

**Town Board Meeting
November 27, 2018 7:00 pm
Township Hall
Regular Meeting
Minutes**

1. **Call to Order** by Manigold at 7:01 pm

2. **Pledge**

3. **Roll Call** Present: Wunsch, Achorn, Westphal, Manigold, Bickle, Wahl, Sanger

4. **Approve Agenda** Manigold asked if there were any changes to tonight's agenda.

Westphal asked to move the Fred Bimber correspondence to the Business section of the agenda. Manigold renumbered the Business items to identify Fred Bimber correspondence to Item #8d.

Achorn asked to move the Grand Traverse Road Commission correspondence to the Business agenda. Manigold renumbered the Business items to identify the GT Road Commission correspondence to Item #8e.

The Closed Session invoking Attorney-Client privilege was moved to Item#8f. in the Business agenda.
Bickle moved to approve the agenda; Wunsch seconded. Voice vote.

Passed unam

5. **Brief Citizen Comments – for items not on the Agenda** None.

6. **Conflict of Interest** None.

7. **Consent Agenda**

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

- a. Reports and Announcements (as provided in packet)

1. Officers—none
2. Departmental—Code Enforcement, Township Deputy, Library Report (as submitted in packet)

- b. Correspondence (as provided in packet)

- c. Invoices and payroll Bickle requested that conditional approval of the invoices occur until the Treasurer's office has sufficient time to review the new deputy clerk's invoicing for accuracy.

- d. Authorize signage for the Old Mission Women's Club cookie sale

- e. Approve Wolstano Paniagua, new cadet on the Fire Department roster

Motion to accept the consent agenda with conditional approval of invoices; second by Westphal. Roll call:
Manigold-Yes; Westphal-Yes; Achorn-Yes; Wunsch-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes. **7 Ayes;0 Nays**

8. Business

- a. **Approve Township Annual Insurance Benefits for staff and full-time fire fighters.**

Bickle reviewed the annual insurance benefits for staff and full-time fire fighters by addressing the options that are available to the Township for insurance coverage (health and Life insurance). He noted that this year's premium increased only 3.94% from last year, down 4% from last year's premium increase. Several options were offered, and it is recommended to stay with the current option—Option 1. This is a continuation of the current health care coverage. Westphal asked

Sanger moved to renew the Township's current plan; Wunsch seconded. Discussion. Westphal asked if there was any discussion during the meeting with the staff and Peterson-McGregor on the conditions and/or percentages paid by the Township versus the staff for the health insurance. Bickle replied there was not.

Roll call: Bickle-Yes; Wahl-Yes; Sanger-Yes; Wunsch-Yes; Achorn-Yes; Westphal-Yes; Manigold-Yes

7 Ayes;0 Nays

b. Payment of Township Attorney Meihn for special investigation

Manigold presented a bill for \$2000.00 for the special investigation conducted by Attorney Meihn on the Clerk's complaint. Westphal raised the question about whether the current contract with Meihn for \$42000.00/year should cover the investigation. She passed out a contract from Meihn with Foley&Mansfield letterhead, dated January 5, 2018, relating to Meihn's proposed contractual service to the Township as its general counsel attorney; it was unsigned. Bickle said there was a two page contract that covered 3 years and was sent to the Board for approval at about the same time. Westphal stated that earlier in the day she asked Susan Piehl to search the minutes, agendas, and packets for the Town Board on the website, but only this contract came up. She also talked to Meihn via the telephone about the contract earlier in the day, and he said that he has never received a signed copy of either the one or three year contract from Manigold. Bickle offered to go to his office and secure a copy of the contract and to reproduce it for the Board. Manigold said he just sent a copy of the contract to the Board via email before the meeting. Westphal said there are no contracts from Foley & Mansfield in the Clerk's office right now. Bickle excused himself from the meeting. A short recess then followed.

Upon his return, Bickle distributed the multi-page contract between the Township and Mr. Meihn, for his legal services. This contract was initially to extend from January 1, 2018 to December 31, 2018 (page one); but a follow up email with a second contract to extend over a three year period, was dated January 9, 2018.

Wunsch moved that the Board resume the meeting; Wahl seconded. Voice vote.

Passed unam

Manigold read parts of the contract, and states that it was approved at the January 9, 2018 meeting as Item #2 in the minutes for that meeting. Wahl/Bickle moved and seconded. It was passed by unanimous vote.

Westphal read the terms of the contract verbatim. "...the proposal is all inclusive of all Peninsula Township matters. The only additional expense to be paid by the Township would be any filing fees and litigation costs (such as deposition transcripts). The proposal is all inclusive as to attorneys' fees." Westphal states that it is for this reason that she cannot support payment of the additional invoice provided by Mr. Meihn for the complaint investigation. Discussion follows on whether the legal services were for General Township matters or not. Achorn states that Meihn has provided additional invoices outside of "all inclusive" for legal fees associated with land division activities. Westphal stated she has not seen this in writing anywhere and it is not documented in the Clerk's office. Other Town Board members provided their views on the invoice and the contract.

Sanger moves that the Board approve the invoice for Meihn's services of \$2000.00; Wunsch seconds. Roll call vote: Warren—Yes; Westphal-No; Sanger-Yes and asks that the contract be more clearly defined; Achorn-Yes; Wunsch-Yes; Manigold-Yes; Bickle-Yes

6 yes-1 no

c. Approve Weatherholt Purchase of Development Easement and Payment

Laura Rigan from the Regional Land Conservancy stated that the date for signing the Purchase of Development Easement is scheduled for December 6, 2018. Bickle said the funds are readily available. Achorn asks about "useful life of the property not to be less than 15 years" in the resolution but the easement states that it will be "held in perpetuity" in open space or agricultural use in several other areas of the text. Rigan directed the Board to check with Meihn on the wording differences in the contract. Westphal asked who did the appraisal and what properties were used to compare land values. Rigan directed the Board to the abbreviated appraisal document in their packet. Manigold asked if there were any other questions; he suggested tabling the item until Meihn comes in. He stated that he thought there might be a change in the Resolution language as well. This caused Westphal to suggest that maybe the vote should be postponed to the next meeting. Manigold indicated that he would like a vote tonight.

Bickle moves to table the item; Wunsch supports. Voice vote.

Passed unam

d. Review Fredrick Bimber letter to the Town Board concerning the Bonobo Land Split and Road Easement.

Westphal reviewed the circumstances surrounding the letter and accompanying documentation. She stated that at the October 11, 2018 Special Town Board meeting, Dave Edmondson presented his position that having Township staff do the Purchase of Development Rights compliance monitoring presented a conflict of interest. Attorney Fred Bimber reviewed documents that supported Edmondson's position by outlining an alleged conflict of interest that was missed by PDR compliance review teams over the past 4 years, composed of present or former township employees. Manigold and Meihn requested that Bimber send the Board the documentation that he discussed at that meeting.

Westphal asked the Board if they read the correspondence and understood it. Achorn asked why the material was included in the Board packet under correspondence. Westphal stated that Manigold requested that Mr. Bimber send the materials that he discussed at the meeting for further Board consideration; this material was accompanied by correspondence addressed to the Board. There was no request for confidentiality at the October 11, 2018 meeting. Achorn thought the Board needed guidance from the attorney in how to read it. Bickle agreed. Manigold said that Mr. Bimber did what we asked him to do. It came in as correspondence so everyone could read it. Manigold said that he distributed it to Meihn, the Bonobo people, Campbell, Santucci and their attorneys to look at it. He thought it should be on the agenda for next month's meeting as a discussion item which allow the other attorneys to come in and discuss it.

The Board decided to table the discussion to the next meeting in December. Achorn moved; Bickle seconded. Voice vote.

Passed unam

e. ***Discussion of the Grand Traverse Road Commission correspondence affecting Haserot Beach***

Manigold turned the discussion over to Achorn who requested that this correspondence be placed as a business item on the agenda. Achorn questioned why a funding request was in correspondence, and she thought it needs more explanation about it. Manigold stated that the Road Commission had contacted him about having the paving markings and signage placed in the Haserot Beach area. This was on short notice because the Road Commission had the special truck on-site, and it could do the work that was requested earlier in the year. Manigold told the commissioner that he could authorize up to \$1000.00 without Board approval. Wunsch worked with neighbors in the area to help cover the added costs; the project went forward. Manigold stated it was a substantial improvement to the safety of the area.

The Board Adjourned for ten minutes while they waited for Meihn to arrive. Moved by Bickle; seconded by Wunsch. Voice vote.

Passed unam

Upon Meihn's arrival, the Board came back into session. Moved by Bickle; seconded by Wunsch. Voice Vote.

Passed unam

Manigold asked Attorney Meihn if he had made any changes to the Weatherholt Purchase of Development resolution. He said no. Manigold asked the Board for a motion to approve the resolution. Bickle moved to approve the Weatherholt Purchase of Development Rights Easement and Payment; Wunsch seconded. Roll Call. Wunsch-Yes; Achorn-Yes; Wahl-Yes; Sanger-Yes; Bickle-Yes; Westphal-Yes; Manigold-Yes.

7 yes; 0 No

9. Citizen Comments

Before going into closed session, the floor was opened for Public Comments.

Nancy Heller, 3091 Blue Water Road, asked for clarification on what the "consent agenda" is and what does it mean?

Sally Akerley, Township Assessor, requested as an agenda item for the next Town Board meeting, a review of the FOIA costs associated with the gathering of 42 documents from the Clerk's office, which took almost 4 hours to complete. She would like to place this request on the next Town Board business agenda.

8f. Closed session

Bickle moved to have the Board go into closed session; Wunsch seconded. Roll Call. Marge-Yes; Westphal-Yes; Manigold-Yes; Bickle-Yes; Wahl-Yes; Sanger-Yes; Wunsch-Yes.

7 yes; 0 no

(CLOSED SESSION)

Closed session pursuant to MCL 15.268(e) for discussion with Attorney Meihn representing the Township in matters relating to litigation and personnel issues

(OPEN SESSION)

The Board came out of closed session. Moved by Bickle; seconded by Wunsch. Roll call. Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-Yes; Achorn-Yes; Wunsch-Yes.

Sanger moved that the Township Attorney Meihn should follow through on the Gardnick litigation; second by Wunsch. Roll call. Bickle-Yes; Manigold-Yes; Westphal-Yes; Achorn-Yes; Wunsch-Yes; Sanger-Yes; Wahl-Yes.

7 yes; 0 no

Wunsch moved that Tim Wilhelm be retained in the Civil Law Suit with the 81 litigation; Bickle seconds.

Roll call. Manigold-Yes; Westphal-Yes; Achorn-Yes; Wunsch-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes.

7 Ayes:0 Nays

10. Board Comments Manigold stated that the union negotiations are on-going and should be concluded shortly. Westphal stated that MTA has advised her that she needs to retain her office presence until December 31, 2018, the date of her resignation.

11. Adjournment

At 9:00 pm, Wahl moved to adjourn; Bickle seconded. Voice Vote.

Passed unam

Respectfully submitted,

Joanne Westphal, Clerk

This meeting was video recorded on Stream Spot. Contact the Office Manager (231-223-7322) for a copy of the video.