

**REGULAR MEETING
January 8, 2019**

PERE MARQUETTE CHARTER TOWNSHIP BOARD
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Paul Keson; Clerk Rachelle Enbody; Treasurer Jacalyn Sroka;
Trustees: Paul Piper, Andrew Kmetz, James Nordlund Sr., and Henry Rasmussen.
Also present: Devon Hall, Jerry Bleau, Andy Larr, Larry Gaylord, Kelly Smith, Fran Kalchik
and County Commissioners Lew Squires and Steve Hull.
Present for a portion of the meeting: Sheriff Kim Cole.

The meeting was called to order at 6:30 p.m. by the Supervisor. Invocation was given by Smith; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: The following correction was offered for the December 27, 2018 minutes: Under Item C. Water Rate Resolution change the word "to" to "to". **Moved** by Enbody, seconded by Rasmussen to approve the minutes from the December 27, 2018 meeting as corrected. Motion carried.

APPROVAL OF AGENDA: **Moved** by Keson, seconded by Sroka to add Item D. "Consider 2019 Road Projects" to the agenda and to approve the agenda as amended. Motion carried.

NEW BUSINESS: A. **Resolution for the Designation of Depositories** – The purpose of the resolution is to provide for the deposit of the money coming into the possession of the treasurer of the township. The township board is required to approve by resolution the financial institutions in which the treasurer may deposit funds.

The following **Resolution** was offered by Sroka, and supported by Rasmussen:

RESOLUTION FOR THE DESIGNATION OF DEPOSITORIES

WHEREAS, under the laws of the State of Michigan, this board is required to provide by resolution for the designation and deposit of all public money, including tax money, coming into the possession of the township treasurer, in one or more financial institutions, hereinafter called institution(s), to be designated in such Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer is hereby authorized to deposit all public money, including tax money, now in or coming into the possession of the Treasurer, in the following financial institutions:

West Shore Bank	Crestmark Bank	Michigan Class
Fifth Third Bank	Morgan Stanley Smith Barney, LLC	Preferred Credit Union
Chemical Bank	Comerica Securities	Multi-Bank Securities
PNC Bank	Safe Harbor Credit Union	

Roll call vote: Yes: Kmetz, Rasmussen, Sroka, Keson, Enbody, Piper, and Nordlund.
No: None.
Absent: None.

Resolution declared adopted.

B. Agreement for the collection of summer school property taxes – **Moved** by Sroka, seconded by Rasmussen to enter into an agreement with the Ludington Area School District for the collection of 2019 summer property taxes at a reimbursed amount of \$4.00 per parcel and to authorize the Supervisor and Clerk to sign the agreement.

Motion carried.

C. Performance Resolution for Governmental Agencies – This Performance Resolution is required by the Michigan Department of Transportation for the purpose of issuing a municipality a permit in order to construct, operate, use and/or maintain utilities or conduct other activities within State Highway Right of Way locations within its corporate limits.

The following **Resolution** was offered by Keson and supported by Piper:

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

RESOLVED WHEREAS, the Charter Township of Pere Marquette hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employees, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title:	Name:
Township Supervisor	Paul A. Keson
DPW/Water/Sewer Superintendent	Andrew Larr
Township Clerk	Rachelle Enbody

Resolution declared adopted.

D. **Consider 2019 Road Projects** (added) – Board members reviewed a list of proposed road projects for 2019. Keson noted that the Orchard Avenue project could be postponed, depending upon the timing of the Lakeshore Drive watermain project.

Moved by Keson, seconded by Nordlund to complete the following road projects at a total estimated township cost of \$247,004.15 and to authorize the township supervisor and township clerk to sign the contracts with the Mason County Road Commission on behalf of the township:

Conrad Road – PM Hwy to Meyers Rd:

Place HMA overlay over entire roadway.

Length 1.03 mi.

Estimated Cost – \$73,125.00

Kinney Road – PM Hwy to Brye Rd: Cost Share with Summit Township

Selected wedging, cross culvert and seal coat surface then fog seal

Length 1.02 mi.

Estimated Cost – \$25,279.83

Orchard Ave – N Lakeshore Dr to N Terri Ct

Place HMA overlay over entire roadway

Length 0.14 mi.

Estimated Cost – \$18,800.00

Palmer Blvd and Snead Drive – Chauvez Road to Snead:

Place HMA overlay over entire roadway

Length 0.21 mi.

Estimated Cost – \$39,840.00

Russel Street – Washington Ave to Gary St:

Place HMA overlay over entire roadway

Length 0.41 mi.

Estimated Cost – \$16,400.00

Gary Street – Bryant Road to Russel Street:

Place HMA overlay over entire roadway

Length 0.13 mi.

Estimated Cost – \$12,400.00

Ellis Street – Russel Street to Eli Rd:

Place HMA overlay over entire roadway

Length 0.30 mi.

Estimated Cost – \$23,600.00

Lendale Road, Eli Road, Lunette Road:

Place HMA overlay over entire roadway

Length 0.50 mi.

Estimated Cost – \$38,400.00

S Brunson Dr – Hesslund Rd to Chauvez Rd:

Chip seal with fog seal

Length 0.78 mi.

Estimated Cost – \$24,167.00

Township wide dust control

Estimated cost - \$306.00

Motion carried.

COMMITTEE REPORTS: Planning Commission (Kmetz) – No meeting scheduled, no report.

EMPLOYEE REPORTS: Assessor (Hall) – Reported sending letters to the residents that have veterans’ exemptions to remind them to file for the exemption; mailed personal property statements; working with Centron to provide the printing and mailing services for the annual Assessment Change notices beginning this year.

Sheriff Cole reported on thirty-three calls for service in December 2018.

Building/Zoning Administrator (Bleau) – Provided a report detailing permit activity for December including year-end totals for 2018. Bleau updated board members that after researching leasing vehicles for township, it may be more practical to purchase a used vehicle. Any future plans to purchase a vehicle will come before the board for approval.

DPW/Water/Sewer Superintendent (Larr) – Reported working on end of year reports for the DEQ, vehicle maintenance and Miss Dig utility markings. Larr also reported that a lift station went down over the weekend and they are working on repairs.

Fire Department (Gaylord) – Reported on 19 responses in December of 2018; the department finished 2018 with three hundred ninety total responses.

Parks Manager / Code Enforcement (Smith) – Reported preparing for the upcoming seasonal reservations and campground software. Smith recently sent some code enforcement letters and is working with new contact personnel at Pallet Recycle on making sure they are compliant with zoning requirements.

OFFICERS REPORTS: Clerk (Enbody) – Reported working on year-end reporting to the State of Michigan for the Asset Forfeiture reporting and to the Election Assistance Commission on voter registration and election documentation; reported entering 2019 budget information and 2018 budget amendments into the general ledger accounting software. Enbody provided a list of current invoices for approval.

Moved by Enbody, seconded by Piper to approve payment of invoices totaling \$71,323.87. Motion carried.

Treasurer (Sroka) – Reported working on fourth quarter water and sewer billing, tax bills and year-end balancing.

Supervisor (Keson) – Reported meeting with Dr. Bill Anderson and his work with Cultural Economic Development in Mason County and will be attending a supervisor’s conference in Mt. Pleasant this week.

ANNOUNCEMENTS: The Mason County Township Officers Association Meeting is scheduled for Thursday, January 17, 2019 at 7:30 p.m. at Free Soil Township.

The Michigan Townships Association Annual Conference is scheduled for April 1-4, 2019 in Grand Rapids.

EXTENDED PUBLIC COMMENT: Fran Kalchik stated there is a tree at the West end of Curtwood that is close to power lines and wanted to make sure that the township notified the Road Commission of the issue.

County Commissioners Lew Squires and Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

The meeting was adjourned by the Supervisor at 7:10 p.m.