

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
OCTOBER 28, 2019

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

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh
Members absent: None
Also present: R. Sheppard, township attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. and closed at 7:02 p.m.

Motion by Reder supported by Pike to adopt the agenda with the addition of Spicer Proposal for Steih Park Grant.

Motion carried.

Motion by Reder supported by Pike to approve the minutes of the September 23, 2019 regular meeting as presented.

Motion carried.

Motion by Pike supported by Kochany to approve the minutes of the October 16, 2019 special budget workshop meeting as presented.

Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$123,687.28 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Walsh supported by Reder to receive the Treasurer's Report for September 2019.

Motion carried.

Request for Reconsideration – Oteal2 LLC Medical Marihuana Class A Growing Facility

Motion by Walsh supported by Pike to approve the request submitted by Oteal2 LLC to reconsider the denial of the Medical Marihuana Class A growing facility made by the township board at the August 26, 2019 regular meeting and approve the Class A growing facility application.

Roll call vote:

Yes: Pike, Reder, Walsh

No: Malkin, Kowalski, Brandt, Kochany

Absent: None

Motion defeated.

DDA 2019 Budget Adjustments

Motion by Kowalski supported by Reder to approve the adjustments to the 2019 DDA budget as submitted in the letter to the board dated October 28, 2019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Proposed DDA 2020 Budget

Motion by Brandt supported by Reder to approve the proposed DDA 2020 budget as submitted in the letter to the board dated October 28, 2019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Meyer PA116 Application – 09-100-011-100-010-01

Motion by Brandt supported by Reder to approve the PA116 application submitted by Kendall and Heather Meyer for 22 acres of parcel 09-100-011-100-010-01 with an initial term of 10 years.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Second Reading and Adoption of Blight Ordinance 5b

Motion by Brandt supported by Kochany to have this meeting serve as Second Reading and adoption of Blight Ordinance 5b.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Possible First Reading of Ordinance 67-A, Amending Zoning Ordinance No. 67 - Sections 3.12, 3.22, 5.05, 9.07, 10.05, 17.02, and 17.12 and Amending Solar Energy - Sections 2.87, 5.03, 9.03, 10.03, and 3.52 of Zoning Ordinance No. 67 and Amending Accessory Buildings -Section 3.27

Motion by Reder supported by Brandt to have this meeting serve as first reading of Zoning Ordinance 67-A, an ordinance amending Sections 3.12, 3.22, 5.05, 9.07, 10.05, 17.02, and 17.12 and Amending Solar Energy - Sections 2.87, 5.03, 9.03, 10.03, and 3.52 of Zoning Ordinance

No. 67 and Amending Accessory Buildings -Section 3.27 and to set consideration of Second Reading and Adoption of the ordinance to the November 25, 2019 regular meeting.

Roll call vote:

Yes: Malkin, Brandt, Kochany, Reder

No: Kowalski, Pike, Walsh

Absent: None

Motion carried.

R-2019-007 Resolution of Intent to Amend the Township Trash S. A. Roll & Set Public Hearing
Motion by Brandt supported by Reder to adopt Resolution R-2019-007, a resolution of intent to amend the trash special assessment roll and set the public hearing for the next regular meeting of November 25, 2019 as follows:

**RESOLUTION OF INTENT TO AMEND SPECIAL ASSESSMENT
ROLL REGARDING MONITOR TOWNSHIP TRASH PICKUP
SERVICE, AND TO HOLD A PUBLIC HEARING REGARDING
SAME**

WHEREAS, on August 24, 1998, a Resolution of Intent to Proceed After Public Hearing was adopted, which Resolution established a Township wide special assessment district for trash pick-up, and

WHEREAS, the special assessment roll of all parcels in the Township to be included in the special assessment district was confirmed by the Monitor Township Board after public hearing held September 14, 1998, and

WHEREAS, the Township has executed a Township Wide Residential Trash Removal Agreement to effectuate the trash pick-up program, and

WHEREAS, it has now become necessary to add as many as twenty-two (22) parcels and delete as many as twenty (20) parcels from the special assessment roll as originally adopted, and

WHEREAS, any amendment to a confirmed special assessment roll for any special assessment district created pursuant to Public Act 188 of 1954, requires a public hearing and notice of said hearing;

NOW THEREFORE BE IT RESOLVED that a public hearing shall be conducted upon the amendment of the special assessment roll, which hearing will be held at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m. on November 25, 2019.

BE IT FURTHER RESOLVED that the Clerk and the Assessor shall prepare an Amended Assessment Roll which shall include all parcels necessary to be added and all parcels to be deleted from the Special Assessment Roll previously confirmed by this Board, and

IT IS FURTHER RESOLVED that the Clerk shall mail notification to the owners of record of each parcel being added to or deleted from the special assessment roll, and publish notice two times in a newspaper

of general circulation within the Township in a manner consistent with the notice requirements of Act 188 of 1954.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Use of the Township Recording Equipment

Motion by Kowalski supported by Kochany reconfirm that the recording equipment is to be used strictly for the purpose to aid in the preparation of township board, planning commission and ZBA minutes and such recordings shall be destroyed the day after such meeting minutes are approved. Further, transcription of these recordings shall not be allowed.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany

No: Malkin, Reder, Walsh

Absent: None

Motion carried.

Proposed 2019 Budget Adjustments – General, Liquor, Sewer, Capital Improvement Funds

Motion by Pike supported by Reder to approve the 2019 budget adjustments to the General, Liquor, Sewer, and Capital Improvement Funds as presented.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Proposed Additions to 2019 Road Improvements from General Fund and/or Road Millage Fund

Malkin stated he is seeking board commitment to do road improvements in Pepper Berry Creek Subdivision in 2020; not 2019 as printed on the agenda.

Questions were raised regarding how much money is left in the road millage budget; what road improvements were started in 2019 that will carry over into 2020? Why wasn't Pepper Berry included in the phases for the road millage project?

Motion by Reder supported by Walsh to table consideration of the proposed 2020 road improvements for Pepper Berry Subdivision to the next regular meeting to gather additional information.

Motion carried.

USDA Loan for Sanitary Sewer Improvements

S. Szaroletta - Spicer, stated he and Supervisor met with T. Shank from Rural Development to discuss the township USDA loan application for sewer improvements. Rural Development is insisting the township contribute \$269,000 from the township sewer fund for the capital improvements, reducing the loan amount to \$3,631,000.

Kowalski stated the board's intent from the very beginning was to apply for a loan for the full amount of the project and not have a requirement for township contribution. That is the way it was first introduced in December 2018 when the Township passed the motion to apply for the State Revolving Fund Loan and that motion was later changed to the USDA Loan application in January 2019 at Spicer's recommendation. Kowalski stated it has taken years to build up the township's sewer fund through tap fees. The board approved \$390,000 for sewer improvements in more immediate need of repair to be done this year outside of the scope of the loan project. Added to this, the township also approved bond and legal council for the loan in the amount of \$56,700. If you add the \$269,000 required contribution it would reduce the township sewer fund from \$1,330,000 at the beginning of the year to \$561,846 at the end of 2019.

D. Scherzer – Spicer, stated the reason they recommended the USDA loan was because the township had a better chance to get it as opposed to the State Revolving Fund loan where you submit the application and then take the chance of being selected.

Reder asked what is the difference in the interest rate.

Scherzer replied the USDA is a 40-yr. loan at 3 ½% to 4% interest. The State Revolving fund loan is a 20-yr. loan at 1 ½% to 2% interest.

Malkin stated the USDA loan is a sure thing and the payments would be lower over the 40-yr. term and the township could increase the rate to recoup the \$269,000.

The board asked to see how both loans would compare for total cost of the loan and how that would reflect to the needed rate increase to our residents to make the loan payments. Another thing that needs to be considered is what rate increase will be needed to cover our costs at DWS.

Motion by Reder supported by Walsh to table the USDA Loan proposal for sanitary sewer improvements to the next regular meeting to determine what the rate increase would be to our residents to cover the loan issuance and payback costs.

Motion carried.

R-2019-008 Resolution Approving Consumers Energy Contracts 1000 0023 2775 & 1030 3558 1760

Motion by Reder supported by Walsh to adopt Resolution R-2019-008, a resolution approving Consumers Energy contracts 1000 0023 2775 & 1030 3558 1760 as follows:

**RESOLUTION APPROVING THE
CONSUMERS ENERGY LIGHTING SERVICE CONTRACTS**

RESOLVED, that it is hereby deemed advisable to enter into a contract 1000 0023 2775 with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the Charter Township of Monitor for a period of 5 year(s) and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this township board; and

BE IT FURTHER RESOLVED that it is hereby deemed advisable to enter into a contract 1030 3558 1760 with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the Charter Township of Monitor for a period of 5 year(s) and thereafter

from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this township board; and

BE IT FURTHER RESOLVED that the Supervisor and Clerk be and are authorized and directed to execute such contracts on behalf of the Charter Township of Monitor.

Roll call vote:

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

No: None

Absent: None

Motion carried.

American Tower Proposal to Extend Contract for Leased Area

American Tower has initiated communication with the Clerk regarding their lease of the cell tower area at the township park. The current lease expires in 2028, but they would prefer the lease is renewed in the near future.

The Clerk supplied board members with the initial proposal.

It was the consensus of the board for the Clerk to continue negotiations with American Tower requesting a “substantial” increase to the percentage and lump sum offered as well as a shorter term for the lease renewal.

Supervisor’s Recommendation - Planning Commission Appointments

Motion by Reder supported by Kochany to reappoint Jack Frank and appoint James Meier to the Planning Commission for a three-year term beginning 1/1/2020 and ending 12/31/2022 as recommended by the Supervisor in his memo to the board dated October 17, 2019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Supervisor’s Recommendation - ZBA Appointments

Motion by Reder supported by Walsh to reappoint Joy Krueger and appoint Amy Lyday to the ZBA for a three-year term beginning 1/1/2020 and ending 12/31/2022 as recommended by the Supervisor in his memo to the board dated October 17, 2019

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2019-009 Resolution Adopting Employee 2020 Wages

Motion by Pike supported by Reder to adopt Resolution R-2019-009, a resolution adopting 2020 wages for non-elected township personnel as follows:

RESOLUTION ADOPTING WAGES FOR NON-ELECTED TOWNSHIP PERSONNEL

NOW THEREFORE BE IT RESOLVED, that as of **January 1, 2020**, the wage rates of full-time hourly township employees shall be as follows:

Administrative Secretary	\$ 13.00 per hour
Deputy Clerk	\$ 21.22 per hour
Deputy Treasurer	\$ 17.00 per hour
Fire Chief	\$ 22.74 per hour
Assistant Fire Chief	\$ 21.42 per hour
Fire Captain	\$ 20.44 per hour
Fire Lieutenant	\$ 19.08 per hour
Fire Sergeant	\$ 15.00 per hour

BE IT RESOLVED, that as of January 1, 2020, the wage rates of part-time township hourly employees shall be as follows:

Building Official & Inspector	
50% of Building Permit Fees	
80% of Plan Review Fees	
Meeting/Training Wage	\$ 31.96 per hour

Electrical, Plumbing, & Mechanical Inspectors
80% of Building Permit Fees & Plan Review Fees

Zoning Administrator	\$ 25.08 per hour
Zoning & Code Enforcement Assistant	\$ 11.92 per hour

Part-Time Fill-In Receptionist	\$ 11.92 per hour
Part-Time Fill-In Receptionist- Zoning & Code Enforcement Assistant	\$ 11.92 per hour

Township Custodian	\$ 10.51 per hour
Weekend Hall Custodian	\$ 10.51 per hour
Park Maintenance Custodian	\$ 10.51 per hour
Park Custodian - \$606.83/Month for the Park Season	

BE IT RESOLVED, that as of January 1, 2020, the hourly wage rates of Regular On-call Fire Fighters shall be as follows:

First Hour	\$20.72 per hour
Second Hour	\$12.41 per hour
Training Wage	\$12.73 per hour

BE IT RESOLVED, that as of January 1, 2020, the hourly wage rates of Probationary On-call Fire Fighters shall be as follows:

First Hour	\$18.63 per hour
Second Hour	\$11.19 per hour
Training Wage	\$12.73 per hour

BE IT RESOLVED, that as of January 1, 2020, the salaries of full time township salaried employees shall be as follows:

Assessor - Contracted	\$39,436.13 per year
Assistant Assessor	\$44,290.00 per year

BE IT RESOLVED, that as of January 1, 2020, Planning Commission and ZBA Members shall be paid the following for each meeting:

Chairman	\$67.00 per meeting
Vice-Chairman	\$62.00 per meeting
Secretary	\$67.00 per meeting
Members	\$62.00 per meeting

BE IT RESOLVED, that as of January 1, 2020, Board of Review Members shall be paid at a rate of \$14.50 per hour for each meeting.

BE IT RESOLVED, that as of January 1, 2020, Election Chairmen shall be paid at rate of \$200 for each election and Election Inspectors shall be paid at a rate of \$180 for each election.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2019-010 Resolution Adopting 2020 Wages for Elected Officials

Motion by Kowalski supported by Reder to adopt Resolution R-2019-010, a resolution adopting 2020 wages for elected officials as follows:

RESOLUTION ADOPTING WAGES FOR ELECTED TOWNSHIP OFFICIALS

NOW THEREFORE BE IT RESOLVED, that as of January 1, 2020, the wage salary of full time Township elected officials shall be adopted as follows:

Supervisor	\$ 58,015.10
Clerk	\$ 58,015.10
Treasurer	\$ 58,015.10

BE IT RESOLVED, that as of January 1, 2020, the salaries of elected Township Trustee's shall be adopted at a wage of \$6,580.54 per Trustee, (making a combined total of \$26,322.16 for this office).

Roll call vote:

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

No: None

Absent: None

Motion carried.

Spicer Proposal for Steih Park Grant

D. Scherzer presented board members with a copy of the proposed concept plan Mike Kelly from the Kawkawlin River Watershed asked him to prepare for improvements to Steih Park. The proposal they submitted would be for them to work on behalf of Monitor Township to apply for a Michigan Department of Natural Resources Grant application in the amount of \$4,500.

Scherzer stated the submittal for the grant application is due April 1, 2020. The grants are awarded in December 2020 and 2021 is the earliest construction would start if the township is awarded the grant.

L. Greene stated public access is needed for people to use the Kawkawlin River which would provide an opportunity for non-residents to come to our township and potentially increase revenue for local businesses.

Kowalski stated a lot of work has just been done at Steih Park through the US Forestry Grant. The proposed concept plan improvements would eliminate a portion of that project. Kowalski stated a lot of these state and federal grants require that the improvements are maintained and she does not want the township to be in the position where it would have to repay the cost for all those improvements.

Greene stated the new trees could be removed and replanted.

Pike stated she did not see the need for a playground at Steih Park.

Scherzer stated it would be a nature playground area and would not have any equipment installed.

Kochany questioned the removal of the existing paved walkway and how the stone seawall would hold up to the spring flooding.

There was also discussion regarding the need for the proposed gazebo, stating it could create an ideal spot for loitering and would require maintenance.

Kowalski stated the board is seeing this plan for the first time tonight and would like more time for board input before approving the Spicer proposal to begin the grant application. It would also give time to investigate if this plan would create a conflict with the US Forestry grant.

Motion by Reder supported by Walsh to approve the October 16, 2019 proposal submitted by Spicer Engineering to prepare and develop a MDNR Grant application for Steih Park in the amount of \$4,500 contingent upon the project not being in conflict with the US Forestry Grant for Steih Park.

Roll call vote:

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

No: Kowalski

Absent: None

Motion carried.

REPORTS

Attorney Sheppard gave a report regarding the Monitor vs. Miller case.

Malkin reported gravel has been put down at the Monitor Park.

The meeting adjourned at 9:25 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor