

**REGULAR MEETING
January 11, 2022**

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 Karie Bleau; Trustees: James Nordlund Sr., Henry Rasmussen, and Ronald Soberalski.
Board member absent: Trustee Andrew Kmetz.
Also present: Larry Gaylord, and County Commissioner Lew Squires.
Present for a portion of the meeting: Sheriff Kim Cole and County Commissioner Steve Hull.

The meeting was called to order at 6:00 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all. The minutes of the December 28, 2021 meeting and the current agenda were approved by consent.

PUBLIC COMMENT: County Commission Lew Squires reported on the most recent meeting of the Mason County Board of Commissioners.

NEW BUSINESS: A. Resolution to Adopt Poverty Exemption 2022 Income Guidelines and Asset Test #2022-1 – Bleau explained that the law requires the governing body to annually adopt a policy, including an asset test, used to approve or deny poverty exemptions.

Resolution to Adopt Poverty Exemption 2022 Income Guidelines and Asset Test #2022-1

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 **prior to the close of the December Board of Review:**

- 1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- 2) File Forms 5737 and 5739 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, or Form 4988 if no federal or state income tax return was required.
- 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. The guidelines for 2022 are as follows:

Size of Family Unit	Poverty Guidelines
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040

6	\$35,580
7	\$40,120
8	\$44,660
For each additional person	\$4,540

6) Meet additional eligibility requirements as determined by the Township Board, including: the disclosure of assets as outlined in Form 5737, 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. No deviation from the adopted policy or guidelines is permitted per Public Act 253 of 2020.

The foregoing resolution was offered by Nordlund and supported by K. Bleau.

Roll call vote: Yes: Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, and Nordlund.
 No: None.
 Absent: Kmetz.

The Supervisor declared the resolution adopted.

B. Performance Resolution for Municipalities #2022-2 – 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 Enbody and supported by Soberalski:

Performance Resolution for Municipalities #2022-2

RESOLVED WHEREAS, the Charter Township of Pere Marquette hereinafter referred to as the "MUNICIPALITY," 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY. Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY.

Title:	Name:
Township Supervisor	Gerald A. Bleau
DPW/Water/Sewer Superintendent	Andrew Larr
Township Clerk	Rachelle Enbody

Resolution declared adopted.

C. **Consider Agreement for the Collection of Summer Property Taxes for Ludington Area Schools** – MCL 211.43 subsections (12) and (13) allow for agreements between the township and a taxing unit that authorize the township to retain the earned interest on that taxing units’ collections. The Ludington Area School District Agreement authorizes a reimbursement of \$4.00 per parcel for the collection of summer property taxes for the school district.

Moved by Rasmussen, seconded by Soberalski to enter into an agreement with the Ludington Area School District for the collection of 2022 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.

D. **Consider Sewer Rate Resolution #2022-3** – Board members reviewed the proposed changes to the Sewer Rate Resolution which include a change in the usage rate from \$5.11 to \$5.25 per hundred cubic feet, an increase in the readiness-to-serve charges, a change in the flat rate sewer charge for single and two-family residences from \$89.95 to \$112.55 per quarter and to provide for an effective date for the quarter beginning on January 1, 2022. The change to the usage rate represents a 3% increase based upon the annual increase recommended by the 2015 Rate Study, an increase in the rates charged by the City of Ludington and as specified in the terms of the Wholesale Water & Sewer Agreement. The change to the readiness-to-serve rate(s) and the flat rate represent an increase to the rates charged to the Township by the City of Ludington.

The following **Resolution** was offered by K. Bleau, and supported by Nordlund:

**PERE MARQUETTE CHARTER TOWNSHIP
SEWER RATE RESOLUTION #2022-3**

WHEREAS, Code of Ordinances, Chapter 30, Article III, Sewer and Sewage Disposal (the “Code”) provides that the Township Board shall establish sewer user rates and charges from time to time; and

WHEREAS, the Township Board desires to establish such rates and charges as are set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Section 30-239 of the Code, the following sewer connection charges are established:

- a. Sewer Stub Installation Charge (For all connections, except those connections to the portion of the System, as defined in the Sewer Ordinance, financed by a Sewer Special Assessment District in which the construction of the sewer stub is part of the initial construction project or portions of the System built by a third party without cost to the Township), The charges to connect shall be:

Gravity sewers	\$950.00
Small diameter pressure sewers (per lf)	\$10.00

Lineal footage for stub charges for pressure sewers should be measured from the stub to the connection point for the premises.

- b. Frontage Charge A connection to the System as provided in the Code shall be as provided in the following table: Frontage cost will be divided by two when connections are available on both sides of the road.

Gravity Sewers (per front lf)	\$40.00
Pressure Sewers (per front lf)	\$10.00

- c. Trunkage Charge For all connections, except those connections made directly to the City of Ludington sewer transmission system, the charge shall be as follows:

5/8 & 3/4"	\$1,250.00
1"	\$3,125.00
1-1/2"	\$6,250.00
2"	\$10,000.00
3"	\$20,000.00
4"	\$31,250.00
6"	\$62,500.00
8"	\$100,000.00
10"	\$143,750.00
12"	\$268,750.00

- d. Grinder Pump Charge For all connections requiring use of a grinder pump the charge shall be billed at actual cost for time, materials, and service charges as needed.

2. Pursuant to Section 30-240 of the Code, interest at a rate of prime plus 2% per annum shall be charged on the unpaid balance when the applicant elects to pay the frontage and trunkage charges, or any part thereof, in installments.

3. Pursuant to Section 30-241 of the Code, the following Sewer Rates and Other Charges are established:

- a. **\$5.25** per 100 cubic feet of water utilized per calendar quarter plus a quarterly readiness-to serve charge determined as follows:

5/8 & 3/4"	\$14.00
1"	\$34.85
1-1/2"	\$69.70
2"	\$111.50
3"	\$227.60
4"	\$348.35
6"	\$696.75
8"	\$1,114.80
10"	\$1,602.50
12"	\$2,996.00

- b. Charge for single- and two-family residences not connected to public water - \$112.55 per quarter

c. Meter test - \$100

- d. Development plan review and inspection, including testing and compiling construction records for subdivisions, site condominiums, multi-family dwellings and other types of residential, commercial or industrial developments where a sewer line and/or stub is constructed as part of the development - shall be charged at cost for labor, materials and any necessary services.
- e. Service call for turn-on, turn-off, meter removal and/or meter re-installation (exclusive of emergency situations)- \$50 each time
- f. Temporary metered discharge to System - \$100 plus commodity charge. The commodity charge may be adjusted on a case-by-case basis when requested by a commercial or industrial customer. Each request will be reviewed by the Water and Sewer Committee, who will then establish a revised temporary rate
- g. Service for meter reading outside the regular meter reading schedule for special billing purposes - \$50

Charges for partial quarters shall be prorated.

- 4. Pursuant to Section 30-245 of the Code, service calls for repair/replacement of damaged meters and/or sewer lines shall be charged actual costs for labor, materials and any necessary services.
- 5. This resolution shall be effective immediately and shall be applicable for the current quarter beginning on January 1, 2022 and continuing thereafter until modified by future resolution of the Board
- 6. All resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

Roll call vote: Yes: Nordlund, Enbody, G. Bleau, K. Bleau, Rasmussen, and Soberalski.
 No: None.
 Absent: Kmetz.

Resolution declared adopted.

E. **Consider Water Rate Resolution #2022-4** – Board members reviewed the proposed changes to the Water Rate Resolution which include a change in the usage rate from \$3.62 to \$3.75 per hundred cubic feet for residential usage, a change in the usage rate for Michigan Power Limited Partnership from \$1.24 to \$1.32 per hundred cubic feet and to provide for an effective date for the quarter beginning on January 1, 2021. The change in the residential usage rate represents a 6.8% increase based upon the annual increase recommended by the 2015 Rate Study, a cost-of-living increase, and an increase in the rates charged by the City of Ludington. The Michigan Power usage rate increase is determined by the change in the CPI-U as specified in the terms of the Water Supply Agreement.

The following **Resolution** was offered by K. Bleau, and supported by Soberalski:

**PERE MARQUETTE CHARTER TOWNSHIP
 WATER RATE RESOLUTION #2022-4**

WHEREAS, Code of Ordinances, Chapter 30, Article II – Water System (the “Code”) provides that the Township Board shall establish water user rates and charges from time to time; and

WHEREAS, the Township Board desires to establish such rates and charges as are set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Under Section 30-61 of the Code, the following charges are established for the Township’s water system (“System”):

- a. Water Service Tap Installation Charge (For all connections, except those connections to the portion of the System, as defined in the Water Ordinance, financed by a Water Special Assessment District in which the construction of the water tap is part of the initial construction project or portions of the System built by a third party without cost to the Township), the charges to connect shall be:

1”	\$825.00
1-1/2”	\$900.00
2”	\$1,000.00
Over 2”	At cost

At cost calculations will include time and materials.

- b. Frontage Charge A connection to the System as provided in the Code shall be \$25 per front lineal foot. Frontage cost will be divided by 2 if connections are available on both sides of the road.
- c. Benefit Charge For all connections, except those connections served directly by the City of Ludington water system, the charge shall be as follows

5/8 & 3/4"	\$425.00
1"	\$1,063.00
1-1/2"	\$2,125.00
2"	\$3,400.00
3"	\$6,800.00
4"	\$10,625.00
6"	\$21,250.00
8"	\$34,000.00
10"	\$48,875.00
12"	\$91,375.00

2. Pursuant to Section 30-62(c) of the Code, interest at a rate of prime plus 2% per annum shall be charged on the unpaid balance when the applicant elects to pay the frontage and benefits charges, or any part thereof, in installments.
3. Pursuant to Section 30-63 of the Code, the following Other Charges are established:
- Metered fire hydrant use (including cost for filling a swimming pool or providing water for a construction project) - \$100 plus cost of water used
 - Meter test - \$100
 - Service call for turn-on, turn-off, meter removal and/or meter re-installation (exclusive of emergency situations)- \$50 each time
 - Service call for turn-on after delinquent water bill paid - \$50
 - Cross connection enforcement/turn-off - \$150
 - Service for meter reading outside the regular meter reading schedule for special billing purposes - \$50
 - Development plan review and inspection, including testing and compiling construction records for subdivisions, site condominiums, multi-family dwellings and other types of residential, commercial or industrial developments where a water main and/or system service line is constructed as part of the development - at actual cost for time, materials, and service charges as needed.
4. Pursuant to Section 30-64 of the Code, water rates for water provided to each premises connected to the Pere Marquette Charter Township Water System are established as follows: For water utilized, **\$3.75** per 100 cubic feet, plus a quarterly readiness-to-serve charge determined as follows:

5/8 & 3/4"	\$13.50
1"	\$34.00
1-1/2"	\$68.00
2"	\$108.00
3"	\$216.00
4"	\$338.00
6"	\$675.00
8"	\$1,080.00
10"	\$1,553.00
12"	\$2,903.00
Standby fire line	\$90.00
Hydrant charge	\$90.00

Charges for partial quarters shall be prorated.

5. Notwithstanding the provisions in Section 4 above, with regard to Michigan Power Limited Partnership and per the Water Supply Agreement between them, the Township, and the City of Ludington, the usage rate for water shall be \$1.32 per 100 cubic feet. The monthly readiness-to-serve charge shall be equal to the wholesale readiness-to-serve charge billed to the Township by the City as per the Wholesale Water and Sewer Agreement between the Township and the City.

6. Pursuant to Section 30-64 of the Code, the Township shall pay an annual charge of \$75 per hydrant to the Pere Marquette Water Department for water supplied through fire hydrants for fire protection or other purposes.

7. Pursuant to Section 30-34 of the Code, service calls for repair/replacement of damaged meters or water service lines shall be charged the actual costs for labor, materials and any necessary services.

8. This resolution shall be effective immediately and shall be applicable for the current quarter beginning on January 1, 2022 and continuing thereafter until modified by future resolution of the Board.

All resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

Roll call vote: Yes: Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, and Nordlund.
 No: None.
 Absent: None.

Resolution declared adopted.

F. **Consider Publishing Requirements** – Enbody explained that statute (MCL 42.8) requires that the township board determine the method of publication of minutes. Enbody was unable to locate prior board action for the determination of how minutes are to be published. The options for publication of minutes for a charter township include:

1. Publish the full minutes or a synopsis of minutes in a newspaper at least once a month. This is the current method of publication. OR

2. Post the full minutes or a synopsis in the clerk's office AND five public places AND a notice published in a newspaper identifying where the minutes are posted within seven days of posting. OR

3. Post the full minutes or a synopsis in the clerk's office AND on the Township web site AND a notice published in a newspaper identifying where the minutes are posted within seven days of posting.

Moved by Rasmussen seconded by Soberalski to continue with the current practice of publishing a synopsis of township board meeting minutes each month in the newspaper.

Motion carried.

G. **Consider Fee Waiver for ZBA Variance Application** – G. Bleau explained that the Mason County Road Commission is acquiring a parcel for the purpose of creating a new road. The new road will create a non-conforming lot for a parcel along the new road. The property owner of that parcel must apply for a variance in order for the parcel to remain in compliance with township zoning. G. Bleau consulted with the zoning attorney who determined that the variance request was caused by the creation of the new road and not by the owner and therefore it is recommended that the township waive the variance application fee.

Moved by Nordlund seconded by K. Bleau to approve a waiver of the Zoning Board of Appeals variance application fee for parcel #53-010-013-300-001-01 due to the fact that the non-conformity was created by the acquisition of an adjacent parcel for the construction of a new road.

Motion carried.

SHERIFF / COUNTY COMMISSIONER REPORT(S) – Sheriff Cole reported on fifty-two calls for service in December 2021. County Commissioner Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

COMMITTEE REPORTS: Sewer and Water Committee (K. Bleau) – Reported discussion of future sewer and water projects, water tower maintenance items, 2022 sewer and water rates, and lift station generator quotes.

Architectural Control Committee (G. Bleau) – Reported review of plans for an addition to an existing building and for the purpose of correction of outdoor storage screening/landscaping and other covenant violations subject to conditions.

Fire Department Liaison (Rasmussen) – Reported seventeen members and one Training Officer in attendance at the monthly meeting. Members discussed the purchase of a new medical vehicle and upcoming training sessions.

Fire Department (Gaylord) – Reported on forty-one responses in December. Year end totals are four hundred sixty in 2021 compared to three hundred seventy-five in 2020. Reported on new regulations from the State requiring thirty-six

hours of continuing education every three years. The Fire Authority has authorized a Train the Trainer Rescue Task Force training for one member from each Department.

COMMITTEE OF THE WHOLE: **Moved** by Soberalski, seconded by Nordlund to move into Committee of the Whole at 7:05 p.m. Motion carried. Various topics discussed with no action taken:

Discussion of the traffic on Jebavy Drive and possible alternatives.

Moved by Rasmussen, seconded by Soberalski to return to regular session at 7:12 p.m. Motion carried.

Department reports were included in board packets.

OFFICERS REPORTS: Clerk (Enbody) – Reported the 2021 audit has been scheduled and will begin on February 15 and is working on year-end balancing and reporting in preparation for the audit. Enbody provided a list of current invoices for approval.

Moved by Enbody, seconded by Rasmussen to approve payment of invoices totaling \$138,214.41.

Motion carried.

Treasurer (K. Bleau) – Provided a report detailing cash, bank and investment balances by fund and by bank account for December 2021 and reported the township is financially stable.

Supervisor (G. Bleau) – Reported the Personnel Committee meeting had to be rescheduled, reported on the pending Pallets Recycle court proceedings and is working with departments to help accomplish tasks designated from recent committee meetings.

EXTENDED PUBLIC COMMENTS: Public comment was held.

ADJOURNMENT: The meeting was adjourned by the Supervisor at 7:37 p.m.

Rachelle D. Enbody, CMC, MiPMC Township Clerk

Gerald A. Bleau, Township Supervisor