

Elk Rapids Township
Regular Meeting Minutes, September 11, 2023

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, Trustee Richard Hults, Trustee Matt Soper and Treasurer Mike Weber

Also Present: B. Derman, Chief Williamson, and 4 members signed in as audience.

1. **Pledge of Allegiance**
2. **Public Comments:** None at this time
3. **Approval of Meeting Agenda: MOTION/S: Hults/Boisvert** to approve the agenda as presented. **MOTION APPROVED.**

4. **Consent Agenda:**
 - A. August 14, 2023 Meeting Minutes
 - B. August 23, 2023 Special Meeting Minutes
 - C. Zoning Administrator's Report
 - D. Treasurers Report
 - E. Paying of the Bills: General Fund- \$11,213.25, Fire Fund - \$3,512.25

MOTION/S: Soper/Weber to approve all the items on the Consent Agenda. Roll Call Vote: Hults, Soper, Amos, Boisvert and Weber all voting Yes, 0 No **MOTION APPROVED.**

5. **Sheriff/Commissioner Report:** B Hefferan: Update on the County Building construction. Also mentioned was the upcoming meeting on September 28th held by Drain Commissioner Leslie Meyers regarding a Hydro Expansion Study Report.

6. **Ambulance Department:** MMR – Report as submitted
7. **Fire Department:** Chief Williamson: Report as presented.
 - An old ambulance was sold
 - Williamson will be a part of a program in Grand Traver County for car seat inspections.
 - The Fire Board tentatively approved the purchase of a new tanker. More study on this will take place during the month. It may come back to the Township Board next month.
 - The Fire Dept. was approved for a \$10,000 grant from the State.

8. **Village Manager: J. Matthews:** Matthews talked about the spill-way here in Elk Rapids and said he was going to attend the upcoming meeting to be held at the County facility by Drain Commissioner Leslie Meyers. He plans to hire an engineer to come and look at the Dam and the spill-way.

9. **HERTHA:** No discussion at this time.

10. **Township Sewer:**

Sewer Bills: Total:

 - Sewer O/M Bill – Matt's Underground: Invoice 7954 - \$5,222.31
 - Sewer O/M Bill – Matt's Underground: Invoice 7438 - \$3,053.85
 - Construction Acct – B. Derman Law: \$1,800.00

MOTION/S: Soper/Weber to approve the Sewer Bills listed above: Roll Call Vote: Soper, Weber, Amos, Boisvert and Hults all voting Yes, 0 No **MOTION APPROVED.**

11. **Attorney's Report:** As part of his report, Derman read a statement of the Township Board, regarding the Carin Hwy Sewer District No. 1 Tax Tribunal Case.
In January, 2022, a group of petitioners appealed the approved assessment roll. The petitioners questioned the legality of the special assessment district. Two separate questions, 1) *did the Township comply with the legal requirements in confirming the special assessment roll*, 2) *was the amount of the special assessment proportionate to the value added to the parcels*.

In July, 2023 the Tax Tribunal issued a final opinion confirming that the special assessment district complied with the law. That answered the first question of the appeal and left question 2) *was the amount of the special assessment proportionate to the value added to the parcels*. The Township Board feels strongly that all tax payers deserve to be respected and treated equally. To deliver on that responsibility, the Township Board believed that the Board could not give in to that kind of pressure and costs from a dissatisfied minority. The Township continued to defend itself in this appeal rather than agreeing to any resolution that would provide the appealing petitioners with a benefit not received by those in the district who did not appeal. In the end, the parties jointly agreed to the withdraw of the appeals, and the petitioners agreed to comply with the requirements of the special assessment district.

A full copy of the statement read is attached to these meeting minutes.

More discussion about the Drain Commissioner's upcoming meeting and the spill-way.
Village Manager Matthews spoke again regarding possible funding and ideas and alternatives for the spill-way. More to come on this subject.

Hults spoke to the statement that Derman read about the Cairn Highway Tax Tribunal case, mentioning that the Township Board followed all requirements of the State law and our ordinances, brought the job in under budget and under the amount we had financed, however, due to the minority petitioner causing us to react, we have had to spend excessive amounts of money and deplete that budget and possibly exceeded that budget and he thinks that people in the sewer district need to know that money spent out of the sewer district could possibly have been refunded to them, should we have had excess money. That could not happen due to these petitioners. He wanted the public to understand that. Soper stated that it was sewer district money that just went away and it was unfortunate.

12. **Township Board Announcements and Correspondence:**

- Village Updates: L. Shumate
- Orchard View Condos: Road Escrow Acct: \$583.60 to come out of the escrow account to pay invoice 13502 for Performance Engineering.
- Early Voting & Upcoming Elections: S. Boisvert: Proposal 2022-2 requires municipalities to have at least one early voting site for nine (9) days prior to the election for statewide and federal elections. This will start with the Presidential Primary in February. Boisvert stated that we will set up early voting polls here at the governmental center but there is a lot of information yet to come.

Adjourned: 10:03 am

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

Statement of the Township Board

After two (2) years of exploration, discussion and public meetings and hearings, the Township confirmed the Cairn Highway Sanitary Sewer Special Assessment District Number 1 Assessment Roll in December 2021. In January of 2022, a group of petitioners, all represented by the same counsel, appealed that assessment roll. The details of the petitions and the Township's response thereto are public record and can be reviewed. Suffice it to say, that the appealing petitioners questioned the legality of the special assessment. The appeals involved two separate questions: (1) did the Township comply with legal requirements in confirming the special assessment roll, and (2) was the amount of the special assessment proportionate to the value added to the parcels.

Throughout this process, the Township believed, continues to believe and holds strong to its conviction that all procedures followed were firmly rooted in the law. The Township both hired one of the most respected firms in the State to guide it through the process and followed all legal guidance received. So, we were not surprised when the Township's belief in its own compliance with the law was affirmed by the Tribunal. On July 11, 2023, the Tax Tribunal issued a Final Opinion and Order holding that the Township's process confirming the special assessment district complied with the law. As such, the first question at issue in the appeals was soundly answered in the Township's favor.

This left the Tribunal and the parties with one question: was the amount of the special assessment proportionate to the value added to the parcels? The Township Board feels strongly that all taxpayers deserve to be respected and treated equally. To deliver on that responsibility the Township Board believed and believes that it cannot succumb to undue pressure or costs from a dissatisfied minority. In establishing the Cairn Highway Sanitary Sewer Special Assessment District Number 1, the Township believed that it is in the best interest of all residents of the Township to protect the Township's water, including Elk Lake. While it is true that some residents in the district were more urgently in need of this public sanitary sewer system than others, the Township believes that the existence of this public sanitary sewer benefits all members of the district. As such, the Township continued to defend itself in these appeals rather than agreeing to any resolution that provide the appealing petitioners with a benefit not received by those in the district who did not appeal.

In the end, the parties jointly agreed to the withdraw of the appeals, and the petitioners agreed to comply with the requirements of the special assessment district. While it is an unfortunate truth that a disgruntled minority can and did cause the Township to spend money on the defense of these appeals, the Township Board is affirmed in its dedication to ensure that it complies with the law and treats all residents fairly.