

Au Train Township Regular Board Meeting

February 13, 2023

6:00 o'clock p.m.

Pursuant to adjournment, the Au Train Township Board convened on the above date at 6:00 p.m. at the Au Train Township Hall, N7569 Spruce St., Au Train MI 49806

The Meeting was called to order by Supervisor Michelle Doucette, with the following members present: Mary Johnson, Clerk; Kristy Cota, Treasurer; Jake Miller, Trustee and Tom Balmes, Trustee.

*VISITORS PRESENT – Approximately 13 persons attended the meeting. A complete list is on file.

*APPROVAL OF AGENDA

Additions and Changes to the Agenda were made as necessary. MOTION by Clerk Johnson, second by Treasurer Cota, to approve the Agenda as amended. MOTION CARRIED.

*MINUTES

MOTION by Supervisor Doucette, second by Treasurer Cota, to approve the minutes of the January 9, 2023 Regular Board Meeting. MOTION CARRIED.

MOTION by Clerk Johnson, second by Trustee Balmes, to approve the minutes of the January 26, 2023 Special Board Meeting. MOTION CARRIED.

MOTION by Clerk Johnson, second by Treasurer Cota, to approve the minutes of the January 30, 2023 Special Board Meeting. MOTION CARRIED.

*BILLS AND CLAIMS

MOTION by Clerk Johnson, second by Trustee Balmes, to accept this month's bill list as presented and authorize that they be paid as funds are available. JOHNSON, YES; BALMES, YES; COTA, YES; MILLER, YES; DOUCETTE, YES. MOTION CARRIED. (General Fund Checks Numbered #16864 through #16883; Fire Fund Checks Numbered #8926 through #8945; Garbage Fund Check Numbered #2110 and #2111).

*BOARD MEMBER REPORTS -

- TREASURER'S REPORT - For the Month ending January 31, 2023

GENERAL FUND CHECKING	
Beginning Balance	\$ 308,560.56
Deposits	25,695.47
Interest	202.80
Disbursements	17,942.91
Total Checks Not Cleared	13,358.10
Ending Balance	\$ 303,157.82

FIRE FUND CHECKING	
Beginning Balance	\$ 500,674.31
Deposits	80,749.02
Interest	352.81
Disbursements	13,607.04
Total Checks Not Cleared	
Ending Balance	\$ 568,169.10
Certificate of Deposit	\$ 51,555.30
GARBAGE FUND CHECKING	
Beginning Balance	\$ 225,709.45
Deposits	84,166.97
Interest	182.48
Disbursements	10,510.13
Total Checks Not Cleared	639.79
Ending Balance	\$ 298,908.98
ROAD FUND CHECKING	
Beginning Balance	\$ 73,839.89
Deposits	56,110.81
Interest	74.98
Disbursements	
Total Checks Not Cleared	
Ending Balance	\$ 130,025.68

*A Complete copy of the January 31, 2023 Report is on file with Clerk Johnson.

Treasurer Cota noted that Winter Tax Collection continues. Office hours will be held on February 28, 2023, from 9:00 -5:00, the last day to pay winter taxes without penalty and interest. As of March 1, 2023 they will be payable to the Alger County Treasurer, who collects delinquent taxes.

There are no upcoming rentals.

*CLERK'S REPORT - Clerk Johnson noted that she is working on budget preparation preparing the Fire, Road and Garbage Funds for review on February 20th and General Fund for February 27th. All W2's and 1099 were prepared, balanced with the 941 Reports and mailed to recipients. Notification was received that Munising Public Schools and MARESA will be holding a May Election, scheduled for May 2nd. Preparation for another election cycle will begin immediately. They will be sharing the costs related to the election administration.

*TRUSTEE'S REPORT - Trustee Balmes noted he received calls regarding the Au Train River flooding event, and questions regarding vacation rentals and shipping containers as they related to the new Zoning Ordinance.

Trustee Miller noted he has received calls and comments on the Zoning Ordinance, and upcoming CUP Hearings. He directs those calls to the Zoning Administrator.

*SUPERVISOR'S REPORT - Supervisor Doucette updated the Board on recent activities, which included issues relating to the garbage collection on Toms Road. She also attended a recent CUPPAD meeting where biking trails were discussed, noting one from Harvey to Munising is being developed. Also after submitting the MDOT application she was informed that it was a "one time" permit only and not an annual permit. Any additional action by the Board for future blockages would require an additional permit application and approval.

*SPECIAL PRESENTATION - Attorney Bill Nordeen presented information to the Board as they consider Township representation.

*PUBLIC COMMENT - Public Comments were received from Dean Seaberg, as Alger County Commissioner representing Au Train Township residents south of Hwy M94. Comments were also received from Raelene Riley and Tina Anderson.

*COMMITTEE REPORTS

Financial Reports - Clerk Johnson presented monthly financial reports for all funds. All reports were emailed to Board members prior to the meeting for review.

Zoning Administrator/Planning Commission/ZBA - The Zoning Administrators report was provided and is on file. Zoning Administrator Kathleen Lindquist was present and provided a brief update and answered any questions. It was noted that the Planning Commission approved both Conditional Use Applications presented February 9, 2023. Clerk Johnson will be providing copies of the Zoning Enabling Act and Michigan Planning Act to members of the Planning Commission. The next meeting of the Planning Commission is February 23, 2023 for a public hearing on three additional Conditional Use Applications.

The Zoning Board of Appeals had their Organizational Meeting on February 8, 2023. The Bylaws were reviewed and updated. The minutes from the August 17, 2023 Hearing were approved as presented. The transcript minutes provided by Attorney Halley, on behalf of the Van Stones, were not approved as requested by them. No additional meetings were scheduled at this time.

Assessor/Board of Review - Assessor Fuess provided the Board with his monthly report and it is on file. KCI will be preparing the Assessment Change Notices, which will be mailed by the end of the month. The Board of Review dates for March were confirmed for March 7 at 6:00 pm Organizational Meeting, March 14th 3:00 pm - 9:00 pm and March 16th from 9:00 am-3:00 pm. Deeds, Principal Residence Exemptions and Property Transfer Affidavits have all been collected, coded and entered. The CFR and PILT rolls have been audited as well.

Board of Review Member Appointment - MOTION by Supervisor Doucette, second by Treasurer Cota, to appoint Amy Hernandez, Donna Shields and Kristy Drake to the Board of Review. Each member will serve a Two Year term. MOTION CARRIED.

Poverty Exemption Guidelines - Supervisor Doucette noted that the Poverty Exemption Guidelines for 2023 need review and updating. And as such, the following Resolution was presented:

AU TRAIN TOWNSHIP - GUIDELINES RESOLUTION FOR POVERTY EXEMPTION
Resolution No. 2023-002

WHEREAS, the adoption of guidelines for poverty exemptions is required of the Au Train Township Board; and

WHEREAS, the principal residence of persons, who the Supervisor/Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the Township of Au Train, Alger County adopts the following guidelines for the 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 filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the supervisor/assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, *Poverty Exemption Affidavit*.
- 3) File a claim reporting that the combined assets of all persons in the household do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc. – See Asset Test Requirements, Below.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

ASSET TEST REQUIREMENTS: Total Assets should not exceed \$50,000 in True Cash Value for eligibility for poverty exemption. This excludes the homestead being claimed, essential household goods (clothing and furniture), and the first \$5,000 of the market value of the claimant's motor vehicle.

Au Train Township may consider and require an applicant to list any of the following types of household assets to determine the person's eligibility for a poverty exemption:

- Second home with different Parcel ID#
- Land with different Parcel ID#
- Vehicles (\$5,000 allowed for vehicle of claimant)
- Recreational Vehicles, such as campers, motor homes, boats, ATV's, snowmobiles
- Buildings other than residence with different Parcel ID#
- Jewelry
- Antiques
- Artwork
- Equipment
- Other personal property of value
- Bank accounts over \$1,000.
- Stocks
- Money received from the sale of property
- Withdrawals of bank deposits and borrowed money
- Gifts, loans, lump-sum inheritances and one-time insurance payments

The following are the 2023 Federal Poverty Income Guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

Federal Poverty Guidelines Used in the Determination of Poverty Exemptions

Household of:	<u>Size of "Family Unit"</u>	<u>2023 Federal Poverty Guidelines</u>
	1	\$14,580
	2	\$19,720
	3	\$24,860
	4	\$30,000
	5	\$35,140
	6	\$40,280
	7	\$45,420
	8	\$50,560
	For each additional person, add	\$ 5,140

NOW, THEREFORE, BE IT HEREBY RESOLVED that the supervisor/assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

The foregoing resolution offered by the Au Train Township Board Member Johnson

and supported by the Au Train Township Board Member Cota

Upon roll call vote, the following voted:

“Aye”: Johnson, Cota, Doucette, Miller, Balmes

“Nay”: None

The Au Train Township Supervisor declared the resolution adopted.

Dated this 13 day of February, 2023.

Maintenance Department Report/Comm Bldg./Promotions/Cemetery - Ryan Walther was present and provided an update for the Board on recent activities.

Fire Department/First Responders – The Fire Department report was received and is on file. Members of the Department were present to provide additional information to the Board. There was one call for the month, a structure fire in Christmas. The new truck is scheduled to be delivered by Pomasl on February 21st AT 3:00 pm to the Christmas Fire Hall. Clerk Johnson will verify the final invoice, making sure credit is given for the \$100,000.00 deposit when the truck was ordered in January of 2021. There was discussion about the cost of hose testing. Chief King noted the quote was \$10,255.50. This is approximately \$8,000.00 more than last year. There was also discussion about selling the old truck the new pumper replaced.

*UNFINISHED BUSINESS - None

*NEW BUSINESS

Correspondence - Supervisor Doucette presented email correspondence from Johanna Bogater requesting funds for the Munising Hockey Association to perform maintenance on the Alger Centennial Arena. Action tabled.

Clerk Johnson presented correspondence and invoice from CUPPAD for annual membership renewal.

MOTION by Treasurer Cota, second by Supervisor Doucette, to renew membership with CUPPAD for 2023 at a cost of \$203.00. COTA, YES; DOUCETTE, YES; JOHNSON YES; MILLER, YES; BALMES, YES. MOTION CARRIED.

Clerk Computer Purchase - Clerk Johnson noted it was time to replace the current Dell desktop. She would like to purchase a laptop to ease the transition between offices. After review and presentation from research, MOTION by Clerk Johnson, second by Trustee Balmes, to authorize up to \$1,400.00 for the purchase of a Dell Systems Computer for the Clerk’s office. JOHNSON, YES; BALMES, YES; MILLER, YES; DOUCETTE, YES; COTA, YES. MOTION CARRIED.

Audit Proposal/Review - Clerk Johnson noted that the Audit Proposal expected from Anderson, Tackman and Company was not received prior to the meeting. Action tabled.

Garbage Issue Toms Lake Rd. - Supervisor Doucette presented information to the Board regarding the ongoing garbage collection issues on Toms Lake Road. There needs to be a solution for homeowners and a dumpster is not an option as there is no location to place it.

Attorney Representation - After further discussion regarding the presentation of William Nordeen and interest also being presented from Tim Quinnell, via email, the following Motion was offered. MOTION by Clerk Johnson, second by Trustee Balmes, to contract with Attorney William Nordeen of O'Dea, Nordeen and Pickens P.C., Attorneys at Law for representation of the Township effective immediately, per the rates and terms in correspondence dated January 17, 2023. JOHNSON, YES; BALMES, YES; MILLER, YES; COTA, YES; DOUCETTE, YES. MOTION CARRIED.

*PUBLIC COMMENT - Comments were received from John Carr, Matt Lang, Donna Shields, Dean Seaberg, Jacob Miller and Mary Johnson.

*ADJOURNMENT

Being no further business, MOTION by Treasurer Cota, second by Trustee Balmes, to adjourn the meeting. MOTION CARRIED. MEETING ADJOURNED at 7:58 pm.

Submitted by: Mary Walther Johnson, Au Train Township Clerk