

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JULY 11, 2016

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

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
Members absent: None
Also present: Richard Sheppard, Township Attorney
Mark Norton & Don Scherzer, Spicer Engineering

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

J. Bissonnette, 402 Old Beaver Rd., stated his road was repaved last year and is not satisfied with how the driveway was restored. He stated the road is now higher than his driveway and he is experiencing difficulty with snow removal due to the gravel and water flooding his driveway when it rains. Mr. Bissonnette also does not feel the FOIA request he made last year was handled to his satisfaction and delivered a copy to the Clerk.

Public Input closed at 7:06 p.m.

Motion by Miller supported by Kochany to adopt the agenda with the addition of confidential communication.

Motion carried.

Motion by Malkin supported by Pike to approve the minutes of the June 27, 2016 regular meeting as presented.

Motion carried.

Motion by Miller supported by Kochany to pay the bills in the amount of \$15,974.93 from General Fund.

Roll call vote:

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

No: Brandt

Absent: None

Motion carried.

Public Hearing ó Creation of Special Assessment District for Briar Hills Subdivision

The public hearing to create a special assessment district for curb, gutter and drainage improvements opened at 7:09 p.m.

Mr. H. Pfeiffer, 2210 Heritage Dr., stated in the letter he received in January/February, it stated the estimated cost for the curb/gutter/drainage improvements was \$57,000. Now he is informed the cost is estimated at \$80,000 and asked why the cost increased.

M. Norton, Spicer engineering, stated increase represents going from 700 lf. of curb and gutter to 1420 lf. of curb and gutter that will be removed and replaced. Additionally, because more curb and gutter work will be done will necessitate 2x the driveways that will require restoration.

Mr. Pfeiffer stated in the public notice he received it listed the lots in Briar Hills and three additional parcels. Mr. Pfeiffer asked why those parcels were included.

Brandt replied those parcels have frontage on Reppuhn Dr. and were not included in the Briar Hills subdivision plat, but will receive the same benefit as those parcels in the subdivision. For that reason, they are included in the proposed special assessment district.

Mr. Pfeiffer asked what is the start, and completion date for the project.

M. Norton replied the bids for the curb/gutter and drainage were included in the bid specs for the 2016 road millage work. Consideration of the bids is on tonight's township board agenda so at this moment there is not a set start date. The completion date contained in the bid documents is October 30th.

Mr. Pfeiffer stated he is in favor for the five-year payback option.

T. York, asked 2038 Crescent Dr., asked if the work will be done this year.

Norton replied, yes.

D. Lange, 2194 Heritage Dr., asked if the drainage solution was short or long term and voiced concern about the ruts in the road preventing the water to get to the gutter and drains.

Norton replied the curb/gutter and drainage work would be done concurrently with the road restoration. The road would be ground up and curbs and gutters that need to be replaced would be removed. Base would then be added and compacted and graded to the new curb/gutters and the drains.

G. Leiner, 2187 Heritage Dr., stated most of his questions were answered by the response to Mr. Lange's questions. Mr. Leiner stated he has big holes in front of his driveway causing wear and tear to his vehicles. Since the completion date is not until October 30th, he asked if there was anything that could be done in the meantime.

Norton replied that would depend on the start date once the bid is awarded. If it will be a while, the township could request the Road Commission fill in the holes with seal blend but that may not be cost effective for a short period.

Mr. Pfeiffer asked if they saw sand in the storm sewer when the surveying was done.

Norton was not aware of any but stated they would notify the Road Commission of any drains that need to be cleaned out when the roadwork is done.

No others present wished to speak during the public hearing.

Brandt asked of those present if they preferred a three-year or a five-year payback term.

A five-year payback was the consensus of those present.

The public hearing closed at 7:29 p.m.

R-2016-008 Resolution Creating Curb/Gutter/Drainage SA District ó Briar Hills Sub.
Motion by Malkin supported by Kochany to adopt Resolution 2016-008 as follows:

RESOLUTION TO CREATE SPECIAL ASSESSMENT DISTRICT TO FINANCE THE CONSTRUCTION OF CURB AND GUTTER IMPROVEMENTS AND DRAINAGE IMPROVEMENTS FOR BRIAR HILLS SUBDIVISION, AND OTHER PARCELS THAT RECEIVE BENEFIT FROM THE IMPROVEMENTS, PURSUANT TO PUBLIC ACT 188 OF 1954.

WHEREAS, the Township Board received petitions for curb, gutter and drainage improvements from the record owners of certain properties, located within a proposed Special Assessment District; and

WHEREAS, the Township Supervisor verified that the above-referenced request has been made on behalf of the record owners of land constituting fifty percent (50%) or more of the total frontage and area of the proposed improvement district, and

WHEREAS, the Township Engineer prepared and filed a report showing the proposed curb, gutter and drainage improvements, the proposed location thereof and an estimate of the costs of the same, with total estimated costs of \$80,000, all as described on the attached Exhibit B; and

WHEREAS, the Township Board tentatively determined by the adoption of a Resolution expressing intent to proceed with the creation of a special assessment district (R-2016-006) on June 13, 2016, that there is a need for the proposed curb, gutter and drainage improvements described in Exhibit B to serve the properties within the proposed district described in the attached Exhibit A; and

WHEREAS, pursuant to property 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 11th day of July, 2016, at 7:00 p.m. affording all interested parties an opportunity to address the Board;

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Monitor, Bay County, Michigan, as follows:

1. The Township Board hereby approves the petitions as legally sufficient and containing a sufficient number of signatures of property owners within the district approved by this resolution.

2. The Township Board hereby determines to provide for and complete the proposed curb, gutter and drainage improvements described in the attached Exhibits B and hereby approves the plans and estimated costs of \$80,000, all as described on the attached Exhibits B.

3. The Township Board hereby determines, creates and defines a special assessment district that shall consist of land described in the attached Exhibit A, within which the costs of such improvements

shall be assessed according to the benefits. Said repayment to occur over a five (5) year period.

4. The Township Supervisor and assessing officer are hereby directed to make a special assessment roll in which shall be described all of the parcels of land to be assessed as above set forth, with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district.

5. When the assessment roll is completed, the Supervisor or assessing officer shall affix thereto a certificate stating that said roll was made pursuant to this resolution and that in making the assessment roll he has, according to his best judgment, conformed in all respects to the directions contained in this resolution and the statutes of the State of Michigan, and he shall then report the special assessment roll with his attached certificate to the Township Clerk

Yeas: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin

Nays: None

Absent: None

Abstain: Miller

RESOLUTION DECLARED ADOPTED .

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED
SPECIAL ASSESSMENT DISTRICT FOR
PORTIONS OF BRIAR HILLS SUBDIVISION

Special Assessment District Description:

Briar Hills – This special assessment district includes land described as follows:

Lots 7 – 19 of Briar Hills Number One.

Lots 24 – 38 of Briar Hills Number Two.

Lots 39 – 59 of Briar Hills Number Three.

Lots 60 – 81 of Briar Hills Number Four.

Also parcels of land with the following description:

Starting at the Southeast corner of Briar Hills Number Three, thence North 01°05'33" East 150 feet, thence South 89°28'12" East 348.00 feet, thence South 01°05'33" West 150 feet, thence North 89°28'12" West 348.00 feet to the point of beginning. As indicated as "Not Included in Plat" on Briar Hills Number Four.

All of the above land is a part of the South ½ of the Northwest ¼ of Section 23, Town 14 North, Range 4 East, Monitor Township, Bay County, Michigan.

Parcels included in the special assessment district are as follows:

09-100-B20-000-007-00	09-100-B20-000-008-00	09-100-B20-000-010-00
09-100-B20-000-011-00	09-100-B20-000-012-00	09-100-B20-000-014-00
09-100-B20-000-016-00	09-100-B20-000-017-00	09-100-B20-000-018-00
09-100-B20-000-019-00		
09-100-B21-000-024-00	09-100-B21-000-025-00	09-100-B21-000-026-00
09-100-B21-000-027-00	09-100-B21-000-028-00	09-100-B21-000-029-00
09-100-B21-000-030-00	09-100-B21-000-031-00	09-100-B21-000-032-00
09-100-B21-000-033-00	09-100-B21-000-034-00	09-100-B21-000-035-00
09-100-B21-000-036-00	09-100-B21-000-037-00	09-100-B21-000-038-00
09-100-B22-000-039-00	09-100-B22-000-040-00	09-100-B22-000-041-00
09-100-B22-000-042-00	09-100-B22-000-043-00	09-100-B22-000-044-00
09-100-B22-000-045-00	09-100-B22-000-046-00	09-100-B22-000-047-00
09-100-B22-000-048-00	09-100-B22-000-049-00	09-100-B22-000-050-00
09-100-B22-000-051-00	09-100-B22-000-052-00	09-100-B22-000-053-00
09-100-B22-000-051-00	09-100-B22-000-052-00	09-100-B22-000-053-00
09-100-B22-000-054-00	09-100-B22-000-055-00	09-100-B22-000-056-00
09-100-B22-000-057-00	09-100-B22-000-058-00	09-100-B22-000-059-00
09-100-B23-000-060-00	09-100-B23-000-061-00	09-100-B23-000-062-00
09-100-B23-000-063-00	09-100-B23-000-064-00	09-100-B23-000-065-00
09-100-B23-000-066-00	09-100-B23-000-067-00	09-100-B23-000-068-00
09-100-B23-000-066-00	09-100-B23-000-067-00	09-100-B23-000-068-01
09-100-B23-000-069-00	09-100-B23-000-070-00	09-100-B23-000-071-00
09-100-B23-000-072-00	09-100-B23-000-073-00	09-100-B23-000-074-00
09-100-B23-000-075-00	09-100-B23-000-076-00	09-100-B23-000-077-00
09-100-B23-000-078-00	09-100-B23-000-079-00	09-100-B23-000-080-00
09-100-B23-000-081-00		

PLUS

Additional Parcels to included in "Briar Hills Special Assessment District"

09-100-023-100-200-00	09-100-023-100-210-00	09-100-023-100-220-00
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Bid Award ó 2016 Road Millage Projects

Motion by Miller supported by Pike to award the bid for the 2016 Road Millage Improvements and for Briar Hills and Westgate curb/gutter and drainage improvements to the low bidder, Ace-Saginaw Paving Co. with the total bid of \$1,253,753.40.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Sanitary Sewer Options Related to ATS Printing Sewer Project

Spicer provided three estimates for options related to the ATS Printing sewer request.

Option 1 ó ATS would connect a 2ö force main to the existing 8ö sewer line at Bay Arenac Dr., bore under I-75 and connect to a grinder pump station at their location on Three Mile Rd. This would be a private line with a cost estimate of \$155,000.

Option 2 ó ATS would connect a 2ö force main to the existing 18ö sewer line on Wilder Rd., bore under I-75 to Three Mile and continue in the road ROW connecting to a grinder pump station at their location on Three Mile Rd. This would be a private line with a cost estimate of \$170,000.

Option 3 ó The township would install a 6ö force main from the existing 18ö sewer line on Wilder Rd., bore under I-75 and connect a municipal pump station at Wilder & Three Mile, then install a 12ö gravity sewer line in the Three Mile road ROW, changing to an 8ö gravity line along Three Mile Rd., to connect to the existing gravity line north of North Union Rd. The cost estimate for this public line is \$1,575,000.

T. Keyes, Bay Futures stated if the public line were put in, it would be good for township growth due to its close proximity to I-75.

Malkin asked Keyes if he were aware of any grants or funding options for the township. Keyes stated the township could establish a DDA district once the current district is dissolved and establish a TIF district to pay for the improvements.

Malkin stated the area is mainly farmland. If a new business does not come in, there is no payback from REUø and sewer taps and the township is left holding the bag.

Brandt stated ATS is waiting for the township and would like to install the sewer line now.

Scherzer stated DWS has asked for capacity study of the sewer line on Bay Arenac Dr. and to date, this has not been done. Scherzer is of the belief MDOT would grant approval for ATS to apply for the MDOT permit to bore under I-75.

Arnold stated there is a fourth option that has not been explored. Based on the cost estimates in Option 3, it appears the township could install a 6ö force main from the existing 18ö sewer line on Wilder Rd., bore under I-75 and connect a municipal pump station at Wilder & Three Mile, which would make it possible for ATS to install a gravity line to their location. The cost to the township would be approximately \$250,000.

Sheppard stated the real issue for the township is a public or private sewer line. If the township does not choose to install a public line at this time, ATS could apply for all the required permits and before paying their tap fee to the township, sign a hold harmless sewer agreement between ATS and the township stating the township is not responsible for the private sanitary sewer line.

Without any viable options for new businesses in the area, it was the consensus of the board to inform ATS to proceed with their plans to install a private sewer line.

Confidential Communications

Malkin asked Sheppard if the confidential communications the board received were meant to remain confidential or are they available for public viewing.

Sheppard stated neither communication was intended as confidential communication.

Reports

Brandt stated Bay Futures would like to be placed on the next board agenda to discuss their campaign.

Motion by Kochany supported by Pike to go into closed session at 8:12 p.m. to discuss the pending litigation and VAE settlement request.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Pike supported by Miller to return to regular session at 8:40 p.m.

Roll call vote:

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

No: None

Absent: None

Motion carried.

No motions were made during closed session.

Motion by Malkin supported by Miller to authorize attorney Sheppard to negotiate a settlement with VAE as discussed during closed session.

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