

Approved Minutes

The regular monthly meeting of the Manistee Township Board was held on Thursday, August 12, 2021 at 7:00 P.M. at the Manistee Township Hall. Board members present were Supervisor Dennis Bjorkquist, Clerk Dianne Taylor, Treasurer Connie Jankwietz, Trustee Guy Finout and Trustee John Dontz. Also present were Fire Chief Chuck Barron, Deputy Clerk Melanie Skory, Zoning Administrator Karen Clouse, Liquor Inspector Rick Clouse, Bill Schoedel, Jim Wong, Todd Mallison, and Barry Lind.

Supervisor Bjorkquist called the meeting to order. All attending stood and said the Pledge of Allegiance.

Minutes of the July 8, 2021 Manistee Township Board meeting were provided. Trustee Dontz made the motion to approve the minutes as written, Trustee Finout seconded. All in favor; motion carried.

The Treasurer's report for the month of July was provided. The receipts were \$66,380.94; expenditures were \$55,965.19, leaving a balance of \$157,009.04 in the General Fund as of July 31. The report was placed on file.

Manistee Township Planning Commission – Approved minutes from July 7, 2021 Regular Meeting and July 22, 2021 Special Meeting were provided and placed on file.

Manistee Township Zoning Board of Appeals did not meet.

In public comment, Jim Wong voiced his concern over his City sewer invoices and was given guidance from the Board as to how to amend his PILT contract with the City. Todd Mallison also expressed concerns regarding the culvert on Bar Lake Road and road flooding.

County Commissioner Jeff Dontz was absent. No report given.

Zoning Administrator Karen Clouse reported on the activity in the Zoning Department for July. There was one (1) new written complaint. The office issued eight (8) land use permits and received thirteen (13) requests for construction permits. The Planning Commission has approved a draft copy of the Master Plan for Board review.

Fire Chief Chuck Barron reported on the activity at the Fire Department. There were ten (10) fire related runs, fifteen (15) medical related runs, and ten (10) meeting/training events. Department vehicles had small repairs and are in good working order. All of the gear from the 2020 50/50 grant has arrived. The 2021 50/50 grant work is being completed; currently collecting estimates for gear. Training is ongoing and the Lexipol system is working very well. One (1) pool was filled, bringing the total for the summer to nine (9). Supervisor Bjorkquist expressed his thanks to the firefighters for all of their hard work.

Liquor Inspector Rick Clouse reported all Manistee Township establishments were in compliance for July. Insta-Launch has a license and is selling beer.

Supervisor Bjorkquist gave an update on the Township. The M-55 bridge is on schedule; asphalt work is being done. A grant is being pursued to maintain water levels in the M-55

swamp/Peter's Bayou. Communication was made with the Township attorney for the property owners of the old Kennedy school requesting the property be cleaned up. Clerk Taylor gave a report on the August Election. There was a significant increase in Absentee Voter application requests for this election as compared to the May election, and there were less voters to come through the precinct on Election Day. Special thanks to the office staff and the election inspectors; both did a fabulous job preparing for the election and taking care of voters on Election Day.

The Manistee Lions White Cane Sale will be held on September 17 and September 18, 2021. A motion was made to grant permission for the collection of donations in Manistee Township on September 17 and 18 by Trustee Dontz; Treasurer Jankwietz seconded the motion. All in favor; motion approved.

Trustee Dontz made the motion to adopt City Water Ordinance 2021-03; seconded by Trustee Finout. In a roll call, those voting in favor were: Finout, Dontz, Jankwietz, Taylor, Bjorkquist. Those voting against: None. Supervisor Bjorkquist declared the motion carried.

**MANISTEE TOWNSHIP
MANISTEE COUNTY, MICHIGAN**

ORDINANCE NO. 2021-03

AN ORDINANCE TO COMPLY WITH THE WATER SERVICE AGREEMENT, DATED
AUGUST 11, 2016, BETWEEN THE CITY OF MANISTEE AND THE TOWNSHIP OF
MANISTEE, AS AMENDED; AND TO REPEAL ALL ORDINANCES IN CONFLICT
HEREWITH

THE TOWNSHIP OF MANISTEE ORDAINS:

Section 1. Definitions.

The following terms, when used in this ordinance, shall have the meaning ascribed to them in this section, unless the context clearly requires a different meaning.

- “Act 94” means Act 94 of the Public Acts of 1933, as amended, being MCL 141.101 to MCL 141.140.
- “City” means the City of Manistee.
- “Curb Stop” means the City-owned valve at, or to be connected to, the end of a water service lead at the property line of a Service Area User.
- “Manistee City Council” means the City Council for the City of Manistee.
- “Manistee City Manager” means the Manager of the City of Manistee, or his or her authorized deputy, agent, or representative.
- “Parcel” means a lot or parcel of land identified by a parcel number assigned by the County of Manistee.

- “Premises” means a residential or commercial structure.
- “Service Area” means the area within the Service Area limits identified in Exhibit A in this ordinance, as may be amended from time to time.
- “Service Area User” means a User of water service supplied by the Water System within the Service Area.
- “Single-Family Residence” means a building constructed and occupied as a single residential dwelling unit.
- “Township” means the Township of Manistee.
- “User” means a Premises, individual, entity, or other using water from or connected to the Water System.
- “Water System” or “System” means the City’s water supply system, including wells, intakes, treatment works, pumps, towers, booster stations, valves, mains, pipes, control and monitoring equipment, and other facilities and appurtenances.

Section 2. Connection to Services Required.

- Except for Parcels or Premises that have continued to be served by another public water supply system since before August 11, 2016, and for Premises owned by the Little River Band of Ottawa Indians, and subject to subsections B, C, and D of this section, a Premises shall connect to and use the Water System for all water needs if the Premises is on any Parcel located within the Service Area, and the Premises is within 200 feet of any System line within the Service Area.
- A Parcel or Premises being served under a prior agreement between the City and the owner of that Parcel or Premises at the time this ordinance becomes effective may continue to be served as provided in that prior agreement.
- Notwithstanding subsection A of this section, a Single-Family Residence with a properly operating and legally installed well at the time this ordinance becomes effective may continue use of the well until the first occurrence of either of the following:
 - The well needs repair, replacement, or improvement requiring the issuance of a permit by the District Health Department #10 in order to adequately serve the Premises; or
 - The residence is converted to use other than as a Single-Family Residence.
- Notwithstanding subsection A of this section, a commercial Premises with a properly operating and legally installed well at the time this ordinance becomes effective may continue use of the well until the first occurrence of either of the following:

- The well needs repair, replacement, or improvement requiring the issuance of a permit by the District Health Department #10 in order to adequately serve the commercial Premises; or
- A building or occupancy permit or certificate is first granted for the Premises after August 11, 2016.
- Except as expressly provided otherwise in this section, private water wells are prohibited in the Service Area.

Section 3. Cost of Connection to Services.

The owners of any Premises that is required by this ordinance to connect to and use the Water System are responsible for paying the full cost of extending mains and service leads to a curb stop to be installed at their property line(s), and the full cost of extending service from the curb stop at their property line to the structures being served. Such costs may include, but are not limited to, any costs necessary to bore and jack or directionally drill a service lead to a main on the other side of a road right-of-way.

Section 4. Connecting to Services; Inspections.

- Except as otherwise provided in subsection B of this section, all connections to the Water System shall be made by licensed contractors.
- If a City ordinance requires connections to the System be made by City personnel or persons hired by the City, then all connections to the System within the Service Area shall be made by such City personnel or persons hired by the City.
- All connections to the System shall be inspected by a City inspector or an inspector designated by the City. A City inspector or an inspector designated by the City shall have the right to enter, at a reasonable time, any property served by a connection to the Water System, for the purpose of conducting an inspection under this section.

Section 5. Ownership of Water Mains and Service Leads.

The City owns all water mains of the System, and owns service leads up to and including the curb stop. The owners of a Premises connected to the System own the service leads from the curb stop to the premises.

Section 6. Rates and Fees.

- The Manistee City Council is responsible for establishing and adjusting the rates and fees to be charged for service furnished by the Water System, including, but not limited to, charges associated with connection to and use of the System.
- Service Area Users shall timely pay all such costs, billing rates, and fees as provided by the Manistee City Council.
- No free service or service at less than cost shall be furnished by the System to any person, public or private, or to any public agency or instrumentality.

Section 7. Billing Periods; Failure to Pay; Charges as Lien on Premises; Discontinuance of Service; Other Remedies.

- All metered customers of the Water System will be billed monthly by the City. All bills must be paid within fifteen (15) days from the date of the bill. Ten percent (10%) of the amount due will be added to the amount of the bill if payment is not received within fifteen (15) days from the date of the bill. Water service may be shut off if a bill is not paid within forty-five (45) days of the due date. Water service that has been shut off may not be turned on again until all sums due and a delinquent reconnection charge are paid in full.
- Except as otherwise provided by Section 8 of this ordinance, pursuant to the provisions of Act 94, the charges for service of the Water System shall be a lien on a Premises served thereby and whenever such charges against the Premises are delinquent for six (6) months or more. City officials in charge of the collection of water charges under this ordinance may certify any such delinquency annually, by September 1st, to the Township Assessor and the Township Treasurer, who shall make the County Treasurer aware to enter the lien on the next Township property tax roll as a charge against the Premises. The lien shall be enforced in the same manner as provided for the enforcement of *ad valorem* property taxes. Any charges collected by the Township in the enforcement of the lien shall be promptly remitted to the City. In addition to the other remedies provided, the City may shut off and discontinue the supply of water service to any Premises for the nonpayment of water charges when due as provided in subsection A of this section.
- Water service will not be placed in an individual's name until all previous balances due from the individual are paid in full.

Section 8. Affidavit Filed by Landlord; Tenant Responsibility to Pay.

- If a landlord properly files an affidavit pursuant to Section 5 of the Michigan Municipal Water Liens Act, as amended, being MCL 123.165, that a tenant is responsible for water charges related to a rental Premises, no lien shall attach to the Premises served after the filing of the affidavit and a security deposit, and the water service shall be placed in the name of the tenant. The amount of the security deposit made pursuant to this section shall be the amount as established by the Manistee City Council pursuant

to a resolution or ordinance of the City, and the security deposit shall be made at the time of filing of the affidavit.

- Payment by a tenant of a security deposit for water service does not relieve the tenant of the obligation to pay for water charges as required by this ordinance.
- If a tenant, or owner, shall fail to pay for water charges when due, all water services to the affected Premises shall be terminated in accordance with this ordinance and any deposit paid to the City by a tenant or landlord shall be forfeited to the City and be applied against any unpaid water charges and against any unpaid fees, and any remaining security deposit shall be turned over to the party who made the deposit.
- The affidavit process described in subsection A of this section is not available for rental properties with multiple units unless there is a separately metered service for each unit and the unit's shut-off is accessible to the City from the outside of the building.

Section 9. Freeze Up List; Run Water Notice.

- The address of a Service Area User whose water service freezes may be added to the City's "freeze-up" list of addresses that have been known to have water service freeze. Service Area Users at these addresses may be directed to run their water during the winter months to prevent a freeze-up from happening, and their bills will be estimated during that time period and adjusted, if needed, after the run water requirement ends.
- Any Service Area User on the "freeze-up" list that experiences a frozen water service will be responsible for the entire cost of thawing the User's line, including reimbursement of any costs incurred by the City.
- From time to time, the City may issue a Run Water notice if weather conditions dictate. A Run Water notice will be published in a newspaper of general circulation in the Township and on the City's website, at a minimum. Bills will be estimated during that time period and adjusted, if needed, after the Run Water requirement ends.
- Any Service Area User that experiences a frozen water service during a period for which a Run Water notice was issued will be responsible for the entire cost of thawing the User's line, including reimbursement of any costs incurred by the City.

Section 10. Fire Hydrants; Fire Protection Systems.

The Manistee City Council may require owners of private fire protection systems, including standpipes, sprinkler systems, and other unmetered systems, designed solely for fire suppression inside structures, to pay a special rate established in accordance with the City's ordinances pertaining to the Water System. An amount charged pursuant to this subsection is payable whether or not the building is occupied. An amount charged pursuant to this subsection shall not be payable in the event the City has physically disconnected the building from the Water System, or the plumbing inside the building has been legally altered to make the fire protection system unusable.

Section 11. Unmetered Commercial or Industrial Uses.

The unmetered commercial or industrial use of the Water System, other than for fire protection, is hereby prohibited in the Service Area.

Section 12. Fluoridation of Public Water Supply.

The public water supply distributed by the City via the Water System may contain fluorides in such quantities as are required to maintain, throughout the pipe distribution system, a fluoride concentration of approximately one part per million.

Section 13. Tampering with Hydrants, Stop Cocks, Stop Gates, Etc.; Authority of Fire Chief.

No person shall meddle or interfere with any hydrant, stop cock, stop gate, tools, or appliances of the Water System, except by authority of the Manistee City Manager or another City or Township official explicitly designated by City ordinance, provided that, in case of fire, the Fire Chief of the Township Fire Department, or any person acting under his or her authority, may open or close any hydrant where, in his or her judgment, it may be necessary to do so.

Section 14. Tampering with and Polluting Wells.

No person shall commit any nuisance, deposit any substance or matter, or do any other act at, about, or near wells or sources of the water supply of the System that may tend to make such water impure or unwholesome.

Section 15. Tampering with or Destruction of Water System.

No person shall deface or injure any building or other improvements, or disturb or injure any lawn, grass plot, flowers, vines, bushes, or trees, belonging to the Water System.

Section 16. Adoption of State Water Supply Cross Connection Rules.

The Township hereby adopts, by reference, the Water Supply Cross Connection Rules of the Michigan Department of Environment, Great Lakes, and Energy, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, which were adopted under the authority of Act 399 of the Public Acts 1976, also known as the Michigan Safe Drinking Water Act.

Section 17. Inspections.

Officials of the City's Water Department may cause inspections to be made of all properties served by the Water System where backflow could occur within the System. The City's Water Department, with the approval of the Michigan Department of Health and Human Services, may establish the frequency of inspections and re-inspections based on the potential health hazards involved.

Section 18. Right of Entry.

A representative of the City's Water Department may enter, at a reasonable time, any property served by a connection to the Water System for the purpose of inspecting the piping system or systems thereof for unprotected cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the representative, or the relevant inspection agency, any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unprotected cross connections.

Section 19. Protection of Public Water Supply; Notice of Unsafe Water.

The potable water supply made available on the properties served by the Water System shall be protected from possible contamination as specified by this ordinance and by the Michigan Building Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the Water System must be labeled in a conspicuous manner "Water Unsafe For Drinking."

Section 20. Testing of Protective Devices.

All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the City's Water Department and in accordance with Michigan Department of Environment, Great Lakes, and Energy requirements. Only individuals approved by the City's Water Department shall be qualified to perform such testing, and those individuals shall certify, in writing, the results of that testing.

Section 21. Assistance with Enforcement by City; Collaboration with Township.

- The City's officers and employees who administer or enforce the City's ordinances pertaining to the City's Water System may assist Township officials for the purpose of enforcing this ordinance.
- Upon the request of the Township Supervisor, Clerk, or Treasurer, the City's officers and employees who participate in the administration of this ordinance shall collaborate with the above-referenced Township officials in relation to the enforcement of this ordinance, including, but not limited to, asking and allowing Township officials to participate in any meetings or conversations with affected Service Area Users, or sharing with Township officials copies of any pertinent documents or other information.

Section 22. Violations and Penalties.

- Any person who violates any of the provisions of Section 2 through Section 15 of this ordinance shall be responsible for a civil infraction, punishable by a fine of not more than five hundred dollars (\$500.00) for each offense.

- Any person who violates any of the provisions of Section 16 through Section 20 of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisoned not more than ninety (90) days, or both, for each offense.
- Each day that a violation under this ordinance continues shall constitute a separate offense.
- The City's Water Department may discontinue water service provided by the Water System after reasonable notice to the owner of any property wherein any connection in violation of Section 16 through Section 20 of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the Water System. Water service to such property may not be restored until the cross connection has been eliminated in compliance with this ordinance.
- In addition to the other penalties provided in this section, the Township or the City may pursue any and all legal and equitable remedies against any person who violates any provision of this ordinance, including an action for an injunction to restrain a violation of this ordinance.

Section 23. Conflicts.

This ordinance is intended to be a supplement to the applicable provisions of state law governing plumbing, and is not intended to supersede any of the provisions thereof.

Section 24. Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

Section 25. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 26. Effective Date.

This ordinance shall take effect thirty (30) days following its adoption and publication as required by law.

THOSE VOTING IN FAVOR: Finout, Dontz, Jankwietz, Taylor, Bjorkquist

THOSE VOTING AGAINST: None

THOSE ABSENT OR ABSTAINING: None

/s/
Dianne Taylor
Manistee Township Clerk

CERTIFICATION

I, Dianne Taylor, being the Clerk of Manistee Township, certify that the above is a true and accurate copy of the ordinance adopted by the Manistee Township Board at the regular meeting on the 12th day of August, 2021.

/s/
Dianne Taylor
Manistee Township Clerk

The proposed 2020 Master Plan draft was distributed to the Board members for review and comment. Trustee Finout noted spelling errors, so the Board will review the draft and revisit the Master Plan at the next regular board meeting.

Trustee Finout made the motion to approve Resolution 2021-14, Grant Submission for Fire Department Appliances/Adapters; seconded by Clerk Taylor. In a roll call, those voting in favor were: Dontz, Jankwietz, Taylor, Finout, Bjorkquist. Those voting against: None. Supervisor Bjorkquist declared the motion carried.

Resolution No. 2021-14

A Resolution Approving Grant Submission for Fire Department Appliances/Adapters

WHEREAS, The Township of Manistee recognizes the need for the Fire Department to have the necessary equipment to protect township residents and firefighters, and for the firefighters to be able to increase water flow and maximize efficiency at an incident; and,

WHEREAS, there may be funding available through the Manistee Local Revenue Sharing Board – Cycle 2021-II that would allow for the purchase of two (2) Storz Low Profile Ball Intake Valves and three (3) 30 Degree Elbows to provide incident flexibility; therefore,

BE IT RESOLVED the Manistee Township Board approves the submission of a grant application to the Manistee Local Revenue Sharing Board for the purchase of the

requested Storz valves and adapters. The grant request is for \$4,400.00. Reduced funding would prevent the equipment from being purchased.

Finout made the motion to approve the resolution, Taylor seconded.

Yeas: Dontz, Jankwietz, Taylor, Finout, Bjorkquist

Nays: None

Absent: None

Motion declared adopted.

I, Dianne Taylor, the duly appointed and acting Clerk of Manistee Township do hereby certify the foregoing is a true and correct copy of the duly adopted resolution adopted at the regular meeting of the Manistee Township Board, and a true and correct copy is included in the August 12, 2021 Manistee Township Board Minutes.

Dianne Taylor
Manistee Township Clerk

Supervisor Bjorkquist asked for recommendations for road repairs in the township for the 2022 road construction season.

The July bill payment schedule was provided. Trustee Dontz made the motion to pay the bills for July as provided and the August bills as they are received; Treasurer Jankwietz seconded the motion. All in favor; motion carried.

Household Hazardous Waste Collection will be held on **Saturday, August 21, 2021** from **9:00 a.m. to 1:00 p.m.** at the **Manistee County Road Commission, 8946 Chippewa Highway, Bear Lake, MI 49614.**

Manistee County MTA Meeting will meet **Wednesday, August 25, 2021** at **7:00 p.m.** at the **Springdale Township Hall, 14992 Glovers Lake Road, Bear Lake, MI 49614.**

Manistee Zoning Board of Appeals will meet on **Tuesday, September 7, 2021** at **6:00 p.m.** at the **Manistee Township Hall, if there is an appeal.**

Manistee Township Planning Commission is scheduled to meet **Wednesday, September 1, 2021** at **9:00 a.m.** at the **Manistee Township Hall.**

Next regular meeting of the **Manistee Township Board** will be held on **Thursday, September 9, 2021** at **7:00 p.m.** at the **Manistee Township Hall, 410 Holden Street.**

There being no further business or public comment to come before the board, it was moved by Clerk Taylor, seconded by Trustee Dontz to adjourn the meeting at 7:50 PM. All in favor; motion carried.

Respectfully submitted,

Dianne Taylor
Manistee Township Clerk