

Au Train Township Regular Board Meeting
March 11, 2019
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 6 persons attended the Board Meeting. A complete sign up sheet is on file with Clerk Johnson.

*APPROVAL OF AGENDA

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

*MINUTES

MOTION by Clerk Johnson, second by Trustee Carr, to approve the minutes of the February 11, 2019 Regular Board Meeting, as presented. MOTION CARRIED.

MOTION by Treasurer Cota, second by Supervisor Doucette, to approve the minutes of the February 25, 2019, Special Budget Workshop Meeting. MOTION CARRIED.

*BILLS AND CLAIMS

MOTION by Clerk Johnson, second by Trustee Carr, to accept this month's bill list as presented and authorize that they be paid as funds are available. JOHNSON, YES; CARR, YES; COTA, YES; DOUCETTE, YES. MILLER, YES. MOTION CARRIED. (General Fund Checks Numbered #160677 through #16101- Fire Fund Checks Numbered #8216 through #8227- Garbage Fund Check Numbered #2046).

*BOARD MEMBER REPORTS -

•TREASURER'S REPORT - For the Month of February 28, 2019, as presented by Kristy Cota, Treasurer

GENERAL FUND CHECKING

Beginning Balance	\$	117875.96
Deposits		35845.59
Interest		12.50
Disbursements		10271.54
Checks Not Cleared		2142.33
Ending Balance	\$	141320.18

FIRE FUND CHECKING

Beginning Balance	\$	264051.81
Deposits		45891.69
Interest		29.33
Disbursements		4425.03
Checks Not Cleared		90.04
Ending Balance	\$	552636.13

Certificate of Deposit	\$	50677.20
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GARBAGE FUND CHECKING			
Beginning Balance	\$		140466.16
Deposits			46359.84
Interest			16.86
Disbursements			10893.60
Ending Balance	\$		175949.26
ROAD FUND CHECKING			
Beginning Balance	\$		178778.59
Deposits			30906.99
Interest			20.12
Disbursements			
Ending Balance	\$		209705.70

*A Complete copy of the February 28, 2019 Report is on file with Clerk Johnson.

Treasurer Cota noted that there were two dispersals in February for the Winter Tax Collection. The final dispersal will be on March 15, 2019. The BSA export was sent to the County for settlement. She will continue to work on Personal Property Tax Collection.

*CLERK'S REPORT - Clerk Johnson updated the Board on recent activities. She noted that she worked on Budget Prep, prepared and processed the grant application for the E-Pollbook, prepared the Kleeman response letter and worked on setting up the Direct Deposit for payroll. Forms were distributed to Board members for completion. She also noted she would contact Anderson, Tackman and Company and schedule the upcoming audit.

*TRUSTEE'S REPORT - Trustee Carr noted that he attended the recent fire department meeting and worked with Angry PC on getting the security system upgraded. In addition, spoke with Trudell Plumbing and Heating regarding the Community Building furnace and the future need to replace the ignighter.

Trustee Miller noted that he attended his first Budget Workshop, which was interesting, and he continues with the Firefighter 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 received the PDF listing from UPPCO noting the street lights in the Township, which was forwarded to Board members. Trustee Carr agreed to begin the review process and report to the Board. She also sent an update letter to Tom Moorman regarding the Blight Complaint asking for a status update. The next Regional Government meeting will be held on March 27, 2019 at 5:00 pm, held at the Munising Township Hall.

*SPECIAL PRESENTATION - 6:21 pm. Dawn Riley, representing the former gift shop in Christmas, informed the Board that the liquor license application from the State was denied. They are researching other options for the building and suggested they would like to open a Marijuana Retail Boutique in the space. Discussion regarding the Townships position to opt out of allowing retail sales until the State of Michigan submits the rules relating to the establishment of such stores. There are many unknowns regarding the rules, regulations, policies and procedures.

*PUBLIC COMMENTS - None

***COMMITTEE REPORTS**

Financial Reports - Clerk Rogers presented February 2019 reports for all funds.

Zoning Administrator/Planning Commission/ZBA - Clerk Johnson noted that the Zoning Administrators Report has been received and is on file. The rescheduled meeting of the Planning Commission is set for March 28, 2019 at 7:00 pm.

Assessor - The Assessor's Report has been received and is on file. Donna Shields was officially appointed member of the Board of Review. There was an issue with member Lonny Church not taking the Oath of Office within the allotted time so he was given the opportunity to be an alternate member. He declined that opportunity and his resignation was accepted. Donna Shields was appointed Board of Review Chairperson. Clerk Johnson will prepare an advertisement noting the alternate position availability.

Maintenance Department - Ryan Walther presented his recent activities report to the Board for review. Activities focused on snow removal and plowing. He will be preparing a repair list after winter snow cover is gone and prioritize accordingly.

Community Building/Promotion - Treasurer Cota noted that there are no upcoming rentals or events planned.

Fire Department – Monthly report has been received and on file. Chief King noted that there were 5 calls for the month of February. Expenditures for the month were typical. The 6 Month MDOT inspections are due for the trucks and he will be making arrangements with Mike Sanderson to get them scheduled. There is a broken drain valve on the Christmas Pumper. I will be ordered and installed.

County Commission Update - Commissioner Doucette arrived late as he was attending the County Meeting.

*Public Hearing - 2019/2020 Budget - Supervisor Doucette noted that the Public Hearing was Open. (6:48 PM)

Proposed Budgets for the Fiscal Year 2019/2020 were presented for the General Fund Account, Fire Fund Account, Garbage Fund Account and Road Fund Account.

The General Fund Budget, based on allocated millage of 0.7069 was reviewed.

The Fire Fund Budget, based on voted millage of 2.9697 was reviewed.

The Garbage Fund Budget, based on voted millage of 2.0000 was reviewed.

The Road Fund Budget, based on voted millage of 2.0000 mills was reviewed.

Clerk Johnson noted that the Fund Balance for all accounts, effective March 31, 2019, will be amended to reflect actual reconciled balances.

Public Comments - Comments were received regarding the process and funds.

Supervisor Doucette noted the Public Hearing Closed. (6:59 pm)

***Budget Approval**

Clerk Rogers presented each Fund to the Board for final review and consideration:

MOTION by Clerk Johnson, second by Treasurer Cota, to accept the General Fund, Fire Fund, Garbage Fund and Road Fund Fiscal Year 2019-2020 Budgets as proposed, supported by 0.7069 allocated mills for the General Fund, 2.9697 voted mills for the Fire Fund, 2.0000 voted mills for the Garbage Fund and 2.0000 voted mills for the Road Fund, and authorize said collection of all allowable millage to support the funds. JOHNSON, YES; COTA, YES; MILLER, YES; DOUCETTE, YES; CARR, YES. MOTION CARRIED.

Resolution 2019-002
General Appropriations Act -
RESOLUTION No. 2019 - 002
Au Train Township, Alger County, Michigan

A resolution to establish a general appropriations act for Au Train Township; to define the powers and duties of the Au Train Township officers in relation to the administration of the budget; and to provide remedies for refusal or neglect to comply with the requirements of this resolution.

The Board of Trustees of Au Train Township resolves:

Section 1: Title

This resolution shall be known as the Au Train Township General Appropriations Act.

Section 2: Chief Administrative Officer

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

For general law townships: Pursuant to MCLA 141.412, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on January 2, 2019 and March 6, 2019 and a public hearing on the proposed budget was held on March 11, 2019.

Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2019/2020, including an allocated millage of 0.7069 mills; and various miscellaneous revenues shall total \$339,856.00 for the General Fund, which includes a 3/31/2019 estimated Fund Balance of \$143,215.00.

Estimated township Fire Fund revenues for fiscal year 2019/2020, including a voted millage of 2.9697 mills; and various miscellaneous revenues shall total \$620,639.00, for the Fire Fund, which includes a 3/31/2019 estimated Fund Balance of \$417,353.00.

Estimated township Garbage Fund revenues for fiscal year 2019/2020, including a voted millage of 2.0000 (3.0000 authorized) mills; and various miscellaneous revenues shall total \$373,876.00, for the Garbage Fund, which includes a 3/31/2019 estimated Fund Balance of \$227,753.00.

Estimated township Road Fund revenues for fiscal year 2019/2020, including a voted millage of 2.0000 mills; and various miscellaneous revenues shall total \$414,478.00, for the Road Fund, which includes a 3/31/2019 estimated Fund Balance of \$251,495.00.

Section 6: Millage Levy

The Au Train Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to total 7.6766 mills as set forth by the Tax Allocation Board (or as authorized under state law and approved by the electorate).

Section 7: Estimated Expenditures

Estimated township general fund expenditures for fiscal year 2019/2020 for the various township activities (cost centers) are as follows: see attached Proposed Budgets for the General Fund, Fire Fund, Garbage Fund and Road Fund.

Section 8: Adoption of Budget by Reference

The General Fund, Fire Fund, Garbage Fund and Road Fund Budgets of Au Train Township are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 9: Adoption of Budget by Cost Center

The Board of Trustees of Au Train Township adopts the 2019/2020 fiscal year general fund budget, fire fund budget, garbage fund budget and road fund budget by cost center. Township officials responsible for the expenditures authorized in the budget may expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and may make transfers among the various line items contained in the cost center appropriation. However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior board approval by budget amendment. In addition, those activities with single line item budgets, shall be subject to prior board approval by budget amendment prior to any transfers.

Section 10: Appropriation not a Mandate to Spend

Appropriations will be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any town order for expenditures that exceed appropriations.

Section 11: Transfer Authority

No Officer shall have the authority to make transfers among the various cost centers (or line items) without prior board approval. Under no circumstances may the total general fund budget be changed without prior board approval.

Section 12: Periodic Fiscal Reports

The fiscal officer shall transmit to the board at the end of each of the first three quarters, and at the end of each month occurring during the fourth quarter, a report of financial operations, including, but not limited to:

- a. a summary statement of the actual financial condition of the general fund at the end of the previous quarter;
- b. a summary statement showing the receipts and expenditures and encumbrances for the previous quarter and for the current fiscal year to the end of the previous quarter;
- c. a detailed list of:
 - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year, and any revisions in revenue estimates resulting from collection experience to date.
 - ii. for each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter for the current fiscal year and as compared with the same period in the prior fiscal year; the unencumbered balance of appropriations; and any revisions in the estimate of expenditures.

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Fiscal Officer or the Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures shall exceed an appropriation, the Fiscal Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 15: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in Public Act 621 of 1978) and the Au Train Township personnel manual.

Section 17: Board Adoption

Motion made by Johnson, seconded by Cota, to adopt the foregoing Resolution.

Upon roll call vote, the following voted aye: Johnson, Cota, Miller, Doucette, Carr

The following voted nay: None

The Supervisor declared the motion carried and the resolution duly adopted on the 11th day of March, 2019.

Mary Walther Johnson

Signed: Mary Walther Johnson, Township Clerk

***UNFINISHED BUSINESS**

Kleeman - The Brief from Mr. Kleeman's attorney is due by March 28, 2019. Upon receipt attorney Greg Murphy will draft the Township's response. The matter is scheduled to appear before Judge Carmody on May 22, 2019.

***NEW BUSINESS**

Kleeman Correspondence - Clerk Johnson provided copies of the correspondence received from Kenneth and Tina Kleeman and the Board response.

Resolution 2019-003

Au Train Township Board Resolution No. 2019-003

RESOLUTION ESTABLISHING A POLICY FOR THE INSPECTION OF ASSESSMENT RECORDS

WHEREAS, the Public has the right to inspect the official Au Train Township Assessment records;
And

WHEREAS, from time to time Au Train Township will receive request for records;
And

WHEREAS, it is necessary to adopt a Policy to obtain those records and to insure those requests are addressed in an efficient and consistent manner;

THEREFORE BE IT RESOLVED, the Au Train Township Board hereby adopts the following process to obtain information or copying of assessment records:

1. All phone calls and/or mail received by Township Officials will be forwarded to the Au Train Township Assessor for his response; and
2. The Au Train Township Assessor is expected to respond to all mail and phone call requests; and
3. Copies of Assessment Record Cards and/or other assessment related materials shall be provided in a timely manner.

BE IT FURTHER RESOLVED that the official contact information for the Au Train Township Assessor is as follows:

Cameron Fuess
Au Train Township Assessor
P.O. Box 33
Au Train, MI 49806
Cell phone number: 224-388-3003
Email: autrainassessor@gmail.com

The foregoing Resolution offered by Board Member: Johnson

Second offered by Board Member: Carr

Upon Roll Call vote the following voted:

"Aye" Johnson, Carr, Doucette, Miller, Cota

"Nay" None

The Supervisor declared the Resolution adopted. Mary Walther Johnson 3/11/2019
Mary Walther Johnson, Clerk Date

Ordinance 2019-001

Au Train Township, County of Alger, State of Michigan

**PROHIBITION OF RECREATIONAL MARIJUANA ESTABLISHMENTS ORDINANCE
Ordinance No. - 2019-001**

An Ordinance adopted for the purpose of prohibiting recreational marijuana establishments within the boundaries of Au Train Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended, to provide penalties for violation of this Ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict; and to provide an effective date.

THE TOWNSHIP OF AU TRAIN, COUNTY OF ALGER, AND STATE OF MICHIGAN ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known as and may be cited as The Au Train Township Prohibition of Recreational Marijuana Establishments Ordinance.

SECTION 2: DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

SECTION 3: NO MARIJUANA ESTABLISHMENTS

Au Train Township hereby prohibits all recreational marijuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

SECTION 4: VIOLATIONS AND PENALTIES

1. Any person who disobeys, neglects or refuses to comply with any provision of this Ordinance or who causes, allows or consents to any of the same, shall be deemed to be responsible for violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se.

2. A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity other appropriate and proper remedies, including injunctive enforcement. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against all persons or entities alleged to be in violation of this Ordinance, and such other relief as may be provided by law or equity.
5. This Ordinance shall be administered, enforced, and citations of violation issued by the Alger County Sheriff Department, the Ordinance Enforcement Officer of the Township, or any Authorized person(s) as designated by the Township Board from time to time.

SECTION 5: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 6: REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its publication.

CERTIFICATION:

Approved by the Au Train Township Board at a Regular Board Meeting held on March 11, 2019.

Motion made for approval by: Cota

Second: Miller

Ayes: Cota, Miller, Johnson, Carr, Doucette

Nays: None

Motion declared passed by the Au Train Township Supervisor.

By: Mary Walther Johnson
Mary Walther Johnson, Township Clerk

3-11-2019
Date

Correspondence - Clerk Johnson presented correspondence regarding an increase in the number of campsites for Au Train Beach Campground from the State of Michigan. In addition, Clerk Johnson noted that two inquiries were sent regarding a campground on Crossover Road - "www.hipcamp.com". Information will be sent to Zoning Administrator Jason McCarthy.

*PUBLIC COMMENT - 7:26 pm. None

*ADJOURNMENT

Being no further business, MOTION by Trustee Carr, second by Supervisor Doucette, to adjourn the meeting. MOTION CARRIED. MEETING ADJOURNED at 7:26 pm.

Submitted by: Mary Walther Johnson, Au Train Township Clerk