

**PINE GROVE TOWNSHIP MONTHLY BOARD MEETING MINUTES**  
**July 07, 2021 7:00 p.m.**

1. Meeting was called to order at 7:00 P.M. by Supervisor Smith.
2. Pledge of Allegiance.
3. **Roll Call:** Present: Richardson, Meert, Smith, Sell, Hephner  
Also Present: Catherine Kaufman, Attorney
4. **Consent Agenda:** *Motion made by Richardson, supported by Meert, to approve the consent agenda with the two corrections in the June 08 Meeting Minutes. All yes, motion carried*
5. **Monthly Bills:** *Motion made by Hephner, supported by Smith, to pay the monthly bills as presented in the amount of \$25,947.75. All yes, motion carried.*
6. **Public Comment:** None
7. **Correspondence and Reports:**
  - A. **Library** – A preliminary cost for the construction costs should be coming soon.
  - B. **Sheriff** – None – they may not be aware of the meeting day change; Smith will contact the Sheriff.
  - C. **County Commission** – submitted
  - D. **Road Commission** – None Smith presented a picture of the repair work that was done on 18<sup>th</sup> Avenue and stated it was done nicely.
  - E. **Fire Chief** – None
  - F. **Fire Board** – None
  - G. **Ambulance** - None
  - H. **Treasurer** – T&A: \$10,149.61 General Checking: \$1,097,099.97 Savings: \$199,928.38 Tax \$2,397.04
  - I. **Planning Commission** – Richardson stated that the PC approved the Parallel Towers Special Land Use Permit to construct a communications tower on Baseline Road. The PC will be meeting on July 12 at 6 p.m.
  - J. **KABA** – Smith stated that as of this last month, KABA has issued \$927,708.00 worth of Building Permits.
  - K. **Ordinance Enforcement Officer** – submitted. Richardson stated that Tim Smith, the Ordinance Enforcement Officer is not clear what the board is requiring of him regarding enforcement, whether it should be by complaint only or random drives through township and documenting violations. Don Smith stated that a job description was developed and authorized by the board, however, no one has gone over that job description with him. Attorney Kaufman stated that under the Open Meeting Act, one of the reasons that you can go into a closed session would be an employee evaluation if the employee asks for a closed session. Meert stated that he was in the office with her and they read through the proposed job description, but that was before it was approved. Meert stated that she will email Tim the approved job description and Catherine Kaufman will provide Meert with a sample written notice which is required.
8. **Committee Reports:** **American Rescue Plan:** Hephner stated that she received notice that they are expecting the funding request process to open up in the coming week. In the meantime, the township should review, complete, and prepare other required information and documents including the Award Terms and Condition Agreement, Assurance of Compliance with Title 6 of the Civil Rights Act, townships account information in the State Account System (SIGMA), the township's pre-pandemic operating budget which includes total general fund and other funds as of 01-27-2020. Funding amounts are up to 75% of this amount. Funds must be obligated by 12-31-2024 and Period of Performance ends 12-31-2026. Hephner stated that the board needs to continue to come up with ideas for uses for these funds. Projects at North Lake were discussed.
9. **Old Business:**
  1. **Recycle Center Operation and Rates** – *Motion made by Smith, supported by Richardson to adopt the revised Recycle Center/Transfer Station fee structure presented by Smith.* After a lengthy discussion regarding resident vs. non-resident costs,

cards, tax bills, recycling fees and procedures, dump fees and procedures. Hephner stated that perhaps a committee of two board members could work on a proposal on how to proceed. Smith and Hephner will work on the details and present them to the board next month. ***Motion made by Richardson, supported by Hephner, to table the recycling transfer station to next month. All yes, motion carried.***

2. **Short Term Rental Ordinance** – The current definition of “short term rental” needs to be reviewed. Attorney Kaufman will review the Zoning Ordinance and come back to the board with what changes could be made to allow AirBNB without doing a police power ordinance, as well as the definition of boarding houses in the Zoning Ordinance. Attorney Kaufman will work with Bear Priest, Zoning Administrator and Rebecca Harvey, Zoning Consultant.
3. **Local Fire Board** – Attorney Kaufman stated she looked at the Interlocal Fire Department Agreement that was provided to her to review and advise on the changes that were proposed; Paragraph 3: Fire Board; Terms of Office; Meetings. Attorney Kaufman advised that the first change would bring the agreement into compliance with Chapter 41.11, of the revised statutes of 1846. Attorney Kaufman advised that changing “any reason” language to “just cause” is acceptable, however, it must be documented what constitute “just cause” or it could state “any cause”. Sell asked the question that due to representative from Gobles not attending meetings or paying their fees in a timely manner, has it been asked if Gobles still wanted to participate in the Interlocal Agreement. After a lengthy discussion on how to proceed, ***Motion made by Richardson, supported by Hephner to have two members of Pine Grove Township Board and two members from the City of Gobles meet very soon to discuss the interest of continuing the Interlocal Fire Department Agreement. All yes, motion carried.*** Attorney Kaufman advised that two members should volunteer or be appointed by the board to be the two representatives from the Township Board to attend this meeting. ***Motion made by Richardson, supported by Sell to appoint Hephner and Meert to represent the township board in the meeting with the City of Gobles to discuss the interest in continuing the Interlocal Fire Agreement. All Yes, motion carried.***

#### 10. New Business:

1. **BS&A Build.NET software package** - Smith presented a proposal for Software and Services from BS&A. Smith stated that this is software that is used by KABA and it is used also by the townships Ordinance Enforcement Officer to keep a good data base. KABA and the OEO make notes in this data base that also becomes a permanent record. Smith stated that the quote for \$3,925 is for the main purchase of the software license and the annual fee is included in the first year, after the first year, the annual fee is \$785. After two years, BS&A reserves the right to increase the Annual Service Fee by no more than the yearly Consumers Price Index for All Urban Consumers US City Average. Smith stated that in addition, the township would need to purchase a laptop for the OEO to use. ***Motion made by Smith, supported by Richardson to contract with BS&A Software for \$3,925 and the Annual Service Fee, which is free the first year, and for \$785 beginning the second year and the purchase of a laptop to be used by OEO, not to exceed \$900. Roll Call: Richardson - yes, Meert - yes, Smith - yes, Sell -yes, Hephner – yes. Motion carried.***
2. **VBCRC Project 489.2151 Ditching on 12<sup>th</sup> Ave** – Smith presented pictures of the washout on 12<sup>th</sup> Avenue. The Road Commission was asked to provide an estimate for this project which entails starting where the water comes out of the field, ditching both sides of the road, going east, putting in driveway culverts (3) and down at the east end, putting in a cross culvert on 12<sup>th</sup> Ave and also putting in a cross culvert on 26<sup>th</sup> St to carry the water to the northeast corner of 12<sup>th</sup> and 26<sup>th</sup>. The estimate came in at \$96,000 and the road commission would contribute \$4,800. Hephner asked what type of liability the township would have if they did not approve this project from the Van Buren Road Commission. Attorney Kaufman stated that the township has no responsibilities for roads. Attorney

Kaufman stated that the Van Buren County Road Commission is responsible for the roads in Pine Grove Township. Kaufman stated that what seems to be happening in many counties is that the road commissions don't have enough money any more and are pushing back on townships. **Motion made by Richardson, supported by Meert to reject the VBCRC project proposal on 12<sup>th</sup> Avenue. All yes, motion carried.**

3. **VBCRC Project 497.2189 - 08221 26<sup>th</sup> St Driveway – Motion made by Richardson, support by Sell to reject the VBCRC project proposal on 26<sup>th</sup> Street Driveway. All yes, motion carried.** Hephner presented some road project budget funds calculations so the board would have a better idea of how much money was actually in the road budget at this time.
  4. **Truth in Taxation –** Smith stated that the Tax Rate Request, L-4029 is something that the township has to do every year. Smith stated that the board needs to decide if the board wants to levy the allowed maximum allowable rate on taxes. **Motion made Smith, supported by Hephner to allow the county to levy the maximum tax allowed under Headley. Roll Call: Richardson – yes, Meert - yes, Smith - yes, Sell - yes, Hephner - yes. All yes, motion carried.**
  5. **Discuss IT Changes –** Smith stated that the township was informed that the company, Siegfried & Crandall, that performs the townships IT services is no longer going to be doing IT work. Smith stated that he and Michelle have contacted a few other companies for proposals on IT services for the township. IT Right has submitted a proposal of \$5,600 for initial set up and annual service fee, which is \$3,600 per year. Smith stated that some companies have stated that they do not service small agencies such as this township. Meert stated that she would contact other township agencies to see who they use for IT services.
11. **Public Discussion:** Jim Kehoe stated that in regards to the interlocal fire agreement, from the Fire Boards view, if the agreement continues, it would be beneficial if a clause could be included for a way to address the situation if one municipality passes the budget and the other municipality doesn't. Kehoe stated that there is nothing in the current agreement that addresses a budget deadline. Attorney Kaufman stated that she would work on some language regarding this for the interlocal fire agreement. Kehoe stated that as a citizen, he believes that the township should appoint 3 people to the Fire Board in accordance with the interlocal fire agreement, not 2. Kehoe also stated that as a citizen, he believes that "just cause" should not be in the interlocal fire agreement as Gobles or Pine Grove could challenge each other.
12. **Member Comment:** None.  
**Motion made by Smith, supported by Richardson, to adjourn. All yes, motion carried.**  
**Adjournment: 9:51: p.m.**

Respectfully submitted,  
Michelle Meert, Pine Grove Twp. Clerk