

**REGULAR MEETING**  
**January 9, 2018**

**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: Andrew Kmetz, James Nordlund Sr., and Henry Rasmussen.  
Board member absent: Trustee Paul Piper.  
Also present: Terry Wahr, Andy Larr, Larry Gaylord, Kelly Smith, Deborah DelZoppo, County Commissioner Steve Hull, and 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. The regular session minutes of the December 28, 2017 meeting, the closed session minutes of the December 28, 2017 meeting, and the current agenda were approved by consent.

**PUBLIC COMMENTS:** Sheriff Cole reported on forty calls for service in December 2017. There were one thousand thirty-six total calls for service in Pere Marquette Charter Township in 2017.

**NEW BUSINESS:** A. **Water Rate Resolution – Michigan Power** – Board members reviewed the Michigan Power Limited Partnership usage rate increase from \$1.11 to \$1.13 per one hundred cubic feet, effective January 1, 2018.

The following **Resolution** was offered by Kmetz, and supported by Nordlund:

**PERE MARQUETTE CHARTER TOWNSHIP**  
**WATER RATE RESOLUTION**

WHEREAS, Code of Ordinances, Chapter 30, Article II – Water System (the “Code”) provides that the Township Board shall establish water user rates and charges from time to time; and

WHEREAS, the Township Board desires to establish such rates and charges as are set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. With regard to Michigan Power Limited Partnership and per the Water Supply Agreement between them, the Township, and the City of Ludington, the usage rate for water shall be \$1.13 per 100 cubic feet. The monthly readiness-to-serve charge shall be equal to the wholesale readiness-to-serve charge billed to the Township by the City as per the Wholesale Water and Sewer Agreement between the Township and the City.
2. This resolution shall be effective immediately and shall be applicable for the current quarter beginning on January 1, 2018 and continuing thereafter until modified by future resolution of the Board.

All resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

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

Resolution declared adopted.

**B. Resolution for the Designation of Depositories** – Sroka explained that the purpose of the resolution is to provide for the deposit of the money coming into the hands of the treasurer of the township, and that the township board approves the financial institutions in which the treasurer may deposit funds.

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

**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  
Fifth Third Bank  
Chemical Bank

PNC Bank  
Crestmark Bank  
Morgan Stanley  
Comerica Securities

Safe Harbor Credit Union  
Michigan Class  
Preferred Credit Union

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

Resolution declared adopted.

C. **Agreement for the collection of summer school property taxes** – Moved by Nordlund, seconded by Sroka to enter into an agreement with the Ludington Area School District for the collection of 2018 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.

D. **Performance Resolution for Governmental Agencies** – This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an “Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way”.

The following **Resolution** was offered by Enbody and supported by Rasmussen:

#### 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.

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

EMPLOYEE REPORTS: Assessor(Hall) – absent (excused). Provided a report of assessing activity in December 2017.

Building/Zoning Administrator (Wahr) – Provided a report detailing permit activity for December including year-end totals for 2017.

DPW/Water/Sewer Superintendent (Larr) – Reported working on fourth quarter meter readings, plowing, and clearing snow from hydrants.

Fire Department (Gaylord) – Reported on 30 responses in December of 2017; the department finished 2017 with three hundred twenty-seven total responses, which is forty-seven fewer responses than in 2016.

Parks Manager / Code Enforcement (Smith) – Reported working on things to prepare for the upcoming camping season: brochures and making changes to the reservation system; working with Lake Effects media on video footage of the Dow acquisition property; starting to put together a list of properties in need of enforcement.

OFFICERS REPORTS: Clerk (Enbody) – Reported working on year-end balancing, audit preparation, and year-end reports. Enbody provided a list of current invoices for approval.

**Moved** by Enbody, seconded by Rasmussen to approve payment of invoices totaling \$132,034.71. Motion carried.

Treasurer (Sroka) – Reported working on fourth quarter water and sewer billing and year end audit preparation.

Supervisor (Keson) – Received a memo from the Michigan Department of Transportation detailing 2018 roadwork on Pere Marquette Highway from the freeway exit to US 10; MDOT stated it will be a two-week project and that there will be no weekend work and no lane closures during the construction. Keson reminded board members of the Special Meeting scheduled for January 23, 2018 at 6:30 p.m. at Peterson Auditorium.

ANNOUNCEMENTS: The Mason County Township Officers Association Meeting is scheduled for Thursday, January 18, 2018 at 7:30 p.m. at Amber Township.

The Michigan Townships Association Annual Conference is scheduled for April 24-26, in Traverse City.

County Commissioner Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

The meeting was adjourned by the Supervisor at 7:02 p.m.

Rachelle D. Enbody, CMC, Township Clerk

Paul Keson, Township Supervisor

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