

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
MAY 23, 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

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

J. Thurlow, 5536 Gaertner Ct., asked if there was follow-up concerning the fencing violation at 5510 Gaertner Ct.

Brandt stated he sent the Zoning Enforcement official to speak with the property owner but he was not home at that time. A formal letter concerning the violation will be sent by the township to initiate the civil infraction process.

Public Input closed at 7:06 p.m.

Motion by Miller supported by Kochany to adopt the agenda with the deletion of: Fire Chief Recommendation to Hire M. Villarreal & J. Sawatzke as On-Call Firefighters and the addition of Road Millage Improvement Fund.

Motion carried.

Motion by Pike supported by Malkin to approve the minutes of the May 9, 2016 regular meeting as presented.

Motion carried.

Motion by Pike supported by Kochany to pay the bills in the amount of \$37,914.84 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 Miller to receive the Treasurer's Report for April 2016.

Motion carried.

Second Reading of Ordinance 63 ó Consumers Energy Franchise 30-yr Renewal

Motion by Kowalski supported by Pike to have this meeting serve as Second Reading and Adoption of Ordinance 63, an ordinance renewing the Consumers Energy 30-yr franchise agreement as follows:

ORDINANCE NO. 63

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION 1.

GRANT, TERM. The CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2.

CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3.

CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4.

HOLD HARMLESS. Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5.

EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Charter Township and shall furnish gas

to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6.

FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7.

RATES. Said Grantee shall be entitled to charge the inhabitants of said Charter Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Charter Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Charter Township, acting by its Charter Township Board, or by said Grantee.

SECTION 8.

REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9.

MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Charter Township.

SECTION 10.

REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance (Ordinance 33) adopted by the Charter Township Board on September 22, 1986 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Energy Company.

SECTION 11.

EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said

period the Grantee shall accept the same in writing filed with the Charter Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Charter Township Board of the CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, on the 23rd day of May, 2016.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Hall Request ó Creekwood Estates Association May 16, 2017

Motion by Kowalski supported by Malkin to grant the Creekwood Estates Condominium Assn. use of the Township Hall on May 16, 2017 for their annual meeting; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

2016 Road Improvements from General Fund

The Supervisor submitted the following BCRC projects for board consideration:

2016 MONITOR TOWNSHIP ROAD PROJECTS

May 20, 2016

Funds available

BCRC Building Better Roads funds		\$00,000.00
BCRC had \$20,000.00 Building Better Local Roads funds last year but state that BCRC does not have the funds for this program in 2016.		
BCRC Discretionary Fund Program - no matching funds required		<u>\$15,000.00</u>
BCRC funds available to Monitor Township	Total	\$15,000.00

Amount needed to finish road work already committed for this year.

Townline 14 - (7 Mile to 8 mile)		
50/50 Split with Kawkawlin Twp.	Single chip & seal coats =	\$11,500.00
8 Mile Road ó (Wheeler to Townline 14)		
50/50 Split with Williams Twp.	Single chip & seal coats =	<u>\$10,000.00</u>
	Sub total of these costs =	\$21,500.00

Amount needed to rework Fraser Road this year.

Fraser (Salzburg to US-10) Dead end road.	Crush & shape	\$12,300.00
	New Aggregate (Gravel)	\$40,195.00
	New Cross Culverts	\$ 6,000.00
	Contingency (10 %)	\$5,849.50

Sub total of these costs = \$64,344.50

Seal Blend Program (To extend the life of the roads) The BCRC recommends that to extend the life of the roads that are not being worked on this year we should use Seal Blend on the bad spots. With that in mind we should order 20 tons this year.

Cost of 20 tons x \$67.00 per ton = \$1,320.00

Total Amount required for work and material this year = \$87,164.50

Less BCRC funds available to Monitor Township = \$15,000.00

Total amount funds required by Monitor Township = \$72,164.50

Motion by Pike supported by Malkin to approve the 2016 General Fund Road improvements as specified in the Supervisor's May 20, 2016 memo to the board.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Road Millage Improvement Fund

Trustee Malkin inquired if the township would consider absorbing the pre-engineering costs associated to subdivision curb/gutter/drainage improvements that are outside the scope of the work allocated to the road millage improvement fund.

There was discussion that the petitions circulated to create special assessment districts for the additional subdivision improvements included the pre-engineering. All the costs to date have been separated out by subdivision and included in the special assessment cost/parcel estimates. To date the township has paid \$39,480.25 for the additional subdivision engineering of which \$31,015.25 could be reimbursed once the special assessment districts are created and the costs put on the assessment roll and ultimately returned to the road millage improvement fund.

There was discussion regarding the projected start time for the subdivision improvements. The Clerk stated she is working with M. Norton from Spicer to get the information necessary to prepare the Resolutions of Intent, public hearing notices and resolutions to create the districts for the five (5) subdivisions we have received petitions. There are however, three subdivisions we have not received petitions. We are planning to go for one (1) bond issuance to cover the subdivision improvement financing and spread the \$58,000 bond issuance cost over all the subdivision parcels. In addition, once we have bids to do the improvements we will also need to know which parcels will pay over the 15-yr term of the bond and which will make a lump sum payment. This will affect the actual amount we need for the bond and limit the liability to the township to have to pay for interest costs out of the general fund. Until we know these costs, we cannot proceed to the resolutions setting the assessment rolls.

Additionally, it takes approximately 3-months to go through the bond issuance process to get the money to do the improvements. Bottom line is realistically, we are looking at next year to do the subdivision work.

Arnold suggested going ahead with the work for the subdivisions we have received petitions for and paying for it out of the road millage fund in order to have the roads done this year.

Kowalski responded the problem with that is 1) we do not yet know the actual costs; 2) we are not yet in the bond issuance process; 3) if we do not have the bond debt and bond interest costs we do not know the amount to put on the assessment roll for December 2016 taxes so we will not collect the special assessment until the December 2017 tax bill. That in turn reduces dramatically the money in the road improvement fund to pay for roads outside of the subdivisions in the proposed special assessment districts.

Another factor to consider is the reduction to the fund balance for the money paid for pre-engineering for subdivisions that choose not to proceed with a special assessment.

REPORTS

Township Attorney & Clerk Correspondence Re: Saginaw Bay Waterfowl Festival Sponsorship ó The Clerk provided copies to the board of R. Sheppard's determination regarding the request as well as her correspondence to Summer Richard.

The meeting adjourned at 8:20 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor