

Edenville Township of Midland, County, Michigan  
Minutes for Regular Township Board Meeting  
Tuesday, January 14, 2024

Swanton Hall Meeting Room, 6460 N. Water Rd, Edenville, MI 48620

Supervisor A. Peters called the meeting to order at 7:00p.m.

Announcement by A. Peters that the meeting was available for call in via Zoom and would be recorded, access available on the Township web page hopefully within a week.

**INVOCATION | PLEDGE OF ALLEGIANCE:**

APeters led the opening prayer and Pledge of Allegiance.

Poll of board by APeters to recognize/confirm OMA compliance. Confirmed.

**ROLL CALL**

Clerk Luty called the roll.

Present: Supervisor Art Peters  
Treasurer Kathy Peters  
Trustee James Sperling  
Trustee Crystal Starkey  
Clerk Tamie Luty

Quorum in attendance.

**APPROVAL OF AGENDA**

Motion to approve the January 14, 2025, Edenville Township Board Meeting Agenda as presented with the following additions:

- Add disposition of Lake Dr public hearing
- Add rekey of vault door
- Add repair to office mail slot

Moved: Sperling

Seconded: Starkey

Motion passed unanimously.

The agenda is approved with additions.

**APPROVAL OF DECEMBER 17, 2024, MEETING MINUTES**

Motion to approve minutes of the December 17, 2024, meeting minutes with the following correction:

- Add meeting adjournment time

Moved: Starkey

Seconded: APeters

Motion passed unanimously.

The minutes from December 17, 2024, approved with correction.

### **TREASURERS REPORT**

Kathy Peters read a detailed report of beginning balance, receipts, disbursements, interest earned, and ending balance for the month of December 2024.

Motion to accept Treasurer's report as presented:

Motion: Luty

Seconded: Sperling

Motion passed unanimously.

Treasurer's report accepted.

### **CLERKS REPORT**

Tamie Luty presented \$68,701.45 in bills to be paid. Trustee pre audit confirmed.

Motion to approve payment:

Motion: Starkey

Seconded: KPeters

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starkey-Yes

Motion passes, bills to be paid as presented.

### **CEMETERY REPORT**

One burial in December, no sales. Estimate for removal of remaining shed and debris in Old Cemetery to come in tonight's meeting. Road work bid for Old Cemetery previously approved, waiting for weather to grade, ditch and gravel center public easement. Will obtain estimate to include repair to 60ft of west New Cemetery drive. Arborist expected soon for evaluation and recommendation of blighted wood in Old Cemetery.

Report accepted by board.

### **FIRE DEPARTMENT REPORT**

Fire Chief R Dufrense reports 22 runs for December 2024.

322 fire runs total for year of 2024, a record.

Fire Department is asking to wrap Engine 222 to match yellow.

Piping in at Station 2 for air to trucks, FD will install.

Chief reported that the fireman are short 1 set of Turnout gear and mandatory replacement for expired gear coming. Funds are available in fire account for some purchases. Will seek Fire Assistance grant again this year to fund gear.

Report accepted by board.

Motion made to approve the purchase of 2 sets of Turnout gear from Frontline Services for up to \$4225 each.

Motion: Luty

Seconded: Starkey

APeters-Yes

Starkey-Yes

Luty-Yes

Sperling-Yes

KPeters-Yes

Motion passed to approve the purchase of 2 sets of Turnout gear.

### **OLD BUSINESS**

1. The board approved the estimate from Hall's Lawncare to complete the removal of final shed in Old Cemetery. This is part of a bid that was originally split off earlier this year. Mr. Hall did a very good job removing other blighted structures and it was decided to hire him to go forward on the remaining. The agree price of \$3300 includes removal of fallen structure, as well as all foundation block and debris, all by hand with no machinery and care not to disturb graves and markers surrounding the debris.

Motion to accept estimate from Hall Landscaping in the amount of \$3300 for removal of shed and debris in Old Cemetery:

Move: Starkey

Seconded: KPeters

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starley-Yes

Motion passes to go forward with the work cleaning up Old Cemetery.

2. The hiring of Zoning Enforcement Administrator. Job description previously distributed to board. Agreement to go forward to post on web to solicit applications. Compensation package discussed which included comparable pay from Hope, Jerome, Lee, Lincoln, Larkin, and Ingersoll Townships. After lengthy discussion, a compensation was agreed upon for the ZEA to be paid \$100 a month salary, 1/2 of the

permit fee, and expense in the form of mileage from the office to the permit address using the federal mileage rate. The number of trips are not restricted but this will be monitored by board at the time of pay. Court appearances will be compensated at a flat \$50 with no mileage. The board agreed to revisit this compensation at the end of fiscal year June 2025.

Motion to accept the zoning administrator job description with a compensation of \$100 a month, ½ the permit fee, \$50 for court appearance, and a compensation in the amount of the federal mileage rate from the office to the location of the permit. Want ad to be posted on the web with the job description and compensation package for 30 days.

Motion: Starkey

Seconded: APeters

Luty-Yes

APeters-Yes

KPeters-Yes

Starkey-Yes

Sperling-Yes

The motion is approved as stated.

3. DNR Volunteer Fire Capacity Program. The board would like to recognize and thank our volunteer fire department and in particular Chief Roger Dufrense for submitting a DNR Volunteer Fire grant application in 2023. This is a 50/50 reimbursement grant to fund critical fire protection equipment. In 2024, Edenville Township was awarded \$3,908.98 and two sets of new Turnout gear were purchased due to the efforts of our Fire Chief and his support staff. Thank you, Chief, for this and all you do.
4. A hearing was held on January 13, 2023 regarding Ordinance No. 177 dangerous blight violation at 5845 N. Lake Dr., Sanford, MI 48657. A fire in November had partially destroyed the mobile home on site. The owner of record is deceased, the property is in tax arrears. Hearing Officer Peters found the site in violation of the ordinance, declaring it to be a blighted danger to the public. Abatement was ordered, bids will be solicited for the work. The full file of the violation and minutes of the hearing on file at the office.

Motion made to move forward with posting for contractor bids to clear the site and do remediation.

Motions: Luty

Seconded : APeters

Voice vote passed unanimously.

## **NEW BUSINESS**

1. 2025 Road Estimates. Midland County Road Director/Engineer Jonathon Meyer was in attendance for tonight's meeting. APeters offered a memo dated December 16, 2024, on the subject of the 2025 Edenville Township Road work plan. Attached to the memo were estimates from the Midland County Road Commission for work on Star Rd., Flanders Beach Rd., Baker Rd., Towerline Rd., and Shearer Rd east of Water. It was determined after much discussion that Edenville Township has \$255,000 from the general fund budget and an additional \$155,000 in Midland County contributions for a total of approx. \$410,000 available for road repair and maintenance.

Luty offered a report to the board outlining a comparison of the number of driveways, SEV and Taxable value, and the density, for Shearer Rd on the east side of the river to Shearer Rd on the west side. She spoke of the neglect for improving the road on the west for the past several years, Trustee Sperling confirmed that work was overlooked in prior years even after planned for. Some improvements were started 18 months ago but halted for an unknown reason. Money was budgeted in 2024 but work never done. It was noted that Shearer Road on the west side of the river has 220% higher number of drives, (11 vs 5), more than double the taxable value, (\$1,095,831 vs \$459,769), and 4x the density. Luty questioned the justification for spending \$167,039 to do drainage and culverts, wedging, paving, signage, approaches, etc on the east Shearer mile when the .5 mile of Shearer on the west has been neglected. Luty spoke for multiple residents of the .5 mile who are questioning how this is defensible.

Motion to approve the recondition of Towerline Rd for \$52,279.86, Overlay of Shearer Rd from Water to M-30 for \$167,039.01, Chip n' Seal Baker Rd, \$34,720.00, Chip n' Seal Flanders Beach for \$45,555.20 and ask the Road Commission for an estimate of work needed for Shearer Rd west off Lake Sanford Rd., in preparation of paving in the future, and the next most needed piece of road work.

Motion: Starkey

Seconded: Sperling

KPeters-Yes

Sperling-Yes

APeters-Yes

Starkey-Yes

Luty-Yes

Motion to approve road work and additional requested quotes approved as stated.

2. Identification card, badge, and "Identification and Badge Policy and Procedure for Ordinance Enforcement Officer and Zoning Enforcement Administrator." Luty spoke

of the need to provide these field enforcement positions with some type of official identification, We can obtain an ID card and ordinance enforcement badge for about \$100 using the vendor who supplies fire department. A policy for use of badge and identification, titled as stated above, was introduced.

Motion to approve purchase of identification card and badge, spending up to \$200 and adopt the corresponding badge and ID use policy for the positions of Ordinance Enforcement Officer and Zoning Enforcement Administrator.

Motion: Crystal

Seconded: Luty

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starkey-Yes

Motion passes as stated.

3. Need for approval to pay training attended by Supervisor APeters.

Motion for training approval for Supervisor to attend MTA New Officials Training and purchase book in the amount of \$244.50.

Motion: Starkey

Seconded: KPeters

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starkey-Yes

Motions passes as stated.

4. With the absence of Andera Lewis there is a need for a Serve Safe qualified person to oversee the kitchen at Swanton. This will allow Health department licensing and for rentals to cook in the kitchen.

Motion to approve one person to attend the Serve Safe Manager Course and Exam, not to exceed \$225.

Motion: Luty

Seconded: KPeters

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starkey-Yes

Motions passes as stated.

5. Need to approve biannual state required training for new Board of Review members.

Motion to approve up to 5 Board of Review members to attend the biannual required training for members, including the purchase of the MTA Review Guide, up to \$600.

Motion: KPeters

Seconded: Luty

Sperling-Yes

KPeters-Yes

APeters-Yes

Luty-Yes

Starkey-Yes

Motion passes as stated.

6. APeters announced that he will be accepting recommendations from other board members for an attorney firm to be selected to represent and handle township business. These will be discussed at a future date, possibly in February.
7. Change of pay from hourly to salary for deputy clerk and treasurer positions. After lengthy discussion of the merits and downside of hourly vs salary for these positions a motion was put forward. The amount of pay budgeted will remain the same, it is only the method of payment that will change. KPeters stated that the previous board spent down the deputy pay beyond the 39% budgeted for pay between July 1 and November 20, 2024. She stated the budget may need amendment prior to end of fiscal year.

Motion to pay the deputies a salaried wage of \$500 a month until the end of the fiscal year June 2025.

Motion: Sperling

Seconded: KPeters

APeters-Yes

KPeters-Yes

Luty-Yes

Sperling-Yes

Starkey-Yes

8. Contract for consultant work with accounting/audit. After much discussion it was decided that there is no board-approved contract in place with Accountant Neil

Hammerbacher. The hiring of a consultant and funds of \$2000 were approved at the December board meeting. A proposal was received from Hammerbacher, Art Peters stated that he had reached an agreement with Hammerbacher, wrote the letter and signed it, but did not have it available for January meeting. He will bring to board for contract approval at next board meeting.

9. Approval of the purchase of materials for Jim Sperling to make adjustments to secure the drop slot access at the office.

Motion made to approve Jim Sperling to spend up to \$100 for materials to fabricate a secure new door for the drop box, including a lock.

Motion: Starkey

Seconded: Luty

Tamie-Yes

APeters-Yes

KPeters-Yes

Sperling-Yes

Motion passes as stated.

10. Rekey of the interior records storage door in office. Firefighter Charlie Johnson offered to remove the doorknob and take to Sanford Hardware to have the lock rekeyed.

Motion: A motion to spend up to \$200 to rekey the interior records storage door at office.

Motion: KPeters

Seconded: APeters

Starkey-Yes

APeters-Yes

KPeters-Yes

Luty-Yes

Motions passes as stated.

### **PUBLIC COMMENT**

Roger DuFrense spoke of the need to do road improvements on Star Rd. He also questioned if the Code Authority does onsite inspection prior to a build. He believes that there is a new build being constructed on Clarence Court that appears to be out of compliance. We don't have a ZEA hired. Art Peters agreed to look at the situation.



Charlie Johnson spoke of the importance of managing employees. He offered his opinion on salaried vs hourly employees. He also asked property owners with fire hydrants nearby please take the time to clear snow around the hydrant. Charlie complimented the board on the good job they are doing.

Female in audience ask fire personnel if they are keeping track of expiration on turnout gear. Asst. Chief Bettendorf responded that they do keep inventory and update board with needs. Firefighter Charlie Johnson spoke of the meager funds for fire department and the importance of planning for future.

Mr. Mike Weaver did a presentation of his study of the Final Report of the Edenville Dam Failure. He pointed out that FLTF is asking for \$217 million dollars to be paid in special assessments. Mr. Weaver posted a summary of his findings. He stated his opinion finding is that the dam failure was the result of a lack of maintenance and flawed FERC oversight, not static liquification. There was embankment instability due to the spillway gates not being allowed to open beyond 7 feet, vs the 12-foot requirement for FERC and 10 feet for EAGLE requirements. This limited the waters ability to drain out of the reservoir. Had the spillway been properly opened there would have been a 1.4 reduction in peak level. This was known in 2019. FERC knew the spillway gates did not meet the specifications, and they didn't do anything about it. Then there were two low level sluiceways that were inoperable for decades. This was ignored by the independent forensic team. They mentioned it but they didn't talk about the flow rates. Then FERC revoked the operating license in 2018 resulting in a decrease in flow by about 2000 cubit feet per second. The foundation drains in the embankment were missing. Either they were never installed or something happened to them. In any case, FERC knew in 2012 they were missing. If the drains had been there the static liquification would have been reduced or eliminated. Also, the embankment was too steep, this was known to FEER. If the needed repairs had been made this would have helped. Mr. Weaver concluded that FERC failed in their oversight.

Mr. Dan Allen spoke that he and his family took the lead in filing a lawsuit against FERC. Their lawsuit was rejected even though FERC admitted responsibility, because they were told by three judges they couldn't sue the federal government. Mr. Weaver stated he would like FERC to grant FLTF \$250 million for the repairs. He would like the federal government to kick in their fair share as they drove this thing off the cliff. Mr. Allen is livid with both the state and federal government over this.

**BOARD COMMENTS**

Art Peters commented on previews for upcoming meetings, the phone system, roads, and weed and river bottom assessment.

Meeting adjourned at 10:29

Motion: Sperling

Seconded: KPeters

All Ayes, motion to adjourn carries unanimously.

Respectfully submitted,

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Tamie M. Luty, Clerk

Draft Minutes Submitted 1/21/2025

Draft