

**CHARTER TOWNSHIP OF GARFIELD  
TOWN BOARD MEETING**

Tuesday, July 26, 2016 at 6:00pm  
Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684  
Ph: (231) 941-1620

**A G E N D A**

**ORDER OF BUSINESS**

**Call meeting to order  
Pledge of Allegiance  
Roll call of Board Members**

**1. Public Comment**

**Public Comment Guidelines:**

Any person shall be permitted to address a meeting of The Township Board, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Board Rules and Procedures: a.) any person wishing to address the Board is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Township Board Member's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes.

1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time.

**2. Review and approval of the Agenda - Conflict of Interest**

**3. Consent Calendar**

The purpose of the Consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the Consent Calendar be removed there from and placed elsewhere on the Agenda for full discussion. Such requests will be automatically respected. If any item is not removed from the Consent Calendar, the action noted in parentheses on the Agenda is approved by a single Board action adopting the Consent Calendar.

a. Minutes – June 28, 2016 Regular Meeting (Recommend Approval)

b. Bills -

General Fund	\$ 136,542.66
(Recommend Approval)	

General Fund	\$ 30,715.71
(Recommend Approval)	

- c. MTT Update (Receive and File)
- d. Memo from Julie Clark – Summary from Joint Study Session on the West Boardman Trail (Receive and File)
- e. Letter from United States Department of the Interior Bureau of Indian Affairs Notice of Decision – Fee to Trust Acquisition: Parcel 85 (Off Reservation) (Receive and File)

**4. Items Removed from the Consent Calendar**

**5. Correspondence**

- a. Grand Traverse Conservation District – June report
- b. Email from Sherry McNamara – Weekly Rentals on Silver Lake

**6. Reports**

- a. Construction Report
- b. Sheriff's Department Report
- c. GT Metro Fire Report
- d. County Commissioner's Report
- e. Treasurer's Report
- f. Clerk's Report
- g. Supervisor's Report

**7. Unfinished Business**

- a. Public Hearing – PD 2016-45 – King's Court Rezoning from A (Agricultural) to R-M (Mobile Home Residential) District - Amendment 3 to Ordinance 68 Zoning Map Amendment

**8. New Business**

**9. Public Comment**

**10. Other Business**

**11. Adjournment**

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Lanie McManus, Clerk

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

**CHARTER TOWNSHIP OF GARFIELD  
TOWN BOARD MEETING  
June 28, 2016**

Chuck Korn called the Town Board Meeting to order on June 28, 2016 at 6:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan.

**Pledge of Allegiance**

**Roll call of Board Members**

Present: Molly Agostinelli, Denise Schmuckal, Bob Featherstone, Kit Wilson, Lanie McManus, Jeane Blood Law, and Chuck Korn

Also Present: Brian VanDenBrand

**1. Public Comment (6:01)**

None

**2. Review and Approval of the Agenda - Conflict of Interest (6:01)**

*Agostinelli moved and Schmuckal seconded to approve the agenda as presented.*

*Yeas: Agostinelli, Schmuckal, McManus, Wilson, Featherstone, Blood Law, Korn*

*Nays: None*

**3. Consent Calendar (6:01)**

**a. Minutes**

June 14, 2016 Meeting (Recommend Approval)

**b. Bills**

**General Fund** **\$25,597.58**  
**(Recommend Approval)**

**Gourdie-Fraser**

**Developer's Escrow Fund** **\$ 375.00**  
**Utility Receiving Fund** **\$10,053.61**  
**Grand Total** **\$10,428.61**

**c. Acceptance of Close-Out Documents for Chelsea Park/Avon Drive water and sewer project and turnover to Grand Traverse County for Operation and Maintenance (Recommend Approval)**

**d. Acceptance of Close-Out documents for Lone Tree Parcel 122 and Parcel 123 (Recommend Approval)**

**e. 2015 FYE Audit (Recommend Approval)**

*Featherstone moved and Wilson seconded to adopt the consent calendar as presented.*

*Yeas: Featherstone, Wilson, McManus, Agostinelli, Schmuckal, Blood Law, Korn*

*Nays: None*

**4. Items removed from the Consent Calendar**

None

**5. Correspondence**

None

**6. Reports****a. Construction Report**

No report

**b. County Commissioner's Report (6:05)**

Commissioner Chris Maxbauer briefed board members on the efforts to get a Veteran's Administration Hospital in the Grand Traverse region. Fellow Commissioner Dr. Bob Johnson and several lawmakers are leading the effort. Meetings continue and Maxbauer will keep the board informed.

Commissioner Alisa Kroupa said that the county hired a new human resources director and that the TCCI will be surveying the community regarding an east/west corridor. Kroupa also attended a dinner honoring County Parks and Recreation and Senior Center volunteers. She also spoke about the Senior Center renewal proposal that is on the August ballot.

**d. Clerk's Report (6:17)**

McManus said that absentee ballots are being sent out and are also being returned in great numbers.

**e. Treasurer's Report (6:17)**

Blood Law reported that the township took receipt of a new Ford F-150 truck and the old one will be put up for bids soon.

**g. Supervisor's Report (6:18)**

Korn reported that Metro Fire is beginning its 2017 budget process and is thus far proposing to keep the millage rate the same. He added that Terry Clark will resign from the Planning Commission after many years of service. Korn has spoken with a possible replacement Chris DeGood who comes with a long list of attributes to serve on the Planning Commission. He asked the board to approve his choice of Chris DeGood to replace Terry Clark on the Planning Commission to fulfill the remainder of Clark's term.

*Blood Law moved and Wilson seconded to name Chris DeGood to the Planning Commission to serve the remainder of Clark's term. Wilson added that Clark will be missed.*

*Yeas: Blood Law, Wilson, Schmuckal, Agostinelli, Featherstone, McManus, Korn  
Nays: None*

**h. Sherriff's Report (6:43)**

Chris Barsheff said that despite being up in volume by 37 calls, the township is still below last year in the number of complaints. Most complaints are made up of assaults and retail fraud. He attended two neighborhood meetings, taught high school civics classes, courses in distracted driving and held more active shooter training sessions. The sheriff's department will provide traffic control for the large Cass Road bridge parts arriving tomorrow.

**7. Unfinished Business**

- a. Public Hearing – PD 2016-45 – King's Court Rezoning to R-M Mobile Home Residential-Amendment 3 to Ordinance 68 Zoning Map Amendment (6:23)**  
The application requests to rezone approximately 30 acres of property from the A-Agricultural District to the R-M Mobile Home Residential District. The southernmost area of the parent parcels, consisting of approximately 6 acres of combined land, would remain A- Agricultural. VanDenBrand said that although a Public Hearing can be held, any action on this item by the board would need to be postponed since there was an issue with notifying all nearby residents.

Korn opened the Public Hearing at 6:24 p.m.

Scott Knowlton of Spring Lake, Michigan asked for buffering to the east. VanDenBrand said that the township cannot require landscaping as a result of rezoning and state laws surrounding mobile home applications. The applicant could only volunteer to landscape and buffer.

Robert Schmude, representing the mobile home applicant said that setbacks are 30 and 50 feet and would be respected.

Greg Oeszczonek of Spring Lake, Michigan said he attended the May 11, 2016 public hearing but was not aware any action would be taken in late May.

*Wilson moved and Schmuckal seconded to postpone action on the King's Court rezoning request until July 26, 2016 so that proper notification procedure can be followed and another Public Hearing can be held at that time.*

*Yeas: Wilson, Schmuckal, Featherstone, Agostinelli, Blood Law, McManus, Korn  
Nays: None*

**b. PD Report 2016-46 Consideration of Bids for Demolition at 2143 Keystone Road (6:37)**

Staff clarified the bids with the excavators and Popp meets all requirements. Questions were asked about the bidding process and why it was different from a Gourdie-Fraser bidding process and it was determined that since the bid was for demolition, there was no need to have Gourdie-Fraser bid the project for the township.

*Wilson moved and Blood Law seconded to accept the bid from Popp Excavating for \$24,717 to provide demolition at 2143 Keystone Road.*

*Yeas: Wilson, Blood Law, McManus, Featherstone, Agostinelli, Schmuckal, Korn  
Nays: None*

**c. Consideration of Resolution 2016-21-T, a resolution to adopt the Annual Exemption Option as set forth in 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act (6:49)**

*Schmuckal moved and Blood Law seconded to adopt Resolution 2016-21-T, a resolution to adopt the Annual Exemption Option as set forth in 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act.*

*Yeas: Schmuckal, Blood Law, Featherstone, Agosintelli, Wilson, McManus, Korn  
Nays: None*

**8. New Business**

**a. Consideration of approval of Private Road Name submitted by applicant Dan Walters (6:50)**

Karen and Dan Walters have submitted an application to name a private easement running west off of N. East Silver Lake Road. They propose "Sandtown Trail" as the name for the easement.

*Featherstone moved and Agostinelli seconded to accept the private road name of Sandtown Trail as submitted by Dan and Karen Walters.*

*Yeas: Featherstone, Agostinelli, McManus, Wilson, Blood Law, Schmuckal, Korn  
Nays: None*

**b. Consideration of bids received for copy machine purchase (6:52)**

Board members discussed the copy machine bids.

*Wilson moved and Featherstone seconded to purchase a Bizhub C368 Color MFP copy machine from Northern Office Equipment at a cost of \$11,411.20.*

*Yeas: Wilson, Featherstone, Blood Law, Agostinelli, Schmuckal, McManus, Korn*  
*Nays: None*

**9. Public Comment: (6:58)**

Steve Duell of Silver Lake Road asked if Dan and Karen Walters had soil erosion permits. They were not visible from the main road. Korn will make inquiries.

**10. Other Business (7:00)**

VanDenBrand said that the presentation on the Boardman Lake Trail will be held on July 6<sup>th</sup> at 8 a.m. at the NMC Cass Road campus.

Agostinelli asked that any open positions on boards and commissions be advertised.

**11. Adjournment (7:04)**

Korn adjourned the meeting at 7:04pm.

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Chuck Korn, Supervisor  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686

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Lanie McManus, Clerk  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank GEN General						
06/23/2016	GEN	35026	0907	CDM MOBILE SHREDDING, LLC	SHREDDING	100.00
06/23/2016	GEN	35027	MISC	GORMO FORD, INC	FORD F-150 1/2 TON	23,856.00
06/23/2016	GEN	35028	0557	MAPLE RIVER DIRECT MAIL	8-2-16 AV BALLOT MAILING	805.18
06/23/2016	GEN	35029	0504	OTIS ELEVATOR	SVC CONTRACT	3,379.56
06/23/2016	GEN	35030	0021	PITNEY BOWES INC.	POSTAGE SUPPLIES	104.53
06/23/2016	GEN	35031	0145	PRIORITY HEALTH	INSURANCE	15,966.26
06/23/2016	GEN	35032	0074	TOBIN & CO	AUDIT	14,732.50
06/27/2016	GEN	35033	0001	GARFIELD CHARTER TOWNSHIP	HSA	57,600.00
06/28/2016	GEN	35034	0130	ANNE WENDLING	MAY CONTRACTED SVCS	312.50
06/29/2016	GEN	35035	0914	BAIRD, COTTER & BISHOP, P.C.	CONTRACTED SVCS	420.00
06/29/2016	GEN	35036	0065	CHERRYLAND ELECTRIC COOP.	ELECTRIC	2,255.67
06/29/2016	GEN	35037	0065	CHERRYLAND ELECTRIC COOP.	ELECTRIC	192.79
06/29/2016	GEN	35038	0064	CITY OF TRAVERSE CITY	170975-120456	36.00
06/29/2016	GEN	35039	0375	FIFTH THIRD BANK	54737854000324651	937.74
06/29/2016	GEN	35040	0905	HOME DEPOT CREDIT SERVICES	SUPPLIES	76.59
06/29/2016	GEN	35041	0905	HOME DEPOT CREDIT SERVICES	SUPPLIES	52.91
06/29/2016	GEN	35042	0050	INTEGRITY BUSINESS SOLUTIONS	SUPPLIES	42.44
06/29/2016	GEN	35043	0568	NORTHERN OFFICE EQUIP	SVC CONTRACT	310.37
06/29/2016	GEN	35044	0915	SUPERFLEET	GAS	227.99
06/29/2016	GEN	35045	MISC	TC CONCRETE	SILVER LAKE PARK FOUNTAIN/SIDEWALK	2,441.00
06/29/2016	GEN	35046	0391	THE GUARDIAN	LIFE INSURANCE	1,025.26
06/30/2016	GEN	35047	MISC	ADVANTAGE ELECTRIC	PARK BREAKER / REPLACE DAMAGED FEEDERS	2,270.17
06/30/2016	GEN	35048	0050	INTEGRITY BUSINESS SOLUTIONS	SUPPLIES	62.85
06/30/2016	GEN	35049	0019	JEANE BLOOD LAW	MILEAGE	51.30
06/30/2016	GEN	35050	0498	NORTHERN MI JANITORIAL SUP	SUPPLIES	373.35
06/30/2016	GEN	35051	MISC	GT COUNTY ENVIRONMENTAL HEALTH	WELL & SEPTIC DEMOLITION	25.00
07/07/2016	GEN	35052	0148	AMERICAN WASTE	3394810	245.98
07/07/2016	GEN	35053	0148	AMERICAN WASTE	3394790	79.00
07/07/2016	GEN	35054	0130	ANNE WENDLING	CONTRACTED SVCS	356.50
07/07/2016	GEN	35055	0064	CITY OF TRAVERSE CITY	170975-94720	661.90
07/07/2016	GEN	35056	0048	CONSUMERS ENERGY	100018131597	67.56
07/07/2016	GEN	35057	0375	FIFTH THIRD BANK	5473785400027192	92.91
07/07/2016	GEN	35058	0001	GARFIELD CHARTER TOWNSHIP	HSA	151.15
07/07/2016	GEN	35059	0190	GILL-ROY'S HARDWARE	MAINTENANCE	99.83
07/07/2016	GEN	35060	0190	GILL-ROY'S HARDWARE	9063.96,989604,999213,603873 TABLE	79.76
07/07/2016	GEN	35061	0903	I.T. RIGHT	SUBSCRIP. CERTIFICATE	500.00
07/07/2016	GEN	35062	0240	IIMC	MEMBERSHIP RENEWAL	300.00
07/07/2016	GEN	35063	0050	INTEGRITY BUSINESS SOLUTIONS	SUPPLIES	196.07
07/07/2016	GEN	35064	0867	LAUTNER IRRIGATION INC	SPRAY HEADS	13.35
07/07/2016	GEN	35065	MISC	LIVINGSTON COUNTY ASSESSORS ASSOC.	EDUCATION	250.00
07/07/2016	GEN	35066	0151	PALLET PAPERS	PALLET PAPERS	186.72
07/07/2016	GEN	35067	0926	PLIC - SBD GRAND ISLAND	EMPLOYEE HEALTH	1,260.88
07/07/2016	GEN	35068	0085	RICK ROBBINS	LEGAL FEES	31.16
07/07/2016	GEN	35069	0472	RUBY CLEANING SERVICE	CLEANING SVCS	1,150.00
07/07/2016	GEN	35070	0472	RUBY CLEANING SERVICE	SLEANNING SVCS	225.00
07/07/2016	GEN	35071	0395	SPECTRUM BUSINESS	INTERNET	75.00
07/07/2016	GEN	35072	0045	STAPLES	SUPPLIES	84.99
07/07/2016	GEN	35073	0209	STATE OF MICHIGAN (P)	SITW	2,482.94
07/07/2016	GEN	35074	0074	TOBIN & CO	F-65 SUBMISSION	325.00
07/07/2016	GEN	35075	0202	UNITED WAY	UNITED WAY	85.00
07/07/2016	GEN	35076	0006	VRTAC	DEFERRED COMP	1,884.00

GEN TOTALS:

Total of 51 Checks:

Less 0 Void Checks:

Total of 51 Disbursements:

136,542.66

0.00

136,542.66





Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
<b>Bank GEN General</b>						
07/13/2016	GEN	35077	0048	CONSUMERS ENERGY	100000311801	5,976.20
07/13/2016	GEN	35078	0102	DTE ENERGY	45915680001 1	211.82
07/13/2016	GEN	35079	0102	DTE ENERGY	45915680005 2	39.77
07/13/2016	GEN	35080	0918	ELECTION SOURCE	TABLE TOP VOTING BOOTHS	617.96
07/13/2016	GEN	35081	0124	ENGINEERED PROTECTION SYS.	SVC AGREEMENT	354.75
07/13/2016	GEN	35082	0100	GRAND TRAVERSE COUNTY DPW	5590511	13.34
07/13/2016	GEN	35083	0100	GRAND TRAVERSE COUNTY DPW	5105021	854.49
07/13/2016	GEN	35084	0086	GRAND TRAVERSE COUNTY TREAS	MTT BOR ADJUSTMENTS	2,065.48
07/13/2016	GEN	35085	0916	GRIDA COMMUNICATIONS, INC.	012586	1,027.22
07/13/2016	GEN	35086	0193	PRINTING SYSTEM	SUPPLIES	511.10
07/13/2016	GEN	35087	0036	SMITH HAUGHY RICE & ROEGGE	113542	9,411.52
07/13/2016	GEN	35088	0067	TRAVERSE CITY RECORD EAGLE	ADVERTISEMNT	212.75
07/13/2016	GEN	35089	0142	VERIZON	783061263-00001	225.36
07/14/2016	GEN	35090	0147	ALWAYS CARE	HEALTHCARE	2,210.50
07/14/2016	GEN	35091	0181	OLSON, BZDOK, & HOWARD	LEGAL SVCS	459.50
07/14/2016	GEN	35092	0181	OLSON, BZDOK, & HOWARD	LEGAL SVCS	166.00
07/14/2016	GEN	35093	0167	STATE OF MICHIGAN	DOCKET #16-003172	25.00
07/14/2016	GEN	35094	0919	TC OFFICE EXPRESS	SUPPLIES	337.95
07/20/2016	GEN	35095	0568	NORTHERN OFFICE EQUIP	NEW DONICA MINOLTA BIZHUB C368	5,995.00
<b>GEN TOTALS:</b>						
Total of 19 Checks:						30,715.71
Less 0 Void Checks:						0.00
<b>Total of 19 Disbursements:</b>						<b>30,715.71</b>

**MTT Update**  
Prepared for Garfield Twp Board

By: Amy L DeHaven, MMAC(4) - Assessor  
As of: June 30, 2016

Docket #	Parcel No(s)	Owner	Property Address	Year(s) in Contention	Assessor's Values		Petitioner's Values		Value Differences		Status Notes
					Assessed	Variable	Assessed	Variable	Assessed	Variable	
1 15-001617	008-027-00	Baruch SLS Inc	4821 N Long Lake Rd	2015	\$ 359,400	\$ 359,400	\$ -	\$ -	\$ (359,400)	\$ (359,400)	12/9/15 Rec'd order to place case in abeyance until Supreme Court decides on the Saginaw Co case.
	008-027-10	Baruch SLS Inc	4825 N Long Lake Rd	2015	\$ 141,900	\$ 141,900	\$ -	\$ -	\$ (141,900)	\$ (141,900)	
	008-028-00	Baruch SLS Inc	4885 N Long Lake Rd	2015	\$ 419,400	\$ 419,400	\$ -	\$ -	\$ (419,400)	\$ (419,400)	
	900-369-98	Cherry Hill Haven	4885 N Long Lake Rd	2015	\$ 5,500	\$ 5,500	\$ -	\$ -	\$ (5,500)	\$ (5,500)	
2 15-002433	013-001-00	CMS Corp dba Lucky Jack's	1705 S Garfield Ave	2015	\$ 1,214,655	\$ 1,214,655	\$ 750,000	\$ 750,000	\$ (464,655)	\$ (464,655)	3/23/16 Judgment received
	Valuation due: May, 2016		Prehearing General Call: July 18-29, 2016	SETTLED:			\$ 850,000	\$ 850,000	\$ (403,200)	\$ (403,200)	
3 15-002439	016-054-10	Northfield Restaurant Corp	3050 N US 31 South	2015	\$ 278,700	\$ 206,698	\$ 150,000	\$ 150,000	\$ (128,700)	\$ (56,698)	3/18/16 Rec'd dismissed
	AKA Pizza Hut		Prehearing General Call: June 1-15, 2016	SETTLED:			\$ 278,700	\$ 206,698			
4 14-008072	016-064-10	Northfield Restaurant Corp	3050 N US 31 South	2014	\$ 203,443		\$ -	\$ -	\$ (11,643)	\$ (11,643)	6/17/16 Judgment rec'd
	SETTLED:				\$ 191,800	\$ -	\$ -	\$ -	\$ (11,643)	\$ (11,643)	
	2013				\$ 188,780	\$ -	\$ -	\$ -	\$ (11,460)	\$ (11,460)	
	2012				\$ 188,780	\$ -	\$ -	\$ -	\$ (11,460)	\$ (11,460)	
	2011				\$ 195,547	\$ -	\$ -	\$ -	\$ (11,191)	\$ (11,191)	
	2010				\$ 190,406	\$ -	\$ -	\$ -	\$ (10,896)	\$ (10,896)	
	2009				\$ 187,224	\$ -	\$ -	\$ -	\$ (10,714)	\$ (10,714)	
	2008				\$ 187,788	\$ -	\$ -	\$ -	\$ (10,738)	\$ (10,738)	
	2007				\$ 179,874	\$ -	\$ -	\$ -	\$ (10,284)	\$ (10,284)	
	SETTLED:				\$ 175,830	\$ -	\$ -	\$ -	\$ (10,050)	\$ (10,050)	
5 15-009858	021-009-00	Wellington Real Estate, Inc Olive Garden	2691 N US 31 South	2015	\$ 903,500	\$ 775,533	\$ 450,000	\$ 450,000	\$ (453,500)	\$ (325,533)	6/30/16 Left message for atty
6 016-002436	021-015-00 & Grand Traverse Mall LLC		3200 W South Airport Rd	2016	\$ 21,598,800	\$ 21,483,557	\$ 12,462,460	\$ 12,462,460	\$ (9,131,340)	\$ (9,021,097)	6/9/16 Found appeal on-line & notified Atty Gen
	021-015-70				\$ 89,500	\$ 64,709	\$ 37,540	\$ 37,540	\$ (51,960)	\$ (27,469)	
7 16-002684	021-015-10	Airport 31 LLC MC Sports, et al	3450 W South Airport Rd	2016	\$ 1,816,200	\$ 1,811,919	\$ 1,350,000	\$ 1,350,000	\$ (466,200)	\$ (461,919)	6/13/16 Answered petition
8 16-002332	021-015-30	JC Penney Corp	3300 W South Airport Rd	2016	\$ 1,289,200	\$ 1,282,034	\$ 995,000	\$ 995,000	\$ (294,200)	\$ (287,034)	6/9/16 Found appeal on-line
9 15-004009	021-028-00	Red Lobster Restaurants LLC	2691 N US 31 South	2015	\$ 567,700	\$ 567,700	\$ 350,000	\$ 350,000	\$ (217,700)	\$ (217,700)	6/13/16 Answered petition
10 16-002886	021-084-00	19 Props LLC Best Buy	2577 N US 31 South	2016	\$ 1,734,600	\$ 1,546,976	\$ 1,000,000	\$ 1,000,000	\$ (724,600)	\$ (546,976)	6/27/16 Found appeal on-line & answered.
11 16-002295	022-009-30 & Emerald Creek Partners LLC		2516 Crossing Cr	2016	\$ 2,519,200	\$ 2,445,715	\$ 1,500,000	\$ 1,500,000	\$ (1,019,200)	\$ (945,715)	6/9/16 Found appeal on-line
	022-009-35				\$ 165,100	\$ 121,266	\$ 100,000	\$ 100,000	\$ (65,100)	\$ (21,266)	

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MTT Update  
Prepared for Garfield Twp Board

Year(s) in Contention	Assessor's Values		Petitioner's Values		Value Differences	
	Assessed	Variable	Assessed	Variable	Assessed	Variable
2007	\$ 175,850	\$ 165,780			\$ (10,050)	
2008	\$ 179,874	\$ 169,590			\$ (10,284)	
2009	\$ 187,788	\$ 177,050			\$ (10,738)	
2010	\$ 187,224	\$ 176,510			\$ (10,714)	
2011	\$ 190,406	\$ 179,510			\$ (10,896)	
2012	\$ 195,547	\$ 184,556			\$ (11,191)	
2013	\$ 200,240	\$ 188,780			\$ (11,460)	
2014	\$ 208,443	\$ 191,800			\$ (11,643)	
2015	\$ 3,929,300	\$ 1,700,000	\$ 1,700,000	\$ 1,700,000	\$ (2,229,300)	\$ (1,990,786)
2016	\$ 29,197,500	\$ 28,756,176	\$ 17,445,000	\$ 17,445,000	\$ (10,028,000)	\$ (9,764,200)
SETTLED VALUES:						
			2007		\$ (10,050)	
			2008		\$ (10,284)	
			2009		\$ (10,738)	
			2010		\$ (10,714)	
			2011		\$ (10,896)	
			2012		\$ (11,191)	
			2013		\$ (11,460)	
			2014		\$ (11,643)	
			2015	\$ (403,200)	\$ (403,200)	\$ (364,655)
			2016		\$ (10,050)	
Garfield Potential Tax Loss						
			2007		\$ (83,52)	
			2008		\$ (27,50)	
			2009		\$ (28,72)	
			2010		\$ (28,65)	
			2011		\$ (25,47)	
			2012		\$ (26,16)	
			2013		\$ (26,78)	
			2014		\$ (27,21)	
			2015	\$ (3,981,57)	\$ (3,981,57)	
			2016		\$ (19,528,40)	
ACTUAL TWP TAX LOSS						
			2007		\$ (83,52)	
			2008		\$ (27,50)	
			2009		\$ (28,72)	
			2010		\$ (28,65)	
			2011		\$ (25,47)	
			2012		\$ (26,16)	
			2013		\$ (26,78)	
			2014		\$ (27,21)	
			2015		\$ (729,31)	
			2016		\$ -	



PO Box 252  
Traverse City, MI 49686

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## Connecting Communities

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July 11, 2016

To:

- Garfield Township Board of Trustees
- City of Traverse City Commissioners
- Garfield Township Planning Commissioners
- City of Traverse City Planning Commissioners
- Garfield Township Parks and Recreation Commissioners
- City of Traverse City Parks and Recreation Commissioners
- County staff

RE: July 6, 2016 Joint Study Session on the West Boardman Lake Trail

Thanks to everyone who attended last week's joint study session for the completion of the Boardman Lake Trail. It was a productive meeting, giving us good insight as we start putting together possible scenarios to get the trail on the ground and maintained for years of recreation and transportation in the community. As was noted in many of your comments, this is an important community project; your input and leadership is important to ensure its success.

Attached are the notes from the meeting. The recorder's answers for each group were directly transcribed. It was encouraging to see the interest and open communication between groups. The ideas generated will help us develop scenarios for funding of construction and overall maintenance that will accompany the design presentations in August.

If you weren't able to attend but would like to learn more or take a tour, please let us know. We will be happy to coordinate any additional on-site visits or plan reviews.

In the meantime, we will be updating our website to include the notes from the meeting.

Thank you all for your time and investment in the effort to complete the loop around the lake!

Best wishes,

A handwritten signature in blue ink, appearing to read 'Julie Clark'.

Julie Clark  
Executive Director

	City of Traverse City	Garfield Township	TC/Garfield Rec Authority	TART Trails, Inc.	Grand Traverse County
<b>1. How well does this project align with existing and approved plans?</b>	"Close to perfect/strong alignment"	"Some alignment"	"Does not align"	"Perfect alignment"	"Some alignment"
<b>Comments</b>	"Healthy living, quality of life, environmental stewardship, transportation, existing trail network. It fits well with MDOT, City, and Township other goals."	"Aligns well with both master Plan and Park Plan. The trail is in the plans and has public comment support. There is no CIP regarding this issue. Both plans could be used as support for grant applications."	"Current Rec Authority scope limited to 3 park properties - no involvement outside of those 3 properties."	"Number one item on communities survey for trail priorities. Meets all of the organization's community goals. Connecting communities."	"The current county parks master plan and strategic plan include "working with TART and other partners to develop trails." We have no CIP for trails at all. There is no alignment with the Board of Commissioners strategic plan."

	City of Traverse City	Garfield Township	TC/Garfield Rec Authority	TART Trails, Inc.	Grand Traverse County
<b>2. How Important of a priority is this trail project to your unit of government /entity?</b>	"Extremely important/quite important; a high priority"	"Somewhat important"	<i>no comments</i>	"Extremely important/a top priority"	"Not at all important/not a priority"
<b>Comments</b>	<i>no comments</i>	"This trail is not going to be utilized by our Township residents as much as City residents. The top two priorities of the Board of Trustees are roads and trails, however this specific trail doesn't place up at the top of the priority."	<i>no comments</i>	"See above. Part of our origin story."	"It is not a priority to the County Board of Commissioners. It is not at the top of the County Parks priorities but it is on the list. We are focusing on saving our parks right now."

3. What is your government/organization willing and able to do to support the project?	City of Traverse City	Garfield Township	TC/Garfield Rec Authority	TART Trails, Inc.	Grand Traverse County
<b>A. What is your preferred role and level of involvement in trail development?</b>	"Apply for and administer grants. Partner with County, Township, Rec Authority. Key advocate and catalyst."	"The township role may be financial and staff time. Planning, grant writing, planning staff currently at the township."	"Not a part of Rec Authority's current mandate. Outside of 3 current properties."	"Project managers for design (in cooperation and collaboration). Facilitation of public input. Fundraising support."	"The County is unable to financially support this project but can use planning staff. County Brownfield is a partner as well."
<b>B. What is your preferred role and level of involvement in trail maintenance?</b>	"Partner with area government agencies and Rec Authority."	"There is no township staff for trail maintenance and will not be in the future. The township has some potential for a role in maintenance funding contribution."	<i>no comments</i>	"Identifying and coordinating needs. Supporting and providing volunteers to support maintenance. Establish clear understanding of definition of roles between partners/owners."	"None."
<b>C. What are significant roadblocks to your involvement?</b>	"Competing projects, overall resources, being without common ground with partner jurisdictions."	"There is no township personnel for maintenance and there will not be in the future. Limits also include getting Board of Trustee approval."	"To be involved, scope of Rec Authority would have to change."	"Lack of: financial support for organizational capacity, partner involvement, ownership."	"Money."
<b>D. What are your suggested solutions to potential barriers or challenges?</b>	"Facilitator to find common ground. Involve Tyson and other businesses."	"A recreational authority is a potential solution to trail maintenance county wide as well as trail construction."	"The RA has been a good example of multi-jurisdictional cooperation around recreational resources. Trails lend themselves to a cooperative approach, and formalizing such an approach could potentially be helpful."	"Work effectively with our partners. Working in long-term maintenance costs into trail plans at the outset, including clear definition of roles."	"Tourist tax. Recreational millage - a potential solution lies in a county-wide parks authority."
<b>E. How do you want to work with other partners?</b>	"Investigate partnership including with RA, TART, MDOT, Road Commission. There is a regional benefit - look at partners that way."	"Participation by staff and officials at different meetings."	"RA cooperates with the parent jurisdictions and is always open to considering the best ways to serve the residents of TC and Garfield Township."	"Continue to support solutions that serve the community. Consistency and follow-through on commitments. Bring in private sector to help fill gaps."	"Continue being at the table."



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Midwest Regional Office  
5600 West American Boulevard, Suite 500  
Bloomington, MN 55437**

**IN REPLY REFER TO:**  
Real Estate Services  
Parcel 85

**JUL 14 2016**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 9171 9690 0935 0001 8395 90**

## NOTICE OF DECISION

Honorable Thurlow McClellan, Chairman  
Grand Traverse Band of Ottawa and Chippewa Indians  
2605 N.W. Bayshore Drive  
Suttons Bay, MI 49682

**Re: Fee to Trust Acquisition: Parcel 85 Parcel (Off Reservation)**

Dear Chairman McClellan:

On May 16, 2014, the Grand Traverse Band of Ottawa and Chippewa Indians submitted an application<sup>1</sup> to have real property transferred into trust status pursuant to 25 U.S.C. §465. The property, known as Parcel 85, is located outside of the exterior reservation boundaries in Garfield Township, Grand Traverse County, Michigan, and contains 72.51 acres, more or less, legally described as follows:

***The Northeast Quarter of the Southwest Quarter, and that part of the Southeast Quarter of the Northwest Quarter, lying South of Herkner Road, Section 18, Township 27 North, Range 11 West, Garfield Township, County of Grand Traverse, Michigan Meridian, Michigan, containing 72.51 acres, more or less.***

**Regulatory Authority**

The applicable regulations are set forth in Title 25 Code of Federal Regulations (CFR) Title 25, entitled "INDIANS", § 151, as amended. The regulations specify that it is the Secretary's policy to accept lands "in trust" for the benefit of Tribes when such acquisition is authorized by an Act of Congress; and, (1) when such lands are within the exterior boundaries of the Tribe's reservation, or adjacent thereto, or within a Tribal consolidation area; or (2) when the Tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate Tribal self-determination, economic development, or Indian housing.

<sup>1</sup> Request to Secretary of the Interior for Trust Status dated May 16, 2014 (on file with the Bureau of Indian Affairs)

This acquisition facilitates self-determination. Therefore, it is within the land acquisition policy as set forth by the Secretary of the Interior.

Pursuant to 25 CFR § 151.11, The Secretary shall consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located outside of and noncontiguous to the tribe's reservation, and the acquisition is not mandated:

(a) The criteria listed in §151.10 (a) through (c) and (e) through (h);

25 CFR § 151.10; (a) Statutory Authority; (b) need of the Tribe for additional land; (c) the purpose for which the land will be used; (e) impact on the State and its political subdivisions resulting from removal of the land from the tax rolls; (f) jurisdictional problems and potential conflict of land use which may arise; (g) whether the BIA is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status; and (h) the extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.

(b) The location of the land relative to state boundaries and its distance from the boundaries of the tribe's reservation shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

(c) Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

(d) Contact with state and local governments pursuant to §151.10 (e) and (f) shall be completed as follows: Upon receipt of a tribe's written request to have lands taken in trust, the Secretary shall notify the state and local governments having regulatory jurisdiction over the land to be acquired. The notice shall inform the state and local government that each will be given 30 days in which to provide written comment as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

Accordingly, the following analysis of the application is provided:

**25 CFR § 151.11(a) - Criteria listed in § 151.10 (a) through (c) and (e) through (h).**

**1. 25 CFR § 151.10 (a) - Statutory Authority for proposed acquisition of the property.**

The Grand Traverse Band of Ottawa and Chippewa Indians is a Federally Recognized Indian Tribe, with a government organized under the provisions of the Indian Reorganization Act, 25 U.S.C. 461, et. seq. The statutory authority used by the Tribe to acquire land into trust status is Sections 5 and 7 of the Indian Reorganization Act (IRA) of 1934, 25 U.S.C. § 465 and § 467. A Tribe must be recognized at the time the Secretary of the Interior decides to take land in



trust pursuant to the IRA.<sup>2</sup> Because the Grand Traverse Band of Ottawa and Chippewa Indians is currently listed as a federally recognized Tribe eligible to receive services from the Bureau of Indian Affairs,<sup>3</sup> the "recognized Indian Tribe" requirement of the IRA is satisfied.<sup>4</sup>

On February 24, 2009, the United States Supreme Court issued its decision in *Carcieri vs. Salazar*. The decision held that Congress granted limited authority to the Secretary of Department of the Interior under the Indian Reorganization Act (IRA) to acquire land into trust for Indian Tribes." To acquire land into trust under Section 5 of the IRA, a tribe must have been "under Federal jurisdiction" at the time the IRA was passed in June 1934.

The Interior Board of Indian Appeals recently held that one bright-line test for determining whether a Tribe was under Federal jurisdiction in 1934 turns on whether an IRA election was held for a tribe.<sup>5</sup> Additionally, on March 12, 2014, the Office of the Solicitor issued an opinion on the meaning of "under Federal jurisdiction" for purposes of the IRA, which states that "calling of Section 18 election for an Indian Tribe between 1934 and 1936 should unambiguously and conclusively establish that the United States understood that the particular tribe was under Federal jurisdiction in 1934. According to that opinion, IRA elections were held between 1934 and 1936 are "such an example of unambiguous federal actions that obviate the need to examine the Tribe's history prior to 1934."<sup>6</sup>

With the assistance of the Office of the Field Solicitor, we have examined the historical and legal record as a whole and determined that the Secretary of Interior is authorized to take land into trust for the Grand Traverse Band of Ottawa and Chippewa Indians pursuant to Section 5 of the IRA. This determination is consistent with the Supreme Court's decision in *Carcieri vs. Salazar*. The Tribe unquestionably was under federal jurisdiction prior to 1934. In 1836 and 1855 the tribe entered into treaties with the United States, which rights and benefits have continuing force and effect today. In *United States vs. Michigan*, the District Court found that "ancestors and members of the plaintiff tribes have continuously exercised Indian fishing rights since the 1836 Treaty without abandonment."

Further, in 1905, Congress authorized the Tribe to sue the United States to account for these treaty obligations: In 1910, the Department distributed per capita payments to tribal members to settle a Court of Claims judgment. Correspondence also exists between the Department and the Tribe in the 1930's. Nothing in the record indicates that Congress terminated its relationship with the Tribe. The Tribe has also continuously existed prior to and subsequent to 1934, as confirmed by the Department's 1972 federal recognition decision and federal litigation.

Lastly, a recent issue was resolved by the Interior Board of Indian Appeals on September 25,

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<sup>2</sup> Memo from the Office of the Solicitor to the Secretary of the Interior, re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, dated March 12, 2014 (on file with the BIA).

<sup>3</sup> List of Federally Recognized Tribes – 81 Federal Register 26828 (May 4, 2016)

<sup>4</sup> Memo from the Office of the Solicitor to the Secretary of the Interior, Re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, dated March 12, 2014 (on file with the BIA).

<sup>5</sup> *Shawano County, Wisconsin v. Acting Midwest Regional Director*, BIA, 53 IBIA 62, 71-72 (2011).

<sup>6</sup> Memo from the Office of the Solicitor to the Secretary of the Interior, Re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, dated March 12, 2014 (on file with the BIA).

2015, when a favorable decision was rendered in the appeal of the “Parcel 82” fee to trust application by the Grand Traverse Band of Ottawa and Chippewa Indians.<sup>7</sup> In that matter, the Board agreed with the Regional Director that the historical record supports the finding that the Tribe was under federal jurisdiction in 1934. As the Board noted, this conclusion is consistent with the two-step inquiry outlined in the M-Opinion issued by the Solicitor, entitled “The Meaning of ‘Under Federal Jurisdiction’ for Purposes of the Indian Reorganization Act.”

**2. 25 CFR §151.10 (b) - The need of the Tribe for additional land.**

Implementation of the Dawes General Allotment Act of 1887 resulted in alienation of 90 million acres of land originally reserved to tribes by Treaties and Executive Orders. Loss of these lands was catastrophic, and is generally regarded by historians and others as being responsible for a sharp decline in the economic, cultural, social and physical health of tribal members. In 1934 Congress passed the Indian Reorganization Act; one of the goals of the IRA was the restoration to tribal ownership of allotted land.

The BIA currently holds 1,426.65 acres in trust for the Grand Traverse Band of Ottawa and Chippewa Indians. The Band has approximately 4,120 enrolled members, which amounts to approximately 2.89 acres of trust land per tribal member. The subject property will support and provide Indian Housing by offering its members an essential addition to the Tribal land base. Two housing need assessments conducted in 2006 and 2014 determined housing as a priority for tribal members.<sup>8</sup> Although the Tribe has no immediate foreseeable future plans to develop housing on this property, it is already subject to a future plan for a unit development by the prior owner for a multi-housing development being within the applicable Garfield Township Zoning Ordinances.<sup>9</sup>

**3. 25 CFR § 151.10 (c) - Purpose for which the land will be used.<sup>10</sup>**

The Bureau of Indian Affairs’ fee-to-trust land acquisition regulations require the BIA to consider the purposes for which the land will be used. In examining the purpose or use, the BIA “must first determine the current use of the property, then ascertain the Tribe’s plans for the property,” which not only “facilitates a clear understanding for BIA of how the property will be used for purposes of determining whether to grant the fee-to-trust applications, but also assists local jurisdictions in their planning for any ongoing services that may be needed and in commenting on a proposed fee-to-trust land acquisition.” Considering the purposes for which the land will be used “also informs and facilitates BIA’s consideration of whether there may be jurisdictional or land use conflicts” and “determines the level of environmental review required under the National Environmental Policy Act.”

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<sup>7</sup> *Grand Traverse County Board of Commissioners v. Acting Midwest Regional Director, Bureau of Indian Affairs*, Docket No. IBIA 13-130.

<sup>8</sup> Tribe’s application dated April 30, 2014, Pages 5-7, Part D. “Factors Mentioned in 25 C.F.R. § 151.10 and § 151.11(on file with the BIA).

<sup>9</sup> Tribe’s application dated April 30, 2014, Part A. “Background Information” Page 2 (on file with the BIA).

<sup>10</sup> 25 CFR 151.11 (c) states that “where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.” A business plan is not required for this acquisition.

The subject property has potential for future housing purposes. In its application, the Band states that contemplated use for Parcel 85 is permitted by Garfield Township's zoning ordinance that currently governs this allowable use upon Parcel 85. Moreover, housing has been identified as a priority through a "Tribal Member Housing Needs Assessment" performed in August 2006 and 2014 that identifies percentages of tribal members wishing to relocate back to Grand Traverse County.<sup>11</sup> Within the realm of tribal self-determination, the future additional tribal housing plans to implement this purpose is the essence of this acquisition and consistent with the 2013 Grand Traverse County's Master Plan.<sup>12</sup>

**4. 25 CFR § 151.10 (d) – Land acquired for an Individual.**

This land is not being acquired for an individual; therefore this factor is not applicable.

**5. 25 CFR § 151.10 (e) - Impact on State and Local Governments' tax rolls.**

A Notice of Application (NOA) provides State and local governments the opportunity to submit comments regarding the proposed trust acquisition in the areas of regulatory jurisdiction, real property taxes, and special assessments. On July 15, 2015, the NOA was sent to the State of Michigan, Grand Traverse County and Charter Township of Garfield via certified mail. No comments or any response to the NOA have been received.

The Grand Traverse Band has contributed approximately \$6.2 million dollars in grants to Grand Traverse County, Garfield Township, the school district and local government fire/emergency services in the vicinity of Parcel 85.<sup>13</sup> These grants have met such diverse needs as direct funding for the Grand Traverse County budget, funding for programs serving needs of county residents, purchasing fire and rescue vehicles, funding additional police officers, and substantial support for the local school districts.

The Band's application presents monetary distributions over the course of the last 16 years, exceeding \$15 million, including more than \$8.77 million TPP<sup>14</sup> funding for Grand Traverse County Road projects. These distributions support public services, and the amount easily overshadows the county's share of the property tax. Evidence to support this distribution has been provided in itemized spreadsheets showing direct funding distributions made to the County, Township, County Road Commission, police & fire protection, emergency services, Traverse City Area Public Schools (TCAPS) and Traverse Bay Area Intermediate School District (TBAISD)<sup>15</sup>

According to the Grand Traverse County 2014 Annual Financial Statement, the county tax revenue was \$25,840,580.00 with a property tax levy of \$7,914.27 for Parcel 85. A total of \$14,302.14 was levied on this parcel for the 2015 property taxes.<sup>16</sup>

<sup>11</sup> Tribe's application dated April 30, 2014, Pages 7-8 (on file with the BIA).

<sup>12</sup> Master Plan for Grand Traverse County (2013) website: <http://www.masterplan.grandtraverse.org>

<sup>13</sup> Per Consent Judgment dated August 20, 1993, and Michigan Gaming Control Board's Receipts & Distribution of Indian Casino Revenue by Local Sharing Boards website: <http://www.michigan.gov/mgcb>

<sup>14</sup> BIA's former Indian Reservation Roads (IRR) program, now called Tribal Transportation Program (TTP).

<sup>15</sup> Tribe's itemized 2% distribution spreadsheets, application pages 21-26 (on file with the BIA).

<sup>16</sup> Tax history from Grand Traverse County website and Grand Traverse County Annual Audit (2014).

Pursuant to 1993 Michigan Consent Judgement,<sup>17</sup> the Tribe pays semi-annual 2% distribution of Class III gaming funds from both Leelanau Sands Casino & Lodge and the Turtle Creek Casino to local units of governments, public schools, and emergency services for a total of \$1,572,183.99 for fiscal year 2014.<sup>18</sup> This amount far exceeds payments made for subject undeveloped property as explained by Grand Traverse County letter in response to NOA dated August 13, 2015.

This property is subject to a planned unit development by the prior owner for a multi-housing development being subject to the applicable Garfield Township Zoning Ordinances.<sup>19</sup> The County does acknowledge the housing development by the Tribe and is also consistent with master zoning plans of both County and Township.<sup>20</sup>

Based on our review of this information, the potential loss of tax revenue (0.055%) resulting from the trust acquisition of the parcel appears to be minimal; we have determined the benefits of the proposed acquisition outweigh any impact on the state and local political subdivisions.

**6. 25 CFR § 151.10 (f) - Jurisdictional problems and potential conflicts of land use which may arise.**

Pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, authorizes the municipalities of the Grand Traverse County to prepare and adopt comprehensive plans addressing future land use and infrastructure. A 2013 Master Plan for Grand Traverse County combines all the Townships within and the unique rural, agricultural, growth and investment areas such as "Parcel 85" which currently is zoned as agricultural (A).<sup>21</sup> Zoning of the adjacent properties are also agricultural with the exception of the eastern properties being identified as one-family residence (R-2).

The Band's application includes an Application for Special Use Permit and Planned Unit Development (PUD) that had been submitted to the Garfield Township Planning Commission in 2002 (and revised in 2003) for a "mixed-use P.U.D." project. During this process the residential density for this project was reduced from 225 to 191 units, nonetheless housing development is compatible with environmental and local land use regulations set forth in the "Windy Hill Estates Planned Unit Development" dated September 5, 2003.<sup>22</sup>

A Law Enforcement Agreement between the State of Michigan and the Grand Traverse Band of Ottawa and Chippewa Indians was executed by the two in August 2015. This agreement contains language to protect the public utilizing cooperative efforts of all parties for crimes committed within Grand Traverse Band of Ottawa and Chippewa Indian Country.

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<sup>17</sup> U.S. District Court for Western District of Michigan, Civil No. 1:90 CV 611, dated August 20, 1993.

<sup>18</sup> Michigan Gaming Control Board's Receipts & Distribution of Indian Casino Revenue by Local Sharing Boards website: <http://www.michigan.gov/mgcb>

<sup>19</sup> Tribe's application dated April 30, 2014, Part A. "Background Information" Page 2 (on file with the BIA).

<sup>20</sup> Grand Traverse Band response to comments from Grand Traverse County, Item 5, Page 3, dated November 24, 2015.

<sup>21</sup> Master Plan for Grand Traverse County (2013) website: <http://www.masterplan.grandtraverse.org>

<sup>22</sup> Tribe's application dated April 30, 2014, Page 12 (on file with the BIA).

The application by the Tribe has identified and provided spreadsheets for 2% distribution from both the Leelanau Sands Casino & Lodge and the Turtle Creek Casino that shows the itemized purchase list by law enforcement, emergency services, public schools, and county governments which amounts to \$1,572,184 in 2014 and \$1,608,356 in 2015.<sup>23</sup>

The Grand Traverse Band has no immediate foreseeable future plans to develop housing on Parcel 85, nonetheless the enclosed "Windy Hill Estates Planned Unit Development" documents indicate that any such future development will be compatible both with environmental and local land use regulations. This property was acquired by the Tribe specifically because it had already been deemed suitable for housing development by Garfield Township planning officials. Thus, the Tribe anticipates entering into agreements with the County and local governments for provisions of some services when housing is developed on Parcel 85 for which reimbursement to the prevailing government will be made (including construction code enforcement and possible water/sewer).<sup>24</sup>

The Tribe's application provides itemized spreadsheets identifying the four counties of Antrim, Benzie, Charlevoix, and Leelanua with whom the Tribe has "government to government" agreements and to which paid out a total of \$1,288,625.00 in contributions benefitting those counties' sheriffs' departments. Also, law enforcement is assured with respect to Parcel 85 due to the recent Law Enforcement Agreement between the State of Michigan and Traverse Band of Ottawa and Chippewa Indians.<sup>25 26</sup>

It is believed that no jurisdictional problems are likely from the transfer of the subject property into trust.

**7. 25 CFR § 151.10 (g) - Whether the BIA is equipped to discharge additional responsibilities.**

Acceptance of the subject parcel into Federal trust status will not impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation.

The Superintendent, Michigan Agency, Bureau of Indian Affairs, has reviewed the Parcel 85 trust application and determined that the Agency would be able to discharge any additional responsibilities associated with the acceptance of the parcel into trust status.<sup>27</sup> As a self-governance Tribe, the Grand Traverse Band is responsible for services that otherwise would be provided by the Bureau; however, the Agency is available to assist the Band and provide any additional services if the application is approved.

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<sup>23</sup> Michigan Gaming Control Board's Receipts & Distribution of Indian Casino Revenue by Local Sharing Boards website: <http://www.michigan.gov/mgcb>

<sup>24</sup> Tribe's response to comments from Grand Traverse County, dated November 24, 2015 (on file with the BIA).

<sup>25</sup> Grand Traverse Band response to comments from Grand Traverse County, dated November 24, 2015.

<sup>26</sup> Law Enforcement Agreement between the State of Michigan and Grand Traverse Band, dated September 17, 2015.

<sup>27</sup> Confirmation of ability to discharge responsibilities received from the Superintendent, Michigan Agency, by Memorandum dated April 18, 2016 (on file with the BIA).

**8. 25 CFR § 151.10 (h) – Compliance with 516 DM 6, appendix 4, National Environmental Policy Act and 602 DM 2, Hazardous Substances Determinations.**

In accordance with Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability for, hazardous substances or other environmental remediation or injury.

National Environmental Policy Act Compliance

An additional requirement, which has to be met when considering land acquisition proposals, is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA).

The actions listed therein have been determined not to individually or cumulatively affect the quality of the human environment, and therefore, do not require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

A categorical exclusion requires a qualifying action; in this case, 516 DM 6, Appendix 4, Part 4.4. Land Conveyance and Other Transfers of interests in land where no immediate change in land use are planned. This acquisition is for 72.51 acres with no change in land use anticipated, therefore, qualifies as a categorical exclusion.<sup>28</sup>

National Historic Preservation Act (NHPA) Compliance

Since there is a limited scope of activities there is no potential to disturb historic properties, therefore no further compliance with NHPA is necessary.

Endangered Species Act (ESA) Compliance

No further action is required for compliance with the Endangered Species Act. No endangered or threatened species will be affected according to the NEPA Coordinator Review routing sheet approved April 13, 2016.

Hazardous Substances Determination

In compliance with Department of the Interior Guidance, Part 602 of Interior Department Manual Chapter 2 (602 DM 2), we are required to complete an Environmental Site Assessment (ESA) to determine if there are any environmental and contamination related concerns and/or liabilities affecting the land being considered for trust acquisition. These

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<sup>28</sup> The BIA guidelines for NEPA compliance are set forth in the BIA NEPA Guidance, 59 Indian Affairs Manual (IAM) 3-H. Within 59 IAM 3-H, reference is made to actions qualifying as "Categorical Exclusions" (CX) which are listed in Part 516 of Interior Department Manual Chapter 10. The actions listed therein have been determined not to individually or cumulatively affect the quality of the human environment, and therefore, do not require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A CX requires a qualifying action, in this case, 516 DM 10.5 I. Land Conveyance and Other Transfers: Approvals of grants of conveyances and other transfers of interests in land where no change in land use is planned.

procedures comply with the standards of the American Society of Testing and Materials (ASTM) Practice E1527-05, which were adopted by the Department of the Interior. The record includes an updated "Phase I Environmental Site Assessment" completed on April 11-12, 2016, and approved on April 13, 2016. No recognized environmental conditions were identified.

**25 CFR § 151.11 (b) - The location of the land relative to the State boundaries, and its distance from the boundaries of the Tribe's reservation.<sup>29</sup>**

Parcel 85 is located in the upper peninsula of the State of Michigan and approximately 205 miles from its southern border.<sup>30</sup> This parcel is located approximately 19.3 miles from the Band's home base, "Peshawbestown", and 12.8 miles from the nearest trust parcel being the Turtle Creek Casino.<sup>31</sup>

**25 CFR § 151.11 (c) - Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.**

This land is not being acquired for business purposes; therefore this factor is not applicable.

**25 CFR § 151.11 (d) - Contact with state and local governments pursuant to §151.10 (e) and (f)**

See 25 CFR § 151.10(e) and (f) discussion above.

**Conclusion**

Based on the foregoing, we issue notice of our intent to accept Parcel 85 into trust status. Title will vest in the United States of America in trust for the Grand Traverse Band of Ottawa and Chippewa Indians, in accordance with Section 5 and 7 of the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 465 and § 467, provided the Tribe delivers marketable title to the property in a manner as required in 25 CFR Part 151, Land Acquisition Regulations. In accordance with 25 CFR Part 151.13, we have requested an examination of the title evidence by the Office of the Field Solicitor, Bloomington, Minnesota, to determine whether title to the parcel is marketable. The parcel will not be accepted in trust until all identified title exceptions have been met.

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<sup>29</sup> 25 CFR 151.11(b) states that "the location of the land relative to state boundaries, and its distance from the boundaries of the tribe's reservation, shall be considered as follows: as the distance between the Tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

<sup>30</sup> Distance verified by Kenneth Roy, BLM-Indian Land Surveyor on May 11, 2016, via Google Earth Imagery map.

<sup>31</sup> Parcel 85 distance maps provided by the Grand Traverse Band of Ottawa and Chippewa Indians.

**Notice of Appeal**

This decision may be appealed to the Interior Board of Indian Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 C.F.R. §§ 4.310 – 4.340 (copy enclosed). Your notice of appeal must be filed in this office within 30 days of the date you receive this decision. The date of filing your notice of appeals is the date it is postmarked or the date it is personally delivered to this office. Your notice of appeal must include the name, address, and telephone number. It should clearly identify the decision being appealed to the (1) the Assistant Secretary – Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240; (2) each interested party known to you, and (3) this office. Your notice of appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a notice of appeal, the Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

If you have any questions regarding this matter, please contact Diane Baker, Realty Officer at (612) 725-4586 or Martin Lorenzo, Realty Specialist, at (612) 725-4532.

Sincerely,

Acting



Regional Director

Enclosures

Certified Copy to all interested parties listed below (via U.S. Certified Mail):

Jason D. Oberle  
Superintendent, Michigan Agency  
Bureau of Indian Affairs  
2845 Ashmun Street  
Sault Ste. Marie, MI 49783

Certified Mail No. 9171 9690 0935 0001 8396 06

Honorable Rick Snyder  
Governor of Michigan  
Office of the Governor  
P.O. Box 30013  
Lansing, MI 48902

Certified Mail No. 9171 9690 0935 0001 8396 13



Certified Mail No. 9171 9690 0935 0001 8396 20

Grand Traverse County Board of Commissioners  
400 Boardman Avenue  
County Government Center  
Traverse City, MI 49584-2542

Certified Mail No. 9171 9690 0935 0001 8396 37

Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49684

Certified Mail No. 9171 9690 0935 0001 8396 44

William Rastetter  
Tribal Attorney  
Grand Traverse Band of Ottawa and Chippewa Indians  
420 East Front Street  
Traverse City, MI 49686

**Office of the Secretary, Interior**

**§4.201**

**Subpart D—Rules Applicable in Indian Affairs Hearings and Appeals**

**AUTHORITY:** 5 U.S.C. 301; 25 U.S.C. 2, 9, 372-74, 410; Pub. L. 99-264, 100 Stat. 61, as amended.

**CROSS REFERENCE:** For regulations pertaining to the processing of Indian probate matters within the Bureau of Indian Affairs, see 25 CFR part 15. For regulations pertaining to the probate of Indian trust estates within the Probate Hearings Division, Office of Hearings and Appeals, see 43 CFR part 30. For regulations pertaining to the authority, jurisdiction, and membership of the Board of Indian Appeals, Office of Hearings and Appeals, see subpart A of this part. For regulations generally applicable to proceedings before the Hearings Divisions and Appeal Boards of the Office of Hearings and Appeals, see subpart B of this part.

**SCOPE OF SUBPART; DEFINITIONS**

**SOURCE:** 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

**§ 4.200 How to use this subpart.**

(a) The following table is a guide to the relevant contents of this subpart by subject matter.

For provisions relating to . . .	Consult . . .
(1) Appeals to the Board of Indian Appeals generally.	§§ 4.310 through 4.318.
(2) Appeals to the Board of Indian Appeals from decisions of the Probate Hearings Division in Indian probate matters.	§§ 4.201 and 4.320 through 4.326.
(3) Appeals to the Board of Indian Appeals from actions or decisions of BIA.	§§ 4.201 and 4.330 through 4.340.
(4) Review by the Board of Indian Appeals of other matters referred to it by the Secretary, Assistant Secretary-Indian Affairs, or Director-Office of Hearings and Appeals.	§§ 4.201 and 4.330 through 4.340.
(5) Determinations under the White Earth Reservation Land Settlement Act of 1985.	§§ 4.350 through 4.357.

(b) Except as limited by the provisions of this part, the regulations in subparts A and B of this part apply to these proceedings.

[78 FR 67287, Nov. 13, 2008]

**§ 4.201 Definitions.**

**Administrative law judge (ALJ)** means an administrative law judge with OHA appointed under the Administrative Procedure Act, 5 U.S.C. 3105.

**Agency means:**

(1) The Bureau of Indian Affairs (BIA) agency office, or any other designated office in BIA, having jurisdiction over trust or restricted land and trust personality; and

(2) Any office of a tribe that has entered into a contract or compact to fulfill the probate function under 25 U.S.C. 450f or 458cc.

**BIA** means the Bureau of Indian Affairs within the Department of the Interior.

**Board** means the Interior Board of Indian Appeals within OHA.

**Day** means a calendar day.

**Decedent** means a person who is deceased.

**Decision or order (or decision and order)** means:

(1) A written document issued by a judge making determinations as to heirs, wills, devisees, and the claims of creditors, and ordering distribution of trust or restricted land or trust personality;

(2) The decision issued by an attorney decision maker in a summary probate proceeding; or

(3) A decision issued by a judge finding that the evidence is insufficient to determine that a person is deceased by reason of unexplained absence.

**Devise** means a gift of property by will. Also, to give property by will.

**Devisee** means a person or entity that receives property under a will.

**Estate** means the trust or restricted land and trust personality owned by the decedent at the time of death.

**Formal probate proceeding** means a proceeding, conducted by a judge, in which evidence is obtained through the testimony of witnesses and the receipt of relevant documents.

**Heir** means any individual or entity eligible to receive property from a decedent in an intestate proceeding.

**Individual Indian Money (IIM) account** means an interest-bearing account for trust funds held by the Secretary that belong to a person who has an interest in trust assets. These accounts are under the control and management of the Secretary.

**Indian probate judge (IPJ)** means an attorney with OHA, other than an ALJ, to whom the Secretary has delegated

#### §§ 4.202-4.308

the authority to hear and decide Indian probate cases.

*Interested party* means any of the following:

- (1) Any potential or actual heir;
- (2) Any devisee under a will;
- (3) Any person or entity asserting a claim against a decedent's estate;
- (4) Any tribe having a statutory option to purchase the trust or restricted property interest of a decedent; or
- (5) Any co-owner exercising a purchase option.

*Intestate* means that the decedent died without a valid will as determined in the probate proceeding.

*Judge*, except as used in the term "administrative judge," means an ALJ or IPJ.

*LTRO* means the Land Titles and Records Office within BIA.

*Probate* means the legal process by which applicable tribal, Federal, or State law that affects the distribution of a decedent's estate is applied in order to:

- (1) Determine the heirs;
- (2) Determine the validity of wills and determine devisees;
- (3) Determine whether claims against the estate will be paid from trust personality; and
- (4) Order the transfer of any trust or restricted land or trust personality to the heirs, devisees, or other persons or entities entitled by law to receive them.

*Restricted property* means real property, the title to which is held by an Indian but which cannot be alienated or encumbered without the Secretary's consent. For the purposes of probate proceedings, restricted property is treated as if it were trust property. Except as the law may provide otherwise, the term "restricted property" as used in this part does not include the restricted lands of the Five Civilized Tribes of Oklahoma or the Osage Nation.

*Secretary* means the Secretary of the Interior or an authorized representative.

*Trust personalty* means all tangible personal property, funds, and securities of any kind that are held in trust in an IIM account or otherwise supervised by the Secretary.

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*Trust property* means real or personal property, or an interest therein, the title to which is held in trust by the United States for the benefit of an individual Indian or tribe.

*Will* means a written testamentary document that was executed by the decedent and attested to by two disinterested adult witnesses, and that states who will receive the decedent's trust or restricted property.

[78 FR 67287, Nov. 13, 2008]

#### §§ 4.202-4.308 [Reserved]

#### GENERAL RULES APPLICABLE TO PROCEEDINGS ON APPEAL BEFORE THE INTERIOR BOARD OF INDIAN APPEALS

SOURCE: 70 FR 11825, Mar. 9, 2005, unless otherwise noted.

#### § 4.310 Documents.

(a) *Filing*. The effective date for filing a notice of appeal or other document with the Board during the course of an appeal is:

(1) For most documents, the date of mailing or the date of personal delivery; or

(2) For a motion for the Board to assume jurisdiction over an appeal under 25 CFR 2.20(e), the date that the Board receives the motion.

(b) *Serving notices of appeal and pleadings*. Any party filing a notice of appeal or pleading before the Board must serve copies on all interested parties in the proceeding. Service must be accomplished by personal delivery or mailing.

(1) Where a party is represented in an appeal by an attorney or other representative authorized under 43 CFR 1.3, service of any document on the attorney or representative is service on the party.

(2) Where a party is represented by more than one attorney, service on any one attorney is sufficient.

(3) The certificate of service on an attorney or representative must include the name of the party whom the attorney or representative represents and indicate that service was made on the attorney or representative.

(c) *Computation of time for filing and service*. Except as otherwise provided by law, in computing any period of time

prescribed for filing and serving a document:

(1) The day upon which the decision or document to be appealed or answered was served or the day of any other event after which a designated period of time begins to run is not to be included;

(2) The last day of the period is to be included, unless it is a nonbusiness day (e.g., Saturday, Sunday, or Federal holiday), in which event the period runs until the end of the next business day; and

(3) When the time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal holidays, and other nonbusiness days are excluded from the computation.

(d) *Extensions of time.* (1) The Board may extend the time for filing or serving any document except a notice of appeal.

(2) A request to the Board for an extension of time must be filed within the time originally allowed for filing.

(3) For good cause the Board may grant an extension of time on its own initiative.

(e) *Retention of documents.* All documents received in evidence at a hearing or submitted for the record in any proceeding before the Board will be retained with the official record of the proceeding. The Board, in its discretion, may permit the withdrawal of original documents while a case is pending or after a decision becomes final upon conditions as required by the Board.

**§4.311 Briefs on appeal.**

(a) The appellant may file an opening brief within 30 days after receiving the notice of docketing. The appellant must serve copies of the opening brief upon all interested parties or counsel and file a certificate with the Board showing service upon the named parties. Opposing parties or counsel will have 30 days from receiving the appellant's brief to file answer briefs, copies of which must be served upon the appellant or counsel and all other interested parties. A certificate showing service of the answer brief upon all parties or counsel must be attached to the answer filed with the Board.

(b) The appellant may reply to an answering brief within 15 days from its receipt. A certificate showing service of the reply brief upon all parties or counsel must be attached to the reply filed with the Board. Except by special permission of the Board, no other briefs will be allowed on appeal.

(c) BIA is considered an interested party in any proceeding before the Board. The Board may request that BIA submit a brief in any case before the Board.

(d) An original only of each document should be filed with the Board. Documents should not be bound along the side.

(e) The Board may also specify a date on or before which a brief is due. Unless expedited briefing has been granted, such date may not be less than the appropriate period of time established in this section.

**§4.312 Board decisions.**

Decisions of the Board will be made in writing and will set forth findings of fact and conclusions of law. The decision may adopt, modify, reverse, or set aside any proposed finding, conclusion, or order of an administrative law judge, Indian probate judge, or BIA official. Distribution of decisions must be made by the Board to all parties concerned. Unless otherwise stated in the decision, rulings by the Board are final for the Department and must be given immediate effect.

**§4.313 Amicus curiae; intervention; joinder motions.**

(a) Any interested person or Indian tribe desiring to intervene, to join other parties, to appear as amicus curiae, or to obtain an order in an appeal before the Board must apply in writing to the Board stating the grounds for the action sought. The Board may grant the permission or relief requested for specified purposes and subject to limitations it established. This section will be liberally construed.

(b) Motions to intervene, to appear as amicus curiae, to join additional parties, or to obtain an order in an appeal pending before the Board must be served in the same manner as appeal briefs.

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### §4.314 Exhaustion of administrative remedies.

(a) No decision of an administrative law judge, Indian probate judge, or BIA official that at the time of its rendition is subject to appeal to the Board, will be considered final so as to constitute agency action subject to judicial review under 5 U.S.C. 704, unless it has been made effective pending a decision on appeal by order of the Board.

(b) No further appeal will lie within the Department from a decision of the Board.

(c) The filing of a petition for reconsideration is not required to exhaust administrative remedies.

### §4.315 Reconsideration of a Board decision.

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and must contain a detailed statement of the reasons why reconsideration should be granted.

(b) A party may file only one petition for reconsideration.

(c) The filing of a petition will not stay the effect of any decision or order and will not affect the finality of any decision or order for purposes of judicial review, unless so ordered by the Board.

### §4.316 Remands from courts.

Whenever any matter is remanded from any Federal court to the Board for further proceedings, the Board will remand the matter to an administrative law judge, an Indian probate judge, or BIA. In the alternative, to the extent the court's directive and time limitations permit, the parties will be allowed an opportunity to submit to the Board a report recommending procedures for it to follow to comply with the court's order. The Board will enter special orders governing matters on remand.

### §4.317 Standards of conduct.

(a) *Inquiries about cases.* All inquiries about any matter pending before the Board must be made to the Chief Administrative Judge of the Board or the

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administrative judge assigned the matter.

(b) *Disqualification.* An administrative judge may withdraw from a case in accordance with standards found in the recognized canons of judicial ethics if the judge deems this action appropriate. If, before a decision of the Board, a party files an affidavit of personal bias or disqualification with substantiating facts, and the administrative judge concerned does not withdraw, the OHA Director will determine the matter of disqualification.

### §4.318 Scope of review.

An appeal will be limited to those issues that were before the administrative law judge or Indian probate judge upon the petition for rehearing, reopening, or regarding tribal purchase of interests, or before the BIA official on review. However, except as specifically limited in this part or in title 25 of the Code of Federal Regulations, the Board will not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

### APPEALS TO THE BOARD OF INDIAN APPEALS IN PROBATE MATTERS

SOURCE: 70 FR 11826, Mar. 9, 2005, unless otherwise noted.

### §4.320 Who may appeal a judge's decision or order?

Any interested party has a right to appeal to the Board if he or she is adversely affected by a decision or order of a judge under part 30 of this subtitle:

- (a) On a petition for rehearing;
- (b) On a petition for reopening;
- (c) Regarding purchase of interests in a deceased Indian's estate; or
- (d) Regarding modification of the inventory of an estate.

[76 FR 7505, Feb. 10, 2011]

### §4.321 How do I appeal a judge's decision or order?

(a) A person wishing to appeal a decision or order within the scope of §4.320 must file a written notice of appeal within 30 days after we have mailed the judge's decision or order and accurate

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appeal instructions. We will dismiss any appeal not filed by this deadline.

(b) The notice of appeal must be signed by the appellant, the appellant's attorney, or other qualified representative as provided in § 1.3 of this subtitle, and must be filed with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203.

[73 FR 67288, Nov. 13, 2008]

### § 4.322 What must an appeal contain?

(a) Each appeal must contain a written statement of the errors of fact and law upon which the appeal is based. This statement may be included in either the notice of appeal filed under § 4.321(a) or an opening brief filed under § 4.311(a).

(b) The notice of appeal must include the names and addresses of the parties served.

[73 FR 67288, Nov. 13, 2008]

### § 4.323 Who receives service of the notice of appeal?

(a) The appellant must deliver or mail the original notice of appeal to the Board.

(b) A copy of the notice of appeal must be served on the judge whose decision is being appealed, as well as on every other interested party.

(c) The notice of appeal filed with the Board must include a certification that service was made as required by this section.

[73 FR 67288, Nov. 13, 2008]

### § 4.324 How is the record on appeal prepared?

(a) On receiving a copy of the notice of appeal, the judge whose decision is being appealed must notify:

(1) The agency concerned; and  
(2) The LTRO where the original record was filed under § 30.233 of this subtitle.

(b) If a transcript of the hearing was not prepared, the judge must have a transcript prepared and forwarded to the LTRO within 30 days after receiving a copy of the notice of appeal. The LTRO must include the original transcript in the record.

(c) Within 30 days of the receipt of the transcript, the LTRO must do the following:

(1) Prepare a table of contents for the record;

(2) Make two complete copies of the original record, including the transcript and table of contents;

(3) Certify that the record is complete;

(4) Forward the certified original record, together with the table of contents, to the Board by certified mail or other service with delivery confirmation; and

(5) Send one copy of the complete record to the agency.

(d) While the appeal is pending, the copies of the record will be available for inspection at the LTRO and the agency.

(e) Any party may file an objection to the record. The party must file his or her objection with the Board within 15 days after receiving the notice of docketing under § 4.325.

(f) For any of the following appeals, the judge must prepare an administrative record for the decision and a table of contents for the record and must forward them to the Board:

(1) An interlocutory appeal under § 4.28;

(2) An appeal from a decision under §§ 30.126 or 30.127 regarding modification of an inventory of an estate; or

(3) An appeal from a decision under § 30.124 determining that a person for whom a probate proceeding is sought to be opened is not deceased.

[76 FR 7505, Feb. 10, 2011]

### § 4.325 How will the appeal be docketed?

The Board will docket the appeal on receiving the probate record from the LTRO or the administrative record from the judge, and will provide a notice of the docketing and the table of contents for the record to all interested parties as shown by the record on appeal. The docketing notice will specify the deadline for filing briefs and will cite the procedural regulations governing the appeal.

[73 FR 67288, Nov. 13, 2008]

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##### § 4.326 What happens to the record after disposition?

(a) After the Board makes a decision other than a remand, it must forward to the designated LTRO:

(1) The record filed with the Board under § 4.324(d) or (f); and

(2) All documents added during the appeal proceedings, including any transcripts and the Board's decision.

(b) The LTRO must conform the duplicate record retained under § 4.324(b) to the original sent under paragraph (a) of this section and forward the duplicate record to the agency concerned.

[73 FR 87288, Nov. 13, 2008]

##### APPEALS TO THE BOARD OF INDIAN APPEALS FROM ADMINISTRATIVE ACTIONS OF OFFICIALS OF THE BUREAU OF INDIAN AFFAIRS: ADMINISTRATIVE REVIEW IN OTHER INDIAN MATTERS NOT RELATING TO PROBATE PROCEEDINGS

SOURCE: 54 FR 6487, Feb. 10, 1989, unless otherwise noted.

##### § 4.330 Scope.

(a) The definitions set forth in 25 CFR 2.2 apply also to these special rules. These regulations apply to the practice and procedure for: (1) Appeals to the Board of Indian Appeals from administrative actions or decisions of officials of the Bureau of Indian Affairs issued under regulations in 25 CFR chapter 1, and (2) administrative review by the Board of Indian Appeals of other matters pertaining to Indians which are referred to it for exercise of review authority of the Secretary or the Assistant Secretary—Indian Affairs.

(b) Except as otherwise permitted by the Secretary or the Assistant Secretary—Indian Affairs by special delegation or request, the Board shall not adjudicate:

(1) Tribal enrollment disputes;

(2) Matters decided by the Bureau of Indian Affairs through exercise of its discretionary authority; or

(3) Appeals from decisions pertaining to final recommendations or actions by officials of the Minerals Management Service, unless the decision is based on an interpretation of Federal Indian law (decisions not so based which arise from determinations of the Minerals

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Management Service, are appealable to the Interior Board of Land Appeals in accordance with 43 CFR 4.410).

##### § 4.331 Who may appeal.

Any interested party affected by a final administrative action or decision of an official of the Bureau of Indian Affairs issued under regulations in title 25 of the Code of Federal Regulations may appeal to the Board of Indian Appeals, except—

(a) To the extent that decisions which are subject to appeal to a higher official within the Bureau of Indian Affairs must first be appealed to that official;

(b) Where the decision has been approved in writing by the Secretary or Assistant Secretary—Indian Affairs prior to promulgation; or

(c) Where otherwise provided by law or regulation.

##### § 4.332 Appeal to the Board; how taken; mandatory time for filing; preparation assistance; requirement for bond.

(a) A notice of appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken. A copy of the notice of appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by § 4.333 of this part, the notice of appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. A notice of appeal shall include:

(1) A full identification of the case;

(2) A statement of the reasons for the appeal and of the relief sought; and

(3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision,

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whether or not they participated as interested parties in the earlier proceedings.

(b) In accordance with 25 CFR 2.20(c) a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

(c) When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

(d) At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved.

[54 FR 6487, Feb. 10, 1989, as amended at 67 FR 4968, Jan. 30, 2002]

### §4.333 Service of notice of appeal.

(a) On or before the date of filing of the notice of appeal the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served. If the appellant is an Indian or an Indian tribe not represented by counsel, the appellant may request the official of the Bureau whose decision is appealed to assist in service of copies of the notice of appeal and any supporting documents.

(b) The notice of appeal will be considered to have been served upon the date of personal service or mailing.

### §4.334 Extensions of time.

Requests for extensions of time to file documents may be granted upon a showing of good cause, except for the time fixed for filing a notice of appeal

which, as specified in §4.332 of this part, may not be extended.

### §4.335 Preparation and transmittal of record by official of the Bureau of Indian Affairs.

(a) Within 20 days after receipt of a notice of appeal, or upon notice from the Board, the official of the Bureau of Indian Affairs whose decision is appealed shall assemble and transmit the record to the Board. The record on appeal shall include, without limitation, copies of transcripts of testimony taken; all original documents, petitions, or applications by which the proceeding was initiated; all supplemental documents which set forth claims of interested parties; and all documents upon which all previous decisions were based.

(b) The administrative record shall include a Table of Contents noting, at a minimum, inclusion of the following:

(1) The decision appealed from;

(2) The notice of appeal or copy thereof; and

(3) Certification that the record contains all information and documents utilized by the deciding official in rendering the decision appealed.

(c) If the deciding official receives notification that the Assistant Secretary—Indian Affairs has decided to review the appeal before the administrative record is transmitted to the Board, the administrative record shall be forwarded to the Assistant Secretary—Indian Affairs rather than to the Board.

### §4.336 Docketing.

An appeal shall be assigned a docket number by the Board 20 days after receipt of the notice of appeal unless the Board has been properly notified that the Assistant Secretary—Indian Affairs has assumed jurisdiction over the appeal. A notice of docketing shall be sent to all interested parties as shown by the record on appeal upon receipt of the administrative record. Any objection to the record as constituted shall be filed with the Board within 15 days of receipt of the notice of docketing. The docketing notice shall specify the time within which briefs shall be filed, cite the procedural regulations governing the appeal and include a copy of



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the Table of Contents furnished by the deciding official.

#### §4.337 Action by the Board.

(a) The Board may make a final decision, or where the record indicates a need for further inquiry to resolve a genuine issue of material fact, the Board may require a hearing. All hearings shall be conducted by an administrative law judge of the Office of Hearings and Appeals. The Board may, in its discretion, grant oral argument before the Board.

(b) Where the Board finds that one or more issues involved in an appeal or a matter referred to it were decided by the Bureau of Indian Affairs based upon the exercise of discretionary authority committed to the Bureau, and the Board has not otherwise been permitted to adjudicate the issue(s) pursuant to §4.330(b) of this part, the Board shall dismiss the appeal as to the issue(s) or refer the issue(s) to the Assistant Secretary—Indian Affairs for further consideration.

#### §4.338 Submission by administrative law judge of proposed findings, conclusions and recommended decision.

(a) When an evidentiary hearing pursuant to §4.337(a) of this part is concluded, the administrative law judge shall recommend findings of fact and conclusions of law, stating the reasons for such recommendations. A copy of the recommended decision shall be sent to each party to the proceeding, the Bureau official involved, and the Board. Simultaneously, the entire record of the proceedings, including the transcript of the hearing before the administrative law judge, shall be forwarded to the Board.

(b) The administrative law judge shall advise the parties at the conclusion of the recommended decision of their right to file exceptions or other comments regarding the recommended decision with the Board in accordance with §4.339 of this part.

#### §4.339 Exceptions or comments regarding recommended decision by administrative law judge.

Within 30 days after receipt of the recommended decision of the adminis-

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trative law judge, any party may file exceptions to or other comments on the decision with the Board.

#### §4.340 Disposition of the record.

Subsequent to a decision by the Board, the record filed with the Board and all documents added during the appeal proceedings, including the Board's decision, shall be forwarded to the official of the Bureau of Indian Affairs whose decision was appealed for proper disposition in accordance with rules and regulations concerning treatment of Federal records.

#### WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985; AUTHORITY OF ADMINISTRATIVE JUDGES; DETERMINATIONS OF THE HEIRS OF PERSONS WHO DIED ENTITLED TO COMPENSATION

SOURCE: 56 FR 61863, Dec. 3, 1991, unless otherwise noted.

#### §4.350 Authority and scope.

(a) The rules and procedures set forth in §§4.350 through 4.357 apply only to the determination through intestate succession of the heirs of persons who died entitled to receive compensation under the White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), amended by Public Law 100-153 (101 Stat. 886) and Public Law 100-212 (101 Stat. 1433).

(b) Whenever requested to do so by the Project Director, an administrative judge shall determine such heirs by applying inheritance laws in accordance with the White Earth Reservation Settlement Act of 1985 as amended, notwithstanding the decedent may have died testate.

(c) As used herein, the following terms shall have the following meanings:

(1) The term *Act* means the White Earth Reservation Land Settlement Act of 1985 as amended.

(2) The term *Board* means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary.

(3) The term *Project Director* means the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, or other Bureau of Indian Affairs official

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with delegated authority from the Minneapolis Area Director to serve as the federal officer in charge of the White Earth Reservation Land Settlement Project.

(4) The term *party (parties) in interest* means the Project Director and any presumptive or actual heirs of the decedent, or of any issue of any subsequently deceased presumptive or actual heir of the decedent.

(5) The term *compensation* means a monetary sum, as determined by the Project Director, pursuant to section 8(c) of the Act.

(6) The term *administrative judge* means an administrative judge or an administrative law judge, attorney-advisor, or other appropriate official of the Office of Hearings and Appeals to whom the Director of the Office of Hearings and Appeals has redelegated his authority, as designee of the Secretary, for making heirship determinations as provided for in these regulations.

(7) The term *appellant* means a party aggrieved by a final order or final order upon reconsideration issued by an administrative judge who files an appeal with the Board.

[56 FR 61363, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991, as amended at 64 FR 13363, Mar. 18, 1999]

### § 4.351 Commencement of the determination process.

(a) Unless an heirship determination which is recognized by the Act already exists, the Project Director shall commence the determination of the heirs of those persons who died entitled to receive compensation by filing with the administrative judge all data, identifying the purpose for which they are being submitted, shown in the records relative to the family of the decedent.

(b) The data shall include but are not limited to:

(1) A copy of the death certificate if one exists. If there is no death certificate, then another form of official written evidence of the death such as a burial or transportation of remains permit, coroner's report, or church registry of death. Secondary forms of evidence of death such as an affidavit from someone with personal knowledge concerning the fact of death or an obituary or death notice from a newspaper

may be used only in the absence of any official proof or evidence of death.

(2) Data for heirship finding and family history, certified by the Project Director. Such data shall contain:

(i) The facts and alleged facts of the decedent's marriages, separations and divorces, with copies of necessary supporting documents;

(ii) The names and last known addresses of probable heirs at law and other known parties in interest;

(iii) Information on whether the relationships of the probable heirs at law to the decedent arose by marriage, blood, or adoption.

(3) Known heirship determinations, including those recognized by the Act determining the heirs of relatives of the decedent, and including those rendered by courts from Minnesota or other states, by tribal courts, or by tribunals authorized by the laws of other countries.

(4) A report of the compensation due the decedent, including interest calculated to the date of death of the decedent, and an outline of the derivation of such compensation, including its real property origins and the succession of the compensation to the deceased, citing all of the intervening heirs at law, their fractional shares, and the amount of compensation attributed to each of them.

(5) A certification by the Project Director or his designee that the addresses provided for the parties in interest were furnished after having made a due and diligent search.

[56 FR 61363, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991]

### § 4.352 Determination of administrative judge and notice thereof.

(a) Upon review of all data submitted by the Project Director, the administrative judge will determine whether or not there are any apparent issues of fact that need to be resolved.

(b) If there are no issues of fact requiring determination, the administrative judge will enter a preliminary determination of heirs based upon inheritance laws in accordance with the Act. Such preliminary determination will be entered without a hearing, and, when possible and based upon the data

#### § 4.352

furnished and/or information supplementary thereto, shall include the names, birth dates, relationships to the decedent, and shares of the heirs, or the fact that the decedent died without heirs.

(1) Upon issuing a preliminary determination, the administrative judge shall issue a notice of such action and shall mail a copy of said notice, together with a copy of the preliminary determination, to each party in interest allowing forty (40) days in which to show cause in writing why the determination should not become final. The administrative judge shall cause a certificate to be made as to the date and manner of such mailing.

(2) The Project Director shall also cause, within seven (7) days of receipt of such notice, the notice of the preliminary determination to be posted in the following sites:

The White Earth Band, Box 418, White Earth, Minnesota 56581  
The Minnesota Chippewa Tribe, Box 217, Cass Lake, Minnesota 56633  
Minnesota Agency, Bureau of Indian Affairs, Room 418, Federal Building, 522 Minnesota Avenue, NW, Bemidji, Minnesota 56601-3062

and in such other sites as may be deemed appropriate by the Project Director. Such other sites may include, but not be limited to:

Elbow Lake Community Center, R.R. #2, Wabun, Minnesota 56589  
Postmaster, Callaway, Minnesota 56521  
Community Center, Route 2, Bagley, Minnesota 56621  
Community Center, Star Route, Mahnomen, Minnesota 56557  
Postmaster, Mahnomen, Minnesota 56557  
Rice Lake Community Center, Route 2, Bagley, Minnesota 56621  
Postmaster, Ogema, Minnesota 56569  
Pine Point Community Center, Ponsford, Minnesota 56575  
Postmaster, White Earth, Minnesota 56591  
White Earth IHS, White Earth, Minnesota 56591  
Postmaster, Ponsford, Minnesota 56575  
American Indian Center, 1113 West Broadway, Minneapolis, Minnesota 55411  
American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404  
American Indian Center, 341 University Avenue, St. Paul, Minnesota 55103  
Little Earth of United Tribes Community Services, 2501 Cedar Avenue South, Minneapolis, Minnesota 55404  
Naytahwaush Community Center, Naytahwaush, Minnesota 56586

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The Project Director shall provide a certificate showing when the notice of the preliminary determination was forwarded for posting, and to which locations. A posting certificate showing the date and place of posting shall be signed by the person or official who performs the act and returned to the Project Director. The Project Director shall file with the administrative judge the original posting certificates and the Project Director's certificate of mailing showing the posting locations and when the notice of the preliminary determination was forwarded for posting.

(3) If no written request for hearing or written objection is received in the office of the administrative judge within the forty (40) days of issuance of the notice, the administrative judge shall issue a final order declaring the preliminary determination to be final thirty (30) days from the date on which the final order is mailed to each party in interest.

(c) When the administrative judge determines either before or after issuance of a preliminary determination that there are issues which require resolution, or when a party objects to the preliminary determination and/or requests a hearing, the administrative judge may either resolve the issues informally or schedule and conduct a prehearing conference and/or a hearing. Any prehearing conference, hearing, or rehearing, conducted by the administrative judge shall be governed insofar as practicable by the regulations applicable to other hearings under this part and the general rules in subpart B of this part. After receipt of the testimony and/or evidence, if any, the administrative judge shall enter a final order determining the heirs of the decedent, which shall become final thirty (30) days from the date on which the final order is mailed to each party in interest.

(d) The final order determining the heirs of the decedent shall contain, where applicable, the names, birth dates, relationships to the decedent, and shares of heirs, or the fact that the decedent died without heirs.

[56 FR 61383, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991; 57 FR 2819, Jan. 21, 1992, as amended at 64 FR 13363, Mar. 18, 1999]

**§ 4.353 Record.**

(a) The administrative judge shall lodge the original record with the Project Director.

(b) The record shall contain, where applicable, the following materials:

(1) A copy of the posted public notice of preliminary determination and/or hearing showing the posting certifications, the administrative judge's certificate of mailing, the posting certificates, and the Project Director's certificate of mailing.

(2) A copy of each notice served on parties in interest, with proof of mailing;

(3) The record of evidence received, including any transcript made of testimony;

(4) Data for heirship finding and family history, and data supplementary thereto;

(5) The final order determining the heirs of the decedent and the administrative judge's notices thereof; and

(6) Any other material or documents deemed relevant by the administrative judge.

**§ 4.354 Reconsideration or rehearing.**

(a) Any party aggrieved by the final order of the administrative judge may, within thirty (30) days after the date of mailing such decision, file with the administrative judge a written petition for reconsideration and/or rehearing. Such petition must be under oath and must state specifically and concisely the grounds upon which it is based. If it is based upon newly discovered evidence, it shall be accompanied by affidavits of witnesses stating fully what the new evidence or testimony is to be. It shall also state justifiable reasons for the prior failure to discover and present the evidence.

(b) If proper grounds are not shown, or if the petition is not filed within the time prescribed in paragraph (a) of this section, the administrative judge shall issue an order denying the petition and shall set forth therein the reasons therefor. The administrative judge shall serve copies of such order on all parties in interest.

(c) If the petition appears to show merit, or if the administrative judge becomes aware of sufficient additional evidence to justify correction of error

even without the filing of a petition, or upon remand from the Board following an appeal resulting in vacating the final order, the administrative judge shall cause copies of the petition, supporting papers, and other data, or in the event of no petition an order to show cause or decision of the Board vacating the final order in appropriate cases, to be served on all parties in interest. The parties in interest will be allowed a reasonable, specified time within which to submit answers or legal briefs in opposition to the petition or order to show cause or Board decision. The administrative judge shall then reconsider, with or without hearing, the issues of fact and shall issue a final order upon reconsideration, affirming, modifying, or vacating the original final order and making such further orders as are deemed warranted. The final order upon reconsideration shall be served on all parties in interest and shall become final thirty (30) days from the date on which it is mailed.

(d) Successive petitions for reconsideration and/or rehearing shall not be permitted. Nothing herein shall be considered as a bar to the remand of a case by the Board for further reconsideration, hearing, or rehearing after appeal.

**§ 4.355 Omitted compensation.**

When, subsequent to the issuance of a final order determining heirs under § 4.352, it is found that certain additional compensation had been due the decedent and had not been included in the report of compensation, the report shall be modified administratively by the Project Director. Copies of such modification shall be furnished to all heirs as previously determined and to the appropriate administrative judge.

**§ 4.356 Appeals.**

(a) A party aggrieved by a final order of an administrative judge under § 4.352, or by a final order upon reconsideration of an administrative judge under § 4.354, may appeal to the Board (address: Board of Indian Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203). A copy of the notice of appeal

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must also be sent to the Project Director and to the administrative judge whose decision is being appealed.

(b) The notice of appeal must be filed with the Board no later than thirty (30) days from the date on which the final order of the administrative judge was mailed, or, if there has been a petition for reconsideration or rehearing filed, no later than thirty (30) days from the date on which the final order upon reconsideration of the administrative judge was mailed. A notice of appeal that is not timely filed will be dismissed.

(c) The Project Director shall ensure that the record is expeditiously forwarded to the Board.

(d) Within thirty (30) days after the notice of appeal is filed, the appellant shall file a statement of the reasons why the final order or final order upon reconsideration is in error. If the Board finds that the appellant has set forth sufficient reasons for questioning the final order or final order upon reconsideration, the Board will issue an order giving all parties in interest an opportunity to respond, following which a decision shall be issued. If the Board finds that the appellant has not set forth sufficient reasons for questioning the final order, the Board may issue a decision on the appeal without further briefing.

(e) The Board may issue a decision affirming, modifying, or vacating the final order or final order upon reconsideration. A decision on appeal by the Board either affirming or modifying the final order or final order upon reconsideration shall be final for the Department of the Interior. In the event the final order or final order upon reconsideration is vacated, the proceeding shall be remanded to the appropriate administrative judge for reconsideration and/or rehearing.

[56 FR 61363, Dec. 3, 1991, as amended at 67 FR 4368, Jan. 30, 2002]

#### §4.357 Guardians for minors and incompetents.

Persons less than 18 years of age and other legal incompetents who are parties in interest may be represented at all hearings by legally appointed guardians or by guardians *ad litem* appointed by the administrative judge.

#### 43 CFR Subtitle A (10-1-15 Edition)

### Subpart E—Special Rules Applicable to Public Land Hearings and Appeals

**AUTHORITY:** Sections 4.470 to 4.480 are also issued under authority of 43 U.S.C. 315a.

**CROSS REFERENCE:** See subpart A for the authority, jurisdiction and membership of the Board of Land Appeals within the Office of Hearings and Appeals. For general rules applicable to proceedings before the Board of Land Appeals as well as the other Appeals Boards of the Office of Hearings and Appeals, see subpart B.

#### APPEALS PROCEDURES

##### APPEALS PROCEDURES; GENERAL

#### §4.400 Definitions.

As used in this subpart:

*Administrative law judge* means an administrative law judge in the Office of Hearings and Appeals, appointed under 5 U.S.C. 3105.

*BIA* means the Bureau of Indian Affairs.

*BLM* means the Bureau of Land Management.

*Board* means the Interior Board of Land Appeals in the Office of Hearings and Appeals. The address of the Board is 801 N. Quincy Street, Suite 300, Arlington, Virginia 22203. The telephone number is 703-235-3750, and the facsimile number is 703-235-8349.

*BOEMRE* means the Bureau of Ocean Energy Management, Regulation and Enforcement.

*Bureau or Office* means BIA, BLM, BOEMRE, ONRR, the Deputy Assistant Secretary—Natural Resources Revenue, or any successor organization, as appropriate.

*Last address of record* means the address in a person's most recent filing in an appeal or, if there has not been any filing, the person's address as provided in the Bureau or Office decision under appeal.

*ONRR* means the Office of Natural Resources Revenue.

*Office or officer* includes "administrative law judge" or "Board" where the context so requires.

*Party* includes a party's representative(s) where the context so requires.

Activity Detail	Conservation District Pillar	Location of activity	Property Owner	Staff Lead (Initials)
Monthly Parkland Responsibilities		Nature Center Visitation this Month 851	Nature Center	763
Coordinated trail steward activities, performed routine maintenance on all trails, and performed trailhead maintenance tasks where appropriate.		Program Participants this month 488 Drop ins this month 363 Nature Center Visitation this year 4,418 Nature Center Visitation since 2008 67,170	Program Participants June 2016 Drop ins June 2016	446 317
Completed NEST Programs. Final number of students served is 1282 students. Last year we served 835.	Education	Boardman River Nature Center	Grand Traverse County TC/MK	
Performed 6 Free Saturday programs for the public	Education	Boardman River Nature Center	Grand Traverse County TC/MK	
Hosted a Growing up wild MDNR Training program with area early childhood education instructors	Education	Boardman River Nature Center	Grand Traverse County TC	
Completed Summer Camp staff Training for 2016 season	Education	Boardman River Nature Center	Grand Traverse County TC	
Completed NMC College for Kids Camp. Serving 15 campers.	Education	Boardman River Nature Center	Grand Traverse County TC	
Assisted growers as they work towards MAEAP verification	Agriculture	On Farm	Private Property	JA/LR
Provided MAEAP updates for Board of Directors at Antrim, Benzie, and Leelanau Conservation Districts	Agriculture	Other	N/A	JA/LR
Conducted 11 on farm risk assessments	Agriculture	On Farm	Private Property	JA/LR
Completed 4 new MAEAP verifications	Agriculture	On Farm	Private Property	JA/LR
Assisted MDARD with Right to Farm complaint	Agriculture	On Farm	Private Property	JA/LR
Attended Antrim Conservation District Open House on June 4	Agriculture	Community Event/Festival	N/A	LR
Attended Michigan Association of Conservation Districts summer conference in Bay City on June 7	Agriculture	Other	N/A	JA/LR
Attended Saskatoon growers field day on June 17	Agriculture	On Farm	Private Property	LR
Attended Kalkaska Conservation District Soil Health Field Day on June 23	Agriculture	On Farm	Private Property	JA/LR
6/2, 6/3 - Hosted herbicide application training/Japanese knotweed (ISN crew & TNC crew)	Stewardship (Boardman River and Non-parklands ISN)	Boardman River Nature Center	Grand Traverse County FR	
6/9 - Hosted ISN Partner/AmeriCorps training (ID/GPS/treatment); 28 attendees, 6 hours	Stewardship (Boardman River and Non-parklands ISN)	Boardman River Nature Center	Grand Traverse County KEG/ISN	

6/20 – Hosted & participated in AmeriCorps Site review	Stewardship (Boardman River and Non-parklands ISN)	Boardman River Nature Center	Grand Traverse County	KEG/SL
6/21 – Impromptu presentation to NIMC class (19 contacts)	Stewardship (Boardman River and Non-parklands ISN)	Boardman River Nature Center	Grand Traverse County	EC
6/23 - Hosted GT Bay/Leelanau County <i>Phragmites</i> meeting (8 non-ISN attendees) Completed review and comment of the draft Boardman River <i>Phragmites</i> Plan Prepped for and conducted Brown Bridge Advisory Committee Mtg at Buck's Landing within Brown Bridge Quiet Area	Stewardship (Boardman River and Non-parklands ISN) Stewardship (Boardman River and Non-parklands ISN) Stewardship (Boardman River and Non-parklands ISN)	Boardman River Nature Center Boardman River and its tributaries Boardman River and its tributaries	Grand Traverse County N/A City of Traverse City	KEG/FR SL SL
Set up and tended a booth at the Adams Fly Festival	Stewardship (Boardman River and Non-parklands ISN)	Other	N/A	SL
Continued to coordinate East End footbridge project including the staging of the footbridge at Ranch Rudolf and conference calls with the National Guard. The National Guard is scheduled to stage the bridge in late August.	Parklands (including Parklands-based ISN)	Brown Bridge Quiet Area	City of Traverse City	SL
Responded to a property owner's call regarding downed trees blocking safe navigation. Cut and relocated trees to the river's edge to maintain habitat and allow for safe navigation. Met with Rotary's Friends of the Boardman committee regarding the Gourmet Dinner fundraiser scheduled for September 19th. Proceeds from the event will go toward the placement of a footbridge below the former site of Brown Bridge dam and, with the East-end bridge reported above, will provide a long awaited loop-trail system a Brown Bridge.	Stewardship (Boardman River and Non-parklands ISN)	Boardman River and its tributaries	N/A	SL, RR, TV, Interns
Prepared for and held the Brown Bridge Advisory Committee's Annual Podluck meeting at Brown Bridge.	Parklands (including Parklands-based ISN)	Brown Bridge Quiet Area	City of Traverse City	SL
Investigated reports regarding the potential discovery of the highly invasive, non-native New Zealand Mudsnails in the Boardman. Chemically treated weeds along and within ADA trail for maintenance purposes	Stewardship (Boardman River and Non-parklands ISN) Parklands (including Parklands-based ISN)	Boardman River and its tributaries Hickory Meadows	N/A Joint Recreational Authority	SL RR,TV

Performed routine work on the Nature Center grounds (mowing, irrigation, pavillion bathrooms, etc)	Parklands (including Parklands-based ISN)	Boardman River Nature Center	Grand Traverse County RR,SL,TV
Performed routine trail maintenance at Brown Bridge Quiet Area	Parklands (including Parklands-based ISN)	Brown Bridge Quiet Area	City of Traverse City RR
Addressed graffiti reported at Lone Pine canoe landing	Parklands (including Parklands-based ISN)	Natural Education Reserve/Boardman Valley Nature Preserve	Grand Traverse County RR
Chemically treated poison ivy along stretches of trail at Silver Lake Rec Area	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township RR,TV
Chemically treated poison ivy along stretches of trail at Miller Creek	Parklands (including Parklands-based ISN)	Miller Creek Nature Reserve	Garfield Township RR,TV
Chemically treated invasive reed canary grass on exposed bottomlands	Parklands (including Parklands-based ISN)	Brown Bridge Quiet Area	City of Traverse City RR
Remove aquatic vegetation from pond to improve fishing at Kid's Creek Park	Parklands (including Parklands-based ISN)	Kid's Creek Park	Garfield Township RR,TV
Scheduled and attended monthly meeting with Hickory Meadows Advisory Committee	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Coordinated remediation of mid-Randolph gate access to TCL&P utility corridor with CC Power	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Contracted implementation of trail improvement project through East Meadow with Popp Excavating	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Coordinated spring bird survey at Hickory Meadows with the Audubon Club and posted results at Randolph St. Kiosk station	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Assessed eastern boundary of Hickory Meadow's property for potential recreational opportunities in consideration of water utility easement	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Mowed and pruned along all trails amid peak growing season at Hickory Meadows	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Added crushed gravel at Randolph St. Trailhead to maintain universal access	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Monitored for erosion, invasive species, and success of native seeding along the TCL&P utility easement	Parklands (including Parklands-based ISN)	Hickory Meadows	Joint Recreational Authority TV
Rotated seasonal displays in information stations to reflect summer topics at all parkland trailheads	Parklands (including Parklands-based ISN)	All Parklands	N/A



Mowed and pruned along all trails amid peak growing season at Silver Lake RA	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township	TV
Contracted construction of info station near fire house at SLRA with SEEDS	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township	TV
Painted info station near fire house at SLRA	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township	TV
Coordinated construction of connector trail around Hidden Lake	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township	TV
Walked proopsed disc golf course at SLRA with Garfield Twp representatives and designer Todd Lewis	Parklands (including Parklands-based ISN)	Silver Lake Recreation Area	Garfield Township	TV
Assesed trail signage needs, sustainability, and monitored for invasives at the Commons	Parklands (including Parklands-based ISN)	Commons Natural Area	Garfield Township	TV/RR
Cleaned up trash around the "Hippy Tree" at the Commons	Parklands (including Parklands-based ISN)	Commons Natural Area	Garfield Township	TV/RR
Repaired entry into boardwalk at Miller Creek NR	Parklands (including Parklands-based ISN)	Miller Creek Nature Reserve	Garfield Township	TV
Solicited bid for fishing platform at Miller Creek NR	Parklands (including Parklands-based ISN)	Miller Creek Nature Reserve	Garfield Township	TV/RR
Coordinated with TART in clearing of trails along BVNP including the determined segment of the Boardman River Trail	Parklands (including Parklands-based ISN)	Boardman Valley Nature Preserve	Garfield Township	TV
Met with TART and Garfield Twp representatives in regards to planning for the BRT along the NER and BVNP	Parklands (including Parklands-based ISN)	Natural Education Reserve/Boardman Valley Nature Preserve	Garfield Township and GT County	TV/SL
Repaired aged fencing in the vicinity of Fox Den Loop on the NER	Parklands (including Parklands-based ISN)	Natural Education Reserve/Boardman Valley Nature Preserve	Grand Traverse County	TV/RR
Provided estimate for repair of damaged Keystone Rapids Trailhead sign from vehicle accident	Parklands (including Parklands-based ISN)	Natural Education Reserve/Boardman Valley Nature Preserve	Grand Traverse County	TV
Forestry on-site visits on 8 properties for 91 acres	Conservation	Other	Private Property	KR
SL = Steve Largent, Conservation Team				
Coordinator/Boardman River Program Coordinator				
TV = Tom Vitale, Parkland Steward				
SS = Sam Shaughnessy, Administrative Assistant				
TF = Tricia Forgrave, Finance & HR Coordinator				
MC = Marsha Barber Clark, Executive Director				
MK = Max Kotelniki, AmeriCorps VISTA member				

KEG = Katie Grzesiak, ISN Coordinator

RR = Reb Radliff, Parkland Steward

TC = Taryn Carew, Education Director

KR = Kama Ross, District Forester (GT; Leelanau; Benzle)

EC = Emily Cook, ISN Outreach Specialist

LR = Laura Rigan, MAEAP Technician

JA = Jessica Alpers, MAEAP Technician

FR = Fields Radliff, ISN Habitat Management Specialist

MO = Miriam Owsley, ISN Outreach Assistant

ISN Crew = ISN seasonal employees

VT = Victoria Tatum, Nature Center Assistant

**Mike Green**

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**From:** Sherry McNamara [sherrymcnamara@hotmail.com]  
**Content:** Thursday, July 14, 2016 10:58 PM  
**To:** Mike Green  
**Subject:** Weekly Rentals on Silver Lake

Dear Mr. Green,

As long time residents of Silver Lake, we would like to commend the Township for diligently working to enforce our ordinance regarding weekly rentals.

My lake memory goes back to when my mother first moved onto the lake and has continued to the present time, that equates to well over 30 years. We personally remember the years when the lake was quiet with just the local residents. That changed in recent years to include the weekly rentals traffic.

It is probably needless to say that these weekly vacationers brought excessive noise all week long when the vacationers were staying outside late into the evening, while those of us who live here were trying to sleep so we could work in the morning. Noise was from sitting around a campfire drinking and laughing, to fireworks, to shouting and swimming, wave-runners and boats coming and going, etc. It also included (our weekly neighbors) shooting BBs into the lake at a target set up on the swim raft, golf balls being driven into the lake and so on. The behavior included invasion in the personal space of Loons and Swans and other waterfowl, driving over Loon chicks (I monitor the Loons on Silver Lake) with their boats, and chasing the Swans with their wave-runners. I personally called the DNR several times and each time I was told that the vehicles based on the MC numbers were NOT local residents. I could go on and on about why the weekly rentals were not conducive to the well-being of the year-long residents such as water quality, and economy of our lake/area. I do know that there are people living here as well as out of the area who profited by owning weekly rentals, but it came at the expense of people who choose to reside here on Silver Lake every day of the year and who take responsibility for our lake treasure.

In any event, this summer, the lake has been pleasantly quiet, almost like the "old days." Less boating, less problems where I have had to talk/educate people to leave the Loons alone, and resulted in a wonderful time that brought us to Silver Lake in the first place. I realize that there are some weekly rentals that are still flying under the radar and I hope that Garfield Township will continue to enforce the ordinance against these so that we can continue the peace and quiet entitled to the residents of Silver Lake.

Ed and Sherry McNamara

**Charter Township of Garfield****Construction Update****July 21, 2016****Water Projects****Northwest Service District – Water System Improvements**

GFA is continuing to work on the overall project with our goal to have piping, tank and booster station completed by December 2016. The status of the multiple phases are summarized below.

**Tank / Remaining Watermain Installation**

Tank Request for Proposals are being sent out and construction anticipated to start in fall. GFA is currently in process of attaining easements for remaining portions of watermain needed along Zimmerman Road and north of Brookside.

**Crown Development**

Construction has started and anticipated to be completed 2<sup>nd</sup> week of August. The residents have been notified of the status.

**General Utilities****GTCRC – Oak Terrace Road Improvements**

In conjunction with the road Special Assessment the board had approved GFA to coordinate with the Road Commission to extend utilities prior to upgrades to the road. This project is intended to extend utilities in the existing service district areas cost effectively by combining with other projects. The utilities will be installed with fees reimbursed as lateral charges to parcels upon connection. Residents have been notified of the project. Bid Opening is next week and will be presented to Board at August meeting. Construction anticipated to start end of August and completed end of September.

**Pump Station #3**

Permits have been issued, preconstruction meeting and shop drawing review has been completed. Equipment is on order and project anticipated to start in August and completion the end of September.

**Pump Station #1**

Project has been completed and new pumps are running well. Awaiting final closeout documents from contractor and pay application. Anticipated recommend approval of acceptance at August Board Meeting

### **Master Meters**

GFA is working with Township and DPW to evaluate master meter readings, consumption meter readings on the water system in preparation of negotiations with the City of Traverse City on the Bulk Water Agreement.

### **Drainage District Improvements / Cass Road 20" Watermain (exposed)**

A portion of the watermain installed in 2004 that feeds the McCrae tank was found to be exposed in October 2014. The Grand Traverse Drain Commission is in the process of replacing culverts that cross the Railroad along Cass Road at Miller Creek as part of the Cass Road Drainage District Assessment to correct an existing stormwater issue for that area. GFA continues to coordinate with them, Township and Commission on fixing grading in the area in conjunction with their project to cover watermain. Final Design plans are anticipated to be submitted for review to Township and Road Commission in late August.

### **Plan Reviews**

#### **The Ridges at 45**

All municipal utilities have been installed. Awaiting final walk through request with DPW and closeout documents from Developer

#### **North Bay Produce**

Plan Review has been completed and permits submitted.

#### **Hammond / Commerce Lot 24 & Commons**

DEQ permits have been issued and awaiting preconstruction meeting with developer

**Grand Traverse Sheriff Department Calls for Service Statistics**  
 Month June Year 2016

Day of Week	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	TOTAL					
		487	490	588	673	513	477	430	3,658				
Hour of Day	0	1	2	3	4	5	6	7	8	9	10	11	
	141	99	55	27	40	43	51	86	131	159	185	162	
	12	13	14	15	16	17	18	19	20	21	22	23	
	147	208	188	202	242	205	217	181	187	234	280	188	
Location	Citations		Traffic Crashes			Arrests			*Other	Criminal	Non-Criminal	Traffic Crashes	Total
	Fatal	PIA	PDA	OWI	MIP	Criminal							
01 Acme	14	1	6	0	0	6	6	117	28	51	8	204	
02 Blair	62	0	5	27	6	0	26	294	97	101	32	524	
03 East Bay	33	1	3	25	5	0	26	256	81	93	29	459	
04 Fife Lake	5	0	1	5	1	0	2	50	12	7	6	75	
05 Garfield	71	0	9	60	8	3	58	655	341	432	69	1,497	
06 Grant	1	0	0	3	0	0	4	12	5	5	3	25	
07 Green Lake	9	0	0	12	1	0	5	109	29	63	12	213	
08 Long Lake	3	0	2	4	1	0	6	72	23	55	6	156	
09 Mayfield	4	0	0	6	0	0	2	53	11	20	6	90	
10 Peninsula	5	0	0	7	1	0	2	44	20	44	7	115	
11 Paradise	1	0	1	5	0	0	2	56	13	24	6	99	
12 Union	2	0	0	2	0	0	0	12	6	4	2	24	
13 Whitewater	1	0	0	2	1	0	0	49	9	15	2	75	
29 Fife Lake Vlg	0	0	0	0	0	0	0	19	7	9	0	35	
30 Kingsley Vlg	1	0	0	3	0	0	2	26	18	20	3	67	
66 Traverse City	8	0	0	0	1	1	79	0	0	0	0	0	
84 Out of County	0	0	0	0	0	0	14	0	0	0	0	0	
<b>Totals</b>	<b>220</b>	<b>2</b>	<b>22</b>	<b>167</b>	<b>25</b>	<b>4</b>	<b>234</b>	<b>1,824</b>	<b>700</b>	<b>943</b>	<b>191</b>	<b>3,658</b>	

\*Other Calls for Service Include: 911 Hangups; BOL; Follow-up to Complaints; Motorist Assists; Public Relations; Serving Legal papers; Traffic Stops; Warrant Attempts  
 Ticket stats are based on what District Court has entered as of 7/06/16.  
 Arrest Stats are as of 7/07/16.

### Grand Traverse Sheriff Department Calls for Service Statistics

### 2nd Quarter Totals

April - June 2016

Day of Week	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	TOTAL				
	0	1	2	3	4	5	6	7				
Hour of Day	1,490	1,613	1,569	1,665	1,522	1,481	1,339	10,679				
	403	219	151	93	106	142	180	339				
	12	13	14	15	16	17	18	19				
	471	569	587	679	686	593	619	512				
Location	Citations		Traffic Crashes		Arrests		*Other		Total			
	Fatal	PIA	PDA	OWI	MIP	Criminal	Criminal	Non-Criminal				
01 Acme	43	1	2	27	2	3	19	332	78	135	30	575
02 Blair	138	0	14	66	14	1	55	855	282	270	80	1,487
03 East Bay	88	1	7	81	8	0	74	708	246	306	89	1,349
04 Fife Lake	15	0	1	14	2	0	12	149	26	35	15	225
05 Garfield	218	0	25	187	30	6	185	1,968	1,068	1,207	213	4,456
06 Grant	4	0	0	5	0	0	7	48	12	12	5	77
07 Green Lake	26	1	3	25	3	0	21	298	100	168	29	595
08 Long Lake	25	0	3	23	3	2	24	201	77	149	26	453
09 Mayfield	20	0	2	14	0	0	6	165	26	42	16	249
10 Peninsula	18	0	3	16	1	0	4	123	40	101	19	283
11 Paradise	15	0	2	24	2	1	11	169	55	57	26	307
12 Union	10	0	1	6	0	0	1	31	15	15	7	68
13 Whitewater	4	0	0	12	4	0	5	148	31	45	12	236
29 Fife Lake Vlg	1	0	1	1	0	0	0	42	13	21	2	78
30 Kingsley Vlg	7	0	0	5	0	0	15	121	54	61	5	241
66 Traverse City	18	0	0	0	5	1	239	0	0	0	0	0
84 Out of County	0	0	0	0	0	0	51	0	0	0	0	0
Totals	650	3	65	506	74	14	729	5,358	2,123	2,624	574	10,679

\*Other Calls for Service Include: 911 Hangups; BOL; Follow-up to Complaints; Motorist Assistants; Public Relations; Serving Legal papers; Traffic Stops; Warrant Attempts  
 Ticket stats are based on what District Court has entered as of 7/06/16.  
 Arrest stats are as of 7/07/16.



June 31, 2016  
Treasurer's Report  
Charter Township of Garfield

6. e.

Acct.	Unrestricted Funds	General Fund	03/31/16	06/30/16	Difference	Maturity Date	Rate
7118	General Fund	Checking	2,046,079	1,803,264	(242,815)	N/A	
6905	General Chase High Yield	Savings	168,460	168,493	33	N/A	
4870	General Fund Managed	Invest	1,283,791	1,288,907	5,116	N/A	
220	Chemical-Closed 2/4/16 purchased LMCU CD	CD	-	-	-	2/4/16	0.75%
25	Chemical	CD	188,315	188,315	-	6/4/17	0.50%
740	Huntington	CD	80,332	80,332	-	10/17/17	0.71%
604	Mbank cd -	CD	95,318	95,318	-	9/24/17	1.00%
606	Mbank cd -	CD	95,318	95,318	-	9/24/17	1.00%
608	Mbank cd -	CD	80,201	80,201	-	9/24/17	1.00%
8101	4-Front Credit Union	CD	205,720	206,057	337	7/8/17	0.65%
300	NW Consumers CU	CD	164,914	165,245	331	2/23/17	0.80%
332	NW Consumers CU	CD	58,890	59,008	118	9/28/18	0.60%
682	Traverse City State Bank	CD	262,707	262,707	-	3/12/18	0.89%
55	1st Community Bank	CD	210,315	210,315	-	3/12/18	0.75%
72	First Merit (Citizens)	CD	250,000	250,000	-	2/22/19	0.90%
16	First National Bank of America	CD	253,493	254,372	878	4/14/18	1.39%
†	Team 1 Credit Union	CD	250,000	250,000	-	3/2/18	1.35%
682	Credit Union One	CD	254,087	255,046	959	2/25/18	1.50%
119	Honor Bank (Purchased from General 5/6/15)	CD	252,513	252,513	-	11/28/19	2.02%
40	Lake Michigan Credit Union	CD	250,276	251,155	879	8/11/17	1.40%
<i>Total Unrestricted Funds - Available for Spending</i>			6,409,726	6,426,586	(166,860)		

Restricted Funds			Current Month	Current Month	Difference	Date
7118	Park Fund	Checking	1,006,879	1,024,460	17,581	N/A
7118	Roads	Checking	543,357	543,126	(231)	N/A
6728	Fire Fund	Checking	135,607	135,619	12	N/A
4854	Fire Fund Managed	Invest	778,725	781,465	2,740	N/A
7134	Receiving Fund	Checking	4,832,424	3,746,731	(1,085,693)	N/A
6026	Chemical Receiving Fund CD	CD	-	1,000,000	1,000,000	6/22/2017 0.70%
4862	Receiving Fund Managed	Invest	5,169,824	5,191,255	21,431	N/A
7840	DPW Fund Managed	Invest	108,284	109,734	1,450	N/A
7128	Tax Fund	Checking	36,229	20,002	(16,227)	N/A
4750	General Employee Flex	Checking	2,624	7,273	4,649	N/A
3734	Retirement Rec Fund	Checking	100,378	96,331	(4,047)	N/A
2343	Insurance Funding	Checking	384,003	381,091	(2,912)	N/A
8881	Trust & Agency	Checking	177,858	194,877	17,019	N/A
1111	Special Lights	Checking	26,434	6,277	(20,157)	N/A
3801	Special Mill/Water/Sewer/Roads	Checking	47,346	31,585	(15,761)	N/A
<i>Total Restricted Funds - Restricted Use</i>			16,349,374	16,269,826	(79,548)	

<b>TOTAL</b>	<b>\$</b>	<b>19,780,701</b>	<b>\$</b>	<b>19,466,392</b>	<b>\$</b>	<b>(314,309)</b>
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\* General Fund Checking - Sheriff Contract \$235K, Land Access Quarterly \$23K, HSA Cards \$57K, New Truck \$28K, Audit \$15K  
 \* Receiving Fund - Transferred 1 million to a higher yielding CD at Chemical (Fully Collateralized)  
 \* Tax Checking - Normal reduction final payments to taxing authorities.  
 \* Special Lights & Mill/Water - Clean out of year end transfer to general.

Respectfully Submitted:  
*Jane Blood Law* 6/31/16  
 Jeane Blood Law, Treasurer



# Clerk's Report

For June30, 2016

Submitted 07/07/16

To The Garfield Township Board;

On the following pages you will find a copy of the Revenue and Expenditure Report. This Report is an informational report that gives you an overview of what has happened in that particular month, along with what has happened for the whole year. It also compares what has happened for the year with the Budget and gives you a final figure of what is left in that budgeted line item. The Budget is a tool to go by for that year. Nothing is guaranteed in the Budget, it is your best estimate. The Township's Budget is also a Cost Center Budget not a Line Item Budget, which means that what is important is the final figure. Some line items may run over as long as the final cost center total is not over. On this Report you will find the following captions on the top: Original and Amended Budget, Annual and Current Month, and finally Balance.

For the month of June in the General Fund, you will find that we had a total of \$60,220.63 Revenues and \$232,014.16 Expenditures. For the year we have a total of \$2,186,973.34 Revenues and \$1,482,611.88 Expenditures.

If you have any questions or would like further clarification please feel free to contact me at: 231-941-1620.

Lanie McManus

Township Clerk

GL NUMBER	DESCRIPTION	2016		YTD BALANCE 06/30/2016	ACTIVITY FOR MONTH 06/30/2016	AVAILABLE BALANCE
		ORIGINAL BUDGET	AMENDED BUDGET			
Fund 101 - GENERAL OPERATING FUND						
Revenues						
Dept 000						
101-000-403.000	CURRENT REAL PROPERTY TAXES	1,683,700.00	1,683,700.00	1,320,096.51	26,287.07	363,603.49
101-000-407.000	DEL PERSONAL PROP TAXES	0.00	0.00	2,903.02	0.00	(2,903.02)
101-000-414.000	Protected R/E Interest	0.00	0.00	4,236.83	0.00	(4,236.83)
101-000-423.000	TRAILER PARK FEES	6,000.00	6,000.00	3,626.00	612.50	2,374.00
101-000-445.000	PENALTIES & INT. ON TAXES	5,000.00	5,000.00	3,895.15	0.00	1,104.85
101-000-476.000	BUILDING PERMITS	175,000.00	175,000.00	99,534.00	27,011.00	75,466.00
101-000-476.001	PLANNING FEES	2,500.00	2,500.00	3,650.00	0.00	(1,150.00)
101-000-476.002	MAINT INSPECTION FEES	500.00	500.00	160.00	100.00	340.00
101-000-476.003	TREASURER FEES	500.00	500.00	375.00	375.00	125.00
101-000-476.004	PARK USE FEES	2,000.00	2,000.00	1,980.00	520.00	20.00
101-000-476.005	ZONING FEES	15,000.00	15,000.00	14,290.00	3,790.00	710.00
101-000-574.000	STATE SHARED REVENUE	1,200,000.00	1,200,000.00	610,536.00	0.00	589,464.00
101-000-574.001	STATE SHARED REV. - LIQUOR LA	18,000.00	18,000.00	550.00	0.00	17,450.00
101-000-575.000	Road Right of Way	17,000.00	17,000.00	0.00	0.00	17,000.00
101-000-612.000	CHARGES FOR TOWNSHIP SERVICES	7,000.00	7,000.00	530.85	140.07	6,469.15
101-000-627.000	TAX COLLECTION FEES	22,000.00	22,000.00	0.00	0.00	22,000.00
101-000-656.000	Ordinance Enforcement Fees	500.00	500.00	208.34	0.00	291.66
101-000-664.000	EARNED INTEREST	23,000.00	23,000.00	23,395.73	0.00	(395.73)
101-000-668.000	RENTS	55,000.00	55,000.00	0.00	0.00	55,000.00
101-000-668.002	RENTS & ROYALTIES CABLE VIS	250,000.00	250,000.00	134,961.16	0.00	115,038.84
101-000-668.003	RENTS & ROYALTIES CABLE EQUIP	14,000.00	14,000.00	8,625.60	0.00	5,374.40
101-000-670.000	UNREALIZED LOSS ON INVESTMENT	0.00	0.00	10,968.00	0.00	(10,968.00)
101-000-673.000	SALE OF FIXED ASSETS	1,000.00	1,000.00	125.00	0.00	875.00
101-000-676.000	REIMBURSEMENTS	0.00	0.00	2,209.99	1,384.99	(2,209.99)
101-000-676.001	Reimbursed Treasurer Legal Fees	0.00	0.00	647.21	0.00	(647.21)
Total Dept 000		3,497,700.00	3,497,700.00	2,247,504.39	60,220.63	1,250,195.61
TOTAL Revenues		3,497,700.00	3,497,700.00	2,247,504.39	60,220.63	1,250,195.61
Fund 101 - GENERAL OPERATING FUND:						
TOTAL REVENUES		3,497,700.00	3,497,700.00	2,247,504.39	60,220.63	1,250,195.61

GL NUMBER	DESCRIPTION	2016		YTD BALANCE 06/30/2016	ACTIVITY FOR MONTH 06/30/16	AVAILABLE BALANCE	BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
<b>Fund 101 - GENERAL OPERATING FUND</b>							
<b>Expenditures</b>							
<b>Dept 101-TOWNBOARD</b>							
101-101-701.100	WAGES - TRUSTEE	12,000.00	12,000.00	3,900.00	500.00	8,100.00	32.50
101-101-701.101	WAGES - FILE CLERK	22,575.52	22,575.52	11,308.39	1,983.73	11,267.13	50.09
101-101-701.102	WAGES - TRUSTEE	12,000.00	12,000.00	5,400.00	950.00	6,600.00	45.00
101-101-701.103	WAGES - TRUSTEE	12,000.00	12,000.00	2,850.00	500.00	9,150.00	23.75
101-101-701.104	WAGES - TRUSTEE	12,000.00	12,000.00	4,350.00	950.00	7,650.00	36.25
101-101-701.105	WAGES - OFFICE MANAGER	35,050.32	35,050.32	16,413.64	2,627.20	18,636.68	46.83
101-101-701.106	WAGES - RECEPTIONIST	15,793.26	15,793.26	11,702.47	1,723.59	4,090.79	74.10
101-101-726.000	SUPPLIES	5,000.00	5,000.00	1,542.59	201.21	3,457.41	30.85
101-101-726.001	POSTAGE	15,000.00	15,000.00	9,285.03	104.53	5,714.97	61.90
101-101-726.002	SUPPLIES - COPIER MAINTENANCE	7,500.00	7,500.00	3,371.70	1,072.64	4,128.30	44.96
101-101-801.002	LEGAL SERVICES - TOWNBOARD	15,000.00	15,000.00	434.59	79.59	14,565.41	2.90
101-101-801.004	LEGAL -Tax Tribunal	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00
101-101-802.000	AUDIT AND ACCOUNTING	16,500.00	16,500.00	14,732.50	14,732.50	1,767.50	89.29
101-101-805.000	CONTRACTED AND OTHER SERVICES	5,000.00	5,000.00	1,346.48	244.00	3,653.52	26.93
101-101-860.000	MILEAGE	500.00	500.00	0.00	0.00	500.00	0.00
101-101-900.000	PRINTING & PUBLISHING	3,500.00	3,500.00	959.76	0.00	2,540.24	27.42
101-101-901.000	ADVERTISING	4,000.00	4,000.00	1,875.03	148.00	2,124.97	46.88
101-101-960.000	EDUCATION & TRAINING	4,000.00	4,000.00	50.50	0.00	3,949.50	1.26
101-101-965.101	DUES & PUBLICATIONS -TOWNBOAR	1,500.00	1,500.00	980.00	0.00	520.00	65.33
101-101-965.102	DUES - MICHIGAN TOWNSHIP ASSO	6,500.00	6,500.00	5,819.50	0.00	680.50	89.53
<b>Total Dept 101-TOWNBOARD</b>		<b>215,419.10</b>	<b>215,419.10</b>	<b>96,322.18</b>	<b>25,816.99</b>	<b>119,096.92</b>	<b>44.71</b>
<b>Dept 171-TOWNSHIP SUPERVISOR</b>							
101-171-701.201	WAGES - SUPERVISOR	71,177.54	71,177.54	35,561.69	5,475.20	35,615.85	49.96
101-171-701.202	WAGES - ASST. ASSESSOR	49,562.72	49,562.72	24,738.43	3,812.81	24,824.29	49.91
101-171-701.203	WAGES - ASSESSMENT CLERK	12,131.63	12,131.63	4,997.35	734.68	7,134.28	41.19
101-171-701.204	WAGES - APPRAISER	49,562.72	49,562.72	24,764.25	3,812.80	24,798.47	49.97
101-171-701.205	WAGES - ASSESSOR	87,115.34	87,115.34	43,524.50	6,701.18	43,590.84	49.96
101-171-726.000	SUPPLIES	2,000.00	2,000.00	478.07	0.00	1,521.93	23.90
101-171-805.000	CONTRACTED AND OTHER SERVICES	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00
101-171-860.200	MILEAGE - SUPERVISOR	1,000.00	1,000.00	275.40	0.00	724.60	27.54
101-171-860.201	MILEAGE - ASSESSOR	1,000.00	1,000.00	170.69	0.00	829.31	17.07
101-171-900.000	PRINTING & PUBLISHING	5,700.00	5,700.00	85.00	0.00	5,615.00	1.49
101-171-960.000	EDUCATION & TRAINING	6,000.00	6,000.00	4,135.83	927.77	1,864.17	68.93
101-171-960.200	EDUCATION - SUPERVISOR	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-171-965.000	DUES & PUBLICATIONS	1,800.00	1,800.00	40.00	0.00	1,760.00	2.22
<b>Total Dept 171-TOWNSHIP SUPERVISOR</b>		<b>308,049.95</b>	<b>308,049.95</b>	<b>138,771.21</b>	<b>21,464.44</b>	<b>169,278.74</b>	<b>45.05</b>
<b>Dept 191-ELECTIONS</b>							
101-191-701.000	WAGES	40,000.00	40,000.00	9,207.64	0.00	30,792.36	23.02
101-191-726.000	SUPPLIES	12,000.00	12,000.00	3,398.43	440.88	8,601.57	28.32
101-191-726.001	POSTAGE	8,500.00	8,500.00	3,775.21	759.09	4,724.79	44.41
101-191-860.000	MILEAGE	400.00	400.00	0.00	0.00	400.00	0.00
101-191-901.000	ADVERTISING	400.00	400.00	73.50	0.00	326.50	18.38
101-191-935.010	MACHINE MAINTENANCE	3,000.00	3,000.00	773.00	0.00	2,227.00	25.77
101-191-935.015	COMPUTER SUPPORT SYSTEMS	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
<b>Total Dept 191-ELECTIONS</b>		<b>69,300.00</b>	<b>69,300.00</b>	<b>17,227.78</b>	<b>1,199.97</b>	<b>52,072.22</b>	<b>24.86</b>
<b>Dept 215-TOWNSHIP CLERK</b>							

PERIOD END 6/30/2016

2016

ACTIVITY FOR MONTH 06/30/16

ORIGINAL BUDGET 2016 AMENDED BUDGET YTD BALANCE 06/30/2016

AVAILABLE BALANCE

B DGT USED

Fund 101 - GENERAL OPERATING FUND

Expenditures

GL NUMBER	DESCRIPTION	ORIGINAL BUDGET	2016 AMENDED BUDGET	YTD BALANCE 06/30/2016	ACTIVITY FOR MONTH 06/30/16	AVAILABLE BALANCE	B DGT USED
101-215-701.300	WAGES - CLERK	71,177.54	71,177.54	35,561.69	5,475.20	35,615.85	49.96
101-215-701.301	WAGES - FILE CLERK	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00
101-215-701.302	WAGES - DEPUTY CLERK	40,400.00	40,400.00	20,184.66	3,107.70	20,215.34	49.96
101-215-701.303	WAGES - ACCOUNTANT	10,000.00	10,000.00	2,245.00	420.00	7,755.00	22.45
101-215-726.000	SUPPLIES	1,000.00	1,000.00	850.17	0.00	149.83	85.02
101-215-860.300	MILEAGE - CLERK	400.00	400.00	315.90	0.00	84.10	78.98
101-215-860.301	MILEAGE - DEPUTY CLERK	400.00	400.00	0.00	0.00	400.00	0.00
101-215-956.016	MISCELLANEOUS	500.00	500.00	16.79	0.00	483.21	3.36
101-215-960.000	EDUCATION & TRAINING	6,000.00	6,000.00	3,006.89	57.56	2,993.11	50.11
101-215-965.000	DUES & PUBLICATIONS	700.00	700.00	52.20	0.00	647.80	7.46
<b>Total Dept 215-TOWNSHIP CLERK</b>		<b>138,577.54</b>	<b>138,577.54</b>	<b>62,233.30</b>	<b>9,060.46</b>	<b>76,344.24</b>	<b>44.91</b>

Total Dept 215-TOWNSHIP CLERK

Dept 247-BOARD OF REVIEW

101-247-701.400	WAGES - B OF R	1,500.00	1,500.00	500.00	0.00	1,000.00	33.33
101-247-701.401	WAGES - B OF R	1,500.00	1,500.00	500.00	0.00	1,000.00	33.33
101-247-701.402	WAGES - B OF R	1,500.00	1,500.00	500.00	0.00	1,000.00	33.33
101-247-701.403	WAGES - B OF R	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
101-247-960.000	EDUCATION & TRAINING	200.00	200.00	0.00	0.00	200.00	0.00
<b>Total Dept 247-BOARD OF REVIEW</b>		<b>6,200.00</b>	<b>6,200.00</b>	<b>1,500.00</b>	<b>0.00</b>	<b>4,700.00</b>	<b>24.19</b>

Total Dept 247-BOARD OF REVIEW

Dept 253-TOWNSHIP TREASURER

101-253-701.500	WAGES - TREASURER	71,177.54	71,177.54	35,561.69	5,475.20	35,615.85	49.96
101-253-701.501	WAGES - ASSISTANT	9,185.75	9,185.75	1,652.98	367.33	7,532.77	18.00
101-253-701.502	WAGES - DEPUTY TREASURER	40,400.00	40,400.00	20,184.66	3,107.70	20,215.34	49.96
101-253-726.000	SUPPLIES	2,500.00	2,500.00	352.31	24.06	2,147.69	14.09
101-253-726.001	POSTAGE	7,000.00	7,000.00	3,055.00	3,055.00	3,945.00	43.64
101-253-801.000	LEGAL SERVICES	3,000.00	3,000.00	1,007.85	30.00	1,992.15	33.60
101-253-809.000	Bank Fees	300.00	300.00	0.00	0.00	300.00	0.00
101-253-860.500	MILEAGE - TREASURER	700.00	700.00	442.26	51.30	257.74	63.18
101-253-860.501	MILEAGE - DEPUTY TREASURER	200.00	200.00	0.00	0.00	200.00	0.00
101-253-900.000	PRINTING & PUBLISHING	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
101-253-901.000	ADVERTISING	100.00	100.00	59.08	11.08	40.92	59.08
101-253-960.000	EDUCATION & TRAINING	4,500.00	4,500.00	2,019.64	178.55	2,480.36	44.88
101-253-965.000	DUES & PUBLICATIONS	500.00	500.00	70.15	0.00	429.85	14.03
<b>Total Dept 253-TOWNSHIP TREASURER</b>		<b>141,563.29</b>	<b>141,563.29</b>	<b>64,405.62</b>	<b>12,300.22</b>	<b>77,157.67</b>	<b>45.50</b>

Total Dept 253-TOWNSHIP TREASURER

Dept 258-COMPUTER SUPPORT

101-258-726.000	SUPPLIES	6,000.00	6,000.00	160.00	0.00	5,840.00	2.67
101-258-935.015	COMPUTER SUPPORT SYSTEMS	22,000.00	22,000.00	15,848.00	0.00	6,152.00	72.04
101-258-935.016	COMPUTER NETWORK	4,000.00	4,000.00	410.00	75.00	3,590.00	10.25
<b>Total Dept 258-COMPUTER SUPPORT</b>		<b>32,000.00</b>	<b>32,000.00</b>	<b>16,418.00</b>	<b>75.00</b>	<b>15,582.00</b>	<b>51.31</b>

Total Dept 258-COMPUTER SUPPORT

Dept 265-TOWNSHIP HALL

101-265-701.011	Maintenance Wages	12,000.00	12,000.00	3,349.78	1,054.73	8,650.22	27.91
101-265-726.003	SUPPLIES-MAINTANCE	3,500.00	3,500.00	1,453.20	629.15	2,046.80	41.52
101-265-850.000	TELEPHONE	17,000.00	17,000.00	7,006.48	1,254.52	9,993.52	41.21
101-265-920.601	HEATING / GAS	12,000.00	12,000.00	5,593.48	358.27	6,406.52	46.61
101-265-920.602	WATER / SEWER	5,000.00	5,000.00	722.87	150.19	4,277.13	14.46
<b>Total Dept 265-TOWNSHIP HALL</b>		<b>49,500.00</b>	<b>49,500.00</b>	<b>23,125.73</b>	<b>2,146.77</b>	<b>25,374.26</b>	<b>117.71</b>


ACTIVITY FOR MONTH 06/30/16

GL NUMBER	DESCRIPTION	2016 ORIGINAL BUDGET	2016 AMENDED BUDGET	YTD BALANCE 06/30/2016	AVAILABLE BALANCE	BDCGT USED
<b>Fund 101 - GENERAL OPERATING FUND</b>						
<b>Expenditures</b>						
101-265-920.603	LIGHTS BUILDING	13,500.00	13,500.00	5,634.26	7,865.74	41.74
101-265-935.601	SNOW PLOWING	10,000.00	10,000.00	2,020.00	7,980.00	20.20
101-265-935.602	LAWN MAINTENANCE	10,000.00	10,000.00	161.41	9,838.59	1.61
101-265-935.603	CLEANING SERVICE	15,000.00	15,000.00	6,072.50	8,927.50	40.48
101-265-935.604	RUBBISH REMOVAL	1,000.00	1,000.00	474.00	526.00	47.40
101-265-935.605	BUILDING REPAIR	100,000.00	100,000.00	2,295.97	97,704.03	2.30
101-265-935.606	ELECTRONIC PROTECTION SYSTEM	1,500.00	1,500.00	709.50	790.50	47.30
101-265-935.608	MAINTENANCE-OTHER	15,000.00	15,000.00	5,464.36	9,535.64	36.43
<b>Total Dept 265-TOWNSHIP HALL</b>		<b>215,500.00</b>	<b>215,500.00</b>	<b>40,957.81</b>	<b>174,542.19</b>	<b>19.01</b>
<b>Dept 301-POLICE SERVICES</b>						
101-301-830.000	POLICE CONTRACT	1,025,365.00	1,025,365.00	470,502.00	554,863.00	45.89
<b>Total Dept 301-POLICE SERVICES</b>		<b>1,025,365.00</b>	<b>1,025,365.00</b>	<b>470,502.00</b>	<b>554,863.00</b>	<b>45.89</b>
<b>Dept 371-TOWNSHIP BUILDING INSPECTOR</b>						
101-371-701.703	WAGES - BUILDING	65,941.04	65,941.04	32,945.36	32,995.68	49.96
101-371-701.704	WAGES - BUILDING	22,000.00	22,000.00	7,762.50	14,237.50	35.28
101-371-701.705	WAGES - CONSTRUCTION BOARD	1,000.00	1,000.00	0.00	1,000.00	0.00
101-371-726.000	SUPPLIES	1,000.00	1,000.00	7.79	992.21	0.78
101-371-850.000	TELEPHONE	0.00	0.00	(199.00)	199.00	100.00
101-371-960.000	EDUCATION & TRAINING	1,000.00	1,000.00	0.00	1,000.00	0.00
101-371-965.000	DUES & PUBLICATIONS	700.00	700.00	368.95	331.05	52.71
<b>Total Dept 371-TOWNSHIP BUILDING INSPECTOR</b>		<b>91,641.04</b>	<b>91,641.04</b>	<b>40,885.60</b>	<b>50,755.44</b>	<b>44.61</b>
<b>Dept 400-PLANNING COMMISSION</b>						
101-400-701.800	WAGES - PLANNING	2,000.00	2,000.00	900.00	1,100.00	45.00
101-400-701.801	WAGES - PLANNING	2,000.00	2,000.00	800.00	1,200.00	40.00
101-400-701.802	WAGES - PLANNING	2,000.00	2,000.00	700.00	1,300.00	35.00
101-400-701.804	WAGES - PLANNING	2,000.00	2,000.00	900.00	1,100.00	45.00
101-400-701.805	WAGES - PLANNING	2,000.00	2,000.00	900.00	1,100.00	45.00
101-400-701.806	WAGES - PLANNING	2,000.00	2,000.00	800.00	1,200.00	40.00
101-400-701.808	WAGES - PLANNING	2,000.00	2,000.00	600.00	1,400.00	30.00
101-400-801.000	LEGAL SERVICES	10,000.00	10,000.00	17,750.60	(7,750.60)	177.51
101-400-805.000	CONTRACTED AND OTHER SERVICES	5,000.00	5,000.00	3,700.00	1,300.00	74.00
101-400-900.000	PRINTING & PUBLISHING	1,000.00	1,000.00	0.00	1,000.00	0.00
101-400-901.000	ADVERTISING	2,000.00	2,000.00	560.25	1,439.75	28.01
101-400-960.000	EDUCATION & TRAINING	2,000.00	2,000.00	1,314.40	685.60	65.72
101-400-965.000	DUES & PUBLICATIONS	500.00	500.00	0.00	500.00	0.00
<b>Total Dept 400-PLANNING COMMISSION</b>		<b>34,500.00</b>	<b>34,500.00</b>	<b>28,925.25</b>	<b>5,574.75</b>	<b>83.84</b>
<b>Dept 401-TOWNSHIP PLANNER</b>						
101-401-701.900	WAGES - PLANNER	67,658.33	67,658.33	33,800.84	33,857.49	49.96
101-401-701.901	WAGES - DEPUTY PLANNER	51,631.84	51,631.84	25,803.20	25,828.64	49.98
101-401-726.000	SUPPLIES	1,000.00	1,000.00	171.21	828.79	17.12
101-401-860.900	MILEAGE - TOWNSHIP PLANNER	150.00	150.00	0.00	150.00	0.00
101-401-860.901	MILEAGE - DEPUTY PLANNER	150.00	150.00	0.00	150.00	0.00
101-401-900.000	PRINTING & PUBLISHING	2,000.00	2,000.00	0.00	2,000.00	0.00
101-401-960.000	EDUCATION & TRAINING	4,500.00	4,500.00	2,949.72	1,550.28	65.55

GL NUMBER	DESCRIPTION	2016		YTD BALANCE 06/30/2016	ACTIVITY FOR MONTH 06/30/16	AVAILABLE BALANCE	BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
Fund 101 - GENERAL OPERATING FUND							
Expenditures							
101-401-965.000	DUES & PUBLICATIONS	1,000.00	1,000.00	423.50	0.00	576.50	42.35
Total Dept 401-TOWNSHIP PLANNER		128,090.17	128,090.17	63,148.47	9,216.26	64,941.70	49.30
Dept 410-ZONING BOARD OF APPEALS							
101-410-701.001	WAGES - ZONING	1,200.00	1,200.00	200.00	0.00	1,000.00	16.67
101-410-701.002	WAGES - ZONING	1,200.00	1,200.00	300.00	0.00	900.00	25.00
101-410-701.003	WAGES - ZONING	1,200.00	1,200.00	400.00	0.00	800.00	33.33
101-410-701.004	WAGES - ZONING	1,200.00	1,200.00	400.00	0.00	800.00	33.33
101-410-701.005	WAGES - ZONING	1,200.00	1,200.00	300.00	0.00	900.00	25.00
101-410-801.000	LEGAL SERVICES	10,000.00	10,000.00	6,366.78	2,177.00	3,633.22	63.67
101-410-805.000	CONTRACTED AND OTHER SERVICES	1,000.00	1,000.00	294.50	0.00	705.50	29.45
101-410-901.000	ADVERTISING	1,000.00	1,000.00	1,162.25	477.50	(162.25)	116.23
101-410-960.000	EDUCATION & TRAINING	1,000.00	1,000.00	234.36	0.00	765.64	23.44
Total Dept 410-ZONING BOARD OF APPEALS		19,000.00	19,000.00	9,657.89	2,654.50	9,342.11	50.83
Dept 412-ZONING ADMINISTRATOR							
101-412-701.601	WAGES	55,550.00	55,550.00	21,532.63	3,269.24	34,017.37	38.76
101-412-701.602	WAGES ZONING	15,000.00	15,000.00	5,428.12	784.36	9,571.88	36.19
101-412-726.000	SUPPLIES	1,000.00	1,000.00	693.83	182.95	306.17	69.38
101-412-860.601	MILEAGE - ZONING ADMIN	150.00	150.00	0.00	0.00	150.00	0.00
101-412-860.602	MILEAGE - DEPT ZONING	150.00	150.00	0.00	0.00	150.00	0.00
101-412-960.000	EDUCATION & TRAINING	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
101-412-965.000	DUES & PUBLICATIONS	500.00	500.00	77.00	0.00	423.00	15.40
Total Dept 412-ZONING ADMINISTRATOR		74,350.00	74,350.00	27,731.58	4,236.55	46,618.42	37.30
Dept 448-STREET LIGHTS - TOWNSHIP							
101-448-920.005	STREET LIGHTS TOWNSHIP	92,000.00	92,000.00	30,516.52	6,863.37	61,483.48	33.17
Total Dept 448-STREET LIGHTS - TOWNSHIP		92,000.00	92,000.00	30,516.52	6,863.37	61,483.48	33.17
Dept 747-COMMUNITY PROMOTIONS							
101-747-880.003	COM. PROM. - TRAVERSE BAY EDC	15,000.00	15,000.00	15,000.00	0.00	0.00	100.00
101-747-880.004	COM. PROM. - TC-TALUS	3,000.00	3,000.00	3,000.00	0.00	0.00	100.00
101-747-880.007	COM. PROM. - COMMUNITY AWAREN	20,000.00	20,000.00	3,823.81	323.81	16,176.19	19.12
101-747-880.008	COM. PROM. - CONTRACTED SERVI	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00
101-747-880.011	COM. PROM. - P.E.G.	95,000.00	95,000.00	46,880.94	0.00	48,119.06	49.35
101-747-880.017	COM. PROM. - TV BOARD	2,500.00	2,500.00	765.00	165.00	1,735.00	30.60
101-747-880.018	COM. PROM. - MILFOIL	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00
Total Dept 747-COMMUNITY PROMOTIONS		163,500.00	163,500.00	69,469.75	488.81	94,030.25	42.49
Dept 806-TOWNSHIP VEHICLES							
101-806-862.000	GAS & CAR WASHES	4,000.00	4,000.00	667.31	227.99	3,332.69	16.68
101-806-863.000	OIL CHANGES	500.00	500.00	32.15	0.00	467.85	6.43
101-806-864.000	MISCELLANEOUS	3,500.00	3,500.00	1,076.76	395.97	2,423.24	30.76
Total Dept 806-TOWNSHIP VEHICLES		8,000.00	8,000.00	1,776.22	623.96	6,223.78	22.20

GL NUMBER	DESCRIPTION	2016		YTD BALANCE 06/30/2016	ACTIVITY FOR MONTH 06/30/16	AVAILABLE BALANCE	BDGT USED
		ORIGINAL BUDGET	2016 AMENDED BUDGET				
<b>Fund 101 - GENERAL OPERATING FUND</b>							
<b>Expenditures</b>							
<b>Dept 851-EMPLOYEE BENEFITS &amp; INSURANCES</b>							
101-851-701.000	WAGES	16,000.00	16,000.00	2,894.22	482.37	13,105.78	18.09
101-851-873.001	John Hancock 403B	90,000.00	90,000.00	82,360.44	0.00	7,639.56	91.51
101-851-873.010	SOCIAL SECURITY - EMPLOYER	80,000.00	80,000.00	33,992.86	5,314.29	46,007.14	42.49
101-851-873.020	VACATION & PERSONAL PAYOUT	10,000.00	10,000.00	1,293.64	0.00	8,706.36	12.94
101-851-873.030	INSURANCE - EMPLOYEE HEALTH	250,000.00	250,000.00	153,370.15	87,809.51	96,629.85	61.35
101-851-873.040	INSURANCE - EMPLOYEE LIFE	11,000.00	11,000.00	3,469.41	770.52	7,530.59	31.54
101-851-912.001	INSURANCE - LIABILITY	13,000.00	13,000.00	0.00	0.00	13,000.00	0.00
101-851-912.002	INSURANCE - WORKMENS COMP.	7,500.00	7,500.00	0.00	0.00	7,500.00	0.00
<b>Total Dept 851-EMPLOYEE BENEFITS &amp; INSURANCES</b>		<b>477,500.00</b>	<b>477,500.00</b>	<b>277,380.72</b>	<b>94,376.69</b>	<b>200,119.28</b>	<b>58.09</b>
<b>Dept 900-CAPITAL OUTLAY</b>							
101-900-970.001	CAPITAL OUTLAY - ELECTIONS	110,000.00	110,000.00	0.00	0.00	110,000.00	0.00
101-900-970.002	CAPITAL OUTLAY - TOWNSHIP HAL	40,000.00	40,000.00	0.00	0.00	40,000.00	0.00
101-900-970.003	CAPITAL OUTLAY - COMPUTER	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00
101-900-970.004	CAPITAL OUTLAY - VEHICLES	30,000.00	30,000.00	23,856.00	23,856.00	6,144.00	79.52
101-900-970.005	CAPITAL OUTLAY - LAND	0.00	0.00	925.98	0.00	(925.98)	100.00
<b>Total Dept 900-CAPITAL OUTLAY</b>		<b>190,000.00</b>	<b>190,000.00</b>	<b>24,781.98</b>	<b>23,856.00</b>	<b>165,218.02</b>	<b>13.04</b>
<b>TOTAL Expenditures</b>		<b>3,430,556.09</b>	<b>3,430,556.09</b>	<b>1,482,611.88</b>	<b>232,014.16</b>	<b>1,947,944.21</b>	<b>43.22</b>
<b>Fund 101 - GENERAL OPERATING FUND:</b>							
<b>TOTAL EXPENDITURES</b>		<b>3,430,556.09</b>	<b>3,430,556.09</b>	<b>1,482,611.88</b>	<b>232,014.16</b>	<b>1,947,944.21</b>	<b>43.22</b>



		Charter Township of Garfield Planning Department Report 2016-49	
Prepared:	July 21, 2016	Pages:	Page 1 of 7
Meeting:	July 26, 2016 Township Board	Attachments:	<input checked="" type="checkbox"/>
Subject:	Proposed Rezoning to R-M Mobile Home Residential		
File No.	Z-2016-02 - King's Court Rezoning	Parcel No.	See below
Applicant:	Atwell, LLC		
Agent:	Atwell, LLC		
Owner(s):	Sun Secured Financing, LLC; Frederick C. Clous		

**PURPOSE OF APPLICATION:**

The application is a request to rezone approximately 30 acres of property from the A-Agricultural District to the R-M Mobile Home Residential District. The southernmost area of the parent parcels, consisting of approximately 6 acres of combined land, would remain A-Agricultural.

A request to amend the zoning map requires a Planning Commission recommendation and final approval by the Township Board.

**SUBJECT PROPERTIES:**

The application affects two properties to the north of Lloyd Lane, to the west of LaFranier Road and to the east of Keystone Road. (Lloyd Lane was formerly a dead-end of Hammond Road, and was renamed when Hammond Road was extended to Keystone Road in 2010).

One parcel, #05-023-027-00, is already partially zoned R-M and which (together with an adjacent parcel also zoned R-M) is the site of the existing King's Court manufactured home park which has frontage on LaFranier Road. The other parcel, #05-023-032-00, is vacant except for a single-family home which exists on the south of the site.

If the rezoning is approved, the applicant intends to expand the King's Court community via Section 760 of the Zoning Ordinance, as a use permitted provided that certain conditions are met. At that point, the primary review authority would be the State of Michigan and no further Township review would be required.

**SURROUNDING PROPERTIES:**

The subject properties are abutted by the existing King's Court to the north, and by low-density single family uses to the west, south, and east. Also to the east is a 232-unit apartment development which was recently approved by the Planning Commission (Maple Ridge / "The Ridges at 45.")

**TOWNSHIP PLANNING COMMISSION RECOMMENDATION:**

This application was introduced on March 9, 2016, and a public hearing was held on April 13, 2016.

Initially, the rezoning area was proposed to extend all of the way south to Lloyd Lane. However, this raised concerns about compatibility with the single-family, lower density homes in that vicinity. After consulting with Staff, the applicant proposed the following changes:

- Moving the southernmost boundary of the proposed rezoning area to the north, away from the single-family property's north property line by 200-feet and to the north of Lloyd Lane by 500-feet. This would result in a split zoning, with the southern portion of the parent parcels to remain zoned A-1 Agricultural. (A map which helps visualize this is included on page 3 of this report).
- Within this south agricultural zone, a large multi-purpose detention and recreation area is proposed. Even though this area will not technically be a part of the mobile home park, the use of this area for stormwater containment can be permitted subject to Section 325.B.7 of the Zoning Ordinance. The design of the stormwater area must incorporate Low Impact Design standards, and will be subject to Planning Commission review in the future.

On May 11th, following review of the revised plans, the Planning Commission felt that the initial concern has been resolved and recommended approval of the request to the Township Board with the following motions:

1. John Nelson made a motion THAT the Findings of Fact for application Z-2016-02, as presented in Planning Department Report 2016-32, BE ADOPTED. Terry Clark seconded the motion and it carried unanimously.
2. John Nelson made a motion THAT Application Z-2016-02 to rezone certain lands from the A-1 Agricultural District to the R-M Mobile Home District, BE RECOMMENDED FOR APPROVAL to the Township Board. Gil Uithol seconded the motion and it carried unanimously.

**COUNTY PLANNING COMMISSION RECOMMENDATION:**

At a meeting on Tuesday, June 21, 2016, the Grand Traverse County Planning Commission concurred with the Township Planning Commission's recommendation.

**FIRST PUBLIC HEARING:**

Due to an error in a previous legal notice for a public hearing which was held on June 28, 2016, the Township Board has scheduled a second public hearing on this application to ensure proper notice.

Despite the error, the Township Board did accept public comment on June 28. An adjacent property owner commented that he wished there could be more of a vegetative buffer. As discussed, the Township cannot require this as a condition of approval for a rezoning. However, it is again noted that the zoning ordinance does require a larger than usual setback area for a manufactured home development. This information is included in the updated finding of fact included below.

**RECOMMENDED FINDINGS OF FACT:**

If the Township Board is prepared to act on this application, it must first review and accept a Finding of Fact in support of the decision.

As recommended by the Planning Commission and updated as noted above, those findings are as follows:

**Section 421.E Approval Criteria of Zoning Map Amendment**

In its review of an application for rezoning, the Township should consider, but is not necessarily limited to, the criteria as defined in § 421.E.1 Master Plan Consistency through § 421.E.8 Other Factors. No single factor is controlling; instead, each must be weighed in relation to the other standards.

The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

**(1) Master Plan Consistency**

Rezoning should be consistent with the intent and purpose of the adopted master plan.

- *The standard is found to be met for the following reasons:*
  - The master plan indicates Planned Development as a potential future land use of this property. The "LaFranier Neighborhood" planned development area calls for a mix of public-semi public, residential, institutional, and health uses.

**(2) Adverse Impacts on Neighboring Lands**

The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.

- *The standard is found to be met for the following reasons:*

- The proposed rezoning is generally consistent with that of surrounding uses in the project area. The rezoning property is abutted by R-M zoning to the north, R-3 zoning to the east, and vacant (and likely unbuildable due to steep slopes) land to the west.
- The southern 500-feet of the parent parcels (approximately 6-acres) would remain A-agricultural to maintain compatibility with the agriculturally zoned, low-density residential uses to the west, south, and east. The use of this 6-acre area for stormwater management in the future may be permissible subject to Planning Commission review pursuant to Section 325.B(7) of the Zoning Ordinance. The design of the stormwater area must incorporate Low Impact Design standards.
- Initially, the rezoning area was proposed to extend all of the way south to Lloyd Lane. However, this raised concerns about compatibility with the single-family, lower density homes in that vicinity. After consulting with Staff, the applicant proposed the following changes:
  - Moving the southernmost boundary of the proposed rezoning area to the north, away from the single-family property's north property line by 200-feet and to the north of Lloyd Lane by 500-feet. This would result in a split zoning, with the southern portion of the parent parcels to remain zoned A-1 Agricultural. (A map which helps visualize this is included on page 3 of this report).
  - Within this south agricultural zone, a large multi-purpose detention and recreation area is proposed. Even though this area will not technically be a part of the mobile home park, the use of this area for stormwater containment can be permitted subject to Section 325.B.7 of the Zoning Ordinance. The design of the stormwater area must incorporate Low Impact Design standards, and will be subject to Planning Commission review in the future.
- During public comment on June 28, 2016, an adjacent property owner commented that he wished there could be more of a vegetative buffer. The Township cannot require this as a condition of approval for a rezoning request. However, the zoning ordinance does require a supplemental setback area for a manufactured home development which is greater than what is required by the underlying zoning district.

### **(3) Suitability as Presently Zoned**

The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.

- *The standard is found to be met for the following reasons:*
  - The subject property is presently zoned A-Agriculture, and may continue to be used as allowed in that zoning district. Alternately, higher intensity development patterns are developing in the vicinity providing a variety of housing choices, which is a known public need in the Grand Traverse region.
  - In general, Garfield Township has supported higher density residential uses in this neighborhood, including a recent rezoning of 30-acres of adjacent property to R-3 Multi-Family Residential.

#### **(4) Changed Conditions**

The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.

- *The standard is found to be met for the following reasons:*
  - The area of the request has been planned for higher intensity residential development and support services in the general vicinity of the request.

#### **(5) Health, Safety, and Welfare**

The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.

- *The standard is found to be met for the following reasons:*
  - The need for a variety of residential housing opportunities is a known public welfare issue in Grand Traverse County.
  - No historic or cultural places and areas exist on the subject property.

#### **(6) Public Policy**

Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.

- *The standard is found to be met for the following reasons:*
  - The Master Plan calls for a mix of uses in this area, including a variety of residential housing types. While a manufactured housing development is not guaranteed to be "affordable," there is a known need for a variety of residential housing opportunities in the region.

#### **(7) Size of Tract**

The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when

there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.

- o *The standard is found to be met for the following reasons:*
  - o The portions of the rezoning site are generally compatible with surrounding properties.
  - o In the course of review, the applicant has modified the request to move the area of rezoning to the north, away from a single-family home area along Lloyd Lane.
  - o Some areas in the general vicinity have recently been rezoned to accommodate an increase in density and future uses,

**(8) Other Factors**

The Township may consider any other factors relevant to a rezoning application under state law.

**ACTION REQUESTED:**

Following an opportunity for public comment, if the Board is prepared to act on the application, the following separate motions are offered for consideration:

(MOTION) THAT the Findings of Fact for application Z-2016-02, as presented in Planning Department Report 2016-45, BE ADOPTED. (Motion to be made only following review and modification as necessary.)

The following motion would be appropriate to approve the application:

(MOTION) THAT Application Z-2016-02 to rezone certain lands from the A-1 Agricultural District to the R-M Mobile Home District, and constituting attached Amendment No. 3 to Garfield Township Ordinance No. 68 (Zoning Ordinance) BE APPROVED.

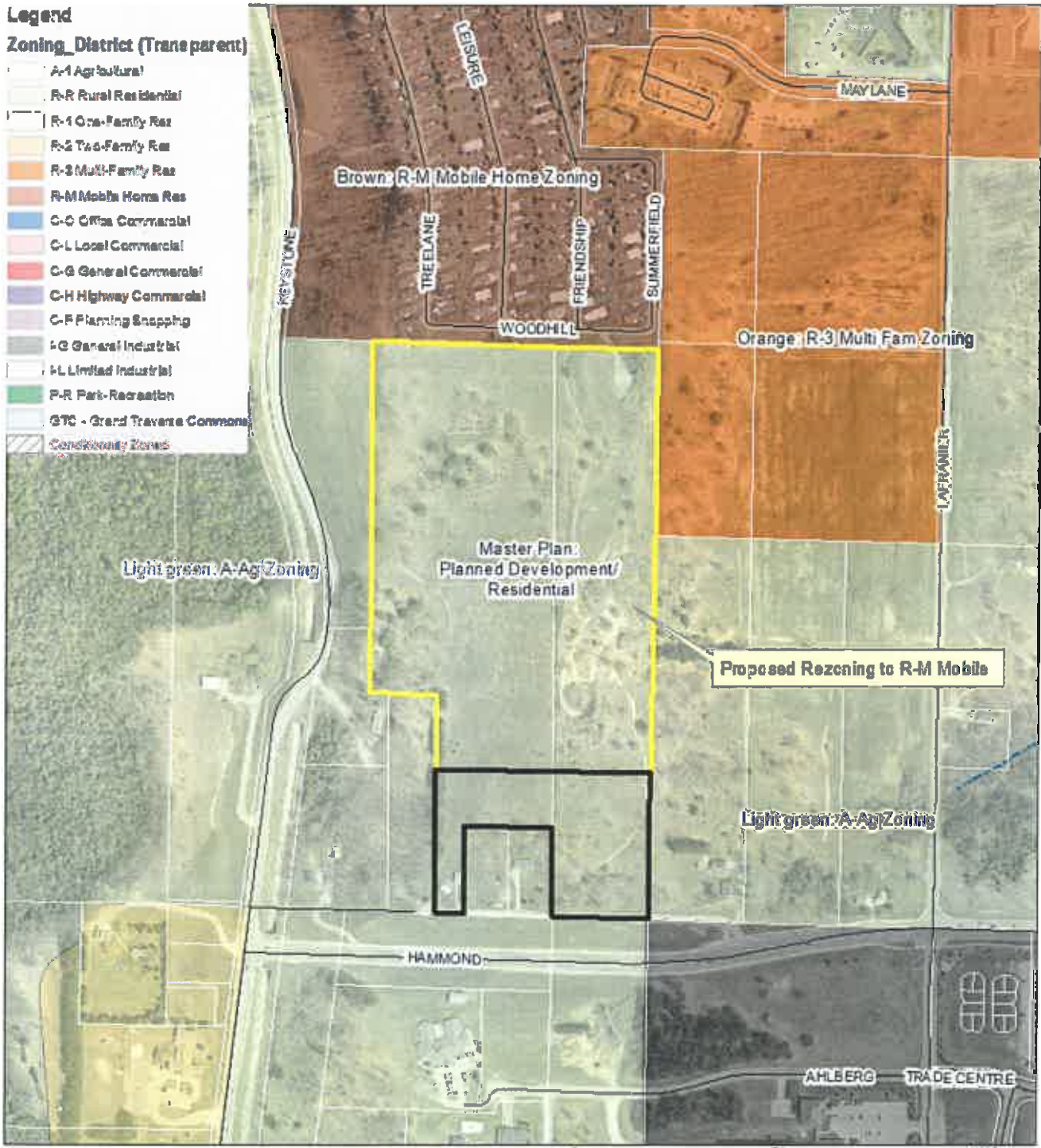
Attached:

Amendment No. 3 to Garfield Township Ordinance No. 68 (Zoning Ordinance)

**Legend**

**Zoning\_District (Transparent)**

- A-1 Agriculture
- R-R Rural Residential
- R-1 One-Family Res
- R-2 Two-Family Res
- R-3 Multi-Family Res
- R-M Mobile Home Res
- C-O Office Commercial
- C-L Local Commercial
- C-G General Commercial
- C-H Highway Commercial
- C-F Planning Shopping
- I-G General Industrial
- I-L Limited Industrial
- P-R Park-Recreation
- GTC - Grand Traverse Commons
- Conditionally Zoned



**Kings Court Rezoning Request**

**Legend**

- To remain A-Ag
- Rezoning Parcel
- Parcel\_2016

This map is based on aerial photography provided by Garfield Township. The Township does not warrant, express or implied, the accuracy of the map or the information contained therein. The Township is not responsible for any errors or omissions that may appear on this map.

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**NOT A LEGAL SURVEY**

Garfield Township Planning Dept: 5/16/2016



**CHARTER TOWNSHIP OF GARFIELD**

**ORDINANCE NO. 68**

**AMENDMENT NO. 3**

**AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF GARFIELD ZONING ORDINANCE**, Grand Traverse County, Michigan, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended.

**WHEREAS** application Z-2016-02 has been received to rezone approximately 30 acres of land from A - Agricultural to R-M Mobile Home Residential;

**AND WHEREAS** the subject property is identified by the Garfield Township Future Land Use Plan for the "La Franier Neighborhood Planned Development," which is described to include public-semi public, residential, institutional, and health uses;

**AND WHEREAS** based on the Future Land Use Plan and because the LaFranier Road corridor has been and remains a targeted corridor for medium to high density residential development, the rezoning request has been determined to be consistent with the Master Plan;

**AND WHEREAS** the uses permitted within the R-M district are considered to be appropriate and consistent with the current goals and policy of the Comprehensive Plan;

**AND WHEREAS** the Township and County Planning Commissions having each recommended approval of the application;

**AND WHEREAS** the Township Board having adopted Findings of Fact in support of approval of the application and the proposed zoning map amendment;

**NOW THEREFORE:**

**THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:**

**AMENDMENT NO. 3 TO GARFIELD TOWNSHIP ORDINANCE NO. 68**  
**(Zoning Ordinance):**

At the request of Atwell, LLC, Sun Secured Financing, LLC, and Frederick C. Clous, the following described property situated in the Township of Garfield, Grand Traverse County, Michigan has been rezoned from A-1 Agricultural to R-1 M Multiple-Family Residential:

THAT PART OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 23, T27N, R11W, DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE N89° 47' 25"W 986.37 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 TO THE



EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE ALONG SAID EAST LINE N00° 36' 22" W 500.00 FEET TO THE POINT OF BEGINNING; THENCE N89° 46' 34"W 728.93 FEET; THENCE N00° 35' 28"W 245.92 FEET PARALLEL TO THE WEST EIGHTH LINE AS MONUMENTED; THENCE N89° 59' 13"W 225.00 FEET; THENCE N00° 35' 28"W 1200.79 FEET PARALLEL TO SAID WEST EIGHTH LINE TO A POINT ON THE SOUTH LINE OF A PARCEL DESCRIBED AS THE NORTH 15 ACRES OF THE PART OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 23, LYING EAST OF THE RAILROAD RIGHT-OF-WAY; THENCE S89° 59' 13"E 953.52 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE S00° 36' 22"E 1449.39 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 30.43 ACRES OF LAND MORE OR LESS. SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD IF ANY.

Amendment No.3 to the Charter Township of Garfield Zoning Ordinance shall take effect upon the expiration of 7 days after publication.

MOVED:

SECONDED:

YEAS:

NAYS:

ABSENT AND EXCUSED:

ORDINANCE AMENDMENT DECLARED ADOPTED.

By:

\_\_\_\_\_  
Charles S. Korn, Supervisor  
Charter Township of Garfield

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance amendment adopted by the Garfield Township Board at a regular meeting held on \_\_\_\_\_, pursuant to the required statutory procedures.

\_\_\_\_\_  
Lanie McManus, Clerk  
Charter Township of Garfield

**Introduced:** May 24, 2016  
**Adopted:**  
**Published:**  
**Effective:**