

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
OCTOBER 28, 2013

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 with the addition of Bay County Treasurers Assn. Hall Request.

Motion carried.

Motion by Pike supported by Miller to approve the minutes of the September 23, 2013 regular meeting as presented.

Motion carried.

Motion by Malkin supported by Pike to approve the minutes of the October 21, 2013 special budget workshop meeting as presented.

Motion carried.

Motion by Pike supported by Malkin to approve the minutes of the October 22, 2013 special budget workshop meeting as amended.

Motion carried.

Motion by Miller supported by Pike to pay the bills in the amount of \$190,336.55 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 2013.

Motion carried.

R-2013-010 Resolution Approving Michigan Sugar IFT Application & Agreement – Personal Property
R. VanDriessche from Michigan Sugar was present to answer board questions concerning the IFT application.

Questions and concerns were raised regarding the odor emanating from the plant this summer/fall and Planning Commission site plan compliance.

VanDriessche stated Michigan Sugar works closely with the DEQ and addresses any violations in a timely manner. As of this meetings date, all Planning Commission site plan requirements have been met.

Motion by Brandt supported by Kowalski to adopt Resolution R-2013-010, a resolution approving Michigan Sugar IFT Application & Agreement for a 12-year personal property tax abatement 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 19, 2013, 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 23, 2013, a Resolution Setting a Time to Consider the Application filed by Michigan Sugar Company, which Resolution set October 28, 2013, as the date for consideration of said Application; and

WHEREAS, pursuant to the Resolution approved by the Township Board on September 23, 2013, 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 2013 Industrial Facilities Exemption Certificate Agreement for Michigan Sugar Company.
 4. That the Township Board authorizes the Township Supervisor and Clerk to sign the 2013 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.

The Public Hearing for amendment to the township-wide trash special assessment roll opened at 7:34 p.m. There was no public present to speak concerning the assessment roll and the public hearing was closed.

R-2013-011 Resolution Amending Special Assessment Roll for Township Wide Trash Services

Motion by Kowalski supported by Malkin to adopt Resolution R-2013-011, a resolution amending the special assessment roll for township-wide trash services.

**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 four addendums thereto) to effectuate the trash pick-up program, and

WHEREAS, it has now become necessary to add one hundred sixty four (164) parcels and delete thirteen (13) parcels from the special assessment roll as originally adopted, and

WHEREAS, this Board did on September 23, 2013, 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 28th day of October, 2013 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.

PA116 Applications (4) – Mammel

Motion by Pike supported by Malkin to approve the Farmland Preservation PA 116 applications as follows:

Michael, Deanne, Gordon & Lois Mammel

09-100-036-100-010-02 51.52 acres 20 yrs

Michael & Deanne Mammel

09-100-036-400-020-00 11.8 acres 20 yrs

09-100-036-400-020-01 58.2 acres 20 yrs

Michael & Gordon Mammel

09-100-036-400-090-01 38.5 acres 20 yrs

Roll call vote:

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

No: None

Absent: None

Motion carried.

Fireworks Ordinance No. 62 Review

The Sheriff report of the fireworks incident/violations for the period of August 2012 to August 2013 was reviewed to determine if the township fireworks ordinance needed to be amended.

After review it was determined the majority of the few calls were on days other than the permitted legal holidays and a change to the ordinance would not be needed at this time.

Motion by Pike supported by Arnold to review the Fireworks Ordinance No. 62 again in one year to ascertain if ordinance amendments are needed after review of Sheriff Department responses to fireworks calls during the next August 2013 to August 2014 timeframe has elapsed. Motion carried.

Cost Recovery Appeal – R. Jaskiewicz

A letter was submitted by R. Jaskiewicz disputing the cost recovery charges for the June 22 accident. Jaskiewicz maintained the fire department was already on US-10 responding to one accident when the accident he was involved in took place.

Motion by Arnold supported by Pike to waive the cost recovery charges as requested by R. Jaskiewicz for fire department response to incident 2013-0000465-000 on June 22, 2013.

Roll call vote:

Yes: Pike, Arnold, Malkin

No: Brandt, Kowalski, Kochany, Miller

Absent: None

Motion defeated.

Allied Electrical Inc. – Refund of Overpayment for Electrical Permit PE13-0083

Motion by Kowalski supported by Malkin to refund Allied Electrical Inc. the overpayment of \$111.50 for electrical permit PE13-0083.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
No: None
Absent: None
Motion carried.

Hall Request – Bay City Lion’s Club December 7, 2013 & May 7, 2014

Motion by Miller supported by Pike to grant the Lions Club of Bay City request to waive the hall rental fee for use of the township hall on December 7, 2013 and May 7, 2014; signed contract, damage deposit, clean-up fee and security fee (if applicable) required for each rental date.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
No: None
Absent: None
Motion carried.

Wilcox Drain Project Resolution - Rivet

Motion by Arnold supported by Malkin to adopt the resolution submitted by Bay County Drain Commissioner J. Rivet for the first phase of the Wilcox Drain maintenance project.

RESOLUTION

WHEREAS, The Bay County Drain Commissioner has advised the Supervisor of the Township of Monitor, that, pursuant to Section 196 of the Michigan Drain Code 9MCL 280.196; MSA 11.1196), an inspection has been made of the Wilcox Drain; and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain; and,

WHEREAS, The Bay County Drain Commissioner has the authority to expend Five Thousand and no/100 (\$5,000.00) Dollars per mile in any one (1) year for the maintenance of the drain, and where it is estimated that expenditures in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost; and,

WHEREAS, The Bay County Drain Commissioner has advised the Supervisor for the Township of Monitor, that it will be necessary to expend funds in excess of Five Thousand and no/100 (\$5,000.00) dollars per mile for the maintenance of the Wilcox Drain, and that the Township of Monitor is affected by more than twenty (20%) of the cost; and

WHEREAS, The Bay County Drain Commissioner estimates that the cost for the maintenance of the Wilcox, will be approximately \$120,000, which constitutes \$90,000 in excess of the authorized Five Thousand and no/100 (\$5,000.00) per mile.

The assessment for this portion of the Wilcox Drain project will be incorporated in the final project cost with the completion of phase II of the project.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Monitor Township Board, that pursuant to Section 196 of the Drain Code, the The Bay County Drain Commissioner is authorized to expend money for the maintenance and repair of the Wilcox Drain in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile and that the drain fund for the Drain contains sufficient funds for the payment of costs incurred for the maintenance or repair of the Drain.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Hall Request - Bay County Treasurers Assn.

Motion by Malkin supported by Miller to grant the Bay County Treasurer's Association use of the hall on Tuesday December 10, 2013 for their annual Christmas luncheon; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

DEPARTMENT / COMMITTEE REPORTS

Trustee Malkin Report – ZBA Standards

Malkin reported after review of the state statute, the township ZBA standards are in compliance with the statute. Malkin did suggest however a recommendation to the Planning Commission may be needed to provide for building height allowances by special use permit rather than by variance.

Clerk Report – 2014 Budgets

The Clerk provided in the meeting packet the budget drafts as amended at the last workshop meeting and asked if additional budget workshop meetings were needed. It was the consensus of the board, no further budget sessions are needed. The Clerk will set the date of the public hearing and publish the public hearing notices.

D. Spicer, Spicer Group

D. Scherzer reported a SAW grant is available to offset the cost of DWS televising and mapping the township sewer system. Because the grant application is due December 1st, and the board's next meeting is not until November 25th, Scherzer suggested a special meeting to discuss the grant.

The meeting adjourned at 9:00 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor