

Regular Meeting
July 15, 2008

The regular meeting of the Clearwater Township Board was called to order at 7:00 p.m. by Supervisor Grimm. Board members present were: Johnson, D. Grimm, Vance, S. Grimm and Belanger. Also present were 38 guests.

Supervisor Grimm opened the meeting with the Pledge of Allegiance.

Clerks Report: Moved by D. Grimm, seconded by Johnson to approve the Regular Meeting minutes of June 17, 2008 as presented. All in favor. Motion carried.

Moved by S. Grimm, seconded by Vance to approve paying bills from the General Fund, voucher number 17048 through 17063 as presented. Roll Call Vote: Johnson-Yes; Vance-Yes; D. Grimm-Yes; Belanger-Yes; S. Grimm-Yes. Motion carried.

Moved by D. Grimm, seconded by S. Grimm to approve paying bills from the Fire Fund, voucher number 5567 through 5572 as presented. Roll Call Vote: S. Grimm-Yes; Johnson-Yes; Belanger-Yes; D. Grimm-Yes; Vance-Yes. Motion carried.

Treasurers Report: General Fund (all accounts) \$318,145.44; Public Improvement Fund \$90,226.74; Fire Fund (all accounts) \$115,625.03; Tax Fund \$641.79.

Political Speakers: David Israel and William Artress, Candidates for Sheriff; JoAnn DeGraaf and Rosemarie Franco-Bell, Candidates for Register of Deeds and Tony Hefner Candidate for State Representative spoke.

Public Comment: None

Old Business: Oil & Gas Lease – Wally Muske of Martec Land Services representing Atlas Gas & Oil Company LLC presented full non-developmental lease for township lands.

Moved by S. Grimm, seconded by Belanger to approve proposed Oil & Gas Lease from Atlas Gas & Oil Company LLC on township lands upon review and approval from township attorney. Roll Call Vote: Johnson-No; Vance-Yes; D. Grimm-Yes; Belanger-No; S. Grimm-Yes. Motion carried.

Planning Commission: Huse Johnson presented ^{Commercial IM} Planning Commission Report. Indicated that proposed rezoning from Residential to Village ~~Commission~~ on portion of properties lying North of Plum Valley Road on Rapid City Road has been approved by the Planning Commission and sent to Kalkaska County Planning Commission for their advisory review and recommendation and that it should be before township board at August meeting.

Moved by D. Grimm, seconded by Belanger to purchase six (6) plat books from MSU Extension Office for a cost not to exceed \$180.00. All in favor. Motion carried.

New Business: Roadway in the Plat of Bagg's Landing. Moved by D. Grimm, seconded by Vance to approve the following:

Resolution to Relinquish Jurisdiction

WHEREAS, a petition was filed with the 46th Circuit (Kalkaska), State of Michigan, seeking to vacate portions of a platted roadway; and, WHEREAS, the roadway to be vacated is located within the Plat of Bagg's Landing; and, WHEREAS, the Plat of Bagg's Landing is located within Clearwater Township, Kalkaska County, Michigan; and, WHEREAS, Clearwater Township was named as a necessary party defendant to the Petition to Vacate reference above; and, WHEREAS, the petition is referenced in the 46th Circuit Court as Case No. 04-8438-CH; and, WHEREAS, Clearwater Township appeared as a defendant by and through counsel in the matter to vacate; and, WHEREAS, a judgment was entered by the 46th Circuit Court on November 18, 2005, vacating various portions of a certain public roadway located in the Plat of Bagg's Landing; and, WHEREAS, the judgment entered by the 46th Circuit Court on November 18, 2005, is attached hereto as EXHIBIT A, and an amended judgment was entered by the 46th Circuit Court, on September 5, 2007, and is attached hereto as EXHIBIT B; and, WHEREAS, the public right-of-way vacated by the aforereferenced judgment and amended judgment was, in part, subject to an earlier resolution of vacation approved by Clearwater Township, on March 1, 1966, attached hereto as EXHIBIT C; and, WHEREAS, the area of the public right-of-way vacated by the aforereferenced judgments is larger than the area of the public right-of-way vacated by Clearwater Township's 1966 resolution; and, WHEREAS, it is a requirement of the Department of Labor and Economic Growth, Office of Land Survey and Remonumentation, State of Michigan, that the area of the public right-of-way described in the aforereferenced judgments match precisely the area vacated by Clearwater Township's resolution; BE IT RESOLVED that the following described portion of a certain public right-of-way contained within the Plat of Bagg's Landing shall be vacated, and that Clearwater Township does, by this instant resolution, relinquish all jurisdiction and interest in said legal description, as set forth below, to wit: That the following described portion of Baggs Road (33 feet wide) in Bagg's Landing No. 2, according to the recorded plat thereof as evidenced in Liber C of Plats, Page 22, Kalkaska County Records, and the underlying portion of the same public right-of-way established in Bagg's Landing, according to the recorded plat thereof as evidenced in Liber B of Plats, Page 17, Kalkaska County Records, lying between the following described line and the water's edge of Skegemog "Round" Lake is hereby vacated. That part of a 33 foot wide road of Bagg's Landing No. 2 according to the recorded plat thereof as evidenced in Liber C of Plats, Page 22, Kalkaska County Records and vacated per Resolution No 35 by Clearwater Township Board dated February 28, 1966 and recorded in Liber 100 of Deeds, Pages 571-572 on October 14, 1967, Kalkaska County Records, more fully described as: Beginning at the Southwest corner of Log 2, Bagg's Landing according to the recorded plat thereof as evidenced in Liber B of Plats, Page 17, Kalkaska County Records; thence South 45°33'11" West, on an extension of the Southeasterly line of said Lot 2, 26.20 feet to the Easterly right-of-way line of Bagg's Road; thence along said

right-of-way line on the arc of a 45.00 foot radius curve to the left, a distance of 20.55 feet (long chord of 20.38 feet bearing North 15°06'29" West); thence North 10°52'16" East, continuing along said right-of-way line, 34.20 feet; thence South 45°48'20" West, along said right-of-way line, 16.68 feet; thence along said right-of-way line on the arc of a 135.82 foot radius curve to the left a distance of 6.71 feet (long chord of 6.71 feet bearing North 25°06'03" West) to the West line of Section 30, Town 28 North, Range 8 West, also being the West line of said Plat of Bagg's Landing No. 2; BE IT FURTHER RESOLVED that the Clerk of the Clearwater Township Board shall, within 30 days after the adoption of the instant resolution, return a true and certified copy of the resolution to the Kalkaska County Register of Deeds for recordation. Resolved this 15th day of July, 2008.

Roll Call Vote: Belanger-Yes; S. Grimm-Yes; Vance-Yes; Johnson-Yes; D. Grimm-Yes. Motion carried.

Liquor License: Resolution: Moved by S. Grimm, and supported by D. Grimm that the request to transfer ownership of 2008 Tavern licensed business, located at 9395 Valley, Rapid City, MI 49676, Clearwater Township, Kalkaska County, from Bruce D. Belanger, Sr. to Torch Pub, LLC; transfer classification to a Class C licensed business; and request a new dance-entertainment permit, subject to all state requirements and no topless entertainment will be done on the premises be approved. Roll Call Vote: Vance-Yes; Johnson-Yes; D. Grimm-Yes; Belanger-Abstain; S. Grimm-Yes. Motion carried.

Zoning Board of Appeals: Moved by D. Grimm, seconded by S. Grimm to advertise for new Zoning Board of Appeals members with applications to be reviewed at next township board meeting. All in favor. Motion carried.

Sheriff Report: Deputy Scott Griffith presented June 2008 report.

Fire Report: Moved by D. Grimm, seconded by Vance to approve Levi Gates to attend training classes as follows: EMT Basic at Alden 2200 Station; Advanced Extrication at Station 7; Drug Clandestine at Station 7; Vehicle Extrication at Station 7; and NIMS – ICS at Station 7; all at no charge to township fire department and to reimburse mileage. All in favor. Motion carried.

Moved by D. Grimm, seconded by Vance to advertise for sealed bids to clean up vacant lot per specifications. All in favor. Motion carried.

Moved by D. Grimm, seconded by S. Grimm to advertise for sealed bids for painting and repair of fire station. All in favor. Motion carried.

Chief Review: Spoke with Chief West in regards to issues within the fire department and personal issues outside of department that are reflecting back to the department.

Meeting recessed at 9:37 p.m. and called back to order at 9:56 p.m.

It was decided to seek policy in regards to not using township property and/or materials for personal use.

Supervisor Grimm thanked everyone for attending meeting.

Meeting adjourned at 10:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Julie K. Vance".

Julie K. Vance
Township Clerk