

REGULAR MEETING

WEDNESDAY, SEPTEMBER 1, 2010

The regular meeting of the Moran Township Board of Trustees was held on Wednesday, September 1, 2010 at the Trinity Lutheran church, W4528 Fisherman's Drive, Brevort, 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, Treas Dionne and Trustees Heuer and Spencer.
ABSENT: None
GUESTS: Michael Ayala, St. Ignace News Reporter, Chuck Malcolm, Jim Fenlon, Richard and Cindy Oliver, Lee Ortman, Mike Paquin, Becky Paul, Charles and Gayle Lamoreaux and Supervisor Donna O'Grady of Portage Twp and Patrick O'Grady.

MINUTES AND TREASURER'S REPORT:

MOTION BY HEUER, SECONDED BY DIONNE (CARRIED) TO ACCEPT THE MINUTES FOR THE REGULAR MEETING HELD JULY 7, 2010 AND TOWNSHIP BILLS FOR AUGUST 2010 AS PRESENTED.

PUBLIC COMMENT: Moran Township resident Jim Fenlon states he is here as a township resident not as Mackinac County Equalization Director, which is his position.

REPORTS RECEIVED FYI:

1. St. Ignace Fire Dept report for June 2010.

KITTELL/PAQUIN DISPUTE:

At our last Board meeting, July 7, 2010, the Board heard the public comment offered by Mike and Janet Paquin concerning water pumped onto their property by their neighbor, Chris and Kathy Kittell, during a rainstorm and the installation of a culvert under Old Portage Trail to alleviate some of the flooding problems. Paquin's complained that the culvert was inappropriately installed to service only the Kittells. The culvert was actually installed on Lee Ortman's property and replaced an old culvert that had collapsed and filled in, by recommendation of the Mackinac County Road Commission. The drainage for the properties owned by Kittell's and Paquin's does not work well since they are at the lowest point in the area and the driveway culverts on both properties have been filled in. The Kittell's have pumped water over a berm to the culvert that was installed under Old Portage Trail last summer. Kittell's contend that the fill Paquin's brought in to raise their drive-way and construction of a pole barn have been directed onto Kittell's property. Paquin states this statement to be untrue. Mr. Paquin left very unsatisfied with lack of resolution.

RESOLUTION'S:

RESOLUTION TO SET AN ALTERNATE DATE FOR THE MORAN TOWNSHIP JULY AND DECEMBER BOARD OF REVIEW

WHEREAS, Section 53b of the General Property Tax Act, MCL 211.53b, requires a Board of Review that meets in July to meet on Tuesday following the third Monday in July, and a Board of Review that meets in December to meet on the Tuesday following the second Monday in December; and

WHEREAS, assessors who work for multiple townships are not always able to attend the Board of Review meeting for each township when they meet on the same day; and

WHEREAS, Public Act 122 of 2008, effective May 9, 2008, allows an alternate July Board of Review meeting date during the week of the third Monday in July; and an alternate December Board of Review meeting date during the week of the second Monday of December; and

WHEREAS, it will benefit the residents of Moran Township to have the assessor available to assist the Board of Review and taxpayers in processing tax appeals and poverty exemptions;

NOW THEREFORE, BE IT RESOLVED that Wednesday the 21st in the week of the third Monday of July shall be selected as the meeting day for the 2010 July Board of Review by the Moran Township Board on July 7, 2010.

BE IT FURTHER RESOLVED, that for all years respectfully, any day in the week of the third Monday of July or the week of the second Monday of December, as requested in writing by the Moran Township Assessor, will be selected as the meeting day for the Board of Review.

The foregoing resolution offered by Board Member DIONNE.

Second offered by Board Member VALLIER

Upon roll call vote the following voted "YES":
Supr Durm, Clerk Vallier, Treas Dionne and Trustees Spencer and Heuer.

"NO" NONE

The Supervisor declared this resolution adopted:

Kristine R. Vallier
Kristine R. Vallier, Clerk

Date: 09/01/2010

**RESOLUTION ESTABLISHING THE FEE STRUCTURE FOR
FREEDOM OF INFORMATION ACT REQUESTS**

Resolution of the Moran Township Board regarding the fee structure used by the FOIA coordinator and to approve the use of associated forms.

WHEREAS, the Moran Township Board has found it necessary to implement a fee schedule to offset the rising cost of Freedom of Information Act requests annually as prescribed in the Act.

WHEREAS, that Moran Township Board does hereby adopt the following fee schedule for establishing the proper charges for a Freedom of Information Act request, as authorized under Public Act 442 of 1976, as amended.

WHEREAS, the Act provides that the Township Board may determine the fee schedule to be charged for Freedom of Information Act requests and, in turn, direct the FOIA coordinator to charge costs back to the individual(s) making such requests.

WHEREAS, the Moran Township Board does hereby reserve the right to change said rates as may be necessary to recapture costs for all FOIA requests, as they may deem necessary.

THEREFORE BE IT RESOLVED, that the Moran Township Board does hereby adopt the following fee schedule for establishing the proper charge for a Freedom of Information Act requests. To be used in conjunction with the Freedom of Information Act Request Worksheet, Notice to Extend Response Time for Freedom of Information Act Request and the Denial Form for Freedom of Information Act Request attached herein.

I. Duplication, Postage and Envelopes

At Township cost

II. Hourly Labor Wage

Each request may vary based on the hourly wage of the lowest paid township employee capable of retrieving the information necessary to comply with a request per the Freedom of Information Act.

III. Deposit

If the anticipated charges for a requested record will exceed \$50.00 a good faith deposit of one half of the total anticipated charges shall be required.

IV. Waiver of Fees

If an individual submits an affidavit stating that he or she is receiving public assistance or is able to state facts showing inability to pay fees because of

indigence, a copy of a public record shall be furnished without charge for the first \$20.00 of the fee.

The foregoing resolution offered by Board Member DIONNE.

Second offered by Board Member VALLIER.

Upon roll call vote the following voted "YES":

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

"NO" NONE

The Supervisor declared the resolution adopted.

Kristine R. Vallier

Kristine R. Vallier, Clerk

DATE: 09/01/2010

STATE TAX COMMISSION:

A letter was received on Monday, August 23, 2010 from Kelli Sobel, Executive Director of the State Tax Commission. The letter stated that at a meeting of the State Tax Commission on August 16, 2010 an order was adopted to assume jurisdiction of the 2010 assessment roll for the Township. The staff report indicated that the Township has approximately 300 incorrect taxable values on the 2010 assessment roll and made significant improper changes to the 2010 roll at the July Board of Review, the Commission orders that the actions of the July Board of Review be overturned.

Further, the Commission orders the Township to hire an outside party to provide information to the Commission to correct the incorrect taxable values that are on the 2010 assessment roll. The Commission orders that Township hire an outside party to conduct a complete reappraisal to be completed by December 1, 2011.

Supr Durm responded to the State Tax Commission letter on August 30, 2010. Assuring Moran Township will take all necessary steps to comply with the Order and resolve the issues noted on the Official Order.

Supr Durm has contacted an assessor but found no one available as of yet.

Supr Durm contacted Twp Attorney Evashevski informing him of the letter received and asking him for guidance. Twp Attorney Evashevski states this is beyond his expertise. Evashevski recommended Attorney Robert C. Kerzka. Jim Fenlon states Attorney Kerzka is involved in an appeal with the State Tax Commission concerning a suit against the Twp, might this be a conflict of interest? Supr Durm to take this matter up with the Twp Attorney on the conflict of interest.

MOTION BY HEUER, SECONDED BY SPENCER (CARRIED) TO RETAIN ATTORNEY KERZKA IN REGARDS TO THE MATTER WITH THE STATE TAX COMMISSION , IF THERE IS NO CONFLICT OF INTEREST.

Treas Dionne states that the December tax bills might not go out on time because of the seizing of the assessment roll.

Jim Fenlon requested, in the past, site visits on properties. Assessor Oliver states that he does 12-15% per year. Fenlon is requesting documentation of site visits done from 2005 till now. Assessor Oliver will provide documentation to Mr. Fenlon within a couple of weeks.

ST. IGNACE WATER AGREEMENT (40 YEARS):

Supr Durm met with City Manager, Eric Dodson and Utility Superintendent, Les Therrian on June 9, 2010 to discuss the renewal of the Agreement to Purchase Water Supply and Sewage Disposal.

The position Durm presented was that the Board believed the factor of 1.7 should be reduced. That charging Moran Township residents 70% more than city residents was in excess of the actual cost of operating and maintaining the water system supporting Moran Township. Durm suggested a factor of 1.4 or 1.5. Eric and Les indicated that a reduction might be a consideration, but that it should be applied to the Total Commodity Charge. In addition, MT residents pay a Readiness to Serve Charge.

Reducing the factor from 1.7 to 1.5 and applying it to the Entire Commodity Charge will cost an additional \$2.84/month for residential customers using 4000 gallons/month. Also, applying the same Factor to the Readiness to Serve would save \$3.20/month for residential customers. Applying the reduced Factor of 1.5 would save low volume water users a minimal amount. Those that use higher volumes of water would actually see rate increases.

Supr Durm recommends that we extend the current agreement with an addition in the contract for .50 cents being applied to the Commodity Charge of the St. Ignace Area Golf Course and the St. Ignace Area Schools.

MOTION BY SPENCER, SECONDED BY HEUER (CARRIED) THE AGREEMENT TO PURCHASE WATER SUPPLY AND SEWAGE DISPOSAL WITH THE CITY OF ST. IGNACE BE RENEWED FOR 40 YEAR, WITH THE ADDITION OF .50 CENTS COMMODITY CHARGE BEING APPLIED TO THE ST. IGNACE AREA GOLF COURSE AND THE ST. IGNACE AREA SCHOOLS.

ST. IGNACE SEWER RATE INCREASE:

Supr Durm received a letter from the City of St. Ignace that a rate increase for sewer will take effect November 1, 2010. The new rates will be seen by customers with their December bills (November usage). The increases are as follows:

	MTWSP Current	increase	New Rate
¾” Residential	\$27.47	\$1.75	\$29.22
¾ “Commercial	35.97	2.98	38.95
1”	84.76	5.60	90.36
1 ½”	168.02	11.03	179.05
2”	257.96	16.98	274.94
3”	407.20	26.25	433.45

Commodity charge will increase to \$5.56/thousand gallons (previous \$4.56/thou.) MTWSP surcharge of \$0.88 remains the same.

RECREATION MILLAGE RENEWAL:

The Recreation Millage Renewal voted on at the Primary Election on August 3, 2010 was tied, 107 yes to 107 no, therefore requiring it to be placed on the General Election to be held on November 2, 2010, the wording as follows:

Shall the Township of Moran, County of Mackinac, Michigan, levy a tax of not to exceed one-fourth (\$.25) of one dollar (\$1.00) per one thousand (\$1,000) on the State Equalized Value of all taxable property in the Township and shall limitation on the amount of taxes which the Township may levy be increased by the same amount for a period of four (4) years, the years 2010, 2011, 2012 and 2013, inclusive, for the purpose of providing funds for the support and development of recreation in Moran Township?

Revenue to be generated the first year by this proposal is approximately \$21,986.00.

MOTION BY DIONNE, SECONDED BY HEUER (CARRIED) TO PLACE THE RECREATION MILLAGE RENEWAL ON THE NOVEMBER 2, 2010 BALLOT.

NEW BUSINESS:

1. The Planning Commission is recommending the Twp Board remove Article 17 (Environmental Standards and Provisions) from the Master Plan. The Article 17 was adopted by the Twp in 1988. Since the adoption the state has taken control over the issues in this Article. Recommendation to follow the state laws on Environmental Issues.

MOTION BY HEUER, SECONDED BY VALLIER (CARRIED) TO REMOVE ARTICLE 17 FROM THE MASTER PLAN.

2. A resignation letter was received by Clerk Vallier from Trustee LaVerne Heuer. The effective date of the resignation is October 7, 2010 at 12:01 a.m. No action taken at this time.
3. Clerk Vallier informed the Board of the upcoming Michigan Chapter of Michigan Township Association Annual Dinner Meeting to be held on Monday, September 13, 2010 at Timmy Lee's Pub.
4. Treas Dionne states that the CD with the U.P. State Credit Union has expired (\$375,382.01) The U. P. State Credit Union has changed their policy to only accept by deposit or CD maximum amount of \$100,000.00 per entity.
A CD in the amount of \$100,000 was purchased with the UPCU and the remaining \$275, 382.01 was put into the Central Savings Bank, Savings account.

TOWNSHIP BILLS: Checks 2703 thru 2745 + EFT' = \$64,421.71

2703	P.J. Durm, Supr	\$	1213.00
2704	K. R. Vallier, Clerk	\$	851.12
2705	S.K. Dionne, Treas	\$	926.12
2706	Robert Bishop, Bldg Insp	\$	409.76
2707	M.A. Spencer, Zon Admr	\$	753.04
2708	Barbara Alkire, Custod	\$	46.17
2709	Richard Oliver, Assessor	\$	197.85
2710	DSP, Inc	\$	1920.00
2711	Brian Olsen	\$	572.50
2712	Liane Smith	\$	123.00
2713	AT&T	\$	197.32
2714	AT&T	\$	237.97
2715	M.A. Spencer, Trustee	\$	138.53
2716	LaVerne Heuer, Trustee	\$	138.53
2717	MTA	\$	89.00
2718	City of St. Ignace Water Dept	\$	58.25
2719	The St. Ignace News	\$	192.51
2720	Tom H. Evashevski, PLLC	\$	1254.00
2721	Robert Bishop, Bldg Insp	\$	79.50
2722	M.A. Spencer	\$	155.12
2723	National Office Prods	\$	45.46
2724	Ken Gillmore	\$	750.00
2725	City of St. Ignace (Fire Dept)	\$	49743.06
2726	Liane Smith	\$	123.00
2727	Mack Co Chapter of MTA	\$	25.00
2728	Sean O'Boyle ZBA & PLC	\$	138.53
2729	LaVerne Heuer, ZBA & PLC	\$	133.92
2730	Jim Fenlon ZBA	\$	41.56
2731	Joel Scheffer ZBA	\$	41.56
2732	George Ford ZBA	\$	41.56

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2733	JoAnn Ford PLC	\$	138.53
2734	Charles Malcolm PLC	\$	124.68
2735	Neoma Krzykowski PLC	\$	124.68
2736	Chris Kittell PLC	\$	83.12
2737	Ron Cotton PLC	\$	41.56
2738	DJ Goudreau, Jr RD	\$	138.53
2739	Judy Luoma RD	\$	138.53
2740	Mark A. Spencer RD	\$	124.68
2741	Monica Silet RD	\$	83.12
2742	Cloverland Elec Coop	\$	174.56
2743	AT&T	\$	222.62
2744	Reiter's Web Design Inc	\$	114.00
2745	Cloverland Elec Coop	\$	458.85

EFT's			
Lighthouse.net	\$	49.95	
FNB	\$	5.00	
IRS	\$	1762.36	

ADJOURNMENT:

**MOTION BY DIONNE, SECONDED BY HEUER (CARRIED) THE MEETING
ADJOURNED AT 6:50 PM DST.**

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

DATED: SEPTEMBER 8, 2010

APPROVED: OCTOBER 6, 2010