

Elk Rapids Township Special Meeting Minutes, December 14, 2021

The special meeting of the Elk Rapids Township Board was held at the Elk Rapids Government Center located at 315 Bridge St. Elk Rapids. The meeting was called to order by Supervisor Amos at 6:00 pm. The meeting was recorded to provide accuracy.

Present: Supervisor Dorance Amos, Clerk Shelley Boisvert, Treasurer Mike Szymanski, Trustee Richard Hults and Trustee Matt Soper

Also Present: B. Derman, B. Muma: Performance Eng., M. Zimmerman: Varnum Law, L. Nix and 14 members signed in as audience.

The meeting was called to order at 6:00 pm by Supervisor Amos who then recused himself because he and his wife Julia own property in this district and may be involved in an easement for the sewer main. The meeting was turned over to M. Szymanski, as acting Supervisor.

Acting Supervisor M. Szymanski opened the 2nd Public Hearing for the Cairn Highway Sanitary Sewer District No. 1.

1. Larry Nix: Introduction

Acting Supervisor Szymanski asked the Board if they had any adjustments they would like to see to the agenda. Hults stated that he thought the engineers should give a short review before we open the hearing to public comment.

Motion/S: Hults/Soper to amend the agenda moving Performance Engineering to #2 on the agenda and public comment to #3. **MOTION APPROVED.**

2. **Performance Engineering: B. Muma** – Summarized the proposed plan to directionally drill forcemain with varying sizes of pipe through the project. He also mentioned that there has been the addition of a very large parcel (Fedrigo) to the district since the project started. Muma stated that their drawing showed that there are two possible routes to get to the plant. One would be to make a connection to the existing Village pipe at the end of Herrman Road or a different route via an easement that would connect back into an existing Township line from the old Sportsman Club property. The scope of the project covers from the southern end of the township all the way up to the northern end, where the Maple Harbor project ended. They are currently proposing to go through an easement to the existing Township line to keep everything within the Township boundaries and the township collection system.

Muma explained the concept of a (REU) residential equivalent unit/single family dwelling. A commercial building may have more use or a site that has multiple rental or living units would be more than one REU.

3. Public Comment:

- R. Gurdak – 8969 Cairn Hwy: Asked about parcels that he did not see on the list.
- A. Brown – Mother's house at 8698 Cairn Hwy: References about PA Act 188
- L. Prentice – 8147 Cairn Hwy: Fairness resolution and proposed water quality committee, WWTP capacity questioned and asked the Township to stop the process.
- B. Redman – 8043 Cairn Hwy: What are we trying to solve? There is no Elk Lake pollution and if there were our small area will not help the whole lake.

3. Public Comment: Continued

- T. Stites – 8056 Cairn Hwy: A democracy is where the majority of the people rule but this is being over-ridden by a minority of people. No justification on why we need a sewer line.
- V. Ban – 8034 Cairn Hwy: Her mother’s home. The special assessment should be determined by majority vote, not by land mass.
- D. Veliquette: 8215 Cairn Hwy - He has not been shown that there is a need for the project, or that the majority of the people want it. We’d be destroying a lot of good drain fields.
- L. Kintz: 14463 Spirea Dr. - What happens if there is a power outage and the electric pump stops working? Muma said if there is no electric then her water well will not work either so there would be no water available to discharge.
- A. Brown: Mother’s house at 8698 Cairn Hwy: What is the guarantee that there won’t be mechanical failures with the pumps or the wastewater treatment plant.
- L. Prentice: 8147 Cairn Hwy- Questioned Muma regarding the WWTP. Why don’t we try to better control or regulate our septic systems instead of installing sewer?
- R. Baker: 8415 Cairn Hwy - He is for the sewer. They live on a beautiful lake. There has been an increase of septic systems on this lake and a lot more year-round residents. It’s hard to know if your septic is failing. Don’t wait until the lake is beyond repair.

L. Nix acknowledged written comments and submittals from the following:

- Letter from Kuhn Rogers (M. McKellar) received 12/13/21: Four major allegations.
 - 1) Failure to provide plans as required by MCL 41.724.
 - 2) Failure to provide costs estimate as required by MCL 41.724.
 - 3) Lack of necessary benefit to the owner’s property.
 - 4) The proposed assessment roll allocation does not fairly apportion the costs.
- Letter from L. Prentice received 12/14/21: Objection to the scope of the district, justification to basing the project on the water quality, lack of benefit to property owners and lack of fairness as proposed on the assessment roll.
- Proposed a Citizen’s committee for water quality.
- Proposing a fairness resolution dated 11/9/2021.

More Public Comment:

- M. McKellar-Kuhn Rogers: He is an attorney representing property owners against the sewer. He said the main issues are the cost. The law provides that the cost associated with it needs to provide a benefit to the person assessed. The value is not near the cost of they system and the cost to connect. He asks that the Township postpone the project and reconsider the assessment roll in a way that would avoid some of these concerns and objections.
- R. Baker: 8415 Cairn Hwy. - The standard for the assessment has been used before.
- L. Prentice: 8147 Cairn Hwy. – Part of this is cost, part of it is the district itself. He got a bid for a connection on the west side to judge cost. That bid came in over \$15,000 for connection, electrical and removing the existing septic tank. There could also be de-watering because of a high-water table. He says cost could be double for people on the west side of the road.

Because there was no more public comment acting supervisor M. Szymanski closed the public hearing at 7:05 pm.

4. **Attorney – Matt Zimmerman:** Zimmerman stated there has been five prior meetings for this subject. Three informational meetings and two public hearings, so there has been plenty of discussion for this project and he believes that the project as designed and the special assessment district as designed satisfies the requirements of Act 188. The information that he has heard from appraisers in this area is that public sewer projects have an immediate and substantial positive impact on property values.
5. **Resolution 2021-18: Confirming Special Assessment Roll. Cairn Highway Sanitary Sewer Special Assessment District No. 1**

Resolution 2021-18 was read aloud by L. Nix.

Motion/S: Hults/Soper to approve Resolution 2021-18. Confirming Special Assessment Roll.
Roll Call Vote: Hults, Soper, Szymanski, Boisvert all voting Yes, 0 No, Amos is recused.
MOTION APPROVED.

Public Comment:

- T. Stites: 8056 Cairn Hwy. - I think it would be fairer to set the district by road frontage.

Meeting Adjourned: 7:20 PM

Shelley Boisvert, Elk Rapids Township Clerk, 231-264-9333
Meeting minutes are subject to approval at the next regular Board Meeting