

Elk Rapids Township Regular Meeting Minutes, June 8, 2021

The regular 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 9:00 am. 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, Chief Williamson, M. Zimmerman (Varnum Law) and 5 members signed in as audience.

1. **Pledge of Allegiance**
2. **Public Comments:** No public comment at this time
3. **Approval of Meeting Agenda: MOTION/S: Hults/Soper** to approve the agenda as presented. **MOTION APPROVED.**
4. **Consent Agenda:**
 - A. May 11, 2021 Meeting Minutes
 - B. May 27, 2021 Special Meeting Minutes
 - C. June 3, 2021 Sewer Informational Mtg Summary
 - D. Zoning Report
 - E. Treasurers Report
 - F. Paying of the Bills: General Fund- \$30,502.44, Fire Fund - \$20,213.8
Twp Sewer Fund - \$27,802.00, Road Fund - \$6,500

MOTION/S: Boisvert/Szymanski to approve all the items on the Consent Agenda. Roll Call Vote: Hults, Soper, Szymanski, Amos and Boisvert all voting Yes, 0 No **MOTION APPROVED.**
5. **Sheriff Report:** Sheriff Bean: Spoke about the Fireworks Ordinance, Staffing and Radios
Commissioner Report: Commissioner Boettcher stated that the County Board lowered their millage this year and he talked about his thoughts for the need of a new Law Enforcement Center for Antrim County.
6. **Ambulance Department:** Report as submitted
7. **Fire Department:** Chief Williamson: As presented.
8. **Secondary Supply Gas Lines:** A letter of support to the Michigan Public Service Commission stating Elk Rapids Township would support the thought of converting an existing gathering pipeline, known as the Cherryland Express to a distribution pipeline in order to provide secondary distribution to our citizens.
9. **Township Sewer:**
 - Special Sewer Meeting Review: Larry Nix provided a summary of the meeting held on June 3rd.
 - Generator Installations w/propane gas tanks: The generator ordered several months ago from North Country Power Generation arrived and was set at the sewer pump station at the old Sportsman Club site. A propane gas tank from Endeavor Ag & Energy was also set. Costs for these were included in the consent agenda.

10. District Library: Island House Property

Before the property ownership issue is addressed, Hults wanted to clearly define that the library is a tenant, not an owner and is a separate entity that is not involved in the property questions that have arisen.

Amos stated that a title search was completed and as of this date, it looks like the Township has 50% ownership of the Island House property, but what that entails or means right now we are not exactly sure.

B. Derman and M. Zimmerman summarized some findings.

- An affidavit signed by Kathern Dexter McCormick in April 1959 (but was recorded in 1961) said that her intention in making the original grant was for the benefit of all people in the general area and she has no objection to the Township being a joint owner of the property with the Village provided it agrees that the property continue to be used for the purposes and subject to the restrictions set forth in the 1948 deed.
- After an election on March 14, 1960, asking if the Village should give the Township 50% interest of the property and the results being “Yes”, on May 9, 1960 the Village deeded 50% interest of the Island House property to the Township. Minutes show that the Township split the costs of the operation and maintenance for the property after that.
- There was another election held in June 1979 asking if the Township should give back it’s 50% interest to the Village. It appears the people voted “Yes” however, at this time, no documentation has been found by the Township nor the Village that shows the property being deeded back to the Village. Also, after that time, there is no record showing the Township sharing costs for that property, but a voted millage may have replaced the cost sharing arrangement.
- We are not sure what agreement happened between the Village and the Township after that last election.
- Zimmerman stated that the Township should have adopted a resolution at their meeting following the election to sell the property back to the Village and based on that another deed should have been drafted for approval, signed by the Township then turned over to the Village for recording.
- Zimmerman also stated that at this stage, the Village may still own everything. The fact that after that election for 40 plus years the Township acted like it does not own the property and the Village for 40 plus years has acted like they alone have owned the property without objection from the Township during that period, maybe that’s sufficient for a court to consider the Village to still own the property. He has not researched that and doesn’t know for sure.
- There may be complications if the present choice was to just Quit Claim the deed back to the Village because of a new law in the 1990’s that essentially states that the only way a Township could sell Township property was if the property was no longer needed for public purposes. The original deed has restrictions that specifically limit the use of that property for public purposes.
- Based on the original deed, and the deed for 50% ownership, the Township cannot tell exactly what was actually described as the property due to there being no recorded surveys and the fact that there have been significant changes in the topography of the whole area.
- The suggestion is to continue to research for more information and to do a survey of the described property.

MOTION/S: Hults/Soper to seek a competent surveyor to do a survey based on the property described on the May 9, 1960 deed to see if they can determine what was actually deeded over at that time at a cost not to exceed \$15,000. Roll Call Vote: Soper, Szymanski, Amos, Boisvert and Hults all voting Yes, 0 No

MOTION APPROVED. Amos will follow up to obtain a surveyor.

11. **Planning Commission:** 3-Year Term: Supervisor Amos recommends the following reappointments:

- Jim Lundy New Term to Expire in August 2024
- Gary Pepler New Term to Expire in August 2024

MOTION/S: Boisvert/Soper to approve the reappointments of Jim Lundy and Gary Pepler to another 3-year term on the Elk Rapids Township Planning Commission. **MOTION APPROVED**

MOTION/S: Hults/Szymanski to appoint Matt Soper to the Planning Commission to replace Aaron Isenhardt. **MOTION APPROVED**

12. **Fire Board Re-Appointments:** 6-year terms: Supervisor Amos recommends the following reappointments to the Fire Board.

- Jim Lundy: New Term to Expire in June 2026
- Gary Gretel New Term to Expire in June 2026

MOTION/S: Soper /Hults to approve the reappointments of Lundy and Gretel to the Fire Board for another 6-year term. **MOTION APPROVED**

13. **Nakwema Trailway:** Project updates on the bike trail from Acme to Charlevoix can be found at nakwematrailway.org. Grading permits and easements will be necessary on parts of the trail and the team is ready to start meeting with property owners to discuss and review available options. Derman requested copies of sample easement documents.

14. **Attorney Report:** As reported

15. **Township Board Announcements and Comments:**

- The contract with Temperature Control for the HVAC updates for the Governmental Center has not been officially closed yet. Hults said that this extends our warranty with them because the warranty starts from the date of completion.
- M. Szymanski, the Township Treasurer, said that he has hired Debbie Husband as his new Deputy Treasurer as of the beginning of this month.
- M. Szymanski also stated that he will be attending a webinar regarding the federal COVID-19 relief funding through the American Rescue Plan.

Adjourned: 11:28 am

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