



## Birch Run Township Board of Trustees Regular Meeting Minutes

May 9<sup>th</sup>, 2023

11935 Silver Creek Drive, Birch Run, Michigan 48415

### **Call to Order of Regular Meeting:**

Ray Letterman called the May 9<sup>th</sup>, 2023, Regular Meeting of the Birch Run Township Board of Trustees to order at 19:01 with the Pledge of Allegiance. Present for the Township Board of Trustees were Ray Letterman, Supervisor; Riley Kiessling, Clerk; Corey Trinklein, Treasurer; Fred Sheridan, Kurt Kiessling & Chris Watts, Trustees.

Momentarily absent from the meeting was Dale Trinklein Jr., appearing at 19:06.

Others present were Brad Thomas, DPW/Water Supervisor; Dave Matzke, Fire Chief; Gretchen Nielsen, Z.A & C.E.; Jeanette Morrish, Library Director; Adam Flory (via Zoom) & Tom Meagher, Attorneys.

Seven (7) people were in the audience.

### **Agenda Approval:**

Motion by Sheridan seconded by Watts to approve the May 9<sup>th</sup>, 2023, Regular Meeting Agenda as presented.

Yeas: Sheridan, R. Kiessling, Watts, K. Kiessling, Letterman, C. Trinklein,

Nays: None

Absent: D. Trinklein Jr.,

Motion PASSED by majority roll call vote.

### **Minutes Approval:**

Motion by K. Kiessling seconded by Sheridan to approve the April 11<sup>th</sup>, 2023, Regular Meeting Minutes as presented.

Yeas: R. Kiessling, K. Kiessling, Letterman, C. Trinklein, Sheridan,

Nays: None

Abstentions: Watts,

Absent: D. Trinklein Jr.,

Motion PASSED by majority roll call vote.

### **Invoice Approval:**

Motion by K. Kiessling seconded by Sheridan to approve Invoices through May 3<sup>rd</sup>, 2023, totaling \$450,733.20 as presented.

Yeas: R. Kiessling, Watts, K. Kiessling, Letterman, C. Trinklein, Sheridan,

Nays: None

Absent: D. Trinklein Jr.,

Motion PASSED by majority roll call vote.

### **Public Comment:** 19:04 to 19:05

None

### **Budget Review:**

Motion by R. Kiessling seconded by C. Trinklein to approve the May 2023 Budget Amendments as presented.

Yeas: Watts, K. Kiessling, Letterman, C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling,

Nays: None

Absent: None

Motion PASSED by unanimous roll call vote.

### **Closed Session:**

Began at 19:58. Ended at 20:57

**New Business:**

Motion by R. Kiessling seconded by C. Trinklein to approve Ordinance #2023-04 (Article 4 – Zoning Text Amendment) as presented.

Yeas: K. Kiessling, Letterman, C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling, Watts,

Nays: None

Absent: None

Motion PASSED by unanimous roll call vote.

Motion by R. Kiessling seconded by D. Trinklein Jr. to adopt the Libraries With Heart Waiver as amended to eliminate the text following "...under applicable law," within paragraph 1, beginning from line 8, through line 10 as per legal review, determining it to be only applicable under California law.

Yeas: None

Nays: Letterman, C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling, Watts, K. Kiessling,

Absent: None

Motion FAILED by unanimous roll call vote.

Motion by K. Kiessling seconded by Watts to hire Kimberly Bennet as a Seasonal Water Secretary at the rate of \$16.50/hr., with hours to average 12/wk.

Yeas: C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling, Watts, K. Kiessling, Letterman,

Nays: None

Absent: None

Motion PASSED by unanimous roll call vote.

Motion by R. Kiessling seconded by Sheridan that, regarding the case of 1864 US-23, LLC v Township of Birch Run, now pending in Saginaw County Circuit Court Case NO. 23-000189-AS, I move to go into closed session to consult with the Township's attorneys regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigating or settlement position of the Township.

Yeas: Sheridan, D. Trinklein Jr., R. Kiessling, Watts, K. Kiessling, Letterman, C. Trinklein,

Nays: None

Absent: None

Motion PASSED by unanimous roll call vote.

Motion by Letterman seconded by K. Kiessling to end the closed session and resume the May 9<sup>th</sup>, 2023 Regular Meeting at 20:57.

Yeas: D. Trinklein Jr., R. Kiessling, Watts, K. Kiessling, Letterman, C. Trinklein, Sheridan,

Nays: None

Absent: None

Motion PASSED by unanimous roll call vote.

Motion by Letterman seconded by R. Kiessling to direct legal counsel to draft a Resolution to follow all procedures necessary to adopt an amendment to Ordinance 2022-02 to increase the number of Recreational Marihuana Retail Licenses from 2 to no more than 8, for the purpose of correcting any procedural or other errors, if any, associated with the motion approving the same amendment at the Board meeting on October 11<sup>th</sup>, 2022.

Yeas: R. Kiessling, Watts, K. Kiessling, Letterman, Sheridan, D. Trinklein Jr.,

Nays: C. Trinklein

Absent: None

Motion PASSED by majority roll call vote.

**Public Comment:** 19:54 to 19:56

**Miscellaneous:**

Questions regarding Fire Fighter pay were brought up, to be investigated for the next board meeting.

**Adjournment:**

Motion by Letterman seconded by Sheridan to adjourn at 21:09

Motion PASSED by unanimous voice vote.