

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
APRIL 30, 2018

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

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Walsh
Members absent: Reder

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

County Commissioner V. Begick stated he met with some farmers in Bay County who are in favor of having a lease for wind turbines on their property. He voiced concern that if Beaver Township does not allow the wind turbines, it may eliminate them coming into Bay County.

Public Input closed at 7:06 p.m.

Motion by Kochany supported by Walsh to adopt the agenda with the addition of the Park Maintenance and Custodian Position.

Motion carried.

Motion by Brandt supported by Kochany to approve the minutes of the March 26, 2018 regular meeting as presented.

Motion carried.

Motion by Brandt supported by Pike to approve the minutes of the April 10, 2018 special meeting as presented.

Motion carried.

Motion by Kochany supported by Brandt to approve the minutes of the April 11, 2018 special meeting as presented.

Motion carried.

Motion by Brandt supported by Walsh to approve the minutes of the April 16, 2018 special meeting as presented.

Motion carried.

Motion by Pike supported by Walsh to approve the minutes of the April 17, 2018 (6:30 p.m.) special meeting as presented.

Motion carried.

Motion by Pike supported by Brandt to approve the minutes of the April 17, 2018 (7:30 p.m.) special meeting with the correction to page 1.

Motion carried.

Motion by Brandt supported by Walsh to approve the minutes of the April 27, 2018 special meeting as presented.
Motion carried.

Motion by Walsh supported by Kochany to pay the bills in the amount of \$61,581.96 from General Fund.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Motion by Kowalski supported by Walsh to receive the Treasurer's Report for March 2018.
Motion carried.

MTA Request Regarding Dark Stores Litigation ó Resolution R-2018-013

Motion by Brandt supported by Malkin to adopt Resolution R-2018-013, a resolution contributing \$1,000 to the City of Escanaba to help defray the cost of their Menard Inc. v City of Escanaba "dark store" litigation as follows:

RESOLUTION TO HELP DEFRAY LEGAL COSTS IN
MENARD INC. V CITY OF ESCANABA "DARK STORE" LITIGATION

WHEREAS, Article IX, section 3 of the Michigan Constitution requires uniformity of taxation, and

WHEREAS, there is a case before the Michigan Tax Tribunal, Menard Inc. v City of Escanaba, that may determine a method of equitable valuation of a wide variety of commercial and large industrial facilities, especially corporate headquarters and unique properties found in many townships; and

WHEREAS, this case is on remand before the Tax Tribunal following a favorable ruling from the Court of Appeals regarding valuation methodology and now has the potential to correct numerous prior rulings that resulted in erroneous, low values of property and reduced revenues in communities across Michigan; and

WHEREAS, exceptionally high costs have been incurred by the City of Escanaba in excess of funds available from its Property Tax Administration Fee to achieve an outcome from which many more communities, including the Township of Monitor will also benefit; and

WHEREAS, MCL 211.44(3) provides, in part, "the costs of any appeals, in excess of funds available from the property tax administration fee, may be shared by any taxing unit only if approved by the governing body of the taxing unit," and

WHEREAS, the city is anticipated to incur costs far in excess of funds available from its property tax administration fee, and

WHEREAS, the Monitor Township Board desires to help defray the costs of litigation and legal representation incurred by the City of Escanaba to ensure that the City has adequate resources to provide to the Tribunal a competent and compelling defense of its valuation determinations in Menard Inc. v City of Escanaba.

NOW, THEREFORE, BE IT RESOLVED that the Monitor Township Board authorizes a payment of \$1,000 to the City of Escanaba to provide financial assistance toward the continued defense of the ruling in Menard Inc. v City of Escanaba.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Request to Reschedule May 14, 2018 Regular Meeting to May 21, 2018

Motion by Pike supported by Kochany to reschedule the May 14, 2018 regular meeting to May 21, 2018.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Recommendation to accept Park Grant Bids

Motion by Brandt supported by Malkin to accept the recommendation dated April 21, 2018 from Spicer Engineering, to award the bid for the LWCF park project to Sajdak in the amount of \$178,000 and to further accept the bid of \$9,730 for additional parking lot expansion not included in the \$102,300 local match expense for a total construction cost of \$187,730.

Roll call vote:

Yes: Malkin, Pike, Brandt, Kochany, Walsh

No: Kowalski

Absent: Reder

Motion carried.

Recommendation to accept Roof Bids

Motion by Brandt supported by Pike to accept the recommendation dated April 17, 2018 from Spicer Engineering, to award the bid for the 30-yr partial roof replacement to Kawkawlin Roofing in the lump sum amount of \$34,300 and to also approve the 10% contingency for the possible replacement of damaged insulation and decking in the amount of \$3,500.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Recommendation to accept 2018 Manhole Additions ó Bulletin #1

Motion by Kowalski supported by Pike to accept the recommendation dated April 20, 2018 from Spicer Engineering, to award the order bid to Shaw Contracting in the amount of \$64,568 to add approximately 20 manholes as a 2018 change order to the 2017 Manhole Rehabilitation project, with funds to be paid from the township sewer fund.

Roll call vote:

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

No: None
Absent: Reder
Motion carried.

Reconsideration of the Medical Marihuana Ordinance requested by Bob Walsh

Motion by Walsh supported by Malkin to have this meeting serve as First Reading of Medical Marihuana Ordinance 65 and to have Second Reading of this Ordinance at the May 21, 2018 regular meeting.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Walsh

No: Brandt, Kochany

Absent: Reder

Motion carried.

Hall Request ó Cortland Farms South Owners Association Annual Meeting ó June 19, 2018

Motion by Kowalski supported by Walsh to approve the request submitted by Cortland Farms South Homeowners Association to hold their annual meeting on June 19, 2018; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Hall Request ó Special Days Camps

Motion by Kowalski supported by Pike to grant the request to waive the hall rental fee for Special Days Camps use of the township hall on October 27, 2018; signed contract, clean-up fee and damage deposit required; security deposit required if applicable.

Roll call vote:

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

No: None

Absent: Reder

Motion carried.

Park Maintenance and Custodian Position

Motion by Malkin supported by Walsh to hire Arthur (Jack) Adam as the Park Maintenance Custodian at a rate of 9.82/hr for the Park 2018 season beginning April 23, 2018; to hire Mr. Adam as the Park Custodian at a rate of \$589.16/month for the Park 2018 season of May 1, 2018 ó September 30, 2018.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Walsh

No: Brandt, Kochany

Absent: Reder

Motion carried.

REPORTS

Assessor Position - Malkin reported our Assessor on April 11, 2018, submitted written notification to terminate his contract agreement with the township effective May 11, 2018. Malkin stated he will meet with the Personnel Committee and provide a recommendation at the May 21, 2018 meeting.

Chamber of Commerce Legislative Luncheon ó Malkin reminded board members to let him, or the Treasurer, know by Wednesday if they wish to attend the luncheon on Friday.

Steih Park ó Malkin stated there may be a grant available for improvements at Steih Park that would not require a township match in funds. More information will be available at a future meeting.

Planning Commission Zoning Ordinance Recommendation ó The Planning Commission held the public hearing for the new zoning ordinance and have submitted their recommendation for board adoption. Possible First Reading will be placed on the May 21, 2018 agenda.

The meeting adjourned at 7:56 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor