LELAND TOWNSHIP BOARD MEETING  
Monday, November 9, 2015—7:30 p.m.  
Leland Township Library Munnecke Room  
203 E. Cedar Street, Leland, MI 49654

MINUTES

PRESENT: Supervisor Cal Little, Clerk Jane Keen, Treasurer Shirley Garthe, Trustees Tony Borden and Tim Cypher

ABSENT: None

GUESTS: 13

CALL TO ORDER: Mr. Little called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Mr. Borden moved to approve the agenda as amended to delete the harbormaster job description; supported by Ms. Keen. Motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None

APPROVAL OF MINUTES
- October 12, 2015 (regular meeting): Ms. Garthe moved to approve the minutes as presented; supported by Mr. Cypher. Motion carried.
- October 23, 2015 (special meeting/open session): Mr. Cypher moved to approve the minutes as presented; supported by Ms. Keen. Motion carried.

PUBLIC COMMENT
Bruce Price revisited his issue about the sale of used docks. He said at his request, a forester had written a report on trees at Proveymont Pond, and the Parks and Recreation Commission should act on it. He felt the fire and rescue stations should be built one at a time, not simultaneously.

Steve Mikowski felt the township should have sought bids on the sewer operations work to see if the current contractor is competitive, though OMI is doing a good job. He made his 232nd monthly request for a referendum on the 1996 Zoning Ordinance, as well as a request for the ZBA to grant him a 17-½ inch side-yard variance.

REPORTS FROM BOARDS AND COMMISSIONS

Fire and Rescue (report on file in Leland Township Office): Chief Rick Royston reported the department had 23 calls in October, 12 of them EMS. Department personnel presented a fire prevention program at St. Mary School, participated in fire drills at St. Mary and Leland schools, and took part in a tornado drill at Leland School. The department also took part in a countywide water tanker training program. A generator from the Leland station is not large enough for the needs of the Leland Harbor. Mr. Borden said the generator does not have to run everything at the harbor. Chief Royston said the generator at the Lake Leelanau station also will be available.

Emergency Facilities Building Committee
Chief Royston reported the Leland station has been demolished and hauled away. Excavation is scheduled to begin November 10, and foundations will be poured later in the week. He praised the
Hallmark Construction site superintendent. The contractor has performed beyond its scope, even removing cedar trees on the south side of the site at its own expense. Questionable soils have been excavated and will be hauled away. AT&T will move a phone pole, which would have been in line with overhead doors at the new station, to the south lot line.

**Library (report on file in Leland Township Office):** Library Director Sylvia Merz reported the Library Board honored Alan Hartwick for his 14 years of outstanding service to the Library Board. A cottonwood entry bench built by a local craftsman was dedicated to Mr. Hartwick. As his leadership class project, Leland student Griffin Satterwhite is collecting children’s books, games and puzzles for the Friends of the Library sale December 5. Ms. Merz previewed a new library operating system with more features and less annual cost after implementation. Off-site library branches at the Chase Bank in Cedar and the credit union in Lake Leelanau each have some 500 books and estimate 2,000 to 3,000 users per year.

**Planning:** Keith Ashley (chair) said the Planning Commission is recommending the appointment of Larry Sullivan as planning consultant. Mr. Sullivan served as planning director of Charlevoix County for more than 30 years and currently serves as planner for Charlevoix and West Traverse townships. Mr. Ashley talked with Mr. Sullivan’s references, all who gave favorable feedback. Mr. Ashley queried some eight potential planners but received only three responses. One was a landscape planner with no zoning experience; the other was a firm that would not necessarily send the same person each time a planner was needed.

**Sewer:** Sewer Administrator Steve Patmore reported the phosphorus project is complete, on budget and operating well. The contractor needs to submit as-built drawings and operations and maintenance manuals for the system. The Sewer Commission will tour the system as part of its December 1 meeting; township officials and the public are welcome. Concerning odor control, the engineers suggested a system that neutralizes hydrogen sulfide; Mr. Patmore is researching the company and the product. A proposal from Gosling Czubak for engineering work on Cherry Street is pending, and design work could be done this winter. Mr. Borden asked the procedure for releasing the final $35,000 to Spence. Mr. Patmore said after Spence submits the payment request, the engineers recommend approval, and then the Township Board takes up the matter. Mr. Patmore noted that the harbor sewage pump system was designed to be compatible with the sewer generator.

**Parks and Recreation:** Mr. Cypher reported the Parks and Recreation Commission discussed Provemont Pond at its October 20 meeting. The DEQ intends to look at the dam again following a partial dam break in another township. A DEQ permit was received to repair launch damage at Emelia’s Landing, but the Road Commission does not have funds now to make the repairs. Residents interested in filling the open position on the Parks and Recreation Commission may contact Mr. Cypher, Steve Plamondon or Mr. Little. Mr. Plamondon is talking with Spinniken Irrigation about options to keep the Hancock Field ice rink running this winter. Leland School has not returned to the township with plans for a new concession and restroom building. Bruce Price (audience) said he got an engineer and a DNR representative to look at Provemont Pond two years ago. He said he would get the report to Ms. Keen and Mr. Little.

**Zoning (report on file in Leland Township Office):** Six land use permits were issued in October.

**Treasurer’s Report (on file in Leland Township Office)**

**Action:** Mr. Borden moved to approve the treasurer’s report as presented; supported by Ms. Keen. Motion carried.
ACTION ITEMS

OMI Sewer Operations and Management Agreement
Mr. Little noted that based on a review by Mr. Borden, the term of the agreement had been shortened to three years, with a 120-day notification clause.

Action: Mr. Cypher moved to approve Amendment No. 7 to the Operations, Maintenance and Management Services Agreement for the Leland Township Wastewater Treatment Plant and Lift Stations, as modified by Mr. Borden. The motion was supported by Ms. Keen. Motion carried.

Assistant Harbormaster Bonus
Mr. Borden reported Assistant Harbormaster Neil Kalee had done a fine job this season, and the Harbor Commission recommended that he receive a net $1,000 bonus. Mr. Cypher said at this year’s annual meeting, the board discussed bonuses and felt recommendations should include criteria for an award. Mr. Borden said no specific criteria were set because a bonus was not anticipated at the beginning of the year. However, the Harbor Commission could establish criteria going forward. Ms. Keen noted that the previous assistant harbormaster had received bonuses over the years. She added harbor employees are called on perform demanding tasks around the clock in the summer and are not paid in the winter.

Action: Mr. Borden moved to approve a net bonus of $1,000 for the assistant harbormaster; supported by Ms. Keen. Motion carried 4-1, with Mr. Cypher voting no.

Report on Fire and Rescue Chief’s Performance Evaluation
Mr. Little said the entire Township Board conducted a closed-session performance review on Chief Royston, who received a rating of 95 percent. The review covered only his job performance, not his efforts on the new stations.

Bonus for Fire and Rescue Chief
Action: Mr. Borden recommended paying Chief Royston a $5,000 bonus based on his additional work on the fire facilities project; supported by Mr. Cypher. Motion carried. The board clarified that Chief Royston’s bonus would be $5,000 gross.

Fire and Rescue Chief’s Request for Unpaid Time Off
Action: Mr. Cypher moved to approve the fire and rescue chief’s request for unpaid time off, with the understanding that the chief will make himself available as needed for the building project; supported by Mr. Borden. Motion carried.

Agreement with Larry Sullivan, Planning Consultant
Action: Mr. Cypher moved to approve the agreement with Larry Sullivan as planning consultant on the condition that the township attorney review and approve the agreement; supported by Ms. Garthe. Mr. Mikowski asked how Mr. Sullivan’s fees compared with those of the previous planner; Ms. Keen said they were comparable. Fred Siegmund (audience) asked why the township needs a planner. Mr. Ashley said a professional has specialized knowledge needed to make appropriate recommendations. Ms. Keen said a key function of a planner is to draft findings of fact (sometimes as long as 30 pages) to determine whether a proposed project meets ordinance standards. Mr. Borden noted that professional planners have credentials that planning commissioners and zoning administrators do not have. He said Michigan zoning language is very specific, as are the criteria of courts in deciding such matters. The question was called. Motion carried. Mr. Borden will send his comments on the agreement to Mr. Little to send to the township attorney.
**Retirement Plan Adoption Resolution**  
Ms. Keen said the plan is the same as the plan the township has in effect. However, the IRS requires retirement plan sponsors to restate their plan documents at regular intervals.

**Action:** Mr. Borden moved to approve a resolution to adopt the Leland Township Governmental Non-ERISA Retirement Plan as presented; supported by Mr. Cypher. Roll-call vote: Mr. Cypher—yes; Ms. Garthe—yes; Mr. Little—yes; Ms. Keen—yes; Mr. Borden—yes. Resolution adopted, 5-0. Ms. Keen will send a memo about the plan to eligible employees.

**Tree Removal on Old Art Building Grounds**  
Mr. Little said the township received a quote for $10,375; however, another tree needs to be added. Ms. Keen noted the item had not been budgeted. Mr. Cypher said the township should obtain competitive bids. He will contact a forester to determine whether the trees pose a safety risk and need to be removed immediately. Ms. Keen said the board could decide to draw funds from fund equity if the work needs to be done now. Mr. Cypher and Ms. Keen will seek additional quotes. The matter was tabled.

**Ordinance Update Plan**  
Mr. Little and Mr. Cypher will review township ordinances and bring recommendations to the Township Board.

**General Fund Balance**  
Mr. Little noted the township auditor told the board that a fund balance of 80 to 120 percent might be appropriate. Mr. Little will work on recommendations for a formal fund balance policy that includes how sinking funds will be used so the township does not show uncommitted funds to the extent it does now. Practices of surrounding townships vary; one is less formal and two are more formal.

**Library Board Appointments**  
- **Laurie Lisuk:** Mr. Cypher moved to appoint Laurie Lisuk to a three-year term on the Library Board; supported by Ms. Keen. Motion carried.
- **Powell Smith:** Mr. Cypher moved to reappoint Powell Smith to a three-year term on the Library Board; supported by Ms. Garthe. Motion carried.
- **Tim Cypher:** Ms. Garthe moved to reappoint Tim Cypher to a one-year term as board representative to the Library Board; supported by Ms. Keen. Motion carried.

**OTHER BUSINESS:** None.

**BILLS AND ACCOUNTS:** Ms. Keen moved for payment of bills from October 12, 2015, through November 9, 2015; supported by Mr. Cypher. Motion carried.

**CORRESPONDENCE:** Alan Hartwick sent a note that he would not seek reappointment to the Library Board.

**BOARD COMMENT:** Mr. Little reported Standard and Poor’s had given Leland Township an AA rating for its fire facilities bond issue. The bonds go on sale November 10.

**PUBLIC COMMENT**  
Mr. Ashley said the trunk of the historic cottonwood tree on River Street in Leland will fall apart as it absorbs water. He suggested the township ask a forester for advice on saving the tree by capping or
coating it and relay the information to the county.

Mr. Mikowski said until this spring, the Planning Commission had been in violation of state law and its bylaws with six members instead of seven. He said the ZBA was supposed to give information to the Planning Commission about the need to address wetlands setbacks in the Zoning Ordinance based on the number of ZBA variance applications on that subject.

Mr. Ashley said the Zoning Ordinance that was defeated would have simplified zoning and removed restrictions to make zoning more favorable to property owners. Mr. Borden said after granting another wetlands setback variance last week, the ZBA felt the Planning Commission should take up the matter. Mr. Ashley said he and Mr. Cypher have had an initial discussion on the topic.

**ADJOURNMENT:** Ms. Keen moved to adjourn the meeting; supported by Mr. Borden. Motion carried.
The meeting was adjourned at 9:29 p.m.

Respectfully Submitted,
Susan M. Buxton, Recording Secretary

Date Approved: ____________

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Calvin R. Little, Leland Township Supervisor

Jane M. Keen, Leland Township Clerk