

**Whitewater Township Board
Minutes of Regular Meeting held August 10, 2021**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 9:00 a.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 in person: Treasurer Benak, Clerk Goss, Trustee Hubbell, Popp, Trustee Vollmuth

Board members present via Zoom: Popp, Vollmuth

Board members absent: None

Others present in person: Fire Chief Brandon Flynn, County Commissioner Darryl Nelson, County Road Commissioner Jason Gillman, Acme Township Supervisor Doug White, and 7 others

Others present via Zoom: 5

Set/Adjust Meeting Agenda

Vollmuth requested to add a 5-minute presentation to the agenda on the ambulance and indicated it is information for the board to read in their spare time and she would like to have a discussion about it.

Discussion followed.

There were no adjustments to the agenda.

Declaration of Conflict of Interest

None

Public Comment (6:50)

Jason Gillman asked if he should comment now or later on New Business item J.

Brief discussion followed; Gillman will respond during New Business.

(9:15)

Kim Mangus, 1214 Cerro Drive and 5101 Brown Bear Lane, expressed disappointment with Hubbell attending the closed session on Friday.

(11:40)

Heidi Vollmuth, 8388 Winnie Lane, trustee, spoke on the topic of ambulance and handed documents to each board member.

(14:46)

Vern Gutknecht, 6801 Bunker Hill, spoke on the topic of Goss's campaign letter and requested an apology for unprofessional comments made to him and his wife.

Public Hearing (16:07)

None

Reports/Presentations/Announcements/Comments (16:19)**County Commissioner Report**

Darryl Nelson reported that he followed up with the supervisor on the brining of the roads, noted Gillman was unable to be here last month but is here today to address any questions.

Fire Department Report (17:38)

Brandon Flynn gave the following report:

- He is working on purchasing a thermal imaging camera for Engine 3 with 2% funds.
- The 2022 snowmobiles will not be built until late December, early January.
- He has not heard any updates on the new brush truck or the chief's vehicle.

Brief discussion followed.

Planning Commission Report (20:50)

Kim Mangus reported details of three public hearings held last Wednesday on adult use marihuana, medical marihuana, major home occupations. They will deliberate and discuss the marihuana ordinances and public input at their next meeting. Items of concern were listed. Bob Hall will try to schedule an initial meeting with Grobbel to begin mapping the process of master plan review and update at their next meeting.

There was brief discussion regarding Benak's objection to the planning commission chair giving the report that should be given by the board representative to the planning commission.

Parks & Recreation Advisory Committee Report (24:16)

Cheryl Goss gave the following report:

- The committee met last night. Four of five members were present.
- Minutes of the June meeting were approved. They did not meet in July.
- Per Slopsema, a local resident has offered to help with spraying of autumn olive on the Whitewater Township Park trails.
- Goss updated the committee on the boat launch project and a suggestion that the boat wash be located in a different area.
- The Recreation Plan was discussed and may come to the board in September with a request that the board set a public hearing in October.
- Other items discussed at the meeting included requesting a pre-application meeting with the DNR on the Lossie Road Nature Trail wet area issue, a suggestion that a maintenance plan be developed for the dam at BCNA, documents and a resolution for the Recreation Plan, dugout quotes, and updates on other projects.

There was brief discussion regarding the dam at BCNA and other dams in the township.

Nelson offered to help facilitate having the drain commissioner look at or assess these areas.

C2AE Presentation Needs Study (34:25)

Michael Jantz is present from C2AE and explained they have a proposal to do an infrastructure and facilities needs survey. First, they will take a look at what is currently in and owned by the township and start talking about what the vision is for the future, what are the priorities, are the current facilities sufficient to address future or existing needs. Second is what seems to be an urgent need to do a deeper dive into trying to bring water for fire support and drinking water for some of the existing commercial facilities, to explore the options for funding, what options are available to phase a system, collaborate with other municipalities, look at existing facilities for expansion or a location for a central complex.

Discussion followed.

Field trips/tours were offered.

Cherry Capital Connection Presentation re: Broadband (41:40)

CEO Tim Maylone is present and supplied a new version of his presentation adding their subscription data, updates on the infrastructure bill and removal of one slide, and noted it is substantially the same thing, promoting broadband at the gig level throughout the township.

Maylone described his duties and affiliations, talked about the METRO Act application, the FCC auction process going on right now called RDOF, Rural Development Opportunity Fund, a fee everybody pays into in order to fund development of infrastructure in telecommunications. Cherry Capital Connection (CCC) is one of 120 companies who were awarded support throughout the nation and one of 12 companies in Michigan focused for RDOF. He noted the 5x number is dwarfed by the opportunities that are coming out of the American Recovery and the infrastructure bill. They have a unique opportunity to connect the unconnected. Past telecommunication infrastructure programs were mentioned, as well as what consumers want to know and CCC's prices.

Maylone stated ARPA money is an opportunity to reduce the cost of entry for a consumer, reduce the cost to hook up, try to make it affordable for the consumer and encourage 100% participation, and speeds up the timeline with additional crews. They do their own construction and also use contractors. If Whitewater Township chooses to contract with Cherry Capital, they are touching on Union Township, East Bay Township, Paradise Township, and Fife Lake Township in their routes. They would like the county to also participate. They would like to take their 369 homes and expand that to closer to 2,500 homes. He described other areas of Grand Traverse County, as well as other counties, they are working in.

(At 10:00 a.m., the meeting room Wi-Fi connection was lost; connection restored at 10:08 a.m.)

Maylone explained the details of RDOF, i.e., \$5.6 million, 8 counties, 350 miles of fiber servicing 2,781 households. There are about 14,000 households along the route, 25% of which do not meet the current definition of quality broadband. Bunker Hill has houses that do not meet the 25x5. He spoke of the RDOF plan to try to bring fiber to the industrial park and to every household in Whitewater Township, to extend their data center to the Butterfly House, where their central office will be, and explained the maps.

Maylone answered questions about sustainability and the level of subscription, and agreed to provide information regarding petitions they got back from Whitewater Township, although in a confidential arena due to the very competitive market here.

Maylone spoke about the costs of installation, reduction of the cost to consumers, broadband as an economic enabler, customer satisfaction on fiber, and uses such as telehealth, remote education, tele-counseling, tele-justice.

Consent Calendar 07/13/2021 (1:36:14)

Receive and File

1. Supervisor's Report for June 2021
2. Clerk/Parks & Recreation Administrator's Report for June/July 2021
3. Zoning Administrator's Report for June 2021 (not available)
4. Mobile Medical Response June 2021 Activity Reports
5. Fire Department June 2021 Report
6. Historical Society Report for June 2021
7. Treasurer Reports 05/31/2021
8. Approved 05/05/2021 Planning Commission Minutes
9. Approved 05/10/2021 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for June 2021 and 2nd Quarter Totals
2. State of Michigan - Public Notice Land Lease
3. Gosling Czubak - American Rescue Plan Funding
4. Bob Campbell - Skegemog Point Road
5. Mark Taylor - Skegemog Point Road
6. Cathy Gee - Broomhead Road
7. Sue McCraven - Skegemog Point Road

Minutes

1. Recommend approval of 06/08/2021 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 46702 through 46836

Budget Amendments (none)

Revenue & Expenditure Report (none)

Motion by Benak to approve 07/13/2021 Consent Calendar items as presented; second by Hubbell.

Roll call vote: Vollmuth, yes; Benak, yes; Popp, no; Hubbell, yes; Goss, yes. Motion carried.

Consent Calendar 08/10/2021 (1:37:09)

Receive and File

1. Supervisor's Report for July 2021
2. Clerk/Parks & Recreation Administrator's Report for July/August 2021

3. Zoning Administrator's July 2021 Report
4. Mobile Medical Response July 2021 Activity Reports
5. Fire Department July 2021 Monthly Report
6. Historical Society Report for July 2021
7. Approved 06/02/2021 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for July 2021 (not available)
2. Thank You Letter 07/16/2021 to Amber Voice and Craig Barnhart
3. Letter 07/23/2021 DNR re: Notification of Application for Natural Rivers Permit
4. Laramie - Skegemog Point Road
5. Recycle Smart Newsletter
6. Networks Northwest Newsletter

Minutes

1. Recommend approval of 07/13/2021 regular meeting minutes and 07/21/2021 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 46837 through 46932

Budget Amendments (none)

Revenue & Expenditure Report (none)

Motion by Hubbell to approve 08/10/2021 Consent Calendar items as presented; second by Benak.

Roll call vote: Goss, yes; Vollmuth, yes; Hubbell, yes; Popp, no; Benak, yes. Motion carried.

Unfinished Business (1:37:40)

None

New Business (1:37:48)

Discussion - Facilities Needs

Michael Jantz from C2AE is present.

The offer of tours of various facilities was discussed, including marihuana facilities. Jantz will set up tours for anyone who is interested.

Jantz said the initial focus is what assets does the township currently own, what assets are you considering, and of the assets you're considering, which ones are high priority. From early conversations he has had, there seems to be a need for water for fire issues, and also a concern that the existing facilities do not currently meet the operations. The proposed process will take six to nine months.

He is related to the Jantzes who live in the township.

Goss proposed seeking another proposal from Fleis & VandenBrink.

Discussion followed.

Motion by Popp to enter into contract agreements with C2AE for a facility survey, visioning and concept development, water system project evaluation, and feasibility study, for a total of \$23,000.

Jantz explained what is meant by “facility survey.”

Second by Vollmuth.

Brief discussion followed.

Roll call vote: Benak, no; Hubbell, yes; Goss, no; Vollmuth, yes; Popp, yes. Motion carried.

Popp will get agreements in front of the board.

Jantz will provide times for interviews.

Discussion - Cherry Capital Connection Fiber (2:15:50)

Tim Maylone, CEO, is present. He has supplied a sample contract which outlines the commitment amount, and indicated the first step is to meet and lay out the routes and the timelines so that before signing the contract, we have a good understanding. He noted it is difficult to say what the route is and how many people we are going to hit until we know what funding is available. He is hoping the township will have a resolution to pursue defining the contract and working with Cherry Capital Connection to use ARPA money in order to further the construction, improve the timeline, and reduce the commitment to the consumer.

Items of discussion:

- No county-wide plan in Grand Traverse yet.
- 50-year buildout, change in technology.
- METRO Act map was explained.
- There are 8 or 9 carriers with separate fiber going down M-72.
- They believe 25-30% of the households in the township are unserved.
- Laterals were explained.
- Nelson informed the board of very low interest loans which are available.
- Regarding the fee figure for the contract, Maylone would like \$280,000 and will seek another \$500,000 from the county.
- Finer resolution maps will be provided to Maylone.
- ARPA and infrastructure funds were discussed.
- Maylone is seeking a resolution to continue working with Cherry Capital to define the routes and the needs, and proposes receiving a third of the ARPA funds.

Goss proposed she work with Maylone to bring a resolution to the next meeting.

Maps were discussed. The township map showing roads, recently supplied by Chief Flynn, will be given to Maylone in PDF form.

Popp will supply GIS data for Maylone's planning.

Approval of Capital Expenditure for New Zoning Computer (2:48:40)

Motion by Goss to approve capital expenditure in the amount of \$1,630 for a new zoning department computer, per Netlink Business Solutions quote of 07/02/2021; second by Hubbell.

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

Discussion/Approval - Grobbel Environmental Agreement (2:49:24)

Motion by Popp to authorize the supervisor to sign the Grobbel Environmental & Planning Associates Proposal Acceptance Form as written; second by Benak.

After discussion, there was consensus that any place in the contract calling for "environmental consulting services" will be changed to "master plan update services."

There was agreement that the document will be reviewed by the attorney's office after confirming the wording changes with Grobbel. Any changes made by the attorney's office will be submitted to Grobbel for his review. If he is in agreement, the document will be signed, without the document coming back to the board.

Popp will change his motion to strike "as written" and add "as amended after attorney review."

Benak confirmed her second.

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

Correction of Resolution #21-12 Establishing Industrial Development District No. 1 (2:57:10)

Goss provided a copy of the revised resolution with the two changes proposed, i.e., in the third Whereas paragraph, change parcel number 28-13-004-023-20 to 28-13-004-012-22, and add "as shown on the attached map" to the end of the paragraph. The map to be attached is on page 170 of the packet.

Motion by Benak to amend Resolution #21-12 by replacing the parcel ID numbers and street addresses with the following corrected information and to include a map representing the parcels for future reference as presented; second by Hubbell.

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

Discuss Ambulance Service Memo - East Bay Ambulance Proposal to be Submitted (2:59:54)

Acme Township Supervisor Doug White is present.

Popp reported that the East Bay Township Board decided not to extend their ambulance services to Acme or Whitewater Township currently. There are no additional proposals or alternate proposals to be considered. He noted he has reached out to Kalkaska and Frederic; there have been no responses.

Lengthy discussion followed.

Popp prefers to have the township's ambulance in the fire hall.

Benak and Hubbell expressed agreement with sharing ambulance service with Acme.

Vollmuth noted she is okay with sharing but does not want a long contract until we fix the problem; suggested two years and see how it works, as well as development of a committee to fix the problem that exists.

Goss agreed with a mutual contract with Whitewater, Acme, and MMR.

White noted he does not want a long-term contract and would look toward a 1- to 2-year contract.

There was board consensus to work with Acme Township on a less-than-5-year agreement with MMR.

Motion by Goss that Acme Township, Whitewater Township, and MMR enter into a contract for ambulance services of less than 5 years; second by Hubbell.

White will bring it to his board and talk to them.

The two supervisors will then meet with MMR, as well as Chief Flynn and Chief Parker.

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

Review Proposed Industrial Facility Tax (IFT) Agreement (3:44:22)

Popp noted the IFT agreement is for the board's review and asked board members to submit any additions as far as conditions, etc., that they would like to see in any future agreement.

Goss agreed it is a good template agreement and has no changes.

Benak questioned whether it is possible to mandate the hiring of "local" employees, i.e., current Whitewater Township residents.

Popp will inquire.

Hubbell and Vollmuth had no questions.

There was brief discussion about taxes paid by Grand Traverse Plastics.

It was noted that no application has been received yet from Grand Traverse Plastics.

Popp will follow up.

Flooding Concerns Caused by Local Road Drainage/Improper Culvert Maintenance

(3:48:23)

Jason Gillman, Grand Traverse County Road Commissioner, is present.

Popp related complaints he has with the road commission and said he is looking to garner other township support and that is what he is asking the board.

Gillman described the following:

- The road commission is not responsible for the drainage system. They are responsible to manage the water that falls back onto their right of way.
- They are actively working toward the improvement of the ditch lines. Next year, Whitewater Township is on their schedule to do a complete overhaul.
- Commented on a Bluff Road issue (in another township).
- Commented on a Lautner Road issue (in another township).
- Vinton Road asphalt overlay is less than 1 inch higher in the center than what it was and is not stopping water from going across the road. Ditching is only done to contain the water falling in the right of way or on the right of way. It is not legal for a property owner to use the ditch as a drainage feature of their property. There is supposed to be a swale in between the properties that would have alleviated the basement flooding problem.
- Watson Road and M-72 issue is all MDOT.

Popp update: MDOT has provided abandonment documents and it is back to a private individual.

- Hillendale Drive, they acknowledge problems at the location, but conversation with Ms. George was left in good standing. The blockage leading to Elk Lake has been cleared and now does allow drainage to proceed as intended. No work by the gas main contractor closed any of the drainage structure, and the blockage had been in place for many years prior. They have scheduled a review of the location for after construction season and a plan will be put in place for next year's ditching program to make corrections.
- They had one of the highest rainfall events in recorded history. They are trying to address issues that are within the scope of their legal responsibility. They cannot legally perform work for the benefit of specific property owners. They will continue to make improvements to the right of way drainage system throughout the county.

- Whitewater Township is scheduled next year for entire township ditching.
- He explained cost sharing and their asset management plan.
- Problem on Gay Road is about 1,000 feet. The edge is garbage on the south side and is just over a ridge. He is pressing real hard to get something done immediately, as soon as possible.
- He provided responsiveness statistics for Whitewater Township.

Hubbell relayed complaints about ditching that was done on Elk Lake Road, said the water is worse sitting in the ditches, it is not moving, and he has never seen water run over the roads out here in that area.

Gillman invited Hubbell to a road commission meeting to talk about the issues.

Discussion followed.

Motion by Popp to authorize the supervisor to engage township legal counsel to identify issues that may prevent townships from embarking upon a proactive (single or multijurisdictional) plan that seeks a meaningful remediation plan from the Grand Traverse County Road Commission in regards to private property damage from their roads; second by Vollmuth.

Discussion followed.

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

Tribal Letter of Support (4:19:52)

Popp reported that he knows very little about the proposal with the exception that it has nothing to do with what Mr. Maylone is proposing. The tribe is looking for support regarding connection of their current fiber trunk line. Popp believes it is a grant process.

Discussion followed.

Motion by Hubbell to authorize the supervisor to review and sign the letter of support for the NITA Tribal Broadband Connectivity Program; second by Popp.

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

Tabled Items (4:25:26)

None

Board Comments/Discussion (4:25:28)

Hubbell reiterated that his personal attorney has reviewed the matter and indicated that as long as Hubbell has no financial gain, no interest there, no nothing, Hubbell has no issues; further stated he knows how it looks, but he has nothing to gain from this. Attorney also advised that, in mom-

and-pop townships across America, everybody knows somebody or is related to somebody and you are never going to get anything done. He said he feels if they truly feel he needs to step away, why did they vote him in, and said that is where he stands on it until somebody proves him different.

Benak said the meeting seems to have gone very long, but this board only has one chance to get together and we had a lot of heavy items on our agenda today and she thinks the board worked really well as a team today and did a lot.

Vollmuth suggested a casual meeting of the board.

Announcements (4:27:55)

Next regular meeting is September 14, 2021, at 9:00 a.m.

Public Comment (4:28:06)

(4:28:27)

Linda Slopsema relayed some of the comments at the planning commission public hearing.

(4:31:10)

Chris Hubbell commented on earlier remarks of the planning commission chair, events at the PC meeting, and approaching Popp about changing a nonconforming use a year and a half ago.

(4:33:23)

The issue of when the marihuana issue first arose was briefly discussed.

(4:37:05)

Chris Hubbell questioned the authority of the planning commission chair to give an interview to the news media.

(4:38:14)

Kim Mangus admitted the news talked to her before the meeting, talked about the meeting, encouraged the board to watch the planning commission public hearings, and said the sound system sucks.

(4:42:38)

Heidi Vollmuth, private citizen, spoke on her 35 years in emergency management and addressing the problem somewhere with our ambulance service.

Adjournment (4:44:27)

Motion by Hubbell to adjourn; second by Popp. Roll call vote: Hubbell, yes; Popp, yes; Goss, yes; Vollmuth, yes; Benak, yes. Meeting adjourned at 1:41 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk