

## **Fall Meeting Agenda**

**Saturday, August 31st 2013  
10:00 AM Indiana/Michigan time**

- I. Call to order/Roll call
- II. Approve the minutes from Special meetings on July 6th 2013
- III. Treasurer's report
- IV. Standing Committee reports
  - a. Finance
  - b. Ways and Means
  - c. Building and Grounds
  - d. Social
  - e. Ad Hoc
- V. Unfinished Business
  - a. Status of the bridge repair.
  - b. Report on PTE and PRE.
  - c. Report on meeting with Ontwa Township Planning Commission & follow-up.
  - d. Report on submitted suggestions for Occupancy Agreement, By-laws & Rules and Regulations.
- VI. New Business
  - a. Preliminary approval of a proposed land allotment concept
  - b. Well issues
- VII. Miscellaneous items for Discussion
  - a. Need a work detail to remove the piers and when?
  - b. Need to set leaf racking dates.
  - c. Need to winterize all of the lawn equipment.
- VIII. Call to adjourn meeting

**FALL**  
**Millianigan Special Meeting**  
August 31, 2013

Bill Francis, our President opened the meeting at 9:00 AM. Bill stated that a proof of notice was sent for this meeting. Bill did a roll call, absent were the following members, Ewing and Lubs.

**Standing Committee Reports:**

Bill Francis asked to dispense with reading of the minutes for the Special Meeting of July 6, 2013 and to have them approved. A motion was made to waive the reading of the minutes and to accept the minutes for the Special Meeting of July 6, 2013. The motion was seconded and approved. Dick Bruno sent out via email the Treasurer's report which includes the checking and saving account balances to date to each member. He discussed the cash on hand with the checks to be deposited should be around \$17,700. The future expenses will be approximately \$9000 in taxes and \$1000 in other expenses (garage, gas, electric, Ect.). The end of the year balance should be around \$8000. We received credit card redemption of \$44 which could be income in addition to interest we receive. A payment of \$425 was paid to State Farm for Millianigan annual insurance policy. A motion was made to approve the Treasurer's report. The motion was seconded and approved. The Finance Committee, Mark McCullough had nothing to report. The Ways and Means, Mark Stroud had nothing to report. Bill Francis stated that the members were asked previously for comments on the By-Laws, Rules and Regulation and Occupancy Agreement to address changes needed. Dave Denler submitted his to Bill Francis. Dave Denler was requested to email his requested changes in attachment to Mark Stroud Chairman and all of Ways and Means committee (Dick Bruno, Dot Ghyselinch, Lee Francis & Larry Lubs). The Ways and Means committee will bring back recommendations for changes in the Spring Meeting of 2014. Thanks to Dave for his hard work, Bill stated that his changes will reinforce what we already have in place. Enforcement of these will be the Boards responsibility. Building and Grounds, Andy Walters will discuss later the Bridge Repair issue. Andy stated that Bill Sabodor has been replacing the rotten fence post. There are more to be replaced and help is needed. Social committee, Eddie Fredlake stated that the annual picnic is this Sunday at 3 PM. Set-up will be at 2 PM at Bruno front shaded area. Ad-Hoc committee has nothing at this time.

**Unfinished Business:** Bill Francis stated that Niblock Construction originally installed the bridge. Both divisions of Niblock declined to give us a bid. Bill received another bid for reinforcing bank and putting in a stone seawall only for \$3036 but cannot move the bridge beams. Scott Stone would not bid at this time. Scott gave us a reference and that person cannot come until late fall. Burke Seawall (now under new ownership) is working on bid. Bid will include lifting up the steel beams, putting in a seawall to close off on both sides. The seawall will be anchored into the bank. Then concrete will be poured behind the seawall. Then the beams will be set back on to the seawall. Burke cannot lift the beams this would need contracted out by us. Burke will get all permits. Burke suggested that an extension be welded onto each beam to lengthen them. Dave Denler had a bid that was forwarded to him by Larry Lubs for \$35,000. This is a complete removal and then to remake it. Per Bill the bridge beams are just on the soil at the end of the bridge. The bridge has been there for 33 years and needs repairs. Bill stated that originally the channel was 30 ft and now it is 40 ft wide. Erosion has occurred along with the dredging of the channel causing the bridge needed repair. Andy received a bid from Steve Curtis for \$9800. He had a couple of ideas. One is drilling pliers 5 Ft deep pouring concrete in then pouring a four foot wall to set the beams on. He was concern about getting concrete down to the bridge area. His second was to have eight beams, four for each side. This would be 8 ft long x 1 thick x 1 ft wide out of 8000 Psi concrete. Dig out and then stack these beams up, then put in crushed gravel on both side. Then but in a seawall of gravel and mat and reset our steel beams. He will pick up the beams and can lift 16,000 lbs. He will get permits. Dave Denler was not sure that this would not move? Dave suggested we look into a helical piers option. Piers are drilled into the ground and support shaft is pillowed to anchors. This is done with structures that are built on unstable ground. Current the bridge is not stable. Bill stated that the cost of the permits will vary on what is being done and the DNR requires that gravel needs put down no matter what is done for the wildlife. Bill moved to the report on PTE (property tax exemption) and PRE (personal residence exemption) Bill started this in September of 2012 where he had the first contact with the assessor, Doug Brousseau. Then in May 2013 Dick and Bill went to see Doug. Bill read him the statement from about where a homestead is located. When a homestead is located on leased land and is listed as personnel property on the assignment role or is an interracial part of a larger unit of assessment such as commercial, developmental, residential and so on. The tax on the homestead shall be the same portion of the total property tax on the portion of the value of the homestead to the total value of the property tax. Doug stated then that if you can get a Lawyer to verify this, then I will grant it. Bill showed him what he received from the property tax commission, that an owner is someone who is buying property or owns and also someone who owns a dwelling on leased land. On July 19, 2013 Debbie Beaverson, Attorney wrote this letter to Doug the

Assessor, that my firm has been retained by Millianigan Incorporated to provide you with a letter relating to its qualification for partial homestead exemption for its Michigan resident shareholders. We have been able to determine that Millianigan has three residents' shareholders to claim said exception and corporation should be entitled to claim a PTE exemption for their collective 1/15 ownership in the company for the Michigan resident shareholders. It goes on to what forms needed filled out to obtain the exemptions. Doug received this letter on three different occasions. He lost the first one; the second one the assessor office stated that they received it and would see he received it. The third one, Dick saw him in the office and Doug stated he lost the second one and if we had a copy of it could we send it to him. So Bill sent him another copy and of Thursday, I have not heard from the Lawyer or him. So both Bill and Dick went to see Doug in the office. We confronted him with the letter. Doug stated that he sent the letter into the tax commission office. You stated that if we got a letter from the lawyer that you would grant it? He stated that he does not believe we are owners. Bill stated that if we are not an owner, then why are we paying taxes on the land? The law said that only residential property can be exempted? If that is not a residential property and we cannot be exempted then we should not be classified as 1A. Give us the forms to fill out. We will appeal this if you rule against us. Doug stated he will not give the forms to us until he hears from the State of Michigan. Bill believes Doug is snow balling us. Bill stated that he will do one of two things; either he will grant us the exemption for those or take the property off the tax role. Or he can take us out of residential. That is the way the lawyer see it. There are other cases on file to appeal. They have ruled in favor of the homeowners against the town or county or township. This is why we had to include distribution in the By-Laws to establish that we are owners. We do not earn an income; we pay into our treasurer for expenses. We pay taxes directly. The assessor is an appointed position. The report on the Ontwa Township Planning Commission Meeting and the follow-up with Chris Marbach was given by Dave Denler. The meeting was to share the concept to convert ownership from shareholders into more of a site condominium with a deeded partial. Reasons for the rational are the three main issues to be addressed by the change.

1. We sit on what the township considers non-conforming property. We are not zoned, no definition other than non-conforming. That means that anything that we ever do individually or as a group on this piece of property we need a variance. This includes sheds or garages, rebuilds or additions you will need to go through this variance process. Although we have never had a much difficult in the past, that variance is at the full digression of the planning commission. The threat is you do not know who could be on the committees or boards. These are appointed positions. Dave stated that if he was on the board, he could be difficult to grand the variances because the ordinance does not allow for it. He stated that it could hinder (example) Andy's ability to tear down and rebuild because it states you cannot without a variance. Ordinance is clear on how it is dealt with. So if you read it literally, none of us should have been able to do what we have done.
2. Estate planning and property values and the ability to buy and sell. Everyone hopes for the appreciation of value on their real estate investments. The way the property is held today, Fredlake is a prime example you would be surprised at what the values truly are. This is mostly because of the inability in the market place to be able to get a mortgage the property. Back when this place was organized, the needed for a mortgage was not as great of an issue. Dave stated that his father wrote a check out. The property valucs and time have changed. Others stated that was not true, many took out a loan at credit unions to get the funds needed. We need to make the decision for estate planning for future generations.
3. We are subject to partition as a threat to us. How the property is held, the way we exist we are subject to that. It is an act, and if the property is divided in a way that we might not want, so be it. With future generations as a means to transfer it can happen. To keep the concept we have now, we will need to change. In the meeting with the township Dave made a presentation to the Planning Commission to gauge their response. Several of us were there Dick Bruno, Bill Francis, Andy Walters, Mark and June Stroud and I not know if I am leaving anyone out. It is better to have a willing partner to help us along and cooperating than trying to fight. At the August meeting, Dave wanted to keep this positive. He did not bring up anything on partition; I do not believe this is a subject matter that should leave this room. Dave basically treated this as we have a hardship. This has been created by previous boards and we did not have a lot of options that could be set up back when we did this. We did not have the option of site condominium at the time; we are looking to get closer to a zoned planned community. We will not be able to meet all of the criteria of the zoning requirements, it is impossible. We are here we already exist. We are looking to get an agreement and move closure to a zoned piece of property. We would like to have a deed to the property (houses) and leave everything else the way it is. Dick asked him about the individual houses as a deed. Dave stated that the deed would be for each individual partial that are structure sit on top of. That was the message He strived for. This was a free flowing meeting with conversation. Lasted about 20 minute and was a positive meeting. Chris Marbach, the chairman of the Planning Commission offer to be the point person us. He offered to be the person Dave can contact directly for any questions and clarifications. During this process Dave drew up a plat as a concept. Dave emailed it to Chris Marbach for his response. Chris response at a follow up meeting that Bill attended with Dave was favorable. The way Dave drew this plat up, in fitting with the agreement of hardship, that we only want a deed to the house, the

partial that the house sits on. Dave was afraid that if he extended the borders much that it would get outside his original agreement. Chris asked if he could share this PDF file with the Planning Commission Consultant at another firm. The response was also favorable from the consultant. He pointed to the site condominium concept. His comments are sited on page 117-119 of the Planning Commission ordinance under PUD and under site condominiums on page 222. Dave has the emails and they will be sent to you. Lastly Chris Marbach stated that to make an application for a PUD and it would be submitted to the planning commission. Conceptually Dave will show the plat that was presented. Under the site condominium concept you can have a piece of property designed many different ways with regulations. You can have a deeded partial, you have the right tear down your house and rebuilt on it. You have what they call restricted common area (example is your boat dock for your boat only) and assigned common area (example is the beach). Under this concept our use and everyday life will not change. Dave took the largest footprint of a structure here. The Stroud's house and decks is the biggest blueprint. The idea was to square up each structure, meaning that everyone has a right to a deck out front. The partial would give each person the legal right to build within this partial. True equalization will not be available, the houses and values are not equal today as it stands now. On the plat you will see adjustment to reflect this. Restricted common areas will be around the structures, landscaping and possible sidewalks could be in this area. Restricted common areas would spell out what is allowed, no permanent structures, sheds, or fences. This would be points for our review. The area behind each partial is restricted common area. Lastly you will see common area on the plat. Dave made a statement at some point we will need to vote on the plat, concept to move forward. More discussion occurred. Dave made a statement that he could think of one reason not to move forward. You will be making an agreement with the township taxing body to remove all common area from the tax rolls. By doing this no future development could occur in the future. Dave stated that Bill stated this was not the case in the State of Michigan, he cited cases against this. Bill stopped the meeting for ten minutes for all members to review the concept plat. Bill then restarted the meeting.

New Business: The next step for deeded concept would be to agree to go to the zoning administrator Wayne Hardin and then the Planning Commission. There will be a cost to proceed, write up the concept rational; establish use of the land and sub-divisions. Dave and Bill stated that they need approval to present the concept to the zoning administrator, Wayne Hardin. A motion was made to present the concept of deeded ownership to the zoning administrator. Discussion occurred. The motion was dropped. A new motion was made; (1) To vote to proceed for a deeded ownership of property and (2) To present the concept of deeded ownership to the zoning administrator. Motion was seconded, discussion occurred. Vote was taken on both (1) and (2) and the motion was approved. Dave and Bill will make the presentation and will send out concept plat to all. Next Bill discussed the well issues. The well is in need of a new pressure bladder. Millianigan will need to inform Ed Lawton upon the sale of his property that the new owner will not have water rights. Starting now Ed Lawton will be charged \$49 annual, Jeff Wilson charges will be waived as the well is located on his property.

Miscellaneous items for discussion: Andy stated that the removal of the piers will be Monday at 11 AM. The leaf raking dates will be October 26st, November 9<sup>th</sup> and November 16<sup>th</sup>. There was discussion on when the Sabordor's lawn should be restored if the corporation will be using this area to move equipment down to work on restoring the bridge. Andy stated that the lawn equipment will be winterized at the last leaf raking November 16<sup>th</sup>. Dick Bruno had items of interest. Dick stated he wrote email to inform members who you would need to contact on items for the corporation. He thanked Greg Wilson nephews for cleaning out the corporation shed. If you use the gas cards remember to leave the receipt for him. There have been property thefts in the area, beware. There are two known meth houses, one at Cass and Mason road and another at Calvin Center. The corporation did not pay anything toward the fireworks yet this year. We normally donate \$250 or \$15 per house toward this. Dick made a report on the ongoing Dock Property that the DNR would like to make into a park with 30 parking spaces and two boat launches, one on Eagle Lake and one on the channel to Christiana Lake.

Motion was made to close the meeting, seconded and approved.

Respectfully,  
Millianigan Secretary  
June A Stroud



## Millianigan Minutes Fall Board Meeting

June Stroud <jamastroud@gmail.com>

Sat, Sep 7, 2013 at 7:28 PM

To: dickandar <dickandar@comcast.net>, "Bruno, Arlene" <arlenebruno@gmail.com>, ddjidd <ddjidd@aol.com>, lee francis716 <lee francis716@comcast.net>, "Francis, Bill" <wfrancis781@comcast.net>, "Fredlake, Eddy" <Ed\_Fredlake@archway.com>, dghysel inck <dghysel inck@comcast.net>, Paul and Anna Gill <gill9260@att.net>, LarryL <LarryL@optimalclaimservices.com>, Tim and Irene <Timnov@comcast.net>, Debbie McCullough <debmcc@indy.rr.com>, billmarysabodor <billmarysabodor@att.net>, June Stroud <jamastroud@gmail.com>, "Wail, Greg" <jconversa@aol.com>, "andrew.jwalters" <andrew.jwalters@yahoo.com>, gwi7409109 <gwi7409109@aol.com>, "Gepco ." <kellyplastering@hotmail.com>, "Ewing, David" <Davido5311@msn.com>, Karen Ewing <kamit5311@msn.com>

## Millianigan Fall Board Meeting

August 31, 2013

Bill Francis, our President called the meeting to order at 9:30 AM and roll call was taken. There was a proof of notice of said meeting; agenda was sent out to members.

Unfinished business, there was a discussion of the status of the bridge repair issue. Andy received a bid from Steve Curtis for \$9800 and he would get the permit. The bid would include concrete slabs 8 ft. X 1 ft. X 1 ft. The slabs would be stacked; chip stone would fill in behind them. A mat of stones will be the sea wall. The bridge would be reset. Dave thought there could still be a sub-base issue if we go with this quote. Two more bids were discussed. Larry Lubs received one for \$35,000. Burke Seawall came out and reviewed. Burke has a new owner and Burke put in the current seawall. They will send a quote. They will pour slab of concrete then reset the bridge beams on it. The slab would be anchored as the seawall is currently. The island will have a seawall installed on both sides of the cement slab around eight feet? Lastly Andy stated that C&E Excavating will bid in the fall, they are too busy currently. The bridge is only sitting on a small amount of dirt and must be repaired soon. Bill Francis discussed PTE and PRE. Debbie Beaverson, the Millianigan Attorney sent a letter to the Ontwa township assessor, Doug Brousseau stating that three members qualified for an exemption. Bill asked the assessor for the forms to be sent, as of July 19<sup>th</sup> no forms were received. The Assessor received two letters from Debbie and one from Bill. The Assessor turned the letter over to the tax commissioner office and stated that forms will not be given before he hears from the State. Bill stated that the law states we are qualified. The Assessor states there is no software to do this. He needs the State to make a statement that we are qualified? Dave Denler reported on the presentation of the Millianigan Individual Ownership concept plan to the Ontwa Township Planning Commission. Dave then spoke with Chris Marbach, chairman of the Planning Commission. The plan would give a separate deed for each house and garage, there will be restricted area and would have common areas. We would need to apply for variance. All of the common area will need removed from the tax roles as the individual deeds would reflect the tax burden. On the current plan that Dave showed the Board, the Stroud house would reflect the biggest partial. The Ewing partial would need to be modified for the deck they were given permission to build on the back of the house previously. The road is driveway. Dave stated the Millianigan requesting the PUD concept as a hardship.

Meeting was adjourned.

Board members in attendance:

Bill Francis, Dave Denler, Dick Bruno, Andy Walters and June Stroud

Absent: Dave Ewing

Respectfully Submitted,

Millianigan Secretary

June A. Stroud



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