

**FRUITLAND TOWNSHIP BOARD  
WORK SESSION  
JANUARY 11, 2016  
MINUTES**

**PRESENT:** Trustee Hampel, Trustee Bard, Trustee Deur, Treasurer Beegle, Trustee Rissi, Clerk Rillema, Supervisor St. Amour

**ALSO PRESENT:** (2) two interested parties.

**CALL TO ORDER:** Supervisor St. Amour called the Monday, January 11, 2016 Work Session of the Township of Fruitland Board to order at 10:00 AM at the township hall.

**AGENDA:**

Motion by Trustee Bard, second by Trustee Rissi, ***ADOPTED***, to accept the January 11, 2016 Work Session Agenda.

*Upon Voice Vote:* **6 AYES, 1 ABSENT - motion carried**

**PUBLIC COMMENT:** There was no public comment.

Trustee Deur arrived at 10:16 am.

**ANNOUNCEMENTS:** Supervisor St. Amour stated the 2016 meeting schedule of the Muskegon County Road Commission has been posted for review. The Consumer's Street Light Survey has not yet been received but Supervisor St. Amour has been in contact with them. Sable Point Lighthouse Keeper's Association is requesting permission to utilize the 2<sup>nd</sup> floor area of the WRLS currently used as storage as additional exhibit space. Fruitland Township would not incur any expenses for the upgrade.

Motion by Trustee Rissi, second by Trustee Hampel, ***ADOPTED***, to allow SPLKA to utilize the 2<sup>nd</sup> floor of the White River Light Station currently used as storage for additional exhibit space at no cost to Fruitland Township.

*Upon Voice Vote:* **7 AYES - motion carried**

Supervisor St. Amour stated that he received the yearly request of \$1000.00 in-kind services from the Duck Creek Watershed to be included in the 2016-17 Fiscal Year budget.

1. Zellar Road – (Proposed Special Assessment District) – Supervisor St. Amour spoke of the options available for the proposed Zellar Road project between Lakewood Road and Michillinda Road estimated to be approximately \$449,300.00. The road project without water removal is approximately \$310,000.00 which would be paid by Federal grant monies. Water control south of Michillinda between two private properties is to be funded by the MCRC at a cost of \$38,000.00. The remaining \$101,300.00 would need to be funded by a special assessment and township funds. Because the culverts need to be replaced along Zellar Road, the board feels it should be borne by the residents along that stretch as culverts are the responsibility of them according to the MCRC. The cost for the culvert replacements is approximately \$12,100.00 which would leave a balance of \$89,200.00 to be paid from township funds. This type of project does not compare to our typical 60/40 split with the MCRC because of the Federal monies involved. The board would like to do the project but will need to place a special assessment on property owners between Lakewood & Michillinda Roads at a cost of approximately \$450.00 to continue moving forward with the project. The board would like to assess those properties that

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currently have culverts that need replacing. That total is 27 culverts. A resolution will be prepared for the Tuesday Regular meeting in which a public hearing will also be set.

2. Lamos Road End – Attorney Even stated that Lamos Road End is under the jurisdiction of the MCRC. If and until the MCRC should decide to abandon it, it is in the best interest of the township to enter into a yearly agreement to use the road end for the purpose of keeping it open to the public. An agreement will be
3. R&M Contract – Attorney Even stated that the contract has been mailed to R&M but not received back.
4. Land Conservancy – Trustee Deur stated that he spoke to April Schultz of the West Michigan Land Conservancy and the contract has been received. He will follow up with Ms. Schultz and suggested that the next step may be for a tour of the land which may be delayed due to the winter weather.
5. Fire Station #2 Potential Sale – Supervisor St. Amour stated that the White Lake Fire Authority will need to approve the paying of a survey of the fire station #2 property before Attorney Even can prepare a sale agreement. The authority provided a listing of projected costs deemed necessary to replace or repair station #2 which totaled \$24,500.00 for consideration in deliberating the sale of the building. Trustee Bard is concerned about the size of the well and if the well would be filling the pump trucks. Previous discussion of a proposed sale price of the building/grounds was discussed for approximately \$15,000.00 which would cover the costs to remove trees, build a new entrance to the maintenance garage and driveway to the property behind the maintenance garage. A couple of board members feel that the selling price is too low and that an assessed value should be considered. Attorney Even stated that an agreement can be written so that if the authority dissolves or relocates, the building would be given back to the township and stated the taxpayers are not losing as the service remains in our township and costs to upgrade are not out of our township funds if the building was sold. Continued discussion to take place.
6. Mason & Partridge Drain – Supervisor St. Amour stated that he wrote a letter in December to Drain Commissioner Moore requesting projected costs for the Mason, Partridge and SAXE Drain projects due to 2016-17 budget discussions starting this month.

### NEW BUSINESS:

1. 2016-17 Budget Discussion – Supervisor St. Amour stated that the draft budget does not include wage increases or proposed projects at this point. He will incorporate his recommendations into an updated proposed budget for the Tuesday regular meeting. He stated that he has not received any additional pricing quotes from the Parks & Recreation Commission regarding tennis court repairs or sand slurry for the bottom of the stairway at Nestrom Park on the beach.

Motion by Trustee Bard, second by Trustee Rissi, **ADOPTED**, to unsuspend for open floor comments from Parks & Recreation Commissioner Zoellmer at 11:00 AM.

*Upon Voice Vote:* **7 AYES – motion carried**

Commissioner Zoellmer explained that he now understands the urgency of getting quotes due to the budget cycle timing. He will work with Parks & Recreation Commission Chair Knopf to get quotes for tennis court repair/replacement and forward to Supervisor St. Amour. Commissioner

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Zoellmer believes that the DEQ may need to be contacted regarding the sand slurry project for the Nestrom Park stairway enhancement.

Motion by Trustee Bard, second by Trustee Rissi, **ADOPTED**, to suspend from open floor comments at 11:08 AM.

*Upon Voice Vote: 7 AYES – motion carried*

2. 3<sup>rd</sup> Qtr 2015-16 Budget Amendments – Clerk Rillema prepared a listing of budget amendments necessary for adoption at the regular meeting. She will update any additional before the meeting.
3. Assessor's Recommendation – Attorney Even explained that Assessor Bowen will be appearing before the State Tax Tribunal for an agricultural exemption dispute received from property owner at 4445 Michillinda Road. A tax complaint received last July was given to the Building Official to inspect but he was refused to enter the property to inspect the complaint that someone was living in an outbuilding. Further information in the complaint stated that at least two families were living at this address that is zoned single family residential. Assessor Bowen and Zoning Administrator Jensen sent a letter in September but no response was received. The township Supervisor can normally request a subpoena for the person to appear before the board or a committee to be examined under oath for further consideration but because this property belongs to Supervisor St. Amour's ex-wife, Attorney Even has asked Supervisor St. Amour to abstain from any voting and continue to remove himself from any conversation on this matter. Attorney Even stated that Assessor Bowen recommends that a person living there be subpoenaed. A committee should be appointed to do the fact finding. A motion will be prepared for the Tuesday regular meeting.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to request Attorney Even to ask the Circuit Court to issue a subpoena to compel this person to come before a sub-committee of the board to provide testimony concerning facts and circumstances of someone living there of the two families because of a potential zoning ordinance violation and agricultural exemption in question.

*Upon Voice Vote: 6 AYES, 1 ABSTAIN (Supervisor St. Amour) –motion carried.*

4. Dresen Lawsuit – Attorney Even recommended going into closed session to discuss a lawsuit brought against the White Lake Ambulance Authority, Fruitland Township and Supervisor St. Amour by former director Dresen and consider confidential legal opinion subject to attorney client privilege..

Motion by Trustee Deur, second by Trustee Rissi, **ADOPTED**, to go into closed session at 11:20 AM.

*Roll Call Vote:* Trustee Hampel AYE, Trustee Deur AYE, Treasurer Beegle AYE, Trustee Rissi AYE, Clerk Rillema AYE, Trustee Bard AYE, Supervisor St. Amour AYE

CLOSED SESSION

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to come out of closed session at 11:25 AM.

*Roll Call Vote:* Clerk Rillema AYE, Trustee Rissi AYE, Treasurer Beegle AYE, Trustee Deur AYE, Trustee Hampel AYE, Trustee Bard AYE, Supervisor St. Amour AYE

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5. Board Comments – Clerk Rillema stated that the legislature has been busy passing new election laws. A law to eliminate straight-party voting was signed and is now in effect by Governor Snyder and bans ballot labels in partisan elections from including an option where voters could make a single selection to vote a straight ticket. Another law signed and in effect by Governor Snyder limits townships’ communications to residents on local ballot questions by banning local public bodies from using public money or resources within 60 days of an election to communicate any information about a local ballot question by radio, television, mass mailing or pre-recorded telephone message. Trustee Deur inquired if Verizon Wireless obtained the permit for the propane backup at the tower site. He will ask the office staff. Trustee Hampel stated that the Friends of the Multi-purpose Trail Committee met in December and continue to move forward with ideas. Trustee Rissi informed the Board that she will be resigning as Trustee effective January 31, 2016 due to selling her home and moving from the area. All wished her success on her move.

Motion by Trustee Bard, second by Trustee Rissi, ***ADOPTED***, to adjourn the Monday, January 11, 2016 Work Session of the Township of Fruitland at 11:33 AM.

*Upon Voice Vote:* **7 AYES - motion carried**

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland