

REPUBLIC TOWNSHIP BOARD
JUNE 27, 2013
DRAFT MINUTES

1. CALL TO ORDER:

Supervisor Johnson called the meeting to order at 7:00 p.m... All board members were present.

2. SALUTE TO FLAG

3. APPROVAL OF AGENDA:

A motion to approve the agenda with an addition under 8F - Cemetery Headstone cleaning was made by Clerk Brancheau support by Trustee Feldhusen. Motion carried.

4. APPROVAL OF MINUTES:

Motion by Trustee Kellow support by Trustee Feldhusen to approve the minutes of the May 23, 2013 board meeting. Motion carried.

Motion by Treasurer Koski support by Trustee Feldhusen to approve the minutes of the June 6, 2013 special meeting. Motion carried.

5. PAYMENT OF BILLS:

Trustee Kellow had questions about which fund accounts the office manager's pay should be charged to. She totally disagreed to charging it to water, sewer and solid waste departments. A motion by Supervisor Johnson support by Trustee Kellow to transfer from the beginning of the fiscal year all wages paid for the officer manager to the general fund.

ROLL CALL VOTE - 3 AYES - 2 NAYS Motion carried.

Motion by Trustee Feldhusen support by Treasurer Koski to pay the bills as presented. Motion carried.

6. PUBLIC COMMENT

Jim Brennan Jessie Onkalo

Supervisor Johnson contacted Attorney Terry Burkhart by telephone. Terry spoke on speaker phone to all present. Several Republic Township officials have been sued in Marquette County Circuit Court by Fred Nannestad, whom claims that the Township is not properly creating, maintaining, managing or retaining its financial and other records and/or accounts. Attorney Burkhart wants the Board to authorize using Anderson/Tackman to review Mr. Nannestad's allegations and forward questionable areas to MTA and the State Tax Commission. The Resolution is as follows:

RESOLUTION 20130627_#1_AUDITOR – A TTORNEY – MTA – STATE TAX COMMISSION REVIEW OF TOWNSHIP COMPLIANCE, RE: WRIT OF MANDAMUS LAWSUIT.

Several Republic Township officials have been sued in Marquette County Circuit Court by Fred Nannestad, who claims that the Township is not properly creating, maintaining, managing, or retaining its financial and other records and/or accounts.

Mr. Nannestad filed a prior FOIA action. Republic Township has hired an employee who has been trained and provided with resources necessary to respond to FOIA requests.

At all times relevant hereto, Republic Township has been annually audited by its CPA, whose annual reports have been submitted to the Michigan Department of Treasury.

That Republic Township has complied with all demands for corrective action made by the Michigan Department of Treasury.

That prior to the filing of the litigation referred to above, Mr. Nannestad submitted no written demands to the Township or any present or former officer of the Township for any specific changes in the way Republic Township creates, manages, or retains its financial records, other records, or accounts. (The sole exception to that would be a FOIA case he filed which has now been finally resolved by the Court.)

That Republic Township is obliged to follow the law is not debatable. Exactly how Republic Township or its officers are required to create, manage, or retain its financial records, other records, or accounts is debatable or arguable, and in reality, is properly a question for experts or consultants with advanced training relative to such matters.

Fred Nannestad was recently deposed under oath. He also submitted voluminous answers to interrogatories and responses to requests for production of documents in that litigation which address his views or opinions on what needs to be done to satisfy such obligations.

Republic Township believes that for a number of legal, technical reasons, the pending litigation will be dismissed by the Court without a trial, and it intends to pursue that in due course once a transcript is available and the motions and briefs can be filed.

However, Republic Township is committed to following the law irrespective of the outcome of the litigation, and needs expert guidance as to what the law requires or does not require regarding the myriad issues raised in the pending litigation

Now therefore, it is resolved as follows:

1. That the Township is committed to complying with the law.
2. That the Township Supervisor is authorized to provide its auditing firm with copies of the Complaint, as amended, the discovery deposition of Mr. Nannestad, and all discovery responses filed by Mr. Nannestad, and to request an opinion from its auditors as to whether or not the Township is violating any laws relative to the matters of which Mr. Nannestad complains.
3. If the township auditors deem it necessary, they are authorized to contact the Township attorney in the event they want a legal consultation on any particular issue.
4. The Township attorney is authorized to consult with the auditors as requested by the auditors and/or vice versa.
5. The Township auditor, and if necessary, the Township attorney are authorized to consult with the Michigan Township Association in the event that the Township auditors or Attorney believes the MTA's expertise or experience would assist the auditors or attorney in resolving any issue. The auditors may refer any legal issues they feel they need an opinion on to the Township attorney.
6. The Township auditor shall prepare a report for the Township which addresses all claims made by Mr. Nannestad, and which identifies any other deficiencies they believe exist in the Republic Township accounting system. That report may include or incorporate by reference any opinions given by the Township attorney on any purely legal matters, or such opinion may be separately attached.
7. The Township auditors are directed to present that report to the Michigan Department of Treasury, to consult with the Department about their findings and recommendations, and request such input or feedback as the Department is willing to give.

8. As soon as practicable within its limited resources, the Township will accept the reports from its auditors and/or legal counsel, and are committed to considering and heeding the advice of its CPA, attorney, the MTA and the DOT regarding the myriad of issues raised by Mr. Nannestad and/or any other issues raised by the Township auditors or attorney . They are also committed to the correction of any deficiencies or shortcomings the Township auditor or its legal counsel report are contrary to law or otherwise constitute deficiencies or shortcoming in those systems.
9. The Township Acknowledges that it will be responsible for all fees incurred for the Attorney and/or the Auditor for advising the Township on recommended actions.

A motion by Trustee Kellow support by Trustee Feldhusen to pass the resolution as read.

ROLL CALL VOTE: 5 – AYES - 0 – NAYS Motion carried.

Supervisor Johnson requested a total amount of what Fred Nannestad has cost the township to date on FOIA, including court costs.

7. PUBLIC COMMENT (CONT'D):

Faye Mattila Shelly Koski Tina Anthony

8. REPORTS

- A. Trustee Kellow – Just the June 6th meeting
- B. Trustee Feldhusen – Attended the Road Commission meeting and the Kenecott (now taken over by Lundin Mining) meeting
- C. Clerk Brancheau – Expressed her disappointment over all the bickering in regard to the wage resolution
- D. Treasurer Koski – Attended BS&A Training, partial payments on taxes and utility bills will be accepted, update on donations for the ball field.
- E. DPW/Fire/Amb. – Nothing
- F. Assessing/Sup. – The treasurer and assessor can now link with BS&A for tax roll purposes. I am asking the recreation committee to arrange for a commemorative sign at the handicapped access fishing dock on School Lake stating that “The dock in a co-operative effort between the Republic Sportsmans Club and the Republic Township enabled by a generous grant from the Feighner Dock Company”. As soon as the sign is done I'd like the Rec. Committee to send a copy of the picture to the Mining Journal.

9. UNFINISHED BUSINESS

- A. Water Line – Construction is starting on Fire Street and Republic Avenue. The board has to decide on how much blacktop we would be willing to pay for once we have the price from Lindberg.

We have a change order 1 & 2 from UPEA to approve. Motion by Trustee Kellow support by Treasurer Koski to approve the change order UPEA. Motion carried.

A motion by Clerk Brancheau support by Supervisor Johnson to approve the drawdown of funds from Rural Development through the Republic Water Construction account in the amount of \$17,207.09.

ROLL CALL VOTE - 5 - AYES 0 - NAYS Motion carried.

- B. School Lake/Munson Park – Jim Brennan gave an update on progress now and in the future.
- C. Oasis Sale – Several interested parties have talked with the realtor. one Party gave a verbal proposal to the planning commission. The Planning Commission is handling all business questions at this time.
- D. Flaska Parcel – Surveyors have just put in the corner pins. The current owner requested that the pins be put in so they knew exactly how much they were donating. As soon as I receive the notice that the work is completed, I will contact our appraiser to get the value set.
- E. Heating System – Supervisor Johnson requested permission to work with Eric Waara, UPEA to use the proper wording for bids for the heating units in the auditorium. Motion by Trustee Tom support by Treasurer Tina to authorize the payment for bid specs. Motion carried.
- F. Cemetery Proposal – Motion by Supervisor Johnson support by Trustee Tom to authorize the cleaning of the cemetery headstones by Warren Munson in the amount of \$2,130.00. Motion carried.

10. NEW BUSINESS

- A. Clerk & Treas. Wage Resolution – After a lengthy discussion, a motion was made by Treasurer Tina support by Trustee Tom.
ROLL CALL VOTE - 5 AYES - 0 NAYS Motion carried
- B. Lease for Bank Building – Motion by Treasurer Tina support by Clerk Marilyn to approve the lease for the bank building (Chicken Coop).
Motion carried.

AMENDMENT TO WAGE RESOLUTIONS FOR CLERK AND TREASURER

WHEREAS: The Clerk and Treasurers salary for the term of office of November 2012 to November 2016 for that office was set at \$5,400 per year. This is the statutory salary for the offices and by law, shall not be reduced for the remainder of this term of office and;

WHEREAS: the Township Board has deemed it in the best interest of service to the constituents to adjust service needs, and;

WHEREAS: per the authority granted by MCL 41.95 (3), the Township Board deems it necessary to amend the wording of the wage resolution passed February 28, 2013, THEN:

BE IT THEREFORE RESOLVED: The Township shall pay additional non-statutory salaries of \$150 per month from the Sewer Fund, \$150 per month from the Solid Waste Fund, \$150 per month from the Water Fund and \$300 per month from the General Fund for all non-statutory work. The non-statutory salary shall be paid to each of the elected officials based on working 4 hours per day, Monday thru Thursday, or a total of 16 hours per week. Services in each department, both legislated and non-legislated may be provided by office staff, with the approval of each elected official, during hours the elected official does not staff the office. The elected official retains the right to rescind that approval. When Deputies are used to fill in, they shall be paid \$10.25 per hour from the non-statutory salaries of the responsible department elected official using the agreed payroll reduction form. The exception shall be Friday hours, which shall be paid from the SET tax fund.

Board approved educational sessions and delegated meetings attended by the Clerk and/or Treasurer shall be compensated at the standard \$30 per meeting rate for those hours not normally scheduled as office hours.

BE IT FURTHER RESOLVED: The Township Board shall budget vacation, personal and sick leave time commensurately equal to the schedule used by the regular DPW employees agreement which is based on longevity of service for the Clerk, Treasurer or qualified staff. Holiday pay shall be defined as pay for those days the office is closed in observance of National Holidays.

Motion by Kristina Koski supported by Tom Feldhusen to accept the Wage and Benefits Resolution for the Clerk and Treasurer.

Roll Call Vote Aye 5

Nay 0

The Supervisor declares the Resolution approved on a 5 to 0 vote

ATTESTED TO:

Tracy Beane 06-27-2013
Clerk

- C. Grant TF09-087 Returned – There was a contentious discussion during the March 28th meeting about the school lake grant and its return to the DNR. I asked Eric Waara if he witnessed the board saying they were going to return the grant but would buy the dock and he did. In the turmoil, no vote was taken. I missed it and the board members missed it. Now we must make the motion. Motion by Treasurer Tina support by trustee Tom to approve the return of grant TF09-087. Motion carried.
- D. Summer Help – A motion by Treasurer Tina support by Clerk Brancheau to retain the two extra summer students until the painting of the building is completed inside and outside. Motion carried.
- E. Abandon Alley – A motion by Trustee Tom support by Treasurer Tina to abandon the platted alley in the creek between Bob Tapio's house and Joel Youngblood's house. Motion carried.
- F. Ambulance Billing – Medicare requires the host unit to do the billing for the ambulance. We have had Bell Hospital doing it for us but with the new contract changes, Lifequest has agreed to be the billing agent. A motion by Trustee Kellow support by Treasurer Tina to approve the new ambulance billing contract. Motion carried.
- G. Mansfield Township Fire Agreement – A motion by Trustee Tom support by Clerk Marilyn to approve the fire agreement between Republic Township and Mansfield Township. Motion carried.
- H. Fire Bay – A motion by Treasurer Tina support by Clerk Marilyn to authorize Supervisor to remodel the fire bay into offices for Supervisor, Assessor and Cemetery Sexton. Motion carried.
- I. Dumpsters – Motion by Trustee Tom support by Trustee Carol to purchase two (2) dumpsters, one for Chief Lake Road and one for Bengtson Road. Motion carried.
- J. Heritage Trail – A motion by Treasurer Tina support by Trustee Carol to approve a 25' easement contract from the bank building easterly to the railroad grade. Motion carried.
- K. Purchasing Policy – Motion by Clerk Marilyn support by Treasurer Tina to approve the Purchasing Policy. Motion carried.
- L. Recycling Agreement – Motion by Trustee Tom support by Treasurer Tina to approve the recycling agreement between Marquette County Solid Waste Management Authority and Republic Township. Motion carried.
- M. ORV Ordinance – Motion by Supervisor Johnson support by Treasurer Koski to open all our roads to ORVs on the map or not. Motion carried.
- N. Insurance Renewal – Motion by Clerk Brancheau support by Trustee

Feldhusen to change our renewal date from March 2014 to December 2013 for our health insurance coverage for our DPW employees.

Motion carried.

- O. Pavilion Expenses – Motion by Trustee Kellow support by Treasurer Koski for the township to pay any additional expenses incurred for the pavilion expansion after we use the Ethnic Committee donation.
Motion carried.

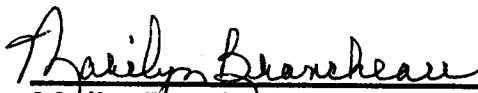
11. PUBLIC COMMENT

Lois Miron
Yvonne Ison
Jon Ison
Aileen Todd

Jim Brennan
Jean Miron
Faye Mattila

12. ADJOURNMENT

The meeting adjourned at 9:24 p.m.



Marilyn Brancheau
Clerk