

Negaunee Township Regular Board Meeting – April 14, 2016

Call to Order

William Carlson, Township Supervisor, called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Other Board members present included John Ennett, Carl Nurmi, Rachel Sertich and Duane Soine.

Absent: None

Agenda

Board members reviewed the “revised” agenda for 4/14/16. Upon motion of John Ennett, seconded by Carl Nurmi, the revised agenda as presented was approved. Motion Carried.

Approval of Minutes

Board members reviewed the minutes for the Budget Hearing, Annual Meeting and Regular Township Board Meetings held on March 24, 2016. Upon motion of John Ennett, seconded by Duane Soine, the minutes as presented were approved. Motion Carried.

Public Comment

Jessica Holman, Director of the Negaunee Public Library, addressed the Board regarding placing a library drop box at the Township Hall. There would be no cost to the Township, and library staff would be responsible for collecting those items dropped off. Upon motion of John Ennett, seconded by Duane Soine, approval was given for the Negaunee Public Library to place a drop box near the front entrance to the Township Hall. Motion Carried.

Michael Klein, current Undersheriff for Marquette County, Candidate for the Marquette County Sherriff position (and also a Negaunee Township resident) addressed the Board and those in attendance in the audience. He explained his military, work and education background, along with why he is running for the Sherriff's position.

Old Business

Recycle Agreement Gordy from North County Disposal was on hand to address the change in recycling procedure and the proposed Recycling Agreement with the Marquette County Solid Waste Management Authority (MCSWMA). While recycling would still be picked up curbside by North Country, residents would need to separate fibers one week (newspapers, cardboard, magazines, etc) and solids (glass, metal, plastic, etc) the opposite week - with North Country then delivering recycling to the landfill where it would be separated and ultimately sold, with the Township receiving back 60% of the proceeds. It was noted heavy metals would still be dropped off by residents during the monthly rubbish collection versus curbside pickup. Upon motion of Duane Soine, seconded by Carl Nurmi, the Township was authorized to sign the contract Recycling Agreement with the MCSWMA with the Township to receive 60% from the sale of the recyclables at least annually. Motion Carried *with John Ennett casting a negative vote.*

Dead River Campers Plat Review The Board reviewed correspondence dated April 4, 2016 from Kevin Koch, Township Attorney, regarding the resubmission of the Dead River Campers Plat No. 4 to the State of Michigan by Larry Bussone and corrections required before the Plat would be accepted.

Water Rate Structure Review A letter dated April 11, 2016 from Traverse Engineering regarding review of the water rate methodology / calculation was discussed by Board members. The letter indicated the budget and rates appeared to be in order.

Water Rate – Annual Adjustment The Supervisor noted the annual water rate adjustment needed to be implemented based on the approval of the Water Department's 2016-2017 fiscal year budget, which is used to calculate the rate. Upon motion of John Ennett, seconded by Rachel Sertich, approval was given for the Township to establish water rates as a Basic Rate of \$16.99 (prior rate of \$16.07) per month with a cost of \$5.60 per thousand gallons (prior rate of \$5.36) effective April 1, 2016 with the first billing to occur at the end of April. Motion Carried

Wage Increases Board members discussed full-time employee wage increases which had been reviewed during the Budget work session. While the Budgets for all funds were adopted at the March, 2016 Annual Meeting, it was discussed also including this information in the Board Minutes. Upon motion of Rachel Sertich, seconded by John Ennett, approval was given to grant a 3% wage increase to all full-time positions (with the exception of Community Center Custodian which will be determined by the Community Center Board) and with the Zoning Administrator to receive an additional 2% (based on completed completion of Master Planner certification) effective April 1, 2016. Motion Carried.

New Business

EMS Week Proclamation Upon motion of Carl Nurmi, seconded by Rachel Sertich, the following proclamation was adopted:

**EMS Week Proclamation
To designate the Week of May 15, 2016, as
Emergency Medical Services Week**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the vital link in America's healthcare system; and

WHEREAS, approximately two-thirds of all community emergency medical services are volunteer professionals, and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, rescue specialists, dispatchers, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, the residents and visitors of our community benefit daily from the dedication of these highly trained individuals: and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, the designation of Emergency Medical Services Week will also assist in informing the public about the life saving aspects of the local EMS system,

NOW, THEREFORE, the Negaunee Township Board, in recognition of this event, does hereby proclaim the week of May 15-21, 2016, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS Strong: Called To Care: we encourage the community to observe this week and actively support our local EMS agencies.

Motion Carried.

Aye: Carlson, Ennett, Nurmi, Sertich & Soine
Nay: None
Absent: None

Interim Trustee Opening With Board member Carl Nurmi having provided a Letter of Resignation from the Board effective April 15, 2016 as he'll be moving outside of the Township, a Trustee opening will exist. 3 individuals have expressed interest in filling the position and completing the remainder of the position's term including Thyra Karlstrom, Patrick Moyle and Gary Wommer. All 3 individuals were in attendance and each took the opportunity to address the Board and provide information about themselves and why they wish to fill the vacancy.

Scheduling: Special Board Meeting Board members discussed the need to hold a Special Meeting to discuss the Trustee appointment and several additional items. Upon motion of John Ennett, seconded by Rachel Sertich, a Special Board Meeting will be held on Thursday, April 21, 2016 at 3 p.m. at the Negaunee Township Hall to discuss the Trustee appointment, a vacancy on the Community Center Board and review bids for water tank maintenance. Motion Carried.

MCTA Resolution Upon motion of John Ennett, seconded by Carl Nurmi, the following Resolution was adopted and the Supervisor was authorized to forward the Resolution and letter to Governor Rick Snyder, Senator Casperson, Representative Kivela, Senator Meckhof, the MTA, the Michigan Municipal League, Michigan Association of Counties, the County of Marquette and other known tax reliant agencies:

RESOLUTION
Request Michigan Senate to Reject Appointment of
Marcus Abood to the Michigan Tax Tribunal

Whereas; the Negaunee Township Board of Trustees has responsibility for ensuring the health, safety, and welfare of Township residents and visitors; and,

Whereas; the financial resources necessary for the provision of such services are derived from taxable value assessment, collection, and distribution to reliant entities, and,

Whereas; such tax collection and distribution generally occur after services are committed or rendered to constituents; and,

Whereas; local Assessors are required to apply provisions of the formal Assessors Manual as issued by the Michigan Tax Commission in determining said taxable values; and,

Whereas; the Michigan Tax Tribunal is not required to apply the provisions of the formal Assessors Manual in their review of appeals; and,

Whereas; the Michigan Tax Tribunal has accepted and applied the "Dark Store" theory in their decisions regarding commercial properties since 2010; and,

Whereas; the "Dark Store" theory has caused lasting fiscal damage to the ability of local governments and tax revenue reliant agencies to serve all constituents; and,

Whereas; Marcus Abood in previous appointment to Judge of the Tax Tribunal has rendered "Dark Store" decisions demonstrating his bias, rejection of traditional methods of assessment, and failure to recognize the serious impacts of this acceptance of the flawed commercial property "Dark Store" theory and its impact on all constituents; and,

Whereas; the Michigan Senate is required to approve the appointment of Marcus Abood as recommended by Governor Rick Snyder ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents;

Now, Therefore Be It Resolved; that the Negaunee Township Board of Trustees hereby resolves to respectfully requests the Michigan Senate to reject the appointment of Marcus Abood to the Michigan Tax Tribunal as proposed by Governor Rick Snyder to the Detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

Motion Carried

Aye: Carlson, Ennett, Nurmi, Sertich & Soine

Nay: None

Absent: None

MCSWMA Stock Holder's Meeting Board members reviewed and survey being conducted by Sands Township regarding action previously taken by the MCSWMA to remove Marquette County from the Intergovernmental Agreement. The Township was asked as to how they would respond to 4 questions on the survey, with the following survey responses being recommended unanimously by Board members:

1. Was the MCSWMA action to remove Marquette County from the Intergovernmental Agreement done appropriately? _____ Yes X No
2. If Marquette County is removed from the Intergovernmental Agreement, should the County retain the right to make appointments to the MCSWMA Board? _____ Yes X No
3. Do you believe that a conflict of interest (incompatibility of office) exists with the current attorney firm representing the MCSWMA given that attorney Mr. William Nordeen is an elected Marquette County Commissioner? X Yes _____ No
4. Would you support a motion from the Constituent Municipalities that the MCSWMA Board **rescind** its action to remove Marquette County from the Intergovernmental Agreement? X Yes _____ No

Reports

Community Center Board Township Supervisor Carlson reviewed the minutes of the Community Center Board meeting held on April 6, 2016. Highlights included: 1) the Zoning Administrator had brought to the Board's attention the availability of "Placemaking" mini grants through CUPPAD, with a Special Meeting to be held 4/14/16 to discuss the same, 2) Jason Makinen was approved to work for Bob Johnson when he is either on PTO or attending training, 3) bids to complete work on the gym floor were approved, and 4) the Rental Contract review / revision was tabled until the May meeting.

Fire Department Report Jeff Kontio, Fire Chief, was on hand to review the written Fire Department report dated April 14, 2016. Items highlighted included: 1) 6 calls for the month of March (35 calls year to date), 2) training for the month railroad awareness and safety, 3) the Department is moving forward with the next stage of their 5 year plan to build an addition to the North side of the current Fire Hall, and 4) the Marquette County Fire Fighter class will be held at the Township Hall on April 16, 2016.

Water Report Water Supervisor, Russ Williams, provided an update on the Water Department. He noted: 1) work was being done on the Consumer Confidence Report which is required annually, 2) he had been in contact with the DEQ to acquire the necessary permits to complete the proposed work on the elevated water tank, and 3) he is looking to rent or borrow a generator during the time the tank is down. With the pumps to be running continuously when the tank is not operational, he wants to make certain a power outage would not cause an issue with the water system.

ISO – Public Protection Classification Board members reviewed a letter dated 3/28/16 from ISO indicating as of July 1, 2016 the Township Public Protection Classification will be: 06/6X

Clerk Report(Bills, Claims)

Water fund checks #7738 through #7747 totaling \$26,608.76 were reviewed. Upon motion of John Ennett, seconded by Carl Nurmi, the Water fund checks as presented were approved. Motion Carried.

General Fund checks #25338 through #25532 totaling \$165,560.78, and ACH information for the month of February and March, 2016 totaling \$25,809.90 were reviewed. Upon motion of John Ennett, seconded by Carl Nurmi, the General Fund checks and ACH with a grand total of \$191,370.68 as presented were approved. Motion Carried.

Planning Report Carl Nurmi, Board Liaison, and Nick Leach, Zoning Administrator, provided an update on the meeting held April 12, 2016, along with reviewing his written report. Highlights included: 1) Conditional use permits were approved for MAG, Inc. Mini Storage and Jungwirth Farm, and 2) the Committee will be temporarily tabling the Sign Ordinance Updates to allow ample time to work on potential Conditional Use permit items.

Assessor's Report Susan Bovan, Assessor, was on hand to review her monthly report covering March, 2016. Items highlighted included: 1) March Board of Review, 2) Values and 3) State Required Reports.

Treasurer's Report John Ennett, Treasurer, addressed items in the Treasurer's Department. He noted: 1) tax collection was completed, and 2) the Township was the first unit to settle with the County thanks to the work of his Deputy, Carrie Heard.

Water Charge Off – Bad Debt The Treasurer noted there was a \$144.90 debt due from Heather Stanaway (previous address 50 Midway Drive). Despite a judgment in favor of the Township, all prior attempts to collect the funds were unsuccessful and the Treasurer recommended the balance be charged off. Upon motion of Carl Nurmi, seconded by Rachel Sertich, approval was given to charge off the balance of Heather Stanaway's balance owed to the Township in the amount of \$144.90 to Bad Debts. Motion Carried.

Supervisor's Report William Carlson, Township Supervisor, provided an update on Township activities since the last Board meeting including: 1) County Brownfield meeting, 2) 9-1-1 Meeting and upcoming CUPPAD meeting.

Brownfield Authority Brownfield Administrator, Nick Leach, noted no Authority meeting had been held. However, he did provide updates including: 1) TriMedia had removed the contaminated soil from the Sawmill Road property, 2) he had attending Brownfield training in Escanaba with Eugene Maki and had received information on successful Brownfield projects and grant opportunities. John Ennett asked if a Brownfield Plan was now formally in place for the Sawmill Road site. Mr. Leach noted the Plan has been discussed and an RFP will be made to both TriMedia and CUPPAD regarding developing the official Plan for the location.

Wellhead Protection Committee No meeting held, with the next to be scheduled in May, 2016.

Advisory Trail Committee Al Reynolds provide an update, noting with the weather having improved the Committee will be looking to install new markers on the trail.

Personnel Committee Rachel Sertich, Chairperson, reported on the meeting held on April 13, 2016, including work being performed to update the Personnel Policy manual.

MERS 457 Plan Board members discussed the recommendation by the Personnel Committee to approve a Resolution to become a member of the MERS 457 Deferred Compensation Plan. This would allow full-time Township employees to invest funds into a retirement plan pre-tax. Upon motion of Rachel Sertich, seconded by Duane Soine, the following Resolution was adopted:

**RESOLUTION
Adopt MERS 457 Deferred Compensation Plan for Negaunee Township**

This Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document.

WHEREAS, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan

has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

- I. The Participating Employer adopts the Plan for its Employees. T
- II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.
- III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the employer that are not part of MERS. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.
- V. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.
- VI. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of

the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

- VII. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer. In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

Motion Carried

Aye: Carlson, Ennett, Nurmi, Sertich & Soine

Nay: None

Absent: None

Emergency Management Report Mr. Carlson noted address changes had been updated.

Correspondence

- None

Public Comment

- None

Informational Items

- Email from John Kivela
- Letter from Attorney Kevin Koch
- US 41 Corridor Minutes
- Marquette County Brownfield Minutes
- Update: Land Permit
- DRCA Plat #4 Info

Board Member Comments

John Enntt asked if there was any update on obtaining bids from the Marquette County Road Commission. The Supervisor noted he had not received any information, but would contact the MCRC.

Rachel Sertich thanked Carl Nurmi for his service to the Board.

Carl Nurmi asked for an update on a possible Blasting Ordinance. Nick Leach noted he is working with the Township's downstate law firm and 2 blasting companies to obtain information to be included in any such ordinance.

Mr. Nurmi noted it has been a pleasure serving on various Township Boards and Committees over the last 10+ years.

Next Meetings

The next regularly scheduled Township Board Meeting was moved to be held on Thursday, May 12, 2016 at 7:00 p.m.

Adjournment

No further business appearing and upon motion of Rachel Sertich, seconded by Carl Nurmi, the meeting was duly adjourned at 8:30 p.m.

Respectfully submitted,

Rachel Sertich
Negaunee Township Clerk