

Township of Lake

Huron County, Michigan
May 17, 2010

Regular meeting of the Lake Township Board called to order at 7:30 P.M

Smith, Fischer, McCallum, Hyzer and Hartsell present along with approximately 24 guests. Pledge of allegiance.

Minutes of April 19/20 regular meeting and April 27, 2010 special meeting: Minutes approved with a correction removing the "brief recess" from the April 20, 2010 minutes upon motion by Fischer, seconded by Smith. Motion carried.

Treasurer's Report: Motion by McCallum to approve Treasurer's Report with correction to Thumb National Bank Gypsy Moth CD balance which should be 29,860, seconded by Hartsell. Motion carried.

Agenda: Smith requested the addition of correspondence from Walt Salens regarding a Freedom of Information request and Depner Farms Corn Maze and wind turbine ordinance under new business, removal of email correspondence from Knowwind.org and Carel & Mary Minjeur regarding the wind ordinance since they were not received by May 10th, and moving the public comment period to the end of the meeting. **Motion to approve agenda with corrections by Smith, seconded by Fischer.** McCallum opposed. Motion carried.

Correspondence: Motion by Smith to approve first five items under correspondence, seconded by Fischer. Motion carried.

Smith read email received from Attorney Walt Salens at 11:24 May 17th. Smith and Hartsell read letter received from Depner Farms regarding Lake Township's notification of a violation of the zoning ordinance. Discussion followed. McCallum asked why there are problems now since the corn maze has been open since 2005 and the township had no issue with it until 2009 and asked if any complaints have been filed with the township. Hartsell commented that if they are in violation of the zoning ordinance it needs to be remedied. Smith stated that Mike and Kim Depner had approached the Township Planning Commission in 2009 for the purpose of opening a commercial business across the road from the corn maze and were told they would have to apply for a special use permit and if they were required to do so, Depner Farms should also be so required. McCallum asked Arnie Russell if someone had complained. Russell commented that Dorothy Fischer had complained.

No petitions.

Old Business:

CAFPA Steering Committee:

Motion by Smith to appoint Bob Scott, Len Pilato and Dale Hartsell to

represent Lake Township on a steering committee to determine whether the City of Caseville is already part of the system or if they have to pay a stand-by fee, seconded by Fischer. Motion carried.

Septic Committee:

Smith stated that a septic inspection ordinance is a big issue and is not sure how the township will enforce it. Smith asked Dave Szumlinski whether a letter had been sent to the health department. **Motion by Smith to table further discussion until June, seconded by Hartsell.** Motion carried.

AVCI Remote Backup:

Smith asked what the board wanted to do about the AVCI remote backup that was discussed last month. McCallum commented that it was not discussed previously. **Motion by Hartsell to table until June, seconded by Smith.** Motion carried.

New Business:

2010 Road Work:

Motion by Smith to add crack seal for Champagne, Van, Osbourn and Blake at \$1,500 per mile, seconded by Hyzer. McCallum opposed. Motion carried.

Transfer Station – Stone:

Discussion on stone around building at Transfer Station. Smith will get quote from the Road Commission.

County ORV Ordinance:

Smith commented that the County will be holding a public hearing in June regarding their proposed ORV ordinance which will allow ORV's to be used on county/local roads. He stated the ordinance doesn't specify golf carts and should. McCallum suggested that information regarding the proposed ordinance and the public hearing should be put on the Township's website to keep people informed. Smith agreed and stated it would be added to the website.

McCallum also asked why the information from JP's Tree Service regarding Project Green has not been added to the website.

Lake Township Zoning Ordinance for Wind Energy:

Smith stated he spent a little over an hour with Russ Lundberg reviewing the county's ordinance for wind energy and the main thing he was interested in was the construction end of it with fees of so many dollars per foot of height per turbine, a fee for when someone starts a wind turbine farm and that the county gets \$8,000 for each wind turbine and an inspection fee of \$400 per wind turbine to be put aside for whoever the township wants to inspect them. Smiths stated he is going to get a read out of different areas of the county and what they receive. He stated the county received \$263,000 for their part of the tax dollars. He stated his meeting was very informative and he is beginning to wonder whether the township should adopt the county's ordinance. Fischer stated she would like to read it first. Smith stated the board has to show some interest first and will table it until next month or the month after.

Public Comments:

Arnie Russell commented on the census.

Lou Colletta asked about his Freedom of Information request. Smith re-read Salens email and stated that the Township will have to pay for Colletta going to Salens in regard to the FOIA.

Jim Simmons asked about golf carts not being listed as an ORV in the county's proposed ordinance. Smith related that some residents in Quarry Shores were stopped by the cops when driving their golf carts.

Walt Kloc commented on the census and the confusion some people have about homesteaded property. He stated that according to his conversation with a census worker, their only concern is where you were on April 1st.

Dorothy Colletta stated she had checked with a census worker regarding the forms left on empty homes and that it was okay to fill them in with zero and return them.

Clay Kelterborn commented on the septic issue and asked whether the planning commission had invited DJ's Septic Service to meet with them as had been previously recommended. He also stated that the Health Department had thought the original proposed septic ordinance was a good ordinance and that many communities in Michigan are adopting the same type of ordinance. He stated that the report of Wade Trim on septic systems in Lake Township found that 80% were deficient.

Kelterborn also commented on the Depner Farm Corn Maze and asked what the township stands to gain by requiring a special use permit after they have been in operation since 2005. He stated that Mike and Kim Depner did not follow through on their proposal and has concerns with the township spending taxpayer dollars on this asking if it is the position of the board to shut the corn maze down. He stated

there are a lot of small businesses in the community and that he does not believe the township is looking at this issue properly.

Jim Simmons asked about the location of an eagle's nest in Caseville. Smith stated he does not know the location but that one has been observed teaching its young in the area along the Pigeon River. Bob Scott stated there was one by the Caseville retention pond last year.

Pat Przystup asked why the Township has to pay for Colletta going to the attorney. McCallum stated that the Freedom of Information Act is a law that public officials must abide by and that Smith read from a document he had prepared and that document should have been retained as a public document with the clerk.

Yvonne Bushey wanted to address Monica Essenmacher's comment made in April regarding the wind petition at the Oak Beach Pantry. She stated that Ms. Essenmacher had commented that "she also found it disturbing that a petition supporting wind energy located at a store in Lake Township had misleading information and claimed it was an underhanded way to elicit support for wind turbines in Lake Township." Ms. Bushey stated there was no such thing, that their committee did not have anything else on top except the document they turned in and that somebody else could have put a document on top.

Payment of Bills:

McCallum had five additional bills for review by the board. Check numbers 9313 through 9317 as follows:

Pat Smith, Deputy Supervisor – 73.01
Lee Ann Krueger – 35.00
Huron Daily Tribune – 172.35
M3 Wireless – 80.00
AAA Royal Flush – 70.00

Motion by Hartsell to pay bills with additions, seconded by Smith. Motion carried.

Motion by Hyzer to adjourn, seconded by Hartsell . Motion carried. Meeting adjourned at 8:50 P.M.

Valerie McCallum, Clerk