

**Village of Fife Lake
Council Meeting Minutes
June 6, 2016**

Meeting called to order: 7:02 pm

Roll Call: Present, Fisk, Hayes, Menzies, Kelley, Miller, Leedy

Excused: Deike

Others: Valerie Housour- Treasurer, Marvin Radtke- Village Administrator

Bob Johnson- County Commissioner, Marcia Eby- Deputy Clerk.

Approval of Agenda: Fisk made a motion to approve the agenda as presented, seconded by Miller. **Motion carried.**

Pledge of Allegiance

Special Order of Business: none

Consent Agenda Items A-D: Motion made by Hayes to approve the consent agenda items as presented, seconded by Fisk. **Roll call:** Kelley-Y, Hayes-Y, Fisk-Y, Menzies-Y, Miller-Y, Leedy-Y. **Motion Carried.**

Fife Lake Utility Authority Special Report: Fisk reported that Friday June 10th will be the ground breaking ceremony for the Fife Lake Utility Authority which will be the kick off of the improvements to the system. This is a \$6.5 million project here in Fife Lake which will allow us to get back into compliance with the DEQ and modernize the system. The grant money will cover 44% of the work being done. The project is expected to be completed this year. There should not be any interruption to the services while this project is going on. Leedy mentioned that there was \$650,000 in SAW grant money going to for engineering on top of the \$6.5 million dollars for Fife Lake Village.

Police and Public Safety: no report.

Guest: Bob Johnson-County Commissioner. Discussed that the unfunded pension grew larger. Discussion with MERS with a meeting in July to see what the options are.

Looking at creating a Pension Board. Bob Menzies, Merritt Street- asked when 113 would be finished. Leedy responded that it will be done this summer. Johnson said that MDOT has done a great job with the roads. Bob Johnson also said that the Veterans Mileage will be voted on in July meeting of commissions to go to the November Ballot.

Administrator Report: Report in packet. Marvin Radtke said that the interim maintenance employees have been working out well. The dock on the west side of the beach is in. A tree fell in the part and has been taken care of with no damage to surrounding picnics tables. A post and a throwable life saving device was donated to be put at the beach by Carly Budros Family. Three high school students who are Fife Lake area residents will be interning this summer. Each will be working 12 hours a week either doing office work or working outside in the parks. This will start on June 21st. The Fire Department did retrieval exercise within the village offices. Marvin said that it went well. Spring Cleanup was a success. There is talk of doing it yearly. The loader has had a significant hydraulic leak for awhile. The maintenance personnel were not able to locate where the leak is coming from. The loader will need to be looked at by an equipment company. The auditors were here and will be coming back because not all the paperwork was in. Fisk asked if the issue with the audit was that the DDA paperwork was not turned in. He

responded by saying yes. Leedy said that they are moving on without it as best as possible.

Public Comment: Theresa Mills- 105 Pierce Street, she is the founder of the Fife Lake Makerspace. The post has been together since 2012 and they have now received enough donations to make a down payment for the new vision of the Acre. It will be between the Family Dollar and Vans Lane. There working with a developer out of Grand Rapids, he is aware of what a Makerspace does since they are so popular down state. The paperwork should be signed next week. They will be working on a 5,000 square foot building. This is a great thing for the community. Chista Powder-760 Dorman Rd. She is a client of the Pharmacy Dispensary. She has multiple chronic health conditions. She said that you're worried about getting the wrong element in this town, and are worried about getting drug addicts. She has never gotten in trouble with the law, she is educated. Marijuana is her only option. This is one of the only dispensaries that cater to the medical end. This does not get you high. She feels that putting a dispensary in the community will not cause any problems. Tina Reeves is also present on Christa's behalf. Ruthann Russell- Barrington Mich. She says she drives all the way up here. She also has many chronic conditions. They are quality medicine and quality people. Please let them sell here. Bill Calow- Vans Lane, I hope people don't get the wrong idea. You have to have your card to get your medicine. They don't sell to anyone on the street. Randy Younker- Kalkaska County. He works at the Pharmacy. He has been in the industry since 2008. He used it for a condition in the past. He said that he was able to function with medical marijuana. He later opened up the first testing facility in the state of Michigan. In 2008 there was a raid which at that time there were a bunch of misunderstandings about the law. He went out of business. The Pharmacy does not cater to the recreational side. We have enjoyed Fife Lake and we can bring business into the community. Sharon Britten- Borne Road, Fife Lake. She wants to point out that there are 4 or 5 businesses in Fife Lake that sells alcohol which is a liquid drug that causes anger and violence. She feels that it would be hypocritical to not let this business stay in this town. Gordy Smith 630 Pierce Street, He feels that the ordinance that was passed may have been in haste that prohibits a marijuana dispensary in the Village. He feels at that time their may not have been a clear understanding of the law. He said that you may think that I only have a vested interest as I am renting out the building in question, he went on to discuss the history of businesses within the village that have come and left gone over the years and vacant building for long periods of time. He is asking this council to put their personal prejudices aside. He wants to approach this with open ears and do what is right for this community. Bob Menzies – 420 Merritt Street, He has one thing to say about Gordy's conversation. It is time for him to put a well into the building instead of using a garden hose. I don't think it should be so close to the Day Care or next to the Parks. He said he does not know why there are leaving the former location but Gordy needs to put a well in. Gordy responded by saying that there is not garden hose servicing that building. He said that building shares a well under the DEQs supervision. Sarah Jones owner of the Pharmacy said we lost our lease because the owners of the property wanted to open their own dispensary. Unfortunately they are not educated in this. She fears for her patients. They are not going to get the product they are accustomed to. This is about giving back to people we serve. It is coming from a good place. Kathleen Auger – 228 North Seely Rd, Manton – She works at the Pharmacy. When you go to Rite Aid or Walgreen's and you get home with your medication you

know what you're expected to take. That is what our patients expect. They know that the medicines they get are all organic and that there is nothing they have to worry about. The next time they can expect the same thing. They do not get the education at the other dispensaries. Robert Britten-124244 Borne Rd. Most of the recreational users will go to the private sector. The only ones who will be hurt by the closing of the Pharmacy are the one who actually need it. Mark Dragovich -8104 County Rd 633, He is one of the owners. He said that this subject is near and dear to the heart. He showed a map of Michigan with a star of all the clients he represents in the state. He says they have medicinal quality medicine. We are like the Rite Aide. He said that he will take over the Disc Golf, no problems. We have donated to his community. We are deep into the community. Linda Deering 125 W. State Street, Fife Lake- She is support of the Pharmacy my son has been in an accident and uses the dispensary.

New items

Movies / Ball field Electrical Installation: Leedy said that Deike could not be here tonight to speak about this. She also said that the Administrator has also been looking into additional parking lot lighting at the Village office. Leedy was looking into the interest to expand the electrical to the ball field along with additional lighting for the parking lot. Radke discussed the ongoing concern regarding the recycle bins and items being dropped in the bins that do not belong there. Hayes asked if it needs to go to the Parks Committee Miller made a motion to have the Parks Committee investigate more lighting and electrical for the parking lot and ball field, seconded by Fisk. **Motion carried** with all yeas.

Ball field Sponsorships/ Backboard purchases: Leedy said that the backboards at the ball park are rotten and need replacement. She said that there are roughly 50 sheets of plywood that need replacing the fasteners are popping out. Radtke said that there is interest in getting businesses to sponsor a backboard to help defray the cost. Radtke said this would be the last year they could be used due to them being a safety issue. Leedy said that a policy would need to be done first before doing any sponsoring. Hayes made a motion to have the Policy Committee draw up a policy to sell signs to help support the backstop boards. Seconded by Fisk. **Motion carried** with all yeas.

Tennis Courts: Leedy reported that there are 2 sink holes at the tennis courts and a good size crack. This would require the removal of the concrete to repair it. Leedy said that it is something to look at for the next budget year. Leedy said it needs to be addressed.

Tree Contract: Leedy reported that are two bids that came in. Both are included in the packet. Radke discussed some trees on Bates Street that is hanging below the 14 foot road clearance. Other trees included one on Main Street, one behind the Township Hall, and one by the old Fire Barn, and one at the Village Hall. Miller mentioned that R&M will be doing the stump grinding and Helsels is not. Radtke felt that Helsels was a better choice based on price. Miller made a motion to go with Helsels to do the tree cutting. Seconded by Fisk. Hayes felt that if stump grinding was needed they could add it on **Roll Call:** Hayes-Y, Fisk-Y, Kelley-Y, Menzies-Y, Miller-Y, Leedy-Y. **Motion Carried.**

Investment Policy: Leedy said that the auditors said that no investment policy is in place. Policy is in the packet. Hayes said that there is not a date on it. Leedy said it will go into effect right away. Fisk made a motion to adopt the Investment Policy as outlined in the packet. Motion seconded by Miller. .Kelley said that being on the Policy

Committee it would have been nice to have been able to go over it instead of grabbing something off the internet. She also pointed out some grammar errors within the document. Kelly felt that this should be tabled and gone over. Leedy said that this needed to be done quickly in order to be in compliance with the audit. Hayes suggested approving it and sending it to the Policy Committee to have it looked over. Leedy was in agreement with that. **Motion carried** with all yeas.

DDA update- Tim Minder: Tim- 107 Merritt. He discussed DDA issues along with Paperwork to go with it. He said that 18 month into this he wants to discuss some concerns with the DDA. He said after talking to members of the Council, DDA, and the public the opinion is to possibly start to dissolve the DDA due to the issues. Tim feels that might not be the case. He said that a huge shift has been made in the DDA. He said that he is going to present a new budget to be presented to the DDA at the July meeting for approval. It will include increasing revenue through grants, partnerships, and fund raisers. He said that he would like to form a committee He discussed a report from the DNR done in 2015. This report was regarding Fife Lake's fishing and habitat and included the actual condition of the lake. He said that over the years the fishing has declined. He said that treating the lake for milfoil has killed off a large percentage of the plants that the fish live off of. It also takes shade away providing too much sun. The report states that no changes should be done to the shore line. Positive things that can be done to the lake according to the report is to include adding woody structures to the bottom of the lake. This would be a low cost and lot of labor. He thinks that the DDA can form a committee to make this happened. He suggested looking for grant money to make that happened. He would like to form a Committee for Marketing. Like a small scale of Pure Michigan. Last on the List he wants to put Wi-Fi within the DDA district with the help of some grant money. He said in the future to include the entire Village on Wi-Fi as he and Leedy have discussed this for some time. He mentioned how for the last 18 months the village has tried to get finances from the DDA Chair and the Treasurer. Tim suggested closing all the DDA accounts. He asked if all the documents are in for the DDA. Leedy responded no. He asked if all the information was in for the DDA portion of the Audit based on a letter requesting items written on February 23, 2016 from Leedy to Forwerck. Leedy said that there are still some items missing. Minder said that there are a lot of things missing. Is it costing additional money to the Village? Leedy said yes. Minder requested that all accounts at Forest Area Credit Union be closed. He feels that there is a problem with the DDA finances for years. He feels that we need a new account at another financial institution for a period of two years. He is asking for a court to subpoena records for all accounts at Forest Area Credit Union to provide for the Audit. He proposed a forensic audit for 2015 that the DDA will cover. When those are completed then look at the previous 5 years with a forensic audit. He has requested a just cause hearing since March of 2015 against Linda Forwerck. He wants a vote tonight to file a just cause hearing to remove Linda Forwerck from the DDA board, and to do the same thing separately for the Treasurer of the DDA, Kris Benke. He discussed the June 2009 Council Minutes since there are no minutes from the DDA since 2010 he said he cannot look to see what happened. At the June 2009 Council Meeting, Forwerck asked for reappointments in the minutes. An Email from Forwerck to Noreen Broering who was the Village President at the time that was dated June 8th, 2009 and June 1st 2009. Forwerck discussed talking to Mark Magee about reappointment to the DDA board. The

note said that Magee is willing to chip away at his past due debt by doing work of the Village such as tree cutting etc. He hopes to make financial payments as his financial situation improves for delinquent taxes. Forwerck would like Magee to work on the plaques and tree work through the DDA. Minder found in July Council Meeting stated that Forwerck was present at the meeting in regards to Magee's reappointment. Attached to the minutes is a written and signed correspondence by Magee and Forwerck with promises of payment of delinquent taxes for reappointment. Motion done at Council to reappoint Magee to DDA. Letter was read to council members from Forwerck asking for the amount of delinquent Taxes without penalty along with other things pertaining to reducing his tax bill in exchange for doing work for the DDA and Village. Forwerck suggested that some of the taxes be excused due to the amount of community work that he has over the years. Letter dated July 13th 2009. Minder said that there was something he missed saying about the June Council meeting in 2009. It was suggested that Magee be contacted to see if he would like his appointment to be discussed in closed session. There is nothing written about going into closed session. Minder would like to know where this went. There is no bid or anything about the work he done. What he was paid for services. Minder requested a FOIA request for this.

DDA Budget: Leedy said that she was uncomfortable approving the budget until we have the results on the Audit. She suggested authorizing to pay only the bills that were approved at their last meeting, that are written in the minutes. Hayes and Kelley questioned how they could pay bills if they do not have an approved budget. Leedy said that all future expenditures will have to come to council until the budget is approved. Deike was not present to discuss the budget. Leedy said that the budget was approved at the DDA level. Leedy said that the April bills were paid without an approved budget. Fisk made a motion to pay the only debts that are currently for the month of April and May as outlined on page 32 of the packet. Also included was the QuickBooks bill. Leedy supported this motion. **Roll Call:** Fisk-Y, Menzies-Y, Kelley-N, Miller-Y, Hayes-Y, Leedy-Y. **Motion carried.**

Dispensary: This was a discussion on where it stands and what the process is. Radtke said that the Council was approached last month about the Medical Marijuana Dispensary to open business within the Village. At that time it was indicated what the process would be in order to change our ordinance. Since that time an application has been filled out, which was denied because it does not conform to the zoning ordinance, which is 10.35 of the zoning ordinance. Later an updated application with a narrative attached on what his plans were was re-submitted. Again based on ordinance it still was not a permitted use. The process that needs to be done would be a request to the Planning Commission to see if they would review the Zoning Ordinance section 10.35 to see if there is interest to amend the ordinance. If it is decided that the ordinance will be changed, Planning will need to establish some criteria in the new ordinance. Then it would be sent to the county for review, and then sent back to planning who would then will make a recommendation to Council. Council has ultimate authority of adopting and approving the ordinance. Public hearing would also fall into the process. There is not the ability to grant to a temporary use due to state law. Mark Dragovich asked if he could open and consult and not do any selling. Radtke said that it does not permit a use. Mark discussed maybe filling out a different narrative. Radtke wanted to consult the attorney.

Fisk made a motion to extend the meeting for 10 minutes, seconded by Miller **Motion carried** with all yeas.
Kelley left at 9:29 pm

Fisk made a motion allow the Administrator to consult with attorney regarding the laws of dispensaries. Seconded by Miller. **Motion carried** with all yeas,

Updated items

Spring Cleanup: Radke said that it was well attended. It was brought up that it should be done yearly. The bill for both the Village and Township was \$2,390.00. The Township was invoiced for half of the cost. Radtke said we were charged \$17.00 per cubic yard for metal, Radke said that there are companies that would do it for less. There will be an annual cost of about \$1,500 if it was done yearly. Leedy felt it was about 50% between village residents and township residents.

131 Corridor Development: Meeting June 21st from 2-4 at the village.

DDA Accountability: Already discussed

Communication: Cory Caverson on Wolf Road -submitted a letter regarding her public comment from the last meeting. Attorney advised us not to discuss this but to invite her to visit during business hours and ask her questions. Historic news letter was in the packet.

Public Comment: Bob Menzies asked when the bulletin board would be up in the park. Leedy said it was suppose to be up for Memorial Day but was not done by then. Bob asked where the \$1,500.00 for the sign is.

Board Comments: none.

Adjourn meeting at 9:36pm

Respectfully Submitted
Marcia Eby