

**COLDSPRINGS TOWNSHIP
REGULAR BOARD MEETING MINUTES
COLDSPRINGS TOWNSHIP HALL-COUNTY ROAD 571**

NOVEMBER 8, 2004

7:00 P.M.

Supervisor Neubecker called the meeting to order at 7:00 p.m. Pledge of Allegiance was said by all. Board members present at roll call were Supervisor Neubecker, Clerk Hodges, Treasurer Casto and Trustee Paladino. Trustee Bondy was absent. Approx. 9 guests were also present.

Adoption of the Agenda - Paladino asked to have the water at the township hall added as item D under Old Business. M/Paladino S/Casto to adopt the agenda with the one addition. All in favor. Motion carried.

Establish any conflict of interest of items that are on the agenda. None were presented.

Approval of Minutes - M/Neubecker S/Casto to approve the minutes from the October 11, 2004 regular board meeting. All in favor. Motion carried.

Correspondence was reviewed.

Committee Reports - Planning & Maintenance - Trustee Bondy was absent. Trustee Paladino reported on his attending the October 27th Kalkaska County Road Commission meeting. Paladino said that they (KCRC) said that a Twin Lake Road sign should be placed at Priest Road and Twin Lake Road and also a County Road 612 sign should be placed at Sunset Trail and County Road 612. Neubecker said that he would send a letter regarding the two signs. Paladino said that KCRC would also like to see Tower Road widened for plowing and maintenance purposes. Short discussion followed. No action was taken. He said that they also spoke about Starvation Lake Rd. Paladino said that he would like to see a bigger sign saying pavement ends and gravel starts as opposed to the sign the KCRC has posted which is very small. Discussion followed. Neubecker said that he would send a letter to the road commission requesting a bigger sign be placed on Starvation Lake Rd stating that the pavement ends, which the township will pay for, and he will also send Paladino a copy of the letter so that he can take it with him to the next KCRC meeting that he will be able to attend which is December 15th. Hodges said even though it is a county responsibility, for safety reasons it would be a good idea to have the bigger sign since the road is so heavily traveled. Fire Board - Minutes from the November 3rd fireboard meeting were presented. Copy on file. Liquor Enforcement - Reports on both Kiootees and Manistee Lake Stop & Shop were received. Both reports were favorable. Reports are on file.

Treasurers Report - Treasurer Casto presented the monthly reconciliation report as of October 31, 2004. The report showed that there was \$276,495.65 in the various bank accounts, \$24,954.48 in the tax account and \$100.00 in the petty cash fund. Copy of the report is on file. M/Hodges S/Neubecker to accept the treasurer's report as presented. All in favor. Motion carried.

Old Business - (A) Culvert on Croy Lake Road - Neubecker said that it is actually Priest Road. Neubecker said that he had received a copy of a letter from the DEQ to Mike Slater at the KCRC in regards to the culvert that was placed over on Priest Road. He said that approximately three years ago the KCRC removed a culvert that was already in place. The culvert that was already in place was a 24-inch culvert and the KCRC replaced it with an 18-inch culvert, and they did that without any approval, permits or anything from the DEQ. Now the KCRC wants to replace that 18-inch culvert with a 24-inch culvert. Neubecker said that there was a public hearing held here at the township hall in September and the purpose of the hearing was to discuss the ramifications of replacement of the 18-inch culvert with a 24-inch culvert. At that time Neubecker said that he had heard from Mrs. DeVee about the culvert in question and it was discussed briefly at the October board meeting and that he had sent a letter to the DEQ stating that at this point in time the township would really rather see, rather than playing around with violations that took place three years ago both with the culvert and Croy Lake (which is not in Coldsprings Township) and he recommended that prior to any action being taken on the permit, that a full environmental impact study be conducted. Neubecker said that the DEQ had sent a letter to Mike Slater at the KCRC stating that they had denied their permit and application for replacement of the culvert. It stated that site conditions will have adverse impact on the natural resources associated with Rainbow Lake and its outlet stream. The DEQ stated that the Michigan Loon Preservation Association noted that common Loons use Rainbow Lake annually for nesting purposes, which is a State-threatened species in Michigan. Neubecker said that the DEQ based the decision to deny the permit to the KCRC on just the Michigan Loon Preservation Association in conjunction with the DNR Wildlife Division and that there has not been an environmental impact study done. Beth, Myron and Dan Priest were present to give their viewpoint on what is going on. Judy and Bob DeVee also gave their views. Discussion followed. Neubecker said that at this point in time he could not see any resolution other than dealing with the appeals process with the DEQ and that it is going to have to come from the property owners and concerned citizens in the area. More discussion followed. Neubecker said that the board is very concerned about the situation and this is something that the property owners and concerned citizens in the area will have to follow up on and there is a 60 day deadline with the DEQ and suggests that all concerned get hold of someone at the DEQ and explain that this is a little more serious than just a culvert. (B) VanBruggen & Cole vs. Coldsprings Township lawsuit Resolution - Neubecker said that at the October board meeting the board opted to back out as gracefully as we could, of the

VanBruggen & Cole Lawsuit. That was regarding the unnamed 50ft. road ending between lots 15 & 16 over in the plat of Kaskawood on Big Twin Lake. The lawyer for VanBruggen & Cole has agreed to a \$3,000.00 nuisance stipulation that they will pay us to prepare a resolution to relinquish jurisdiction to vacate that road, which the board has agreed to do. It definitely was not a winnable case. Neubecker read the resolution, which was prepared by Clerk Hodges. Neubecker said that by the township giving up their jurisdiction VanBruggen & Cole will get 25ft of the road ending and the other 25ft will go to the DNR who already owns the public access next to it. Discussion. Paladino said that the board shared the idea that it would be in the best interest of the township to give it up rather than continuing to get more legal advice since it was definitely not a winnable case and since the DNR will get 25ft of the road ending it will still benefit the public. M/Neubecker S/Casto to adopt Resolution 2004-01. Roll call vote. Neubecker yes, Hodges yes, Casto yes and Paladino yes. Trustee Bondy was absent. Resolution 2004-1 was adopted. (C) Sunset Trail - Neubecker received from the KCRC a proposal to put a second layer of asphalt on Sunset Trail. The cost would be \$96,290.00. The first layer of asphalt was put down in 1997. However the township did not have the funds to put a second layer on at that time. Now the township would like to put another layer of asphalt on before we lose any more of the road. Hodges however had a question regarding the amount of asphalt they want to put down. She said that when they put the first layer down in 1997 they only used 2200 tons of asphalt and that this proposal calls for 3050 tons. Gancer asked why the township doesn't bid it out to someone other than the road commission. Hodges said that when the road commission did Sunset Trail and Little Twin Lake Rd in 1997, the road commission said that we could bid it out to another company, however then the road commission would not be responsible in maintaining the road thereafter. Discussion followed. Neubecker said that he will check into it and see what the requirements are and to table the item until the next board meeting. (D) Water at the township hall - Hodges said the water system has been installed and so far seems to be working great. She said that we can try it for a few months and see what happens.

New Business - Lisa Lumetta was present requesting permission from the board to name a private road. Neubecker checked the survey that she had and said that it definitely had been platted. M/Neubecker S/Paladino to authorize Lisa Lumetta to name the platted access as shown on the presented survey, Vinny Avenue. All in favor. Motion carried.

Approval of Bills - M/Paladino S/Neubecker to pay the bills as presented. Roll call vote. Casto yes, Paladino yes, Neubecker yes and Hodges yes, Bondy absent. Motion carried. Checks #9533 thru #9562 in the amount of \$12,016.48 were issued for payment.

Citizens Comments

Upon proper motion the meeting adjourned at 8:26 p.m.

Mary Hodges
Coldsprings Township Clerk