

Au Train Township Special Board Meeting
January 3, 2018
6:00 o'clock p.m.

Pursuant to publication, the Au Train Township Board convened in the Community Building, Au Train, Michigan, on the above date at 6:00 p.m.

The Meeting was called to order by Supervisor Michelle Doucette with the following members present: Mary Rogers, Clerk; Ann Clapp, Treasurer; Kristy Cota, Trustee and John Carr, Trustee.

*VISITORS PRESENT – Pat Sanderson

The Purpose of the Special Board Meeting was to discuss notification of a Small Claims Affidavit and Claim from Rudolph Kleeman and Review of the correspondence from the State Tax Commission regarding Assessor Mark Maki.

Kleeman Matter -

Clerk Rogers noted that an Affidavit and Claim from Rudolph Kleeman was received on December 26, 2017, with a Hearing date, in Small Claims Court, of January 18, 2018.

Mr. Kleeman is seeking \$5,500.00 (the maximum amount in Small Claims) because "he was forced by the Township to stop his operation on his property, loss of income and attorney fees due to the Township action".

Clerk Rogers noted that she notified Supervisor Doucette and then sent copies of the Claim to Board Members and Attorney Greg Murphy. Included with the Affidavit was information on a matter heard in Marquette County Circuit Court using the "Right to Forest Act" Act 676 of 2002.

Clerk Rogers and Supervisor Doucette spoke with Attorney Murphy to discuss options. Clerk Rogers also contacted the Township insurance carrier to discuss options and/or representation. If the case is heard in Small Claims Court, the Township is not able to have representation. Attorney Murphy, who is familiar with the matter, could request that the matter be moved to Alger County District Court.

After further review and discussion, MOTION by Trustee Carr, second by Trustee Cota, to request that the Affidavit and Claims from Rudolph Kleeman, be removed from Small Claims and placed with District Court, through our Township Attorney Greg Murphy. CARR, YES; COTA, YES; CLAPP, YES; ROGERS, YES; DOUCETTE, YES. MOTION CARRIED.

MOTION by Supervisor Doucette, second by Trustee Carr, to authorize funds to hire Township Attorney Greg Murphy to defend and represent the Township in the Kleeman action. DOUCETTE, YES; CARR, YES; ROGERS, YES; CLAPP, YES; COTA, YES. MOTION CARRIED.

Additional discussion regarding the possibility to counter-sue Mr. Kleeman was made. Supervisor Doucette will obtain additional information and a decision will be considered at the January Regular Board Meeting.

State Tax Commission Correspondence -

Supervisor Doucette presented information to the Board, that was previously emailed, regarding correspondence received from the State Tax Commission regarding Assessor Mark Maki and a recent hearing and resulting action by the Commission. After meeting with the Assessor Discipline Advisory Committee, on October 23, 2017, Assessor Maki was found to have engaged in inappropriate Assessing Practices.

Supervisor Doucette noted that she spoke with Assessor Maki, who provided a report, and noted that he would be attending our Regular January Board Meeting to discuss the matter with the Board and answer any questions. The Township Board was unaware of the Disciplinary Hearing until said correspondence was received.

The correspondence from the State went on to say that they had received complaints that Mr. Maki had engaged in inappropriate assessing practices and thus a hearing was ordered. The State Tax Commission based on the facts of the case has determined that Mark Maki has violated Michigan Administrative Code R 211.447, and that as a result of the violation, ordered that Mr. Maki be referred to the Michigan Administrative Hearing System for a formal hearing regarding the revocation of his certification in assessment administration contingent upon further conditions and that the recommendation for such hearing will be held in abeyance and that they will allow Mr. Maki to complete the State Tax Commission's Audit of Minimum Assessing Requirement training no later than May 13, 2018.

Supervisor Doucette noted that she spoke with other Supervisor's of Townships in which Mr. Maki is the Assessor, the Michigan Townships Association and Assessor, Susan Bovan, a Township resident.

Clerk Rogers provided a copy of the Contract with Mr. Maki for review. Discussion regarding the GIS mapping through CUPPAD, the availability of assessor's in the area, and current obligations and requirements of the Township. Supervisor Doucette will confirm with the State Tax Commission that Assessor Maki is able to sign the tax roll in March.

No Board action regarding the matter was made. The Board looks forward to further discussing the matter with Assessor Maki at the January 8th Regular Board Meeting.

*PUBLIC COMMENTS - None

*ADJOURNMENT

Being no further business, MOTION by Clerk Rogers, second by Trustee Cota to adjourn the meeting. MOTION CARRIED. MEETING ADJOURNED at 7:10 pm.

Submitted by:
Mary F Rogers, Clerk