

Village of Sand Lake

March 2022



Presidents Report

This past month I have worked diligently on what the council had voted on in February meeting for myself to look into. I will have updates on these requests at this month's meeting. I look forward to working on these projects to better secure the Village and continue looking towards the future.

We have continued to work on improvements around the offices and municipal building; partnering with Nelson Township.

I ran on building strong relationships with Nelson Twp., Ensley Twp., Pierson, Cedar Springs, Howard City, Paradise Cove, and other municipalities. I believe myself and the council have been able to achieve this.

From our Village attorney:

As many residents know; we have had an ongoing lawsuit with Paradise Cove over water rates. As the Village Council is aware, the underlying lawsuit arose with respect to the legal validity of the so called "Towsley Agreement." That agreement, in essence, provided for the connection of the Paradise Cove Resort Condominium Association ("PCRCA") to the Village's water system and set a price for the provision of water for a 20-year period. The agreement was never formally approved by the Village Council. After it believed the agreement had been approved, the PCRCA disconnected its properties from the private wells which previously served the residents, decommissioned the wells, and then connected to the Village's public water system. The agreement created problems for the Village, not the least of which being its "cap" on annual price increases at 1%. To clarify the parties' obligations and the binding nature (or not) of the agreement, the Village filed the lawsuit in 2019 with the Kent County Circuit Court seeking a ruling. The Village was represented in the lawsuit by Mr. James Spurr at Miller Canfield.

It was with this background that we initially met with (then) President Hayden in early 2021, regarding this matter. We were tasked with seeing if we could work with Mr. Spurr and counsel for the PCRCA to find an equitable resolution that would allow the parties to move beyond the Towsley Agreement and re-establish a more productive relationship.

The Settlement pending before the Village Council, coupled with the proposed water rate structure prepared by the Michigan Rural Water Association, is the result of these on-going efforts. Miller Canfield's counsel (Mr. Christopher Gartman) has reviewed the Settlement and - (continued on page 2)

Life in the DPW

With an average snow fall in the month of February, we had no problems keeping your streets clear and safe. We also were able to overcome equipment breakdowns (Snowblower) and clear the walks. With numerous snows on the weekends, we also spent time working on Saturdays and Sundays to keep the streets clear. Between snows, we were able to patch some potholes, buying us some time until spring comes when we can provide more extensive patching. We worked on rehabilitating the small salt spreader so it can be used on the back of the pick-up truck. Although it's still winter, the normal responsibilities of the DPW continue. Daily water checks, monthly water samples, daily lift station checks and monthly generator checks to name a few. Clean up and organization continue in the shop. We also cleaned and organized the municipal building mechanical room which had become a catchall for unwanted items.

As always, we have an open door at the DPW. If you ever have any questions, comments, or concerns about how or why things are done, please feel free to stop in and talk with us. We are here to serve the Village of Sand Lake.

-identified no concerns with proceeding to approve it; our office concurs. PCRCA has also voted to approve the Settlement.

Consistent with water rates adopted by the Village Council from time to time, PCRCA will pay for water usage at the corresponding 3-inch meter rate. There will no longer be a special rate (or "cap") for PCRCA and rates can be increased for PCRCA over time in the same manner as other similar usage rates are increased in the Village. (Eventually, we understand that it may be the Village's intent that all users will be metered.) The Village will not bill individual residents in the park; invoices will go the PCRCA for payment and it will be up to that Association to collect fees from its residents.

If PCRCA determines it does not want/need service in the off season, it can request that service be discontinued and during such periods no commodity charge will be applied. The Village will, however, even during such off-season periods, continue to impose any on-going readiness to serve charge applied to other users

The PCRCA's use of the public water system will be subject to the Village's adopted ordinances and regulations like other users of the system.

On balance, the Settlement accomplishes several things for the parties: it gives the Village and PCRCA certainty in terms of how the litigation will be resolved; it provides a basis for a more productive relationship moving forward; it allows for rate increases to be paid by all users (including the PCRCA) on a uniform and consistent basis; it ends the parties' incurring further legal expenses; and it ensures that the PCRCA's rates and fees are based on the same schedule as other system users.

Thank you

Mollie Doerr

Village President

Fire Community Service:

The Fire Department and Howard City provided a procession to the highway for the Tri County Cheer Team that was headed to state finals.

Clerks Report:

Wow, March!! It came in like a lion at the Village offices. We had our first ZBA Meeting, I helped with my first Budget Workshop, and I completed my first year of the Michigan Municipal Clerks Institute. It has definitely been a month of learning.

I want to thank the council for seeing the importance of investing in me and sending me to the Clerks Institute. The knowledge, tools, and connections I made last week have will not only positively impact myself, but all of you and the residence that live here also. I am looking forward to implementing these new things. Some of you may notice them already with the agenda.

As far as other updates, just a couple of reminders, utility bills will be coming out soon, and also the Village office will be running on limited hours the 28th of March thru April 1st. We will be back to a normal Schedule April 4th.

Reminders:

The Village offices are open Mon-Tues 9am-3pm.

Utility Bills will be coming out in the month of April.

Clerk will be out of office March 28th – April 1st

Next regular meeting will be held on April 18, 2022