**GREEN LAKE TOWNSHIP BOARD**

**Golden Fellowship Hall**

**9700 Riley Road, Interlochen, MI**

**JUNE 13, 2022**

**MINUTES**

**CALL TO ORDER**: Called to order at 6:00 p.m. by Supervisor Marvin Radtke.

**ROLL CAL**: Marek, Biondo, McDonald, Bieganowski, Kramer, West and Radtke present.

**PLEDGE**: Was recited.

**APPROVAL OF THE AGENDA**: Motion by Marek, seconded by Bieganowski to approve the agenda, as presented. Carried. 7/0.

**CONSENT AGENDA:** Motion by Marek, seconded by Kramer to approve the consent agenda, as amended. Move accounts payable check register to new business under Budget Amendments.

Roll call vote: Biondo – Yes, West – Yes, Kramer – Yes, Bieganowski – Yes, Marek – Yes, McDonald – Yes and Radtke – Yes. Carried, 7/0.

**INTRODUCTION OF NEW LEGAL TEAM**: Supervisor Radtke introduced the new Township Attorneys, Bryan Graham, and Peter Wendling of the law firm Young, Graham & Wendling, P.C.

**REPORTS:**

1. PENNY MORRIS, GRAND TRAVERSE COUNTY COMMISSION: reported the board looked at the County ARPA survey. Infrastructure was the top thing people were concerned about, second was housing and third was behavior health, mental health, and other social services. The board worked on the budget, which is six months earlier then normal, they did a study session last week on the overview of their projected revenue and an overview of the mileages coming in, the next study session is in two weeks, they will be talking about expenditures. Supervisor Radtke stated he submitted a request for funding of park activities in conjunction with Commission on Aging and the Senior Center we have in our Township, they have made requests to the Township regarding pickleball and shuffleboard courts. There is a group doing fundraising for pickleball courts that will be located at Memorial Park, he did put in a request at the County level to see if they could assist financially. He did receive a comment back from Nate and Chris saying they could cut a check for $10,000.00, however, the estimated cost for the new court is $162,000.00. Supervisor Radtke stated he would like to attend the next budget hearing.

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**REPORTS CONTINUED**:

1. CHIEF CASE, GREEN LAKE EMERGENCY SERVICES: reported the crew will be providing medical standby to Interlochen Arts Academy starting the end of June for the concerts. He is requesting approval for a new hire Riley Oconnor. Chief Case informed the board that the Northwest Regional Fire Training Center has been working with Michigan Works for funding assistance. The Northwest Regional Fire Training Center secured funding for this fall which means any candidates we send to training the Township will have no out-of-pocket expense for the training, the rental cost for gear is also covered by the funding from Michigan Works. Funding will cover both fire and EMT training. Motion by West, supported by Kramer to hire Riley Oconnor under the recommendation of Chief Case for a paid-on call position with the department. Carried, 7/0.

**PUBLIC COMMENT**:

Kelly McQuillin, 6901 Sullivan Road, Traverse City, MI, asked what firm the new attorneys were with. She asked if there was a specific reason for the change? Supervisor Radtke stated every so many years the Township sends out RFPs for services and this firm was awarded the bid.

**POSTPONED BUSINESS:** NONE

**NEW BUSINESS:**

1. George Holton – Ballot Initiative: Attorney Holton is representing a non-profit group

to-be-formed, who is heading up a ballot initiative both in Green Lake Township as well as a few other municipalities. Proposed ballot language, proposed ordinance and proposed petition language was sent in for the board meeting, this was sent in less for approval, more to make sure everyone is on the same page and to let you know the petition will be going on with the hope of having the proposed ordinance on the November ballot. Attorney Bryan Graham has reviewed the information submitted, it is important for the board to know, there is no action needed by the board at this time. You do not approve any language, you do not approve the petition, those are all things that are required by the individual who is seeking to circulate the petition and they must comply with the State election requirements. Michigan Supreme Court has ruled that substantial compliance is not enough. He did notice in the draft ordinance, it lacked the legally required enacting clause, what makes words on a page an ordinance, is when the phrase such as the Township

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**NEW BUSINESS CONTINUED**:

hereby ordains, that is called the legal enactment clause, it makes the words on the paper an ordinance. If you have the magic words that say the Township Board hereby resolves that makes the words on the page a resolution. The other item noticed in the ordinance he hopes the circulator of the petition will address; they have limited the number of establishments by number. Michigan Regulation and Taxation of Marijuana Act requires when you have a limited number of establishments, the Township choose among the competing applicants through a competitive process, he did not see any provisions in the proposed ordinance that would address that competitive process as required by the State law. That is brought forth merely to let the petitioner know he sees those as deficiencies in the draft ordinance. At this point and time, they are free to begin circulating their petition, they must get valid signatures, 5% of the people who voted for the Governor in the last election which was 2018. Once they submit the petition, the Clerk goes through the petitions to determine whether those are valid signatures based on Township voting records and if there is, in fact, a valid petition, Attorney Graham will prepare a resolution for the Township board that will then prepare the ballot language that will then go to the voters in November. You have summarized what the legislation will accomplish, he typically uses bullet points. Once the board passes the resolution, the ballot language will then be on the ballot. Trustee Bieganowski asked Attorney Graham to initiate a ballot and provide an ordinance, how detailed does that ordinance have to be? Can we do a tag along zoning ordinance? Who fills the rest of the ordinance in, we do not rely on the initiator to fill the entire ordinance in do we? Attorney Graham response, he would. The statue allows the initiator to create the ordinance and its not that they are asking for a referendum they are initiating an ordinance. He feels they have the obligation to do that. In terms of the ordinance, if the ordinance passes by the voters, you have these various establishments that are authorized to operate in your Township but the initiated ordinance will not provide the zoning, the locations if you will, as to where those particular establishments will be located, that has to be done through the zoning process. Trustee Bieganowski stated so the board can still do the spacing requirements as we do for other businesses after this process. Attorney Graham stated if when you apply those spacing requirements there is a reasonable amount of land available for that. Trustee Bieganowski stated we do have a police power

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**NEW BUSINESS CONTINUED:**

ordinance in place for the medical marijuana that is seven (7) pages long and lists applicant fees and requirements and things like that, that is not in their proposed ordinance. Attorney Graham stated you can not dictate to the individual circulating the petition what is going to be the content of their own initiated ordinance. Treasurer Marek, this board does not put together the ordinance, someone else puts together the ordinance so we run into the same issue the City of Traverse City had getting sued on the ordinance because of the way it is put together. So, we as the board are responsible for the lawsuit that is brought about by that? Attorney Graham stated yes, it is like the zoning ordinance. If, in fact, the board passes a zoning ordinance amendment that is completely justified, under the zoning enabling act, there is a right to referendum on that zoning ordinance amendment. So, if the voters choose to repeal or to say that ordinance is not going to go into effect, any constitutional problems with that vote is going to be laid at the feet of the Township board, which is just the way the law is. Treasurer Marek asked can we take steps to protect ourselves, such as if there is a number put into the ordinance and that number creates the issue in the way it is picked, can we change that number or is that number rock solid and what kind of flexibility do we have in changing it? Attorney Graham stated if you feel you have the likelihood that this is going to pass, his suggestion is before they even start circulating a petition, enter into some type of discussions with the people purposing the ballot initiated ordinance, see if you can come to a reasonable compromise and then in lieu of them submitting a petition for an initiated ordinance the board would go through the process to enact its own police power ordinance for recreational marijuana establishments, that is always an option. Trustee Bieganowski asked how close to the election can we still initiate; do our own ordinance do we pull the rug out from under them by doing that? Attorney Graham stated he would do it earlier, he would not wait until the night before the election. Supervisor Radtke stated the board has had negotiations, he is assuming Attorney Holton is representing individuals that we have had engaged conversations with for several years, well over thirty meetings. It has always been, we have opted into medical, and we are not taking action on rec. We have discussed it amongst the board, we have drafted zoning and police power regulations for adult use of marijuana and, this board acted by majority rules, so we stand as one, that we are not interested in rec for adult use. Attorney Graham stated with that decision, which

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**NEW BUSINESS CONTINUED:**

is perfectly legitimate, it is a policy choice by the board, then the board takes the chances of having an initiated ordinance adopted by the voters, going over your head,

if you will, for lack of a better term and having an ordinance that may not be the best

ordinance in terms of provisions. Trustee McDonald asked in the enacting clause, does it

come from the common law? Trustee Bieganowski and Attorney Graham stated it is

in the statue. Attorney Holton stated, the ordinance is the Green Lake Township proposed ordinance, we had some internal discussions with one of my co-

workers about the limit of the statue on what it does and does not allow. Our conclusion was, we can either say we are not having adult use, or we can have this many adult uses. There have been previous cases of people being struck down trying to go any further than that and our basic stance was, we will give you the bones and you can fill in the meat later. In terms of the competitive challenge, the statue itself only requires a competitive process if there are more applicants then there are available spots, so technically, there is no need for a competitive process until you have more applicants then spots. We have chosen to mirror the Townships decision on the numbers. Attorney Graham stated, what he is understanding Attorney Holton saying is, once an ordinance is enacted, we could amend it to fill in the various blanks. Attorney Holton stated correct. Attorney Holton stated, we are happy to work with the Township like he said, he does not believe there are any qualms with the last ordinance proposed as drafted except the board did not pass it. At the recommendation of Township Attorney Graham, the board takes no action on this agenda item.

1. Interlochen DDA Budget Approval: The board reviewed the DDA budget, Trustee McDonald stated the Economic Development monies, $80,000.00, is potentially trail money. Community Promotion is the DDA has donated $5,000.00 to the Interlochen Chamber for Christmas decorations at Toms Food Market, the $10,000.00 Capital Expense, there is nothing ear marked for that. Other items on the budget are normal operating things. Trustee Bieganowski stated the panic is the substantial number they place under Economic Development, now you say it is trails, tomorrow if they want to just spend it all, can they do that? Trustee McDonald stated the DDA board must approve all expenditures before the money is spent. He states the only thing they have planned for it is the trail. Discussed what is happening with the pop-up shop buildings. At this point, nothing. Motion by Biondo, seconded by Radtke to recognize and adopt the 2022/2023 Interlochen DDA budget as presented.

Carried, 7/0.

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**NEW BUSINESS CONTINUED:**

1. Over Under Bucket: Andy Marek: Treasurer Marek explained it is getting costly to return checks to residents who either over-pay their taxes or under pay their taxes many entities have set up an over under bucket. The over under bucket is if someone writes a check for $2.95 short of what their tax payment is, you accept that and utilize the over under bucket to cover that. If they write a check for $2.95 over, that money goes back into that bucket. In most incidents, the money ends up being a wash. You can track the over under bucket through the BS&A program, he would like board approval to do a $5.00 over under bucket. The $5.00 amount is what BS&A recommended, that is what they have seen other Townships use. This has been discussed with our accountant and they are onboard with it. Motion by Kramer, seconded by McDonald to authorize the treasurer to establish a $5.00 over under bucket as requested. Roll call vote: West – Yes, McDonald – Yes, Marek – Yes, Bieganowski – Yes, Biondo – Yes, Kramer – Yes, Radtke – Yes. Carried, 7/0.
2. NSF Fee of $35.00: Andy Marek: Treasurer Marek stated it has been brought to his attention, BS&A can set up an NSF Fee on insufficient checks to cover the cost we get from the bank. Motion by Kramer, seconded by West to authorize the treasurer to establish a $35.00 NSF fee assessed to the insufficient fund writer. Roll call vote: Bieganowski – No, Biondo – Yes, Marek – Yes, West – Yes,

McDonald – Yes, Kramer – Yes, Radtke – Yes. Carried, 6/1. Trustee Biondo feels this

and the over under bucket should be reviewed by our attorney.

1. Holiday Work Schedule: Supervisor Radtke asked for board approval to set the holiday work schedule for 2022, closing the office December 26, 27, 28 and 29, 2022 for Township Office staff only. Motion by Kramer, seconded by West to set the holiday schedule for 2022 as presented for Township Office staff only. Carried, 7.0.
2. Pickleball Court Request: Supervisor Radtke stated he had been asked by the Memorial Park Pickleball Association to approach the board with a request for a matching donation in the amount of $10,000.00. If the MPPA raises $10,000.00 the Township would donate $10,000.00 towards the pickleball courts. Motion by Bieganowski, seconded by McDonald to approve a matching fund donation to the Memorial Park Pickleball Association not to exceed $10,000.00. Roll call vote: McDonald – Yes, West – Yes, Marek – Yes, Biondo – Yes, Bieganowski – Yes,

Kramer – Yes, Radtke – Yes. Motion carried, 7/0.

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**NEW BUSINESS CONTINUED**:

1. Budget Amendments: Supervisor Radtke reviewed the budget amendments with the board and answered questions. Motion by Marek, seconded by McDonald to approve the list of budget amendments as presented, **except the last two items on the list which are for the 2022-2023 budget year**. Roll call vote: Kramer – Yes,

Bieganowski – Yes, Biondo – Yes, West – Yes, Marek – Yes, McDonald – Yes,

Radtke – Yes. Carried, 7/0.

1. Accounts Payable Register: Trustee Sherry West had questions regarding the invoice from Baird, Cotter, and Bishop in the amount of $3,235.00. Treasurer Marek explained this is the charge for assisting the Treasurer with the tax account as well as assisting the Clerk with a couple of general ledger entries. Treasurer Marek explained there were issues with Grand Traverse County Distributions, entities were paid more than they should have been. Those monies have been retrieved, Trent is finishing with his review and will report back to the board when he is done and answer any questions the board may have. Treasurer Marek stated this is only for the tax account, the treasurer’s office are the only people authorized to utilize this account. Trustee Bieganowski stated this is the same issue we had with the previous treasurer; we do not want to go down this road again. Trustee Biondo stated he is aware of the difficulties the Supervisor, Clerk and Treasurer are under in that office and he is incredibly supportive of calling in professionals to assist with getting things fixed, and this was a situation that needed immediate attention. Motion by West, seconded by Marek to approve the accounts payable register as presented.

Carried 7/0.

**OPEN PUBLIC HEARING**: Motion by Kramer, seconded by Marek to open the budget public hearing at 7:31 p.m. Carried, 7/0.

**DISCUSSION**: NONE

**CLOSE PUBLIC HEARING**: Motion by McDonald, seconded by Biondo to close the public hearing at 7:32 p.m. Carried, 7/0.

**ACTION ON PUBLIC HEARING**: Motion by West, seconded by Marek to adopt the 2022-2023 budget dated June 8, 2022, as presented. Roll call vote: Bieganowski – Yes, Biondo – Yes,

Marek – Yes, West – Yes, McDonald – Yes, Kramer – Yes, Radtke – Yes. Carried, 7/0.

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**NEW BUSINESS/BUDGET HEARING CONTINUED**:

1. Resolution #06132022.1 Appropriate Budgeted Funds: Motion by Bieganowski, seconded by Marek to adopt Resolution #06132022.1 as presented. Roll call vote:

Biondo—Yes, West – Yes, Kramer – Yes, Bieganowski – Yes, Marek – Yes,

McDonald – Yes, Radtke – Yes. Carried, 7/0.

1. Resolution #06132022.2 Township Board Meeting Schedule: Motion by Kramer, seconded by McDonald to adopt Resolution #06132022.2 Township Board Meeting Schedule as presented. Roll call vote: West – Yes, McDonald – Yes, Marek – Yes, Bieganowski – Yes, Biondo – Yes, Kramer – Yes, Radtke – Yes. Carried, 7/0.
2. Resolution #06132022.3 Depository Resolution: Motion Bieganowski, seconded by Marek to adopt Resolution #06132022.3 Depository Resolution as presented.

Roll call vote: Bieganowski – Yes, Biondo – Yes, Marek – Yes, West – Yes,

McDonald – Yes, Kramer – Yes, Radtke – Yes. Carried, 7/0.

1. Resolution #06132022.4 Investment Resolution: Motion by West, seconded by Bieganowski to adopt Resolution #06132022.4 Investment resolution as presented.

Roll call vote: McDonald – Yes, West – Yes, Marek – Yes, Biondo – Yes,

Bieganowski – Yes, Kramer – Yes, Radtke – Yes. Carried, 7/0.

1. **SALARIES/WAGES**: The board reviewed the salaries/wages sheet. Motion by Biondo, seconded by Marek to approve the salaries/wages sheet as presented. Roll call vote: West – Yes, McDonald – No, Marek – Yes, Bieganowski – No, Biondo – Yes, Kramer – Yes, Radtke – Yes.

Carried, 5/2.

**DISCUSSION**: Camp Saki: Now that Green Lake Township has purchased part of Camp Saki, Supervisor Radtke asked the board if they would like to keep the name Camp Saki or if they would like to change the name. The board agreed they would like the Township residents to choose the name. Trustee West asked that we place the request in the July newsletter and ask the residents to assist with the name.

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**CORRESPONDENCE**: Trustee West asked about the report for Cedar Hedge Lake. The treatment worked, there are only three small locations left with Eurasian Water Milfoil on the lake.

Supervisor Radtke reminded the board of the public forum at the former Interlochen Elementary School on Thursday, June 16, 2022, from 6:30 p.m. to 7:30 p.m.

**PUBLIC COMMENT**: NONE

**ADJOURNMENT**: Motion by McDonald, seconded by McDonald to adjourn at 7:44 p.m.

Carried, 7/0.

Respectfully submitted,

Judith L. Kramer

Green Lake Township Clerk