

**TUSCARORA TOWNSHIP BOARD**  
**October 25, 2024 Time: 1:00 pm**  
**3546 S. Straits Hwy. Indian River, MI 49749**  
**SPECIAL MEETING MINUTES**

**AGENDA:**

1. Call to order
2. Roll Call
3. Parking Lot Bids
4. Road Repair
5. Sewer Requests
6. Reimbursements,
7. Bills
8. Litigation Authorization
9. Public Comments
10. Board Comments
11. Adjournment

**MINUTES:**

**Item 1. Call to order:** Supervisor Kramer called the meeting to order at 1:02 pm.

**Item 2. Roll Call:** Supervisor Kramer, Clerk Reidsma, Treasurer Dillaha, Trustee Vance, and Trustee Pearson present. All present. Quorum present.

**Item: Agenda change request**

**Motion:** Move to add Item 8, Litigation Authorization, to the agenda.

Moved by Reidsma, seconded by Dillaha.

Motion passed 5-0 voice vote.

**Motion:** Move to take a 15-20 minute recess for Board to read legal brief from attorney.

Moved by Kramer, seconded by Vance.

Motion passed 5-0 voice vote.

Information: Tuscarora Twp citizen, Kelly Ashford's suit against the Cheboygan County Planning Commission, in regard to a Township parking lot project.

**Items 3. Parking Lot Bids**

**Motion:** Move to approve PEI's recommendation to award the low bidder, E.F. Wilkinson & Sons, Inc. for the modified scope of work in the amount of \$192,599.50, contingent upon Township receiving all required approvals.

Moved by Vance, seconded by Pearson.

Motion passed 5-0 voice vote.

**Information:** Bids for the Martha Street Parking lot were opened on October 23, 2024 and the low bidder for the project was E.F. Wilkinson & Sons, Inc. in the amount of \$276,033.50 for the total project. It is our understanding that the Township's budget allocation for the project was approximately \$200,000.00. Some portion of the cost overrun is associated with implementing a Due Care Plan and dealing with the contaminated soils, which were not part of the original project planning by the Township. Fortunately, we can still accomplish the primary objective of the project, which was to construct the parking lot with some reduction to the scope of work. Two areas of work, the sidewalk and street lighting, are complementary to the parking lot and could be removed as isolated scope items. Both of those areas could be incorporated into the project at a future date when funds become available, without compromising the parking lot construction. Additionally, postponing the sidewalk and lighting allows the opportunity to review alternatives and options to potentially reduce the costs associated with these items. Evaluating the bid, the sidewalk components account for \$41,434.00 and the lighting components are \$42,000.00 (keeping the conduit item for future wire installation). Removing these items would reduce the overall project cost to \$276,033.50 - \$83,434.00 = \$192,599.50. The tentative construction schedule would be as follows: Construction Award 10/25/2024, Start Construction 10/28/2024, Fall Completion 12/1/2024, Material Disposal 12/31/2024, Spring Paving Complete 5/16/2025, and Construction Final Closeout 5/23/2025. The Board has approved the contract CONTINGENT upon receiving all government permissions, licensing or permits

#### **Item 4. Road Repair**

**Motion:** Move to repair the Rainbow Ends Trail Road with gravel provided to the Road Commission by the Township for \$2500.00

Moved by Dillaha, seconded by Vance.

Motion passed 5-0 voice vote.

Discussion: The road requires this emergency repair and was requested by the residents. The Road Commission can perform the work before the end of November. Trustee Pearson mentioned she is a resident and asked that her vote not be counted. The decision is still a unanimous 4-0 vote.

#### **Item 5. Sewer Requests**

**Motion:** Move to approve the cancellation of O & M (operating and maintenance) fees to properties with demolition (that are now vacant land) and to reimburse the property owners for bills paid back to the date of demolition.

Moved by Vance, seconded by Dillaha.

Motion passed 5-0 voice vote

Information: The properties were identified as owned by Wright Real Estate (parcel #161-024-400-395-00) at 6339 Burchfield and a property owned by Miramonte Property Management (parcel # 161-M55-033-002-00 at 3589 S. Straits Hwy (additional information in the Board Packets). The Board discussed the need for policy and procedure for future change in usage and to have REUs properly reflected (in sewer systems) for its intended usage. Building permits should be tied to sewer usage, but apparently there are conflicts with existing laws.

#### **Item 6. Reimbursements**

Information: No action required given the DDA check request was included in the Invoice Register.

### **Item 7. Bills**

**Motion:** Move to approve the bills (as stated in the Invoice Register).

Moved by Dillaha, seconded by Person.

Motion passed 5-0 voice vote

Information: The Board discussed the need for a DDA pre-paid invoice required by Spectrum to engage their services for \$13,600.

### **Item 8. Litigation Authorization**

**Motion:** Move to approve having the township attorney intervene in the appeal filed by Kelly Ashford challenging the Cheboygan County Planning Commission's approval of our site plan with conditions.

Moved by Reidsma, seconded by Dillaha.

Motion passed 5-0 voice vote

Information: The Board had approved a motion to recess & to review the legal documents. The request to intervene was meant to become a party to the Ashford-Cheboygan County lawsuit in Circuit Court, Case 24-9090-AA.

**Motion:** Move to authorize the Township attorney to seek damages and recoup legal fees from Plaintiff Ashford on behalf of the Board.

Moved by Vance, seconded by Pearson.

Motion passed 5-0 voice vote

Information: Because of this suit, the township may not be able to build this parking lot until Spring. That means we would have to re-bid the project and we would have increased costs, because the contractor is leaving with his equipment on November 15 when sewer construction ends for the season. We received a reduced price because the contractor's equipment and people are already here. We were supposed to break ground next week.

### **Item 9. Public Comments** (opened at 1:44 pm / closed at 1:54 pm)

P. McGinnis – comments & accusations regarding Supervisor Kramer and other Board Members

A. Couture – comments on need for Due Care plan for the Parking Lot project

R. Grandy – commented on those citizens, who circulate negative misinformation, driving up Attorney expenses unnecessarily.

R. Odenwald – comments on those making public speeches regarding public parking and change their position issue by issue (not enough parking / plenty of parking).

K. Ashford – comments on lawsuit brought before the County Planning Commission

### **Item 10. Board Comments:**

Five Board members had comments.

### **Item 11 Meeting adjourned:** 2:34 pm.

Respectfully submitted, Jay Reidsma, Township Clerk

