

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
MAY 11, 2015

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

Motion by Kowalski supported by Kochany to adopt the agenda as presented.
Motion carried.

Motion by Miller supported by Malkin to approve the minutes of the April 27, 2015 regular meeting as presented.
Motion carried.

Motion by Kochany supported by Pike to pay the bills in the amount of \$33,825.87 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

DDA Exit Strategy Report

DDA Chairman B. Bartlett gave an exit strategy report to the board. Bartlett contends the Development Agreement is a separate contract and not part of the Development and TIF Plan adopted by Township Ordinance 36-D which keeps the DDA in existence through December 31, 2016.

Kochany and Kowalski contend that at the time the DDA Development and TIF Plan was adopted, it was agreed by all parties when the obligation was paid, the DDA would be sunsetted/dissolved. This was the purpose behind the stipulation of adding Section 304 & 402, "Sunset of DDA" into the TIF Agreement.

Bartlett stated the interpretation of the "and/or" wording is now unclear as it is implied in Sections 304 & 402. Bartlett believes it is only after December 16, 2016, a new agreement would be needed in order for the DDA to capture taxes.

Bartlett stated the DDA should continue its existence because there are 120 undeveloped acres in the DDA district which if they are developed, the DDA could provide the financing for the infrastructure. There are also three lots remaining in the Park on the west side of Mackinaw, two of which have purchase agreements and the third should be sold by December 2016. If the DDA were dissolved prior to that date, it would no longer own the lots and they would revert to all the taxing entities which would make the sale extremely difficult.

Arnold stated the 120 undeveloped acres are not owned by the DDA and questioned the ownership of the three lots reverting to the taxing entities. Arnold believes Ordinance 36-D needs attorney review before the township can take action.

Kowalski's motion to refer Ordinance 36-D for legal review met opposition for the reason it was not on the agenda and the township does not have an attorney.

Kowalski rebutted stating the motion was in order because it stems from discussion of this agenda item. Further, the township has, and is, using Austin's associate A. Doyle on current litigation and the board had passed a motion appointing R. Sheppard as the township's temporary attorney.

The majority of the board stated legal actions needs to wait until the next meeting for the township attorney to be placed on the agenda.

PA116 Application of Randall & Renee DeShano

Motion by Kowalski supported by Malkin to approve the PA116 Application submitted by Randall & Renee DeShano for parcel 09-100-007-200-080-04, containing 27 acres of farm property on Seven Mile Rd. for an initial term of 10 years.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

R-2015-008 Resolution Approving Kerkau Manufacturing IFT Application & Agreement of Real Property

Motion by Kowalski supported by Malkin to adopt Resolution R-2015-008, a resolution approving the IFT application and agreement submitted by Kerkau Manufacturing for a twelve-year tax abatement on real property as follows:

**RESOLUTION APPROVING THE APPLICATION OF BALDAUF
ENTERPRISES DBA KERKAU MANUFACTURING FOR AN INDUSTRIAL
FACILITIES EXEMPTION CERTIFICATE**

WHEREAS, pursuant to 1974 PA 198, that being MCLA § 207.551 et seq., after a duly noticed public hearing, this Township Board, by Resolution previously established an Industrial Development District encompassing property now owned by Baldauf Enterprises DBA Kerkau Manufacturing; and

WHEREAS, Baldauf Enterprises DBA Kerkau Manufacturing, thereafter on or about April 16, 2015 submitted an Application for Industrial Facilities Exemption Certificate with the Monitor Township Clerk, who, upon receipt of said application, sent written notices to the local assessor and to the legislative bodies of each unit levying ad valorem taxes in Monitor Township, affording them an opportunity for a hearing at which representatives of Baldauf Enterprises DBA Kerkau Manufacturing would be present; and

WHEREAS, at a regular meeting of the Township Board held April 27, 2015 a Resolution Setting a Time to Consider the Application filed by Baldauf Enterprises DBA Kerkau Manufacturing, which Resolution set May 11, 2015, as the date for consideration of said application; and

WHEREAS, pursuant to the Resolution previously approved by the Township Board, representatives of the Applicant, Baldauf Enterprises DBA Kerkau Manufacturing, the local assessor and representatives of the affected taxing units were afforded an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED:

1. That this Township Board finds:
 - a. That the application as it relates to the improvements to real property was timely submitted.
 - b. That the improvements to real property submitted by the Applicant is located in a building situated in the Industrial Development District established in Monitor Township by the Monitor Township Board on the 27th day of July, 1981, by Resolution of the Township Board.
 - c. That the property improvements are calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to create employment or retain employment in the Township of Monitor.
 - d. That the property improvements will not have the effect of transferring employment from elsewhere in Michigan to the Township of Monitor.
 - e. That the aggregate SEV of real property, exempt from ad valorem taxes within the Township of Monitor, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of SEV of the Township plus SEV of real property thus exempted. However, the Township Board specifically finds that granting of the exemption applied for will not substantially impede the operation of, or, impair the financial soundness of any affected local government or other taxing authority.
2. That the above reference Application with regard to the improvements to real property described in the Application and situated in the Industrial Development District established previously by the Township Board be and hereby is approved for a period of twelve (12) years.
3. That the Township Board authorizes the Township Supervisor and Clerk to sign the certificate agreement for and on behalf of the Charter Township of Monitor.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None
Motion carried.

Bangor/Kawkawlin/Monitor Interlocal Agreement ó Regarding Bangor Grant for Kawkawlin River Dredging

Motion by Miller supported by Pike to approve the Bangor/Kawkawlin/Monitor Interlocal Agreement for dredging of the Kawkawlin River with proceeds from a grant awarded to Bangor Township.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

Park Determination Request ó Front Office

The front office has requested a board determination regarding requests to bring bounce houses in the township park.

Kowalski & Kochany expressed concern this would create additional liability issues not only for the person(s) placing the bounce house but for the township as well. In addition there have also been reported incidents of bounce houses not being anchored properly resulting in them rolling and trapping/injuring children.

Pike stated the township could require a liability insurance rider similar to that required for hall rentals that serve alcohol.

Concern was expressed how this would be enforced as the township office would not necessarily be notified of every instance this type of apparatus is brought in especially if it is not associated with a reservation for the park pavilion.

Motion by Kowalski supported by Kochany to prohibit bounce houses or related apparatuses in the township park.

Roll call vote:

Yes: Kowalski, Arnold, Kochany

No: Brandt, Pike, Malkin, Miller

Absent: None

Motion defeated.

Motion by Pike supported by Brandt to require a 1 million dollar liability insurance policy delivered to the township for all instances related to the placement of bounce houses and the like in the township park and further require the insured/operator to provide their own separate source of electricity (generator) for its operation.

Roll call vote:

Yes: Brandt, Pike, Malkin, Miller

No: Kowalski, Arnold, Kochany

Absent: None

Motion carried.

REPORTS

Brandt reported the bonds for the road millage project are in the process to be sold through Chemical Bank with the proceeds expected to be delivered around June 3rd.

Brandt also reported he was contacted by an assisted living developer looking for property in Bay County. Brandt stated the township currently does not have any property available with the zoning necessary for this type of project.

Kowalski stated any change in zoning districts needs to conform with the Master Plan. If it does not, it would need to be referred to the Planning Commission for Master Plan amendment. The township has had recent assisted living developments come into the township on Monitor Rd. and on Two Mile that did not require the township to create or change zoning. There is also the option of the developer applying for a special use permit.

Brandt gave the board an update regarding the court case involving the ZBA appeal of the Card property variance.

The meeting adjourned at 8:45 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor