

Township of Lake

Huron County, Michigan

June 21, 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 20 guests. Pledge of allegiance.

George Lauinger, Sleeper State Park Manager, addressed the board regarding the County's ORV Ordinance and environmental concerns with state owned property. He stated that townships can opt out of allowing ORV's and should Lake Township decide not to opt out, he requested that the Township at least close Sand Road between State Park Road and Conkey Road from ORV use. He stated that within that area is the Oak-pines Barrens, which is a globally rare ecological area. He is concerned that if Sand Road is open to ORV's, some users may enter this area with their vehicles. He stated it is much easier to prevent this by closing this area and thereby being able to enforce any violations with a municipal civil infraction rather than having to police it in the area of concern if the road is open to ORV use which would result in a misdemeanor. He indicated that if there are any costs involved with signs, that Sleeper State Park will bear those costs. He also indicated that any ORV users would have an alternate route to Caseville by going ½ mile farther south to Conkey Road and then heading west.

Minutes of May 17, 2010 meeting: Minutes approved upon motion by Fischer, seconded by Hyzer. Motion carried.

Treasurer's Report: Motion by Hartsell to approve Treasurer's Report with correction to general checking balance which should be 5,117.51, seconded by Hyzer. Motion carried.

Agenda: Smith requested the addition of road brining, stating that there were complaints that roads were not brined soon enough this spring and he is concerned about the 4th of July. Hyzer suggested waiting until Labor Day for additional brining. McCallum suggested that Smith monitor the road conditions along with the road commission foreman and make arrangements for spot brining when needed. **Motion by Smith to request spot brining when needed, seconded by Fischer.** Motion carried. All ayes. Smith also requested the addition of Jeff Krohn, Transfer Station stone, Huron County ORV Ordinance, MTA Conference on June 29th, CAFPA Steering Committee pay and the Medical Marijauna Act. McCallum requested the addition of correspondence from Larry Golitko regarding a delinquent property tax issue that involved interest charges that would increase if the matter had to wait until next month. **Motion by Smith to approve the agenda with all additions, seconded by Hartsell.** McCallum opposed.

Correspondence: Smith, Hartsell, Fischer and McCallum read correspondence other than correspondence from Monica Essenmacher regarding wind turbine siting. Smith refused to read Essenmacher's correspondence and would not allow

anyone else to read it. Smith also declined to read the June 11, 2010 letter from John and Ruth Depner stating that it was sent to him at his residence and should not have been included in correspondence. McCallum mentioned an email forwarded from the City of Caseville in regard to the fire department. Smith stated it would not be read and was uncalled for.

No petitions.

Old Business:

AVCI Remote Data Storage:

Discussion on need for backup storage of computers. McCallum explained that all computers can be backed up to the server at any time and that a portable backup can be reconnected to the server for removal offsite or in a fireproof file cabinet. Smith was concerned that someone would not remember to do that. McCallum expressed concern over the fact that township data could be accessed remotely through offsite storage by anyone who had the password and indicated that the Treasurer's tax records are on a computer at her home, the assessor and the building inspector use laptops which are not left at the hall, and that the server has a backup of the township's accounting program and as clerk, she maintains a portable backup. All important township records are maintained in hard copy and filed in fireproof file cabinets. **Motion by Hyzer to leave alone.** No second. Motion failed. **Motion by Fischer to go with AVCI.** No second. Motion failed. Hartsell suggested tabling until July meeting and checking with other townships to see what they do for backup.

Huron County Wind Turbine Ordinance:

Motion by Fischer to send the Huron County Wind Ordinance to the planning commission. McCallum asked for discussion on the ordinance before proceeding. Smith stated he did not want to hear comments from McCallum and proceeded to call Jeff Krohn to the floor to discuss his issue with the township. McCallum attempted to continue review of the ordinance. Smith called the Sheriff for assistance. **Motion by Fischer to table the ordinance until July, seconded by Hyzer.** Smith called for a roll call vote. Four ayes – McCallum opposed.

(The board took a recess while Smith contacted the Sheriff to request a law enforcement officer)

Transfer Station stone:

Smith provided a quote for three inches of stone at the Transfer Station at a cost of \$1,629.00. **Motion by Fischer to approve bid, seconded by Smith.** Motion carried. McCallum opposed.

Jeff Krohn:

Smith stated that Mr. Krohn received a violation letter from Lake Township two days following his comments offered at a public hearing in Bad Axe regarding wind issues. Mr. Krohn stated that he was told by Arnie Russell, Zoning Administrator, that he does not enforce the permit requirement for campers on holiday weekends or during Cheeseburger and questions why Arnie is now issuing him a violation when he has had this property for several years and has had his camper located on the property for several years. He stated he is a taxpayer and should be able to use his property. Smith stated that in his subdivision there are several campers that are used on vacant lots during the summer and he does not believe they obtain permits. Discussion on the ordinance which only allows for a 14 day permit in any four month period. McCallum asked why such a regulation was ever instituted, having been part of the 1992 Zoning Ordinance and carried over into the 2007 Zoning Ordinance. Hyzer and Fischer had no idea. Pat Smith spoke up and said it was due to the hippie's in the 1970's who were camping anywhere and everywhere and causing problems for residents. Tim Lalley suggested that perhaps the ordinance needs to be amended. **Motion by Hartsell to refer the camping ordinance on vacant lots to the planning commission to make possible revisions, seconded by Smith.** Motion carried. All ayes.

Huron County ORV Ordinance:

Motion by Smith to send the county's ordinance to the planning commission for review and to keep in mind what the Manager of Sleeper State Park had in mind, seconded by Hartsell. Motion carried. All ayes. McCallum suggested that the planning commission also contact Arnie Karr of DNR Wildlife Division regarding the east side of Sand Road. Fischer commented that perhaps ORV's should not be allowed in any subdivisions off M-25.

MTA Conference:

Smith stated he is attending the MTA Seminar in Gaylord for \$120.50 and will only charge for mileage the distance of Frankenmuth since he missed attending that class.

Medical Marijuana:

Smith stated that at a seminar he attended it was recommended by the State Police and the Michigan Townships Association that townships adopt a medical marijuana ordinance based upon the federal standards which will regulate where and how much is grown in the township. Smith had a copy of the information provided to him and recommended that it be forwarded to the planning commission for them to work on. **Motion by Hartsell to table until**

all board members have an opportunity to review the information, seconded by Fischer. Motion carried. All ayes.

New Business:

Burnham & Flower Retirement Plan Resolution: McCallum read letter and resolution from Burnham & Flower regarding IRS mandated amendments to retirement plans. **Resolution to Adopt a Pre-Approved Volume submitter Plan approved upon motion by Fischer, seconded by Hartsell.** Motion carried. All ayes.

Adopt-a-Beach Program: McCallum read letter from Alliance for the Great Lakes regarding their adopt a beach program. McCallum advised the board and guests and the Alliance would like to recruit volunteers for adopting Philp County Park, Oak Beach County Park and possibly the Thompson Park for beach cleaning. **Motion by Hartsell to post a notice on the township website to see if anyone is interested in the program, seconded by McCallum.** Motion carried. All ayes.

Payment of Bills:

McCallum had three additional bills not listed, \$120.00 for JLP's Service for deer removal, \$120.50 for Smith's MTA Conference registration; and \$9.31 for mileage reimbursement to Dave Ferris. **Motion by Fischer to pay bills, seconded by Hartsell.** Motion carried. All ayes.

Late correspondence from Larry Golitko:

McCallum read a June 17, 2010 letter from Larry Golitko relating to a 2009 summer delinquent tax bill notification received from the Huron County Treasurer with penalty charges. Mr. Golitko stated they had received a paid receipt from Dorothy Fischer last August and were not aware that their taxes were not paid and were not notified by the township even after paying their winter taxes. The letter indicated they were willing to pay the taxes due but did not feel they should have to pay the penalty fees. They had discussed the issue with Fischer and the Huron County Treasurer and were requesting the township board to consider rescinding all penalty charges. McCallum stated that in talking to the County Treasurer, the charges which are approximately \$43.00 cannot be rescinded, but that when these mistakes happen, some township treasurer's will pay the fee or split the fee with the taxpayer. McCallum stated she also checked with the insurance company and that it is possible that these charges could be covered under the Township's errors and omissions coverage. McCallum also recommended that Fischer use the computerized tax collecting program to avoid these mistakes. McCallum recommended that Fischer contact the taxpayer and

advise them to pay the tax due by the end of June and the township pay the penalty fee pending possible reimbursement from the insurance company.

Motion by Hartsell to pay the fee and turn a claim in to the insurance company, seconded by Smith. Motion carried. All ayes.

Public Comments:

Tim Lalley commented that the Township should pay the \$43.00 and that Fischer should send a letter of apology. Lalley also stated that any correspondence sent to the township should be read and he is insulted by Smith's refusal to read certain items.

Lou Colletta referred to the issue of selling products not grown on location and mentioned Lou Bushey's complaint against Jim Murdoch for selling strawberries. He also mentioned that Champagne Road is a problem area with too many vehicle/pedestrian accidents and asked what authority the state has over the township. Hartsell responded that the State has the authority.

Colletta also commented that his daughter also received a paid in full tax receipt when she had not yet paid her taxes. Fischer responded that it will not happen again.

Mary Quinn asked about the availability of the County's wind ordinance. McCallum advised her that it was available on the county's website.

Walt Kloc commented that he is sympathetic to Mr. Krohn in that the enforcement of the Zoning Ordinance is targeted at only certain people. He indicated he had been opposed to the boat hoist ordinance and related an incident shortly after its adoption wherein the Zoning Administrator was on his property looking for a tag on his boat hoist when none of his neighbors had registration tags. He stated he has been working on a five year study of the township's zoning ordinance and will be ready soon to disclose his findings.

Pat Prystrup asked if the Krohn's can obtain a copy of the complaint filed against them. She was advised that if a written complaint was filed, the Krohn's can obtain that through a FOIA request.

Lou Bushey asked if the Township was going to do anything about the Depner Corn Maze saying that there is concern that they will not be open for business this year because of the Township. Smith responded that Dan Depner is having medical issues and that is the reason for not opening this year.

Clay Kelterborn asked to address Smith's accusations and innuendos made earlier in the meeting regarding David Battane and his need for a survey. Kelterborn stated that Mr. Battane wanted a permit for building a deck on his property and would not work with the Zoning Administrator or the planning commission. Kelterborn stated that the township attorney advised him through the process of working with Mr. Battane and since Mr. Battane did not know

where his property lines were, he had to obtain a survey in order to identify the lot lines and area. Kelterborn stated that he has told Mr. Smith on many occasions to feel free to contact him with any questions and suggested that before making accusations and innuendos in the future, he should ask questions first.

Kelterborn also commented that there are five board members, not four and that Smith's censorship of McCallum is an abuse of power. Hartsell stated he did not say McCallum could not speak. Fischer also stated that she did not say McCallum could not speak. Kelterborn stated that it was very apparent that McCallum was silenced from making comments. Smith stated that he doesn't want to go down that road again. Kelterborn also commented that part of the job of supervisor is listening to people's complaints and opinions.

Motion by Hyzer to adjourn, seconded by Hartsell. Meeting adjourned at 10:15 P.M.

Valerie McCallum, Clerk