

REGULAR MEETING

WEDNESDAY, OCTOBER 6, 2010

The regular meeting of the Moran Township Board of Trustees was held on Wednesday, October 6, 2010 at the Moran Township Hall, W1362 US-2, St. Ignace, Michigan.

CALL TO ORDER:

Supr Durm called the meeting to order at 6:00 PM DST with the Pledge of Allegiance.

ROLL CALL:

PRESENT: Supr Durm, Clerk Vallier, Treasurer Dionne and Trustees Heuer and Spencer.
ABSENT: NONE
CITIZENS: M.T. Road Committee members, Chair Goudreau,. Monica Silet and Judy Luoma. Chuck Malcolm, Bob Muter, Chris & Kathy Kittell, Kevin Paquin, Lee Ortman, Jim Fenlon, Ralph Postma, Rick Silet and St. Ignace News Reporter Mike Ayala.

MINUTES:

MOTION BY DIONNE, SECONDED BY SPENCER (CARRIED) TO ACCEPT THE MINUTES OF THE REGULAR MEETING, SEPTEMBER 1, 2010 WITH THE CORRECTION OF SPELLINGS.

MOTION BY SPENCER, SECONDED BY VALLIER (CARRIED) TO ACCEPT THE MINUTES FOR THE SPECIAL MEETINGS, SEPTEMBER 14, 2010 AND OCTOBER 1, 2010 AS PRESENTED.

PUBLIC COMMENT:

MT resident Lee Ortman had a question about the Agenda for the September 1, 2010 meeting. Mr. Ortman states on item # 3 concerning a culvert installed on Ortman's property. It stated it replaced an existing culvert. Ortman states there never was a culvert there. Trustee Spencer informed Ortman that a former Mackinac County Road Commission member (Bill Wagner) stated there was a culvert there at one time. Mr. Ortman was unaware of the culvert.

REQUEST BY RALPH POSTMA:

Mr. Postma would like to extend his building permit on his property at Bashore Road. Postma initiated the building permit 4-years ago. The Twp building permit has a 4 year limit, with a \$25 per year renewal. Treas Dionne questioned why the extension. Mr. Postma states he is trying to sell his home in Pickford before he can move to St. Ignace. The house in Moran Township is being worked on as they can afford, but still not ready to live in. With the economy and housing market decline, he has been unable to sell his Pickford home.

MOTION BY DIONNE, SECONDED BY HEUER (CARRIED) TO EXTEND RALPH POSTMA'S BUILDING PERMIT FOR ONE YEAR AT A CHARGE OF \$25.00.

REQUEST BY CHRIS AND KATHY KITTELL:

The Kittell's want to resolve the flooding problems at their residence on Old Portage Trail. Supr Durm explained that water and culvert issues are the responsibility of the Mackinac County Road Commission they are the authority of Twp roads. Twp Attorney Evashevski was consulted on the issue and informed Supr Durm that the lack of enforcement during construction on the neighboring property, Mike Paquin, statute of limitation has expired. Only the courts could order the Paquin's to install drainage on their property to elevate the water issue with Kittell's.

REQUEST FOR "CHILDREN PLAYING" SIGN:

A resident near the intersection of Portage Road and Old Portage Trail is requesting a "Children Playing" sign to be installed.

MOTION BY VALLIER, SECONDED BY DIONNE TO REQUEST THE MACKINAC COUNTY ROAD COMMISSION TO INSTALL A "CHILDREN PLAYING" SIGN NEAR THE INTERSECTION OF PORTAGE ROAD AND OLD PORTAGE TRAIL.

REQUEST BY KEVIN PAQUIN AND THE APPROVAL OF A ROAD AGREEMENT FOR REPLACEMENT OF CULVERTS ON PORTAGE STREET:

Kevin Paquin during the last heavy rain storm had flooding problems with the existing culverts located near his property. The 18" corrugated metal culverts could not handle the flow of water, therefore flooding Paquin's property. The MCRC sent a Road Agreement to replace 2 culverts on Portage Street with a 30" HDPE culvert and necessary restoration, but the work will be not scheduled until the 2011 construction season.

The MT Road Committee reviewed the agreement and states more information is needed before this work can be completed. Being it will not be scheduled until the 2011 construction season, this can be examined further. Chairman Goudreau states the last couple of years has been above normal rainfalls, therefore saturating the ground. Chair Goudreau questioned whether proper maintenance is being done on the culverts. What other underlying problems are contributing to these flooded areas.

MOTION BY SPENCER, SECONDED BY HEUER (CARRIED) TO SET UP A MEETING WITH THE MACKINAC COUNTY ROAD COMMISSION MANAGER/ENGINEER, THE MORAN TOWNSHIP BOARD OF TRUSTEES , ROAD COMMITTEE AND RESIDENTS WHO HAVE HAD FLOODING PROBLEMS, TO DISCUSS SOLUTIONS. CHAIRMAN GOUDREAU TO SET UP MEETING.

2% FUNDING REQUEST:

MOTION BY DIONNE, SECONDED BY VALLIER (CARRIED) TO APPROVE THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, the Moran Township Board of Trustees has decided to apply for the 2% monies from the Sault Ste. Marie Tribe of Chippewa Indians Fall Distribution Cycle; and

WHEREAS, the Moran Township Board of Trustees will apply these monies towards the purchase of auxiliary equipment for the “Jaws of Life” for fire protection service in Moran Township; therefore

BE IT RESOLVED, that the Moran Township Board of Trustees hereby approves the application for the Fall Distribution Cycle of 2% monies with the Sault Ste. Marie Tribe of Chippewa Indians.

I hereby certify that this resolution was passed by the Moran Township Board of Trustees at the regular meeting held Wednesday, October 6, 2010 at the Moran Township Hall, W1362 US-2, St. Ignace, Michigan.

Kristine R. Vallier
Kristine R. Vallier
Moran Township Clerk

BY: _____ **DATE:** _____
P. James Durm, Supervisor

WITNESS: _____ **DATE:** _____
Mark A. Spencer, Trustee

REAPPOINTMENT TO PLC & ZBA:

MOTION BY DIONNE, SECONDED BY SPENCER (CARRIED) TO REAPPOINT CHRIS KITTELL TO THE MORAN TOWNSHIP PLANNING COMMISSION FOR A 3-YEAR TERM, EXPIRING 2013.

MOTION BY SPENCER, SECONDED BY VALLIER (CARRIED) TO REAPPOINT JIM FENLON TO THE MORAN TOWNSHIP ZONING BOARD OF APPEALS FOR A 3-YEAR TERM, EXPIRING 2013.

LaVerne (Lonnie) Heuer has resigned his position as Moran Twp Trustee and was an appointee to the PLC and ZBA, therefore needing to be replaced. When appointment of the Trustee position has been finalized, the new appointee will be offered these positions.

PRECINCT WORKER APPOINTMENT:

MOTION BY HEUER, SECONDED BY DIONNE (CARRIED) TO APPOINT THE FOLLOWING PRECINCT WORKERS FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010:

CHAIRPERSON: ARLETTA POPE

**ELECTION INSPECTORS: CHRISTAL MARSHALL
PATTI BECKER
THORA SHEPARD
SUZY HARTLEY**

NOTICE OF INTENT TO SELL BONDS FOR THE PORTAGE STREET WATER PROJECT:

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE REVENUE BONDS AND DECLARATION OF INTENT TO REIMBURSE

TOWNSHIP OF MORAN
County of Mackinac, State of Michigan

Minutes of a special meeting of the Township Board of the Township of Moran, County of Mackinac, State of Michigan, held on the 6th day of October, 2010, at 6:00 p.m., Eastern Daylight Time.

PRESENT: Members: Supr Durm, Clerk Vallier, Treas Dionne and Trustees Spencer and Heuer.

ABSENT: Members: NONE

The following preamble and resolution were offered by Member Spencer and supported by Member Vallier:

WHEREAS, the Township of Moran, County of Mackinac, State of Michigan (the "Township"), intends to issue and sell bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Four Hundred Thousand Dollars (\$400,000) for the purpose of paying part of the cost to acquire, construct, furnish and equip improvements to the Township's water supply system consisting generally of approximately 2,800 linear feet of water main, water meters, and hydrants, together with all related appurtenances and attachments thereto (the "Project"); and

WHEREAS, the Township expects to sell the aforesaid bonds to the U. S. Department of Agriculture's Rural Development program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the Township intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the Township for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in *The St. Ignace News*, a newspaper of general circulation in the Township.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

**NOTICE TO TAXPAYERS AND ELECTORS OF THE
TOWNSHIP OF MORAN AND THE USERS OF THE
TOWNSHIP'S WATER SUPPLY SYSTEM OF INTENT TO ISSUE BONDS
AND THE RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the Township of Moran, County of Mackinac, State of Michigan (the "Township"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Four Hundred Thousand Dollars (\$400,000), in one or more series as shall be determined by the Township Board, for the purpose of paying part of the cost to acquire, construct, furnish and equip improvements to the Township's water supply system consisting generally of approximately 2,800 linear feet of water main, water meters, and hydrants, together with all related appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the Township from the operations of said water supply system. Said revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed forty (40) in number and will bear interest at the rate or rates to be determined at a private sale to the U.S. Government but in no event to exceed five percent (5%) per annum on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE TOWNSHIP UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK OF THE TOWNSHIP, WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Kristine R. Vallier

Kristine R. Vallier, Township Clerk

3. The Township Board of the Township does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the electors residing in the boundaries of the Township of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the water fund and/or the general fund of the Township.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$400,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the Township in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i)

costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation and similar costs incident to commencement of construction).

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded

AYES: Members: Supr Durm, Clerk Vallier, Treas Dionne
and Trustees Heuer and Spencer.

NAYS: NONE

RESOLUTION DECLARED ADOPTED.

Kristine R. Vallier
Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Moran, County of Mackinac, State of Michigan, at a special meeting held on the 6th day of October, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kristine R. Vallier
Township Clerk

Clerk Vallier to fax to St. Ignace News for publication.

ROAD SOFT SERIES WEBINAR:

MOTION BY DIONNE, SECONDED BY SPENCER (CARRIED) TO APPROVE PAYMENT OF \$45 TO DO AN ONLINE TRAINING SERIES FOR THE ROAD SOFT PROGRAM BEING USED BY THE MORAN TWP ROAD COMMITTEE.

RESIGNATION OF LAVERNE (LONNIE) HEUER:

MOTION BY DIONNE, SECONDED BY SPENCER (CARRIED) TO ACCEPT THE RESIGNATION OF TRUSTEE LAVERNE (LONNIE) HEUER EFFECTIVE OCTOBER 7, 2010 AT 12:01 AM.

RESOLUTION OF THANKS:

MOTION BY DIONNE, SECONDED BY SPENCER (CARRIED) TO SPREAD UPON THE MINUTES THE FOLLOWING RESOLUTION:

RESOLUTION OF THANKS

WHEREAS, LAVERNE (LONNIE) HEUER has decided to retire after 10 years of service, as a Township Trustee and member of the Planning Commission and Zoning Board of Appeals; and

WHEREAS, Moran Township recognizes the excellent and dedicated service that LaVerne (Lonnie) Heuer has rendered Moran Township during this term of service; and

WHEREAS, LaVerne has been an enthusiastic supporter of our democratic form of government along with the growth and development of Moran Township; and

WHEREAS, LaVerne has given unselfishly of his time, talent and concern, and

THEREFORE BE IT RESOLVED, that the Moran Township Board of Trustees pay tribute to, and express their sincere appreciation to LaVerne (Lonnie) Heuer for his efforts, devotion and contribution to his community.

DATED THIS SIXTH DAY OF OCTOBER, YEAR 2010

PATRICK J. DURM, SUPERVISOR
KRISTINE R. VALLIER, CLERK
SUSAN K. DIONNE, TREASURER
MARK A. SPENCER, TRUSTEE

APPOINTMENT OF NEW TRUSTEE:

Three Moran Twp residents have shown interest in the vacant position of Trustee, Jim Evers, Chuck Cullip and Chuck Malcolm. Motion by Dionne to appoint Jim Evers to the Trustee position. No Second. Trustee Spencer suggests we interview the candidates. Supr Durm to set up interviews with the three candidates.

HIRING OF OUTSIDE ASSESSOR TO PERFORM STATE TAX COMMISSION ORDERS OF COMPLETE ASSESSMENT:

Supr Durm has received 3 applications:

Landmark Appraisal Co.	\$62 per parcel
Howard & Christine Ledergerber	\$39 per parcel
CSZ Appraisal & Assessing	\$55 per parcel

Equalization Director Jim Fenlon questioned if advertising had been done with the local paper, as Moran Township is an Equal Opportunity Employer. Supr Durm stated it had not. Supr Durm called the three applicants from recommendation of Assessor Oliver and Attorney Kerzka. Clerk Vallier would like to see advertising done with the St. Ignace News before selecting an outside assessor. Supr Durm to put advertisement in the local paper.

ATTORNEY ROBERT KERZKA AND WILCOX ENGINEERING BILLING INVOICE'S:

Atty Kerzka submitted an invoice for \$1347 for services. Clerk Vallier stated this line item is in the budget. No motion necessary to pay.

Wilcox Engineering invoice for \$5,600.50 has also been budgeted in the Water Fund. No motion necessary.

OLD BUSINESS: NONE

NEW BUSINESS:

A 5-year renewal proposal for snowplowing from B&B Snowplowing was received.

MOTION BY DIONNE, SECONDED BY HEUER (CARRIED) TO ACCEPT THE 5-YEAR RENEWAL PROPOSAL FOR SNOWPLOWING OF THE TOWNSHIP HALL FROM B&B SNOWPLOWING SERVICE IN THE AMOUNT OF \$35 PER PLOWING CONTRACT TO END 2014-2015.

MOTION BY VALLIER, SECONDED BY SPENCER (CARRIED) TO ALLOW TREAS DIONNE TO ATTEND A CONFERENCE ON TAX COLLECTING IN GAYLORD ON NOVEMBER 23, COST OF THE CONFERENCE \$89.

TOWNSHIP BILLS: Checks 2746 thru 2771 + EFT's = \$12483.86

2746	P.James Durm, Supr	\$	1213.04
2747	Kristine R. Vallier, Clerk	\$	851.21
2748	Susan K. Dionne, Treas	\$	926.21
2749	Robert Bishop, Bldg Insp	\$	409.82

2750	Mark A. Spencer, Zon Admr	\$	753.04
2751	Barbara Alkire, Custod	\$	46.17
2752	Richard Oliver, Assessor	\$	191.70
2753	DSP, Inc	\$	1920.00
2754	Brian Olsen	\$	572.50
2755	Barbara Alkire, Custod	\$	30.90
2756	Liane Smith	\$	123.00
2757	AT&T	\$	153.32
2758	Mark A. Spencer, Trustee	\$	415.58
2759	LaVerne Heuer, Trustee	\$	138.53
2760	City of St. Ignace Water Dept.	\$	51.38
2761	The St. Ignace News	\$	52.50
2762	National Office Prod	\$	88.98
2763	Robert C. Kerzka, P.C.	\$	1347.00
2764	Robert Bishop, Bldg Insp	\$	130.50
2765	Cloverland Elec Coop	\$	516.19
2766	Local Tech Assistance Program	\$	45.00
2767	Mark A. Spencer	\$	126.00
2768	Tom H. Evashevski, PLLC	\$	475.00
2769	Mackinac Plumbing & Heating	\$	50.00
2770	DSP, Inc	\$	80.11
2771	Cloverland Elec Coop	\$	174.56
EFT's			
	FNB	\$	5.00
	Lighthouse.net	\$	49.95
	IRS	\$	1546.67

ADJOURNMENT:

**MOTION BY DIONNE, SECONDED BY HEUER (CARRIED) THE MEETING
ADJOURNED AT 7:20 PM DST.**

SIGNED: *Kristine R. Vallier*
 Kristine R. Vallier, Clerk

DATED: OCTOBER 11, 2010

APPROVED: NOVEMBER 3, 2010

