

# Middlebury Township

PO Box 622, Ovid, Michigan 48866

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## Regular Meeting

Middlebury Township Hall

7627 W M21, Ovid Michigan

Wednesday, September 11, 2019 at 7:00 pm

### **Call to Order:**

Supervisor Herendeen called the meeting to order at 7:05 pm. Trustee Semans lead the board in prayer.

### **Board Members Present:**

Supervisor Michael Herendeen, Clerk Rose Brown, Treasurer Carolyn Stevens, Trustee Richard Semans and Trustee Gary Kiger

**Guests Present:** Carl Chalker, Karl Heckman, Mark Holley, Bill Lasher, Marlene Webster, Mayor William Lasher, Attorney Lynn Bowne, Deputy Susan Swan, and Kathryn Burkholder.

### **Scheduled Comments:**

Mark Holley presented resolutions and a policy the board needs to adopt. The following are the resolutions and policy Mr. Holley wants the board to adopt:

**Policy: Supervisor Herendeen moved to adopt the policy to post the notice for the assessor contact information. Treasurer Stevens seconded the motion.**

**Ayes: All      Nays: None      Carried**

**Resolution 2019-06 General Property Tax Act to Exempt Property Transfer Affidavit penalty fee (MCL 211.27b). The resolution was offered by Supervisor Herendeen and Seconded by Trustee Semans.**

### **Roll Call Vote:**

**Ayes: Kiger, Stevens, Brown, Herendeen, Semans      Nays: None      Absent: None      Adopted**

**Resolution 2019-07 Property Exemption Policy & Procedures; Identifying exempt real and personal property. The resolution was offered by Trustee Semans and supported by Treasurer Stevens.**

### **Roll Call Vote:**

**Ayes: Brown, Kiger, Stevens, Herendeen, Semans      Nays: None      Absent: None      Adopted**

**Resolution 2019-08 Procedures and Preparation of Assessing Roll per MCL 211.10e This resolution was offered by Supervisor Herendeen and supported by Treasurer Stevens.**

**Roll Call Vote:**

**Ayes: Brown, Stevens, Semans, Herendeen, Kiger    Nays: None    Adopted**

Marlene Webster updated to the board on what is occurring at the county level. Ms. Webster explained the process of replacing the newly open treasurer position at the county level. A committee was selected to find a qualified candidate and will meet at 5 pm on 9/13/2019, 9/18/2019 and 9/23/2019.

Kathryn Burkholder from Consumers Energy reviewed the standard Gas and Electric Franchise Agreement. This agreement is renewed every 30 years. Supervisor Herendeen noted it is adopted as an ordinance in the past by the former Middlebury Township board.

**Ordinance 2019-02 Consumers Energy Company Gas and/or Electric Franchise: This ordinance was offered by Treasurer Stevens and supported by Clerk Brown.**

**Roll Call vote:**

**Ayes: Kiger, Semans, Stevens, Brown, Herendeen    Nays: None    Adopted**

**Public Comments: Opened at 7:36 pm Closed at 7:52 pm**

Mayor Lasher asked about the City of Ovid agreement if it will be addressed in business section of the agenda.

Karl Heckman asked about Middlebury minutes being published the paper. He also inquired about OMESA (Ovid-Middlebury Emergency Service Association) minutes being published in the paper.

Carl Chalker inquired about building township hall. He voiced his opinion on building a new hall. Clerk Brown stated one of the reasons is due to elections. Chalker asked if it would be a better investment to fix up the present hall.

**Motion to Approve Agenda:**

**Treasurer Stevens made a motion to approve the agenda with the addition of; 5. City of Ovid agreement 6. Land Swap 7. Renewal of road millage and moving closed session to last item of the agenda. Clerk Brown seconded the motion.**

**Aye: All                      Nay: None                      Carried**

**Motion to Approve Minutes:**

**Treasurer Stevens made a motion to approve the minutes from the July 10, 2019 and July 31, 2019 as presented. Trustee Semans seconded the motion.**

**Yes: All                      Nay: None                      Carried**

### **Amend Budget**

Trustee Semans made a motion to move \$1,200.00 from Contingency Fund to Technology line item (101-228-956.000). Treasurer Stevens seconded the motion.

Roll Call Vote:

Ayes: Kiger, Stevens, Semans, Herendeen, Brown    Nays: None    Carried

### **Motion to approve Bills:**

Trustee Semans made the motion to approve the payments of bills in an amount of \$63,170.24 with the General Fund amount \$16,664.32 with 5 EFT and checks numbered 5081-5109; the Emergency Fund \$1,132.50 with check 1010 and Road Fund \$45,373.42. Treasurer Stevens seconded the motion.

Yes: All

Nay: None    Carried

### **Communications:**

Park and Recreation: No more meetings. Mayor Lasher stated about getting a blue print to build a bathroom.

OMESA: Short meeting, working on getting occupancy permit.

Library: Minutes included in packet. Signed and sent L4029 form and meeting dates for following presented.

MTA Meeting: The meeting was September 3<sup>rd</sup>. The usual reports were presented from the county people. There is also a waste collection date on September 18<sup>th</sup> from 8am to 2pm. It will be a household hazard waste collection. The next meeting will be October 1st at the Woodhall Township Hall. The annual meeting may be at Bennington Township Hall but no date has been set.

Supervisor Herendeen read a letter regarding to Nethaway farm compliance.

Assessor Communications: Presented earlier in the meeting.

### **Business**

1. **Consumers Energy Gas and Electric Franchise Agreement**-Approved in scheduled comments.

2. **Marihuana Ordinance 2019-01; Prohibits the recreational sales of marihuana business.**

This prevents the operation of recreational marihuana business. This takes in effect 30 days after the publication in the paper. November 1<sup>st</sup> effective date.

Treasurer Stevens made a motion to adopted the Ordinance 2019-01; Prohibition of Recreational Marihuana Business within Middlebury Township. Clerk Brown supported the resolution.

Roll Call Vote:

Ayes: Kiger, Brown, Semans, Stevens, Herendeen      Nays: None      Adopted

3. Norma Jean Cross resignation Supervisor Herendeen read the resignation letter from Jean Cross. Trustee Semans made a motion to accept with regrets the resignation from Norma Jean Cross as a Middlebury Township representative on the Library Board. Treasurer Stevens seconded the motion.

Ayes: All      Nays: None      Carried

4. Diane Aldridge approval to library board Trustee Semans made a motion to appoint Middlebury resident, Diane Aldridge, as a representative for Middlebury Township to the Library board. Treasurer Stevens seconded the motion.

Ayes: Semans, Brown, Herendeen, Stevens      Nays: Kiger      Carried

5. City of Ovid agreement. The agreement is limited to 50 years per state law. This is a permanent Interlocal 425 agreement for a permanent transfer. It is stated in the agreement after 50 years it will become the permanent to the township. In the Interlocal agreement, the city is committing to provide water and sewer to the properties effected by this agreement.

#### Transfer of Properties Act Agreements

Trustee Semans made a motion to approve and authorize the Supervisor to sign all documents for the transfer of properties involved in the act agreement. Treasurer Stevens seconded the motion.

Ayes: Brown, Kiger, Semans, Stevens, Herendeen      Nays: none      Carried

#### Interlocal Agreement to provide sewer and water to properties

Treasurer Stevens made the motion to approve the interlocal agreement of providing water and sewer to properties involved in the agreement and authorize the Supervisor to sign all documents. Clerk Brown seconded the motion.

Ayes: Herendeen, Steven, Semans, Brown, Kiger      Nays: None      Carried

#### 6. Land Swap

The issue holding up the land swap is the township would develop a driveway within 10 years and release the easement that is presently held on the land owners property. The agreement is to dissolve easement.

Trustee Semans moved to approve the easement dissolvent with the construction of a driveway into the township property and authorize the Supervisor to sign any documents. Treasurer Stevens second the motion of the agreement.

Roll Call: Aye: Semans, Stevens, Brown, Kiger, Herendeen Nays: None Carried

**7. Road Millage** Still have time to think about putting the millage on the next election. Discuss on when to place the millage on the ballot will occur at future meetings.

**Final Comments: opened 8:57pm closed 9:05pm**

Marlene Webster added about increasing the number of Road Commissioners. The present board is 3 and they want to increase to 5 members due to the size of the road commission budget. Oct 10 at 5 pm will be the public hearing.

Karl Heckman complained about Meridian Road between Kinley Rd and Colony Rd of grass needing to be mowed. Trustee Semans stated he will asked about this with the road commission.

**The board acquiesce to go into closed session at 9:06 pm.**

Roll Call Vote: Ayes: Semans, Stevens, Herendeen, Brown, Kiger Nay: None Carried

**Closed Session 9:06 pm Opened 10:24pm**

**Final Comments: Opened at 10:24 pm Closed at 10:24 pm**

No comments

**Motion to adjourn the meeting: Adjourned at 10:24 pm**

Without objection the supervisor adjourned the meeting at 10:24 pm.

**X**

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Susan K Tomasek Swan  
Deputy Clerk