Popp said he based his motion on the Baggs Road scenario, and asked if the board wants to maintain a 25% commitment of the total project, with a dollar maximum. That will allow us to determine how much needs to come from other sources, i.e., grants, Rural Development, special assessment.

Goss noted you cannot put anything out to bid until you know where the funding is going to come from, and reminded the board that the Baggs Road project was not 25/25/25/25 due to John Rogers ordering more gravel, and simultaneously the Kalkaska County Road Commission and the Grand Traverse County Road Commission capped their contributions and left Clearwater Township and Whitewater Township to cover the cost of the extra gravel. Whitewater Township paid \$89,500.

Goss stated it is her opinion the \$197,000 is too much, the township's contribution should not be more than \$100,000, the township's contribution should be capped now, and if the price goes up, the township's contribution will remain the same. Also, any amount contributed by Whitewater Township should be contingent on the project being fully approved and funded.

Popp noted it is capped at 25% or \$197,000, whichever is less.

Goss said she prefers the word "capped" to be in the motion.

Benak asked Popp if he has heard back from any of the people he sent letters to on Skegemog Point Road; are they interested in a special assessment for the road.

Popp said most of the comments we have received back thus far are very cautious of having a reconstruct on the north end, and that mid last week, with consultation of Dave Hauser, Popp asked the road commission what happens if we just stop the project at the forest beginning and then do something else, pave over what we have down there from that point north. He has not heard a response. He said he is getting the vibe that people really want to protect the feel of the tunnel of trees down there.

Benak asked if it will remove the trees if they do what is proposed here.

Popp said not all of them. Maps were generated, but they have not been rolled out yet to the public. They are 50 MB in size and hard to share. Those drawings show the extent or the limits of the road right of way. People can actually zoom in on the maps and tell whether or not their favorite tree could be harmed or not, so it can be addressed before engineering, not after.

Benak said she thinks it is going to be hard, after seeing what happened to the WMDLS where one price was quoted, or in this case estimated, but not hard and firm, it is going to be hard to get people to commit to doing a special assessment if they do not know what the actual cost is going to be.

Popp said the best we can use is the opinion of cost from the county road commission.

Discussion followed regarding what happened with the WMDLS road project.

Benak pointed out language in the opinion which says, "Actual construction bids may vary significantly from the attached opinion of probable construction costs." She added that she thinks the people on Skegemog Point deserve to know exactly what it is going to be, and said she understands that is why Popp wants to go out for bids.

Popp said no, he does not think we are at the bid process yet.

Benak said if she lived on Skegemog Point, she would not commit to something that she did not know what the cost was going to be, because of what happened on the WMDLS.

Lawson stated that at the last minute they decided to allow people to give up their shares on their land in exchange for developmental rights, and the cost was put upon those who did not give up their rights and it doubled their bills.

Benak said she thinks there are a couple different ways to do a special assessment, and maybe doing it by benefits was not the best thing to do. In her opinion, it should be done by parcel, equal value.

Popp said he thinks Benak is on track, but 80% of the lots can be divided, so we have the identical set of problems facing this short road as we did with WMDLS.

Lawson said his objection was to them giving up their developmental rights. That amount was then dropped on top of those that didn't.

Benak reminded the board of a recent instance where someone paid a lot less because they signed the developmental rights waiver.

Popp said we would probably take a lot of lessons from WMDLS, and that is why these maps are created and that is why we want to get in front of managing all these expectations, get the tree questions out early. One of the comments that someone is upset about is that their driveway

would now have culverts in it. That is not what the road commission is proposing. The road commission is proposing very little elevation change to the existing road surface and basically creating on-site ditching between the driveways that exist. There might be some driveways that are not even impacted by the construction.

It was noted that the county will generate the specifications.

The Baggs Road project was discussed.

Goss said she thinks there are a lot of questions about whether the residents are going to want this and want to pay for it. It could take a long time to get grants. We need to find out from the property owners if they are even interested in contributing to this.

There was a suggestion to put a time limit on the \$197,000.

Popp said the road commission believes this could still be a 2021 project. The specs would have to go out by the end of February, beginning of March, to be bid for a 2021 project. That means we have to have an idea of do the people want it. Popp said he is just trying to answer that question. We have an idea of what it is going to cost from the county. We know the county is going to contribute X number of dollars. Once the township decides what it is willing to contribute, we can go to the public and say here's what we got left; are you willing to buy it, or should we go out and spend the extra year to look for grants.

Benak said she thinks the people on Skegemog Point need to know that this is not a hard and firm number; it could be double.

Discussion followed.

Goss said we need to find out what people's expectations are with regard to the tree canopy because the road commission does not want to put money into roads that are shaded because they do not last, and the township should not take money out of the road repair/replacement fund and put it into paving a shaded road either. Goss noted a citizen came into her office on Election Day asking when are we going to do something about Cook Road, and stated there are plenty of roads in the township that need work, and that is why we cannot give a huge amount of money to any one road.

Various discussion followed and turned back eventually to talk of a dollar value that could be allocated to Skegemog Point Road.

Benak asked why we have to commit to a dollar amount tonight.

Popp said time is slipping away quickly if we are going to look toward a 2021 construction season. Popp added that the board is not committing dollars; the board is committing a dollar amount that you are interested in spending on a road.

Benak asked: No other steps can be done until this is done?

Popp replied yes, we can do some other steps. We can ask the people if they want to fund the entire piece. Maybe the road commission comes back and says no, we are not interested in saving the tunnel of trees, so we will not do that part of the project. Maybe they will only do the first two miles.

The percentage paid by the road commission was discussed.

Benak stated we do need to come up with some kind of a policy that we follow. That way, it stays fair to every road that needs to be replaced.

Goss suggested the board could decide to do the wedge, chip and fog seal on the whole three miles; forget the crush and shape, which would be a lot less expensive.

Hubbell agreed and said they did it on Elk Lake Road, which gets four or five times the traffic.

There was discussion about setting a percentage and not setting a rigid number.

Benak said she thinks maybe the place we need to start is: Is this the right solution for this road? Maybe the person who put this together could come in and give a presentation to the board and the Skegemog Point Road people so they understand what it is they are going to be paying for.

Popp said Zoom would allow us to do something like that on a grand scale, and would also allow us to employ the recently collected e-mail addresses so everyone could be invited.

Hubbell said he would feel better doing something like that before committing to a dollar amount here tonight.

The board agreed to hear questions.

Dave Hauser, 9340 Skegemog Point Road, said he is real concerned with the conversation he is hearing, and relayed the history of repair efforts and lack of repair on Skegemog Point Road. He said the general consensus is we need to have a repair. It would be great to have the full proposed crush and shape. There are some people who are concerned about losing trees. He said right now we really need to move forward. If we propose to defer this again for another month or two, now we are into 2022 and the road is going to continue to get worse. He said they have a lot of people who are thinking of a pretty substantial tax contribution on Skegemog Point Road, and we think it is important that this road be brought to a standard that is manageable. A lot of people are even saying we ought to be having our tax values go down because of the fact that the road is so bad. He said whatever the solution is, we need to move forward and get the road fixed. We just approved another road millage and we feel it needs to be done. He concurs with Popp's concern wanting to move forward and get into the 2021 schedule.

Heidi Vollmuth, 8388 Winnie Lane, said she thinks you ought to call up Mr. Elmer's and invite him to the table to find out if he is aware of the damages his company is causing on the road. He

should want to be a good neighbor. He also fixes roads. Maybe he would give us a discount. She wants to know who is going to write the grants.

Goss inquired of Lawson how much he paid over the course of 10 years on the WMDLS.

Lawson said \$35,000.

Remaining discussion focused on:

- Is the proposal put forth by the road commission the solution? It may be more expensive than quoted.
- The road commission has to engineer the project. Someone from the road commission should come to explain their proposal.
- Let's give the property owners the information and then they can make a decision.
- Chris Hubbell suggested the board find out what the property owners want and what they are willing to give up and not give up.
- The Skegemog Point Road property owners have not been shown the opinion of probable cost. Popp wants to get an amount that the township might contribute to the project first.
- The opinion of probable cost spells out that the cost could be significantly different.
- Regarding the trees to be taken out, maps were drawn with the road right of ways. Property owners can zoom in on their mailbox and determine which trees will be removed and which trees will not be removed.
- The mistakes of WMDLS should not be repeated.
- Hauser commented that the rough part of Skegemog Point Road is the north 9/10 of a mile.
- The proposal for scenario 1 and 2 calls for wedge, chip and fog seal on 1.54 miles. The remaining 1.38 miles would be the more expensive crush and shape, per the road commission's proposal.
- Hauser said it is 2.1 miles from M-72 to the north end of the Samels farm. The shorter part is 9/10 of a mile to the end of Elk Lake Road.
- Seeking grant funding or creating a special assessment district takes time.
- The road commission is going to have to confirm what they have on paper distance-wise.
- The project should be explained by the road commission to the board and the Skegemog Point Road residents.

Popp will provide the map files to Goss, who will put them on the website. People can go to the website, download the map, locate their address, and zoom in and tell what trees are going to be cut.

We will plan on having a road commission representative available to explain the proposal at the December board meeting.

Tabled Items (1:37:05)

None

Board Comments/Discussion (1:37:07)

Benak said newsletter articles are due no later than 11/23.

Popp reported that he had a meeting yesterday between the developer, tribal environmental services, water and sewer. There was a developer interested in the Williamsburg corridor in 2016. Interest has popped back up again. Popp would like to meet with the tribe to see if they are still willing to provide water and sewer to this side of M-72, specifically Vinton Road, Church Street, and Williamsburg Road to Crisp Road, and said that will be taking place very shortly. He is going to send a letter to the tribe to see if we can get an audience with them, and asked if anyone would like to sit in.

Benak said she would be interested.

Goss brought up that a third brine application was authorized by Popp and the township was billed for \$8,772, much higher than the \$5,542 contract price. When questioned, Phil at the road commission said they do not share in the cost for a third brine and Whitewater was the only township to request a third brine. After consultation with the manager, Phil agreed to the township paying the contract price, but stated they will be reviewing that for next year.

Brief discussion followed.

Announcements (1:41:35)

1. Special meeting 11/17/2020 at 6:00 p.m. for public hearings on Proposed Ordinances 59 (Authorizing and Permitting Commercial Medical Marihuana Facilities) and 60 (Authorizing and Permitting Adult-Use Marihuana Establishments)
2. Regular meeting 12/08/2020 at 7:00 pm.

Public Comment (1:41:57)

None in person. All those present via Zoom declined public comment.

Adjournment (1:43:03)

Motion by Lawson to adjourn; second by Popp. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk