**GREEN LAKE TOWNSHIP BOARD**

**GOLDEN FELLOWSHIP HALL**

**9700 RILEY ROAD, INTERLOCHEN, MI**

 **SEPTEMBER 13, 2021**

**MINUTES**

1. **CALL TO ORDER**: By Supervisor Radtke at 6:00 pm.
2. **ROLL CALL:** Board members present were: Kramer, Biondo, Radtke, West, McDonald, Marek and Bieganowski. Also, present was Ronda Robinson, Recording Secretary.
3. **PLEDGE:** was recited.
4. **APPROVAL OF AGENDA:** Moved by Marek and supported by West to approve theAgenda, as presented. Carried.
5. **CONSENT AGENDA:** Moved by Marek and seconded by Bieganowski to approve the Consent Agenda, as amended. Minutes of August 9, 2021, corrected date from August 8, 2021. Page 2, *asked* inserted between *Radtke* and *the*. Page 3, first sentence of Action should start with *Trustee McDonald stated if there were a treatment that would not be cost prohibitive and work…* Roll Call: Yes-Kramer, Bieganowski, Biondo, West, Marek, McDonald, Radtke. No-0. Carried.
6. **REPORTS:**
7. CHIEF CASE, GREEN LAKE EMERGENCY SERVICES: reported that the Emergency Services Department had the busiest month in its history. They worked eight hours when a 6-inch gas line was cut during the work being done by DTE. The Township had two tragic fatal car accidents. They have completed this year’s service for the Interlochen Center for the Arts’ concert season.
8. PENNY MORRIS, GRAND TRAVERSE COUNTY COMMISSIONER: reported that the pension debt and the Pavilions’ pension debt has been bonded at today’s interest rate. They filed the preliminary report for the American Rescue Funds. The Grand Traverse County redistricting is still being talked through. The Board asked the Health Department to put a disclaimer on any vaccine information that is distributed. The County is not requiring vaccines for employment at this time.
9. **PUBLIC COMMENT:**

Linda Pepper, 4306 Central Park Drive, said that she saw Kramer work very hard to run a safe election for the Township. She would like to see a wide-ranging discussion on the disbursement of the American Rescue Funds.

1. **UNFINSHED BUSINESS:**
2. ARPA FUNDS: Radtke explained that in April the Federal Treasury stated they would be dispersing American Recovery Funds with a June 1, 2021, deadline. Only a few fundamental standards and four categories for the disbursements were disclosed. The Township consulted with the Township Attorney and the Township Auditor. The Board took action in May to get their feet in the door, to receive moneys for the Township. The State then announced that the Federal rules are not to be followed. No moneys have been received at this time. The action taken, at the time, was thought to be appropriate. The rules and deadlines keep changing. At this moment~~, January 31, 2024~~ **December 31, 2024**, is the allotment deadline and December 31, 2026, is the deadline to have the moneys all disbursed. A 6-month audit will be conducted by the Federal Government and if all the money isn’t spent it will be lost. The Federal Government’s mandate is to use their guidelines, and the State says it falls under their ~~statue~~ **statute**. Until there is a hard and fast line he has concerns with the action taken at the May meeting.

Marek shared that at the time the Board made the decision he 100% supported the action. He thinks they did what was right with the guidelines they were given. Now he is concerned, after learning more, whether or not the expenditures are appropriate. It would probably not be a bad idea to step back and see what is a lawful expenditure of public funds. Everyone they have consulted with seems to have different answers. If it is lawful, he is comfortable with the action taken; it was a lot of hard work by a lot of people.

Bieganowski stated that since the deadline has been extended why not rescind the resolution and start over. He stated that whether it is rescinded or paused the May action will need to be revamped. Even if it is only a case of semantics.

Kramer said what they did is part of their job, they are elected officials, if I had it to do it over again I would; whatever it takes to protect our residents and staff.

West explained that in May there were no guidelines, the Board just knew if the moneys weren’t spent, they would be lost. Now they know it can be spent on infrastructure and a few other things. The Township did spend money on Covid safety items that can be reimbursed.

Motion by Kramer and support by Radtke, due to concerns of how the ARPA Funds for Green Lake Township were approved for expenditure at the May 18, 2021, Board meeting, to place all ARPA Funds previously approved for disbursement to Green Lake Township staff and Board Members on hold so allocation of the funds can be clarified and reviewed with the Township Attorney, Township Accountant, and the Federal Treasury Department. Roll Call: Yes: Marek, Kramer, West, Radtke. No-Bieganowski, McDonald, Biondo. Carried with a vote of 4-3.

Marek wants this to be on the Agenda next month, as an update, so the staff members are kept up to date.

McDonald said they need to rescind May’s action as soon as possible. It is against the State Constitution, being that it is retroactive. According to the Attorney General’s opinion Board members can only receive salaries. He said they should rescind the original action tonight and look at compensating staff and first responders as they move forward.

Bieganowski would like to rescind the action because he doesn’t know what putting it on hold really means.

Kramer said she doesn’t want to start over because some of the first responders are waiting for the money. They can’t wait six months.

Biondo does not want to support the pause, the resolution should just be rescinded. He is sorry to say that for staff because he knows they work hard, and the first responders’ exposure is enormous.

Motion by McDonald and support by Biondo to rescind the May 18, 2021, approval of premium pay entirely on the fact that it is unconstitutional to pay retroactive pay and that Board members, according to the Attorney General, are only entitled to salaries and nothing else. Roll Call: Yes-Biondo, McDonald, Bieganowski (not for the reasons stated in the motion). No- Marek, West, Kramer, Radtke. Failed by a vote of 3-4.

1. RECREATIONAL MARIJUANA: Radtke explained that the Board has been working on their position and the terms if allowed, for some time.

Kramer said she doesn’t think the Board should make this decision for the Township residents without residents’ input.

Kramer made a motion, second by Radtke, to hold three Public Hearings for residents to express their opinions, thoughts, and feelings. She would like to mail postcards out inviting the Green Lake residents to the meetings at a cost of $1500. The proposed meetings would be on September 27, 2021, at 7:00 pm, September 29, 2021, at 5:00 pm and October 4, 2021, at 10:00 am. The postcards would include options to mail, drop off or email input to the Deputy Clerk through October 4, 2021. The Board would sit down and look at all the input and make a decision to move forward or not, at that time. Roll Call: Yes- Biondo, West, Kramer, Bieganowski, Marek, Radtke. No-McDonald. Carried.

Radtke said this has been kicked down the road for along time. He wants the process to be completed before the next meeting.

Bieganowski mentioned that the Ordinance language has already been written and a Public Hearing was held at the Planning Commission.

West said they need more time to go through all the public comments. She also mentioned the Board already passed a resolution to opt out of Recreational Marijuana sales. McDonald said that was a temporary decision.

1. CAMP SAKI RESOLUTION #09132021.1: Radtke explained that this resolution is to officially accept the Michigan DNR Land Trust Fund Grant. The grant is in the amount of $569,200 for the acquisition of 515 acres of vacant land, formerly Camp Saki. The property has been appraised at $932,000. Rotary has committed $312,800 and the Township will provide, not over, $60,000 during the next two years.

McDonald made a motion and second by Bieganowski to approve Resolution #09132021.1. Roll Call: Yes-West, McDonald, Marek, Biondo, Bieganowski, Kramer, Radtke. No-0. Passed unanimously.

1. SCBA FOLLOW UP: Chief Case explained that the Emergency Services Department received the Assistance to Firefighters Grant in the amount of $112,142.86 to go towards self-contained breathing apparatus. The Township agreed to a minimum match of 5% ($5,607.14) for this purchase. The bids came in at $20,636.14 over the funding. He is proposing using ARPA funds to make up the difference. Three responses were received to the RFP, two of the bids meet the requirements. He is asking the Board to approve the bid from West Shore Fire because the Scott SCBAs are what the department has used and is trained on. It is a matter of safety.

Motion by Kramer and support by Marek to approve the purchase of the Scotts SCBAs from West Shore Fire, using ARPA funds for $20,636.14 of the $132,779.00. Roll Call: Marek, Biondo, McDonald, Bieganowski, Kramer, West, Radtke. No-0. Carried.

1. **NEW BUSINESS:**
2. CHANGE REQUEST NEW FIRE STATION: Radtke explained that the proposal is to add a fire hydrant in front of the station on 10th street, instead of the one planned behind the new building, which would not be easily accessible. The plan is to loop the water system. The expense of $24,747.76 could be funded with ARPA funds.

Motion by Kramer and support by Marek to approve change order #3, adding a fire hydrant as presented by Fleis and VandenBrink, and using ARPA funds if applicable. Roll Call: Yes-Bieganowski, Biondo, Marek, West, McDonald, Kramer, Radtke. No-0. Carried.

1. HIRE FULL TIME EMERGANCY PERSONNEL: Chief Case explained that a full-time Emergency Services Employee resigned. He advertised the position and held interviews. He recommends hiring Logan Mosher for the position, with the stipulation that he obtains his paramedic license in three years. Mosher is already an employee of the Emergency Services Department.

Motion by Marek and second by West to hire Logan Mosher to fill the full time Emergency Services Personnel position per the guidelines Chief Case spelled out. Carried with a vote of 7-0.

1. CZR21-001 REZONING REQUEST DOUBLE DIAMOND: Dusty Christensen, Mansfield Land Use Consultants, is representing property owner Jacob Miller. The property is on the west side of McGregor Way, a private road on the north side of US 31. The conditional rezoning request is to transfer the property from the Commercial Zoning District to the R-5 Zoning District. It would be conditioned on the property only being used for storage units. If the property owner does not comply with the condition the zoning reverts back to Commercial. The applicant already constructed storage units on adjacent property with the intention of extending the project to this property in the future. At the time storage units were allowed in the Commercial District, a few years ago an amendment required all storage units to be in R-5. The Planning Commission recommended the rezoning with the 5-acre requirement on July 7, 2021. Last month the Zoning Board of Appeals issued a variance of 1.94 acres of the required 5 acres.

Reiten explained that this is a map amendment only, based on the Michigan Zoning and Enabling Act and Article 17 of the Zoning Ordinance. A Special Use and Detailed Site Plan approval is still needed by the Planning Commission.

McDonald said storage units were taken out of the Commercial Zoning District to keep them off the main corridors.

Motion by Bieganowski and support by Radtke to adopt Resolution #09132021.2 as presented. Roll Call: Yes-Marek, Biondo, McDonald, Bieganowski, West, Kramer, Radtke. No-0. Carried.

1. LAND DIVISION-SPICER: Reiten explained that the landowner sold the portion of the property with the house, leaving an illegal detached accessory structure on the other portion of the property. For the Land Division Committee to proceed, the applicant would have two years to bring the property into compliance with the Zoning Ordinance by building a legal dwelling unit or demolishing the illegal structure. A consent agreement and performance guarantee are required. She has been in talks with Spicer for a couple of years.

Biondo said the applicant did not do the right thing, there are rules; why should the Township have to suffer because of his actions. Reiten tried to work out a solution. Spicer went ahead with the sale and put the pressure on the Township. Spicer needs to bring back a better solution.

Kramer doesn’t want the Townships’ residents to have to pay the legal fees generated dealing with this problem. The property owner should have to reimburse the Township for the expenses.

The Board members talked through many other options the property owner has available to bring his property into compliance. Reiten said she has already mentioned all the options to the applicant. Kramer said Reiten did everything a Zoning Administrator is supposed to do. She has done a great job. Radtke said she has tried to be of assistance and has exhausted all the options.

Motion by McDonald and second by Bieganowski to take no action on Land Division-Spicer. Carried.

1. APPROVE NEW STREET NAME: Radtke said the road name “God’s Country” is being reserved for an existing easement off of 633, which now has three driveways and needs to be a named road. The property owners have not gone through the proper process because there is no road agreement and the neighbors have not been notified.

Motion by Marek and second by McDonald to take no action. They need to notify the neighbors and complete a road maintenance agreement. Carried with a vote of 6-1.

 The Board took a five-minute break.

 The meeting reconvened at 7:59 pm.

1. **DISCUSSION:**
2. BLUE CROSS BLUE SHIELD RENEWAL: Kramer mentioned that the Health Insurance renewal information is in the packet for the Board members’ review and discussion at the next meeting.
3. Radtke reported that the court ruled that Interlochen Elementary School building now reverts back to Interlochen Center for the Arts.
4. Radtke reminded everyone that Township clean up day is September 25 from 8:00 am to noon.
5. Interlochen Center for the Arts is having a ribbon cutting at noon on September 24 for J. Maddy Parkway.
6. Radtke explained that the Township staff has outgrown the Township Office, especially with social distancing practices. His proposal is to move the Assessing, Zoning, and their assistant to the Fellowship Hall. Some equipment will need to be upgraded. The move will be effective October 4, 2021. He would like to send out postcards to notify the residents of the change.
7. Kramer said if any of the Board members want to attend the MTA retreats in October, they can let her know.
8. Biondo said they all want to do the right things and they want to support the fire department and staff. He thinks they need to pull the ARPA moneys back but either way he is sure they will work through it. As a Board they don’t always agree but they always work well together.
9. **CORRESPONDENCE:** None.
10. **PUBLIC COMMENT:**

Steve Ezell, Interlochen Alternative Health, he wants to be allowed to apply for an adult use marijuana license because that is where the industry is going. He will not be able to survive with only a medical marijuana license. He is all about getting residents’ input. He is concerned about what the postcards being sent out will say. He would like a chance to talk at the three Public Hearings.

1. **ADJOURNMENT:** Moved Marek, support Biondo to adjourn the meeting at 8:10 pm.

Carried, 7/0.

JUDITH KRAMER, CLERK

GREEN LAKE TOWNSHIP BOARD

RONDA ROBINSON, RECORDING SECRETARY

GREEN LAKE TOWNSHIP BOARD

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND /OR CORRECTION PRIOR TO THEIR ADOPTION.