

**Town Board Meeting  
December 11, 2018, 7:00 pm  
Township Hall  
Minutes**

1. **Call to Order** by Manigold at 7:00
2. **Pledge** led by Manigold
3. **Roll Call** Present: Manigold, Bickle, Sanger, Wunsch, Achorn, Westphal
4. **Brief Citizen Comments (for items not on the agenda)**

Nancy R. Heller, 3091 Blue Water Road, requests that, like the sheriff's department, the fire department provide a regular report so that residents can have an idea of the actual number of fire and ambulance responses. The fire chief said that, yes, he can provide this. Bickle mentioned there's a chart showing EMT and fire runs.

5. **Approve Agenda**

Manigold explained that attorney Meihn had a death in the family and couldn't be present; he said Meihn asked that the closed session be removed from tonight's agenda and hopefully rescheduled to a Monday.

Manigold asked to put as number four that the park commission be extended to the end of the fiscal year, April 1, 2019.

There were no other corrections or additions. Wunsch moved to approve the agenda as amended; Bickle seconded that.

6. **Conflict of Interest** None
7. **Consent Agenda**

Bickle recommended that the board give conditional approval to the edit list of invoices. He explained that a few items needed to be reclassified and identified correctly.

Westphal had two questions for the treasurer's report. First question was tied to the MI Department of Natural Resources grant application rankings. The Town Board had agreed to use \$300,000 of the cable fund for a match for that grant. Since it is unlikely that we will get the grant because we are at the bottom of the application on p. 9, does the \$777,807.17 reflect that 300,000? Bickle said no because those monies are intact and will remain intact. Westphal asked about tax collection, line 703; is there a limit that the township can collect before money needs to be disbursed back to the residents? Bickle said there is no limit to what the township can collect. Millages are specific to each season and are disbursed to those taxing units; nothing goes back to the residents. Manigold said there is a ceiling, but Bickle said Peninsula Township is well below it because of our base, population-wise and tax-base-wise. Wunsch commented that if a unit of government is sitting on 100% of annual expenditures for a budget cycle, it can trigger a review from the MI Department of Treasury. Bickle agreed, then reiterated that these checks haven't been recorded yet; that's why it looks like we have a bunch of money. He

explained that the township collects a lot of money, but most goes to the county. Bickle said it is time to get an article in the newsletter explaining this.

Manigold asked for approval. Wunsch offered a motion for approval for the consent agenda. He also asked for more explanation further down the road for why we landed so low on the grant application. Bickle seconded the motion.

Roll call. Wunsch-Yes; Achorn-Yes; Westphal-Yes; Manigold-Yes; Bickle-Yes; Sanger-Yes. **6-Yes; 0-No**

Manigold said he will ask Jennifer to get something out explaining the grant. He explained that we did a number of things to get our points up on the application. Mielnik said the DNR has different priorities each year and ranks these applications, and we came in towards the bottom, but each year the priorities shift. We could have added more money to the proposed projects and made other adjustments but what we did wasn't enough to get us into the funding range. He believes this might be a lesson for next year to make stronger applications.

## **8. Business**

### ***1. Presentation of Awards to the Planning Commission and Zoning Board of Appeals (Manigold)***

Manigold made a presentation of awards to outgoing members of the Planning Commission and Zoning Board of Appeals. He gave credit to Susan Piehl for making the awards. First award went to Matt Cowell for nine years of service on the ZBA. Second award went to Marilyn Elliott, who resigned from the Planning Commission because she works for the treasurer's office. Laura Serocki of the Planning Commission was recognized for six years of service, but could not be present this evening to receive her award. Rick Vida received an award for his time on the Zoning Board of Appeals for many years of service on the Board as member and chair.

### ***2. Public Hearing of Brys Estate (Winery-Chateau), Amendment 4, Special Use Permit 115.***

Mielnik led the discussion; he stated that only a relatively small change to the plans occurred and he provided larger drawings for ease of understanding.

Walter Brys, 3309 Blue Water Road, came forward and requested board approval of the amendment which entailed a minor change to the SUP #115. He is requesting to expand by 1,005 square feet the existing outdoor deck area which was previously approved by the Board under SUP#115, Amendment 2, in April of 2014. He explained that this is an expansion to that existing structure. No changes are requested to the interior of the building spaces or square footage; this is exclusively an outdoor decking area. He also explained that Brys Estate will continue to exceed the minimum acreage requirement for Ag zoning, which is above the 75% required per existing zoning language. He explained that no change is needed to existing parking facilities because there are no changes to the interior of buildings or square footages and all codes are met. Assuming approval, the plans will be used by a contractor who will submit

them to Grand Traverse County Construction Code for review and approval. A letter from Peninsula Fire Chief Fred Gilstorff approved the design of the project although he wants to see it once it is built and validate that Brys has proper fire protection devices on the deck. Finally, Walter Brys explained that the total square footage with the new deck will still be smaller than other existing winery/chateau decks and that it uses the same materials as the existing deck. He clarified that there are no outdoor lighting proposed so they will not be lighting up the skies.

Manigold opened up the public hearing and asked if there were any questions. There were none so he closed the public hearing and opened it up to questions from the Board. Westphal asked what the total square footage would be. Brys said it would be L-shaped and that the total size would approach 2,900 square feet. Wunsch said this moved through the planning commission in one meeting as a substantially complete application. He had a procedural question: he wondered whether this might set a precedent for SUP amendments in the future and said the planning commission would like clarity on that moving forward. He asked where the board might like to see more scrutiny? Bickle said use common sense and Wunsch said from a legal defensibility standpoint that it might be helpful to have some definition. Mielnik said would be helpful if there were language in the code that constituted something small versus something that constituted full scrutiny of the SUP process. Manigold brought up the conditions for approval on p. 14. Mielnik confirmed that the conditions for approval were all spelled out and the proposal moved through the planning commission readily. Westphal observed that when the township went through the library review and held it up for an extra week, it really had to do with whether or not all the boxes were checked on the procedure. Regardless of the size of the project, Westphal believes that all the boxes should be checked in the permitting process before going up to the Town Board. She said that was her understanding, that the Board would follow that procedure. Wunsch said some of these boxes can't be checked; Mielnik said all the applicable boxes were checked. The Planning Commission felt this was ready, but they were worried that there were some boxes unchecked. That's why they want a better framework.

Sanger asked what would happen on the deck. Brys said people who want to do tasting stay in the tasting room where there's a bar. If someone isn't interested in tasting or knows the wine they want to drink, the option is there to go up on the deck where there is a service bar so the guest can get a glass of wine and enjoy himself/herself in a beautiful setting at an outdoor table. Manigold asked if there were any other questions. There were not. Need to confirm three things to get a motion. Bickle commented that the conditions are not there. Randy said they are on p. 14. Wunsch made the motion to accept the findings of fact. Bickle seconded it.

Roll Call. Achorn-Yes; Westphal-Yes; Manigold-Yes; Bickle-Yes; Sanger-Yes; Wunsch-Yes.

**6-Yes; 0-No**

Westphal moved that the SUP be approved as amended. Bickle seconded it. No further discussion. Roll call: Manigold-Yes; Bickle-Yes; Sanger-Yes; Wunsch-Yes; Achorn-Yes; Westphal-Yes.

**6-Yes; 0-No**

Manigold noted that, over the years, we've debated the same thing. When it's a simple change, he suggested, maybe there's an easier process. He then clarified that the township wants to make sure it is done right and that we do not take short cuts.

### ***3. Presentation and Discussion of Proposed Fire Department Station Three (Gilstorff) near Haserot Beach.***

Manigold provided background on the property and how the township came to acquire it. Gilstorff provided the justification for the request. He said there have been 527 runs for the year to date; this is a 25% increase from last year. This is the highest volume that the fire department has ever had. Sixty percent are for EMS, and 40 percent are fire related. He explained that the fire department hired a consultant (ISO) to help the Fire Department prepare for the rating and performance grading coming in the spring; this is so that they can get the best grade possible. The consultant said the lack of coverage in the north is the number one problem for the fire protection ratings. Gilstorff said he spoke to Manigold and Bickle about this.

He suggested the use of the building at Haserot and suggested that it is adequate to store one of the fire trucks there. He said it will need some renovations.

Insurance Services Offices (ISO) grades fire departments; this is how insurance on homes and businesses is determined. The better grade we get, the better the rate residents get. In the northern section, many residents are outside of the scope of 5 miles from station. This gives this area and residents an automatic rating of 10. Basically, it means that no fire department exists. These residents pay the highest rates. This area extends to Whispering Trail and over to the bay. Everyone north of that pays highest rates. Residents are rated five at the base of the township, 7 in middle, and 10 at the top. Gilstorff explained that he wants to increase the department's ability to get to the people in the north faster. Getting to them now can take 7 to 15 minutes. He explained that the new station will not be staffed, but that two firefighters live within a mile of the proposed station and a third is applying to come on in January. Another benefit of a third station is that the Station #1 is cramped. The proposed new structure is roughly 35x40 feet. This would allow the department to put some smaller vehicles there, an added benefit, on top of the potential decrease in insurance costs and access to the additional nearby water supply resource. The building would need some renovations. Gilstorff proposes putting the Wild Fire truck there because it is big enough and has a sufficiently large water pump. Gilstorff explained that the department would do small renovations to the truck to get the highest possible ISO rating out of it.

Gilstorff explained that the truck is big, ten feet high. Because the door on the building is 10 feet, the department will have to move the garage door and more centrally locate it in the building. He noted there could be some structural issues. Might have to do bracing and shoring. Would need to run electrical and redo old wires. Would also need to place heating units in building. Probably one would be sufficient. Insulation needed too. Might potentially install energy efficient windows, paint the exterior, and add signage. He said the firefighters could do some of that. The roof would also need to be examined for possible repair, but water would not need to be run to it since it basically would be a garage. Gilstorff explained that, according to the consultant, that is basically all the department needed to do. Put the fire truck in the garage and make sure it has heat so the water does not freeze. He noted that this is not a long-term fix, but it is a short-term fix to improve service to people on the north end of township. He clarified that it would not affect our ability to deliver EMS because the department carries no EMS equipment on the truck. This truck is primarily for fire. Also, he explained, ISO does not assess

us on our ability to deliver EMS. To get the best rating, he explained, the department is also going to inspect every public building and have fire protection talks with kids and churches on a regular basis. ISO looks at all of this and at training for the guys. Right now, they train 10 to 20 hours a month. That is a lot, Gilstorff noted, but said this is needed given all the challenges in the township. He showed a map of the gray “10” area and discussed why it is so hard to get into Whispering Trail, for example, and how getting there takes you out of the five-mile radius.

Gilstorff explained that he contacted a contractor, and they went out and looked at the proposed new station. The contractor believes it could cost \$40,000-60,000 depending on what the township does. He noted that if we were to buy land and put a pole barn up, we would probably be looking at \$100,000. He did not ask for approval tonight, but does want the Town Board to be aware. He wants to talk to the township’s engineer and ask them to specify everything. After that, if the project is a go, the needed improvements would have to be bid out. He thinks it is a great short-term fix for the north. He said that eventually we will need something more permanent, but the township owns the building. This is a chance to update it and make it work for a third fire station.

Manigold noted that there is always a fear a brush fire could take off, and the Wild Fire truck could knock it out fast. Manigold talked with the Green Lake supervisor, and they got their rating reduced to a 4 from an 8. Gilstorff said the township is using the same consultant as Green Lake and emphasized that we have the potential to do very well. He noted the progress the fire department is making, and that it is providing good ALS. He said our response times have decreased by a minute so far, now that the south fire station is open until 11:00 at night. He said the department is building a good culture and that people want to work there.

Westphal asked “if we were looking at insurance policies on a \$100,000 structure, in a zone that is rated “5” versus a zone that is rated “10”, what happens to the premium?” Fred said those property owners in an area”10” are paying 3-4 times more than people in area “5” where we have fire hydrants. Area “7”’s pay 2-3 times more. He said the big thing for us is the 50-year water study. Drought would be a problem. The Township is only four miles wide at widest point. We can reach water.

Bickle asked if it would be beneficial for the ISO consultant to present to the town board. Bickle suggested he come in and the town board ask questions so that they can communicate to residents what we’re doing and why. He said the consultant will need to be able to provide the logic and the numbers and show us where the benefit is or not. Fred said the consultant is willing to give this presentation. Bickle said to come in tomorrow and coordinate meeting dates and various facts. Bickle said he hopes the consultant can enlighten us. Does it make sense to go ahead with this if there are only a limited number of fire runs?

Westphal said this is exciting because those in the north end were more or less on their own in terms of fire protection. There is a justification to look at a station like this on the north end. Gilstorff said this was first proposed back in 2014 (a third station in the north). Westphal asked if paying for the needed renovations might be in Fred’s budget. Potentially, Fred said.

Sanger commended the chief. He explained that it is not all numbers. That is only a piece of the puzzle. A life saved is different from a home saved. Sanger wants to move forward with this, and Manigold concurred.

#### ***4. Proposal to extend the term of the park commission to April 1, 2019 (Manigold)***

The terms of the Park Commission were extended to January 1, 2019, at the last Town Board meeting, after it was dissolved in the November election according to Manigold. He wants to extend the Park Commission to April 1, the start of the new fiscal year, because the Park Commission is looking at trees at the lighthouse that need to come down. They are in middle of the project, so would be a better transition if we extended those positions. He added that they also could help us with budgeting. Wunsch asked if we want to extend positions or appoint the current Commission. Manigold said it is the same thing. Wunsch made a motion to appoint the current members of the Park Commission as interim Park Commissioners from Dec. 31 to April 1, 2019. Sanger seconded the motion. No further discussion.

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

**6-Yes; 0-No**

Manigold discussed when to reschedule the closed session with attorney. Wunsch proposed canceling the meeting scheduled for the 19<sup>th</sup> due to a personal conflict and scheduling a closed meeting on Monday, Dec. 17, in the morning. The Board appeared to be amenable to that suggestion.

#### 9. Citizen Comments

Monnie Peters, 1425 Neahtawanta Road, had two comments. She wondered if extending the Park Commission and moving to an appointed board would require an ordinance or some sort of resolution. Manigold said there are two schools of thought that people are coming in to see him about. Because of the current timbering of dead dangerous trees at the lighthouse and their work on grant proposals, Manigold does not want to dissolve the Park Commission now. He explained that the concern is that the parks have gotten so complex that maybe we need a parks commission – maybe made up of three members – that takes care of PNA, Archie, Bowers Harbor, and all the trails – and also a historic commission to care for the lighthouse, Dougherty House, the historic township hall building, Hessler, and the log church--someone who is in tune with historic things. Peters said sometimes we in township do not follow through or finish our resolutions. She does not think the citizenry wants us to just keep extending and extending. She believes we need to find a solution in the next three months.

Peters' second concern was the item tabled from the last meeting, the Bimber report. She asked if the Town Board needed to do a continuation since it was tabled from the last meeting to this meeting. She explained that a historic problem is that items get tabled and then dropped and are never found again. Manigold explained again that Attorney Meihn had to cancel this meeting, and that there are many players involved. Peters reiterated her concern that proper procedures be followed. If it is tabled to this meeting, she asked, do you have to do something at this meeting to keep it on the table? Manigold made a motion to untable it and then table it until the attorney's report came in. Westphal moved to untable the Bimber letter for this meeting and retable it for the meeting that Attorney Meihn and other attorneys would attend. Wunsch asked if this would be for the meeting on the 17<sup>th</sup>. Manigold said no. They took a voice vote. All were in favor and said aye.

#### 10. Board Comments

Wunsch said he thinks Peters raised a great point about the park's bylaws. He wondered if we should grab bylaws from a neighboring township and implement them in the short term so we have something to use until we do our own. Manigold wondered if we should start public hearings at the Planning Commission to see if there's an interest in a Historic Structures Commission of some sort and also a Park Commission. Sanger said he thinks we need help from our attorney to do this. Under what authority and how do we do this, he asked? Wunsch reiterated that we could grab a simple template for a Park Commission and use it temporarily. Wunsch wasn't sure that a change in township bylaws would come through the Planning Commission. He thinks it should probably come from the Board. Mielnik said the township Planning Commission would adopt its own bylaws.

Manigold said he had a request from the fire department to take the new guys and old guys out together for dinner. Manigold said we can't do that on millage money that supports the fire department, but we could use money out of the Enterprise Fund but it would take Board approval. Bickle asked what the Board wanted to do. Westphal asked if the Board could think about it, and discuss it at Monday's meeting. Fred clarified that dinner would be on the 21<sup>st</sup> of December and that it would cost \$400-\$500.00 and only cover food. Individuals would pay for adult beverages on their own. Manigold explained that we used to have an association that made donations for this purpose but no longer. Sanger asked if the fire department has a 501(c)(3) organization, and Fred said they could go that route if they want to.

#### 11. **Adjournment**

Manigold asked for a motion to adjourn. Sanger moved to adjourn, and Westphal seconded it. Voice vote approval.