

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JUNE 13, 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
Dave DeGrow, Township Building Official

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

J. Engel asked if there was going to be a public forum for candidates running for Supervisor.

It was suggested Mr. Engel contact the individual candidates.

Public input was closed at 7:04 p.m.

Motion by Pike supported by Malkin to adopt the agenda with the addition of ATS Printing private sewer line proposal.

Motion carried.

Motion by Kochany supported by Miller to approve the minutes of the May 23, 2016 regular meeting as presented.

Motion carried.

Motion by Pike supported by Miller to pay the bills in the amount of \$28,838.92 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Weinlander Fitzhugh 2015 Audit Report

Mr. David Quimby from Weinlander Fitzhugh presented the 2015 Audit report to the Board.

Board members were provided the opportunity to ask Quimby questions concerning the audit.

Mr. Quimby explained the various audit reports and how they comply with the GASB34 requirements.

Building Inspector Recommendation ó Construction Code Annual Permit & Fee

Building Inspector D. DeGrow reported our former electrical inspector has passed away.

DeGrow ~~recommends~~ *requested* the board appoint F. Bryden from temporary to permanent electrical inspector.

DeGrow has noted contractors in and out of Michigan Sugar with no new permits being issued. DeGrow requests the township board adopt an annual permit fee to allow him to issue an annual permit to Michigan Sugar as provided in the Michigan Building Code. DeGrow explained such a permit would allow work to be done on smaller projects throughout the year with the contractor keeping a record of all work that is done. At the end of the year the building department inspectors would visit the site and inspect all the building, electrical, mechanical and plumbing work that was done. DeGrow recommends the establishment of a \$2,000 to \$2,500 annual permit fee to provide compensation of \$500 to each inspector, or \$500 for each type of permit and \$500 to the township.

Attorney Sheppard stated he reviewed the sections of the Michigan Building Code provided by the building inspector as well as the legal opinion provided by the former township attorney. Sheppard stated the code provides for the issuance of annual permits to licensed contractors but would like confirmation from the state if that also extends to a business.

Sheppard suggested a caucus with the building inspector and will report back to the board.

C. Holm Fireworks Permit Application for August 6, 2016

Motion by Pike supported by Malkin to approve the fireworks application and permit submitted by C. Holm for a fireworks display at 1796 Wheeler Rd. on August 6, 2016, contingent upon Fire Department inspection of the site prior to the event.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Discussion Regarding Possible Twp funding for Briar Hills and Westgate Sub Improvements

Kowalski stated she attended a meeting with M. Norton from Spicer and the Supervisor to reconcile the 2015 road millage expenditures; discuss road work to be done in 2016; and discuss the amount of road millage funds that needed to be kept in reserve to do the eight subdivisions we have received petitions for special assessment improvements.

During the course of the discussion, the possibility of adding Briar Hills and Westgate to the 2016 road list was discussed. Because the additional work needed for Briar Hills and Westgate is not as extensive as some of the other subdivisions, the feasibility of removing these two subdivisions from a possible bond issuance, and finance the cost for the additional curb, gutter and drainage improvements through the township's general fund was explored.

To that end, Kowalski prepared for the board's consideration a spreadsheet showing the estimated special assessment costs for each subdivision based on 3% interest and a three-year and five-year payback schedule.

It was the consensus of the board to present this option to Briar Hills and Westgate.

R-2016-006 Resolution of Intent to Create Special Assessment District ó Briar Hills Sub.

**CHARTER TOWNSHIP OF MONITOR
BAY COUNTY, MICHIGAN**

RESOLUTION OF INTENT 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, AND, TO HOLD PUBLIC HEARINGS REGARDING SAME PURSUANT TO PUBLIC ACT 188 OF 1954.

At a regular meeting of the Township Board of the Charter Township of Monitor, Bay County, Michigan, held at the Monitor Charter Township Hall on the 13TH day of June, 2016, at 7:00 p.m., Eastern Daylight/Standard Time.

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

ABSENT: None

The following resolution was offered by Malkin and supported by Kochany:

WHEREAS, the Township Board has 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 has 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 has prepared and filed a report for the Township Board's consideration, 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 determines 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

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

1. The Monitor Township Board does hereby tentatively declare its intent to create a Special Assessment District to make the proposed curb, gutter and drainage improvements described in the attached Exhibit B, together with the necessary work incidental thereto, within the proposed district described in the attached Exhibit A, in accordance with the petitions submitted by benefitting property owners.

2. The Township Board tentatively designates the special assessment district against which the costs of the proposed curb, gutter and drainage improvements are to be assessed.

3. The initial assessment shall be established in an amount sufficient to provide sufficient funding to reimburse the Township all of its out-of-pocket expenses incurred including but not limited to publication, mailing and legal expenses, in review and approval of this assessment.

4. The Township Board shall conduct a public hearing to hear any objections to the petitions, to the proposed curb, gutter and drainage improvements, to the estimate of costs, and to the special assessment district proposed to be established for the assessment of the costs of such improvements, on July 11, 2016, at a regular meeting of the Township Board at the Monitor Township Hall at 2483 Midland Road, Bay City, Michigan commencing at 7:00 p.m.

5. The petitions, as well as the completed plans and estimates prepared by the Township Engineer, are currently on file with the Township Clerk, and shall remain available for public examination during ordinary business hours and at the public hearing.

6. That the Clerk be instructed to give proper notice of this public hearing by mailing a notice of this hearing and by publication in accordance with Act 188 of 1954.

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 ó This special assessment district includes land described as follows:

Lots 7 ó 19 of Briar Hills Number One.

Lots 24 ó 38 of Briar Hills Number Two.

Lots 39 ó 59 of Briar Hills Number Three.

Lots 60 ó 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°05'36" East 150 feet, thence South 89°28'12" East 348.00 feet, thence South 01°05'36" West 150 feet, thence

North 89°28'22" 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

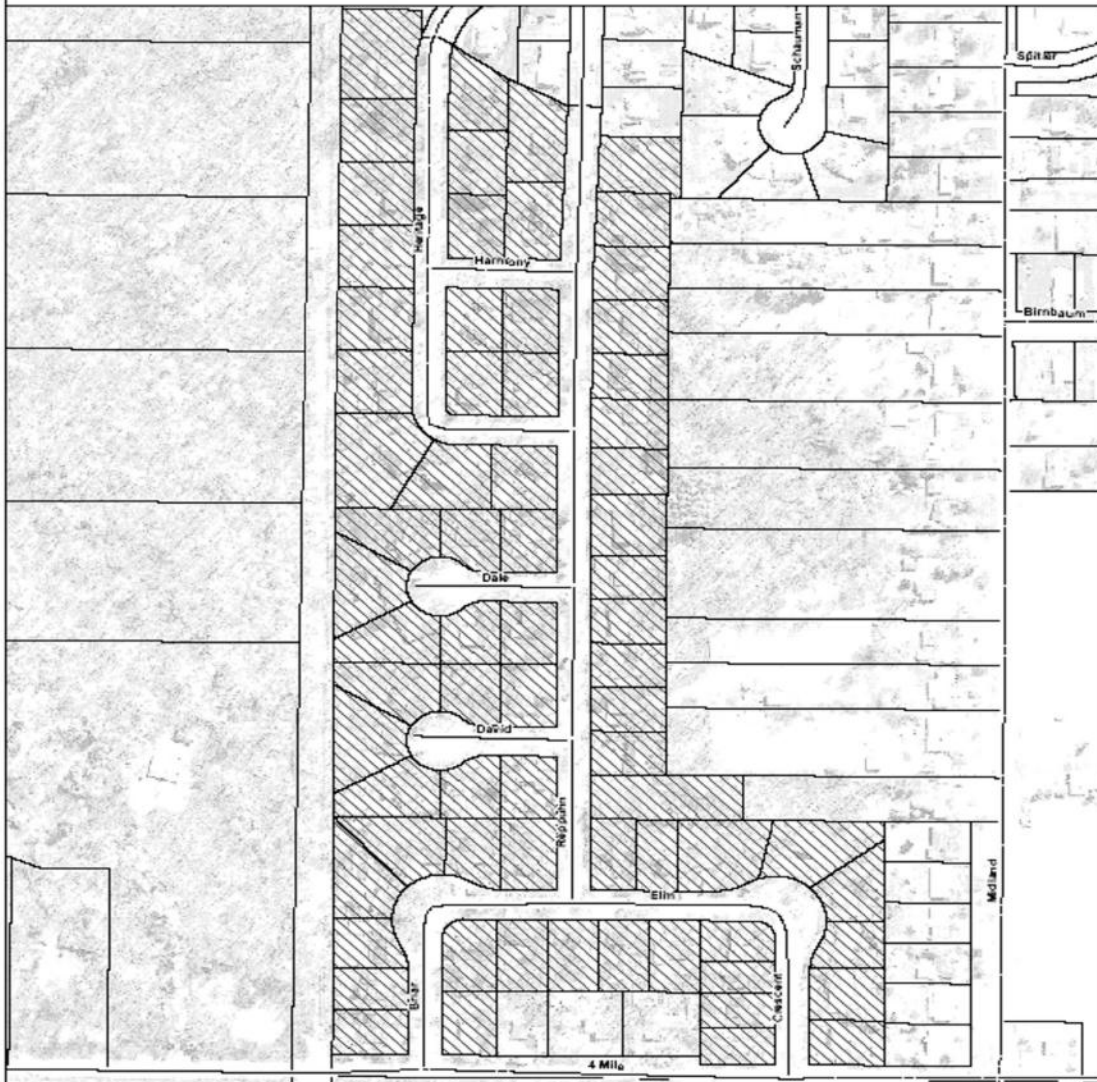
Additional Parcels to included in "Briar Hills Special Assessment District"

09-100-023-100-200-00	09-100-023-100-210-00	09-100-023-100-220-00
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EXHIBIT B

ENGINEER'S REPORT SHOWING PROPOSED
LOCATION AND PROPOSED ESTIMATE OF COSTS
OF CURB, GUTTER AND DRAINAGE IMPROVEMENTS

BRIAR HILLS DRAINAGE AND CURB AND GUTTER IMPROVEMENTS



MONITOR TOWNSHIP

Legend

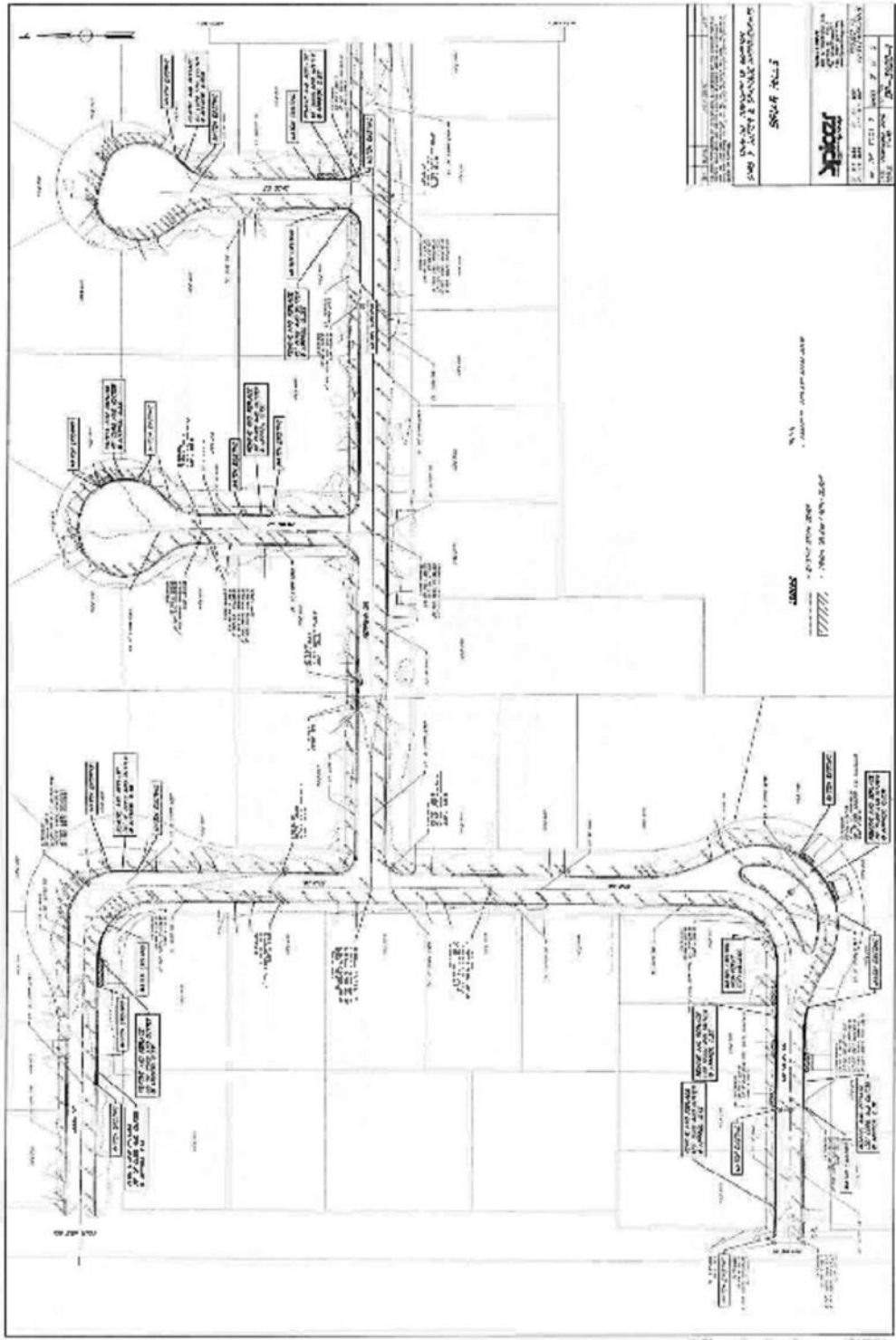
- ROAD
- PARCEL
- ASSESSMENT DISTRICT

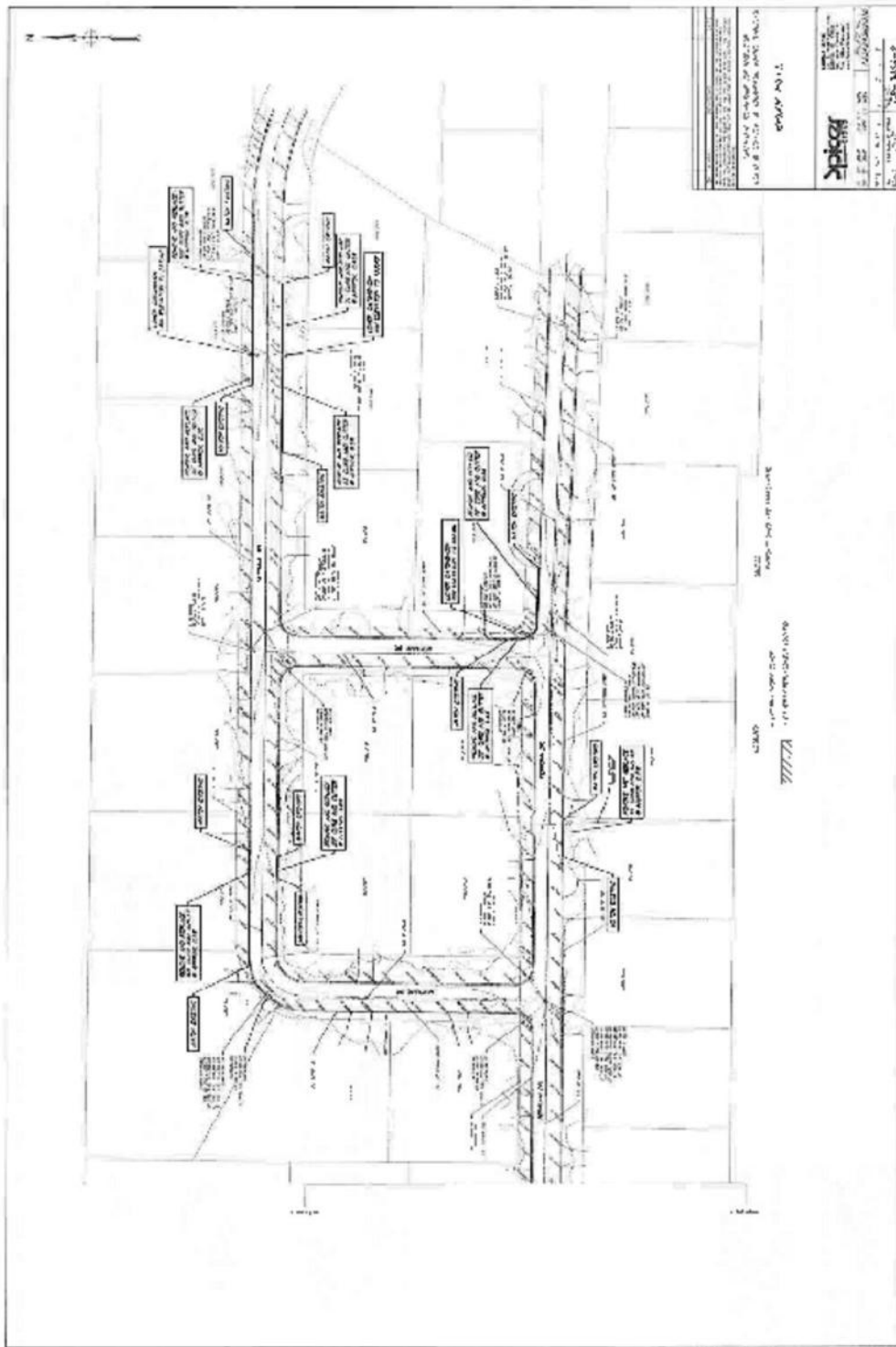
**PRELIMINARY ESTIMATE OF COST
 BRIAR HILLS DRAINAGE & CURB AND GUTTER IMPROVEMENTS
 CHARTER TOWNSHIP OF MONITOR
 BAY COUNTY, MICHIGAN**

Item No.	Estimated Quantity	Unit	Description	Unit Price	Amount
1.	1,420	Lin. Ft.	Concrete Curb and Gutter (Removal and Replacement)	\$35.00	\$49,700.00
2.	3	Each	Drainage Structure Adjustment	\$750.00	\$2,250.00
3.	825	Sft.	Concrete Driveway Restoration	\$6.00	\$4,950.00
4.	1	Lump Sum	Final Restoration, Clean Up and Traffic Control		<u>\$3,850.00</u>
Sub-Total Construction Cost					\$60,750.00
Design Engineering, Construction Administration, Staking, Inspection, and Contingencies					<u>\$19,250.00</u>
TOTAL PRELIMINARY ESTIMATE OF COST					\$80,000.00



June 9, 2016





R-2016-007 Resolution of Intent to Create Special Assessment District ó Westgate Sub.

**CHARTER TOWNSHIP OF MONITOR
BAY COUNTY, MICHIGAN**

**RESOLUTION OF INTENT TO CREATE SPECIAL ASSESSMENT DISTRICT
TO FINANCE THE CONSTRUCTION OF CURB AND GUTTER IMPROVEMENTS
AND DRAINAGE IMPROVEMENTS FOR WESTGATE SUBDIVISION, AND, TO
HOLD PUBLIC HEARINGS REGARDING SAME PURSUANT TO PUBLIC ACT
188 OF 1954.**

At a regular meeting of the Township Board of the Charter Township of Monitor, Bay County, Michigan, held at the Monitor Charter Township Hall on the 13th day of June, 2016, at 7:00 p.m., Eastern Daylight/Standard Time.

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

ABSENT: None

The following resolution was offered by Malkin and supported by Miller:

WHEREAS, the Township Board has 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 has 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 has prepared and filed a report for the Township Board's consideration, 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 \$75,000 all as described on the attached Exhibit B; and

WHEREAS, the Township Board tentatively determines 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

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

1. The Monitor Township Board does hereby tentatively declare its intent to create a Special Assessment District to make the proposed curb, gutter and drainage improvements described in the attached Exhibit B, together with the necessary work incidental thereto, within the proposed district described in the attached Exhibit A, in

accordance with the petitions submitted by benefitting property owners.

2. The Township Board tentatively designates the special assessment district against which the costs of the proposed curb, gutter and drainage improvements are to be assessed.

3. The initial assessment shall be established in an amount sufficient to provide sufficient funding to reimburse the Township all of its out-of-pocket expenses incurred including but not limited to publication, mailing and legal expenses, in review and approval of this assessment.

4. The Township Board shall conduct a public hearing to hear any objections to the petitions, to the proposed curb, gutter and drainage improvements, to the estimate of costs, and to the special assessment district proposed to be established for the assessment of the costs of such improvements, on July 12, 2016, at a regular meeting of the Township Board at the Monitor Township Hall at 2483 Midland Road, Bay City, Michigan commencing at 7:00 p.m.

5. The petitions, as well as the completed plans and estimates prepared by the Township Engineer, are currently on file with the Township Clerk, and shall remain available for public examination during ordinary business hours and at the public hearing.

6. That the Clerk be instructed to give proper notice of this public hearing by mailing a notice of this hearing and by publication in accordance with Act 188 of 1954.

Yeas: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin,
Miller
Nays: None
Absent: None

RESOLUTION DECLARED ADOPTED.

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED
SPECIAL ASSESSMENT DISTRICT FOR
WESTGATE SUBDIVISION

Special Assessment District Description:

Westgate - This special assessment district includes land described as follows:

Lots 1 - 42 of Westgate Subdivision in the NE 1/4 of the SW 1/4 of Section 24, Town 14 North, Range 4 East, Monitor Township, Bay County, Michigan.

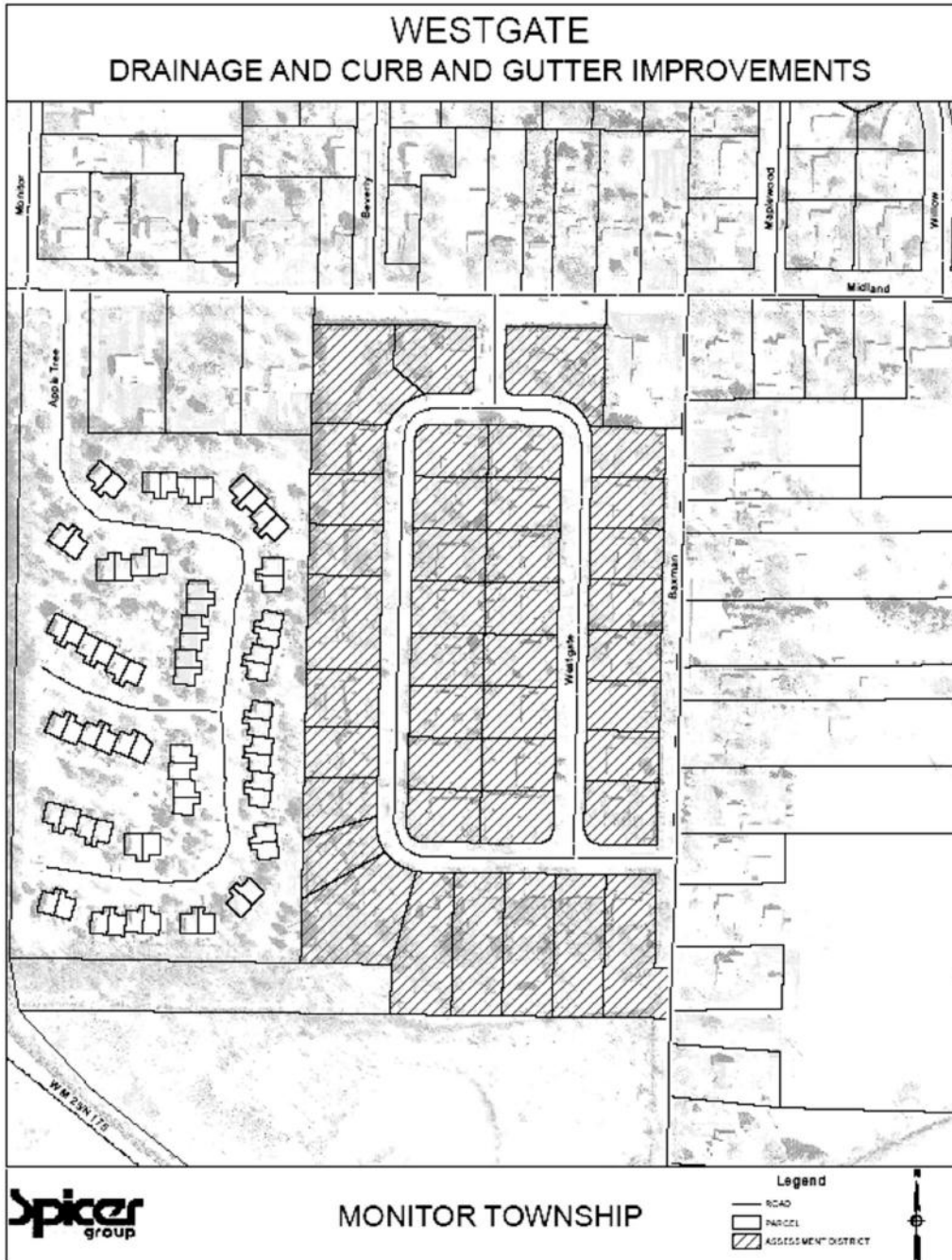
Parcels included in the special assessment district are as follows:

09-100-W05-000-001-00	09-100-W05-000-002-00	09-100-W05-000-003-00
09-100-W05-000-004-00	09-100-W05-000-005-00	09-100-W05-000-006-00
09-100-W05-000-007-00	09-100-W05-000-008-00	09-100-W05-000-009-00
09-100-W05-000-010-00	09-100-W05-000-011-00	09-100-W05-000-012-00
09-100-W05-000-013-00	09-100-W05-000-014-00	09-100-W05-000-015-00
09-100-W05-000-016-00	09-100-W05-000-017-00	09-100-W05-000-018-00
09-100-W05-000-019-00	09-100-W05-000-021-00	09-100-W05-000-022-00
09-100-W05-000-023-00	09-100-W05-000-024-00	09-100-W05-000-025-00
09-100-W05-000-026-00	09-100-W05-000-027-00	09-100-W05-000-028-00
09-100-W05-000-029-00	09-100-W05-000-030-00	09-100-W05-000-031-00
09-100-W05-000-032-00	09-100-W05-000-033-00	09-100-W05-000-034-00
09-100-W05-000-035-00	09-100-W05-000-036-00	09-100-W05-000-037-00
09-100-W05-000-038-00	09-100-W05-000-039-00	09-100-W05-000-040-00
09-100-W05-000-041-00	09-100-W05-000-042-00	

Note - Lot 20 has been combined between Lot 19 and Lot 21.

EXHIBIT B

ENGINEER'S REPORT SHOWING PROPOSED
LOCATION AND PROPOSED ESTIMATE OF COSTS
OF CURB, GUTTER AND DRAINAGE IMPROVEMENTS

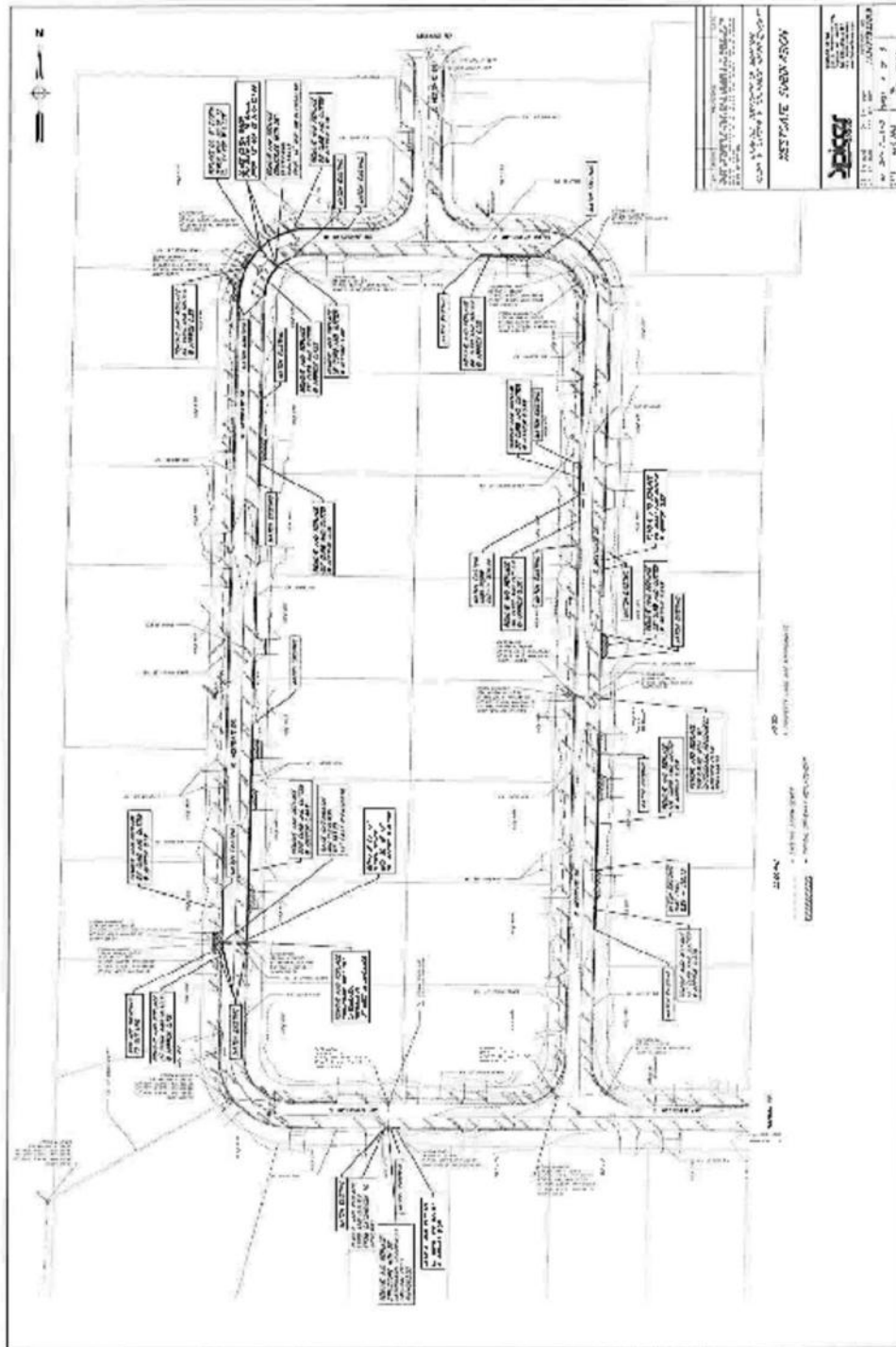


**PRELIMINARY ESTIMATE OF COST
WESTGATE DRAINAGE & CURB AND GUTTER IMPROVEMENTS
CHARTER TOWNSHIP OF MONITOR
BAY COUNTY, MICHIGAN**

Item No.	Estimated Quantity	Unit	Description	Unit Price	Amount
1.	945	Lin. Ft.	Concrete Curb and Gutter (Removal and Replacement)	\$35.00	\$33,075.00
2.	2	Each	Drainage Structure Adjustment	\$750.00	\$1,500.00
3.	4	Each	36" Catch Basin and Casting (in curb)	\$2,500.00	\$10,000.00
4.	60	Lin. Ft.	12" Storm Sewer (RCP C-76-IV)	\$50.00	\$3,000.00
5.	1,300	Sft.	Concrete Driveway Restoration	\$6.00	\$7,800.00
6.	1	Lump Sum	Final Restoration, Clean Up and Traffic Control		<u>\$2,875.00</u>
Sub-Total Construction Cost					\$58,250.00
Design Engineering, Construction Administration, Staking, Inspection, and Contingencies					<u>\$16,750.00</u>
TOTAL PRELIMINARY ESTIMATE OF COST					\$75,000.00



June 9, 2016



Consumers Energy Request to Re-adopt Franchise Ordinance

Attorney Sheppard provided a copy of correspondence he received from Consumers Energy stating their refusal to accept the Consumers Energy Franchise Ordinance 63 as it was adopted. It is their opinion MCL 42.2 requires publication of the complete ordinance after introduction

(First Reading) and after adoption. Sheppard maintains his opinion given to the Clerk, MCL 42.2 as it was later amended only requires publication *once* after adoption.

Motion by Kowalski supported by Miller to charge Consumers Energy the township's adopted ordinance amendment fee of \$1,000 for re-adoption of the Consumers Energy Franchise Ordinance.

Roll call vote:

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

No: Arnold

Absent: None

Motion carried.

Estimate to Replace AC Unit in Treasurer's Office

Motion by Kowalski supported by Miller to approve the estimates from Answer Heating & Cooling in the amount of \$3,929 to replace the air conditioning unit in the Treasurer's office and to approve the estimate from Wayne Bolduc in the amount of \$275 to provide the electrical work to install the unit.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Estimate to Replace Service Door in Pole Barn

Motion by Arnold supported by Miller to approve the estimate from Ponder Industrial in the amount of \$1,666.25 to replace the pole barn service door and frame and the additional \$125 charge to paint the door and frame at installation.

Roll call vote:

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

No: None

Absent: None

Motion carried.

ATS Printing Private Sewer Line Proposal

The Supervisor and township engineer had a meeting with ATS Printing and Bay Future to discuss a proposed sanitary sewer force main to transmit sewage from the ATS printing facility to the municipal gravity sanitary sewer. ATS proposes the line would be privately owned and operated; require a grinder connection and pump station; require permission and an easement from the ISD for the force main; and assume the cost to bore all the drains and roads.

ATS is requesting to have the township submit for the MDOT I-75 crossing permit.

Concern was expressed regarding the township's submittal to MDOT for a private sewer line. The board was also informed Bay County DWS refused to write the submittal to MDOT. There was also discussion that should this line remain private, a sewer agreement would need to be in place between ATS and the township.

Scherzer reported Spicer is reviewing the cost estimates provided by Civil Engineering, believing them to be below the actual cost.

It was also discussed that dependent on the cost, and ATS Printing commitment to installing the line, to explore the possibility of the township paying the extra costs to increase the size of the line and bring it to the road right of way on Three Mile, making it a public line for future expansion of Monitor's sewer system.

The meeting adjourned at 8:57 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor