

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
OCTOBER 27, 2014

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.

S. Wolfe, 3865 Monitor Rd., addressed the board concerning the landscape tree border planting and drainage ditch between her property and Halla Corporation.

The Supervisor will have the Ordinance Administrator review the approved site plan for Halla Corporation.

Public input closed at 7:15 p.m.

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

Motion by Malkin supported by Miller to approve the minutes of the September 22, 2014 regular meeting and October 21, 2014 special meeting as presented.
Motion carried.

Motion by Miller supported by Kochany to pay the bills in the amount of \$215,434.64 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Malkin supported by Kowalski to receive the Treasurer's Report for September 2014.
Motion carried.

Public Hearing ó Township Wide Trash Special Assessment Roll

Public Hearing ó Amendment to Rueger Farms Water Detention Special Assessment Roll

The Public Hearings for the township wide special assessment roll and the Rueger Farms water detention special assessment roll opened at 7:18 p.m. and will run concurrently with the meeting.

DDA Proposed 2015 Budget

Motion by Malkin supported by Miller to approve the DDA 2015 budget as presented.

Roll call vote:

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

No: None

Absent: None
Motion carried.

R-2014-013 Resolution Approving Michigan Sugar IFT Application & Agreement ó Personal Property

Motion by Malkin supported by Kowalski to adopt resolution R-2014-013 a resolution approving the 2014 IFT Application and Agreement for Michigan Sugar personal property 12-year exemption as follows:

**RESOLUTION APPROVING THE APPLICATION OF
MICHIGAN SUGAR COMPANY FOR AN INDUSTRIAL
FACILITIES EXEMPTION CERTIFICATE**

WHEREAS, pursuant to 1974 PA 198, that being MCLA S 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 Michigan Sugar Company; and

WHEREAS, Michigan Sugar Company, thereafter on or about September 18, 2014, 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 Michigan Sugar Company would be present; and

WHEREAS, at a regular meeting of the Township Board held September 22, 2014, a Resolution Setting a Time to Consider the Application filed by Michigan Sugar Company, which Resolution set October 27, 2014, as the date for consideration of said Application; and

WHEREAS, pursuant to the Resolution approved by the Township Board on September 22, 2014, representatives of the Applicant, Michigan Sugar Company, 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, relates to the acquisition of equipment, and is situated in the Industrial Development District established in Monitor Township by the Monitor Township Board on the 11th day of April, 1977, by Resolution of the Township Board.
 - b. That the acquisition of equipment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain employment in the Township of Monitor.

- c. That the acquisition of equipment will not have the effect of transferring employment from elsewhere in Michigan to the Township of Monitor.
 - d. That the application applies to personal property.
 - e. That the aggregate SEV of personal 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 personal property thus exempted. However, the Township Board specifically finds that the 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 Application of Michigan Sugar Company for an Industrial Facilities Exemption Certificate with regard to the acquisition of equipment described in its 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 hereby approves the 2014 Industrial Facilities Exemption Certificate Agreement for Michigan Sugar Company.
 4. That the Township Board authorizes the Township Supervisor and Clerk to sign the 2014 Certificate Agreement for and on behalf of the Charter Township of Monitor.

Roll call vote:

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

No: None

Abstain: Arnold

Absent: None

Motion carried.

R-2014-014 Resolution Amending Special Assessment Roll for Township Wide Trash Services

The township wide trash special assessment public hearing closed at 7:25 p.m.

Motion by Kowalski supported by Miller to adopt resolution R-2014-014, a resolution amending the township wide trash special assessment roll as follows:

**RESOLUTION CONFIRMING AMENDMENT TO
SPECIAL ASSESSMENT ROLL
REGARDING TOWNSHIP WIDE TRASH PICK UP**

WHEREAS, at its regularly scheduled meeting of the Monitor Township Board held on the 24th day of August, 1998, a Resolution of Intent to Proceed After Public Hearing was adopted confirming the Township's intent to enter into a five year township wide trash pick-

up contract with Waste Management of Michigan, Inc. subject to the creation of a Special Assessment District consisting of

All residentially occupied parcels within the Township except for those in licensed mobile home parks, condominium projects and apartment complexes where trash hauling is already provided to all residents.

And also subject to the approval of the Special Assessment Roll, and

WHEREAS, pursuant to proper notice as provided in Section 4(a) of Act 188 of 1954, a public hearing was held at a regular meeting of the Township Board held on the 28th day of September, 1998 at 7:00 p.m. to review the roll and to hear any objections to said roll; and

WHEREAS, the proposed special assessment roll was duly approved without objection at the close of the public hearing, and

WHEREAS, the Township has executed a Township Wide Residential Trash Removal Agreement (and five addendums thereto) to effectuate the trash pick-up program, and

WHEREAS, it has now become necessary to add ninety-six (96) parcels and delete eight (8) parcels from the special assessment roll as originally adopted, and

WHEREAS, this Board did on September 22, 2014, adopt a Resolution of Intent to Amend Special Assessment Roll which set a public hearing date for the consideration of the adoption of an amended special assessment roll and provided for proper notification of said hearing, and

WHEREAS, pursuant to proper notice as provided in Section 4(a) of Act 188 of 1954, a public hearing was held at a regular meeting of the Township Board held on the 27th day of October, 2014 at 7:00 p.m. to review the roll and to hear any objections to said roll;

NOW THEREFORE BE IT RESOLVED, that the amended special assessment roll as prepared by the Assessor and Clerk as it relates to the Township wide trash pick-up service initially being provided pursuant to a five (5) year agreement with Waste Management of Michigan, Inc., is hereby confirmed.

IT IS FURTHER RESOLVED that the Clerk shall endorse the Assessment roll with the date of the confirmation.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2014-015 Resolution Amending Water Detention Special Assessment Roll Rueger Farms

Phase II

The public hearing to amend Rueger Farms Phase II water detention special assessment roll closed at 7:27 p.m.

Motion by Pike supported by Kowalski to adopt resolution R-2014-015, a resolution amending the water detention special assessment roll for Rueger Farms Phase II as follows:

**RESOLUTION CONFIRMING
SPECIAL ASSESSMENT ROLL FOR A STORM WATER DETENTION AREA
FOR RUEGER FARMS SUBDIVISION PHASE II**

WHEREAS, at its regularly scheduled meeting held September 22, 2014, this Township Board adopted a Resolution of Intent to Amend the special assessment roll to provide additional funding for the maintenance of a water detention area in the Rueger Farms Subdivision Phase II; and

WHEREAS, the Assessor has prepared a special assessment roll of all parcels included in the special assessment district and filed said roll with the Clerk; and

WHEREAS, pursuant to proper notice as provided in Section 4(a) of Act 188 of 1954, a public hearing was held at a regular meeting of the Township Board held on the 27th day of October, 2014, at 7:00 p.m. to review the roll and to hear any objections to said roll; and

WHEREAS, no written objections to the roll having been timely filed with the Clerk;

NOW THEREFORE BE IT RESOLVED that the amended special assessment roll as prepared by the Assessor as it relates to this project is hereby confirmed. The assessment be set at a total of \$405.00 annually, that being equal to \$5.00 per lot annually, over land legally described as:

SEE ATTACHED LEGAL DESCRIPTION

BE IT FURTHER RESOLVED that in the event that, as a result of neglect or failure to properly maintain the above referenced improvements, it is anticipated that the total assessment levied against all of the property within the district boundaries would be increased by any amount in excess of \$405.00 per year, then and in that event, Monitor Township shall provide written notice to the record owners of the land within the district by regular first class mail at least ten (10) days prior to the meeting where such redetermination could be considered. Such interested owners would then be provided an opportunity to address the Board regarding the necessity of the increase in the total assessment to be levied.

NOW THEREFORE BE IT RESOLVED that the Township shall recoup its out-of-pocket expenses including professional fees and publication fees directly attributable to the amendment to the special assessment roll.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Spicer Proposal ó Road Improvement Evaluation & Study

Motion by Malkin supported by Pike to approve the proposal received from Spicer in the amount of \$15,000 to perform a road improvement evaluation and study with the amendment that general provisions 1.14 and 2.5 are mutual to both parties.

Roll call vote:

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

No: None

Absent: None

Motion carried.

PA 116 Farmland Application ó K. Wackerle

Motion by Kowalski supported by Kochany to approve the PA116 application submitted by K. Wackerle for 11.95 acres of parcel 09-100-006-100-030-01, for an initial term of 10 years.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Satkowiak Sewer Proposal ó1400øN. Union Rd. Between Powerline & 2 Mile Rd.

R. Satkowiak has requested the township contribute to the installation of 1400 ft. of 10 inch sewer line along N. Union Road between the powerline and Two Mile Rd.

No action was taken.

Planning Commission Recommendation - Holly Springs Final Plat Approval

Motion by Kowalski supported by Malkin to grant Final Plat approval for Holly Springs Subdivision Phase I.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2014-016 Resolution of Intent to Create Streetlight Special Assessment District Holly Springs Phase I

Motion by Brandt supported by Malkin to adopt resolution R-2014-016, a resolution of intent to create a streetlight special assessment district for Holly Springs Subdivision Phase I as follows:

**RESOLUTION OF INTENT TO INSTALL STREET LIGHTS, TO
CREATE A SPECIAL ASSESSMENT DISTRICT TO FINANCE THE
INSTALLATION OF STREET LIGHTS FOR HOLLY SPRINGS
SUBDIVISION, AND, TO HOLD PUBLIC HEARINGS REGARDING
SAME PURSUANT TO PUBLIC ACT 188 OF 1954**

WHEREAS, the Township has received a request signed by the owner of 100% of the property located within a proposed Special Assessment District; and

WHEREAS, the Township Supervisor has filed a Supervisor's Certificate verifying that the above-referenced request has been made on behalf of the record owners of land constituting more than fifty percent (50%) of the total land area in the proposed district,

NOW THEREFORE BE IT RESOLVED that the Monitor Township Board does hereby tentatively declare its intent to install six (6) street lights in the Holly Springs Subdivision, and to maintain said lights.

BE IT FURTHER RESOLVED that the initial assessment shall be established in an amount sufficient to provide sufficient funding to reimburse the Township all of its out-of-pocket expenses incurred including but not limited to publication, mailing and legal expenses, in review and approval of this assessment. Further, the initial assessment and the first two annual assessments shall be established at a rate sufficient to create a reserve fund which shall be maintained by the Township and used as later may be required to pay for energy and maintenance expenses.

BE IT FURTHER RESOLVED that the Monitor Township Board does hereby tentatively declare its intent to create a Special Assessment District including the land specifically benefited by such improvements, and which land is tentatively described as:

SEE ATTACHED LEGAL DESCRIPTION

BE IT FURTHER RESOLVED that a public hearing on any objections to the Petitions, to the improvements, the estimate of costs, and to the Special Assessment District proposed to be established for the assessment of the cost of maintenance of such improvements, shall be held on November 24, 2014; at a regular meeting of the Township Board at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m.

BE IT FURTHER RESOLVED that in the event that the Township Board should adopt a Resolution Creating Special Assessment District for Street Lights After Public Hearing, the Board shall proceed to convene a second public hearing to consider the final approval of the Special Assessment Roll at the Meeting to be held December 8, 2014.

BE IT FURTHER RESOLVED that the Clerk be instructed to give the notice of such hearings by mailing and publication in accordance with Act 188 of 1954.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2014-017 Resolution of Intent to Create Water Detention Special Assessment District ó Holly Springs I

Motion by Malkin supported by Kowalski to adopt resolution R-2014-017, a resolution of intent to create a water detention special assessment district for Holly Springs Subdivision Phase I as follows:

RESOLUTION OF INTENT TO CREATE A SPECIAL ASSESSMENT DISTRICT AND TO CONFIRM THE TAX ROLL TO FINANCE THE MAINTENANCE OF A STORM WATER DETENTION AREA FOR HOLLY SPRINGS SUBDIVISION, AND, TO HOLD PUBLIC HEARINGS REGARDING SAME PURSUANT TO PUBLIC ACT 188 OF 1954

WHEREAS, the Township has received a request signed by the owner of 100% of the property located within a proposed Special Assessment District; and

WHEREAS, the Township Supervisor has filed a Supervisor's Certificate verifying that the above-referenced request has been made on behalf of the record owners of land constituting more than fifty percent (50%) of the total land area in the proposed district;

WHEREAS, the annual expense to the Township to maintain the detention area is not able to be precisely determined, and the amount of the Special Assessment shall be annually redetermined by the Monitor Township Board to assure adequate funding for anticipated Township expenses.

NOW THEREFORE BE IT RESOLVED that the Monitor Township Board does hereby tentatively declare its intent to maintain the above referenced improvement, if necessary, at the Holly Springs Subdivision.

BE IT FURTHER RESOLVED that the initial assessment shall be established in an amount sufficient to provide sufficient funding to reimburse the Township all of its out-of-pocket expenses incurred in review and approval of this project. Further, the initial assessment and the first two annual assessments shall be established at a rate sufficient to create a reserve fund which shall be maintained by the Township and used as later may be required.

BE IT FURTHER RESOLVED that the Monitor Township Board does hereby tentatively declare its intent to create a Special Assessment District including the land specifically benefited by the annual maintenance of such improvements

BE IT FURTHER RESOLVED that a public hearing on any objections to the Petitions, to the improvements, the estimate of costs, and to the Special Assessment District proposed to be established for the assessment of the cost of maintenance of such improvements, shall be held on November 24, 2014; at a regular meeting of the Township Board at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m.

BE IT FURTHER RESOLVED that in the event that the Township Board should adopt a Resolution Creating Special Assessment District for Storm Water Detention Area After Public Hearing, the Board shall proceed to convene a second public hearing to consider the final approval of the Special Assessment Roll at the Meeting to be held December 8, 2014.

BE IT FURTHER RESOLVED that the Clerk be instructed to give the notice of such hearings by mailing and publication in accordance with Act 188 of 1954.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Township Medical Insurance Plan

Motion by Kowalski supported by Malkin to approve the Blue Cross/Blue Shield Community Blue mapped plan as presented by T. Armintrout, Burnham & Flower.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2014-018 Resolution to Amend Pension Retirement Age

Board members had questions concerning the resolution to change the township pension retirement age from 65 yrs. to 55 yrs.

Motion by Pike supported by Miller to table consideration of resolution R-2014-018, a resolution to amend the pension retirement age, to obtain more information from our Burnham & Flower agent N. Braden.

Motion carried.

Hall & Park Bids for Trees & Shrubs

The board discussed the proposals submitted by the Supervisor. Only one of the estimates included the removal of the diseased Ash trees at the township park. The board would like estimates from landscaping companies to remove the Ash trees and a plan to recondition the soil & replace the trees at the park. D. Scherzer from Spicer will also investigate if there is a grant available that will help offset the expense.

Hall Request of Bay City Lions Club of December 3, 2014, March 4, 2015, May 6, 2015

Motion by Arnold supported by Malkin to grant the Bay City Lions Club request to waive hall rental charges for use of the hall on December 3, 2014, March 4, 2015, and May 6, 2015; signed contract, damage deposit required and security deposit required if applicable.

Roll call vote:

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

No: None

Absent: None
Motion carried.

The meeting adjourned at 8:45 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor