

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
OCTOBER 24, 2011

The Supervisor called the meeting to order at 7:02 p.m.

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
Members absent: None
Also present: R. Austin, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:04 p.m. No public present wished to speak and public input was closed.

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

Motion by Malkin supported by Pike to approve the minutes of the September 26, 2011 regular meeting as presented.
Motion carried.

Motion by Pike supported by Kochany to pay the bills in the amount of \$246,279.18 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Kochany to receive the Treasurer's Report for September 2011.

Motion carried.

Michigan Sugar IFT Application for Personal Property Abatement
R-2011-017 Resolution Approving Michigan Sugar IFT Application & Agreement of Personal Property

Motion by Malkin supported by Pike to adopt Resolution R-2011-017, 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 14, 2011, 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 26, 2011, a Resolution Setting a Time to Consider the Application filed by Michigan Sugar Company, which Resolution set October 24, 2011, as the date for consideration of said Application; and

WHEREAS, pursuant to the Resolution approved by the Township Board on September 26, 2011, 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 and real 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 2011 Industrial Facilities Exemption Certificate Agreement for Michigan Sugar Company.
4. That the Township Board authorizes the Township Supervisor and Clerk to sign the 2011 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.

PA 116 Applications (4) ó Robert & Gail Schlicker

Motion by Miller supported by Kowalski to approve the four (4) PA 116 farmland applications submitted by Robert & Gail Schlicker for the following parcels: 09-100-026-300-010-01 32.77 acres; 09-100-026-300-020-02 - 37 acres; 09-100-026-400-060-00 - 13.61 acres; and 09-100-026-400-120-00 - 35.31 acres; all applications are for an initial term of 15 yrs.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Wade Trim Request for Reduction of Water Billing

Motion by Arnold supported by Kochany that although the board sympathizes with the situation, it cannot treat one water customer differently from another and, therefore, moves to deny the request submitted by Wade Trim to reduce the increased water consumption amount to their third quarter water billing that was caused by a problem with the lawn sprinkling system.

Roll call vote:

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

No: Malkin

Absent: None

Motion carried.

R-2011-018 Resolution Supporting A New Membrane Water Filtration Plant

Motion by Kowalski supported by Malkin to adopt Resolution R-2011-018, as follows:

RESOLUTION SUPPORTING A NEW MEMBRANE WATER FILTRATION PLANT

WHEREAS, filtered water is purchased by contract from the City of Bay City Water Treatment Plant is distributed to Hampton Township, the City of Essexville, and through the Bay County Department of Water and Sewer to ten townships, three private water associations, the City of Pinconning, and Bay County Water System #1; and

WHEREAS, the Bay County Department of Water and Sewer operates and maintains the local water distribution systems for out-city communities through agreements with 12 of the above-water districts; and

WHEREAS, the water supply contract between the City of Bay City and the Bay County Department of Water and Sewer for filter water from the Bay City water Treatment Plant expires in 2015; and

WHEREAS, every effort is being made by the City of Bay City, Bay County Department of Water and Sewer, Hampton Township and the City of Essexville to partner to provide long term system stability and quality water that exceeds current and future water quality standards at stable rates for the next 40 years and beyond; and

WHEREAS, in 2009, a commitment to provide Bay County community with up to 22 million gallons per day of raw water was secured from the Saginaw Midland Municipal Water Supply Corporation (SMMWSC); and

WHEREAS, the partners agreed to evaluate two options for providing filtered water to the Bay County community, one option to rehabilitate the existing Bay City Water Treatment Plant, and the second option to construct a new membrane filtration plant, both options to be supplied with raw water from SMMWSC, and

WHEREAS, Malcolm Pirnie of Michigan, Inc. (MPI) evaluated rehabilitating the Bay City Water Treatment Plant and provided a report of its findings, and Lockwood, Andrews & Newnan, Inc (LAN) evaluated construction of a new membrane water filtration plant and provided a report of its findings; and

WHEREAS, Raftelis Financial Consultants, Inc (RFC) performed an analysis of projected capital and operating costs associated with renovating the Bay City Water Treatment Plant from the MPI report, and separately performed an analysis of capital and operating costs associated with constructing a new membrane water filtration plant from the LAN report; and

WHEREAS, The Foster Group (TFG) was retained by the Bay County Department of Water and Sewer, acting as lead representative of the wholesale water customers, to provide consulting assistance regarding business aspects of both water treatment options being evaluated; and

WHEREAS, Bart Foster, TFG President, presented the findings, opinions, and observations of TFG for both options in a report entitled "Evaluation of Water Supply Options" at an August 23, 2011

Special Meeting of the Bay County Road Commission, Bay County Department of Water and Sewer, with representatives from nearly all out-city water districts in attendance; and

WHEREAS, The Foster Group evaluation indicates that constructing a new membrane water filtration plant utilizing the SMMWSC raw water supply is more economical approach for providing wholesale water service to the Bay County community.

NOW, THEREFORE, BE IT RESOLVED, the Charter Township of Monitor , by an affirmative vote of its Board of Trustees, does hereby support continued progress in securing the most reliable cost effective water treatment option by concentrating all efforts on constructing a new membrane water filtration plant utilizing SMMWSC raw water, continuing efforts to secure a contract with SMMWSC for raw water; identifying the water transmission system; and defining a governance structure that best serves all water customers in the Bay County community.

BE IT FURTHER RESOLVED, the Charter Township of Monitor encourages all townships, cities, and water districts served by filtered water from the City of Bay City Water Treatment Plant to adopt a resolution supporting all efforts concentrating on the parameters to construct a new membrane water filtration plant, identify the water transmission system, and define a governance structure that best serves the entire Bay County community.

BE IT FURTHER RESOLVED, the Charter Township of Monitor fully supports the efforts of the Bay County Department of Water and Sewer, Hampton Township, the City of Essexville and the City of Bay City to partner in pursuing the best, most cost effective means of providing quality filtered water throughout Bay County.

Roll call vote:

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

No: Arnold

Absent: None

Motion carried.

R-2011-019 Resolution to Opt Out of Senate Bill No. 708 Limitations on Health Care Expenditures for Township Employees

Motion by Malkin supported by Miller to adopt Resolution R-2011-019, a resolution to opt out of Senate Bill No. 708 limitation on health care expenditures for township employees.

Roll call vote:

Yes: Kowalski, Pike, Malkin, Miller

No: Brandt, Arnold, Kochany

Absent: None

The vote did not meet the two thirds affirmative vote requirement contained in Section 8 of Act 152 of 2011 and was therefore defeated.

There was discussion regarding the financial impact the 80/20 insurance expense would have on township employees that would result in as much as a 33% reduction of monthly take home wages. The board may as an alternative consider other measures to reduce health care costs.

Motion by Brandt supported by Malkin to reconsider the vote to adopt Resolution R-2011-019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Malkin supported by Miller to adopt Resolution R-2011-019, a resolution to opt out of Senate Bill No. 7's limitation on health care expenditures for township employees as provided in Act 152 of 2011 as follows:

**A RESOLUTION TO OPT OUT OF SENATE BILL NO. 7'S
LIMITATIONS ON HEALTH CARE EXPENDITURES FOR TOWNSHIP
EMPLOYEES**

WHEREAS, the State of Michigan has very recently adopted legislation now identified as SB 7 which limits public employers to annual health care expenditures of \$5,500.00 for single employees and to \$11,000.00 for married employees, and \$15,000.00 for employees with families, and

WHEREAS, Section 8 of the Act provides that a municipality may, by a two thirds (2/3rd's) affirmative vote of its governing body, exempt itself from the requirements and limitations of the Act annually, and

WHEREAS, it is the opinion of the Board of Trustees of the Charter Township of Monitor that the best interests of the Township are served by exempting the Township from the requirements and limitations of SB 7.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 8 of the SB 7 of 2011, the Charter Township of Monitor does hereby elect to opt out of the requirements and limitations contained within SB 7.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Resignation of On-Call Firefighter ó D. Hartz

Motion by Kowalski supported by Malkin to accept with regret the resignation submitted by on-call fireman D. Hartz effective October 12, 2011.

Motion carried.

ATTORNEY REPORT

Motion by Malkin supported by Kowalski for the board to go into closed session to discuss pending litigation.

Roll call vote:

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

No: None

Absent: None

Motion carried.

The township board at 8:13 p.m. went into closed session to discuss pending litigation.

The board returned from closed session at 9:03 p.m.

No motions were made while in closed session.

The meeting adjourned at 9:04 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor