

Supervisor's Report, August 2023

ROADS:

Sixth Street: Brendan Mullane informs me that the property owners on Sixth Street are interested in improving the Juniper Trail end of the street with a proper entrance. They are considering banding together to fund this themselves.

Golfview: Road Commission Engineer Craig Brown reports that MDOT is planning a project designed to address the sand that is flowing down Gulfview Road and into M 22, presenting a hazard. MDOT will be using their ample road right of way to make two stormwater retention areas. Craig reports that the rest of the road needs not just paving, but reengineering to address water flow. I pressed him for a budgeting number on this engineering, and although he was hesitant to give me a price he eventually gave me a rough ballpark of \$20,000 for the engineering. This is not something that the Road Commission would fund, Leland Township would have to fund this. He will be putting out an RFP for engineering work and offered to bundle the Gulfview work in with some other projects, which could make it less expensive.

Leland Village M22: Survey crews have been working to mark the right of way through town in preparation for the design phase of the 2026 rebuild of M22 from Christmas Tree Corner to North Street. I expect opportunities for public input next year.

Road report: I forwarded the LCRC report on Leland Township road conditions. Their report is based on old data, extrapolated to account for expected degradation over time. This report estimates over 50% of our roads in poor condition, with an expected cost of \$8.26 million to bring all up to good condition.

Deer: We had another dead deer on M22, this time at Christmas Tree Corner entering Leland Village from the south. It seemed to have met its demise on Thursday evening, but it was called in to the Road Commission and cleaned up fairly soon. I am hearing comments about the overabundance of deer in Leland village.

OTHER:

Sunset Shores: There are several things that need to happen to get this project moving. First and foremost, we need Marie Korson to sign her portion of the easement. This involves more than just the piece along the road. She is unwilling to concede that she does not own the road, but recent communication from her attorney suggests that she is willing to sign for \$11,000 plus her legal fees. Robert Parker has recommended that we leave the question of whether she owns the road for the plat owners. I've asked Robert Parker to get a "not to exceed" number for her fees. Clint reports that Marie has reached out to him and said that she would sign for \$18,000. Engineer Scott Jozwiak has vetted the easement language and has been working with David Korson, Marie's son, to make sure that he understands the easement, as there has been so much distrust concerning the actual size and placement of the easement. When we have this

number and the surveys are in order, the board will need to approve. We have always pursued the easement along the road as a backup in case any of the plat owners objected. Parker has suggested that we do what it takes to get Marie on board, and then put the pipe where it needs to go, and invoke eminent domain if there are any objections from plat owners.

1. We need a separate easement from Simeon Rodgers. He is willing to sign, but I have put off getting Parker to draft this one until we had Korson in hand.
2. To run the pipe under 641, we need a permit from the Road Commission. Craig initially balked at crossing at an angle, but is willing to consider it with enough technical information and if we get Joanne Morris to extend the easement that she has already granted to cover the stretch from the edge of the road to the middle of the road. This should not be a problem.
3. I have spoken to Bill Borre. He is still interested in the deal, if we can get it moving soon. Our option has run out and he would like to renegotiate at a price that is in line with current land prices. According to our assessing records, vacant property in that neighborhood has gained 25% in value since 2020, so we should be prepared to offer him \$37,500 per acre instead of the \$30,000 agreed upon in 2020. Bill does not want to wait a long time for this to get wrapped up, so once again, we need Marie to sign.
4. After we get the easements in place, EGLE will give us a letter stating that there are no objections to the project. We then post a public notice on the Borre parcel for 30 days and put the project out to bid. Once we have the bids and know the cost of the project, we will be able to complete the bonding process and be reimbursed for our costs. A non-tax exempt bond will allow us to recoup all of our costs. A tax-exempt bond has a time limit (3 years, as I recollect) so we will not be issuing a non tax-exempt bond.

There is concern on the part of some of the property owners about the increased price of the project. We won't know the actual cost until we can put it out to bid, but I've been asked about the possibility of extending the financing to 15 or 20 years to make the payments more manageable for property owners.

The stakes are certainly higher than they were at the beginning of this project, as groundwater protection has become a higher priority at every level. We now have a county wide septic inspection ordinance, and the Benzie Leelanau Health Department has made all records of private septic systems accessible online. Some properties in the SAD have no records online, which is an indication that their septic systems are archaic and not to modern standards. Such properties would be hard to sell or pass along to the next generation without an upgrade to modern standards.

Likewise, septic pumpers are facing more stringent regulation and increased costs. The cost of pumping out holding tanks has gone up and the number of companies in this business has dwindled.

Our community drainfield project was completely permitted in 2018, but when some of the residents of Twin Pines objected to the location of the drainfield, we chose to make an exhaustive search of neighboring properties to ensure that there was no other option. This

search uncovered the Borre parcel, and it seemed that switching the location of the drainfield away from concerned property owners was a good way to move the project along. Unfortunately, when we pursued a permit for the new location, we ran up against updated regulations that now require a pretreatment of the effluent, adding cost to the project. Although the cost of the project has risen, the cost of privately solving the lakeside septic problem has risen as well.

Robert Parker has also passed along information about the DEQ v Worth Township lawsuit, where a township with a situation similar to Sunset Shores was held responsible for sewage that made its way into the lake. This is not the situation that we find ourselves in now, but we should take our responsibility seriously.

Seawall: Jim Tiffany will be at our Monday meeting to answer questions about his preliminary plan. He has told me that he thinks that the concept will be approved. One feature that we have not previously discussed is the greenbelt along the boardwalk for the length of the walkway. This is one of EGLE's best practices for shorelines. If we approve of the concept, Jim will go ahead with the application. I have been talking with Nancy Popa, new Lake Leelanau lake Association president, about the possibility of working together to make the rebuilt seawall a demonstration of best practices for lakeshore landscaping. We have been looking for grants to help this process along. It seems that breaking the project into more bite sized chunks might help us to find grant funding.

USDA financing: We are almost through with the work that needs to be done for the USDA obligation phase. It is important that we pass a reimbursement resolution in a timely manner. We could choose to finance the down payment, as well. This would conserve funds for other capital needs like road repairs. Scheduling a workshop to discuss this was disrupted by moving, but I will try again. As I understand it, the only reason that we would be refused this financing is if our financial house was not in order, in other words if we failed to produce a five year budget and a rudimentary capital improvement plan. We should be doing this work anyway, as it is part of the work of a functioning town board. The State Treasury Department has been holding a series of webinars about becoming a Fiscally Ready Community, which outlines the steps to take advantage of state and federal grant and loan programs. These webinars are recorded and available online.

Questions for attorney about deposition transcript publication: When we settled the Celebrate Life tax tribunal case, there was a confidentiality agreement attached to that settlement. I was concerned to learn that the Taxpayers of Leland Township website, which as of March, 2022 was owned by former Leland Township trustee Tony Borden, had published the transcripts of my own and Julie Krombeen's depositions. I had understood those documents to be sealed, not available to the public. My questions for our attorney Pete Boyles concerned possible exposure should the township be found in violation of the confidentiality agreement. I was unable to get a conclusive answer during that conversation. Our attorney had never shared that transcript, not even with me, so it was unclear how it made its way onto the Taxpayers of Leland Township website. Boyles is looking into this and will inform me if further action on the

part of the township is required. This expense should be charged to the Supervisor's legal budget.