

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
AUGUST 31, 2022**

CALL TO ORDER

Council President James Bracewell called the special council meeting to order at 7:00 p.m. EST. Present in addition to Bracewell were Peter Doerr, Paul Leonard Jr., Deborah Lindley and Blake O'Halloran.

ADOPT AGENDA

Bracewell moved, seconded by O'Halloran to adopt the August 31, 2022 agenda as presented. Motion carried unanimously 5-0.

PUBLIC COMMENTS ON AGENDA ITEMS

Village residents Harry Walder and Ed Brandes asked the Council if the Village will lose all of the green along Grand Beach Road if the Marquette Greenway is put in.

Doerr said that he and O'Halloran walked from the Indiana line to the crossing along Grand Beach Road in regards to the Marquette Greenway, and it is all scrub trees and weeds. He said the Marquette Greenway will not be planting any new trees when they put the trail in. O'Halloran said the trail will not be put in until 2024, so there is plenty of time to discuss planting in the area of the trail.

UNFINISHED BUSINESS

MARQUETTE GREENWAY

Bracewell said that at the last meeting, the Council did not decide if they wanted to sign a memorandum of understanding (MOU) or give an easement to New Buffalo Township for the maintenance of the Marquette Greenway.

Village Attorney Sara Senica spoke to the Council regarding the difference between the two. She said with an MOU, the Village owns the property and the MOU is basically a maintenance agreement. She said if someone is hurt because of the condition of the trail, the Village is still liable for it.

She said she has no concern that things will work out between the current township board and the Council if an MOU is signed with regards to the maintenance of the trail, but she is concerned with what could happen if there was new leadership in the future. She said there could be a new township board in the future that is no longer interested in spending money to maintain the bicycle trail, and they could cancel the MOU, and then the Village would have to find someone to maintain it or take care of it.

Senica explained that one of the benefits to an easement is that it is insurable property for the township. She said that she has found that when people are legally liable, they take really good care of the property. She said the Village could reserve the right in the easement to plant around the pathway once it is complete.

She said she knows that there is concern that the Village will be giving away property with an easement, but she said that the property is located between the road and the railroad tracks and there can't be anything built on the property. She said the benefit to the Village is that the bikes and pedestrians would not be on the road. She said the easement is permanent, and not an ownership easement.

Lindley stated that the township just passed a parks millage, so the Village might be able to ask them to put in nice plants.

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Leonard said that he prefers a well written easement that preserves the ability to do landscaping. He said that the Village gets a benefit, and it enhances the safety of pedestrians and cyclists. He said with an easement, the liability is shifted to the township.

Bracewell moved, seconded by Doerr to approve the Village deeding a permanent easement to New Buffalo Township for the Marquette Greenway. Motion carried unanimously 5-0.

WILDWOOD/ELY WATER LINES EASEMENT PROPOSAL

Joe Farwell stated that when his family came to the Council 8 years ago about moving water lines that are located on their property, they thought it would be done in 3-5 years, and the estimate to move the lines was approximately \$25,000-\$30,000. He said the low bid that the Village received recently was in the amount of \$69,000 and it could take 44 weeks to get the materials. He said there are a couple of trees and a telephone pole that will need to be removed.

Farwell offered a 14' easement over the water lines between Ely and Wildwood at a cost of \$60,000 for the easement. He said with an easement, there will be no need for construction and it will save the Village money. He plans to split the lot that the lines are on and sell half of it to his neighbor, adding that the land will not be developed, there will be less density and more green space.

Farwell said he has written the legal language for the easement, and will have to abandon the old easements. Attorney Sara Senica said that they will extinguish the three easements and record the new easement.

Lindley was concerned with what could happen if someone wanted to add on to their house and wants the lines moved. She said she wants to protect future councils in case someone wants the Village to move the lines, and Senica told her that the easement is permanent.

Bracewell said he wanted the Village to buy the land years ago and the offer was rejected, and Farwell said “yes, that’s right”.

It was mentioned that the Village has already spent \$9,300 in legal and engineering fees to move the lines. Leonard said that the Village can expect costs to go up, so the Village can spend \$70,000 to get this done by purchasing the easement as opposed to \$80,000-\$100,000 to move the lines. He said the easement will run with the land in perpetuity.

Leonard moved, seconded by Doerr to approve payment of \$60,000 in exchange for a perpetual easement of 14' that would lie over the existing water line loop located between Ely and Wildwood.

Roll Call Vote

Bracewell	Aye
Doerr	Aye
O’Halloran	Aye
Lindley	Aye
Leonard	Aye

Motion carried unanimously 5-0.

Attorney Sara Senica informed those in attendance that she doesn’t have the details, but the Michigan Municipal League Legal Defense Fund takes a few cases a year and she just found out that they decided to take the Village’s case in regards to the lawsuit against New Buffalo Township. She said that they are the premier lobbying group that represents cities and villages.

NEW BUSINESS

DONKERSLOOT & SONS – ALTERNATE WORKSITE

Bracewell said that the Council recently gave Arie Donkersloot approval to use the Robin Lane beach access for a staging area for revetment. He said that Donkersloot contacted him and said he looked at the Lake beach access and that it would work for a staging area. Bracewell thinks the community would benefit more with work at Lake rather than Robin Lane.

Donkersloot said he took a look at the Lake access and it looks a lot different than it looks during the summer when there are usually cars parked there. He said it is quite a bit wider than it used to be and it needs work. He said he thinks it will work better for him and the Village and he will do repair work to the access when he is finished.

Leonard moved, seconded by Bracewell to allow Donkersloot & Sons to use the Lake Avenue beach access for a staging area for materials for a project in Forest Beach rather than the use of the Robin Lane beach access that was approved previously. Motion carried unanimously 5-0.

There were questions from the Council to Sara Senica about a fee schedule for the use of the beach accesses by contractors. She said that the fee should be fair and consistent. She said that the Village can charge a higher fee to contractors using the access for work located outside of the Village than to those doing work for Village property owners.

PUBLIC COMMENTS - GENERAL

None

CORRESPONDENCE

None

ADJOURNMENT

Bracewell moved, seconded by Lindley to adjourn the meeting. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 7:55 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer