

**BURT TOWNSHIP  
BOARD MEETING  
September 5, 2013**

The regular meeting of the Burt Township Board was called to order by Supervisor Harold Koviak on September 5, 2013, at 7:00 pm at the Burt Township Hall, 7029 Birchwood Road, Cheboygan Michigan 49721.

**ATTENDANCE:** Harold Koviak, Shirley Reimann, Arthur Pillen, Eugene Hodulik, Donna McDougall

**ABSENT:** None

**GUESTS:** Mike English, John Beery, Martha Cheney, James & Maureen McLeod, John Wojciechowski, Jim & Kate Woodward, Rick & Patti Johnson, Lyn & Connie Lord, Don & Trish Chmielewski, Jim & Susan Anderson, Liz Otto, Jill & Dave Patterson, Timothy MacArthur, Patrica Craig, Irene Tracy, Frank & Norma Kestler, Ken Charchut, Charles & LuAnn Spuller, Joyce Hutto-Nolan, Russ Elmhirst, Cheryl Cheney, Ann Swayze, Jon Jontz, John & Joan Hutto, Clinton & Nancy Deshais, Tom Cornell, Marilyn Bryan, Jay Jontz, Chris Kindsvatter, Ann Baughman, Ron Miller and many other guests who did not sign in

**AGENDA:** Koviak

Additions: None

Deletions - None

Public Comments on Agenda – None

**CONSENT AGENDA ITEMS**

**MOTION:** Moved by Pillen, supported by Hodulik to approve the consent agenda items as presented.

**MOTION APPROVED**

Supervisor Koviak welcomed the guests, introduced board members, and gave an overview of services provided to township residents, including recycling, paving and maintenance of township roads, and the new Burt Lake Trail. Koviak said the board works for all residents and has placed individuals on committees representing both sides of the lake. He stated there are openings as alternates on the Board of Review and Zoning Board of Appeals and encouraged visitors to let him know if anyone is interested in serving Burt Township in those capacities.

Add – The guests were canvassed as to their support of the trail.

**UNFINISHED BUSINESS**

Proposed Acquisition of DNR/Garnicki Property - Koviak

In response to Burt Township's letter and resolution dated June 8, 2013 expressing interest in obtaining the DNR/Garnicki Property to "maintain public ownership for local passive public recreation", Koviak received a letter from Ronald Olson, Chief, DNR Parks and Recreation, dated July 30, 2013, and received August 3, 2013, stating that he has asked his staff to "work through our disposal process for the Burt Lake property, including working with Burt Township to make this land available for purchase by the township. Specifically the DNR will appraise the Burt Lake property with consideration for retaining the Michigan Natural Resources Trust Fund encumbrances, which require the land be perpetually managed for public outdoor recreation. Retention of the MNRTF encumbrances is likely to impact the overall value of the land. This may assist the township's purchase of the property while also continuing to meet important local and regional recreation goals. However, should Burt Township choose not to purchase of the Burt Lake property, the land will be sold at full value without MNRTF encumbrances."

Koviak stated he has received 2 letters and 34 e-mails as well as many telephone calls, some of which were borderline harassments and threats, from residents not in favor of township acquisition of this property.

**MOTION:** Moved by Pillen, supported by Hodulik to receive and place on file the above mentioned letter from the DNR, the two (2) letters from residents, and all e-mails received regarding the DNR/Garnicki property.

**MOTION APPROVED**

Trustees Art Pillen and Gene Hodulik prepared a presentation explaining the history, present use, and proposed future use of the DNR/Garnicki property.

Koviak then opened up the meeting to public comment.

Ron Miller – (No address given)

Mr. Miller said he would like to get better information from the township.

John Beery – 3600 Raver Rd.

Under FOIA law, Mr. Berry said he would like to get agendas and meeting notices.

Frank Kestler – 1890 Indian Pointe Lane

Mr. Kestler, resident since 1990, gave an historical presentation on the property with regards to the lawsuit regarding residential zoning on Burt Lake. He asked that the position paper from Burt Lake Association be entered into the record.

Stuart Chaney – 2142 Elmhurst

Resident since 1924, Mr. Chaney said the board is using the Zoning Ordinance arbitrarily and capriciously making it possible to be challenged in the future. It is a flip-flop from previous position.

Tom Cornell – 2414 W. Burt Lake Rd.

Mr. Cornell said he wants people to work together. The board has acted arrogantly, incompetently, and dishonestly. It has performed a malfeasance of duty in not listening to people in the township. It has acted on survey findings sent out in 2003 and has sent out a new survey in 2013 that the board is hiding behind. MC Planning & Design, planning consultant, for the township is not qualified to conduct surveys and is self-serving. The majority of people do not want a park. Many people did not get the survey. The board does not pay attention to tax payers. No one knows the cost of the survey. Said Koviak does not know the cost of the trail. Corrected to read: **Koviak does not know the cost of the trail maintenance.**

Marilyn Bryan – 3016 W. Burt Lake Rd.

Mrs. Bryan requested her e-mail be made part of the record.

John Beery –

Mr. Beery stated the board should consider the financial situation of maintaining a park as well as maintaining the Burt Lake Trail.

Patricia Craig – representing Irene Tracy – 3652 W. Burt Lake Rd.

Mrs. Craig stated the DNR property is zoned waterfront residential and should remain so. There will be transients using the park, overcrowding, boats, noise pollution, safety hazard to swimmers, vandalism and crime, pests, drug and alcohol abuse, and destruction of wetlands.

Jill Patterson – 2008 Evergreen Lane

Mrs. Patterson said money should be used to fund the library rather than a park. She requested her e-mail be entered into the record.

Nancy Deshais –

Resident since 1942, Mrs. Deshais said there is trash on the beach from people who currently use the property. People who want to use the lake should buy property, build a house on it and pay the taxes. Also, there is a liability issue.

Ann Swayze – 5284 W. Burt Lake Rd.

Mrs. Swayze presented two letters from residents unable to attend the meeting. She stated 68% of residents are waterfront property owners and the township should serve the majority. She presented Special Use Permit information from the internet.

Jim Woodward – 10517 Burt Lake Trail

Mr. Woodward said the township should consider the taxes lost from making the property a park.

John Wojciechowski – 10550 Burt Lake Trail

Mr. Wojciechowski said he would like a better communication link, speakerphones for meetings with an 800 number. He said he asked for information on this in two separate e-mails with no response.

Jay Jontz – 2556 W. Burt Lake Rd.

Mr. Jontz thanked the board for their past service and said he would like to see the property used as zoned.

Dave Patterson – 2008 Evergreen Lane

Mr. Patterson, Chairperson for Governmental and Public Affairs for Burt Lake Preservation Association, said BLPA passed a resolution on May 18, 2013 and reaffirmed it in August stating that the property should be sold consistently with the Michigan Supreme Court decision. As an individual, he stated that the board used a survey from 2003 for their decision to pursue acquisition of the property and sent out a new survey without knowing the cost of the survey.

Chris Kinsvatter – 460 Deerfield Lane

Lobbyist for BLPA, Chris Kinsvatter said grants from the DNR are for development not purchasing of property or maintenance. He said the DNR policy is no swimming at Maple Bay but it is not a rule. Also, that Ron Olson from the DNR will not provide a price for the property but is waiting for Burt Township to get in touch with them.

Ann Baughman 10260 Chickagami Trail

Ms. Baughman said she has worked to protect Michigan waters for 20 years, first for Little Traverse Bay Conservancy and now at Freshwater Futures. She has been on the Planning Commission for more than 12 years and is on the Burt Lake Trail Committee. She would like to see the DNR property made into a township park, that studies have shown that property values do not decline in areas with parks but in fact, rise.

John Gosnell – 2710 W. Burt Lake Rd.

Mr. Gosnell asked who pays for grants.

Ronald Lempke –

Mr. Lempke asked what the property was zoned before Mrs. Garnicki owned it. He asked if it can be rezoned AG.

Andy Mitchell – 3520 Raver Rd.

Mr. Mitchell said neighborhood compatibility is important.

Joan Hutto – 1485 Festival Lane

Mrs. Hutto said the noise level should be considered as it is noisy at Maple Bay and also that trash washes up on the shoreline.

Frank Kestler – 1890 Indian Pointe Lane

Mr. Kestler suggested that the township get out of the Garnicki property and do something at Maple Bay.

Myra Baumes – (no address given)

Mrs. Baumes asked if the DNR can do whatever they want. Koviak said they would need a Special Use Permit.

Clinton Deshais

Mr. Deshais asked if anyone would buy property next to a park.

Public Comment closed at 9:07 pm.

Cable TV – Pillen

Pillen will meet the Great Lakes Power on Monday, September 9, 2013, to look at removing the cable.

### **NEW BUSINESS**

Michigan Transportation Alternatives Program (TAP)

Koviak presented a resolution of support for the Michigan Transportation Alternatives Program - Brutus Road Improvement to be sent to Emily Meyerson. This resolution supports a plan calling for 4' paved shoulders from Maple Bay Road to the Northwestern State Trail on the west side of US 31, further making the Burt Lake Trail a true east-west connector trail to the North Central Trail.

Roll Call vote: Reimann – yes; Hodulik – yes; Pillen – yes; McDougall – yes; Koviak – yes

**UNANIMOUSLY APPROVED**

### **Reports**

Supervisor's Report – Koviak

E. Burt Lake Road has been crack sealed.

Burt Lake Trail – Koviak & Pillen

About 150 people attended the grand opening/ribbon cutting/picnic of the trail on August 13, 2013, including Senator Walker.

As there was not a quorum at the last meeting, no new business was discussed. The committee is working on the survey from Hogsback Road to the corner of Mullett-Burt Road and Topinbee Mail Route.

Planning Commission – Hodulik

The Master Plan survey was mailed out to residents.

### **Public Comment:**

Dave Patterson asked about dry hydrants. He said he talked with both Pellston and Mullett Township Fire Departments and they both support dry hydrants. The dry hydrants would be engineered beneath the lake. He said there is grant money for such projects. Koviak said dry hydrants will be added to the October Agenda.

**MOTION:** Moved by Hodulik, supported by Pillen to adjourn.

**MOTION APPROVED**

Upcoming meetings: Planning Commission – September 16, 2013 – 7:00 pm

Burt Lake Trail – September 23, 2013 – 7:00 pm  
Zoning Board of Appeals – September 27, 2013 – 7:00 pm  
Burt Township Board Meeting – October 3, 2013 – 7:00 pm

Meeting adjourned at 9:33 pm.

Respectfully submitted,

Donna McDougall, Clerk

**BURT TOWNSHIP**  
**Notes from Public Comment**  
**September 5, 2013**

General

Want better communication with property owners (township website-more info/Open Meetings Act)

Frank Kestler

- History – BTA/BLPA and township spent \$100,000 on all the zoning vs DNR lawsuits
- We need to preserve local zoning
- Put on record the BTA 1999 Position Paper

Stuart Cheney

- Concerned about zoning lawsuit
- If DNR sells the property, it will be Residential
- Zoning could be considered arbitrary

Tom Cornell

- Board is showing “arrogance” not listening to the people
- MC Planning & Design is self-serving, she is a landscape architect – she designed the survey
- E-mail to Koviak, asked how much the survey cost – Answer: “I don’t know yet.”
- Many of us didn’t get the survey (12)
- Old survey – 76% said would not pay for park with more millage

Merilyn Bryan

- Property is zoned residential
- Give to DNR to auction off – will raise taxable value as a residential area

John Beery

- Budget – Do people know our budget?
- What’s the cost to maintain the trail?
- Will there be a new millage to maintain the trail and a park?

Patricia Craig (Irene Tracy’s daughter) – South of DNR property

- Zoning protects residents
- Remain waterfront residential
- Master Plan supported by selling, build houses
- Worry about transient people at park, overcrowding, big parking lot, boats anchored off shore, use of toilets, boats are hazard to swimmers, trash problems, unsupervised, swimmers’ itch (ducks), beach is “mucky” not sandy

Jill Patterson

- Cost of swings is more than you think because of the base and ground safety material

- Liability insurance is high
- Defies Supreme Court decision
- In Rec Plan 2007, 2012
- Trash and noise
- Need cost/study for a park
- Everyone can use the lake, drive a few minutes somewhere

#### Ann Swayze

- Gave two letters from neighbors for record
- Supports residential use
- “68% are lakefront” so serve the majority
- No one will come to the park
- SUP cannot happen – read a list of “cannot” in zoning/SUP

#### Nancy DeShais

- North of DNR property – once owned 1000 ft. of waterfront
- Please sell to build houses
- If they want to be on the lake, buy on the lake
- What about liability if someone gets hurt

#### Jim Woodward – (finance background)

- Alternate revenue stream, increased tax dollars for property important

#### John Wojciechowski

- Need communication link for Planning Commission and Township Board
- Have a speakerphone

#### Jay Jontz

- Property should be used as zoned
- “You all do a nice job”

#### Dave Patterson

##### “BLPA hat”

- At May Township Board meeting went on record that BLPA wanted property sold; develop as waterfront residential
- SUP requirements on website implies SUP cannot work
- BLPA wants to work with Township Board for a joint solution

##### “Individual hat”

- 2003 vs 2013 survey – “Forgot the \$ questions in the new survey”
- He asked people to come to meetings
- What did the survey cost?

#### Chris Kinsvatter – property owner /lobbyist in Lansing

- He called the DNR director – “NOT FREE”, need to buy it; has an encumbered value
- Maple Bay swimmers topic

Rich Hill – Gaylord District (responsible for Maple Bay) said: no rule/law/policy; people can swim there – a couple of ways:

- 1) Go in as a camper or use the State Park License Plate sticker
- 2) If not a lot of cars without trailers, it is OK to park away from the lake and swim

- An agreement could happen, but probably no playground equipment
- Received e-mail Sunday from Ron Olson, DNR, who said he is waiting for township response.

Ann Baughman – Support for the Park

- “I do not live on lake”
- Maple Bay should be available for swimming and playground, more picnic tables
- Burt Lake has 36 miles of shoreline but less than 1 mile of beaches
- Tip of the Mitt supports public swim park but no boat launch
- No data nation-wide that parks devalue property
- “Stay strong for park on lake”

John Gosnell

- Grants – where does the money come from for these?

Roland Lempke

- Was the property residential before DNR bought it?
- How was it changed to DNR AG?
- How the park will affect neighbors must be considered

Andy Mitchell

- Thank you for the trail and Maple Bay
- Encourage neighbor compatibility
- Protect the lake and listen to both sides

Joan Hutto

- Concerned that the weekend boats (up to 200) now south of Maple Bay will move to this park area and will have loud music and trash

Frank Kestler

- Back in the 1990’s we all stopped the DNR dredging. Let’s get out of the DNR property and figure a way to work together (township, BLPA and People) to get swimming at Maple Bay

Submitted by Gene Hodulik, Trustee