

**BIG RAPIDS CHARTER TOWNSHIP BOARD
REGULAR MEETING TUESDAY, September 1, 2015
APPROVED**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Stanek, Fountain, Currie, Hamelund, Jensen, Toogood, Zimmerman present. Pledge of Allegiance. Others present Jim White, Township Attorney.

OPENING OF PUBLIC HEARING ON SIDEWALK: Brian Winkleman – Venlo, LLC- oppose, Robert Carter-Nista, Carter, Scharp – support, Ralph Burns - R P Burns, LLC – Support. Bill Stanek read written objection from DAP Big Rapids, LLC who were not present at the public hearing.

PUBLIC HEARING CLOSED 7:07 P.M.

PUBLIC COMMENT NOT RELATED TO PUBLIC HEARING: John Emmons

CORRESPONDANCE: INTERLOCAL AGREEMENT WITH CITY. A motion to accept the Interlocal Agreement with the City was made by Hamelund. Seconded by Zimmerman. Motion passed unanimously.

APPROVAL OF AUGUST REGULAR MINUTES: Accepted as printed.

FINANCIAL

TREASURERS REPORT AND REVENUE AND EXPENDITURE REPORT: Accepted as printed.

MONTHLY REPORTS:

1. **Building Department:** Written
2. **Buildings and Grounds:** Written
3. **Fire Department:** Written
4. **Sewer Department:** Written
5. **Water Department:** Written
6. **Cemetery Committee:** Written
7. **Fire Committee:** Written
8. **Investment Committee:** Written
9. **Planning Commission:** Written
10. **Web Site Committee:** Written
11. **Supervisor:** Written

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. **Sidewalk Resolution.** A motion to approve the adoption of Special Assessment Resolution No. 2015-07 by Toogood. Seconded by Hamelund. Motion carried unanimously on a roll call vote.

**SPECIAL ASSESSMENT RESOLUTION NO. 2015-07
CONFIRMATION OF SPECIAL ASSESSMENT ROLL; LIEN;
PAYMENT AND COLLECTION OF SPECIAL ASSESSMENT**

WHEREAS, the Township Board of the Charter Township of Big Rapids (the “Township”), pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended (“Act 188”) by resolution adopted July 7, 2015, resolved its intention to proceed on its own initiative to construct sidewalks within the Perry Street Corridor within the Township (as described in said July 7, 2015 resolution, the “Improvements”), in a proposed special assessment district in the Township; and

WHEREAS, by resolution adopted on August 4, 2015, the Township Board established a special assessment district for the Improvements known as the “Perry Street Corridor Sidewalk Special Assessment District” (the “District”) and approved the plans and estimates of cost for the Improvements; and

WHEREAS, after notice duly given by publication on August 19, 2015, and August 26, 2015, in *The Pioneer*, and by first class mail on August 17, 2015, pursuant to Act 188, the Township Board held a public hearing to consider the proposed special assessment roll for the District, and objections thereto, for said Improvements at 7:00 p.m. local time on September 1, 2015, at the Township Hall in the Township; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to said special assessment roll filed with the Township Clerk and after reviewing said special assessment roll, the Township Board deems said special assessment roll to be fair, just and equitable, and that each of the assessments contained therein is relative to the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The special assessment roll prepared by the Township Supervisor, certified on August 4, 2015 and reported to the Township Board, in the amount of \$403,500, a copy of which roll is attached hereto as Exhibit A, is hereby confirmed and shall be known and designated for the District as Special Assessment Roll Number 1 (the “Roll”).

2. The Township Clerk shall endorse on the Roll the date of this meeting as the date of confirmation of said Roll.

3. The Roll shall be divided into seven (7) equal annual installments, the first of which installments shall be due and payable on or before February 29, 2016, and all subsequent installments shall be due and payable on or before the last day of February of each year thereafter.

4. Interest shall be payable annually on the unpaid balance of the special assessments at the rate of two percent (2%) per annum commencing from December 1, 2015.

5. Future due installments of an assessment against any parcel of land on the Roll may be paid to the Township Treasurer at any time in full, with interest accrued through the month in which said installments are paid.

6. If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to the interest provided in paragraph 4, above, a penalty at the rate of one percent (1%) for each month or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll.

7. Each annual installment of the special assessment shall be secured by a lien upon the respective parcels of land assessed; however, such lien shall not attach to the property assessed until the date that payment of the individual installment is due and payable in accordance with Paragraph 3. Such lien shall be of the same character and effect as the lien created for Township taxes and shall include accrued interest and penalties.

8. The special assessments made in the Roll are hereby ordered and directed to be collected and the Township Clerk shall deliver the Roll to the Township Treasurer with her warrant attached thereto, which said warrant shall command the Township Treasurer to collect the special assessments in the Roll in accordance with the direction of the Township Board in respect thereto and which warrant shall further require the Township Treasurer to include as a delinquent tax any unpaid special assessment which is delinquent on the last day of February, in the delinquent taxes returned to the County Treasurer the next day pursuant to Section 55 of the General Property Tax Act, MCL 211.55. The form of said warrant is attached hereto as Exhibit B.

9. Upon receiving the Roll and warrant the Township Treasurer shall proceed to collect the special assessments assessed therein as the same shall become due.

10. The collection of the special assessments, including all interest and penalties thereon, shall be deposited by the Township Treasurer into the Big Rapids Township Improvement Revolving Fund, as established by Township Board resolution. The funds so deposited shall only be used to pay for the cost of the Improvements or such other purposes related to the District, the Roll, or the Improvements, including reimbursement of advances made

from the General Fund and deposited into the Revolving Fund, as shall be authorized by or consistent with the provisions of Act 188.

11. The Township Clerk shall, as soon as possible but in no event more than seven (7) days after confirmation of the Roll, send, or cause to be sent, notice of special assessment, in the form attached hereto as Exhibit C, to the person responsible for payment of the ad valorem property taxes on, the record owner of, or party in interest in, each parcel of land assessed, at the address shown for such persons upon the last township tax assessment roll for ad valorem tax purposes which was reviewed by the Township Board of Review, subject to any subsequent changes in the names and addresses of the owners or parties listed thereon.

12. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: 7

NAYS: 0

ABSENT: 0

RESOLUTION DECLARED ADOPTED.

Rene Fountain, Clerk
Charter Township of Big Rapids

STATE OF MICHIGAN)
) ss.
COUNTY OF MECOSTA)

I, Rene Fountain, the duly qualified and acting Clerk of the Township Board of the Charter Township of Big Rapids, Mecosta County, Michigan (the "Township") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township at a regular meeting held on September 1, 2015, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature this 1st day of September, 2015.

Rene Fountain, Clerk
Charter Township of Big Rapids

EXHIBIT A
Special Assessment Roll

CERTIFICATE OF CONFIRMATION

I hereby certify that the above Special Assessment Roll was confirmed on September 1, 2015, by resolution of the Township Board of the Charter Township of Big Rapids.

Date: September 1, 2015

Rene Fountain, Clerk
Charter Township of Big Rapids

EXHIBIT B
WARRANT OF TOWNSHIP CLERK

I, Rene Fountain, the Township Clerk of the Charter Township of Big Rapids, Mecosta County, Michigan, hereby direct and command you, Penny Currie, Township Treasurer, to collect the assessments set forth on the attached Perry Street Corridor Sidewalk Special Assessment District – Special Assessment Roll Number 1, in accordance with the directions of the Township Board in respect thereto set forth in a Resolution adopted by the Township Board on September 1, 2015, confirming such special assessment roll of the Township. In particular, you shall include as a delinquent tax any unpaid special assessment which is delinquent on the last day of February, in the delinquent taxes returned to the County Treasurer the next day, pursuant to Section 55 of the General Property Tax Act, MCL 211.55.

DATED: September 1, 2015

Rene Fountain, Clerk
Charter Township of Big Rapids

EXHIBIT C
NOTICE OF SPECIAL ASSESSMENT

TO ALL PROPERTY OWNERS OR PARTIES IN INTEREST IN THE PERRY STREET
CORRIDOR SIDEWALK SPECIAL ASSESSMENT DISTRICT (the "District"):

Following the September 1, 2015 public hearing to consider the special assessment roll, the Township Board confirmed the special assessment roll for the District on September 1, 2015.

A PROPERTY OWNER OR ANY PERSON HAVING ANY INTEREST IN THE REAL PROPERTY ASSESSED ON THE SPECIAL ASSESSMENT ROLL CONFIRMED BY THE TOWNSHIP BOARD ON SEPTEMBER 1, 2015, MAY FILE A WRITTEN APPEAL OF THE SPECIAL ASSESSMENT WITH THE MICHIGAN TAX TRIBUNAL WITHIN 30 DAYS AFTER CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL, IF THE SPECIAL ASSESSMENT WAS PROTESTED AT THE HEARING ON THE CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL.

You may pay your special assessment in seven (7) annual installments of principal and interest, or you may avoid interest by prepaying your special assessment in full before December 1, 2015. At any time thereafter, the balance of your special assessment may be prepaid in full, with interest accrued through the month in which the assessment is paid. Commencing December 1, 2015, interest will accrue on the unpaid balance at the rate of two percent (2.0%) per annum.

Please refer to the attached special assessment roll for the principal amount of the special assessment that was confirmed on your parcel.

For additional information about the assessment, call William Stanek, Big Rapids Township Supervisor, at 231-796-3603.

BIG RAPIDS CHARTER TOWNSHIP

2. **Resolution to set up a Revolving Fund.** A motion to approve Resolution #2015-08 was made by Hamelund. Seconded by Toogood. Motion carried on a roll call vote. Hamelund; yes, Toogood; yes, Stanek; yes, Fountain; yes, Currie; no, Jensen; no, Zimmerman; yes.

**RESOLUTION TO CREATE THE
TOWNSHIP IMPROVEMENT REVOLVING FUND
RESOLUTION #2015-08**

WHEREAS, Act 188 of the Public Acts of Michigan of 1954, as amended, (the "Act") authorizes a Township Board to create and designate a township improvement revolving fund and to utilize said revolving fund to pay the cost of public improvements (the "Improvements") authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. It is necessary and in the best interest of the Charter Township of Big Rapids (the "Township") to create and designate a township improvement revolving fund pursuant to the Act.
2. There is hereby created and designated a fund on the books of the Township known as the Big Rapids Township Improvement Revolving Fund ("Revolving Fund") in accordance with and pursuant to the authorization of the Act.
3. The Township Board may pay all or part of the cost of any Improvements authorized by the Act from the Revolving Fund as an alternative method of defraying the cost of such Improvements. Improvement costs shall not be paid from the Revolving Fund until a special assessment roll has been confirmed for the Improvements by the Township. Expenditures from the Revolving Fund for costs of Improvements shall not exceed the amount the Township Board anticipates will be collected by the special assessments levied for said Improvements. All special assessments and interest collected shall become part of the Revolving Fund.
4. The Township Board may each year transfer to the Revolving Fund from the Township General Fund an amount not to exceed two (2) mills of the taxable value of the real and personal property in the Township (the "Township TV") until such time as the Revolving Fund shall be equal to five (5) mills of the Township TV.
5. The Revolving Fund shall be initially funded on or about December 1, 2015 by a transfer from the General Fund in the amount of \$150,000, which sum shall be used to pay a portion of the cost of constructing sidewalks within the Perry Street Corridor (the "Perry Street Sidewalk Project"), with an additional transfer from the General Fund in 2016 sufficient to pay the remaining costs of the Perry Street Sidewalk Project provided that the total amount transferred from the General Fund to the Revolving Fund for the Perry Street Sidewalk Project does not exceed the sum of \$403,500 which is the total of the special assessments levied by the Township Board on September 1, 2015 on Special Assessment Roll No. 1 ("Roll No. 1") for Perry Street Corridor Sidewalk Special Assessment District. The amounts so transferred from the General Fund to the Revolving Fund shall be used to pay the costs of the Perry Street Sidewalk Project. All special assessments levied on Roll No. 1, together with all interest and penalties thereon shall be deposited into the Revolving Fund as and when received.
6. The Revolving Fund may be funded in the future for other Improvements in such amounts and at such times as the Township Board shall determine by resolution.
7. All amounts transferred from the General Fund to the Revolving Fund shall bear interest at two percent (2%) per annum until reimbursed by the Revolving Fund.
8. The Township Board may, from time to time, transfer funds from the Revolving Fund to the Township General Fund, to reimburse transfers made from the General Fund, and accrued interest thereon, in accordance with the Act.
9. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: 5
NAYS: 2
ABSENT: 0

3. **H R Resolution.** A motion to approve the adoption H R Resolution made by Zimmerman. Seconded by Currie. Motion carried unanimously

**BIG RAPIDS TOWNSHIP
FORMAL RECORD OF ACTION
RESOLUTION NUMBER 2015-09**

The following is a formal record of action taken by the Big Rapids Township Board.

With respect to the amendment and restatement of the Big Rapids Township HRA Plan the following resolutions are hereby adopted:

RESOLVED: That the Plan be amended and restated in the form attached hereto, which Plan is hereby adopted and approved;

RESOLVED FURTHER: That the appropriate officers of Big Rapids Township are hereby, authorized and directed to execute the Plan on behalf of Big Rapids Township;

RESOLVED FURTHER: That the officers of Big Rapids Township hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports, documents or other information as may be required under applicable law.

Dated this 1st day of September, 2015.

The foregoing resolution was offered by Zimmerman supported by Currie.
Ayes: 7 Nays: 0 Abstain: 0 Absent: 0

RESOLUTION DECLARED ADOPTED.

Rene Fountain, Township Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF MECOSTA)

I, the undersigned, the duly qualified and acting Clerk of Big Rapids Township, Mecosta County, Michigan do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board at a regular meeting on September 1, 2015 the original of which is on file in my office. Public notice of said meeting was given pursuant to and in full compliance with Act No 267, Public Acts of Michigan, 1976 as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen(18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 1st day of September, 2015.

Rene Fountain, Clerk
Big Rapids Township

4. **2015 Budget amendment.** A motion to amend the 2015 Budget as presented by:

- Adding \$356,500.00 to 590-000-698.000
- Adding \$25,000.00 to 590-000-801.000
- Adding \$127,100.00 to 590-000-975.000
- Adding \$202,000.00 to 590-000-996.000
- Adding \$2,400.00 to 590-000-997.000

was made by Toogood. Seconded by Hamelund. Motion carried on a roll call vote. Stanek; yes, Fountain; yes, Currie; no, Hamelund; yes, Jensen; no, Toogood; yes, Zimmerman; yes.

5. **Sewer Lining proposal.** A motion to pay \$126,585.00 to Inland Waters Pollution Control, Inc., with the township insurance companies authorization, the board approves the township fire department to do the traffic control was made by Jensen. Seconded by Hamelund. Motion carried unanimously on a roll call vote.

6. **Payoff of 2010 installment purchase agreement (sewer improvements).** No action.

7. **Payoff of 2010 purchase agreement (sewer lift station).** No action.

8. **MCDC request.** A motion to pay Mecosta County Development Corporation \$2,500.00 was made by Currie. Seconded by Zimmerman. Motion carried unanimously on a roll call vote.

9. **2016 Draft Budget.** No action.

APPROVAL OF BILLS:

1. A motion to approve the payment of bills in the amount of \$272,820.25 and payroll in the amount of \$16,161.27 was made by Toogood. Seconded by Zimmerman. Motion carried unanimously on a roll call vote.

PUBLIC COMMENT: John Emmons, Jim Tubbs, Chris Vodry, Adam Gac.

ADJOURNMENT: 8:30 p.m.

Clerk

Supervisor