

WATERSMEET TOWNSHIP BOARD OF TRUSTEES  
REGULAR MONTHLY MEETING  
NOVEMBER 20, 2019  
6:30PM  
COMMUNITY CENTER  
[www.watersmeet.us](http://www.watersmeet.us)

The November 2019 meeting of the Watersmeet Township Board of Trustees was called to order by Supervisor Rogers at 6:30pm.

Members Present: Mike Rogers, Paul Kemppainen, Bill Neumann, Alan Piel.

Members Absent: Sandy Mansfield

Others in attendance: 6

A motion was made by Bill Neumann with support by Alan Piel to accept the minutes of the Regular Meeting on October 16<sup>th</sup>. Motion carried.

Appearances: Carol Mason-Sherrill, Director of Communications and Community Outreach for the Northwoods Alliance, discussed the Wildcat Falls Community Forest project. The project involves a 160-acre parcel of land located in southern Ontonagon County. The parcel had once been part of the Ottawa National Forest but was transferred into private ownership through a federal land exchange program. The new property owner originally planned to subdivide the property. The parcel is considered environmentally valuable due to the diverse ecosystems and habitats occurring throughout the property. Over 40 species of resident and migratory birds have been identified, including two threatened species. Floristic quality assessments for both the wetland and forest systems on the property have resulted in ratings in the mid-40's; any index rating over 35 is considered high quality. Northwoods Alliance has negotiated an agreement to purchase the property for preservation as a community forest and is in the process of applying for grants to cover part of the purchase cost. The remainder will need to be raised through donations. Ms. Sherrill asked whether the Township would be willing to provide a letter of support for the project, which would be included in grant application packages, and/or contribute funds toward the project. Supervisor Rogers indicated the Township is not allowed to make the requested donation. However, a letter of support will be provided.

Public Comments:

Pat Walsh questioned whether the Township could opt out of the ambulance service being pursued by the County. Supervisor Rogers indicated Township could refuse the service once a provider is selected but the Township would still be obligated to pay the millage levied by the County. The approximate \$170K Watersmeet Township will pay toward the service is far greater than the cost of the current service. Supervisor Rogers has been attempting to contact the Chair of the County Ambulance Committee to determine whether the County will, through the millage, fund the Township's First Responder program and contribute funding toward the construction of a new garage to house a future ambulance in the Township. No response as of this date. Paul Kemppainen summarized the history of the ambulance issue, indicating concerns about funding began in 2017.

David Sherrill commented on the gravel pit the County Road Commission is proposing to construct on Old US2 East, asking whether the Township Attorney has offered a legal opinion as to whether the

gravel pit would be subject to local zoning. Supervisor Rogers indicated he had several letters he would read during the Supervisor's Report, later in the meeting. Mr. Sherrill then asked about the status of the LVD Tribe's request to move more property into Trust Lands. Supervisor Rogers indicated there have been two requests to date; the first pertaining to the Ratcliffe Subdivision and a second more recent request concerning the former hotel building across from the Township Offices, which is currently being used as Tribal administration offices. Supervisor Rogers discussed the history surrounding the first request and briefly summarized the Bureau of Indian Affairs (BIA) process for addressing such requests. Once the BIA has reviewed application packages for completeness, they will send a letter to the Township requesting input on the Tribe's request. The Township has not yet received said correspondence from the BIA.

Peggy Tuttle first thanked Carol for her presentation about Wildcat Falls, finding it informative. Ms. Tuttle then reiterated her concerns about the County's proposed gravel pit, particularly those related to traffic safety. She reported a recent accident near the site of the proposed pit in which a local resident slid off the road into the ditch, resulting in significant damage to the passenger side of the car; if a passenger had been present, they would have been severely injured. The accident was attributed to the configuration (multiple curves) and condition (icy patches) of the road. Ms. Tuttle again stated Old US2 in the vicinity of the proposed gravel pit was not conducive to regular travel by heavy equipment. She then noted there were several inaccuracies in the recent letter from the Gogebic County Road Commission's (GCRC) attorney regarding the history of the former Gravel Pit 602. Ms. Tuttle indicated the pit was last used in 1945, more than 70 years ago, and no gravel was extracted from that area. Rather, it was rock that required crushing and the crushing activities were performed directly on the road (Old US2). She noted the review of the GCRC attorney's letter by the Township attorney didn't challenge any of the statements made.

David Sherrill asked about the Township process for selecting an attorney, suggesting the current Township attorney may not be the best choice for all issues. Supervisor Rogers responded that disagreeing with the Township attorney's opinion doesn't mean it was a poor opinion. Julie Mathiesen noted attorneys typically have a specialty and the Township attorney has previously indicated his specialty is not in planning and zoning. Julie suggested it might benefit the Township to seek outside counsel on the more complicated planning and zoning issues that sometimes arise in the Township. Supervisor Rogers said this could be discussed at a later date.

Richie Burke reiterated previously stated concerns about the Township police department. A primary concern is limited coverage by the Watersmeet Police Department. He indicated the Tribal Police can provide 5 full-time officers for less cost than the 1 full-time and 2 part-time officers initially proposed by the Township. Current staffing of the Township includes 1 full-time officer, 1 part-time officer, and several reserve officers. This level of staffing has resulted in Michigan State Police contacting Tribal Police for assistance when a Township officer is unavailable. Tribal Police have been asked to assist in incident response 22 times since August 1<sup>st</sup>. Chief Burke indicated the BIA provides funding to support police activities on reservation lands and it was unfair to use those funds to support police activities off-reservation. Supervisor Rogers noted the idea for the Township to create its own police department originated with the Tribe, in consideration of the ability to apply for grants. He further noted a significant number of the 22 requests involved medical call to the reservation, and the Township Police Chief is not allowed on reservation land, necessitating response by the Tribal Police. Finally, he indicated the Township Police Department has only been in place for about 7 months and issues are still being worked out. Bill Neumann suggested everyone stop thinking in terms of "reservation jurisdiction" versus "township jurisdiction" and simply look at the needs of the entire community, as BIA funds are

supplied by taxpayers. Julie Mathiesen noted an earlier suggestion from a Township resident about the need for a mediator to help involved parties work through the issues, suggesting this might be something for the Township to pursue.

Agenda changes/approval: A motion to accept the agenda by Paul Kempainen and supported by Alan Piel. Motion carried.

Old Business: None

New Business:

The next Board of Review meeting has been tentatively scheduled for Monday, December 9, 2019 at 9:00 a.m. A motion to approve was offered by Bill Neumann and supported by Paul Kempainen. Motion carried.

Approval of Bills: A motion was offered by Alan Piel with support by Bill Neumann to accept the bills as presented for payment. General Fund checks 39277 through 39289, Wastewater Fund check 4196, and Water Fund checks 3391 and 3392.

Reports:

Supervisor Report: Supervisor Rogers read the October 25, 2019 letter from GCRC attorney Michael Levine to Barry Bolich regarding the gravel pit on Old US2 East. He also read the November 11, 2019 letter from Township Attorney Tim Dean indicating concurrence with the analysis conducted by Attorney Levine. There was some additional discussion about the efficacy of the analyses.

Supervisor Rogers also indicated he had further contact with Michigan DNR personnel regarding the resolution to develop an ordinance for No Wake Zones on the Cisco Chain of Lakes. DNR stated the Township needed to have a public hearing prior to adopting said resolution. Supervisor Rogers said the required hearing would be held at a future date, likely Spring 2020.

Treasurer Report: Bank statements are all reconciled. As a reminder, Mr. Kempainen noted the millage for the ambulance service will appear on this winter's tax bill and for the next 2 years. He further noted residents on the Cisco Chain will again see the special assessment on this year's tax bill for invasive species control as part of the Lake Assessment District; a significant portion of the funds collected last year were used to cover legal fees and other administrative costs associated with establishing the LAD. Finally, surplus funds were moved to an account at Miner's State Bank, which currently offers a net 2.8% interest rate, higher than rates at the other banks queried.

Clerk: There was no correspondence

As there was no further business, Paul Kempainen motioned to adjourn, supported by Bill Neumann. Motion carried. Meeting adjourned at 7:45 pm.

Respectfully Submitted,

Julie Mathiesen, Deputy Clerk  
Watersmeet Township