

## **Minutes of the February 1, 2021 Regular Board Meeting of Sherman Township**

The regular scheduled meeting of the Sherman Township Board was held on Monday February 1, 2021 at 7 pm through the electronic format of Zoom. Meeting was called to order by Supervisor-Smalligan at 7:01 pm. After the pledge of allegiance, roll call of the board was taken, and members present were Karen Berens, Doug Berens, Stan Stroven, Ken Smalligan, and Jamie Kukal.

Motion was made by D Berens and 2nd by S Stroven to approve the agenda with the addition of 16,a ZBA position, under unfinished business. Roll call vote was taken, Yes; D Berens, D Berens, S Stroven, K Smalligan, and J Kukal. No; none Motion passed.

Motion was made by S Stroven and 2nd by K Berens to approve the January 4, 2021 regular board meeting minutes with corrections. Roll call vote was taken, Yes; D Berens, D Berens, S Stroven, K Smalligan, and J Kukal. No; none Motion passed.

For public comment, Don Clark addressed the board about his concerns with the Peet's rental practices on Long Lake. He stressed his concerns as a resident across the lake from the Peet resident and encouraged the board to consider making changes to the ordinance to regulate all short-term rentals. Karen Koprolices asked Mr. Clark if he thought this should be a planning commission issue and not a township board issue. Don commented that it was an issue for both parties to consider and work on a resolution.

Next to speak was Brian Peets, who read a pre-written statement to the board. Mr. Peets' statement addressed the letter that they had received from the Township Attorney regarding their alleged ordinance violations. He went on to complain about Ken Smalligan's behavior concerning Smalligan voicing his repeated complaints to Mrs. Peets. Mr. Peets stated that they are not violating an ordinance and have followed up on any complaints other residents have shared with them. Brian said that no contact of any form was made by the township prior to the January 5, 2021 letter from the attorney. He referenced The Sherman Township Ordinance, articles 19 and 20 for each claimed violation by the Township. Mr. Peets wrapped up his speech by questioning Ken Smalligan's character, bias to the issue at hand and possible misuse of power.

The final public speaker was Joseph Fox regarding road repairs. Mr. Fox informed the board on the poor condition of the north end of Sherman Ave. He claimed that to his knowledge no significant improvements have been done to that section in the 15 year that he has lived there. He would appreciate the board considering that section for improvements in the near future.

Treasurer-Berens asked for questions on her previously presented report on payment of bills. With no questions, a motion was made by S Stroven and 2nd by D Berens to accept the

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treasurer's report and authorize the paying of bills. Roll call vote was taken, Yes; D Berens, D Berens, S Stroven, K Smalligan, and J Kukal. No; none Motion passed.

Clerk-Kukal asked for questions on her previously presented clerk's report for her January activities. With no questions, when moved on to the subject of revised job descriptions. After a few members, their need for more time to review, so it was tabled for next month. Next, she brought up the hall rental agreement and asked if the board was ready to consider finalizing the revisions that were started last summer. The board agreed to wait and look at on a monthly basis, until it is a possibility to rent again. So, it is tabled until next month. Finally, Kukal asked for board approval to purchase a filing cabinet for the new Sexton to help keep her organized. Motion was made by J Kukal and 2nd by D Berens to purchase a filing cabinet for a maximum of \$50. Roll call vote was taken, Yes; D Berens, D Berens, S Stroven, K Smalligan, and J Kukal. No; none Motion passed.

Trustee-Stroven mentioned that Lee Hoppa lost his brother last week and he thought the board members should consider personally putting in money for a sympathy card for Lee. He also expressed his dislike of virtual meetings and he would like the board to pass a resolution that would allow for the cancelation of meetings during restrictions. Clerk-Kukal reminded everyone of Resolution 2020-3 Emergency Powers that was enacted back last March.

Supervisor-Smalligan asked if there were any questions on the bids for Road work provided by the Road Commission. The four sections being considered are; 12th ST between Baldwin and Wisner for \$35,343.88; Sherman Ave from 40th north for \$66,160; Luce Ave between 8th and 16th for \$79,440; Luce Ave between Baseline and 8th for \$79,440. He also presented a bid from D & B Brine for the application of brine on the Township Dirt Roads, of \$1,875 per application. Smalligan advised the board to review the information independently and the subject would be discussed for a vote at the upcoming budget meeting.

Smalligan also shared a copy of a resolution enacted by Brooks Township condemning the closer orders enforced by the Governor. He has a copy for viewing if anyone is interested in reading the full resolution.

The final item he presented was the compiled shred sheet of elected officials pay within the county. He pointed out that previously the clerk had worked the figures for a 3% cost of living increase for each year to bring salaries up to date and at that time she was asking for \$11,000 for the clerk's salary. That would be an increase of \$2,900 to bring the salary from the current \$8,100 up to the \$11,000. At that time, he asked for discussion at that time. Clerk-Kukal corrected the previous information presented that stated the Treasurer's salary had been updated in 2014. She explained that after further review it had indeed been considered along with the assessor's salary however the assessor's salary was the only one changed at that date. So, all elected officials' salaries have not had updates since 2008. Smalligan confirmed that everyone is

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deserving of earning a fair wage for the quality of work they put in and the clerk's request is not out of order for the job she is doing. K Berens spoke confirming her scolding of the board last month for even considering such increases at this time and her feelings have not changed at this time. S Stroven expressed his concern for sure at this time also. Motion was made by K Smalligan and 2nd by J Kukal to increase the clerk's salary from \$8,100 to \$11,000. Roll call vote was taken. Yes; K Smalligan No; K Berens, D Berens, S Stroven Abstains; J Kukal The motion failed 1-3.

Assessor-Story reported that assessment notices are ready to go out in about two weeks and he would like any inquiries directed to his cell phone. S Stroven had a few questions about veterans and Mr. Story confirmed he was working with all the veterans in the township.

Building Inspector-Smalligan reported the issuing of two permits and 6 inspections.

Zoning Administrator-Kukal reported issuing one permit with no confirmed date for the spring junk drive. Still waiting on billing from last year and looking into other options.

For planning/zoning, K Smalligan asked the Peets to provide the board with a copy of the statement that Brian read this evening. Shelly Peets confirmed that she would send each member a copy. Smalligan then addressed the allegations from Brian's earlier statement. He confirmed that he had placed several complaints with the Peets, and some were indeed addressed by the Peets with the renters. He listed several residents that had personally complained to him as a township board member as early as the spring of 2020. With all the COVID-19 closures of the planning commission those complaints were voiced at each meeting, but very little action could be taken given the restrictions.

Smalligan then moved on to the advised moratorium provided by the township attorney, which would stop all short-term rentals within the township. Clerk-Kukal asked to update the board on the FOIA request received from the Peets. She reported that the email was delivered on January 15, 2021 and read on Monday January 18,2021, at which time she forwarded to the attorney. The attorney advised the clerk to limit correspondences between the Peets and to invoke a 10-business day extension to allow time to gather the requested information and prepare a response. On January 22, the clerk sent the email to inform the Peets of the 10-business day extension and on January 29, 2021 the FOIA response was mailed. When the clerk receives the request payment of \$59.60, she is to release the requested copies to the Peets. Out of the 7 requests 2 are available for release, there are no documents to produce for the other 5 requests.

Smalligan asked for each board member to state their opinion on the moratorium. D Berens stated that with the one complaint, he feels this situation does not warrant the moratorium at this time. S Stroven has no problem with short term rentals and is concerned with the wording on the

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suggested ordinance changes. He does not feel that a moratorium would punish several in the township, with only one complaint at the time. K Berens agrees the issue of short-term rentals needs to be looked into but not by issuing a moratorium at this time. She would like the planning commission to take the subject up and run with it. She is also concerned with the alleged violations of procedures taken in the Peets regard. J Kukal expressed her disappointment with the way everyone has pointed fingers tonight. The bills at the state level would cut all townships out of regulating STR in the future. Kukal asked if resorts would be affected by this moratorium. Smalligan confirmed that those resorts would not be affected by such a moratorium. There are a few resorts in our township and for others to be rezoned as resorts, they would have to have a hearing with neighboring consent. Kukal said given the information provided at the time it would be opening a can of worms with the residents that are not getting complaints against them. She would like the planning commission to make it their priority to investigate the issue further. At the moment it is not right to put the concerns of a few residents over the majority of the population with such little facts to go on. She would encourage all residents to take their concerns up with the planning commission as soon as they are cleared from COVID-19 restrictions to meet again. A motion was made by K Smalligan and 2nd by J Kukal to approve the moratorium on short term rental restrictions as provided by the township attorney. For discussion S Stroven asked for the zoning administration opinions of enforcement. C Kukal said he thought it was cut and dry with the attorney's advice, however it appears we may need to look at it differently for the public. J Borgman said he agreed with Jamie Kukal and it needs to go through the planning commission with public input. J Kukal asked Ken to explain why the moratorium is needed at this time, because the planning commission can proceed without the moratorium. K Smalligan responded that a moratorium was suggested by the attorney and it would hold the planning commission's feet to the fire to make sure it gets done. J Kukal responded that he as the supervisor could hold their "feet to the fire" without a moratorium and it does not ensure that it would get resolved in the time frame of the moratorium. Roll call vote was taken. Yes; K Smalligan No; K Berens, D Berens, S Stroven, J Kukal Motion failed 1-4.

Dick Chenard reported for White Cloud Sherman Utilities that they had a meeting earlier that day. Renovations are ongoing and the station at the north end of Crystal Lake is  $\frac{2}{3}$  done and Long Lake will start shortly after that one is done. Looking at the budget and will have the final budget for review next month. K Koprolices added that they would start working on the stations in the city of White Cloud in the next few weeks.

For the cemetery, Vonda Tollefson had nothing to report at that time. J Kukal commented that the hours Vonda had submitted would be next month's payroll.

For Fremont Fire district, treasure-Berens billed \$1,148.23 and collected \$749.90.

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For White Cloud, S Stroven commented that he had provided the board with a copy of the proposed budget for approval. He is not sure when they will be able to have an in-person meeting again. Motion was made by K Berens and 2nd by D Berens to approve the proposed budget for the White Cloud Fire Department. c

Clerk-Kukal reported on the White Cloud Fire Station payment balance explaining that she made a mistake interpreting the billing last year. With that misinterpretation the board had thought they paid the full balance last spring and that is not the case, \$3,667.76 is still owed. She is working with Lora Kalkofen and K Berens to get to the bottom of the issue and she will have more information for the board next month.

For unfinished business, clerk-Kukal presented the two candidates for the open Zoning Board of Appeals position. The first to respond was William Redinger and according to his resident address he is not a township resident. The second candidate was Gerald Engel, a current Board of Review member. Motion was made by S Stroven and 2nd by K Berens to appoint Gerald Engel to the open position on the ZBA.

For public comment, Shelly Peets would like the board to know that they are speaking tonight because the policies and procedures were not followed by the board. They felt it was taken to the extreme by evolving the attorney and not letting the zoning administrator handle complaints. She is asking home the board is going to make things right.

Karen Koprolices commented that as a lake resident she can understand the frustrations of residents and thankfully she has not experienced any disturbances in her area.

Wayne Berens commented that he had not ever heard of complaints around the other two lakes and wondered if the one situation of complaint should justify the possibility of ordinance changes.

Dick Chenard asked about March BOR dates and times. Clerk-Kukal read the information provided to her from the assessor:

Monday March 8, 2021, 9am-noon and 1pm-4pm  
Wednesday March 10, 2021, 2pm-5pm and 6pm-9pm  
March 2, 2021 will be the organizational meeting.

There was no board member comment at that time.

Meeting adjourned at 9:09 pm.

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Submitted by Jamie Kukal, Clerk

Also present through zoom were Chad Kukal, Gary Smalligan, John Borgman, Brian Story, Roman Miller, Katie Mumbree, Dick Chenard, Brian and Shelly Peets, Don Clark, Joseph Fox, Jerry Engel, Jim May, Karen Kopolces, Wayne Berens, and Vonda Tollefson.