

Bear Creek Township Board Meeting September 2, 2020

- I. Called to order at 7:00 p.m.
- II. **Roll Call**
- a. Golding, Hoffman, Nowland, Keiser, Kendziorski
 - b. Others Present: Al Welsheimer, Mitch Brown, Tom Urman, Joe Villemure, Ann Ingles, Adam Caron
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
- a. Minutes from one meeting: Regular BCT Board Meeting on August 5, 2020.
 - i. **Motion** by Golding to approve the minutes as presented, 2nd by Hoffman. **Unanimous**
- V. **Request from the Floor/Discussion**
- VI. **Approval of the Agenda**
- a. Keiser suggested we start with Adam Caron's audit report.
- VII. **New Business**
- a. **Audit- Adam Caron**
 - i. Caron noted that he met with Keiser and Kendziorski and reviewed the audit in detail. Pages one and two review his unqualified opinion. He noted that this report includes two component units- the Springvale Bear Creek Sewer and Resort Bear Creek Fire. The funds and financial reports start on page ten. Our total assets come to \$5,237,397, and 97% of these assets are in cash and investments (3% are receivables). The total cash balance is \$4.9 million, \$3.9 million is uninsured but is spread out across banks. Caron noted that at the time the audit was taken (3/31/20) we had just collected tax revenues. He feels we have a very healthy fund balance, it seems we are fiscally responsible in budgeting and controlling our spending. We have an unassigned fund balance of \$3.1 million which is almost twice the amount of our current year operations. The fire fund balance is \$940,000, which is 6.5 times the current year expenditures. The building inspection fund has a balance of \$341,000 which is two times the current year expenditures. This leads to a total fund balance of almost \$5.2 million, which is an increase from the prior year of \$557,000. Part of this is due to last year's capital outlay, which was for the addition of the hall. Overall, it is a very healthy fund balance for an organization this size. In regards to projections for 2021, we are looking at almost a 10% decrease. The state revenue sharing is projected to be down by \$54,000. That is the biggest adjustment revenue-wise. In regards to taxable value, at this point, we do not project the taxable values to decrease. In 2019, the taxable value was 461 million, in 2020 is projected to be 481 million, which is a 4.3% increase. Property taxes make up 63% of our revenue and state revenue sharing makes up 25%. Caron reviewed the sewer fund, which currently has two parts: the Bear Creek Township sewer fund and the Springvale Bear Creek Sewage Disposal Authority (SBCSDA), At the end of the year, the Bear Creek Township sewer fund had a net position of \$2.5 million. There is no debt associated with this fund, and this fund is healthy as well. As we wrap up the SBCSDA, we will roll it into the Bear Creek sewer fund. The SBCSDA has a healthy fund balance so this will not be a detriment when it is rolled into the Bear Creek sewer fund. Caron went over the stewardship, compliance, and accountability section and noted six accounts that have expenditure over budget, namely: clerk, assessor, elections, building and grounds, refuse and recycling, and public safety (in the building inspection fund). Although they are over budget, it is not by a significant amount (and it is not over 10%, so there is no harm, although it will be reported to the state). Lastly, Caron noted the subsequent event and the impact of COVID-19.
 - ii. **Motion** by Golding to accept the audit for the fiscal year ending March 31, 2020. 2nd by Nowland. **Passed**
- VIII. **Unfinished Business**
- a. **Howard Rd- Sewer Extension**
 - i. Keiser reported that everything has been working well on the sewer extension. The fourth invoice is for \$57,065.61, which would leave us with a remaining balance of \$49,317.17. This project is substantially complete, however, there may be some grass growing issues, as well as two manhole covers which will need to be replaced. In regards to the power pole, that should be moved this month, and then the road commission can excavate the hill down.
 - ii. **Motion** by Kendziorski to pay MDC Contracting, LLC in the amount of \$57,065.61 for the Howard Rd Sewer extension. 2nd by Nowland. **Passed**
 - b. **Roads**
 - i. Keiser explained that Pickerel Lake Rd is being paved now and will be done by the weekend. Country Club Rd will be starting on September 8th and should be about a two-week project. All of our roads will be completed by mid-September. Starting next week, the intersection of M-119 and US-31 will be

partially closed for about three weeks for a culvert replacement. This is a large box culvert which is about 18 feet deep. Traffic will still be able to turn left onto M-119 to go towards Harbor Springs, but individuals coming from Harbor Springs to Petoskey will be rerouted on a detour on West Conway Rd. Additionally, in regards to the OHM study that was approved last month (for a service road behind McDonalds, Culvers, etc), they are hosting a kickoff meeting in mid-September. The board will be invited, along with the business owners that would be affected by this possible road. OHM is waiting to start the study when the leaves fall so they can use a drone (most likely late- October).

- ii. Hoffman asked if the surface of Pickerel Lake Rd will be a higher quality.
 - 1. Keiser noted that Pickerel Lake will be a 3 inch road (so it will basically be a rebuilt road).

c. Library Report- Report by Golding

- i. Ann Ingles is present and available for any questions.
- ii. Golding noted that the library meeting went well; bills were passed and minutes were approved. The most significant item of interest for the board may be the newsletter and the letter the board sent in response. Val Meyerson sent a response to our letter. Both Keiser and Golding forwarded this letter to the board members.
- iii. Keiser noted that the bottom line is that no tax dollars were spent on this newsletter.
- iv. Ingles noted that the t-shirts were paid for by a donation from Bearcub Outfitters, and anything else that wasn't covered by their donation was covered by the Friends of the Library. The only tax payer dollars spent were on labor- staff time putting together the newsletter. This newsletter is part of the publicity of the library.
- v. Hoffman explained that there were constituents that called him that specifically had a problem with the newsletter and didn't want taxpayer dollars going towards that type of article. He agreed that the Library should have books for everyone, but the Library should not get into taking sides or putting on productions that support a certain stance. He feels a line was crossed when it said that whites should read these certain books about blacks. He feels that if the library newsletter article had stopped after the first paragraph (which highlighted the diversity of books in the library) it would have been fine.
- vi. Ingles remarked that the newsletter is in the Library budget and the Library tries to promote their programming as much as possible. The strategic plan asks for equality, diversity and inclusion for the library. She also noted that some parents asked for this type of programming.
- vii. Keiser noted that Val Meyerson will try to join us for the October meeting if we have any further questions.
- viii. Golding remarked that our taxpayers can also call Meyerson if they have concerns.

d. Spring Lake Park

- i. Keiser reported that the park has been extremely busy. There are three trees which need to be removed that were damaged by the storm this summer. They will be removed after Labor Day.

e. Jones Landing Park

- i. Keiser noted that the park has been very busy. Shawn Wonnacott will be installing the railing (that was damaged by the car last winter) after Labor Day, however, we will have to shut the ramp down the day he is there. He also noted that the Parks and Recreation Committee has recommended that we go through with the shower tower.

f. Blight- Existing Cases

- i. Joe Villemure gave an update on 11 existing blight cases, three of which, he is preparing to close (Shively on Greenwood, Bogurka at Intertown and Witkowski on Howard Rd). Villemure then reviewed the 7 active cases. In regards to the Kitson case on Cedar Valley Rd, Villemure noted that we received a letter from John Thurman.
 - 1. Keiser gave clarification on Thurman's letter: Jim Kitson's trailer on Cedar Valley burned down. Thurman has agreed to buy the trailer from Kitson and clean it up.
- ii. Villemure noted that we worked out a solution in court for the Milliron case on River Rd. However, Villemure is concerned that we have passed August 31st and the building is not secure.
 - 1. Keiser explained that there are two parts to the Milliron case. The first is that the building must be secured by August 31st and have a plan and permit pulled by September 17th. The second portion is that he has one year from the permit date to tear the top down and two walls on the main floor and re-secure the foundation and rebuild the whole house.
- iii. In regards to John Thurman's property on Bellmer Rd, Mr. Thurman has built a fence that he would like us to approve. From the roadside, the property looks okay, however, behind the fence lies two dumps, a boat and trailer, a small unlicensed trailer and an unlicensed vehicle. This fence would be four 8ft sections, 5ft high.

1. Kendziorski and Golding are worried that if we approve the fence, it may lead to more blight.
2. Keiser noted that the way our blight ordinance is currently written, if it is hidden from public view behind an approved fence, then it is not considered blight. If we want to change the blight ordinance for future cases, we can look into that, but this is how the ordinance is written now. Keiser remarked that this is the best this property has looked in the last fifteen years.
- iv. Hoffman asked if we approve the fence, how will we know if there is blight back there?
 1. Villemure noted that he has a good working relationship with Thurman.
- v. **Motion** by Hoffman to approve the fence at John Thurman's property on Bellmer Rd (32 ft of fence) with the condition that the blight officer can check to make sure blight is not accruing behind the fence. 2nd by Nowland. **Passed**

g. City Recreation Appointment

- i. Keiser noted that Billy Hansen has resigned from the City Recreation Committee. He has been serving since 2001. Keiser would like to appoint Jerry Bush to that committee as he sits on our recreation committee as well. He noted that we should set this up as a three-year appointment.
- ii. **Motion** by Kendziorski to appoint Jerry Bush to the City Recreation Committee to finish the term ending December 31, 2020 and for the term of January 1, 2020 to Dec 31, 2023. 2nd by Hoffman. **Passed**

IX. New Business

a. Division Rd Access

- i. Keiser noted that Bay View Association has put up survey markers. The Bay View Association owns the property right up to the road access. They will be having a meeting next week to decide how they would like to proceed. In the past this has been a public area, but because of recent misuse of this beach, they may want to put up a fence. The township property adjacent is being used by the neighboring property owner to the east. They store items on this property, have landscaped it, and have placed a drainage pipe to the bay there. Keiser is planning to let the property owner know where the property line is via a letter. He noted that the drain that was installed this summer should not be there.
 1. Hoffman agreed that this drain should be moved, it is a large amount of water.
 2. Keiser explained that the basement of their house leaks, so they installed three sump pumps and the storm water is being pumped into the bay.
- ii. Keiser explained that there is no adverse possession against the government. He will take Joel down to see our property line next week. Joel can help draft the letter to the property owners.
- iii. Urman asked if the storm water can be pumped into the sewer.
 1. Hoffman noted that it cannot. Keiser explained that no storm water can go into sanitary sewer.
- iv. Keiser explained that we may have to survey our property.

b. Martin Tax Appeal

- i. Keiser reported that this property is located in the Strathmore Development. It is still vacant. Keiser would like to hire Mika Meyers to represent Bear Creek Township in this appeal. We need to have an appraisal down by mid-January. Most likely, this will cost the township \$3,000-5,000.
- ii. **Motion** by Golding to hire Mika Meyers to represent Bear Creek Township in the Martin Tax Appeal, not to exceed \$7,000. 2nd by Nowland. **Passed**

c. Message Sign

- i. Keiser explained that we have discussed having a message board installed near the entrance of the building (near the mailbox area). This would be a place to post public notices, agendas and the like. We could also put the new ballot drop box there for a drive-up drop box. This message center would also serve to clean up our front door, which is constantly covered by signs and public notices. Between the cost of the sign, the cement slab and the labor, this project will likely cost the township around \$3,000.
- ii. **Motion** by Golding to proceed with message sign/center area, not to exceed \$3,000. 2nd by Kendziorski. **Passed**

X. Planning/Zoning Report- Report by Kendziorski

- a. Kendziorski reported on two cases this month. The first case heard by the Planning Commission this month was Dave Firman for a Site Plan Review and Amendment at 3529 Howard Rd. Firman was requesting additional storage space in the form of lean-tos on the existing buildings (to store equipment under). The Planning Commission recommended approval of this case. The second case was Katie Flynn for a Special Use Permit for a Home Occupation at 5496 Pickerel Lake Rd. Flynn is hoping to have a hair salon in her garage. The Planning Commission recommended approval of this case.
- b. Keiser noted that we cannot have two township board members on the Planning Commission. At some point, either Kendziorski or Urman will have to step down from the Planning Commission. We also cannot have the

township board member who is the board representative as the Chairman of the Planning Commission. We will have to decide who represents the board at the Planning Commission at our December meeting.

i. Hoffman remarked that we will need to appoint a new planning commissioner.

1. Keiser explained that he has a gentleman who has been interested for about a year now and has applied. Keiser will share more information when the time comes to appoint someone. We cannot advertise now, as there is not an opening yet.

c. Keiser explained that Tammy Doernenburg works extremely hard, and enforcement is difficult to keep up on. She goes above and beyond by attending all our meetings (which is not part of her job), and Keiser suggested we give her a stipend for coming to our meetings. He spoke with Mike Reeves and Reeves is okay with it. Additionally, Keiser reminded the board the KOA is planning to do a big expansion next year.

d. Mitch Brown asked if we put money aside in the budget to help Tammy with enforcement.

i. Keiser noted that we set aside \$5,000, but with COVID-19, the county put on a hiring freeze, so Tammy cannot hire additional help.

XI. Fire Department Report- Report by Welsheimer

a. Welsheimer reported that they did water relay and started 800 radio training (they are hoping to switch in October). They had 7 EMS calls and 26 fire calls. They did pump testing and all the trucks passed. Tomorrow they will be starting hose testing on all the trucks.

XII. Parks and Recreation Report- Report by Nowland

a. Nowland noted that the Parks and Recreation Plan is coming along nicely and it will go out to the public soon.

i. Keiser remarked that the plan is already out to the public, and the public comment period has already begun. The public hearing will be held on October 5th. Keiser suggested that the board attend.

b. Villemure noted that the shower tower project will begin on September 15th.

XIII. Correspondence

a. Keiser noted that the only correspondence was the normal mail we receive from MTA.

XIV. Clerk's Business/Bills- Report by Kendziorski

a. Kendziorski reported bills in the amount of \$118,918.16.

i. **Motion** by Kendziorski to pay the bills in the amount of \$118,918.16. 2nd by Golding. **Passed**

b. Kendziorski explained that Lizzy Dufek, the deputy clerk, is going on her honeymoon and has requested 12 days off as paid vacation.

i. **Motion** by Golding to grant Elizabeth Dufek 12 days paid vacation. 2nd by Hoffman.

ii. 4-0 Yes (Nowland abstained from voting) **Passed**

c. Kendziorski noted that we have about 2350 AV applications back for November. At this point, 45% of Bear Creek voters are on the Permanent Absentee Voting List. She also noted that Kitty Hramiec has retired from 32 years of working elections. Kendziorski sent her a letter thanking her for her years of service to Bear Creek Township.

i. Keiser explained that she was also on the Board of Review for some time.

ii. Hoffman suggested honoring Kitty at the Christmas party.

XV. Treasurer's Report- Report by Golding

a. The Treasurer's Report shows a balance of \$7,892,826.68 as of 8/31/20. Golding noted that the taxes are coming in heavily.

XVI. Building Department Report- Report by Golding

a. Golding noted that the building department revenue has been down the last few months and they are hoping to catch up. Currently, we are down about \$48,000 in the building department. We will work on looking at our expenses for next month.

XVII. Request from the Floor/Discussion

a. Urman asked about Dufek's overtime.

XVIII. Closed Session- Discuss Property Purchase

a. **Motion** by Keiser to enter into closed session to discuss property purchase and to invite Al Welsheimer, Mitch Brown and Tom Urman to join. 2nd by Hoffman.

i. Roll Call: Golding, Hoffman, Nowland, Keiser, Kendziorski- **Yes** **Passed**

ii. Time: 8:31pm

b. **Motion** by Hoffman to come out of closed session. 2nd by Kendziorski.

i. Roll Call: Hoffman, Nowland, Keiser, Kendziorski, Golding- **Yes** **Passed**

ii. Time: 8:47pm

XIX. Other Business:

a. **Motion** by Hoffman to approve due diligence in the form of soil borings on a property that is being considered for purchase by the township. 2nd by Golding. **Passed**

XX. **Adjournment:** 8:49 p.m.

Respectfully submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk