

Bear Creek Township Board Meeting October 7, 2020

- I. Called to order at 7:00 p.m.
- II. **Roll Call**
 - a. Golding, Hoffman, Nowland, Keiser, Kendziorski
 - b. Others Present: Al Welsheimer, Tom Urman, Chris Powell
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
 - a. Minutes from four meetings: Regular BCT Board Meeting on September 2, 2020, Closed Session on September 2, 2020, Election Commission Meeting on October 5, 2020 and Election Commission Meeting on October 7, 2020.
 - i. **Motion** by Hoffman to approve the minutes as presented, 2nd by Nowland. **Unanimous**
- V. **Request from the Floor/Discussion**
- VI. **Approval of the Agenda**
 - a. Keiser asked that we discuss the US-31 Service Rd first, as Chris Powell from OHM is present.
- VII. **New Business- US-31 Service Rd**
 - a. Chris Powell from OHM is the project manager for this feasibility study of the US-31 corridor. He explained that when the project was started, this discussion revolved around a service road which would run behind the businesses on US-31. Powell noted that the main goal of the study was to address the traffic and capacity issues at the intersection of M-119 and US-31. However, when the traffic engineers looked at this, they determined that a service drive would not fix the issues. It appears a service road would be very expensive due to the wetlands and it may not be used that heavily. Unless you closed off many access points to the highway from the businesses, there is no real way to force traffic to use the service road. The other potential issue with a service road is that you would need right of way from 9-10 properties. This may take a long time to acquire, and in the meantime the traffic is only going to grow worse. In summary, the service road behind the businesses on US-31 would be a large expense with no guarantee that it would work. Powell then share two options going forward that have a much greater chance of success. The first concept would be to use boulevards and a series of Michigan lefts along US-31. The second concept would be to have a series of three roundabouts, the first at the D&W light, the second in front of what used to be the bank property, and the third at US-31 and M-119. Powell did note that we could combine these two ideas and have a roundabout on either end with a Michigan left in the middle. It is important to note that in either of these concepts, we will have to acquire some property. Both concepts are feasible and would provide a much better solution than the service road.
 - b. Keiser explained that MDOT has proposed a roundabout at US-31 and M-119 before. He feels that the roundabout concept is a better solution than the service road, and it is a project we could accomplish in 3-5 years. If we were to attempt the service road, it would be a project that could sit for many years, plus you may just end up moving the congestion. Keiser asked what kind of property acquisition would have to happen to achieve the roundabouts.
 - c. Powell noted that in both scenarios, property acquisition will have to take place. The Michigan left/boulevard concept would need more property than the roundabouts. Powell suggested that the M-119 and US-31 roundabout would need a double lane, and we would probably need to acquire some property from the empty lot on the corner as well as the old La Seniorita lot. For the middle, we may need some of the old bank lot. By D&W, we would need the greenspace area as well as the lot with the small triangular building. It was noted that all of these properties are vacant at this time. Powell explained that MDOT would acquire the right of way and they could also replace the culvert that floods if we were to take on this project. This would be full reconstruction.
 - i. Keiser noted that this would be a good time to address the storm drainage there.
 - d. Hoffman asked if this needs to go to MDOT.
 - i. Powell explained that MDOT will have to be involved and to buy in at some point. They would fund some of this project but there would have to be contribution at a local level.
 - e. Keiser asked about the traffic numbers.
 - i. Powell noted that he has looked at them but not analyzed them yet. He noted that the two-way average for that corridor is 27,000 per day, peaking in August at 38000 per day.
 - f. Urman asked Powell to compare the boulevard and roundabout concepts.
 - i. Powell noted that the Michigan left/boulevard concept would be a little bit tighter than what you typically want with truck traffic, so from a functionality standpoint, he would lean towards the roundabout concept.
 - g. Welsheimer noted that Division Rd would have to be taken into account with this project, so that it wouldn't create a bottleneck.
 - h. Keiser noted that with roundabouts, traffic would be constantly moving.
 - i. Kendziorski asked if we should have a joint meeting with the Planning Commission.
 - i. Keiser will present this to the Planning Commission at the end of this month.
 - j. Hoffman asked about funding. He agrees that the service drive would be too expensive and too wet.
 - i. Powell explained that funding would come from MDOT, the Road Commission and the Township.
 - k. Keiser asked about Pickerel Lake Rd.

- i. Powell noted that this is a difficult intersection to correct due to elevation issues. He is leaning towards a roundabout there as well. However, he noted with the skew of the road, even that will present a challenge.
- 1. Keiser noted that Brian Gutowski from the Road Commission has seen the two concepts and is in favor of the roundabouts.

VIII. Unfinished Business

a. Howard Rd- Sewer Extension

- i. Keiser noted that he hasn't done a final walkthrough yet, but has noticed a little bump near the bottom of the hill. Consumer's Energy is supposed to replace the power pole in October, but the road commission will not be able to complete their work, as it is too late in the season. If they open up the side of the bank without being able to replant grass, we will have washouts in the spring.

b. Roads

- i. Keiser reported that Country Club Rd has been postponed until spring. The contractor has agreed to honor this year's price and has said that it will be done by Memorial Day. Keiser shared a proposal from J. ~~Ranck~~ Ranck to upgrade the light at Division and Mitchell Rd. He explained that this needs to be a five-way signal and the light needs to be retimed. We would split the cost of the project with the road commission for this improvement. The total cost for this project would be \$9,310.00.
- ii. Kendziorski noted that it would be a good upgrade, but just a temporary solution, as we really need a larger intersection there.
 - 1. Keiser agrees, but because that would be such a large fix, at least this is a step in the right direction.
- iii. **Motion** by Hoffman to pay J. ~~Ranck~~ Ranck to replace the traffic light at Division and Mitchell and to split the cost with the road commission. 2nd by Kendziorski. **Passed**
- iv. Keiser explained that there was a request for a speed study at Boyer Rd. The average speed was 49MPH. We could reset the speed here to 45MPH. He will forward this onto the state police.
- v. Nowland asked if Country Club Rd was repaired from the damage done by the contractor.
 - 1. Keiser is working on that.

c. Library Report- Report by Golding

- i. Golding noted that Val Meyerson was supposed to be present. She explained that the library meeting went as usual and there is nothing new to report.

d. Spring Lake Park

- i. Keiser is hoping we can keep the park open through October, but will shut down the park when weather gets bad. He explained that Spring Lake Park has been empty because of the road construction.

e. Jones Landing Park

- i. Keiser is hoping we can keep the park open through October, but will shut down the park when weather gets bad. We will close both parks at the same time. He noted that we will pull the dock at the end of October. However, he did notice that a few boards need to be replaced on the dock, so this can be done next spring before we put it in. The rail has been replaced from the accident last winter and the shower tower project has started.

f. Blight- Existing Cases

- i. Keiser has nothing new to report.

g. Division Road Access

- i. Keiser noted that the Road Commission hired Tom Sweenor to survey the road and look through old records.

IX. New Business

a. METRO Act Application

- i. Keiser explained that he received a request from ACD.net to run a fiber optic cable along Mitchell to Division, headed down Division to the highway, along the highway to M-119 and then on to Little Traverse Township. Originally, they asked for a bilateral permit, which would grant them up to 30 years. However, they sent a new application asking for a unilateral permit, which would grant them five years. Keiser explained two things that need to be updated to go along with this permit: 1) Manager needs to be changed to supervisor and 2) The maps need to be attached. Keiser noted that they have sent us a \$500 application fee and will be paying us along the way. Due to legislation, the township cannot deny this permit application.
- ii. Urman asked if this is for the school system and where the fiber is headed. He asked if we can force them to bury it.
 - 1. Keiser is not sure of the final destination, but it is running north. We cannot force them to bury it.
- iii. **Motion** by Hoffman to authorize the supervisor to sign the unilateral Right of Way Telecommunications Permit for ACD.net with the proposed changes of changing "manager" to "supervisor" and attaching the maps to the permit. 2nd by Golding. **Passed**

b. Private Road Appeal

- i. Keiser explained that this has been postponed until next month. The private road in question is Longman Lane. There needs to be some sort of turnaround there and we need a road maintenance agreement with the property owners.

c. City Recreation Agreement

- i. Keiser shared the city recreation agreement that we participate in every year for the city to run the recreation department. We budgeted \$40,000 for this this year. This is based upon residents of Bear Creek using the city recreation programs.
- ii. **Motion** by Kendziorski to approve the city recreation agreement and pay the City of Petoskey in the amount of \$37,194 for these services. 2nd by Nowland. **Passed**

d. Adopt Recreation Plan

- i. Keiser explained that the Parks and Recreation Committee passed a resolution on Monday night recommending approval of the five-year Parks and Recreation Plan. We will need to adopt it at a board level. He remarked that Jennifer Neal from Networks Northwest has done a great job. We also received helpful comments from a few individuals and organizations.
- ii. Hoffman noted that there needs to be a balance of more trails to the Bear River while also preserving the character of the river.
- iii. Keiser noted that the launch spot on Evergreen Trail was busier than ever this year. He had complaints from people parking on or near the road in order to launch. They need a pull off spot. He also noted that the Bear Rive Canoe Livery had a busy year.
- iv. **Resolution** by Nowland to pass the 2021-2025 Bear Creek Township Parks and Recreation Plan. 2nd by Hoffman.
 1. Roll Call: Golding, Nowland, Hoffman, Keiser, Kendziorski
 - a. Yes: Golding, Nowland, Hoffman, Keiser, 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 Zeke Budnik for a Special Use Permit at 2230 N US-31 Hwy. Budnik would like to have a small outdoor car display lot. The Planning Commission recommended approval of this case. The second case was Reg Whitcomb for a Site Plan Review at 1001 Lears Rd. Dare Development would like to add four duplexes (8 units) to this parcel. The Planning Commission recommended approval of this case. The Board accepted the Planning Report, and noted that the county has already seen these cases.
- b. Keiser noted that Bay Township is reviewing their Master Plan right now. He also remarked that there is a virtual Housing Summit on October 20-22. Manthei is still working on their potential development concept and will present it when it is ready. Krist Gas Station is no longer considering the corner of Division and Mitchell. Keiser also explained that Tammy Doernenburg does a lot of work for Bear Creek Township. She comes to almost every meeting and knows the ordinance better than we do. Keiser would like to give her a per diem for attending our meetings.
 - i. Nowland suggested that she receive \$60, same as the commissioners.
 - ii. Urman noted that she is a professional and could potentially receive up to \$100 per meeting.
 - iii. Hoffman suggested splitting the difference and giving her \$80 per meeting.
 - iv. Keiser explained that it is not just the cost of the meeting. We also call her multiple times a week as a reference. She is always willing to help Bear Creek Township. He also noted that Mike Reeves is okay with the township paying her a per diem.
 - v. **Motion** by Hoffman to pay the Emmet County Zoning Administrator an \$80 per diem for every regular and special Bear Creek Township Planning Commission meeting attended. This would be backdated to start in July of 2020. 2nd by Nowland. **Passed**
- c. Keiser explained that it was brought to our attention that Hearthside Grove no longer has mobile home park licensing. We will need to investigate this further.

XI. Fire Department Report- Report by Welsheimer

- a. Welsheimer reported 6 EMS calls and 19 fire calls. They finished up the 800 radio training, but most likely will not start using them until after January 1st, because the law enforcement radios are being programmed first. He noted that they did a tanker filling from a hydrant and engine drafting here at the township parking lot. There is a practice burn coming up next week on Thursday at 1068 Kolinski Rd.

XII. Parks and Recreation Report

- a. Given earlier in the meeting.

XIII. Correspondence

- a. Keiser explained that he went to a meeting for the local revenue sharing board. The casino receipts are down 54%, which means we may only get \$12,400 from them this year. The winter may not be much better. Keiser shared other correspondence, including an annual report from the Petoskey Harbor Community Foundation, a letter from MML, a notice from Trustream, a letter from the Walloon Lake Association, and a notice from Great Lakes Energy that we have a new account representative. Keiser also noted that we are now under orders from the health department, rather than the governor's executive orders.

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

- a. Kendziorski reported bills in the amount of \$135,441.63.
 - i. **Motion** by Kendziorski to pay the bills in the amount of \$135,441.63. 2nd by Hoffman. **Passed**

- b. Kendziorski explained that we have sent nearly 2600 ballots for the November election, which amounts to about 46% of our voters. We have about 1000 ballots back at this point. She remarked that we are considering the possibility of security cameras, especially with the new dropbox that we have put in place. With the political climate now, it would be nice to have the extra safeguard. She also noted that if we were to put them outside, it would be a good time to the rest of the building. Jeff Haven from Common Angle is getting a quote for security cameras. Kendziorski will update the board when she finds out more. She also explained the legislative updates including Bill 757, which was signed into law by the governor on Tuesday, as well explained the postmark date situation with absentee ballots.

XV. **Treasurer's Report- Report by Golding**

- a. The Treasurer's Report shows a balance of \$7,061,319.41 as of 9/30/20. She explained that our CDs are not going to make as much as they did last year.

XVI. **Building Department Report- Report by Golding**

- a. Golding noted that the building department is going to be down about \$50,000 this year.

XVII. **Sewer Business/Bills**

- a. Keiser explained that we have been trying to close the authority for a long time. The bonds have been paid off and Sally is leaving. This would be a new set of books for someone to learn, as well as an additional audit, so this is the perfect time to close this. Keiser noted that what is owned by Springvale Twp will go to them, and what is owned by Bear Creek Township will come to us. All easements and deeded property that Bear Creek owns, we will get, along with all of the money in the accounts (which amounts to about \$550,000). The township has put that money there, so it is only fitting that we are the ones to receive it back. Keiser noted that this will save the township about \$20,000 per year.

i. **Motion** by Nowland to authorize the supervisor and clerk to sign the dissolution agreement and other paperwork to dissolve the Springvale Bear Creek Sewer Authority. 2nd by Golding. **Passed**

- b. Keiser reported August sewer bills in the amount of \$322,474.11 and September sewer bills in the amount of \$139,524.80.

i. **Motion** by Keiser to pay the August sewer bills in the amount of \$322,474.11. 2nd by Kendziorski. **Passed**

ii. **Motion** by Keiser to pay the September sewer bills in the amount of \$139,524.80. 2nd by Kendziorski. **Passed**

- c. Keiser noted that Gosling Czubak will be present next month to discuss the sewer study. There has been some pushback regarding setting up a special assessment district for Maple Creek. The township has hired Mika Meyers to help with that.

XVIII. **Request from the Floor/Discussion:** None

XIX. **Closed Session- Discuss Property Purchase**

- a. **Motion** by Kendziorski to enter into closed session to discuss property purchase and to invite Al Welsheimer and Tom Urman to join. 2nd by Hoffman.

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

ii. Time: 8:49pm

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

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

ii. Time: 9:00pm

XX. **Other Business:**

- a. **Motion** by Hoffman to authorize the township supervisor and clerk to sign the purchase agreement to purchase approximately 5 acres from Bill and Mary Foster (at \$6,000 per acre) on the corner of Click and River Rd. 2nd by Golding. **Passed**

XXI. **Adjournment:** 9:03p.m.

Respectfully submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk