

**BIG RAPIDS CHARTER TOWNSHIP BOARD
REGULAR MEETING TUESDAY, APRIL 4, 2023
BIG RAPIDS TOWNSHIP OFFICES, 14212 NORTHLAND DR.
BIG RAPIDS, MI 49307
7:00 PM
APPROVED**

PLEDGE OF ALLEGIANCE.

CALL TO ORDER: 7:00 p.m. ROLL CALL: Stanek, Saez, Currie, Bean, Everett, Routley present. Geib, absent.

PUBLIC COMMENT: Chris Vodry – While traveling on vacation, several large factories with large plumes of smoke – can we ask Gotion if this is something they will have? Saez – They have claimed there will be no smoke stacks.

ADDITIONS TO AGENDA:

- 1. Everett – General discussion on Gotion**
- 2. Currie – The Right Place updates, Process for meeting adjournment, FARA (Foreign Agent Registration Act), & discussion of insubordination of employee and mistreating of another added to May agenda**
- 3. Bean – Survey discussion**

Eric Williams – BRT Attorney --Tax Appeals/CFIUS review:

- 1. Tax Appeals:** Judgment/negotiation over judgment. Did not negotiate further. Negotiated follow up year resolution based on tax tribunal values. Settled remaining tax appeal one year. Walmart - done.

Mecosta County Treasurer Sheri Earnest sent an email on refunds. Taxed are 3 refunds - checks out this week. Appeals being paid by the county treasurer. All inclusions included in 2022 adjustments. Settled Meijer after Walmart - knew where values would go. Lowes dropped; Venlo still open - no updated status.

- 2. CFIUS -** Researched draft filing. Under regulations, one we applied for was voluntary notice of covered real estate transactions. Questions about whether it applies, no answer as to whether or not this transaction fits within the regulations until the filing. Does camp grayling qualify? Not going to answer until the committee can review as a whole. Big question isn't decided by the case analyst in the preview phase but by the committee when they get the entire package. No prelim decision whether or not they qualify until after they receive it. Good news is the draft is in, review given, list of unfinished points, and can redo what's necessary. Had a phone conference w/ 3 on committee at 2pm on 4/3/23. Legal, analytical, and someone on committee. Ran through regulations, explained at some point what we will need. Recommended that township or I ask Gotion to file their own, do joint review with township or at least cooperate and provide information needed to finish our filing. Example: Want more info on Gotion directors/shareholders with SSN, passport/VISA, or a FIN, DOB, everyone listed as directors or shareholders. Unknown credentials.

Currie – Because this is so widely publicized nationally and reporters from all over are reading every minute. Here's my statement:

“According to our Township Attorney who has worked diligently on the CFIUS review, 3 people from the Department of Treasury CFIUS staff want personal identifying information on all of Gotion directors/shareholders, as well Guoxan parent company directors and major shareholders. The information we have already supplied was helpful, but did not include passport numbers, dates of birth, addresses, and visa numbers, which we cannot realistically find out on our own. This meeting with our township attorney and the CFIUS staff was on April 3rd, 2023.

Which tells us Gotion has not complied. Even though, on March 23 Mr. Thelen stated to Bridge Michigan “That Gotion Inc. is voluntarily submitting a declaration to the committee. (CFIUS) and again, March 27,2023 in a quote to the Pioneer, Chuck Thelen stated “Because I want the community to feel comfortable about us, our lawyers are putting together a declaration for the CFIUS review.” That declaration is (present tense) voluntarily submitted. Additionally, he said he has spoken with Republican Congressman John Moolenaar and made him aware and agreed that it would be appropriate for him to request a Committee Review on Foreign Investment in the United States, as well. “We welcome that because we want to make sure there are no improprieties”.”

Eric - More to add about what happened in my meeting – I asked, has there been a filing by Gotion? They said no. I was told that there is a notice that the CFIUS provides whether entities are the subject of a filing. Even though the filing done by the Township isn't formal and in draft - they will give notice of the draft to Gotion. Accepted the recommendation that they cooperate or file jointly.

Currie – Are you seeking direction from the board?

Eric - Some of the other info that they are requesting to be added to the filing is details of the proposed real estate transactions which the township doesn't have. No written agreement. No good way other than to go to those with the info. They may be under NDA's. I don't recommend township board members trying to help that way – I recommend as supported by CFIUS folks, to have Gotion file what they have.

Bean – I like the idea of asking them to cooperate. Chuck also stated that they haven't exactly been transparent and are going to work on that. Good for us to request that Eric contact Gotion and ask for everything they want. Is it permissible to ask to make that request public?

Eric - Materials in CFIUS are restricted. They don't release it. Asked 2-3 times – if the client BRT can discuss what is submitted? They said no limit on discussing what's filed. Gotion may want that restricted.

Bean - Only interested that they provide that information to the committee.

Currie – The suggestion that they are planning on filing their own; whether they do it on their own or participate with us.

Eric – Also asked, and there is no deadline for next filing, no time crunch. Did the first draft, can do another.

Saez - Filing fee schedule for CFIUS – did you happen to ask/please elaborate.

Eric – CFIUS filing fee \$750 under certain amount based on real estate transaction. We were at the 5 million level. When I did the filing - some regulations on calculation. Starting with the real estate price, I doubled the assessment (probably will pay twice the value) that gave me a number, using that number, the \$750 fee is correct. Regulations require disclosure of these funds. The total number of transactions continues to grow. If I add in the added value that Gotion is committing to invest, 2.3 billion or so, we don't have enough money to pay. Filing fee discussion w/ 3 people – told me that's for the lawyer. Give us and count the real transaction dollars.

Saez - I move that we appoint Eric reach out to Gotion's attorney to request the information required to complete our CFIUS request in cooperation with us, as VP of Gotion, Chuck Thelen stated they would, on 3/23 to Bridge Michigan and 3/27 to the Pioneer/Big Rapids News, and additionally to request that Gotion pays the CFIUS filing fee if it is to exceed \$750. Everett supports. Motion passed unanimously on a roll call vote.

CORRESPONDENCE: Auditors Draft letter: Noted.

CONSENT AGENDA

- 1. March 7, 2023, Meeting Minutes:**
- 2. March 9, 2023 Special Meeting Minutes:**
- 3. March Financial Report:**
- 4. Building Department Report:**
- 5. Cemetery and Grounds Report:**
- 6. Fire Department Report:**
- 7. Sewer Department Report:**
- 8. Water Department Report:**
- 11. Board of Review Minutes:**
- 12. Roads Committee minutes:**
- 11. Supervisor's Report:**

Bean - Conversation with Mark Gifford regarding sewer contract? Should be the utilities committee.

Currie - What has changed, now wanting to pull in a group, banning too many people on committee/not getting enough done.

Stanek - every 5 years supposed to review the contract w/ city for wastewater. City had no changes needed but would like to have our committee come in.

Bean - would like to request that they track changes in monthly reports and note changes. Saez to find the old contract.

A motion was made by Currie to approve of the consent agenda. Supported by Bean. Motion passed unanimously.

UNFINISHED BUSINESS:

- 1. Tables and Chairs for Hall: Bean moved to purchase tables/chairs for the Hall in the amount of \$7,447.15. Saez supports. Motion passed unanimously on a roll call vote.**

2. **Stone for landscaping for Hall:** Noted.
3. **Hall Rental Agreement:** Eric working on review.
4. **Woodward Property complaint:** Eric - formal notice - believe that's done correctly.
Frustrating because you see it accumulate. Ticket sent. Tim writes a ticket, turns into the court. 30 days is up on April 24th.
Melissa Schriver -Bill and I are here tonight not only because of a recent letter but mainly because this has gone on for 12 years. Last time I came Stanek told me "I wouldn't want to live next to them" but I do. I call every time they start to accumulate massive quantities of garbage. After calling multiple times, we get Tim to go visit. Tim writes a ticket. He does not follow through with violation enforcement. 3 letters of ordinance violations. No follow through. Yes I believe the owner has been there, many things rearranged.

Bean - Are we looking at junk ordinance or blight issue?

Eric – If looking at ways to speed up the process. Continue with enforcement action. If nothing happens with expediting in court. The only thing the Township can do is follow through. Get results and report to the board/neighbors. Potential for circuit court lawsuit. Wouldn't recommend township goes to that level until we continue through with the process. Ask for a strong compliance order on the ticket. Request formal hearing - in front of a judge so they cannot just go in to pay. 30 days to clean up after that. Can put someone in jail for it if the judge complies. Sometimes opportunities for people in the community or a company to clean up - ask a judge for an order and company can pay and clean, ask owners to pay and then put a lien on property.

Stanek - Did this, got paid in 2 years, but continues.

Bean - Need to stick with it.

Eric - Tim had a problem writing a ticket. He is past that and should be able to write a ticket, give Eric a copy of the report and ticket and Eric can handle it in the courthouse.

Bean – Want status on open violations on all zoning reports/updates going forward.

Schriver - In future can't wait until trash is up to heads. Letters need to be sent. It needs to be stayed on top of. going to have to enforce on a more vigorous scale.

Bean - Along with the ticket, we can write something to say this is the 4th offense etc.

NEW BUSINESS:

1. Meeting adjournment discussion:

Currie - Over the last 12 years - chair asks for consent of adjournment. In light of the situation with Green Township and to avoid cutting people off from speaking, I'd like to vote on adjournment.

Stanek - Moderator does have an option.

Bean/Everett - Can't we amend that ordinance?

Eric to look at and bring back for discussion.

Stanek - (to Eric) Can the board answer public comment?

Bean - Don't want a time where someone isn't allowed to speak.

Everett - Need to work as a team.

Eric to look at and bring back for discussion.

2. Currie - requests addition of Employee insubordination and mistreatment of another employee added to agenda for May.

Saez - (To Eric) Question on going into closed session to discuss employee insubordination

Eric - Only go into closed session if they request. If they don't, you can't, and even if they do request it, you don't have to comply.

Bean - Out of courtesy, should we notify individuals?

Eric - Should let the public know if there is to be a complaint about an individual employee - if it's to be on agenda. General recommendation that any of the issues that seem too personal happen in open session because reality is most of the people are aware already.

3. FARA (Foreign Agents Registration Act) briefly discussed. Article can be found here:

https://bigrapidstowshipmi.gov/wp-content/uploads/2023/04/Hoeksta_Cella_FARA_Letter_on_Gotion_Lobbying-1.pdf

Currie - FARA just released this; and will make sure the board has copies by the end of night.

Eric - Bill the FARA is the foreign agent registration act.

Currie - Because of the situation we've all been bombarded by constituents sending us info; whether they feel creditable or not. A couple of individuals are filing formal complaints to the assistant attorney general for the national security division. They are naming individuals who they believe have been acting as foreign agents for a foreign country. Individuals such as yourself have been named in that filing.

Eric - lists off names of those included in filing, such as Bill Stanek, Jim Chapman, Bill Pink, etc.

4. Recommendation from Roads Committee for this year: most of info under consent agenda roads report. **Saez moved to approve the roads committee's recommendation for 2023 as presented in the amount of \$411,778 estimated cost. Everett supports. motion passed unanimously on a roll call vote.** Saez requests that Everett or Stanek reach out and discuss asking the county to pave Woodward at the same time, since 230th is being paved down to Woodward.

5. Assessing arrangement/Recommendation to hire Chris Elder for assessing help:

Currie - The contract that he is proposing we can change within 30 day notice. we can try. Only experience with David - lots of interaction. People work from home - quite happy with better results from him working at home. Want to see someone here weekly.

Chris - knows he could do 2 days a month every other week. Not saying can't come more but I am also self-employed.

Saez - Discussions on taking over?

Chris - Tentatively replacing - evaluate within a year. Future goal of Chris's. **Routley** - New to assessor thing, here when David spoke. Does BS&A still employ assessors?

Answer: no.

Stanek - MTA says the assessor must be an employee of the Township, but haven't found it.

Currie - Disappointed that David's situation has led to a shortfall of an assessor but not prepared to approve of the proposal. I would like more consideration.

Saez - Suggests a special meeting to cover all topics and asks Chris/David to attend.

6. Gotion/ BRT survey - tally/assess results

Bean - They are now available on the township website. Varied comments on them. Lifestyle, environment, origin, etc. Survey monkey, did not purchase results, board did not authorize internet results, no control over who submitted. Wanted to solely pull BRT residents.

Saez - Stanek continuously stating that a small minority does not want this and that is so untrue when looking at the survey results and the concerns from our residents.

Bean - If I have any reservations about the results. I wish we would have sent out the survey 3 weeks after information has been received.

Saez - Many have voiced that their minds have changed since filling out surveys. (to Stanek) You may personally believe what you want. You may not lie and mislead the residents when a majority of our residents have responded in opposition.

Currie - Please just direct people to the website if you don't want to tell the truth. We have a majority in opposition.

Inquiry on info Bill has - states he has had no contact with anyone. Talked to Randy Thelen, "Not really" pertaining to Gotion.

Financial

1. **Payroll: Saez made a motion to approve Payroll in the amount of \$24,180.22. Supported by Everett. Motion passed unanimously on a roll call vote.**
2. **Accounts Payable: Saez made a motion to approve Accounts Payables in the amount of \$182,967.94. Supported by Everett. Motion passed unanimously on a roll call vote.**

Final Addition: Gotion discussion

Everett - I don't understand why they don't show up to our meetings, if they're concerned about the welfare of the community. Willing to meet - must be on public terms and must be documented. They should be willing to do the same thing and be transparent. Trying to do what's best for the township.

PUBLIC COMMENT:

Brent Mason - Not a resident but I want to share information - the township has a master plan. Believe we will find answers to many questions that exist in the master plan. It will help us understand what the residents of the township do want here.

Chris Vodry - How many parking spots for hall events?

Patti Downey - Current status on Gotion - in or out? Chuck Thelen - sounded out, then back in, acting like you're out and then Stanek said that you talked to Randy Thelen - well "pretty much we didn't talk about Gotion" Do you understand the mistrust that something like that creates in your constituents? Another township supervisor has continued on with lies. Publicly traded company - supposed to feel good, but is it traded on the American stock exchange? No, it's not. Hundreds of times I've heard "cronies" that VW owns 25% of Gotion, but if they assign voting rights back to shareholders VW has no control. Figure out founding shareholders - father and son Li, and holding group. I hope that the township board has given Eric that information. Point in all of this - cannot trust you.(Stanek) That's why people in the community are angry and feel like they aren't getting the truth. I believe that each board member has a duty to disclose at a minimum if they have signed an NDA, if they are in discussions. What I say is "Chuck Thelen said he wanted to mend fences, wanted to meet with the board one on one. That should be the first clue that it is a very deceitful thing to do. I ask each of you if you've had individual convos with Gotion, The Right Place, MCDC etc. I feel that there is a lot of underworkings going on with township boards/Gotion and it's frustrating.

Cate Arroee - FARA public document?

Currie - It can be. I'll make copies and we can put it on our website.

Bean - Also motion on what we asked of Eric can be made public.

Chris Elder (David) thanks for listening - needs a deadline.

Discussion on special meeting potential for next week. Will reach out.

Greg Vodry - Hall rental price?

Bean - Unsure but won't be much; residents have already paid for that building.

Chris Vodry - Assessment issue - some docs from county bldg said 45 days, David had for longer, 6 months later and it was difficult to meet with him. He did a phenomenal job, but sometimes you just can't wait. When you try talking to him on the phone he can't show you property lines. Feel it's very important that someone is here at least once a week.

Norm Mclain - Only been at meetings since February - I feel like they're trying to deceive us. Trying to push this through. Everything is not upfront to me. Hear conflicting stories, reports every week. I finally got on the website today. A lot we don't know. I attended a meeting in Green Twp. Many of us were not even allowed time to place opinions. This is a big deal whether someone wants to ignore it or not - big deal for all of Mid MI. Probably the biggest watershed in the state. I have lymes disease. Lots of pain - 3 years ago I had to quit working. Sold my cabin and bought property here. Don't have a lot of money or health to move, but afraid that's where it's heading.

Sue Bean - I think it's sad that most people are receiving their information from "Ask Big Rapids" Those pretending to be experts and aren't even attending meetings. Really unfortunate that Gotion isn't present.

Norm - Who would I speak to about getting the speed limit lowered on 205th?

Answer: The Sheriff's department will do a study.

Brent Mason - The UP is loaded with empty buildings from the copper era. This technology will go away and will not stay here. May not be missing anything at all by telling it to disappear.

Bean - Reads section relevant from our master plan - what we must adhere to unless we change the plan.

ADJOURNMENT: 9:20pm

Big Rapids Charter Township will provide necessary and reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed material, if individuals with disabilities, upon five business days' notice to the township. Individuals requiring auxiliary aids or services should contact Hannah Saez, Big Rapids Charter Township Clerk, 14212 Northland Drive, Big Rapids, MI 49307- call 231 796 3603 or fax request to 231 796 2533.