

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
JUNE 13, 2011
MINUTES**

PRESENT: Trustee Bard, Trustee Bole, Treasurer Wilks, Trustee Binns, Clerk Rillema,
Supervisor St. Amour

ABSENT: Trustee Deur

ALSO PRESENT: Attorney Eklund and four (4) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, June 13, 2011 Work Session of the Township of Fruitland Board to order at 10:03 AM at the township hall.

AGENDA: Supervisor St. Amour asked to amend the agenda by moving New Business Items 12 & 13 to Old Business 1.25 and New Business 6 to Old Business 1.5 and move New Business Item 2 to New Business 15.

Motion by Trustee Bard, second by Trustee Binns, ***ADOPTED***, to accept the amended June 13, 2011 Work Session Agenda.

Upon Voice Vote: **6 AYES 1 ABSENT**

PUBLIC COMMENT:

- 1) Kim McGee, 6166 Murray Road – Stated that he was unable to attend the Planning Commission Public Hearing on June 8, 2011 for proposed language on Section 3.23 Non-Conforming Buildings, Structures and Uses and had two items of concern regarding such. He provided the Board of Trustees with a copy of the two items for consideration.

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour stated that the State of Michigan is exempt from the 20 year mineral rights transfer on the property off Duck Lake Road. White Lake Ambulance Authority has asked if Fruitland Township would host an upcoming business meeting. The date is to be determined. Supervisor St. Amour received another letter from resident Jim Kobza regarding speed limit reduction on Duck Lake Road. Supervisor St. Amour is awaiting the engineer study from MCRC.

OLD BUSINESS –

1. Ordinance Enforcement – Supervisor St. Amour stated that the owner of 1490 W. Duck Lake Road has a court date of June 15 as a follow up to property cleanup. The boat has been removed at 3350 Bard Road. The 3rd condemnation hearing is set for July 1, 2011 for 4540 Weber Road. A court date has been set for 4965 Duck Lake Road. Several addresses on Worden Street have been issued a June 30, 2011 clean up date for junk and unlicensed cars. The property owner at 4427 McMillan Road has been given until the end of June to complete cleanup of garage. The address of 2737 Scenic Drive has received a letter from

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the WLFA with expectations of what can be performed by them but needs to be addressed before year end. A complaint of too many dogs has been received at 2596 Lakewood Road and a complaint of a wild goat wandering has been received at 4656 Lorenson Road. Supervisor St. Amour has visited both the Lakewood & Lorenson Road addresses and left a business card to contact him.

- 1.25 Zoning District – Supervisor St. Amour stated that a request from the Planning Commission recommends that the Township Board of Trustees approve a zone change request from Medium High Density Residential (MHDR) to Neighborhood Commercial (NC) for a portion of parcel number 61-06-101-100-0002-10 located at 6827 Whitehall Road as described in Westshore Consulting Survey, File no 3496-8A dated May 12, 2011. Mr. Brad VanBergen of Winberg Construction was in attendance and explained the project and location. A motion will be prepared for the Monday Regular meeting.

Sewer Ordinance – Supervisor St. Amour explained that the project proposed at 6827 Whitehall Road would like to be connected to the Muskegon County Master Sewer System. The developer, Winberg Construction is willing to donate the system to the township and would be the first customer of the sewer system for Fruitland Township. An ordinance to join the Muskegon County Master Sewer System is being reviewed by Attorney Eklund at this time. A motion will be prepared for the Monday Regular meeting to join the sewer system. Attorney Eklund stated that other ordinances regarding operational and rates for sewer would also need to be adopted at a later time. Supervisor St. Amour is awaiting communication regarding potential usage for this type of site and costs for the additional ordinances.

Amendment to Article III, Section 3.23 Non-Conforming Buildings, Structures and Uses –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to suspend open floor comments to allow for Planning Commission Chairperson Carol Kooistra to speak.

Upon Voice Vote: **6 AYES, 1 ABSENT**

Chairperson Kooistra first stated that the Planning Commission approved the site plan for Winberg Construction at 6827 Whitehall Road contingent on Township Board of Trustees approval, MHDR to NC zone change request, sewer ordinance and maintaining some trees on the property. Chairperson Kooistra explained that the language discussed at the June 8, 2011 Public Hearing at the Planning Commission meeting for amending Article III, Section 3.23 was adopted, but additional discussion later in the meeting left the Planning Commission questioning the language adopted. Clerk Rillema explained the process of which the Board of Trustees either enacts or rejects proposed changes as an ordinance amendment or, if the Township Board considers amendments, changes, additions or departures to the proposed ordinance, it shall refer the same to the Planning Commission for a report thereon within a time period specified by the Township Board. A motion will be prepared for the Monday Regular meeting to reject the language and refer it back to the Planning Commission for further discussion.

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Motion by Trustee Bard, second by Treasurer Wilks, **ADOPTED**, to unsuspend open floor comments.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

- 1.50 Parks & Recreation – Marcus Park Agreements – Supervisor St. Amour presented an overview of the paperwork given to the Board of Trustees regarding the history of court cases regarding Marcus Park and Attorney Eklund also briefly explained the history of the cases. Discussion amongst the Board of Trustees favored the signing of the easement agreement with Winterwood Shores. A motion will be prepared for the Monday Regular meeting.

Motion by Treasurer Wilks, second by Trustee Binns, **ADOPTED**, to suspend for open floor comments.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

Audience member, Lisa Schweigert, questioned if the party that threatened to sue the township, Nancy Dunwell, had been contacted recently. Supervisor St. Amour stated that she had not been contacted since receiving the letter dated June 11, 2009.

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to unsuspend from open floor comments.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

2. McMillan Road End Stairway – Supervisor St. Amour stated that the stairway project at McMillan Road End has received final commitment from Alcoa with a grant of \$3000.00, \$1920.00 Fruitland Township donations and 70+ volunteers through Alcoa to complete the project. The timeline for completion of this project is scheduled for October 6, 2011 – October 14, 2011. A motion will be prepared for the Monday Regular meeting to approve the project. Supervisor St. Amour also stated that the draft ordinance proposed by the Citizen’s Advisory Committee for McMillan Road End will need to be reviewed again. Attorney Eklund stated that he had prepared a similar ordinance which he will forward to the Board for their review also. The draft ordinance proposals will be reviewed at the July work session.

NEW BUSINESS –

1. WRLS – Sable Point Lighthouse Keepers Association – The Board of Trustees reviewed the Concession Agreement and is ready to authorize SPLKA to operate its museum gift shop on a portion of the WRLS located at 6199 Murray Road. Supervisor St. Amour stated that item #14 on the agreement will need to be addressed with both our insurance agent and SPLKA’s insurance agent to have both entities covered. A motion will be prepared for the Monday Regular meeting to authorize signature of the Supervisor and Clerk to sign such agreement.
2. Land Conservancy – Sale of Township Land - Supervisor St. Amour stated that in a recent conversation with the West Michigan Land Conservancy, they do not typically buy land that is already available to the public, but after hearing a description of the 400 acres are

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- willing to tour the land. Supervisor St. Amour is to call and schedule a tour date after today's meeting.
3. Insurance Quotes – Supervisor St. Amour stated that the health insurance has been extended with the current vendor Nippon at the increased rate. Two quotes for our liability insurance have been received. Western Insurance Agency and Shoreline Insurance Agency have both quoted. Supervisor St. Amour and Clerk Rillema will review the two documents and recommend by motion at the Monday Regular meeting the agency that best fits our needs.
 4. Tire Disposal – Supervisor St. Amour stated that Dalton Township is no longer accepting tires. Re-Tec Management Service has provided a quote to collect and dispose of scrap tires according to State of Michigan DEQ guidelines at a monthly container rental fee of \$40.00 and tire charge with or without rims of passenger - \$2.50 each, truck - \$10.00 each and tractor - \$20.00 each. A motion will be prepared for the Monday Regular meeting to contract with Re-Tec Management Service.
 5. Resolution 2011-12 – Duplicate Tax Bill Fee & 3% Penalty on Tax – Treasurer Wilks stated that much discussion at her monthly treasurer's meetings has brought forward a resolution to collect for duplicate tax bills and collect 3% penalty on all taxes paid after February 14 and before March 1 of any given year. A motion will be prepared for the Monday Regular meeting to adopt such collection by resolution.
 6. Resolution 2011-13 – Fruitland Township Fee Schedule – Clerk Rillema stated that the fee schedule was updated with all costs and will need to be adopted. A motion will be prepared for the Monday Regular meeting to adopt such fee schedule by resolution.
 7. Brine Schedule & 2nd Brine Request – Supervisor St. Amour stated that the MCRC has delayed the first brining application because of the wet weather. The MCRC is requesting if Fruitland Township would like to participate in a second brining application. Discussion led to a motion to be prepared for the Monday Regular meeting to authorize a second brining at the 26% calcium chloride rate of \$.253 per gallon.
 8. Community Building (Gutter Quotes) – Supervisor St. Amour received two quotes for gutters, screens and downspouts to be placed on the Community Building. A motion will be prepared for the Monday Regular meeting to accept the low quote of \$1057.00 from Affordable Gutters, Inc.
 9. Forestry (Duck Lake Road) – Supervisor St. Amour received a letter from Wilson Forestry with an overview about the forestry management on township property on Duck Lake Road. The Board of Trustees authorized Supervisor St. Amour to request a proposal for such forestry. Supervisor St. Amour will consult with the Parks & Recreation Commission regarding tree removal at the Duck Lake Park.
 10. Board Comments – Clerk Rillema stated that she had met with two payroll firms in the last several months and stated that the firm of Dominion would not be a cost savings but Paychex would enable the township to see some savings. With her frustration with the

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current payroll vendor of ADP not correctly filing reports with the different governing entities, she would like authorization to switch payroll firms. A motion will be prepared for the Monday Regular meeting to authorize the Treasurer and Clerk to switch from ADP to Paychex. Clerk Rillema also stated that the credit card machine in the front office has been returned and that Fruitland Township will no longer be accepting credit card purchases. The monthly fees were costly with no recovery. Clerk Rillema also stated that a motion to authorize payment of the annual dues for the Michigan Township Association would be prepared for the Monday Regular meeting. Trustee Bard stated that she had checked with Montague Township and Whitehall Township and both are current members of the MTA. Trustee Bard also spoke with White River Township regarding how they remove the sand on the north side of the pier. She stated that the City of Montague has jurisdiction over the pier and removes it themselves.

Motion by Treasurer Wilks, second by Trustee Binns, **ADOPTED**, to suspend for a brief recess at 11:55 AM.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

Motion by Trustee Bard, second by Treasurer Wilks, **ADOPTED**, to unsuspend from a recess.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

11. Attorney Counsel (RFP's) – Supervisor St. Amour stated that he requested RFP's for attorney counsel due to frustration on un-timeliness of information and documents and lack of boldness on opinions for board action. The Board of Trustees also talked briefly on their disappointment of such action and reviewed the other three proposals. Two of the three would have a conflict of interest for potential items coming before the Board of Trustees. A motion will be prepared for the Monday Regular meeting to accept the proposal from Even & Franks, PLLC. Supervisor St. Amour will consult with counsel for the March 31, 2011 motion accepting to contract with Robert D. Eklund through fiscal year end March 31, 2012.

ADJOURNMENT:

Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to adjourn the Monday, June 13, 2011 Work Session of the Township of Fruitland at 12:10 PM.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland