

Melrose Township Board of Trustees Minutes
September 12, 2017 7:00pm

Call to order V. Goodwin called to order 7:00pm

Present: V. Goodwin, S. Burr, L. Stephens, P. Cotanche, R. Hissong Berry

Approval of the Agenda

Motion to approve the agenda with deletion of WLWS letter under Old Business and the addition of Boyne City Ambulance Contract under New Business.

Motion: L. Stephens 2nd P. Cotanche 5/0 approved

Approval of minutes from previous meeting:

Minutes of August 8, 2017 regular meeting

Motion to approve the minutes of 8/8/2017 regular meeting as presented.

Motion: P. Cotanche 2nd S. Burr 5/0 approved

Guest

- **G. Lasater** nothing from the county this month
- **Audit Report - Hill Schroderus Accounting**
Alicia presented the summary of the March 31, 2017 Financial Audit.
We are in good shape.
- **CAKE-CISMA- invasive species (knot- weed treatment)**
Not in attendance
- **Sue Herrington – Zoning & PRE questions**
Presented a concern about the zoning and taxing of the Fitzpatrick property in Clarion.
The scrap accumulation, the traffic about the site, and safety concerns (recent propane smell) are some of the issues. Questioned How and Why the expanded use is legal. Has sought proof of zoning changes, special use permits, and court/ tax tribunal actions. The main concerns are: 1. How the property is taxed? 2. Use of the different pieces of property? Wants the assessor and zoning administrator to provide copies of the records that will help understand the history. She understands the challenge of the current board dealing with the issues that have accumulated over many years.

Old Business

- **Sewer Update**
A. Nordman from Performance Engineers, Inc presented a summary of system operation. See included report.
- **Water Update**
A letter from WLWS has been received questioning the function of the meter and backflow preventer on the Township Hall. V. Goodwin will contact the firm who serviced it recently.
- **Masters House property**
The property is back on the market. Treasurer checks weekly for the status.
- **Insurance renewal**
Discussed additional bids to provide coverage for the Township. The bidders were thanked for the effort to provide detailed bids. Will be open to begin this process under Budget Planning in the first quarter of the year.
Motion to renew with EMC insurance for the 2017-2018 year.
Motion: L. Stephens 2nd V. Goodwin 5/0 approved
- **Recreation Plan update- survey forms**
Survey forms are out. Please try to ask people to complete them.

New Business

- **November meeting date**
Motion to move the November regular meeting date from Tue, Nov. 14 to Monday, Nov. 13 at the normal time of 7:00pm.
Motion: V. Goodwin 2nd S. Burr 5/0 approved

- **MDOT permit application**
Motion to approve the MDOT permit application resolution, naming V. Goodwin as the authorized person to apply.
Roll call vote: S. Burr-Y, L. Stephens-Y, P. Cotanche-Y, V. Goodwin-Y, R. Hissong Berry-Y
Approved 5/0
- **Election worker appointments- election commission meeting date**
The election commission will meet at 6:00pm before the Oct. 10, 2017 regular meeting to appoint the workers.
- **Street light removal agreement with Consumers Power**
Put the issue on hold for now.
- **Zoning Ordinance Change**
Resolution to approve changes recommended by the Melrose Township Planning Commission to revise Article VII- Sign regulations of the Melrose Township Zoning Ordinance to comply with Federal court rulings.
Resolution: V. Goodwin 2nd S. Burr Roll call vote- V. Goodwin-Y, S. Burr-Y, L. Stephens-Y, P. Cotanche-Y, R. Hissong Berry-Y 5/0 approved
Resolution to approve the 5 recommended Zoning Ordinance Amendments to eliminating the old language and adoption of the new recommended language per the Melrose Township Planning Commission in the included recommendation.
Motion: L. Stephens 2nd S. Burr Roll call vote- S. Burr-Y, L. Stephens-Y, P. Cotanche-Y, V. Goodwin-Y, R. Hissong Berry-Y 5/0 approved
- **Boyer City Ambulance Contract**
Motion to present the signed Ambulance Service Agreement to the City of Boyer City.
Motion: L. Stephens 2nd P. Cotanche 5/0 approved
This is the same as the agreement with Emmet County.

Financial Report

- **General fund reports**
Motion to approve General Fund financial report as presented and pay all bills.
Motion: L. Stephens 2nd P. Cotanche 5/0 approved
- **Sewer fund reports**
T. Mackie presented a summary of the report.
Motion to accept the sewer fund financial as presented and pay all bills.
Motion: L. Stephens 2nd S. Burr 5/0 approved
Motion to approve the USDA request for the last draw from the loan in the amount of \$27,046.25 to pay sewer project bills.
Motion: P. Cotanche 2nd S. Burr 5/0 approved
Motion to pay Matts Underground for hooking the park restroom building to the sewer system in the amount of \$16,900. from Capital Outlay budget.
Motion: L. Stephens, P. Cotanche 5/0 approved

Zoning Administrators Report see included report

Assessors Report none presented

Employee Grounds Report none presented

Committee Reports

- **Planning Commission** P. Cotanche shared the report summary
- **Zoning Board of Appeals** no meeting
- **Road Committee- Zoe St. , Lee St.,**
Shadow Trail is done.
Larson Road ground work has begun
2 Streets in Springbrook are due to be finished by Oct. 13, 2017
Zoe Street – V. Goodwin has talked with CCRC to develop a water management system for that area.
Lee Street- CCRC has been asked to help develop a water management plan for that area.

Hillview in Springbrook- There has been a discussion with residents and CCRC is working on a plan.
Howard Street erosion – CCRC will look at that area for water management solution.

- **Park Committee**
- **Fire Department**

L. Stephens presented summary of the included report.

Motion to hire Mike Cornell as recommend by the Fire Department as a fire department member.

Motion: L. Stephens 2nd S. Burr 5/0 approved

Multiple false alarms being experienced Department is concerned the the number of multiple of false alarms being experienced. Some method of charging fees to cover cost would require an ordinance- who would work on this? Also the concern with cost recovery for services delivered to nonresidents. Lyon will start to gather sample language.

The department is working on a proposal for fire truck arrangements with Chandler Township. This will be on the Oct. 10 agenda.

- **DDA** plan to meet in early October

Correspondence- Walloon Lake Trust and Conservancy fund drive

Public Comment called for

D. Hass has become aware of possible test well in Park. He questioned the deed restrictions for the park. He also brought up the possible sale of his system.

Adjournment 9:30pm

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 "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the Melrose Township
(city, village, township, etc.)

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 employee's, 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 or subcontractor 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 a 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 provided 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 and/or Name: _____
 Vern Goodwin, Supervisor _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Melrose Township
 (Name of Board, etc)
 of the Melrose Township of Charlevoix
 (Name of GOVERNMENTAL AGENCY) (County)

at a Regular meeting held on the 12 day
 of September A.D. 2017.

Signed Robin Hissong Berry Title Clerk