

**REGULAR MEETING  
January 10, 2023**

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

Board members present: Supervisor Gerald Bleau; Clerk Rachelle Enbody; Treasurer Karie Bleau; Trustees: Andrew Kmetz, James Nordlund Sr., Henry Rasmussen and Ronald Soberalski.

Board member(s) absent: No members absent.

Also present: Riley Kelley (Ludington Daily News), Larry Gaylord, Kristin Lange, and twenty-five guests.

Present for a portion of the meeting: Rob Bacigalupi, Mission North, LLC.

The meeting was called to order at 4:00 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: **Moved** by Kmetz, seconded by Rasmussen to approve the minutes from the closed session meeting on December 27, 2022 as presented.

Motion carried.

**Moved** by K. Bleau, seconded by Nordlund to amend the minutes of the December 27, 2022 meeting to include the memo from K. Bleau for the rebuttal to statements of Doug Wohlberg and to approve the minutes as amended.

Motion carried.

SHERIFF / COUNTY COMMISSIONER REPORT(S): No reports.

DEPARTMENT REPORTS: Fire Chief Larry Gaylord reported on December calls for service, year-to-date calls for service in 2022 compared to YTD in 2021 and reported on department activity. Kristin Lange provided a report detailing building and zoning permit activity for the month of December.

PUBLIC COMMENT: Public comment was held.

APPROVAL OF AGENDA: **Moved** by Enbody, seconded by Soberalski to approve the agenda as presented.

Motion carried.

NEW BUSINESS: A. **Presentation – Draft of Comprehensive Plan** – **Moved** by Enbody, seconded by Kmetz to table the presentation of the draft of the Comprehensive Plan and Consideration of Distribution of the Draft of the Comprehensive Plan pending the arrival of the representative from Mission North, LLC.

Motion carried.

**B. Consider Resolution #2023-1 to Adopt Poverty Exemption Income Guidelines and Asset Test**

**Resolution to Adopt Poverty Exemption 2023 Income Guidelines and Asset Test #2023-1**

WHEREAS, the homestead of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the Township Board is required by Section 7u of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.7u), to adopt guidelines for poverty exemptions;

NOW, THEREFORE, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u, that Pere Marquette Charter Township, Mason County, adopts the following guidelines for the Supervisor and Board of Review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis **prior to the close of the December Board of Review:**

- 1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- 2) File Forms 5737 and 5739 with the Supervisor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year, or Form 4988 if no federal or state income tax return was required.
- 3) Produce a valid drivers' license or other form of identification, if requested.
- 4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.
- 5) Meet the federal poverty income guidelines as defined and determined annually by the United States Office of Management and Budget. The guidelines for 2023 are as follows:

Size of Family Unit	Poverty Guidelines
1	\$13,590
2	\$18,310
3	\$23,030
4	\$27,750
5	\$32,470
6	\$37,190
7	\$41,910
8	\$46,630
For each additional person	\$4,720

- 6) Meet additional eligibility requirements as determined by the Township Board, including: the disclosure of assets as outlined in Form 5737, the total of which must not exceed 2.5 times the current federal poverty income guidelines.

BE IT ALSO RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption. No deviation from the adopted policy or guidelines is permitted per Public Act 253 of 2020.

The foregoing resolution was offered by Board Member K. Bleau and supported by Board Member Enbody.

Roll call vote:    Yes:                Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, Kmetz, and Nordlund.  
                       No:                    None.  
                       Absent:               None.

The Supervisor declared the resolution adopted.

C. **Consider Performance Resolution #2023-2 for Municipalities** – 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 Kmetz and supported by Enbody:

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the Charter Township of Pere Marquette hereinafter referred to as the "MUNICIPALITY," 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY. Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY.

Title:	Name:
Township Supervisor	Gerald A. Bleau
Township Clerk	Rachelle D. Enbody
Township Treasurer	Karie K. Bleau
Township Trustee	James Nordlund, Sr.

Resolution declared adopted.

D. **Consider Publishing Requirements** – Enbody explained that statute (MCL 42.8) requires that the township board determine the method of publication of minutes. The options for publication of minutes for a charter township include:

- Publishing of the complete text or a synopsis of minutes in a newspaper at least once a month. (Publishing a synopsis each month is the current method of publication). OR
- Posting the full minutes or a synopsis in the clerk’s office AND five public places in the township OR by posting in the office of the clerk and on the township’s website PLUS a notice published in a newspaper identifying where the minutes are posted within seven days of posting.

**Moved** by Enbody, seconded by Nordlund to continue with the current practice of publishing a synopsis of township board meeting minutes in the newspaper on a monthly basis.

Motion carried.

A. **Presentation – Draft of Comprehensive Plan** – Rob Bacigalupi, Mission North, LLC, gave a presentation of the draft of the Pere Marquette Charter Township Comprehensive Plan.

**Moved** by Enbody, seconded by Soberalski, to take from the table the consideration of the distribution of the draft of the Comprehensive Plan.

Motion carried.

1. **Consider Distribution of Draft of Comprehensive Plan** – Board members reviewed a memo from the Planning Commission summarizing the process involved with the revision, distribution, and adoption of the Comprehensive Plan.

**Moved** by Kmetz, seconded by Soberalski to authorize the distribution of the draft of the Comprehensive Plan in accordance with State statute.

Motion carried.

COMMITTEE REPORTS: Personnel Committee (Kmetz) – Reported the Committee met to hear input from township employees. Meeting notes were distributed to board members.

Planning Commission (K. Bleau) – Reported the Planning Commission met to review the final draft of the Comprehensive Plan.

Fire Department (Kmetz) – Reported discussion of the need for new garage door operators and garage door seals and that the heating system is not working properly.

TRUSTEE / OTHER REPORTS: No reports.

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

**Moved** by Enbody, seconded by Nordlund to approve payment of invoices in the amount of \$183,620.58.

Motion carried.

Treasurer (K. Bleau) – Provided a report of bank balances for December 2022.

Supervisor (G. Bleau) – Reported working with the Parks Department on the Deer Management Plan.

EXTENDED PUBLIC COMMENT: Public comment was held.

ADJOURNMENT: Moved by Kmetz, second by Nordlund to adjourn the meeting at 5:34 p.m.

Rachelle D. Enbody, MiPMC<sup>2</sup>, CMC Township Clerk

Gerald A. Bleau, Township Supervisor

UNAPPROVED COPY