REGULAR MEETING
January 14, 2020

PERE MARQUETTE CHARTER TOWNSHIP BOARD
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Gerald Bleau; Clerk Rachelle Enbody; Treasurer Jacalyn Sroka; Trustees: Andrew Kmetz, James Nordlund Sr., and Henry Rasmussen.

Board member absent: Trustee Paul Piper.

Also present: James Bernier (JMB Associates), John Bradley (Spicer Group), Hannah Hubbard (Ludington Daily News), County Commissioner Steve Hull, and seven guests.

Present for a portion of the meeting: Sheriff Kim Cole.

The meeting was called to order at 6:30 p.m. by the Supervisor. Invocation was given by Smith; Pledge of Allegiance was recited by all. The minutes of the December 26, 2019 meeting and the current agenda were approved by consent.

PUBLIC COMMENT: Sheriff Cole reported on 82 calls for service in December 2019 and county-wide totals for 2019.

PUBLIC HEARING: A. Parks, Recreation and Open Space Plan – The public hearing was called to order by the Supervisor at 6:35 p.m. The purpose of the hearing is to hear comments on the Park, Recreation and Open Space Plan. Notice of the 30-day plan review period was published in the Ludington Daily News on December 13, 2019 and the notice of public hearing was published in the Ludington Daily News on January 7, 2020.

Consultant James Bernier of JMB Associates gave a presentation which reviewed the eight sections of the plan and the process involved with plan preparation.

Three comments were received regarding the bike trail on Iris Road and South Lakeshore Drive which is not a part of the Pere Marquette Parks system or the Parks Plan. Bleau stated he will forward their comments and concerns to the Michigan Department of Transportation.

One commenter stated she was pleased with the Board’s foresight to develop the Plan to include the acquisition property, to plan for improving and maintaining the property with the establishment of an endowment fund and expressed that when the south pond property is remediated, to keep the topography as low as possible to maintain views.

No further comments were received and the public hearing was closed at 7:14 p.m.

NEW BUSINESS: A. Resolution for the Designation of Depositories – The purpose of the resolution is to provide for the deposit of the money coming into the possession of the treasurer of the township. The township board is required to approve by resolution the financial institutions in which the treasurer may deposit funds.

The following Resolution was offered by Sroka, and supported by Rasmussen:

RESOLUTION FOR THE DESIGNATION OF DEPOSITORIES

WHEREAS, under the laws of the State of Michigan, this board is required to provide by resolution for the designation and deposit of all public money, including tax money, coming into the possession of the township treasurer, in one or more financial institutions, hereinafter called institution(s), to be designated in such Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer is hereby authorized to deposit all public money, including tax money, now in or coming into the possession of the Treasurer, in the following financial institutions:

West Shore Bank
Fifth Third Bank
Chemical Bank
PNC Bank

Metabank
Morgan Stanley Smith Barney, LLC
Comerica Securities
Safe Harbor Credit Union

Michigan Class
Preferred Credit Union

Roll call vote: Yes: Kmetz, Rasmussen, Sroka, Bleau, Enbody and Nordlund.
No: None.
Absent: Piper.

Resolution declared adopted.
B. Agreement for the Collection of Summer School Property Taxes – Moved by Sroka, seconded by Rasmussen to enter into an agreement with the Ludington Area School District for the collection of 2020 summer property taxes at a reimbursed amount of $4.00 per parcel and to authorize the Supervisor and Clerk to sign the agreement.

Motion carried.

C. Performance Resolution for Governmental Agencies – This resolution is required by the Michigan Department of Transportation for the purpose of issuing a municipality a permit in order to construct, operate, use and/or maintain utilities or conduct other activities within State Highway Right of Way locations within its corporate limits.

The following Resolution was offered by Bleau and supported by Kmetz:

**PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

RESOLVED WHEREAS, the Charter Township of Pere Marquette hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employees, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the GOVERNMENTAL AGENCY by a contractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

<table>
<thead>
<tr>
<th>Title:</th>
<th>Name:</th>
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<tbody>
<tr>
<td>Township Supervisor</td>
<td>Gerald A. Bleau</td>
</tr>
<tr>
<td>DPW/Water/Sewer Superintendent</td>
<td>Andrew Larr</td>
</tr>
<tr>
<td>Township Clerk</td>
<td>Rachelle Enbody</td>
</tr>
</tbody>
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Resolution declared adopted.

D. Resolution to Adopt Poverty Exemption Income Guidelines and Asset Test – Bleau explained that local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines. The poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. MCL 211.7u requires local units to annually adopt a policy, including an asset test, used to approve or deny poverty exemptions.

Resolution to Adopt Poverty Exemption Income Guidelines and Asset Test

WHEREAS, the homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the township board is required by Section 7u of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.7u), to adopt guidelines for poverty exemptions;

NOW, THEREFORE, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u, that Pere Marquette Charter Township, Mason County, adopts the following guidelines for the supervisor and board of review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis:

1) Be an owner of and occupy as a homestead the property for which an exemption is requested.

2) File a claim with the supervisor or board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.

3) Produce a valid drivers' license or other form of identification if requested.

4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.

5) Meet the federal poverty income guidelines as defined and determined annually by the United States Office of Management and Budget.
6) Meet additional eligibility requirements as determined by the township board, including: the disclosure of assets as outlined in the Poverty Exemption Application, the total of which must not exceed 2.5 times the current federal poverty income guidelines.

BE IT ALSO RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

The foregoing resolution was offered by Board Member Bleau and supported by Board Member Rasmussen.

Roll call vote: Yes: Nordlund, Enbody, Bleau, Sroka, Rasmussen and Kmetz.
No: None.
Absent: Piper.

The Supervisor declared the resolution adopted.

E. Resolution to Adopt Park, Recreation and Open Space Master Plan

RESOLUTION OF ADOPTION OF THE PARKS, RECREATION & OPEN SPACE PLAN

WHEREAS, the Charter Township of Pere Marquette has undertaken a planning process to determine the recreation and natural resource conservation needs and desires of its residents during a five-year period covering the years 2020 through 2024, and

WHEREAS, the Charter Township of Pere Marquette began the process of developing a community recreation and natural resource conservation plan in accordance with the most recent guidelines developed by the Department of Natural Resources and made available to local communities, and

WHEREAS, residents of the Charter Township of Pere Marquette were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions, and discuss all aspects of the recreation and natural resource conservation plan, and

WHEREAS, the public was given a well-advertised opportunity and reasonable accommodations to review the final draft plan for a period of at least 30 days, and

WHEREAS, a public hearing was held on January 14, 2020 at Pere Marquette Charter Township Hall, Ludington, MI 49431 to provide an opportunity for all residents of the planning area to express opinions, ask questions, and discuss all aspects of the Parks, Recreation & Open Space Plan, and

WHEREAS, the Charter Township of Pere Marquette has developed the plan as a guideline for improving recreation and enhancing natural resource conservation for the Charter Township of Pere Marquette, and

WHEREAS, after the public hearing, the Pere Marquette Charter Township Board of Trustees voted to adopt said Parks, Recreation & Open Space Plan.

NOW, THEREFORE BE IT RESOLVED the Charter Township of Pere Marquette Board of Trustees hereby adopts the Parks, Recreation & Open Space Plan.

Moved by Bleau, seconded by Enbody to adopt the foregoing resolution.

Roll call vote: Ayes: Kmetz, Rasmussen, Sroka, Bleau, Enbody and Nordlund.
Nays: None.
Absent: Piper.

Resolution declared adopted.

F. Resolution to Amend Project Agreement – Bleau explained that Dow has requested that an area of the acquisition property be retained by Dow for future restoration of an adjacent parcel owned by Dow. The project agreement requires approval of the amendment by the governing body.
The following Resolution was offered by Bleau and supported by Enbody:

### Resolution to Accept Boundary Change for Land Acquisition Project #TF17-0016

“Resolved, the Charter Township of Pere Marquette, Mason County, Michigan, does hereby accept the boundary adjustment of 24.26 acres, (sand borrow area) as presented in the application for amendment to project number TF17-0016”.

Roll call vote:  
Ayes: Nordlund, Enbody, Bleau, Sroka, Rasmussen and Kmetz.  
Nays: None.  
Absent: Piper.

Resolution declared adopted.

G. **Consider Water Main Project** – Board members reviewed correspondence from Spicer Group with the tabulation of the bids received for the Lakeshore Drive water main project. The project manager is recommending the low bid of $492,770.00 by Gustafson HDD, LLC.

Moved by Bleau seconded by Kmetz to award the Lakeshore Drive water main project to Gustafson HDD, LLC at a total bid amount of $492,770.00.

Motion carried.

H. **Consider Zoning Board of Appeals Appointment** – Moved by Sroka, seconded by Nordlund to appoint Ronald Mousel as an alternate member of the Zoning Board of Appeals for the term ending December 31, 2022.

Motion carried.

COMMITTEE REPORTS:  
Planning Commission (Kmetz) – Kmetz reported that the Planning Commission approved the site plan for Vacation Station for expansion of the campground.

EMPLOYEE REPORTS:  
Assessor (Hall) – Reported that the personal property statements have been mailed and that letters have also been mailed to residents that have veterans’ exemptions to remind them of the annual requirement to file an affidavit confirming their eligibility.

Zoning Administrator / Code Enforcement (Lange) – Provided a report detailing permit activity for December including year-end totals for 2019. Reported making the transition from deputy clerk to zoning administrator and is continuing to work with the clerk’s office to complete year-end balancing for the annual audit.

DPW/Water/Sewer Superintendent (Larr) – Reported working through the bidding process for the Lakeshore Drive water main project and working with the Road Commission to coordinate the installation of a sanitary sewer line during the Road Commission’s Rasmussen Road project. Reported continuing with the replacement of water meters.

Fire Department (Gaylord) – Reported on forty-nine responses in December of 2019 and a year-end total of forty more runs than in 2018.

Parks / Facilities Manager (Smith) – Reported working with the consultant on the five-year park plan, the changes to the grant agreement for the property acquisition, the new grant received for preparing a Master Plan for the acquisition property and also attending meetings for park trails, invasive species treatments, and shoreline mitigation concerns.

Bleau added that he is working with the DPW and the Parks departments to make sure the shoreline erosion issues are addressed and that the township assets are protected.

OFFICERS REPORTS:  
Clerk (Enbody) – Reported entering the 2019 budget amendments into the database, completing the entry of the 2020 budgets into the database and working on year-end balancing and audit preparation. Enbody will be interviewing for the temporary election staff position next week and has contacted election inspectors to begin preparation for the March Presidential Primary.

Enbody provided a list of current invoices for approval.
Moved by Enbody, seconded by Kmetz to approve payment of invoices totaling $163,075.57. Motion carried.

Treasurer (Sroka) – Reported working on fourth quarter water and sewer billing, tax bills and year-end balancing.

Supervisor (Bleau) – Reported attending a meeting of the Mason County Growth Alliance which dissolved the Growth Alliance and turned the funds and administration over to the Chamber of Commerce. Bleau requested to be on the committee to hire the new Growth Alliance Director.

ANNOUNCEMENTS: The Mason County Township Officers Association Meeting is scheduled for Thursday, January 16, 2020 at 7:30 p.m. at Pere Marquette Charter Township.

EXTENDED PUBLIC COMMENT: Fran Kalchik asked questions about the new school and school property. Ron Soberalski asked about the appointment to the Zoning Board of Appeals and requested information on being a part of the committee to help with the planning for the acquisition property. Soberalski also asked about the boat launch plan that was developed for the acquisition property. Smith stated he will notify Soberalski of acquisition property future planning meetings.

County Commissioner Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

The meeting was adjourned by the Supervisor at 7:55 p.m.

Rachelle D. Enbody, CMC, Township Clerk

Gerald A. Bleau, Township Supervisor