
MLA April “Spring” Board Meeting

Sunday, 4.02.2023

&

Thursday, 4.06.23

Grace Baptist Church - no Quorum

Zoom Conference Call - **Board Quorum**

Attendees - 4.02.23

Tim Wilson, President
David Fraher, Vice President
Melodie Dregansky, Treasurer
Suzanne Marsee, Secretary
Gloria Andrews, Director-absent
Anne Taylor, Director-absent
Tim Van Tuinen, Director-absent

Attendees - 4.06.23

Tim Wilson, President
David Fraher, Vice President
Melodie Dregansky, Treasurer
Suzanne Marsee, Secretary
Gloria Andrews, Director
Anne Taylor, Director
Tim Van Tuinen, Director-absent

Call to Order- 2:00 pm

Call to Order- 7:00 pm

President's Report- Tim Wilson

- Protocol and Etiquette Slide

Treasurer's Report- Melodie Dregansky

- Banking updates as of 4/1/2023
 - Checking balance\$40,434.05
 - Savings balance\$63,507.13
 - Total dues collected 2022-2023..... \$31,711.00
 - 90% of dues collected \$28,539.90
 - 20% of dues collected \$ 6,342.20
 - Budget Presented 4.6.23....Tim Wilson made a motion to approve, David Fraher seconded the motion, all approved.
 - Added Zoom Pro account
 - Removed cost for membership cards (going electronically)
 - Additional park C expenses - new chairs, game supplies and fire pit
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TREASURER REPORT



DESCRIPTION:	2020-21 Expenses	2021-22 Expenses	2022-23 Budget	2022-23 Expenses	2023-24 Budget
Sand		\$700.00	\$1,045.60	1045.60	\$550.00
Mulch		\$426.60	\$442.00	888.64	\$437.00
Lighting		\$472.00	\$490.00	370.10	\$400.00
Electricity Pavillion		\$377.71	\$380.00	345.00	\$375.00
Garbage Removal Park A		\$188.90	\$324.60	347.70	\$350.00
Garbage Removal Launch		\$192.90	\$142.50	27.70	\$0.00
Mowing		\$1,850.03	\$1,900.00	1911.98	\$2,050.00
Portable Toilet		\$668.75	\$670.00	607.89	\$690.00
Spring CleanUp		\$59.63	\$75.00	36.00	\$30.00
Park supplies/maint/repair		\$817.10	\$925.00	200.57	\$1,340.00
Total Park	\$0.00	\$5,753.62	\$6,394.70	\$5,781.18	\$6,222.00
Security supplies		\$434.99	\$500.00	105.08	\$0.00
Personnel		\$940.00	\$1,000.00	\$250.00	\$0.00
Total Security	\$0.00	\$1,374.99	\$1,500.00	\$355.08	\$0.00
TOTAL EXPENSES	\$7,374.07	\$26,188.13	\$25,919.70	\$21,880.51	\$27,932.00
Park C					\$5,000.00
Walking Path				1021.50	
Fish stocking			\$3,000.00	2828.00	
Emergency Fish Cleanup		\$715.09			
Park A roof replacement		\$3,650.00			
Total Special Projects	\$0.00	\$4,365.09	\$3,000.00	\$3,849.50	\$5,000.00

TREASURER REPORT



DESCRIPTION:	2020-21 Expenses	2021-22 Expenses	2022-23 Budget	2022-23 Expenses	2023-24 Budget
Insurance	\$1,778.00	\$1,624.00	\$1,750.00	\$1,642.00	\$1,700.00
Postage	\$155.00	\$145.30	\$225.00	\$181.75	\$180.00
P.O. Box	\$64.00	\$66.00	\$68.00	\$90.00	\$90.00
Liens/Register of Deeds	\$50.00	\$66.00	\$100.00	\$171.00	\$100.00
Federal income tax		\$196.00	\$100.00	\$68.00	\$0.00
Quickbooks		\$270.00	\$280.00	\$320.00	\$355.00
Bank changes/CC charges	\$0.00	\$55.51	\$0.00	\$0.00	\$500.00
Window clings	\$131.44	\$99.64	\$100.00	\$0.00	\$0.00
Membership cards	\$0.00	\$30.58	\$32.00	\$0.00	\$0.00
Admin supplies/Zoom pro accou	\$96.58	\$274.08	\$150.00	\$87.86	\$300.00
Non Profit Status	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Google workspace(email, drive,	\$216.00	\$648.00	\$650.00	\$695.88	\$765.00
Website (2 years)	\$371.88	\$554.46	\$50.00	\$0.00	\$500.00
Social/Refreshments/rental	\$0.00	\$668.55	\$700.00	\$568.62	\$600.00
Misc.	\$1,586.63				
Total Association	\$7,374.07	\$4,718.12	\$4,225.00	\$3,845.11	\$5,110.00
DEQ App Permit Fee		\$800.00	\$800.00	\$875.00	\$950.00
Water Testing		\$550.00		\$757.50	\$650.00
Weed Control		\$12,991.40	\$13,000.00	\$10,266.64	\$15,000.00
Total Lake	\$0.00	\$14,341.40	\$13,800.00	\$11,899.14	\$16,600.00

Secretary Report

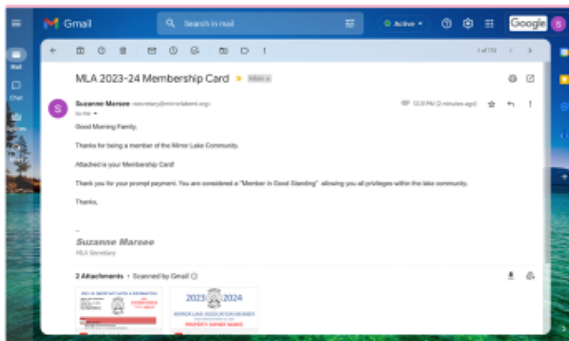
- 4.6.23....Tim Wilson made a motion to approve February Meeting Mins as written, Anne Taylor seconded the motion, all approved.

SECRETARY REPORT



➤ [Review February 2023 Meeting Minutes](#)

➤ New Electronic Membership Card



Committee Reports

Lakes

- Doug Collins has volunteered to be the new Committee chair for the Lakes Committee. Members are currently Melodie, Jon Wood, and Rob Drake.
- Committee met with James from PLM via zoom to discuss our lake. Provided James with an updated property owner list so he can notify owners when treatments are being done.
- Doug would like to have a 10 year lake plan. He has just started to investigate many things to improve the overall quality of the lake.

Parks

- Looking for members to form a committee.
- Spring Clean-up – May 6, meet @ Park A @ 9 am
- Summer Picnic – July 22, @ Park A

Building

- New email address for the building committee (building-committee@mirrorlakemi.org)
- We now have a folder on google drive that contains all requests, emails and misc. files are placed for permanent record.
- In the next month our plan is for the building committee to come up with a web based request form for all building requests that come in.
- I have asked to take all the old building requests to Office Max to get them scanned to PDF so they can be placed on the google drive.
- The Building Committee, MLA Board and legal counsel will be working to update the Deed Restrictions over the next few weeks.
- The official recorded copy of the Deed Restrictions have been uploaded to the web site.
- In February we had a request for a storage building on Lot 325 after several weeks of emails, meetings and getting direction from our legal counsel this request was denied.
- In March we had a request for a fence on Lot 227 that was approved.

Walking Path

- Anne is absent, our new counsel is reviewing the walking path question and will provide and update soon.

Old Business

Park B

OLD BUSINESS



OFFER TO "BUY" PARK B PARCEL 5

- Rec'd offer to buy a parcel of Park B that lies in front of Lot 247 Hollybrook on waterside.
 - Refer to color coded map
- Board's review of offer to satisfy long standing rule re: sale of any of Park B.
 - The parcel MUST lie directly in front of the Offering Lot, which is Lot 247 Hollybrook Ct., and have common E & W property lines. Which it does.
 - The offer is from the owners of Lot 247, Jonathan & Michelle Wood. Which it is.
 - Set amount to sell this parcel for by using "comparable" Mirror Lake lots. Which averaged out to be \$20,000 for this parcel.
 - Bring matter to attention of membership as they will be asked for their vote of approval in the very near future. Presentation scheduled April 2, 2023.
 - The addition to the Bylaws states: that approval of 2/3's majority of the membership is necessary. That is why you will be voting on both remaining parcels, parcel 5 to be sold to the Woods & parcel 4 to be sold to whomever owns Lot 246, if & when he/she so desires to purchase it.

History:

- 3 other parcels in this "tail" of Park B have been dispensed with over the years. The Lots that now own those parts of Park B are, Lots 242, 244 & 245 Southwood Dr.
- Parcel 5 & Parcel 4 are the last two (2) parcels in the "tail" of Park B.

Report Submitted by Gloria Andrews, Director MLA

Old Business... cont.

Park C - Boat Launch

OLD BUSINESS



PARK C BOAT LAUNCH

Since February Meeting:

- Lester Bros has walked both park A and park C and provided their feedback as to the work that needs to be performed to install a boat launch. Quote provided for both parks.

Next Steps:

- Land at park C to be surveyed
- Land at park C to be reviewed by an engineer

- We have walked down and received quotes from Lester Brothers
- Park A came in at \$21,360.00 and Park C came in at \$27,790.00
- Quotes don't include dredging, surveys, or a gate. The path would be a gravel path.
- We have walked down and are waiting on a quote from Farrell Enterprises LLC.
- We have requested a quote from Sandy's Landscaping, expected to walk it with them this week.
- Reached out to EGLE, put in contact with Maddie Orler from the Jackson District Office.
- Maddie stated we need a new Wetland Delineation of Park C, this was last done by Jim Prutal back in 2020 and is only good for 2 year periods.
- Maddie also stated we would need to have the proposed project parcel delineated, she would give us more information at the Pre Application Meeting.
- EGLE requires 2 permits, 1) Pre Application permit and site walkdown at the cost of \$250, 2) Actual work permit at the cost of \$500. (This permit is good for 5 years)
- EGLE does not require professional drawings for the site plans.
- Lester Brothers has requested professional drawings if they do the work.
- Lester Brothers stated it would be cheaper if they could do all the work at one time and not break it up over a duration. Their cost is everything being done at one time, if we break the project up they will need to rebid.
- At this time based on Lester Brothers quote only, the Building Committee has recommended Park C for the boat ramp.

New Business

- Clarification of Deed Restrictions

NEW BUSINESS



CLARIFICATION OF DEED RESTRICTIONS

These answers are not intended to serve as legal advice to individual members of the Mirror Lake Association. Members are encouraged to seek their own legal advice regarding application and interpretation of the existing deed restrictions.

1. Review and clarification to members regarding the intent and meaning of the deed restriction.

The purpose of deed restrictions in Michigan is to maintain the character and value of the properties subject to the restrictions. Section 6 of the deed restrictions provides, in relevant part:

"The purpose of the foregoing restrictions is to insure the use of the entire plat for attractive residential purposes, to prevent nuisances, to prevent impairment of the attractiveness of the proper, to maintain the desirability of the community and thereby to secure each property owner the full benefits and enjoyments of his home with no greater restrictions upon the free and undisturbed use of his property than are necessary to insure the same advantages to other owners."

The Mirror Lake Association and all individual members have a right to enforce the deed restrictions against all properties subject to the restrictions.

2. Review of all current pole barns within the association and requirements requested of home owners.

There is no specific provision for pole barns in the deed restrictions. To the extent a pole barn could be considered a garage, it must be located on the same lot as a private residence (in compliance with Section 1) and must conform in appearance to the residence structure on said lot (in compliance with Section 2(g)). To the extent a pole barn can be considered a garage or car shelter, it must be connected to the residence structure on lake front lots (in compliance with Section 2(h)).

NEW BUSINESS



3. Review with members how variances to these deed restrictions are handled and provide any documentation for variances from the deed restrictions provided in the last 5 years.

Section 6 of the deed restrictions addresses the possibility of a variance and provides:

"Any reasonable change, modification or addition to the within restrictions shall be considered by American Central Corporation, and if so approved, they will then be submitted in writing to the abutting lot owners, and if so consented to in writing shall be recorded and when recorded shall be binding as the original restrictions."

The Association has stepped into the shoes of American Central Corporation and now has the power to consider variances.

The first step toward a variance is for the Association to consider if it is reasonable. We interpret the ability to grant variances as being related to practical difficulties or hardships imposed by the deed restrictions. For example, if practical difficulties would result in construction of a structure taking longer than six months (per Section 2(e)), it would be reasonable for a variance to be provided to allow additional time. Whether a particular situation should be considered a practical difficulty or particular hardship, thus supporting a reasonable variance, will necessarily depend on the specific facts. In determining whether a practical difficulty or particular hardship exists, the Board should consider: (1) whether the situation is an ordinary matter of inconvenience, (2) whether the Owner (or a prior owner) created the situation that leads to a practical difficulty or particular hardship, (3) whether the situation is unique to the Lot and does not apply to other Lots, and (4) whether the requested deviation or variance would alter the character of the Subdivision.

4. Review with members the procedure for amending the deed restrictions.

Section 7 of the deed restrictions addresses amendments and provides:

"These covenants shall run with the land and shall be binding on all parties claiming under them for a period of 20 years and shall be extended for successive periods of ten years unless and prior to the expiration of any such ten year period, an instrument signed by the owners of record of a majority of lots in the subdivision has been recorded changing or modifying said covenants in whole or in part."

The first step is therefore to have a majority of lot owners vote to approve an amendment.

Approval of an amendment does not mean it becomes immediately effective. Michigan courts have held that the language "periods of ten years" means that amendments approved by the requisite number of owners would not go into effect until the end of the 10-year period and that the only way to change the restrictions within the 10-year periods was by unanimous consent. The deed restrictions were recorded on July 11, 1966. This means that the next 10-year period does not expire until July 10, 2026. If an amendment is adopted this year, it will not become effective until July 10, 2026, unless 100% of owners approve the amendment.

Q&A

Q: Why was the Tarte's Pole Barn denied, when we (The Collins) just built a pole barn last summer that also doesn't follow the deed restrictions you just described? Our pole barn was approved by the building committee and is built. **A:** It did not follow the rules of the deed restrictions.

Q: Why wasn't a variance considered for the Tarte's Pole Barn? Other pole barns have been built with a variance in play. **A:** This matter is under legal counsel.

Q: Who would have won in the "WIN - WIN" proposal that was suggested by Tim, David, and Ted? Asking us (the Tarte's) to spend thousands of more dollars to create living space and find renters. This is not what we intended to do. Other pole barns don't have living space. **A:** This matter is under legal counsel.

Q: Why was the previous attorney fired? **A:** The attorney was not responsive to our legal concerns and admitted a conflict of interest pertaining to part of our legal concerns.

Q: What is the hold up with the Walking Path? **A:** This matter is under legal counsel.

Mary Tarte expressed her concern over the denial/approval/denial of her pole barn. She received a denial from the BC, then received approval a few weeks later, and less then a week later was denied again by the board. She feels she is being discrimated against for her pole barn request as others have built the same.

Much discussion was had by members in attendance in regards to the building request of the pole barn. Understanding the deed restrictions is a major concern. Who is allowed a variance vs. who isn't is also a concern. This appears to be an issue that has been ongoing for many years. There were several instances which were presented by members where they don't believe the restrictions have been followed in the past.

Meeting Adjourned: 3:27 pm

Meeting Adjourned: 7:02 pm

4.6.23... Tim Wilson motioned to adjourn, David Fraher seconded, all approved.

Next meeting is scheduled for June 1, 2023, at 7 pm.

Members in attendance at the meeting:

Michele & Ted Janiuk, Debbie Thomason, John & Judy Drake, Cindy Fraher, Brian Marsee, Mike Maruschak, Glenn Dregansky, Jon & Michelle Wood, Brad Dille, CJ Markowski, MaryBeth & Bob Kellogg, Dave & Tina Leightner, James & Marcia Mattice, Matt & Lorri Britsch, Bill & Mary Tarte, Doug & Julie Collins, David Clark, Jim Anderson.