

Charter Township of Portage
Regular Board of Trustees Meeting

January 17, 2022

The Charter Township of Portage held a Regular Board of Trustees Meeting on Monday, January 17, 2022. The board of trustees were in person at the Township office and the public logged in via zoom.

Call to Order: The meeting was called to order by Bruce Petersen at 6:00 PM

In attendance were Supervisor Bruce Petersen, Clerk Amy Skewes, Treasurer Betsy Smith and Trustees Peggy Anderson, Bill Bingham, and John Ollila as stated by roll call. Attended via zoom: Bill Fink

Additions or Changes to the Meeting Agenda:

Correspondence – Michigan Township association Board of Review training, Old Business – Portage Health Fund - pickle ball grant and Re-Approve ACH Fees. New Business – Copper Country recycling Initiative. Meetings – Houghton Rec. Authority, Local rural task force

Ollila requested closed session at the end of the meeting to discuss two pending personnel matters and Fink's request for payment for attending meeting via zoom.

A motion was made by Ollila, seconded by Smith to approve the meeting agenda. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

Approval of the Bd. of Trustees Previous Minutes: A motion was made by Ollila and seconded by Bingham to approve the December 13, 2021 regular meeting with the addition added to "other Business" the comment "beginning the first full pay period in 2022" and Budget Hearing meeting minutes and the December 14, 2021 and December 30, 2021 Budget meeting minutes. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

Approval of the Bills:

Anderson commented on the Wex gas cards not working for a month, she stated that the DPW workers should try another station in the future if that happens.

A motion was made by Anderson and seconded by Bingham to approve the bills as audited. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

Review Clerk's Report:

- Superior Tax and Accounting will complete our W-2's and 1099's
- 2021 and 2022 budgets have been updated
- Need to approve the Par-Plan for 2022
- Sent letters and questionnaires to Election Workers about working elections in 2022.

Review Treasurer's Report:

- Collecting and processing late Summer Property Tax payments through Feb. 28, 2022 before payments are sent to Houghton County. Summer courtesy bills have been sent.

- Accounting Firm Update
 - o Have a bid coming in from Susan Sanford out of Traverse City, she works with Ontonagon and does the audit for Laurium and understands the division of responsibility of auditor vs accountant (there are new restrictions on auditors)
- Proposal to increase fees:
 - o We may have done this incorrectly, what should they be?

A motion was made by Smith to accept the retention and engagement letter with Susan Sanford, CPA, seconded by Ollila. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

Review Zoning Administrators' Report (John) for (Dec. 2021)

ZONING APPLICATIONS:

There were ZERO (0) zoning applications!

Zoning Correspondence:

Numerous phone calls about the R-2/B-2 boundary @ Pilgrim Point,
 12/4 – potential house site on south U.S. 41, 12/8 – airbnb questions,
 12/14 – Family plus one rental clarification, 12/16 – seeking information about recent PC meeting, 12/23 – Township rental questions from local real estate agent, 12/27 – early discussion about upcoming R-2/B-2 boundary change request

Ollila commented that last Thursday he received a zoning application about Harbor Freight moving into the CC Mall.

Ollila's comments about the possible seaplane siting near the old Onigaming are included as an attachment.

Correspondence:

Brian Irizarry – Soccer Field Usage for 2022, Kevin Harju – Parking Encroachment on Boundary Road

Review Fire Departments:

OLFD: 3 EMS, 1 fire

HTFD: Houghton DNR Fire Dept. Assistance Project & Bonus Question by Brandon Scholie.

Review Assessor's Report: Attached

Trustees Reports/Updates: Fink commented that he had contact with a person from down state wondering how many marihuana licenses and vacant buildings the Township has, the gentleman called back after talking to Scott Dianda stating that they are going into the former Chinese restaurant on Razorback Drive.

Public Comments: Ted Soldan from OLFD commented that the department responded to an incident in early December of a power pole that had malfunctioned, there were live wires and 90% of the pole had burned.

There were several public comments regarding the possible Seaplane Siting in B-2 Zone along Portage Canal. Citizens voiced concern about the proximity to the Nara Nature Center, the nearby eagle nest and the peace and quiet of the neighborhood.

Chat messages from other members of the public and Susan Schwenk's letter are included as attachments.

Old Business:

- A. Green Acres Rd. Sewer Project – USDA – USDA Grant/Loan Funding – Check Arrived in Gladstone 1/4/21. Green Acres Road Joint Project Start Up. The loan closed on 12/30/21
Chris Holmes updated the board with the next steps in the process. February – Pre-construction meeting with Rural Development, Spring – Begin Construction. We should schedule a public meeting with residents before construction begins to address process/concerns.
- B. B-3 Quiet Business Zone – P.C. Review and Notification Letter.
- C. Bay Electric – Blinking Intersection Light Tapiola – Awaiting Bay Electric. Received a bid for \$8900.00 from Bay Electric. A motion was made by Ollila to accept the bid for \$8900.00, seconded by Anderson. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.
- D. (2) Sewer Lift Station Roof Repairs – UPPCO Pole Installed 1/4/21 near Abe's.
- E. WUPPDR Response to Assist in The Five-Year Recreation Plan Update.
- F. MDOT Annual Permit Application Completed.
- G. Patrick Greeley - Legal Waiver Letter. Township again declined.
- H. CCISD – Collection of Summer Tax Resolution is Based on the Official 4029.
- I. Portage Health Fund - pickle ball grant – Sent the letter of interest for the grant
- J. Re-Approve NSF fees – A motion was made by Smith to follow the MCL 600.2952. It states that we can charge \$25 if it is paid within the first 7 days; \$35 if it is paid between 7 and 30 days; after which the penalty fee goes up once it is turned over to a prosecutor, seconded by Ollila. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

New Business:

- A. Seaplane Siting in B-2 Zone – Along Portage Canal.
- B. ARPA - CLRF – Grant Approval Notification - Nov16, 2021 for \$326,880.00.
- C. Hannula Agency – Twp. Insurance Invoice for 2022.
A motion was made by Anderson to accept the new plan for 2022, seconded by Ollila. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.
- D. EGLE Drinking Water Testing – Another Deadline Violation.
- E. Copper Country Recycling Initiative –tire recycling
- F. Grayball and Mead contract – Planning and zoning
A motion was made by Ollila to authorize the contract with Grayball and Mead (Amy Schultz) for legal advice on planning and zoning issues, seconded by Anderson. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

Meetings:

- A. P.C. Meeting – December 15, 2021 – (B-3 Zone and Seaplane Siting)
- B. 2021 Budget Work Session – December 14, 2021.
- C. 2021 Final Budget Meeting/Work Session – December 30, 2021
- D. Houghton Rec. Authority – 10-10-2022
- E. Local Rural Task Force – 1-26-2022

Other Business:

The meeting went into closed session to discuss two personnel matters and Fink's request for payment for attending meeting via zoom bill at 8:00

The meeting returned to open session at 8:20

It was decided that the personnel committee would meet with Mike Becia about the importance of the testing requirements, this violation and give a verbal warning.

A motion was made by Smith to approve the purchase of a new printer for the assessor's office for \$165.00 and a mouse, seconded by Ollila. Motion carried by a roll call vote. Aye: Anderson, Bingham, Ollila, Petersen, Skewes, Smith. Nay: none.

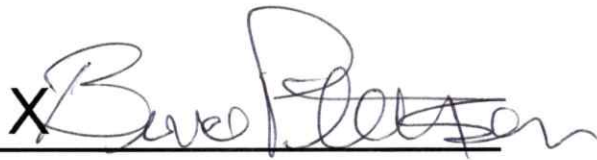
A motion was made by Bingham to only pay Fink the monthly amount for being on the board and not the \$30.00 for meeting attendance because according to MTA and the Open Meetings act "A member of a public Body must attend in person to count towards quorum, participate in discussion, and vote, unless they are absent due to military duty", Seconded by Skewes. Motion failed by a roll call vote. Aye: Anderson, Bingham, Skewes. Nay: Ollila, Petersen, Smith

Public Comment: None

Adjourn: The meeting was adjourned at 8:26 PM.

Public Attendance:

| | |
|---------------------|------------------|
| Brandon Scholie | Carol Sowards |
| Garrett Neese | Michelle Soraruf |
| Susan Schwenk | R Soraruf |
| JD | David Aittama |
| Kim Dunnebacke | Tim Dawson |
| Rich Dunnebacke | Laura North |
| Michelle Soraruf | Clayton Adams |
| Ray Trudeau | |
| Shannon Healey | |
| Ted Soldan | |
| Chris Holmes - UPEA | |
| Mike Bach | |

X 

Bruce Petersen
Supervisor

X 

Amy Skewes
Clerk

Assessor's Report January 2022

As 2022 begins, I have mailed Personal Property Statements (for completion by business owners) to all Commercial, Industrial, Utility 'businesses' in the Township. The forms are due back by February 22nd. All Businesses that have previously completed the *Small Business Property Tax Exemption Claim* no longer need to complete this form on an annual basis, and receive the exemption until their value exceeds the maximum allowed by Statute.

As the year (2021) comes to an end much of my time is spent reviewing permitted properties, and sales.

I had planned to attend tonight's meeting in person to review the 2021 sales with you, however, with the change to zoom I will be unable to attend.

Attached is a list of the transfers of ownership for the calendar year 2021.

The 'Use' column represents

100's Agricultural

200's Commercial

300's Industrial

400's Residential

500's Timber properties

Sale Type – "Family Sale" generally refers to transfers among family members as opposed to a 'sale'; roughly 60 of the transfers were of this type. The other sale types are fairly self-explanatory,

Please let me know if anyone has questions.

As always I am available at my remote office phone: 906-358-0504.

Or by email assessor@charterportagetwp.org

Laura Erhart, Assessor

ZONING ADMINISTRATOR COMMENTS 1/17/2022

Zoning Administrator Ollila reported that during the 4 years he and Bill Bingham worked together as co-zoning administrators they discovered occasional inconsistencies within the ZO. One of these was that, though every business district (B-1, B-2, MU, and M-1) had a statement to deal with unanticipated, new businesses, the authority to make the determination was sometimes delegated to the PC, sometimes to the ZBA, or to no one. Every ZO business district now includes the statement: "Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses." This statement was discussed and adopted by the PC and subsequently adopted by the township board, all meetings observing the legally required posting and public hearing. It was under the authority of this amendment that the PC made its recent finding that helicopters and seaplanes are essentially the same class of business, the same business model.

It's important to note that no permission has yet been given. The next step is to send the PC determination to the county planning commission for review and/or comment. Supervisor Petersen and Zoning Administrator Ollila will soon meet with an attorney who specializes in zoning and planning to ensure there will be no procedural errors as the process moves forward and to double check that township interpretation of a couple sentences in the ZO is indeed correct.

Subject: Portage Twp letter

Good-evening,

My name is Susan Schwenk.

I reside in Portage Twp, at 46890 US 41. My home is on Portage Lake, just easterly a few blocks from the former site of the Onigaming Supper Club. I have lived at this location for over 30 years, and have greatly enjoyed the peace and serenity of this amazing, lakefront location.

I would very much like to thank the Portage Twp board for giving me the opportunity to voice my opinion on a very important land zoning situation, which I understand is developing in my nearby neighborhood. Recently, I was shocked & saddened to hear that the isle royale seaplane operation base intends to relocate its seaplane storage & service hangars, along with its daily flight charter service operation, to Pilgrim Point. This operation would be located on a lot immediately adjacent to the Nara Nature Park, the old Onigaming Supper Club, and many beautiful lakefront homes. I have heard the intended site for the seaplane operation is on land that is not presently zoned to accommodate this aviation activity, and that the zoning would have to be changed to make this accommodation. Myself and a number of nearby neighbors, as well as many concerned citizens of the local area, very strongly object to this type of use on the Pilgrim Point Property.

It is incomprehensible to myself and many others to even consider allowing such an obtrusive nuisance to be sandwiched between the natural wonders of the Nara nature park, and the string of beautiful homes.

There is a very rich & diverse listing of birds & animals within the nature park... but initially, what encouraged me to start this opposition, was what is nearest & dearest to me, the resident Pilgrim Point Eagles. There is an active, breeding bald eagle nest near the Onagaming. I have taken 1,000's of photographs of them throughout the years. I have witnessed the hatch and fledgling each spring for years. Adult eagles mate for life, and typically return to the same nest year after year. However, the site location for the proposed seaplane operation will likely be within 50-100 ft of their nest. It is highly likely that these eagles will abandon their nest, due to the extremely loud, obnoxious noise created by the radial engines of the numerous seaplanes... not to mention the smoke, & oil leakage into the lake that these radial engines are known for.

Minimizing the potentially negative impact of moving the B-2 zoning boundary, by saying the developer of this site only needs a "small" extension, about 150-200 ft... would totally ignore the fact that an extremely noisy seaplane operation is just wrong!! It is a very poor use of this pristine land... next to a nature park, an active eagles nest, and the beautiful nearby homes, that my neighbors, and I, have worked so hard to enjoy.

Business growth & development is a desirable economic goal for any township, county or city. However, this growth should not come at the economic loss or significant nuisance to our local citizens. The taxpayers closest, and most affected, will all have a significant decrease in property values, if this seaplane operation indeed moves forward. These local taxpayers, myself included, will be demanding a significant reduction in their real estate tax assessments. There are a number of extremely valuable homes in this neighborhood, some valued at close to, or over one million dollars each. The county & township officials need to consider & be accountable to what the taxpayers of Portage Township & Houghton Co have to lose in this potential situation. Poorly executed zoning can indeed create economic & societal problems.

Eagles are a symbol of strength, and courage. It took strength & courage for me to come before this board tonite to respectfully request that Portage Township, and the Houghton planning commission

reject all requests to change zoning from residential to B-2 zoning at Pilgrim Point. The proposed use of a charter seaplane operation base would be incompatible with the current use of the adjacent & surrounding residential & nature park areas.

All creatures are deserving of a life free from fear, and having respect for animals makes us all better. It truly saddens me to think we have to fight our government bodies to save our environment.

Those who protect and save animals lead the way in protecting and saving humanity and earth ... because after all, the earth was meant for ALL beings, not just human beings.

Thank you so much for your time.

From Me to Everyone 05:43 PM

jd can you please share your name?

From Me to Everyone 05:54 PM

As people arrive, I have been muting to avoid background noise.

From Shannon Healy to Everyone 05:55 PM



From Me to Everyone 05:59 PM

Can everyone hear the mic ok? Keep me posted in the message if you cannot

From rSowards to Everyone 06:05 PM

rsowards - Rodney Sowards

From carolsowards to Everyone 06:05 PM

Carol Sowards

Me to carolsowards (Direct Message) 06:07 PM

thank you

Me to rSowards (Direct Message) 06:07 PM

thank you!

Me to Clayton (Direct Message) 06:11 PM

Hi Clayton, what is your last name?

From Me to Everyone 06:27 PM

906-482-5345 call after 1030 at night

John Ollila cell phone, zoning administrator

Me to Brandon Scholie (Direct Message) 06:30 PM

can you unmute yourself?

From Clayton to Everyone 06:30 PM

Adams

From Tim Dawson to Everyone 06:31 PM

How, exactly, can a seaplane and a rotorcraft (helicopter) be considered the same, when a rotorcraft is vertical takeoff, operating exclusively on land, vs. a seaplane that requires distance to take off/land, and cannot be constrained to only overfly the owner's property? Totally different operating conditions, which is more likely what the regulator considered, not business case.

From Clayton to Everyone 06:36 PM

The planning commission should consider consulting an attorney who understands the language in the ordinance. The interpretation has the wrong definition of the roto craft or rotor craft. The most commonly understood definition of a rotor craft is a helicopter. Furthermore, if you will please reference the zoning where it relates to Manufacturing districts, you will see that a roto craft is listed along with an airport. Why would an airport be listed separately and in addition to the rotocraft.

From Tim Dawson to Everyone 06:40 PM

Specifically, helicopter operations are allowed at hospitals, etc. but that in no way includes fixed wing operations, as is a seaplane.

From Tim Dawson to Everyone 06:47 PM

(Note also that I sent a detailed email to the township a bit over a week ago on this topic, and I refer you to that rather than covering it here redundantly, in the interest of time . . .)

From Shannon Healy to Everyone 06:49 PM

To my understanding, the seaplane lands in a national park... why is a nature park different?

From Tim Dawson to Everyone 06:51 PM

National parks are not necessarily wetlands . . . which tend to be protected.

From David to Everyone 06:54 PM

Can Susan Schwenk finish her presentation with another 3 minutes later in the meeting?

From Rosanna McCarron to Everyone 06:54 PM

I agree I would like to hear more on what she has to say.

From carolsowards to Everyone 06:54 PM

Yes she can have my time.

From rSowards to Me (Direct Message) 06:57 PM

What is the process for rezoning the residential track of land?

From carolsowards to Everyone 06:59 PM

Will all the comments and letters be a part of the meeting minutes

Me to rSowards (Direct Message) 07:00 PM

yes, they will

From Me to Everyone 07:00 PM

yes, all comments will be part of the minutes

From David to Everyone 07:04 PM

Sorry. This is my first Zoom meeting and did not know I had to do that. Pleas mute me again.

Me to David (Direct Message) 07:16 PM

thanks David, you are doing great at your first zoom!