

Au Train Township Regular Board Meeting
September 10, 2018
6:00 o'clock p.m.

Pursuant to adjournment, 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 Walther Johnson, Clerk; Kristy Cota, Treasurer; John Carr, Trustee and Jake Miller, Trustee.

*VISITORS PRESENT – Approximately 8 persons attended the Board Meeting. A complete sign up sheet is on file with Clerk Rogers.

*APPROVAL OF AGENDA

Additions and Changes to the Agenda were made as necessary. MOTION by Supervisor Doucette, second by Clerk Johnson, to approve the Agenda as amended. MOTION CARRIED.

*MINUTES

MOTION by Clerk Johnson, second by Treasurer Cota, to approve the minutes of the August 13, 2018 Regular Board Meeting, as presented. MOTION CARRIED.

MOTION by Trustee Carr, second by Clerk Johnson, to approve the minutes of the August 22, 2018 Special Board Meeting, as presented. MOTION CARRIED.

MOTION by Clerk Johnson, second by Trustee Carr, to approve the minutes of the September 4, 2018 Special Board Meeting, as presented. MOTION CARRIED.

*BILLS AND CLAIMS

MOTION by Clerk Johnson, second by Supervisor Doucette, to accept this month's bill list as presented and authorize that they be paid as funds are available. JOHNSON, YES; DOUCETTE, YES; COTA, YES; CARR, YES; MILLER, YES. MOTION CARRIED. (General Fund Checks Numbered #15920 through #15945- Fire Fund Checks Numbered #8106 through #8116- Garbage Fund Check Numbered #2038).

*BOARD MEMBER REPORTS -

•TREASURER'S REPORT - For the Month of August 31, 2018, as presented by Kristy Cota, Treasurer

GENERAL FUND CHECKING

Beginning Balance	\$	109,118.55
Deposits		24,148.69
Interest		1.33
Disbursements		15,864.92
Ending Balance	\$	117,403.65

FIRE FUND CHECKING

Beginning Balance	\$	279,516.17
Deposits		3,055.82
Interest		3.54
Disbursements		9,795.20
Ending Balance	\$	272,780.33

Certificate of Deposit	\$	50,525.96
------------------------	----	-----------

GARBAGE FUND CHECKING			
Beginning Balance	\$		98,975.51
Deposits			3,055.82
Interest			1.22
Disbursements			10,893.60
Ending Balance	\$		91,138.95
ROAD FUND CHECKING			
Beginning Balance	\$		204,334.34
Deposits			2,066.88
Interest			2.55
Disbursements			
Ending Balance	\$		200,043.35

*A Complete copy of the August 31, 2018 Report is on file with Clerk Johnson.

*CLERK'S REPORT - Clerk Johnson updated the Board on recent activities. The State of Michigan, Department of Treasury sent an email regarding the FY18 Audit. They are requesting a Corrective Action Plan to deal with the deficiencies within the report. Clerk Rogers noted that the Plan was submitted as part of the Audit Report. However, it will be resubmitted and expanded to include actions already implemented.

Clerk Johnson also provided information regarding a FOIA received from Emily requesting copies of all the ballots from the 2016 General Election. Further information is needed as the Township does not have the technical ability to copy the ballots due to their size. Attorney Murphy has been contacted to obtain his opinion on the matter.

Supplies have been ordered and work has begun for the November General Election. A meeting of the Election Commission will be scheduled in October.

*TRUSTEE'S REPORT - Trustee Carr noted that he attended the Gattis Hearing. Trustee Miller noted that he attended the Regional Government Meeting and also attended the Fire Department CPR Training.

*SUPERVISOR'S REPORT - Supervisor Doucette updated the Board on recent meetings attended and contacts she had with residents over the past month. Supervisor Doucette noted that she has no update on the Kleeman matter, attended the Gattis Hearing regarding the Noise Complaints. She plead guilty. Connie Gattis reports that the dog is still barking and will keep records for when it occurs after 11 pm. The Christmas Antique Mall was investigated about a complaint that they were burning furniture. Spoke with Chris Latvala who was concerned about the Forest Service trimming the Red Pines at the end of Woodland Ave, which happens to be part of the Forest Management Plan. Supervisor Doucette also noted that she attended the Regional Government Meeting that was hosted on August 29, 2018.

*SPECIAL PRESENTATION - None

*PUBLIC COMMENTS - 6:20. Sean O'Neill presented information to the Board regarding the 16 Mile Lake Road project and concerns about the condition of the south end of the road. There is flooding in the area and a culvert is blocked making traveling on the road very difficult. It was suggested they attend an Alger County Road Commission Meeting. Jason Kouw and William Atherton also addressed the Board.

*COMMITTEE REPORTS

Financial Report - Budget Review and Amendments - Clerk Johnson presented financial reports for the Month of August.

Zoning Administrator/Planning Commission/ZBA - Clerk Rogers noted that the Zoning Administrators Report has been received and is on file. Zoning Administrator April Lark presented her report and it was reviewed and discussed by the Board. No applications were received for the preceding month. April noted that she would be attending a training session in Marquette on Wednesday, September 12th. Discussion regarding restrictive covenants was made. Ms. Lark was reminded that the Township Board has no authority over restrictive covenants.

The Planning Commission will hold their next Regular Board Meeting in November. They plan to continue to review the Zoning Ordinance.

Assessor - Assessor Maki's report was received and on file. Tim Luoma also provided a monthly report. Supervisor Doucette noted that no additional emails or correspondence have been received from the State regarding the AMAR review. Discussion about the review and current status was made.

Maintenance Department - Ryan Walther was present to discuss recent activities from his department. The new doors have been installed. The current hard drive on the security camera stores 5 days before it recycles. The firehall sign was installed and painting of the storage building will be completed.

Discussion regarding Ryan's probation period and review of his work over the past 3 months was made. Ryan requested that the Board consider a salary increase to \$900.00 per month, his original salary request.

MOTION by Trustee Carr, second by Treasurer Cota, to increase the Maintenance Position Salary to \$900.00 per month, beginning September 1, 2018, due to exemplary performance. CARR, YES; COTA, YES; MILLER, YES; DOUCETTE, YES; JOHNSON, YES. MOTION CARRIED.

Ryan also noted that lots of the cemetery area has been cleaned up over the past month. Replacement of the roof should happen yet this fall.

Discussion about the Heritage Trail Kayak Launch and dock system removal was made. It needs to be removed no later than October 1st and stored for the winter.

MOTION by Trustee Carr, second by Treasurer Cota, to leave the dock platform in the water for winter storage, but remove the launch and gangway. CARR, YES; COTA, YES; JOHNSON, YES; MILLER, YES; DOUCETTE, NO. MOTION CARRIED.

Community Building/Promotion - Treasurer Cota noted that the Community Building is rented September 22nd for a baby shower.

Fire Department – Monthly report has been received and on file. Fire Chief Perry King was present to discuss his report. There were no calls for the month. The Au Train Hall flooring project will be complete tonight. It will be a week before trucks can return and park. Valley Spur Concrete did a very nice job.

AED replacement pads cost \$660.00 through Cardiac Science. MOTION by Clerk Johnson, second by Trustee Miller to purchase the AED replacement pads with Cardiac Science at a cost of \$660.00. JOHNSON, YES; MILLER, YES; DOUCETTE, YES; CARR, YES; COTA, YES. MOTION CARRIED.

Discussion regarding the purchase of handheld inferred cameras rather than one big unit was made. Chief Perry recommends the handheld units. The cost through Pomasal would be \$1,685.00. MOTION by Clerk Johnson, second by Treasurer Cota, to purchase 3-handheld inferred cameras through Pomasal for a total of \$5,055.00. JOHNSON, YES; COTA, YES; MILLER, YES; DOUCETTE, YES; CARR, YES. MOTION CARRIED.

Chief King noted that he expects 5 to 6 new members. It is going to cost approximately \$3,500.00 for turnout gear and equipment for each new member.

The Yearly DOT's on the trucks will be coming up in October. Arrangements will be made with Sanderson to get these completed. Pump testing will be done on September 14, 2018 and the ladder testing is scheduled for September 20, 2018.

Discussion about propane pre-purchase for the 16 Mile Lake Fire Hall was made. MOTION by Trustee Carr, second by Clerk Johnson, to pre-purchase propane for the 16 Mile Lake Fire Hall from Superiorland Gas at \$1.39 per gallon, up to the maximum allowable gallons. CARR, YES; JOHNSON, YES; COTA, YES; DOUCETTE, YES; MILLER, YES. MOTION CARRIED. (Note: 900 gallons were purchased for a total of \$1,251.00)

***UNFINISHED BUSINESS**

UPPCO Franchise Agreement - Clerk Johnson presented the final draft of the Upper Peninsula Power Company Franchise Agreement - Ordinance No. 2018-001 for approval. MOTION Clerk Johnson, supported by Trustee Carr to approve the Ordinance No. 2018-001, Authorizing a Franchise Agreement to Upper Peninsula Power Company. JOHNSON, YES; CARR, YES; DOUCETTE, YES; MILLER, YES; COTA, YES. MOTION CARRIED.

ORDINANCE NO. 2018-001

A FRANCHISE, granting to UPPER PENINSULA POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate electric and fiber lines, poles and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to conduct a local electric business in the Township of Au Train, Alger County, Michigan for a period of thirty years.

The Township of Au Train ORDAINS:

Section 1. Grant of Franchise. The Township of Au Train, located in Alger County, Michigan (the "Township") hereby grants to Upper Peninsula Power Company, its subsidiaries, successors, and assigns (the "Company") consent, permission, right and authority is hereby given to construct, lay, operate, maintain, use, and replace electric, fiber, and other communication lines, poles, cables, conduits, appliances, buildings and other necessary works, in the highways, streets, alleys and other public places in the Township and a non-exclusive franchise is hereby granted to the Company, its subsidiaries, successors, and assigns, to transact local business in the Township for the purposes of producing, storing, transmitting, selling, and distributing electricity into and through the Township and all other matters incidental thereto.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, the Company shall faithfully perform all things required by the terms hereof.

Section 3. Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Township and shall within a reasonable time after making an opening or excavations, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to the Township and to every owner of property abutting the Company's lines or other facilities, for all damages and costs arising from the negligence of the Company or its officers, agents, and servants.

Section 4. Force Majeure. The Company shall not be liable for failure to furnish service as herein provided, or for any breach of the Company's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Company.

Section 5. Hold Harmless. The Company shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Company's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township resulting from Company's negligent construction and maintenance, the Company shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 6. Effective Date; Term of Franchise; Acceptance by the Company. This Franchise shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter; provided, however, that when this Franchise shall become effective the Township Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication thereof as required by law, and the Company shall, within sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Franchise Not Exclusive. The rights, power and authority granted by this Franchise are not exclusive, and nothing contained herein shall prevent the Township from granting other non-exclusive electric franchises.

Section 8. Franchise Revocable. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. Effect and Interpretation of Franchise. All other franchises, ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Franchise are hereby rescinded, to the extent of such conflict. The catch line headings which precede each section of this Franchise are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Franchise.

Section 10. Successors and Assigns. The words "Upper Peninsula Power Company" and the "Company," wherever used herein, are intended and shall be held and construed to mean and include both Upper Peninsula Power Company and its subsidiaries, successors, and assigns, whether so expressed or not.

Ayes: Johnson, Carr, Doucette,
Miller, Cota

Attested, by Order of the Township of
Au Train, Alger County, Michigan

Nays: None

Mary Walther Johnson
Au Train Township Clerk

Date Passed: 09/10/2018

Michelle Doucette
Au Train Township Supervisor

Date Published: 10/03/2018

***NEW BUSINESS**

Correspondence on file - Notice of Hearing Upper Peninsula Power Company

L4029 Tax Rate Request - Clerk Rogers presented the L4029 Tax Rate Request for the December 2018 Tax Collection, prepared by the Alger County Equalization office. After review and discussion,

MOTION by Clerk Johnson, supported by Supervisor Doucette, to authorize the collection of taxes and levy the following millage rates on December 1, 2018 that will be used to support the 2018/2019 Fiscal Year Budget. General Fund - 0.7069; Road Fund - 2.0000; Fire Fund - 2.9697; Garbage Fund - 3.0000. JOHNSON, YES; DOUCETTE, YES; MILLER, YES; COTA, YES; CARR, YES. MOTION CARRIED.

Alger Conservation District - Clerk Johnson presented a Contract for Services with the Alger Conservation District to convert the remaining loan amount of \$1,000 to a Contract for Services. Their millage request was approved in August, and funds will be available in December 2019.

MOTION by Treasurer Cota, second by Supervisor Doucette, to enter into a Contract for Services with the Alger Conservation District, converting the remaining \$1,000.00 loan balance to contract funds, for the period of 10/1/18 to 9/30/19. COTA, YES; DOUCETTE, YES; MILLER, YES; CARR, YES; JOHNSON, YES. MOTION CARRIED.

MTA Regional Meetings - Clerk Johnson noted that the Michigan Township Association Regional Meetings are coming up next month. Any Board members interested in attending, October 10th in Harris, should let her know so they can get registered.

*PUBLIC COMMENT - 8:13 pm. - Comments were received from Donna Shields regarding Vacation Rental Concerns and the need for registration and compliance guidelines.

*ADJOURNMENT

Being no further business, MOTION by Trustee Carr, second by Clerk Johnson, to adjourn the meeting.
MOTION CARRIED. MEETING ADJOURNED at 8:30 pm.

Submitted by: Mary Walther Johnson, Au Train Township Clerk
