

REGULAR MEETING
August 22, 2023

PERE MARQUETTE CHARTER TOWNSHIP BOARD
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Gerald Bleau; Clerk Rachelle Enbody; Treasurer Karie Bleau; Trustees: Andrew Kmetz, James Nordlund, Sr., Henry Rasmussen, and Ronald Soberalski.

Board member(s) absent: No members were absent.

Also present: Dave Bossick (Ludington Daily News) and numerous guests.

The meeting was called to order at 6:00 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: **Moved** by Nordlund, seconded by Soberalski to approve the minutes of the August 8, 2023 regular meeting as presented.

Motion carried.

PUBLIC COMMENT: Public comment was held.

APPROVAL OF AGENDA: **Moved** by Kmetz, seconded by Enbody to approve the agenda as presented.

Motion carried.

NEW BUSINESS: A. **Consider Interlocal Agreement for Recreation Programs & Services** – Board members reviewed the proposed agreement. There were several questions raised regarding the agreement:

- What is the cost per participant and should the participation fee be included in the Agreement?
- What month is the Township expected to provide payment?
- Clarification of the sentence regarding the Compensation Review “to be provided no later than before the prior recreational program season” – should this be “subsequent” or “current”, rather than “prior”?
- Suggestion to remove the word “upwards” in Item 3 b. “The parties can agree to approve the budget and adjust their payments ~~upwards~~ to more equitably share in the costs.”
- Does the Agreement begin with 2023 and if so, should the amount be pro-rated?
- Does the Agreement cover a calendar year (Jan 1 to Dec 31), a school fiscal year (July 1 to June 30), or another date range?

Moved by Nordlund, seconded by Soberalski, to refer the agreement back to the City of Ludington for clarification.

Motion carried.

B. **Consider Township MS Office G3 Upgrade Quote from VC3** – Board members reviewed the quote received from VC3 to upgrade the Microsoft Office plan to a government plan. The current Microsoft Office 2013 and 2016 versions will no longer be supported and IT Right / VC3 is recommending the upgrade. The quote of \$5,016.00 is for an annual subscription for nineteen accounts (one account per employee computer/email) at \$264.00 per account. The government (G3) plan offers higher security and privacy, complies with government regulations, and offers a dedicated US government cloud infrastructure, providing a secure and reliable platform for government organizations.

Moved by Kmetz, seconded by Enbody to approve the quote from VC3 to upgrade the Microsoft Office Exchange Plan to a Microsoft Office 365 G3 Government Plan.

Motion carried.

C. **Consider Improvements on Orchard Ave. and Terri Court** – Board members reviewed a proposal from the Mason County Road Commission for improvements on Orchard Ave. and Terri Court in the Linlook subdivision. The improvements would consist of approximately 120 lineal feet of HMA lip gutter and approximately 150 feet of earthen berm in order to help to prevent rainwater from flooding a residential property within the subdivision. The Township has attempted prior resolutions to the flooding issue including removal of sand from the right-of-way and installation of a drain basin and a geo-grid system with the responsibility for ongoing maintenance being in question as the Mason County Road Commission is responsible for road right-of-way.

Moved by Nordlund, seconded by Soberalski to refer the issue back to the Mason County Road Commission to provide and to fund a solution to the flooding problem in the Linlook Park subdivision.

Motion carried.

D. Consider Easement for Electric Facilities with Consumers Energy – Consumers Energy is requesting an Easement for Electric Facilities to construct, operate maintain, inspect, survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities on a portion of land known as the Pere Marquette River Access at 1107 S. Pere Marquette Highway. Consumers Energy has agreed to pay the Township \$1.00 in consideration for the easement.

Easement for Electric Facilities:

Parcel ID: 53-010-023-400-008-02

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 23 AND THE SOUTHWEST ¼ OF SECTION 24, T.18 N. – R.18 W., PERE MARQUETTE TOWNSHIP, MASON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: TO FIX THE POINT OF BEGINNING, COMMENCE AT WEST ¼ CORNER OF SAID SECTION 24; THENCE S.870-56'-01"E., ON THE EAST & WEST ¼ LINE, 750.36 FEET TO AN IRON IN A MONUMENT BOX AND THE CENTERLINE OF PERE MARQUETTE HIGHWAY; THENCE S.050-22'-45"W., ON SAID CENTERLINE, 1145.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ON SAID CENTERLINE, S.050-25'-19"W., 742.30 FEET TO A POINT ON A 57295.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY, ON THE ARC OF SAID CURVE, 683.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S.050-04'-49"W., 683.31 FEET; THENCE CONTINUING ON SAID CENTERLINE, S.040-44'-19"W., 828.00 FEET TO A POINT ON A SURVEY TRAVERSE LINE RUNNING ALONG THE NORTHERLY BANK OF PERE MARQUETTE RIVER, SAID TRAVERSE LINE IS FOR SURVEYING PURPOSES ONLY AND IT IS THE INTENTION OF THIS DESCRIPTION TO INCLUDE ALL LAND TO THE WATER'S EDGE OF SAID PERE MARQUETTE RIVER; THENCE N.570-51'-24"W., CONTINUING ON SAID TRAVERSE LINE, 108.99 FEET; THENCE N.130-55'-01"W., CONTINUING ON SAID TRAVERSE LINE, 240.22 FEET; THENCE N.670-25'-09"W., CONTINUING ON SAID TRAVERSE LINE, 539.02 FEET; THENCE S.750-48'-58"W., CONTINUING ON SAID TRAVERSE LINE, 162.75 FEET; THENCE S.870-26'-00"W., CONTINUING ON SAID TRAVERSE LINE, 129.86 FEET; THENCE N.550-18'-56"W., CONTINUING ON SAID TRAVERSE LINE, 458.77 FEET; THENCE N.120-51'-05"W., CONTINUING ON SAID TRAVERSE LINE, 108.21 FEET; THENCE N.700-22'-45"W., CONTINUING ON SAID TRAVERSE LINE, 591.74 FEET; THENCE N.130-26'-30"E., 74.98 FEET; THENCE S.740-40'-40"E., 327.04 FEET; THENCE S.700-04'-13"E., 324.16 FEET; THENCE N.330-32'-47"E., 1001.79 FEET; THENCE S.580-20'-02"E., 307.88 FEET; THENCE S.540-37'-07"E., 431.81 FEET; THENCE N.050-15'-47"E., 828.54 FEET TO A POINT ON A 1399.68 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHEASTERLY, ON THE ARC OF SAID CURVE, 113.77 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N.650-17'-16"E., 113.74 FEET; THENCE N.630-00'-57"E., 121.64 FEET TO THE POINT OF BEGINNING, CONTAINING 36.13 ACRES OF LAND TO SAID SURVEY TRAVERSE LINE AND 37.1 ACRES, MORE OR LESS, TO SAID WATER'S EDGE OF THE PERE MARQUETTE RIVER, AND SUBJECT TO HIGHWAY USE OF THE EAST 60.00 FEET THEREOF, AND SUBJECT TO AN EASEMENT FOR INGRESS & EGRESS DESCRIBED IN RECORDED DOCUMENT 2009R04375, DESCRIBED AS A 30.00 FOOT WIDE INGRESS & EGRESS EASEMENT, BEING 15 FEET ON EITHER SIDE OF A CENTERLINE WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST ¼ CORNER OF SECTION 24, T.18 N. – R.18 W., PERE MARQUETTE TOWNSHIP, MASON COUNTY, MICHIGAN, THENCE S.890-22'-53"E., ALONG THE EAST & WEST ¼ LINE OF SAID SECTION 24, 750.36 FEET TO THE CENTERLINE OF PERE MARQUETTE HIGHWAY; THENCE S.030-55'-53"W., ALONG SAID CENTERLINE OF PERE MARQUETTE HIGHWAY, 1144.09 FEET; THENCE S.030-58'-27"W. ALONG SAID CENTERLINE OF PERE MARQUETTE HIGHWAY, 743.32 FEET TO A CURVE TO THE LEFT, WHOSE RADIUS IS 57295.00 FEET, WITH A LONG CHORD BEARING AND DISTANCE OF S.030-50'-58"W., 249.57 FEET; THENCE ALONG SAID CENTERLINE AND CURVE TO THE LEFT, 249.57 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT; THENCE N.630-56'-13"W., ALONG SAID EASEMENT CENTERLINE, 217.78 FEET; THENCE N.650-53'-16"W., ALONG SAID EASEMENT CENTERLINE, 72.52 FEET; THENCE N.590-40'-03"W., ALONG SAID EASEMENT CENTERLINE, 96.70 FEET; THENCE N.550-22'-31"W., ALONG SAID EASEMENT CENTERLINE, 96.34 FEET; THENCE N.580-38'-36"W., ALONG SAID EASEMENT CENTERLINE, 290.18 FEET TO A CURVE TO THE LEFT, WHOSE RADIUS IS 2362.15 FEET, WITH A LONG CHORD BEARING AND DISTANCE OF N.620-15'-58"W., 282.63 FEET; THENCE ALONG SAID EASEMENT CENTERLINE AND CURVE TO THE LEFT, 282.80 FEET; THENCE N.670-36'-32"W., ALONG SAID EASEMENT CENTERLINE, 109.30 FEET TO A CURVE TO THE LEFT, WHOSE RADIUS IS 1114.86 FEET, WITH A LONG CHORD BEARING AND DISTANCE OF N.740-08'-28"W., 209.28 FEET; THENCE ALONG SAID EASEMENT CENTERLINE AND CURVE TO THE LEFT 209.59 FEET; THENCE N.820-06'-29"W., 96.42 FEET TO A CURVE TO THE RIGHT, WHOSE RADIUS IS 1024.59 FEET, WITH A LONG CHORD BEARING AND DISTANCE OF N.770-05'-25"W., 265.70 FEET; THENCE ALONG SAID EASEMENT CENTERLINE AND CURVE TO THE RIGHT, 266.45 FEET; THENCE N.710-11'-18"W., ALONG SAID EASEMENT CENTERLINE, 81.54 FEET TO A CURVE TO THE LEFT, WHOSE RADIUS IS 747.30 FEET, WITH A LONG CHORD BEARING AND DISTANCE OF N.750-42'-53"W., 89.51 FEET; THENCE ALONG SAID EASEMENT CENTERLINE AND CURVE TO THE LEFT, 89.56 FEET TO THE POINT OF ENDING OF THIS EASEMENT.

Moved by G. Bleau, seconded by Nordlund to approve the permanent Easement for Electric Facilities between the Township and Consumers Energy Company and to authorize the Supervisor to sign the Easement Agreement on behalf of the Township.

Motion carried.

COMMITTEE OF THE WHOLE: **Moved** by Kmetz, seconded by Soberalski to move into Committee of the Whole at 6:30 p.m. Motion carried. Various topics discussed with no action taken:

Kmetz read the following statement:

I have been a township trustee for approximately 12 years, in that time we have had 3 Supervisors, 3 Treasurers and various trustees. Never in this time have I witnessed anything resembling the current issues that face this board. The residents come to these meetings and ask questions that go unanswered, when a board member asks a question or makes a statement it is often times received with contempt or just ignored. How hard would it be to have 7 microphones so we do not have to share and the public can hear what we say? How hard is it to answer questions? If not at this meeting these could be addressed under unfinished business at the next if research is needed, but questions by the public need to be addressed. The sending of cease and desist letters to some of the people here who exercise their right to public comment is bad enough, but including 2 of the board members seems to be an attempt to stifle dissent and discussion. Frivolous FOIA requests that will cost the township considerable time and money have been filed, again by the Treasurer without regard to the damage this will do to Township resources. Recall petitions were filed against 2 of the board members by the Treasurer. These recalls seem to be another attempt to silence and disrupt the function of this board. I believe recall is the right of the citizens and should not be used by board members against board members. I strongly urge, that if these petitions make it to the public that no one sign them and we as a board can get back to the business we were elected to do. I used to come to these meeting leaving with a sense of accomplishment. This current situation is a reflection on the whole board and just seems to keep getting worse. Cut the BS, get back to work and let's get something done that will continue to support the high standards this board stood for in the past and must continue to do in the future.

G. Bleau stated he was informed that Soberalski circulated recall petitions for G. Bleau and K. Bleau and questioned Soberalski about his role in the circulation of the recall petitions. Soberalski stated he was in the car with the circulator but that he did not circulate any of the petitions.

Soberalski thanked Kmetz for his statement and stated he is concerned about communication issues. He added that with the many projects going on in Township parks he is concerned that the Parks Committee has only met once this year.

Nordlund requested that the Board go back to requiring the department heads to attend board meetings once a month in order to allow the Board to remain informed of ongoing activities in each department.

Soberalski stated he has heard that there are change orders that have been submitted for the River Access Project. Soberalski feels that the progress reports are not enough and that as a member of the Parks Committee, he should be able to be more involved in the project. G. Bleau informed Soberalski that he could request a Parks Committee meeting. G. Bleau clarified that two change orders have been submitted – one change order was due to a water line that was overlooked from the restroom building to the fish cleaning station and one change order was due to a grading/parking adjustment design error with the total change orders amounting to \$807.58.

Moved by G. Bleau, seconded by Kmetz to return to regular session at 6:45 p.m. Motion carried.

ANNOUNCEMENTS: Rasmussen requested permission to attend the Michigan Townships Association Professional Development Retreat in Harbor Springs on October 3rd and 4th.

Moved by Rasmussen, seconded by Soberalski to approve registration for Rasmussen for the 2023 MTA Professional Development Retreat for Trustees.

Motion carried.

EXTENDED PUBLIC COMMENT: Public comment was held.

ADJOURNMENT: **Moved** by Nordlund, seconded by Kmetz to adjourn the meeting at 7:00 p.m. Motion carried.