



**BOARD OF TRUSTEES**  
**Regular Meeting**  
**June 26, 2024**  
**7:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
6. PUBLIC HEARINGS
  - a. Fox Meadows Special Assessment
7. PUBLIC COMMENT: Restricted to three minutes regarding items on this agenda *Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)*
8. CLOSED SESSION
9. REPORTS/BOARD COMMENTS
  - A. Current List of Boards and Commissions – Appointments as needed (see application in packet)
  - B. June Monthly Activity Report – under separate cover
  - C. Planning Commission, EDA, and ZBA updates by Community and Economic Development Director
  - D. Board Member Reports
10. CONSENT AGENDA
  - A. Communications
  - B. Minutes – June 12, 2024 – Regular Meeting
  - C. Accounts Payable
  - D. Payroll
  - E. Meeting Pay
  - F. Fire Reports

11. NEW BUSINESS

- A. Discussion/Action: (Smith) Fox Meadow Estates & Fox Meadows Estate II Paving Special Assessment District Resolution #5
- B. Discussion/Action: (Smith) Fox Meadow Estates & Fox Meadows Estate II Paving Special Assessment District Isabella County Road Commission Participation Agreement
- C. Discussion/Action: (Nanney) Introduction and First Reading of the new proposed Sidewalk and Pathways Ordinance
- D. Discussion/Action: (Nanney) Consider adoption of new Private Road Ordinance as Ordinance Number 24-01
- E. Discussion/Action: (Teall) Policy Governance 2.5.10 Cashflow Ratio
- F. Discussion/Action: (Stuhldreher) Policy Governance 2.7 Ends of Focus of Grants
- G. Discussion/Action: (Board of Trustees) Policy Governance 3.5 Board Commission and Community Linkage
- H. Discussion/Action: (Board of Trustees) Policy Governance 3.6 Supervisor's Role in the Board's Process
- I. Discussion/Action: (Board of Trustees) Policy Governance 3.7 Duties of Elected Department Heads
- J. Discussion/Action: (Board of Trustees) Clerk Pay discussion

12. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

*Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)*

13. MANAGER COMMENTS

14. FINAL BOARD MEMBER COMMENT

15. ADJOURNMENT

## Hybrid Meeting Instructions for the Charter Township of Union Board of Trustees Meeting

The public can view all Union Township meetings live by clicking on our [YouTube Channel](#). For those who would like to participate during public comment, you can do so via Zoom.

[Click here](#) to participate in the Zoom Meeting via computer or smart phone. (Meeting ID Enter “829 4309 7870” Password enter “300757”). Access to the electronic meeting will open at 6:50 p.m. and meeting will begin at 7:00 p.m.

Telephone conference call, dial (312-626-6799). Enter “829 4309 7870” and the “#” sign at the “Meeting ID” prompt, and then enter “300757” at the “Password” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

- All public comments for items on the agenda will be received during the Public Comment section of the Agenda and any issue not on the agenda will be received during the Extended Public Comment section of the Agenda.
- Computer/tablet/smartphone audience: To indicate you wish to make a public comment, please use the “Reactions” icon. **Next, click on the “Raise Hand” icon** near the bottom right corner of the screen.



- **To raise your hand for telephone dial-in participants, press \*9.** You will be called on by the last three digits of your phone number for comments, at which time you will be unmuted by the meeting moderator.
- Please state your name and address for the minutes and keep public comments concise.

You will be called upon once all in-person comments have been received, at which time you will be unmuted by the meeting moderator.

Persons with disabilities needing assistance should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance can contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	James	Thering	11/20/2024
2-Chair	Phil	Squatrito	2/15/2026
3-Vice Chair	Ryan	Buckley	2/15/2025
4-Secretary	Vacant		2/15/2025
5 - Vice Secretary	Jessica	Lapp	2/15/2026
6	Stan	Shingles	2/15/2027
7	Paul	Gross	2/15/2025
8	Nivia	McDonald	2/15/2026
9	Thomas	Olver	2/15/2027
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Liz	Presnell	12/31/2025
2 -Vice Chair	Richard	Barz	12/31/2025
3- PC Rep	Ryan	Buckley	2/15/2025
4 -	Lori	Rogers	12/31/2026
5 -	Eric	Loose	12/31/2024
Alt. #1	David	Coyne	12/31/2024
Alt #2	Brian	Clark	12/31/2026
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Vacant		12/31/2024
2	Sarvjit	Chowdhary	12/31/2024
3	Bryan	Neyer	12/31/2024
Alt #1	Randy	Golden	12/31/2024
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Joseph	Schafer	12/31/2025
2	Andy	Theisen	12/31/2025
3	William	Gallaher	12/31/2025
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2024
2	John	Dinse	12/31/2025
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2027
2	Lynn	Laskowsky	12/31/2025



## Board Expiration Dates

EDA Board Members (9 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-Chair	Thomas	Kequom	4/14/2027
2-VC/BOT Rep	Bryan	Mielke	11/20/2024
3	James	Zalud	4/14/2027
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2027
6	Marty	Figg	6/22/2026
7	Sarvjit	Chowdhary	6/22/2027
8	Jeff	Sweet	2/13/2025
9	David	Coyne	3/26/2026
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2025
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2025
Mt. Pleasant Airport Joint Operations and Mgmt Board (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - Union Township	Rodney	Nanney	12/31/2026
Mid Michigan Aquatic Recreational Authority (2 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1-City of Mt. Pleasant	John	Zang	12/31/2023
2-City of Mt. Pleasant	Judith	Wagley	12/31/2025
1-Union Township	Stan	Shingles	12/31/2026
2-Union Township	Allison	Chiodini	12/31/2025
1-Mt. Pleasant Schools	Lisa	Diaz	12/31/2024
1-Member at Large	Mark	Stansberry	2/14/2025
2- Member at Large	Michael	Huenemann	2/14/2025

**APPOINTMENT TO BOARDS & COMMISSIONS  
OF CHARTER TOWNSHIP OF UNION  
APPLICATION**



Name: Jeanette Corbin Date: 6/19/2024

Address: 1860 Scully Rd, Mt. Pleasant MI 48858

Phone (home) \_\_\_\_\_ (cell) 989-533-9919 (work) \_\_\_\_\_

Email: jevitts85@gmail.com

Occupation: Realtor - KW NM Signature Group

Please select the board you are applying for:

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | Zoning Board of Appeals             | Must be a Union Township Resident              |
| <input checked="" type="checkbox"/> | Board of Review                     | Must be a Union Township Resident              |
| <input type="checkbox"/>            | Planning Commission                 | Must be a Union Township Resident              |
| <input type="checkbox"/>            | EDA                                 | Must meet one of the following qualifications: |
|                                     | <input type="checkbox"/>            | Property owner in East or West DDA             |
|                                     | <input checked="" type="checkbox"/> | Resident in Union Township                     |

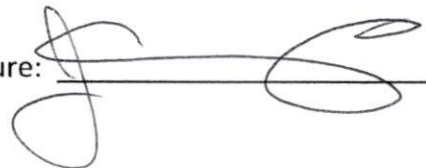
OTHER      \*Specify Board: \_\_\_\_\_

Please state reason for interest in above board:

As a Realtor and member of Central Michigan Association of Realtors, I would be able  
to ensure fair and accurate property valuations which directly impacts my clients.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

Currently a Realtor as part of the Central Michigan Association of Realtors. Currently serving on the executive committee for  
CMAR, and also obtained the Pricing Strategy Advisor designation from NAR.

Signature:  \_\_\_\_\_ Date: 6-19-2024

**2024 CHARTER TOWNSHIP OF UNION**  
**Board of Trustees**  
**Regular Meeting Minutes**

A regular meeting of the Charter Township of Union Board of Trustees was held on June 12, 2024, at 7:00 p.m. at the Union Township Hall.

**Meeting was called to order at 7:00 p.m.**

**Roll Call**

Present:

Supervisor Mielke, Clerk Cody, Treasurer Rice, Trustee Brown, and Trustee Smith

Excused:

Trustee Bills and Trustee Thering

**Approval of Agenda**

**Smith** moved **Brown** supported to approve the agenda as presented. **Vote: Ayes: 5 Nays: 0. Motion carried.**

**Presentation**

- a. Alie Barnes, Managing Principle at Yeo & Yeo, presented the 2023 Charter Township of Union Audit Report

**Public Hearing**

**Public Comment**

Open: 7:24 p.m.

William Ervin, 1200 Buckingham Place, had concerns about the Private Road Ordinance.

Closed: 7:31 p.m.

**Reports/Board Comments**

**A. Current List of Boards and Commissions – Appointments as needed.**

**B. Board Member Reports**

Smith – gave an update on Isabella County Board of Commissioners Meeting.

Rice – Updated taxpayers that tax bills will be in mailboxes the week of July 1<sup>st</sup>.

**Consent Agenda**

- A. Communications
- B. Minutes – May 22, 2024 – Regular Meeting
- C. Accounts Payable
- D. Payroll
- E. Meeting Pay
- F. Fire Reports

**Smith** moved **Rice** supported to approve the consent agenda as presented. **Vote: Ayes: 5. Nays: 0. Motion carried.**

**New Business**

**A. Discussion/Action: (Nanney) Consider adoption of new Private Road Ordinance as Ordinance Number 24-01**

**Brown** moved **Smith** supported to table the new Private Road Ordinance until the June 26<sup>th</sup> meeting. **Vote: Ayes: 5. Nays: 0. Motion carried.**

**B. Discussion/Action: (Smith) Fox Meadow Estates & Fox Meadows Estates II Paving Special Assessment**<sup>007</sup>

**District Resolution #4**

**Smith** moved **Rice** supported to adopt the Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District Resolution #4 which sets the Second Public Hearing date and time for June 26, 2024, at 7:00 p.m. for the establishment of a Paving Special Assessment District. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Brown, and Smith. Nays: 0. Motion carried.**

**C. Discussion/Action: (Smith) Lincoln Road Participation Agreement with the Isabella County Road Commission**

**Brown** moved **Cody** supported to approve the Participation Contract for Lincoln Road from Deerfield Road to Broomfield Road with the Isabella County Road Commission (ICRC) for the grind, four-inch pave, and curb and gutter installation at the Lincoln and Deerfield Road intersection in the amount of \$372,492.27 and authorize the Township Manager to sign said contract. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Brown, and Smith. Nays: 0. Motion carried.**

**EXTENDED PUBLIC COMMENT: RESTRICTED TO 5 MINUTES REGARDING ANY ISSUE**

Open: 8:10 p.m.

No comments were offered.

Closed: 8:10 p.m.

**MANAGER COMMENTS**

- Proposals for Website Redesign and Development is due June 13<sup>th</sup> at 10 a.m.
- Announced that Mathew Rabbish was hired as the new Wastewater Treatment Plant Operator. His start date is June 24<sup>th</sup>.
- Reminded the Board that the terms of all Board of Review members expire on 12/31/2024.
- Manager has recently started reviewing journal entries.

**FINAL BOARD MEMBER COMMENTS**

Brown – Thanked the management for work done on Lincoln Rd.

Mielke – Commented on 2% Grant from the tribe and expressed his gratitude. Thanked the staff on the process to review outdated ordinances.

**ADJOURNMENT**

**Rice** moved **Brown** supported to adjourn the meeting at 8:19 p.m. **Vote: Ayes: 5. Nays: 0. Motion carried.**

**APPROVED BY:**

\_\_\_\_\_  
**Lisa Cody, Clerk**

\_\_\_\_\_  
**Bryan Mielke, Supervisor**

*(Recorded by Tera Green)*



Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 101 POOLED CHECKING						
06/19/2024	101	704 (E)	00527	PITNEY BOWES GLOBAL FINANCIAL LLC	RED INK CARTRIDGE FOR POSTAGE METER	132.79
06/19/2024	101	705 (E)	00146	CONSUMERS ENERGY	1876 S LINCOLN RD 2010 S LINCOLN RD L4 LIGHT 48858 LED LIGHT RD STREE LIGHTS 2055 ENTERPRISE DR MAIN 2279 S MERIDIAN RD PUMP HOUSE	17.81 84.45 460.25 2,095.37 208.85 50.28
						<u>2,917.01</u>
06/20/2024	101	706 (E)	01186	COYNE PROPANE LLC	MOBILUX EP 1	214.81
06/13/2024	101	25549	00084	B S & A SOFTWARE	BSA SUPPORT SERVICES FEE 5-1-24/5-1-25	8,027.00
06/13/2024	101	25550	01969	M P I DIFFUSERS	FLEX CAP DIFFUSERS 3/4"	2,770.69
06/19/2024	101	25551	01963	THOMAS IDEMA	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25552	01358	21ST CENTURY MEDIA-MICHIGAN	CLASSIFIED AD FOR ACCTING SPECIALIST PUBLIC NOTICE-BOARD MEETINGS FOR MAY AD FOR BIDS-SEWER MANHOLE REHAB PROJ AD FOR BIDS-NEW WEBSITE DESIGN	502.00 127.93 146.28 146.28
						<u>922.49</u>
06/26/2024	101	25553	01965	5252 S MISSION ROAD LLC	BOND REFUND-LIGHTING INSTALL COMPLETED	5,000.00
06/26/2024	101	25554	01703	AMAZON CAPITAL SERVICES	TEMPERATURE CONTROLLER FOR WWTP PAPER FOR RENTAL INSPECTOR PRINTER CARTRIDGE FOR CLERK PRINTER FIRST AID KIT AND SHARPS CONTAINERS TWP BASEBALL BASES @MCDONALD PARK NOTEBOOKS FOR WTR/SWR OFFICE	40.94 20.97 236.09 115.34 199.76 12.99
						<u>626.09</u>
06/26/2024	101	25555	00038	APEX SOFTWARE	ANNUAL RENEWAL-SKETCHING SOFTWARE	520.00
06/26/2024	101	25556	00039	AQUA AEROBIC SYSTEMS INC	CENTERTUBE SHAFT FOR FILTER #2	1,207.91
06/26/2024	101	25557	01240	BRAUN KENDRICK FINKBEINER PLC	GENERAL LEGAL FEES-APR 2024	60.00
06/26/2024	101	25558	00095	C AND C ENTERPRISES INC	UNIFORMS FOR MATT RABISH-WWTP	32.50
06/26/2024	101	25559	00129	CMS INTERNET, LLC	NEW SECURITY CAMERAS FOR WWTP NEW SECURITY CAMERAS FOR THE SHOP	12,555.38 6,992.36
						<u>19,547.74</u>
06/26/2024	101	25560	01626	DANNY COFFELL	MILEAGE TO JAMESON HALL/HOME-6-8/6-9 MILEAGE TO JAMESON HALL/HOME-6-15/6-16	30.56 30.56
						<u>61.12</u>
06/26/2024	101	25561	00155	COYNE OIL CORPORATION	FUEL IN TOWNSHIP VEHICLES-MAY 2024	3,256.85
06/26/2024	101	25562	01242	CULLIGAN WATER	BOTTLED WATER FOR WTR/SWR DEPTS	105.00
06/26/2024	101	25563	01968	LISA FINCH	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25564	01741	GOENNER LAWNCARE LLC	MOWING AT 2181 S LINCOLN RD	191.25
06/26/2024	101	25565	01721	HYDROCORP	LEAD&COPPER INTR IDENTIFICATION & CROSS LEAD&COPPER INTR IDENTIFICATION & CROSS	2,286.00 1,354.50
						<u>3,640.50</u>
06/26/2024	101	25566	00333	ISABELLA COUNTY ROAD COMMISSION	2024 BRINE CONTRACT-3 APPLICATIONS	22,198.90
06/26/2024	101	25567	01966	HEATHER KULLMAN	REFUND SECURITY DEPOSIT JAMESON HALL	250.00

06/20/2024 02:32 PM  
 User: SHERRIE  
 DB: Union

CHECK REGISTER FOR CHARTER TOWNSHIP OF UNION  
 CHECK DATE FROM 06/13/2024 - 06/26/2024

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
06/26/2024	101	25568	01967	NICOLE MARTIN	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25569	00399	MCMASTER-CARR SUPPLY CO	HIGH VISIBILITY SIGHT FOR DARK LIQUID BR TERTIARY BATTERY BACKUP CABINET	67.92 353.17 <u>421.09</u>
06/26/2024	101	25570	01774	ERIC MILLER	MILEAGE TO/FROM CEDAM CONFERENCE MEALS FOR CEDAM CONFERENCE	174.20 22.25 <u>196.45</u>
06/26/2024	101	25571	00494	NORTH CENTRAL LABORATORIES	LAB SUPPLIES	87.19
06/26/2024	101	25572	00518	PEERLESS-MIDWEST, INC.	FILTER MEDIA REPLCMNT PROJ-MERIDIAN WELL	210,960.00
06/26/2024	101	25573	01897	ROBERT HALF	TEMP WORKER ACCT SPECIALIST ROLE TEMP WORKER ACCT SPECIALIST ROLE TEMP WORKER ACCT SPECIALIST ROLE	1,753.88 2,075.60 1,323.20 <u>5,152.68</u>
06/26/2024	101	25574	01971	MELISSA SAMPSON	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25575	00597	SHERWIN WILLIAMS	PAINT FOR JAMESON HALL	11.91
06/26/2024	101	25576	01542	STERICYCLE, INC.	PAPER SHREDDING MAY 2024	83.88
06/26/2024	101	25577	01970	DEMETRIUS WALKER	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25578	00710	WEBB CHEMICAL SERVICE	FERRIC CHLORIDE SOLUTION	10,746.65
06/26/2024	101	25579	01819	ALLYSON WING	REFUND RENTAL DEPOSIT JAMESON HALL	250.00
06/26/2024	101	25580	00732	YEO & YEO, PC	AUDIT SERVICES THROUGH 5-31-2024	10,035.00 <u><u>310,877.50</u></u>
101 TOTALS:						
Total of 35 Checks:						310,877.50
Less 0 Void Checks:						0.00
Total of 35 Disbursements:						<u><u>310,877.50</u></u>

<b>Charter Township of Union</b> <b>Payroll</b>
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**CHECK DATE: JUNE 20 2024**  
**Pay Period End Date: 06/15/24**

**NOTE: PAYROLL TRANSFER NEEDED**

General Fund	\$	39,334.39
Fire Fund		
EDDA		
WDDA		
Sewer Fund		33,103.30
Water Fund		36,670.13
<b>Total To Transfer from Pooled Savings</b>	<b>\$</b>	<b>109,107.82</b>

**NOTE: CHECK TOTAL FOR TRANSFER**

BS&A Gross Payroll	\$	73,637.96
Employer Share Medicare		1,021.05
Employer Share SS		4,365.76
SUI		23.45
Pension-Employer Portion		6,085.86
Workers' Comp		449.45
Life/LTD		
Dental		1,220.59
Health Care		23,385.60
Vision		
Vision Contribution		
Health Care Contribution		(2,581.60)
Flex Administrators		40.00
Cobra/Flex Administration		1,459.70
PCORI Fee		
<b>Total Transfer to Payroll Checking</b>	<b>\$</b>	<b>109,107.82</b>



# Union Township Report

Date: Tuesday, June 11, 2024



Alarm Date between 2024-06-02 and 2024-06-08

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
<b>Union Township</b>	<b>0000381</b>						
		6/3/2024 2:35:36 PM	745	Alarm system activation, no fire - unintentional	ENG 33	3	1
						<b>Total Responding 3</b>	
<b>Union Township</b>	<b>0000385</b>						
		6/5/2024 12:35:06 AM	311	Medical assist, assist EMS crew	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000386</b>						
		6/5/2024 7:36:27 PM	520	Water problem, other	ENG 33	2	1
						<b>Total Responding 2</b>	

<b>Union Township</b>	<b>0000387</b>						
		6/6/2024 11:33:21 AM	322	Motor vehicle accident with injuries	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000390</b>						
		6/7/2024 3:46:31 PM	744	Detector activation, no fire - unintentional	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000391</b>						
		6/7/2024 9:42:08 PM	311	Medical assist, assist EMS crew	ENG 33	2	1
		6/7/2024 9:42:08 PM	311	Medical assist, assist EMS crew	C 31	0	1
						<b>Total Responding 2</b>	
	<b>Total Runs</b>						<b>Total Responding 13</b>
	<b>6</b>						

**Note: Alarms**

**1=Duty Crew**

**2=Paged Off Duty Full-time**

**3=Paged Paid-on-Call Firefighters**

**4=Paged All**



# Union Township Report

Date: Tuesday, June 18, 2024



Alarm Date between 2024-06-09 and 2024-06-15

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
Union Township	0000403						
		6/12/2024 3:44:02 PM	300	Rescue, EMS incident, other	ENG 33	2	1
						<b>Total Responding 2</b>	
Union Township	0000405						
		6/13/2024 7:47:15 AM	622	No incident found on arrival at dispatch address	ENG 33	3	1
						<b>Total Responding 3</b>	
Union Township	0000418						
		6/14/2024 10:46:00 PM	611	Dispatched & canceled en route	ENG 33	4	2
						<b>Total Responding 4</b>	

	<b>Total Runs</b> 3						<b>Total Responding</b> 9
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**Note: Alarms**

1=Duty Crew

2=Paged Off Duty Full-time

3=Paged Paid-on-Call Firefighters

4=Paged All





Resolution #3 was presented and adopted by the Township Board of Trustees on May 8, 2024.

The purpose of Resolution #3 was as follows:

- Describing the improvement and determining to complete the improvements.
- Approving the plans and cost estimates as presented.
- Designating the boundaries of the district.
- Confirming the petition for sufficiency.
- Specifying the amount of the improvement costs to be paid by the Township, if any.
- Designating the term of the special assessment district's existence.
- Directing the Supervisor (Assessor) to prepare the special assessment roll.

The final construction cost estimate was completed by the Isabella County Road Commission on May 21, 2024, and the Special Assessment Roll was completed by the Township Assessor on June 4, 2024.

Resolution #4 was approved by the Township Board of Trustees on June 12, 2024.

The purpose of Resolution #4 was as follows:

- Confirm that the completed Special Assessment Roll be given to the Township Clerk and made available for public inspection prior to the second public hearing.
- Set the date and time for the Second Public Hearing.
- Directs the Township Clerk to give proper notice of such hearing by mailing and publication.

The Second Public Hearing was held on June 26, 2024, to hear input from residents on the establishment of the special assessment district.

The next step in the special assessment process is the consideration and adoption of Resolution #5 by the Township Board of Trustees.

The purpose of Resolution #5 is as follows:

- Confirm the Special Assessment Roll.
- Determine the number of annual installments.
- Determine the interest rate to be charged on future installments.

### **SCOPE OF SERVICES**

Establishment of a Paving Special Assessment District for Fox Meadows Estates and Fox Meadows Estates II Subdivisions for the completion of a mill and Ultra-thin (1") overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive.

**JUSTIFICATION**

It is recommended that the Township Board of Trustees adopt Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District Resolution #5.

Upon approval of Resolution #5 the next step in the process can be initiated. The next step in the process is for the Township Clerk to endorse the Special Assessment Roll with the date of its confirmation, deliver to the Township Treasurer, and to mail Notice of Special Assessment to affected property owners within 20 days after confirmation of the special assessment roll.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed with these appointments (From Policy 1.0: Global End)

- Community well-being and common good
- Safety

**COSTS**

Special Assessment District Cost Estimate \$121,130.00

**PROJECT TIME TABLE**

**Public Hearing #2** – June 26, 2024 - set by Resolution #4

**Resolution #5** – June 26, 2024 - confirm special assessment roll, determine number of annual installments, and interest rate

**Isabella County Road Commission Participation Contract** – June 26, 2024.

**Notice of Assessment** – mail to all property owners within 20 days after confirmation of special assessment roll by the Township Clerk

**Construction** – 2024 Construction Season

Adoption of Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District Resolution #5 to confirm the Special Assessment Roll, determine the number of annual installments, and determine the interest rate to be charged on future installments.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:

No:

Absent:

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving  
Special Assessment District Resolution #5**

At a regular meeting of the Charter Township of Union Board of Trustees (“Township Board”) held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, the following Resolution was adopted.

The following preamble and resolution were offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

**WHEREAS**, the Township Board of the Charter Township of Union, Isabella County, Michigan (the “Township”), after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the Township Supervisor and assessing officer of the Township for the purpose of defraying the costs of a mill and Ultra-thin (1”) overlay to be installed within the Fox Meadows Estates and Fox Meadows Estates II Subdivisions on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive;

**AND WHEREAS**, such public hearing was preceded by proper notice in the Morning Sun newspaper, a newspaper of general circulation in the Township, and by first-class mail notice to each property owner of record within said district and upon said assessment roll;

**AND WHEREAS**, comments were received from those present at such hearing concerning said assessment roll and opportunity was given to all present to be heard in the matter;

**AND WHEREAS**, a record of those present to protest, and of any written protests submitted at or before the public hearing will be made a part of the minutes of the hearing;

**AND WHEREAS**, it is the opinion of the Township Board that no further time should be granted for the consideration of the matter; and

**AND WHEREAS**, the Township Board has duly inspected the proposed assessment roll has found the proposed assessment roll to be correct, just, and reasonable.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The assessment roll submitted by the Township Supervisor and assessing officer of the Township in the amount of \$121,130.00 shall hereafter be designated as Fox Meadows Estates & Fox Meadows Estates II Subdivisions Paving Special Assessment Roll.
2. The Fox Meadows Estates & Fox Meadows Estates II Subdivisions Paving Special Assessment Roll, as submitted by the Township Supervisor and assessing officer of the Township, is hereby confirmed and approved as the assessment roll for the Fox

Meadows Estates & Fox Meadows Estates II Subdivisions Paving Special Assessment District.

3. The assessments in said Fox Meadows Estates & Fox Meadows Estates II Subdivisions Paving Special Assessment Roll shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before September 1, 2024 and the following installments to be due on or before the 1st day of the same month of each and every year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, ("PA 188") shall bear interest payable annually on each installment due date at the rate of 8% percent per annum commencing on the first installment due date hereinbefore set forth. Any payments made before such first installment due date shall not bear any such interest.
4. Future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with PA 188. If any 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 interest as provided by this section, 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, also in accordance with PA 188.
5. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer. The Township Clerk shall endorse the special assessment roll with the date of its confirmation and deliver said special assessment roll to the Township Treasurer with his/her warrant attached, commanding the Township Treasurer to collect such assessments in accordance with the direction of the Township Board and PA 188.
6. The Township Clerk's warrant shall also direct the Township Treasurer to submit annually, by September 1, to the Township Board a sworn statement setting forth the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year.
7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Upon roll call vote, the following voted:

**Ayes:**

**Nays:**

**Abstentions:**

**Resolution declared adopted.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Bryan Mielke, Supervisor

Date: \_\_\_\_\_

\_\_\_\_\_  
Lisa Cody, Clerk

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, hereby certifies that foregoing constitutes a true and complete copy of an excerpt of the minutes of a regular meeting of the Township Board of the Charter Township of Union, Isabella County, Michigan, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, at which meeting \_\_\_\_\_ members of the Township Board were present and voted as indicated in said minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan; and the foregoing excerpt contains all materials pertinent to confirmation of the Fox Meadows Estates & Fox Meadows Estates II Subdivisions Paving Assessment Roll.

Date: \_\_\_\_\_

\_\_\_\_\_  
Lisa Cody, Clerk



# Charter Township of Union Paving Special Assessment District: Fox Meadows I & II Subdivision

PID	PropertyAddress	Owner
14-010-10-002-01	3170 HUNTERS TRAIL	FORSYTHE DAVID A & MIRIAM G
14-010-10-002-10	3160 HUNTERS TRAIL	BACKUS ROBERT M & KATHLEEN A
14-010-10-002-06	STONEY CREEK LN	FOX MEADOWS ESTATES HOMEOWNERS ASSN
14-010-10-002-07	1025 STONEY CREEK LN	WRIGHT JOHN P & MARTIN SUE ANN
14-010-10-002-08	1059 STONEY CREEK LN	DEJONG BRIAN & EMILY
14-070-00-002-00	1032 STONEY CREEK LN	CARRIER GLENN W & JENNIFER M
14-070-00-004-00	1083 STONEY CREEK LN	MOORE THOMAS J & GAIL A
14-070-00-005-00	1111 STONEY CREEK LN	KAUFMAN JASON & GINGER
14-070-00-006-00	1139 STONEY CREEK LN	SUPKA DEBORAH LIVING TRUST
14-070-00-007-00	1173 STONEY CREEK LN	HYAMES JEFFREY E & JENNIFER A TRUST
14-070-00-008-00	1181 STONEY CREEK LN	TOMASIK ADAM C & JANICE M
14-070-00-011-00	1178 STONEY CREEK LN	SHANER JAMES M & TOMMY
14-070-00-012-00	3145 HUNTERS TRAIL	SCHISA JENNIFER & DEMATTEI CORDELL
14-070-00-013-00	3121 HUNTERS TRAIL	WINTER NANCY L TRUSTEE OF TRUST
14-070-00-014-00	3089 HUNTERS TRAIL	HORTON JAMES H II & SANDRA L
14-070-00-015-00	3106 HUNTERS TRAIL	SHAIKH ZUBAIR AHMED
14-070-00-016-00	3070 HUNTERS TRAIL	POWELL ROBERT & EMMA
14-070-00-017-00	1068 STONEY CREEK LN	TARBELL ERIK & ROBISON COREY
14-070-00-018-00	1096 STONEY CREEK LN	HINE GENE F & KELLIE ANN
14-070-00-019-00	1114 STONEY CREEK LN	DUCHARME JEFFREY J & LISA D
14-070-00-020-00	1148 STONEY CREEK LN	IKEKHUAH CHRISTIAN EHIMEN
14-070-00-021-00	1151 MEADOW DR	MELTON JAMES H JR & TAMARA L
14-070-00-022-00	1129 MEADOW DR	LANNEN TIMOTHY F & JUDY M
14-070-00-023-00	1105 MEADOW DR	WEIS KRISTOPHER N & KRISTINE A
14-070-00-024-00	1110 MEADOW DR	BARZ MARY CATHERINE REV TRUST
14-070-00-025-00	1140 MEADOW DR	DICKINSON RANDY J & CHERIE L
14-070-00-026-00	1168 MEADOW DR	SOHNS WES & MAKENZIE
14-070-00-027-00	1188 MEADOW DR	REETZ DAVID J & MARY C
14-070-00-032-00	3026 BRITTANY DR	WALLACE THOMAS J & LEIGH M
14-070-00-033-00	3021 BRITTANY DR	BISHOP DANNY & RAYNER CHERI
14-070-00-034-00	3047 BRITTANY DR	GRANT MICHAEL R & CECILIA M
14-070-00-035-00	3071 BRITTANY DR	OUELLETTE DOUGLAS J & AMY
14-070-00-036-00	3095 BRITTANY DR	SMITH MICHAEL R & CARRIE E
14-070-00-037-00	BRITTANY DR	NOVAK TROY & SHANNON
14-070-00-038-00	3139 BRITTANY DR	CUDJOE ERNEST A & GIFTY A
14-070-00-039-00	3157 BRITTANY DR	HEINTZ MICHAEL B
14-070-00-040-00	BRITTANY DR	FEIGHT KURT TRUST & JULIE TRUST
14-070-00-041-00	3213 BRITTANY DR	FEIGHT KURT TRUST & JULIE TRUST
14-070-00-042-00	3184 BRITTANY DR	SCHERR KYLE & AMANDA TRUST
14-070-00-043-00	3166 BRITTANY DR	MAHOKEY JASON & JOERIN O'LEARY
14-070-00-044-00	3124 BRITTANY DR	VEILLEUX JOHN M
14-010-10-002-09	3150 HUNTERS TRAIL	WILSON RONNIE & CHRISTINA

Map Date: December 13, 2023

INFORMATION SHEET

**Fox Meadow Estates, Fox Meadow Estates No 3 - Final**

May 21, 2024

TYPE OF WORK: Cold Milling and Ultra Thin Overlay (1 inch)

STREETS IMPROVED: Brittany Dr Meadow Dr Hunters Trail Stoney Creek Ln  
 TOTAL LENGTH: 1066 Ft 578 Ft 709 Ft 1062 Ft

NUMBER OF LOTS:

SUBDIVISION NAME	NO. LOTS
Fox Meadow Estates	22
Fox Meadow Estates No 2	20
<b>42 Total Lots</b>	

PROJECT COST\*:

ITEM	AMOUNT
Engineering	\$0
Construction	Cold Milling and Ultra Thin Overlay (1 inch) \$115,362
Administration	\$0
Bonding, Legal	\$5,768
<b>TOTAL PROJECT COST</b>	<b>\$121,130</b>
Less Road Comm Share	\$0
Less Union Twp Share	\$0
<b>TOTAL ASSESSMENT*</b>	<b>\$121,130</b>

COST PER LOT:

Full assessment to front lots

LOT TYPE	LUMP SUM
<b>Front Lot</b>	<b>\$2,884</b>

\*Notes:

**Costs are approximate, actual costs may be more or less based upon 2024 bid unit prices, Publishing, and legal cost estimate - 5% of estimated construction cost**





**REQUEST FOR TOWNSHIP BOARD ACTION**

**To:** Mark Stuhldreher, Township Manager **DATE:** June 18, 2024  
**FROM:** Kim Smith, Public Services Director **DATE FOR BOARD CONSIDERATION:** June 26, 2024  
**ACTION REQUESTED:** Consideration to approve the Township Participation Contract with the Isabella County Road Commission (ICRC) for the Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District for the completion of a mill and Ultra-thin (1") overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive in the amount of \$115,362.00 and authorize the Township Manager to sign said contracts.

Current Action   **X**   Emergency         

Funds Budgeted: If Yes                  Account # 245-000-973.112 No                 

Finance Approval   

**BACKGROUND INFORMATION**

Michigan state statute authorizes townships to make public improvements and provide services to their residents and taxpayers. The special assessment process is one way a township can expend public money for improvements. Act 188 of 1954, as amended, establishes, and authorizes townships to utilize special assessment procedures to fund the costs of certain types of improvements. One of the improvements authorized by the act is the construction, improvement, and maintenance of public roads. While the statute allows for townships to initiate a special assessment district, it is typically done by petition of the property owners in a designated area who wish to make an authorized improvement. The township acts in an administrative capacity to establish the district, gather cost estimates, plan the improvement, provide financing, levy, and collect special assessment funds to pay off the debt.

The residents of Fox Meadows Estates and Fox Meadows Estates II Subdivisions have met all of the requirements of the special assessment process. On June 12, 2024, the Township Board of Trustees approved the Special Assessment Roll. The Isabella County Road Commission (ICRC) is responsible for the maintenance of all county roads located in Union Township. In order to facilitate the completion of a mill and Ultra-thin (1") overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive the Board of Trustees is required to approve a Participation Contract with the Isabella County Road Commission.

**SCOPE OF SERVICES**

This contract provides for the completion of a mill and Ultra-thin (1") overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive by the Isabella County Road Commission.

**JUSTIFICATION**

It is recommended that the Township Board of Trustees adopt the Participation Contract with the Isabella County Road Commission so that the mill and Ultra-thin (1”) overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive can be completed during the 2024 construction season.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed with these appointments (From Policy 1.0: Global End)

- Community well-being and common good
- Safety

**COSTS**

Construction Cost Estimate \$115,362.22

**PROJECT TIME TABLE**

2024 Construction Season

**RESOLUTION**

It is Resolved to approve the Township Participation Contract with the Isabella County Road Commission (ICRC) for the Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District for the completion of a mill and Ultra-thin (1”) overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive in the amount of \$115,362.22 and authorize the Township Manager to sign said contracts.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

**TOWNSHIP PARTICIPATION CONTRACT**

**This Agreement** is made and entered into by and between the Board of County Road Commissioners for the County of Isabella, hereinafter referred to as the “**Road Commission**” and **Union Township**, hereinafter referred to as the “**Township**”, for the following improvements:

**Project No. 493-14-421443 Fox Meadows Estates (Brittany Dr., Meadow Dr., Hunters Tr, Stoney Creek Lane) Mill and Overlay Ultra-Thin**

Estimated Cost before Contingency	\$104,874.74
Plus, Contingency	<u>10,487.47</u>
Estimated Contract Cost Plus Contingency	\$115,362.22

<b>Union Township Share</b>	<b>\$ 115,362.22</b>
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Payment as stated above will be due upon receipt of the invoice. The Road Commission is hereby authorized to add to the unpaid balance a service charge of one percent (1%) per month on the unpaid balance of any and all of said sums remaining unpaid after thirty (30) days. Projects which carryover between fiscal years may be billed as the ratio of costs incurred to date. Carryover projects are those which require extensive work to be deemed complete.

The undersigned Township officials, by executing this agreement, certify they are authorized to enter into this agreement on behalf of the Township.

**UNIONTOWNSHIP**

**ISABELLA COUNTY ROAD COMMISSION**

By: \_\_\_\_\_  
Manager

By: \_\_\_\_\_  
Manager

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Board Secretary

Board Approval on: \_\_\_\_\_

Board Approval on: \_\_\_\_\_



# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Board of Trustees	<b>DATE:</b> June 21, 2024
<b>FROM:</b> Mark Stuhldreher, Township Manager	<b>DATE FOR BOARD CONSIDERATION:</b> 6/26/2024
<b>ACTION REQUESTED:</b> To introduce and conduct a First Reading for the proposed new Sidewalk and Pathway Ordinance.	

Current Action  Emergency

Funds Budgeted: If Yes  Account #  No  N/A

### BACKGROUND INFORMATION

The Township’s current Sidewalk and Pathway Ordinance was adopted by the Board of Trustees on 12/30/2009 as Ordinance No. 2009-03. This ordinance was intended to establish basic standards for design, maintenance, and use of sidewalks and pathways.

#### **Deficiencies in the Current Ordinance**

With direction from the Planning Commission, a review of Ord. No. 2009-03 was undertaken by staff in 2021, which identified the following deficiencies in the current ordinance:

- Minimum sidewalk width requirements are insufficient and not consistent with current practices. In addition, clarification is needed regarding standards for connections from the public sidewalk to building entrances.
- The current ordinance does not address where installation of a “pathway” vs. a “sidewalk” would be preferred.
- Standards for sidewalk easements outside of the road right-of-way are missing.
- Provisions for enforcement responsibilities are out-of-date.
- The current ordinance provides no distinction between rural and urban areas as it relates to requirements for sidewalk or pathway installation.
- The current ordinance is in conflict with the 2018 policy adopted to allow for temporary relief from sidewalk construction, as there is no enabling language in the current ordinance for this policy.
- Provisions describing the specific duties of the Sidewalks and Pathways Prioritization Committee leave far too much room for interpretation. The relationship between the committee and the Planning Commission is also less clear than it should be.

#### **Key Elements of the Updated Ordinance**

A proposed new Sidewalk and Pathway Ordinance has been developed in consultation with the Township Engineer, Township Attorney, and Planning Commission to address the deficiencies identified in Ord. No. 2009-03. The proposed ordinance includes the following key elements:

1. **Clear authority for adoption of sidewalk or pathway construction policies** by Board of Trustees resolution after recommendation by the Planning Commission (see Section 4.A.).

2. **Statement of Board of Trustees authority** for sidewalk or pathway orders and assessment of costs as granted by Michigan Public Act 246 of 1931, as amended (see Section 4.B).
3. **Confirmation of Planning Commission responsibility for sidewalk and pathway planning**, and for establishment and discontinuation of any committee charged with assisting the Commission with this responsibility (see Section 5.0).
4. **Updated sidewalk and pathway use standards** to confirm that use of electric or power-assisted bicycles or micro-mobility devices (such as electric scooters/skateboards) shall be allowed on the Township’s sidewalks and pathways, subject to reasonable limitations (see Section 7.0).
5. **Updated construction standards** consistent with current engineering and design practices (see Section 8.0).
6. **Updated provisions for repair and replacement of existing sidewalks and pathways** to clarify who is responsible and the standards that apply (see Section 9.0).
7. **Updated maintenance standards** to address maintenance by the EDA Board or private parties or associations, and to relax somewhat the current, very strict requirements for clearing of snow and ice after a storm event (Section 10.0).
8. **Violations and penalties provisions** in the proposed ordinance have been updated consistent with equivalent provisions in other Township ordinances (see Section 16.0). As is the case with other ordinances, the goal of any Township ordinance enforcement process is to help the violator understand the ordinance and how to bring things back into compliance.

An initial draft of the ordinance was reviewed by the Township Attorney, and all recommended changes have been incorporated into the proposed ordinance document for Board of Trustees review and action.

### **Planning Commission Reviews and Recommendation**

The Planning Commission reviewed and discussed the proposed ordinance during their regular meetings in May and June. During their initial review on May 21, 2024, the Planning Commission asked for clarification of provisions carried over from the current Ord. 2009-03 (Section 4.03), which establish the responsibilities of private property owners for maintenance, repair, and restoration of existing sidewalks in front of their lot. In response to the Commission’s questions, updated provisions were included in Sections 9.0 and 10.0 of the proposed ordinance reviewed by the Commission on June 18, 2024.

After final review and deliberation during their June meeting, the Planning Commission adopted the following motion to recommend adoption of the proposed ordinance:

***Olver moved Shingles supported to recommend to the Board of Trustees that the proposed Sidewalk and Pathway Ordinance with a draft date of June 11, 2024 be adopted as presented with the following change to strike section 4.B.4 and 4.B.5 until a policy is adopted for its implementation. Roll Call Vote: Ayes: Buckley, Gross, Olver, Shingles, and Squattrito. Nays: McDonald and Thering. Motion carried.***

The language referenced by the Planning Commission for removal from Section 4.0, subsections “B.4.” and “B.5.” of the proposed Ordinance is part of the enabling language of the governing state law that establishes the Board of Trustees’ authority over sidewalk and pathway construction, repair, and maintenance. This is the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended), which is referenced in the preamble of the proposed Ordinance.

Equivalent ordinance language has been part of the current Sidewalk and Pathway Ordinance since 2009 (see Section 6.03 of Ord. No. 2009-03), which also references Act 246 in the preamble. Under the enabling authority of Act 246:

- The Board of Trustees may construct, repair, or maintain sidewalks or pathways in a designated area of the Township using public funds; or
- The Board of Trustees may by resolution order the construction, repair, or maintenance of sidewalks or pathways in a designated area of the Township, provided that a public meeting relative to the order shall first be held after proper notice to the affected property owners.
  - The Board of Trustees may permit the affected property owners to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expense; or
  - The Board of Trustees may assess the costs of sidewalk or pathway construction by the Township to the affected property owners, payable over a five-year period; or
  - The Board of Trustees may require a property owner to post a cash deposit in lieu of construction to be held until adjacent sidewalks or pathways are completed; or
  - The Board of Trustees may propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.

As highlighted above, the enabling language of Act 246 provides options for the Township to fund and manage sidewalk and pathway construction. It is permissive in character and does not mandate any particular funding approach.

Among the potential funding options are provisions for a property owner affected by a Board of Trustees' order for sidewalk or pathway construction to repay the Township for the construction cost over a five year period (similar to the special assessment process established under a separate state Act); or under certain circumstances to provide payment in lieu of construction into a fund established by the Board of Trustees for this purpose.

The Planning Commission's proposal to "*strike section 4.B.4 and 4.B.5*" from the proposed ordinance would eliminate these choices for affected property owners.

To maintain consistency with the state Act's enabling authority language and to maximize potential future funding choices for affected property owners if the Board of Trustees were to determine that an order for sidewalk or pathway construction is necessary to be fully or partially funded by the property owners, it is the recommendation of the Township Administration that the proposed Sidewalk and Pathway Ordinance be adopted as presented in the June 11, 2024 draft document (without striking subsections "B.4." and "B.5." of Section 4.0).

### **SCOPE OF SERVICES**

Introduction and First Reading of the proposed new Sidewalk and Pathway Ordinance.

**JUSTIFICATIONS**

Adoption of the proposed Ordinance is necessary to correct the deficiencies noted in the current Ord. No. 2009-03, to update minimum width and location requirements to be consistent with adopted non-motorized transportation plan recommendations and current Township practices for sidewalks along certain Township road corridors, and to update the minimum sidewalk and pathway design and construction standards to be fully consistent with current engineering practices for these types of projects.

**GOALS ADDRESSED**

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End):

- 1. Community well-being and common good**
- 3. Safety and Health**
- 5. Economic Development**

Adoption of the proposed Ordinance would help facilitate the effective use of resources (1.0). Proposed construction, repair/replacement, and maintenance standards for new and existing sidewalks and pathways will help to ensure safe and accessible routes for pedestrians, bicyclists, and others (1.3.1). The provisions for adoption of sidewalk or pathway construction policies, including updated policies for temporary relief from sidewalk construction, are consistent with commerce-friendly economic development policies and MEDC Redevelopment Ready Communities program best practices (1.5).

**COSTS**

NA

**TIMETABLE**

After a Second Reading and adoption by the Board of Trustees, the Ordinance would take effect on the day immediately following publication of the required notice of adoption.

**RESOLUTION**

Introduce and conduct a First Reading of the proposed new Sidewalk and Pathway Ordinance.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:

No:

Absent:

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**SIDEWALK AND PATHWAY ORDINANCE NO. \_\_\_\_\_**

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) and the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended, being MCL 41.271 – MCL 41.290) to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; to establish enforcement procedures and penalties for violation of this Ordinance; and for other purposes.

**CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:**

**Section 1.0 Title.**

This ordinance shall be known and cited as the Sidewalk and Pathway Ordinance; and may be referred to herein as “this Ordinance.”

**Section 2.0 Purpose and Intent.**

Unobstructed and safe pedestrian access to buildings and lots and an interconnected network of public sidewalks and pathways are necessary to promote and protect the health, safety, and welfare of the public and to maximize accessibility, mobility, and connectivity for residents within and through the Township. The purposes of this Ordinance are to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; and to establish enforcement procedures and penalties for violation of this Ordinance.

The standards of this Ordinance are intended to maximize accessibility, mobility, and connectivity for Township residents, to provide for unobstructed and safe pedestrian access to buildings and lots, and to establish an interconnected network of public sidewalks and pathways within and through the Township.

**Section 3.0 Scope.**

The requirements in this Ordinance shall apply to all existing and proposed sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as to all private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance. The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.



#### **Section 4.0 Construction Timing Policies, Orders, and Assessments.**

The Board of Trustees shall have the following authority pursuant to this Ordinance:

##### **A. Adoption of Sidewalk or Pathway Construction Policies.**

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township's adopted Master Plan and other adopted planning documents.
5. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

##### **B. Provisions for Sidewalk or Pathway Orders and Assessment of Costs.**

In accordance with Public Act 246 of 1931, as amended (Pavements, Sidewalks, and Elevated Structures, being MCL 41.271 et seq.) and for the health, safety, or welfare of the residents, the Board of Trustees may by resolution order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks or pathways in any designated area of the Township, in accordance with the following:

1. The Board of Trustees shall hold a public meeting relative to the ordering of the sidewalk or pathway construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.
2. The Board of Trustees may also forward a proposed order to construct a new sidewalk or pathway to the Planning Commission with a request for review and recommendations for action prior to final consideration by the Board.
3. If the Board of Trustees determines that the construction, repair or maintenance of sidewalks or pathways is necessary, it may construct, repair, or maintain the sidewalks or pathways and assess the costs to the property involved, payable over a five-year period, or permit the owners of the property involved to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expenses.
4. The Board of Trustees may also propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.
5. In situations where a proposed sidewalk or pathway does not currently have connecting sidewalks or pathways on the adjacent properties on either side, the Board of Trustees may require a property owner to post a cash deposit in lieu of construction, in an amount equivalent to the cost of construction, which would be held in deposit until the adjacent properties develop and install sidewalks or pathways.

### **Section 5.0 Sidewalk and Pathway Planning.**

The Planning Commission shall be primarily responsible for preparing, reviewing, and updating long-range plans to guide future improvements to the Township’s sidewalk and pathway network as part of the Township’s adopted Master Plan or other planning documents adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. and other applicable state laws.

As authorized by Section 17(2) of the Michigan Planning Enabling Act and any adopted Planning Commission bylaws, the Planning Commission may from time to time choose to appoint an advisory committee of limited duration and purpose to assist the Commission with compiling data or preparing, evaluating, or prioritizing policy or planning alternatives for future sidewalks and pathways.

1. Prior to appointing committee members, the Planning Commission shall identify the desired qualifications and expectations for committee membership and shall prepare and adopt a resolution to serve as an informal charter for the committee’s work. To ensure that the committee operates smoothly and remains focused on its assigned tasks, this resolution shall at a minimum include:
  - a. The objectives, desired outcomes, or deliverable for the committee.
  - b. Direction for the appointment of a committee chairperson or facilitator.
  - c. Specific tasks the committee will be responsible for to complete its work.
  - d. A timeline for completion of assigned tasks and to report back to the Commission.
2. The Planning Commission may appoint persons to serve on this committee who are not Planning Commission members, provided that the Planning Commission Chair shall be an ex-officio member of the committee.
3. The Planning Commission may direct that the committee focus on a specific issue, project, or geographic area.
4. The Planning Commission may act by motion at any time to discontinue the work of the committee to take back these delegated planning responsibilities. The Commission shall take action to discontinue the committee with a vote of thanks promptly upon completion of its assigned tasks.

### **Section 6.0 Sidewalk or Pathway Required.**

In accordance with the purpose and intent of this Ordinance, sidewalks or pathways shall be required to be constructed and maintained within or adjacent to road rights-of-way and also to connect to existing sections of sidewalk or pathway and to connect to buildings and uses of land where present on adjacent land in compliance with this Ordinance and other Township ordinances, and in a manner and arrangement consistent with the Township’s adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees.

### **Section 7.0 Use of Sidewalks and Pathways.**

Sidewalks and pathways are primarily reserved for use by pedestrians and are not intended for use by motorized vehicles. Travel by bicycle or micro-mobility device shall also be allowed on Township sidewalks and pathways, provided that bicyclists and users of such devices shall yield to pedestrians at all times and that travel by any electric or power-assisted bicycle or micro-mobility device shall not exceed ten (10) miles per hour at any time.

## Section 8.0 Construction Standards.

Sidewalks and pathways shall comply with the standards of this Section and Ordinance, along with any supplemental engineering standards that may be adopted by the Board of Trustees and any adopted sidewalk or pathway specifications of the applicable road authority with jurisdiction. If the sidewalk or pathway is located within a public road right-of-way, the standards of the applicable road authority with jurisdiction shall prevail. In the event of a conflict between different standards, the more stringent standard shall apply.

### A. Sidewalk vs. Pathway.

The choice to construct or require the construction of a sidewalk versus a pathway in a designated area of the Township shall not conflict with this Ordinance, other Township ordinances, the Township's adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees. Pathways may also be constructed in lieu of sidewalks in locations that support a contiguous regional pathway system or in other locations that do not parallel roadways.

### B. Width Standards.

The minimum width of sidewalks and pathways in the Township shall conform to the following:

1. **Public and general use sidewalks.** The minimum width for public and general use sidewalks shall be a minimum of five (5) feet, except as follows:
  - a. Along E. Bluegrass Road between S. Mission Road and S. Isabella Road shall be a minimum of eight (8) feet.
  - b. Along E. Broomfield Road between S. Mission Road and S. Isabella Road shall be a minimum of six (6) feet.
  - c. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to four (4) feet for the minimum necessary distance.
2. **Sidewalk connectors and internal sidewalks.** The minimum width for internal sidewalks and sidewalk connectors from the public sidewalk to connect to buildings and uses of land where present on adjacent land shall be a minimum of four (4) feet, except as follows:
  - a. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to 42 inches for the minimum necessary distance.
  - b. Where the sidewalk is directly adjacent to parking spaces, the width shall be increased to a minimum of seven (7) feet.
3. **Pathways.** The minimum width for public and general use pathways shall be a minimum of ten (10) feet, except where topography or obstructions require a reduction to a minimum of eight (8) feet for the minimum necessary distance.
4. **Manufactured housing developments.** This minimum sidewalk width standard shall not apply within the interior of manufactured housing (mobile home) park developments as otherwise regulated by the State of Michigan, provided that required sidewalks or pathways along public road frontages shall conform to this Ordinance.

### C. Location Standards.

The location of sidewalks and pathways in the Township shall conform to the following:

1. Public and general use sidewalks and pathways shall be aligned horizontally and vertically

with existing sidewalks and pathways where present on adjacent land. Where no adjacent sidewalk or pathway is present, the terminus of the sidewalk or pathway shall be located one (1) foot inside of the road right-of-way.

2. Public and general use sidewalks and pathways shall be located one (1) foot off the property line within the road right-of-way of a platted subdivision and otherwise located one (1) foot inside of the road right-of-way, except as follows:
  - a. Where topography, obstructions, or the location of existing sidewalks or pathways on adjacent land require an adjustment.
  - b. Where there is inadequate road right-of-way width or public safety hazards that require an adjustment.
  - c. Where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk may be located one (1) foot inside the planned right-of-way.
3. Access and use of public and general use sidewalks and pathways not located within an existing road right-of-way shall be governed by easement rights established in accordance with applicable state laws and case law.
4. New sidewalk and pathway construction not located with an existing road right-of-way or dedicated easement shall require establishment of a dedicated easement in a format acceptable to the Township and recorded at the Isabella County Register of Deeds Office.

**D. Paving.**

1. Sidewalks shall be constructed of concrete with a thickness of at least four (4) inches placed over six (6) inches of compacted sand, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a pavement thickness of at least six (6) inches.
2. Pathways shall be constructed of at least three (3) inches of hot mix asphalt over six (6) inches of 22A road gravel (minimum grade).
3. The base of the sidewalk or pathway shall be trimmed to grade and be firm and uniform. The sidewalk or pathway shall slope towards an adjacent road at a rate of no more than two percent (2%).
4. Topsoil and organic soils shall be removed and replaced with appropriate compacted fill meeting Michigan Department of Transportation (MDOT) Class II requirements prior to installing the base or paving materials.
5. Other types of paving may be allowed, subject to Planning Commission approval after a review and recommendation from the Township Engineer.

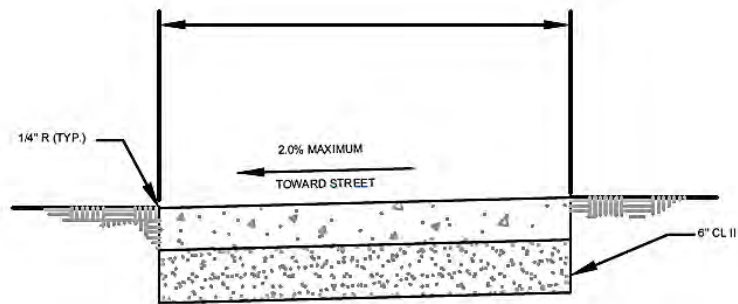
**E. Barrier-free Design.**

Sidewalks or pathways shall comply with all state and federal barrier-free design requirements. Barrier-free ramps shall be provided at curbs and other locations with a grade change. Detectable warning surfaces shall be installed wherever a sidewalk or pathway approaches a road intersection, and shall be constructed in accordance with State of Michigan specifications.

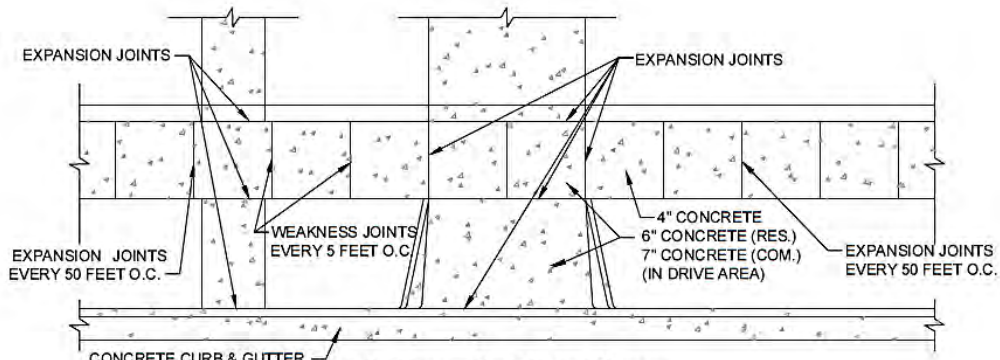
**F. Grading and Drainage.**

Proposed sidewalks or pathways shall be designed to maintain the existing direction and flow of surfacewater runoff, and to conform to the applicable standards of the Township's Stormwater Management Ordinance.

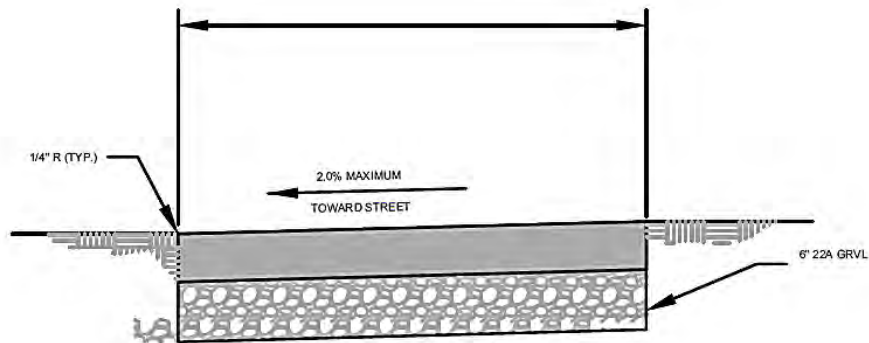
**ILLUSTRATIONS**



**Sidewalk Cross-Section**



**Sidewalk Plan View**



**Pathway Cross-Section**

## **Section 9.0 Repairs to or Replacement of Existing Sidewalks or Pathways.**

Repairs to or replacement of existing sidewalks and pathways shall be subject to the following standards:

### **A. Criteria for Sidewalk or Pathway Repairs or Replacement.**

1. A sidewalk or pathway that becomes cracked or damaged to the extent that the sidewalk or pathway becomes potentially unsafe for use shall be repaired or replaced in compliance with the construction standards specified herein.
  - a. Sidewalks and pathways located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the Township.
  - b. Sidewalks and pathways not located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the owner(s) of the land upon which the sidewalk or pathway is located.
2. The following criteria shall be used by the Township to determine whether or not a sidewalk or pathway is in need of repair or replacement:
  - a. If the sidewalk has displacement of more than three-quarters ( $\frac{3}{4}$ ) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
  - b. If the sidewalk or pathway has more than two (2) cracks of one-quarter ( $\frac{1}{4}$ ) inch in width or more in any two (2) linear feet.
  - c. If the sidewalk or pathway has a crack more than three-quarters ( $\frac{3}{4}$ ) inch in width.
  - d. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
  - e. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter ( $\frac{1}{4}$ ) inch or greater.
  - f. If concrete or asphalt settling has allowed water to pond to depth of one (1) inch or more.

### **B. Applicable Standards for Repair or Replacement.**

Unless required by other statutes or any sidewalk or pathway construction policies adopted by the Board of Trustees, repairs to or replacement of less than 100 feet of any existing sidewalk or pathway shall not be required to conform to the minimum width requirements of this Ordinance, provided that the repair or replacement section shall be consistent with the width of adjacent sections of sidewalk or pathway and shall conform to Section 7.0 (Construction Standards). Any other replacement of an existing sidewalk or pathway section shall fully conform to the standards of this Ordinance.

## **Section 10.0 Maintenance Standards.**

### **A. Responsibility for Sidewalk and Pathway Maintenance.**

It shall be the duty of the property owner to maintain internal sidewalks and sidewalk connectors on their lot and public and general use sidewalks or pathways on or adjoining their lot in accordance with the requirements of this Section and Ordinance, except as follows:

1. A homeowners association or condominium association board or other legally established

private governing board may assume the responsibility for maintenance of sidewalks or pathways within a subdivision, condominium, or lot under their jurisdiction. The terms and conditions under which this private governing board assumes such responsibility shall be specified in the board's governing documents.

2. The Board of Trustees may from time to time designate specific public or general use sidewalks or pathways for maintenance by the Township.
3. The Economic Development Authority (EDA) Board may take responsibility for maintenance of specific public or general use sidewalks or pathways within the East or West Downtown Development Authority (DDA) Districts.

**B. Obstructions.**

Sidewalks or pathways shall be kept free of all obstructions, including but not necessarily limited to structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk or pathway, provided that appropriate barriers and signage shall be erected to maintain public safety.

**C. Snow and Ice Removal.**

Sidewalks or pathways shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk, pathway, or adjacent roadway or access drive.

1. Accumulated or drifting snow totaling more than one (1) inch on a sidewalk or pathway in the Township shall be removed within 36 hours of the end of a snowfall event.
2. In the event of holiday observances and prolonged periods of snow or ice storms exceeding 36 hours, the time period to remove ice or snow shall be extended to within 72 hours of the end of a snowfall event.

**Section 11.0 Unsafe Condition and Unlawful Damage.**

It shall be unlawful to damage or deface a sidewalk or pathway by any means, or for a sidewalk or pathway to be in an unsafe state of disrepair.

**Section 12.0 Permits and Approvals.**

A permit is required from the Township prior to the construction, removal, or repair of a public or general use sidewalk or pathway. If a proposed sidewalk or pathway is part of larger development that requires site plan or subdivision plat approval, then the sidewalk or pathway shall be detailed on the site plan or subdivision plat, which shall be reviewed in accordance with the review procedures set forth in the applicable Township ordinance. The applicant shall be responsible for obtaining all applicable outside agency permits or approvals prior to the start of construction.

**Section 13.0 Fees and Escrow Deposits.**

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or

appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

**Section 14.0 Performance Guarantees.**

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancelation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.
2. The performance guarantee shall be submitted prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.).



Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

### **Section 15.0 Inspections.**

All required improvements shall be subject to inspection by the Township Engineer during construction, and subject to a final inspection upon completion of construction. The Township Engineer shall report the results of each inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval.

### **Section 16.0 Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction or maintenance of a sidewalk or pathway in the Township to comply with the applicable requirements and standards of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
  - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
  - b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
  - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
  - a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
  - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine

of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees.

- c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, alteration, or maintenance of a sidewalk or pathway in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

## Section 17.0 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**Building.** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

**Detectable Warning Surfaces.** Corrosion resistant grey iron in pavement that is installed to signal visually-impaired pedestrians where a sidewalk or pathway intersects a road.

**Enforcement Official.** The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

**Fixed Costs and Expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

**Lot.** A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a "lot" for purposes of

this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

**Micro-mobility device.** A skateboard, scooter, or similar means of short-distance transportation designed for a single-user, which may also be electric motor-assisted or electrically powered.

**Motorized vehicles.** Motorcycles, mopeds, golf carts, off-road utility vehicles, and any vehicles for which a state license is required for operation on public roads and state highways. This term shall not include electric motor-assisted or electrically powered bicycles and micro-mobility devices.

**Pathway.** An off-road shared use, non-motorized path, usually asphalt, separate from the public road (though sometimes in the public right-of-way).

**Pavement or Hard Surface.** Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

**Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

**Planning Commission.** The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

**Road or Street.** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. This term does not include a farm track or similar vehicle accessway to an agricultural operation, a driveway as defined in this Section, a cross-access connecting adjacent commercial premises, or a vehicle accessway for utility, railroad, institutional or similar purposes.

**Road Commission.** The Isabella County Road Commission.

**Sidewalk.** A paved path, usually concrete, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel.

**Township.** Charter Township of Union, Isabella County, Michigan.

**Township Board.** The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

**Township Engineer.** The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

**Township Planner.** The Director of the Township's Community and Economic Development Department or the Director's designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

**Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

Draft Date: June 11, 2024

**Section 18.0 Severability.**

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

**Section 19.0 Repeal.**

All Ordinances or parts of Ordinances in conflict with this Ordinance, including the Sidewalk and Pathway Road Ordinance No. 2009-03, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township’s Zoning Ordinance.

**Section 20.0 Publication.**

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

**Section 21.0 Effective Date.**

This Ordinance was adopted by the Township Board on \_\_\_\_\_, 2024, after a first reading by the Township Board of Trustees on \_\_\_\_\_, 2024, publication after such first reading as required by Public Act 359 of 1947, as amended, and a second reading held on \_\_\_\_\_, 2024. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.

**129.000 SIDEWALK AND PATHWAY ORDINANCE**  
**Ordinance No. 2009-03**  
**Adopted: December 30, 2009**

An Ordinance enacted pursuant to Michigan Public Act 246 of 1931 and Public Act 246 of 1945, as amended, to specify standards for design, maintenance, and use of sidewalks or pathways located in public road rights-of-way; establish requirements for obtaining permits to construct sidewalks or pathways; designate sidewalk and pathway maintenance responsibilities; and, establish enforcement procedures and penalties for violation of the Ordinance.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

**129.001 Title.**

Sec. 1. This Ordinance is hereby designated as and shall be referred to as the Charter Township of Union Sidewalk and Pathway Ordinance. Within the following text it may be referred to as this Ordinance.

**129.002 Purpose and scope of application.**

Sec. 2.

(2.01) *Purpose.* The purposes of this Ordinance are to protect and promote public health, safety, and welfare by specifying standards for design, maintenance, and use of sidewalks and pathways located in public road rights-of-way; establishing requirements for obtaining permits to construct sidewalks or pathways; designating sidewalks or pathways maintenance responsibilities; and, establishing enforcement procedures and penalties for violation of the Ordinance. These regulations are the minimum standards deemed necessary to provide suitable and safe off-road accommodations for pedestrians.

(2.02) *Scope of application.* The requirements in this Ordinance shall apply to sidewalks and pathways constructed within a public right-of-way.

**129.003 Definitions.**

Sec. 3.

*Building Official:* The officer or other authority designated by the Township Board to administer and enforce the Building Code.

*Detectable Warning Surfaces:* Corrosion resistant grey iron in pavement that is installed to signal visually-impaired pedestrians where a sidewalk or pathway intersects a road.

*Pathway:* An off-road shared use, non-motorized path, usually asphalt, separate from the public road (though sometimes in the public right-of-way). All cyclists regardless of age are encouraged to use pathways.

*Planning Commission:* The Planning Commissioners of the Charter Township of Union, Isabella County, Michigan.

*Sidewalk:* A paved path, usually concrete, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel. While Michigan law (MCL 257.660c and 257.660d) allows for travel on sidewalks or pathways by bicycle, provided they yield to pedestrians and do not impede traffic by pedestrians, adult cyclists are encouraged to use roadways or pathways as safer options.

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*Township:* The Charter Township of Union, Isabella County, Michigan.

*Township Board:* The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

## **129.004 Standards.**

Sec. 4.

(4.01) *Use of sidewalks or pathways.*

1. *Pedestrian use.* Sidewalks or pathways, as defined herein, are for pedestrian use, and are not intended for use by motorized vehicles, such as but not limited to, motorcycles, mopeds, or off-road utility vehicles. Travel by non-motorized bicycles is permitted. Bicycles shall yield to pedestrians.
2. *Unlawful damage.* It shall be unlawful to damage or deface a sidewalk or pathway by any means.

(4.02) *Construction standards.* Sidewalks or pathways shall comply with the standards set forth herein and any supplemental engineering standards that may be adopted by the Township Board, and with Isabella County Road Commission (ICRC) standards (at the time of adoption of this Ordinance, ICRC enforces Michigan Department of Transportation (MDOT) sidewalk specifications on roads under the Road Commission's jurisdiction). In the event of a conflict between standards, the agency with roadway jurisdiction shall prevail if the sidewalk or pathway is located in a public road right-of-way. In the event of conflict between different standards, the more stringent standard shall apply.

1. *Minimum width:* Sidewalks: Four (4) feet; Pathways: Eight (8) feet.
2. *Location:*
  - a. Sidewalks shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.
  - b. Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.
  - c. Pathways may be constructed in lieu of sidewalks or in locations that do not parallel roadways.
  - d. The Planning Commission may modify these width and location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.
3. *Paving.* Sidewalks shall be concrete with a depth of at least four (4) inches, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a depth of at least six (6) inches. Concrete shall be placed over 6" compacted sand. Pathways shall be 3" hot mix asphalt over 6" 22A gravel (minimum grade). A minimum of 6" top soil shall be removed under concrete or asphalt. Other types of paving may be permitted, subject to Planning Commission approval. Paving shall be placed on appropriate compacted fill to provide a proper base and to prevent the pavement from uneven settling, heaving, and/or cracking.
4. *Barrier-free design.* Sidewalks or pathways shall comply with all state and federal barrier-free requirements. Accordingly, ramps shall be provided at curbs and other locations involving a grade change.

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5. *Grading and drainage.* Proposed sidewalks or pathways shall be designed to maintain the existing direction and flow of storm water and to avoid damming or flooding.
  6. *Detectable warning surfaces.* Detectable warning surfaces shall be installed wherever a sidewalk or pathway approaches an intersection with a road, and shall be constructed in accordance with the Michigan Department of Transportation Special Provision for Sidewalk Ramp, ADA, Modified, 06-09-06, and revised 07-13-06.
  7. *Existing sidewalks or pathways.* Unless required by other statutes, existing sidewalks or pathways shall not be required to conform to subsections 4 and 6 of Section 4.02. When an existing sidewalk or pathway section requires replacement, those portions being replaced shall conform to the standards of this Ordinance.

(4.03) *Maintenance standards.*

1. *Maintenance responsibility.* It shall be the duty of the property owner to maintain public sidewalks or pathways on or adjoining said property in accordance with Section 4.03. Failure to comply with any provision in Section 4.03 shall be considered a breach of this duty. Any damages resulting from such a breach shall be the sole responsibility of the property owner.

A legally established homeowners association or condominium association may assume the responsibility for maintenance of public sidewalks or pathways within a subdivision or condominium under its jurisdiction. The terms under which such an association assumes such responsibility, including the method of funding sidewalk or pathway maintenance, shall be specified in the recorded subdivision covenants, conditions and restrictions or condominium association master deed and bylaws, as applicable. A Special Assessment District shall be established in the name of the association if the association at any time fails to meet the maintenance standards.

2. *Repairs or restoration.* A sidewalk or pathway that becomes cracked or damaged to the extent that the sidewalk or pathway becomes potentially unsafe for use shall be repaired or restored in compliance with the construction standards specified herein. The following standards shall deem a sidewalk or pathway in need of repair or restoration:
  - a. If the sidewalk has displacement of more than three-quarters ( $\frac{3}{4}$ ) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
  - b. If the sidewalk or pathway has more than two (2) cracks of one-quarter ( $\frac{1}{4}$ ) inch in width or more in any two (2) linear feet.
  - c. If the sidewalk or pathway has a crack more than three-quarters ( $\frac{3}{4}$ ) inch in width.
  - d. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
  - e. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter ( $\frac{1}{4}$ ) inch or greater.
  - f. If the concrete or asphalt has settled, allowing water to pond to depth of one (1") inch or more.
3. *Obstructions.* Sidewalks or pathways shall be kept free of all obstructions, including but not necessarily limited to, obstructions from structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk or pathway, in which case appropriate barriers and signage shall be erected to maintain public safety.

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4. *Snow and ice removal.* Sidewalks or pathways shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk, pathway or road.
    - a. Snow that has accumulated in or during the nighttime shall be removed by 6:00 p.m. of the following day;
    - b. Snow falling or drifting during the day shall be removed before 12:00 noon of the following day;
    - c. In the event of unusual circumstances, including holiday observances, prolonged periods of snow or ice storms, or other unforeseeable conditions, the building official or code enforcement officer may extend the time to remove ice or snow.

### **129.005 Sidewalks and pathways plan.**

Sec. 5.

- (5.01) *Duties of sidewalks and pathways prioritization committee.* The Planning Commission shall designate a committee to plan and prioritize new construction of sidewalks and pathways. The Sidewalks and Pathways Prioritization Committee will meet as needed to review the plan and make recommendations to the Township Board.
- (5.02) *Composition of sidewalks and pathways prioritization committee.* The committee shall consist of:
  - A representative of the Township Board.
  - A representative of the Planning Commission.
  - Two residents of the Charter Township of Union.
  - One member At-Large.
  - The Zoning Administrator (ex officio, non-voting)

The terms of each member shall be 2 years. The Township Board member, one township resident, and the At-Large member shall serve initial 2-year terms. The Planning Commission member and second township resident shall serve initial 1-year terms followed by subsequent 2-year terms.

### **129.006 Enforcement.**

Sec. 6.

- (6.01) *Duties of the building official.* The Building Official shall have primary authority to enforce this Ordinance, as outlined in this Section.
  1. *Permits.*
    - a. A permit is required from the Township prior to the construction, removal, or repair of a sidewalk or pathway. A permit may be obtained by submitting a completed application form, along with plans and specifications, and the required fee, to the Township Building Department. The Building Official shall be responsible for evaluating the application to determine compliance with Ordinance standards (and to determine compliance with the approved site plan, where applicable) and issuing the permit. A separate permit shall not be required if the proposed sidewalk or pathway is part of a larger development that requires a building permit. A copy of the permit shall be kept at hand at the construction site.



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- b. The applicant shall be responsible for obtaining any permits required by the Isabella County Road Commission related to sidewalk or pathway construction within a County road right-of-way.
  - 2. *Inspection.* During construction, the Building Official shall be responsible for inspection. In fulfilling this responsibility, the Building Official shall follow the inspection guidelines set forth in the adopted building code.
  - 3. *Violations.* The Building Official shall be responsible for investigating violations of this Ordinance. Whenever the Building Official determines that a violation exists, the Building Official shall pursue compliance following the enforcement procedures set forth in the adopted building code. If the owner of property where a sidewalk or pathway has fallen into a state of disrepair such that it is unsafe for use fails to complete repairs within thirty (30) days after notification, then the Township may cause necessary repairs and charge the property owner for the costs of repair. If such costs are not paid by the property owner the costs shall become a lien against the property.
- (6.02) *Site plan review.* If a proposed sidewalk or pathway is part of larger development that requires site plan review, then the sidewalk or pathway shall be shown on the site plan, which plan shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.
- (6.03) *Authority of the Township Board to require sidewalk or pathway construction or maintenance.* In accordance with Michigan Public Act 246 of 1931 and Act 246 of 1945, as amended, the Township Board may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks or pathways in a designated area within the Township because of the health, safety, or welfare of the residents. The Township Board shall hold a public meeting relative to the ordering of the sidewalk or pathway construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing. If the Township Board determines that the construction, repair or maintenance of sidewalks or pathways is necessary, it may construct, repair, or maintain the sidewalks or pathways and assess the costs to the property involved, payable over no longer than a ten-year period, or permit the owners of the property involved to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expenses. The Township Board may also propose a cost-sharing mechanism either from general revenues or a Township-wide sidewalk and pathway construction fund. In situations where a proposed sidewalk or pathway does not currently have connecting sidewalks or pathways on the adjacent properties on either side, the Township Board may require a property owner to post a cash deposit in lieu of construction, in an amount equivalent to the cost of construction, which would be held in deposit until the adjacent properties develop and install sidewalks or pathways.

### **129.007 Penalties, severability, conflicting provisions, effective date.**

Sec. 7.

- (7.01) *Penalties.* Any person who violates any provision of this Ordinance is responsible for a civil infraction, and shall be liable for a fine of not more than \$100 and the costs of prosecution for the first violation. Upon a finding of responsibility for a subsequent violation, such person shall be liable for a fine of not more than \$500 and the costs of prosecution. In addition, the Township may exercise those rights identified in Section 5.03 of this Ordinance or seek such injunctive or other relief as may be appropriate to abate a continuing violation, the Township's costs thereof to be borne by the responsible party.
- (7.02) *Severability.* Should any portion of this Ordinance be found invalid for any reason, such a finding shall not be construed as affecting the validity of the remaining portions of the Ordinance, which shall remain in full force and effect.

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(7.03) *Conflicting provisions repealed.* All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

(7.04) *Effective date.* This Ordinance was adopted by the Township Board of the Charter Township of Union, Isabella County, Michigan on the 30th day of December, 2009, and shall take effect on the 10th day of January, 2010, thirty (30) days following publication in a newspaper of general circulation within the Charter Township of Union, in accordance with Michigan statutes.

<b>To:</b> Board of Trustees	<b>DATE:</b> June 18, 2024
<b>FROM:</b> Mark Stuhldreher, Township Manager	<b>DATE FOR BOARD CONSIDERATION:</b> 6/26/2024
<b>ACTION REQUESTED:</b> To adopt the new Private Road Ordinance as Ordinance Number 24-01.	

Current Action  Emergency   
Funds Budgeted: If Yes  Account #  No  N/A

**BACKGROUND INFORMATION**

A private road is any road or street that is privately developed, owned, and maintained within a right-of-way or easement to provide vehicle access to more than one lot, dwelling, or business. Private roads are not under the jurisdiction of a county or state road authority, but are recognized as roads by the Township and County for addressing, mapping, and other purposes. The Township’s current Private Road Ord. No. 2000-09 has some significant limitations that have effected administration and enforcement. The proposed ordinance was developed in consultation with the Township Attorney, Public Services Director, Planning Commission, and interested citizens, and includes the following key elements:

- 1. A clear private road permit approval process** for new roads or alterations to existing roads in the proposed ordinance has been set up to be similar to the final site plan review process in the Zoning Ordinance (Sections 9.0 – 13.0). The current ordinance does not identify what administrative official or body would be responsible for such approvals or how the private road project should be approved.
- 2. Public safety-related minimum standards for road maintenance** for existing private roads and shared driveways, which are intended to ensure that emergency vehicles can safely access all lots and dwellings in the event of an emergency (see Section 4.0).
- 3. Standards and an approval process for road names**, along with provisions for renaming or addressing of an existing private road if determined necessary to address a public safety deficiency (see Section 5.0). The current ordinance does not address how private road names are determined, provide for any approval process for naming or renaming a private road, or require any continuity between new road names and existing roads.
- 4. Updated road design standards.** The updated road design specifications (see Section 14.0) are consistent with current road engineering practices and materials.
- 5. Confirmation of landowner option to petition for a special assessment district** consistent with state law and the Township’s special assessment policies, with the understanding that landowners are responsible for arranging for and completing all necessary private road construction, maintenance, or improvements performed with special assessment funds (see Section 7.0).

**Revisions Included in the Updated Draft of the Proposed Ordinance**

The following changes were identified during the review process and have been incorporated into the current draft of the proposed ordinance:

- **Re-application after denial** – Revision to Section 10.0 to eliminate the 365-day waiting period for reapplication after a denial to be consistent with how the Zoning Ordinance addresses a final site plan denial.
- **Inspection escrow provisions** – Clarification of the inspection escrow provision in Section 15.0 for consistency with the rest of the ordinance, and that the letter of completion will come from staff to be more consistent with final site plan inspection procedures under the Zoning Ordinance.
- **Defined terms** – Clarification of the “*private road*” and “*road or street*” definitions in Section 20.0, along with the addition of a definition for “*obscene material*,” and an edit to the defined term “*shared driveway*.”
- **Road names** – Revision to replace the subjective term “*inappropriate*” in Section 5.0, subsection “3.” with “*obscene material*” - a defined term in state law. This change minimizes any potential for future rejection of a road name simply because of a personal dislike or animus.
- **Land subject to this Ordinance** – Clarifications to Section 3.0 (Scope) and throughout the ordinance to ensure consistency in references to the “*land that abuts and has access to the private road*” which is subject to the requirements of this Ordinance. Previous drafts used several different terms (such as “*served for ingress and egress purposes*” or “*land abutting to or accessing the private road*”), which were a potential sources of confusion or (unintended) over-regulation.

**Public Notice, Public Meetings, and the Timing of the Second Reading**

The following is a summary of public notice and public meetings associated with this proposed ordinance:

Date	Event	Actions
March 13, 2024	Regular meeting of the Board of Trustees	Introduction and First Reading
March 21, 2024	Summary of the proposed ordinance and notice of the date, time, and place of the Second Reading, in accordance with the requirements of the Charter Township Act (Public Act 359 of 1947, as amended).	Posting of the summary, notice, and the proposed ordinance at the Township Hall and on the Township’s website
March 20, 2024		Publication of the summary and notice in The Morning Sun newspaper
March 27, 2024	Regular meeting of the Board of Trustees	Second Reading
March 19, April 16, and May 21, 2024	Regular meetings of the Planning Commission	Review and discussion in March and April. Recommended for adoption on 5/21/2024
June 12, 2024 and June 26, 2024	Regular meetings of the Board of Trustees	Consideration of the proposed ordinance for adoption

The Planning Commission reviewed and discussed the proposed ordinance during their regular meetings in March, April, and May. After final deliberation during their regular May meeting, the Planning Commission adopted the following motion to recommend adoption of the proposed ordinance:

***Lapp moved McDonald supported to recommend to the Board of Trustees that the proposed Private Road Ordinance with a draft date of April 8, 2024 be adopted as presented. Roll Call Vote: Ayes: Buckley, Lapp, McDonald, Shingles, Squattrito, and Thering. Nays: Gross and Olver. Motion carried.***

**SCOPE OF SERVICES**

Final consideration and adoption of the proposed Private Road Ordinance.

**JUSTIFICATIONS**

Ordinance changes are necessary to resolve limitations that have effected administration and enforcement of the current Ord. No. 2000-09; and to establish maintenance requirements for existing private roads, standards for road names, and provisions for review and approval of Private Road permits.

**GOALS ADDRESSED**

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End):

- 1. Community well-being and common good**
- 3. Safety and Health**
- 4. Natural environment**
- 5. Economic Development**

Adoption of the proposed Ordinance would help facilitate the effective use of resources (1.0). Consistency in provisions for ordinance administration and enforcement will help to ensures fair and nondiscriminatory code enforcement (1.1.1.2). Proposed design and maintenance requirements for new and existing private roads will help to provide safe and accessible routes for pedestrians, bicyclist, and motorized vehicles (1.3.1), and will help protect the natural resources of the Township (1.4). The approval process and application requirements are consistent with commerce-friendly economic development policies and MEDC Redevelopment Ready Communities program best practices (1.5).

**COSTS**

NA

**TIMETABLE**

After adoption by the Board of Trustees, the Ordinance would take effect on the day immediately following publication of the required notice of adoption.

**RESOLUTION**

To adopt the new Private Road Ordinance as Ordinance Number 24-01.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:

No:

Absent:



## **RESPONSES TO QUESTIONS RAISED DURING THE REVIEW PROCESS**

During the review process, a number of questions have been raised about elements of the proposed ordinance. The following is a summary of responses to these questions:

### **Why is the Township improperly mixing zoning and police power ordinances together?**

The premise of the question is false. The current Private Road Ord. 2000-09 is a general ordinance, which is also sometimes referred to as a “police powers” ordinance. It is not a zoning regulation adopted under the Michigan Zoning Enabling Act. The proposed Private Road Ordinance was developed in consultation with the Township Attorney and is also a general ordinance adopted under the authority of the Charter Township Act.

### **Why are these updates needed?**

Per the Board of Trustees’ direction, the Township Administration has evaluated many of the existing Township ordinances, and has prepared updates as needed to be consistent with the Board’s Global Ends. A significant number of challenges affecting administration and enforcement were identified during a review of the current Private Road Ordinance, which was adopted more than two decades ago. Other Township ordinances that have been updated over the past several years include the Construction Codes Ordinance, Housing Licensing Ordinance, Zoning Ordinance, Stormwater Management Ordinance, and Municipal Ordinance Violation Bureau Ordinance.

### **What about local subdivision street? Are they private roads or are they public roads?**

During the March Planning Commission meeting Commissioner Buckley described an interaction with a County Road Commission official in which he quoted the official as stating that his own local McGuirk Subdivision street was “private” for purposes of road repairs and repaving. This answer reflects internal Road Commission policies related to long-term capital improvement budgeting, not the actual “public” or “private” status of local subdivision streets in the Township.

In accordance with the state Land Division Act and the Township’s Subdivision Ordinance, virtually all local streets in a subdivision plat are “public roads” and are not subject to the current Ord. No. 2000-09 or this proposed Private Road Ordinance. This is the case even if the Road Commission determines that they do not have sufficient funding to reconstruct a local subdivision street without a special assessment of the property owners on the street. On the other hand, internal streets within a condominium development are typically designated as private roads that would be subject to the Private Road Ordinance. In this case, the Condominium Master Deed and Bylaws would establish the funding mechanism and also serve as the maintenance agreement for these private roads.

### **What about existing private roads? Are they “grandfathered in?”**

It is only under local zoning regulations and the Michigan Zoning Enabling Act that an existing land use, structure or site which does not conform to the current ordinance standards could be found to be “grandfathered in” as a legal nonconforming situation. The current Ord. No. 2000-09 and this proposed Private Road Ordinance are not zoning regulations and are not adopted under the authority of the state Zoning Act, so there are no “grandfathered” private roads.

The current ordinance requires any existing private road to meet the same standard that applies to a newly constructed road, without exception. The proposed Private Road Ordinance takes a different approach, specifying minimum public safety-related road width and clearance standards (see Section 4.0) that would apply to all existing private roads designed to ensure that fire trucks and ambulances can safely traverse the private road in an emergency.

**What are the costs of the proposed ordinance for landowners wanting to build a private road?**

Adoption of the proposed ordinance is not anticipated to affect the review fee/escrow deposit established in the current Fee Schedule as adopted by the Board of Trustees for private road permit applications. The fee, escrow deposit, and performance guarantee provisions in the proposed ordinance mirror equivalent provisions in other Township ordinances. Escrow deposits are required to ensure that the Township has funds available to pay for necessary variable costs (as defined in the proposed ordinance) during the application review process. Performance guarantees can be required as needed to ensure completion of improvements per an approved plan, and are most often used to address seasonal limitations on construction.

Consistent with the Board of Trustees’ “Global Ends” policies, staff has sought through the development of the proposed ordinance to streamline the application review process as much as possible, and to ensure that required private road plan information is sufficient for review but not excessive or duplicative.

**Why is there such a big jump in the road standards if I have eight lots and want to add one more?**

Both the current Ord. No. 2000-09 and the proposed Private Road Ordinance require new private roads to conform to county Road Commission standards for local streets, which have not changed in more than 30 years. In both ordinances there is an exception provided with a somewhat reduced standard for smaller private roads serving a limited number of lots. The intent of this adjustment is to recognize that a lower design standard can remain sufficient for public safety purposes where applied to a private road with a more limited scope of use.

For the proposed Private Road Ordinance, this more limited scope of use has been defined as eight (8) lots or less.

**Why is there no appeal process?**

An appeal process is not warranted for the following reasons: (1) Upon determination that the application satisfies all applicable ordinance requirements, “*The Private Road Permit shall be approved by the Planning Commission*” (Section 10.0). (2) The technical/engineering standards of the ordinance are not subjective. (3) If an application is denied for failure to meet the ordinance standards, the applicant can submit a new application at any time.

**Why does the proposed ordinance have penalties for violations when the current ordinance doesn’t?**

The provisions for violations of the Private Road Ordinance and associated potential penalties in Section 19.0 match equivalent provisions in other Township ordinances and are fully consistent with applicable state laws. The lack of basic enforcement measures in Ord. 2000-09 is one of the significant deficiencies or weaknesses in this current ordinance.

The goal of any Township ordinance enforcement process is to help the violator understand the ordinance and how to bring things back into compliance.

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**PRIVATE ROAD ORDINANCE NO. \_\_\_\_\_**

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) to regulate the construction, maintenance, and use of private roads within the Township; to establish minimum maintenance standards for existing private roads and shared driveways; to provide for the administration and enforcement thereof, and for the establishment of fees, escrow deposits, and performance guarantees to defray the administrative and enforcement costs incident thereto, and to ensure that all required improvements are completed in accordance with approved plans; to ensure that residences and buildings within the Township may be accessible to police and fire protection, ambulance service, and other public services; and for other purposes.

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

**Section 1.0 Title.**

This ordinance shall be known and cited as the Private Road Ordinance and herein as “this Ordinance.”

**Section 2.0 Purpose and Intent.**

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Access to the interior of certain sections within the Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Road Commission or other road agency with jurisdiction when public dedication is desirable or required.

**Section 3.0 Scope.**

Every lot in the Township that is improved with a building shall abut a road dedicated to the public or a private road which meets the requirements of this Ordinance and provides access for ingress and egress for all vehicular traffic. No person shall construct, alter, or extend a private road without compliance with this Ordinance. This Ordinance shall also apply to all existing private roads and shared driveways.

The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.

Prior to the creation of any new private road, extension of an existing road as a private road, or creation of any new lots or any increase in the number of lots or number of dwellings that would abut and have access to a private road or shared driveway as defined in this Ordinance, approval of a new Private Road Permit and completion of associated improvements shall be required pursuant to this Ordinance.

**Section 4.0 Requirements for Existing Private Roads and Shared Driveways.**

Existing shared driveways and existing private roads without a recorded maintenance agreement or that were developed prior to the establishment of this Ordinance shall be maintained by the owners of record for land that abuts and has access to the private road in accordance with the following minimum requirements:



1. Existing private roads without a recorded maintenance agreement or developed prior to the establishment of this Ordinance shall be maintained by the owners of record for land that abuts and has access to the private road in accordance with approved development plans and in a manner that ensures that the road remains passable by automobiles and emergency vehicles. Where no approved development plan exists, at a minimum such maintenance shall include proper and adequate drainage, a minimum 15.0-foot-high clear vertical zone over the roadway, and a minimum gravel roadway surface width of 20.0 feet. Existing conditions that exceed these minimum requirements shall not be reduced.
2. Existing shared driveways shall be maintained by the owners of record for land that abuts and has access to the shared driveway in a manner that ensures that the shared driveway remains passable by automobiles and emergency vehicles. At a minimum such maintenance shall include proper and adequate drainage, a minimum 15.0-foot-high clear vertical zone over the driveway, and a minimum gravel roadway surface width of 12.0 feet. Existing conditions that exceed these minimum requirements shall not be reduced.
3. Any existing private road or shared driveway found by the Fire Department or Township to be in violation of these minimum standards or in a condition that would impair emergency vehicle access shall be in violation of this Ordinance. All owners of record for land that abuts and has access to a private road or shared driveway shall be jointly and severally responsible for maintenance and for any violations of this Ordinance.

## **Section 5.0 Road Names.**

The following minimum requirements shall apply to the naming of any new private road or the re-naming or re-addressing of an existing private road:

1. Roads shall have names and not simply numbers or letters.
2. No road should change direction by more than 90 degrees without a name change.
3. A road name shall be prohibited if it is determined by the Planning Commission or County Road Commission to contain display of obscene material as defined in this Ordinance or to be duplicative, confusing, a public safety concern, or easily mistaken with an existing road or street in Isabella County.
4. The landowner and applicant shall be jointly and severally responsible for comparing a proposed road name against the master listing of road names maintained by the County Road Commission.
5. The applicant shall be responsible for securing written documentation that the County Road Commission has no objection to the proposed road name.
6. Changing the name or addressing of an existing private road is discouraged due to the potential to adversely impact landowners, visitors, emergency response personnel, and other agencies with jurisdiction. Private road names or addressing changes shall conform to the following:
  - a. The Township may initiate a private road name or addressing change upon determination that the existing name or addressing scheme is deficient from a public safety perspective, or if the Township receives notice from the Mt. Pleasant Fire Department or the Isabella County Sheriff's Office or Emergency Management Department of a public safety deficiency related to the existing road name or addressing. A Township-initiated road name or addressing change shall be subject to Planning Commission review and action, following a public hearing. Notice of the public hearing shall conform to the following requirements:

- (1) Notice shall be posted at the Township Hall, published in a newspaper of general circulation, and sent to all owners of record for and all occupants of land that abuts and has access to the existing or proposed private road not less than thirty (30) days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notice shall be deemed to be sent by its deposit in the United States mail.
  - (2) The Township shall prepare and retain a list of the owners of record and the occupants to whom notice was mailed or delivered.
  - (3) The notice shall describe the nature of the request; indicate the lots affected by the request, include a listing of existing street addresses; and state when and where the public hearing will occur and where written comments may be submitted concerning the request.
- b. An application for a private road name change by a private party shall follow the same procedures and application information requirements as for a new private road, except that it shall also be required to be accompanied by signed and notarized letters of support from all owners of record for land that abuts and has access to the private road. Failure to provide all required documentation shall be grounds for rejection of any name change.

#### **Section 6.0 Maintenance Agreement.**

For any new private road subject to the requirements of this Section, or the new extension portion of an existing road, there shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained in accordance with the requirements of this Ordinance, an approved Private Road Permit and associated development plans, and any conditions of approval.

1. All owners of record for land that abuts and has access to the new private road or new extension portion of an existing road shall be signatory parties to the agreement, which shall be a continuing obligation on the land and any future landowners.
2. At a minimum, the agreement shall specify who will be responsible for road maintenance and improvements, reference the applicable standards, approved plans, and any conditions of private road approval, and describe how the funds for such work will be collected and administered.
3. All owners of record for land that abuts and has access to a new private road or an extension portion of an existing road shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
4. A disclosure statement shall be placed in the agreement informing the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.

#### **Section 7.0 Special Assessment District.**

The owner(s) of record for land that abuts and has access to a private road subject to the requirements of this Ordinance may file petition(s) with the Township in accordance with established procedures and requirements to request establishment of a special assessment district for maintenance of the private

road in accordance with applicable state statutes. This may be done concurrently with an application for Private Road Permit approval under this Ordinance and shall be further subject to the following:

1. The owner(s) of record for land that abuts and has access to shall be responsible for arranging for and completing all necessary construction, maintenance, improvement, or alteration of the road that may be performed with funds collected through a special assessment district.
2. The Township and any state or county road authority with jurisdiction are not responsible for damages resulting from the construction, maintenance, improvement, or alteration of private roads that may be performed with special assessment district funds.
3. The Township is not responsible for construction, maintenance, improvement, or alteration of private roads that may be performed with special assessment district funds.

### **Section 8.0 Optional Pre-Application Meeting(s).**

An applicant may request a pre-application meeting with Township staff or the Planning Commission for the purpose of discussing conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting. Conceptual plan comments shall be advisory only.

### **Section 9.0 Required Application Information.**

At a minimum, the application for a Private Road Permit shall include the following:

1. Name, address, telephone number, and email address for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the owner of record, a signed authorization of the owner(s) for the application.
3. Survey drawings and development plans prepared and sealed by a land surveyor or civil engineer registered in the State of Michigan and drawn to a standard engineer's scale of 1:10, 1:20, 1:30, 1:40, 1:50, or 1:100 as appropriate for the scope of the project and legibility at the submitted sheet size, which shall include the following details:
  - a. Legal description(s), address(es), and tax parcel number(s), legal descriptions of the private road right-of-way and of each lot that abuts and has access to the road, and the names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
  - b. A detailed description of the scope and extent of the project.
  - c. Outline of existing and proposed road rights-of-way, and dimensions and bearings thereof.
  - d. Existing and proposed topographic contours at two (2) foot intervals.
  - e. Locations, layout, dimensions, and gross and net land area for existing and proposed lots.
  - f. Soil characteristics and wet areas; trees; streams and all bodies of water.
  - g. Location of existing drainage patterns, drain tiles, pipelines, culverts, and utilities, with notes regarding their preservation or alteration.
  - h. Details of existing natural features on the site, including water courses, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site;

with indications of features to be preserved, removed, or altered; and with mitigation measures as required per state law or Township ordinances.

- i. Location and outline of existing buildings and driveways.
  - j. A standard cross-section detail of the proposed private road.
  - k. Plan and profile drawings and of the proposed improvements clearly showing materials, grades, dimensions, and cut and fill areas.
  - l. For alteration or extension of an existing private road, also include the location, extent, and dimensions of the existing road right-of-way and driving surface, drainage improvements, and a cross-section detail of the existing road.
4. A complete statement of all existing and proposed private road terms and conditions, including but not limited to copies of all agreements or intended agreements regarding responsibilities and funding for future maintenance and improvements of the right of way and roadway.
  5. The proposed road name, along with documentation from the County Road Commission that it has no objection to the proposed name.
  6. Special assessment district information, if proposed.
  7. For lots and dwellings located outside of the service area for publicly-owned and operated water supply and sanitary sewerage systems, documentation shall be provided from the Central Michigan District Health Department that all lots and dwellings can be adequately served by individual private well and septic systems.
  8. Other information as requested by the Planning Commission to verify compliance with the requirements of this Ordinance and other applicable Township ordinances or state statutes.

#### **Section 10.0 Private Road Permit Review Procedures.**

Applications for Private Road Permit approval shall be subject to Planning Commission review and approval in accordance with the following procedures:

1. **Applicant eligibility.** The application shall be submitted by the owner of an interest in the land for which the Private Road Permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application.
2. **Application filing and eligibility.** Application shall be made by filing with the Township at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application, along with the required review fee and escrow deposit. Applications submitted without the required fee or escrow deposit, or found by the Township Engineer, Township Planner, or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. **Coordination of development review.** Where an application under this Ordinance is associated with an application for subdivision plat approval, condominium subdivision plan approval or site plan approval under another Township ordinance, the reviews may take place concurrently provided that all applicable Township ordinance procedures and requirements are fully satisfied.
4. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to the Township Engineer, Township Planner, and Zoning Administrator for review and

comment. The Planning Commission may also request comments from the Township Attorney, other Township consultants, or outside agencies with jurisdiction.

5. **Planning Commission consideration and action.** Subsequent to the technical review, the Planning Commission shall review the application and plans, together with any reports and recommendations. The Planning Commission is authorized to approve, approve subject to conditions, postpone action on, or deny the Private Road Permit as follows:
  - a. **Approval.** The Private Road Permit shall be approved by the Planning Commission upon determination that the application is administratively complete, that all necessary information has been provided, and that the application satisfies all applicable Township ordinance requirements necessary for Permit approval.
  - b. **Approval subject to conditions.** The Planning Commission may approve a Private Road Permit subject to reasonable conditions as it deems necessary to ensure the standards of this Ordinance and other applicable Township ordinances are satisfied.
  - c. **Postponement.** Upon determination by the Planning Commission that a Private Road Permit application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - d. **Denial.** Upon determination that a Private Road Permit application is not in compliance with the requirements or standards of this Ordinance or would require extensive modifications to comply with these standards, the Private Road Permit shall be denied. If a Private Road Permit is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the Private Road Permit.
6. **Recording of Planning Commission action.** Planning Commission action on the Private Road Permit shall be recorded in the Planning Commission meeting minutes, including the name, description, and location of the project; the findings of fact and conclusions or grounds for the Planning Commission's action; and any conditions of approval.
7. **Reapplication.** If an application is denied, the applicant may submit a new Private Road Permit application for the same premises at any time, provided that documentation of new information or material changes in the application, road plans, site conditions or other factors relevant to the reasons for the previous denial are submitted with the new application for consideration.
8. **False statements.** Statements in an application or supporting documentation that are based on deceit or falsity shall render any such application void. Any permits issued on the basis of such false statements shall be revoked.

#### **Section 11.0 Expiration and Extension.**

An approved Private Road Permit under this Ordinance shall expire and be of no effect unless:

1. Within 545 calendar days following the date of approval, construction has begun in accordance with the approved Permit; and
2. Within 910 calendar days following the date of approval, all required improvements have been completed in full conformance with the approved Permit and any conditions of approval.

3. The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of Permit approval for up to an additional 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Permit plans remain in conformance with applicable provisions of this Ordinance.

**Section 12.0 Outside Agency Permits and Approvals.**

The applicant for Private Road Permit approval shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, including but not limited to the Fire Department, state or county road authority with jurisdiction, Isabella County Transportation Commission, Isabella County Soil Erosion and Sedimentation Control, Township Engineer for Stormwater Management Permit approval, and Township Public Services Department for water and sewer utility approval where applicable. The applicant or landowner shall be responsible for submitting copies of all required outside agency permits and approvals to the Township Planner prior to the start of construction.

The Township Planner shall have authority to accept Permit incidental Private Road Permit plan changes to conform to outside agency requirements or determined necessary during construction due to unanticipated site constraints. Changes determined by the Township Planner to be more than incidental shall be subject to Planning Commission review and approval of an amended Private Road Permit following the same procedure and requirements as applied to the original application.

**Section 13.0 Recording of Rights-of-Way and Maintenance Agreements.**

The applicant for Private Road approval and owner(s) of record for land that abuts and has access to the private road shall be jointly and severally responsible for recording all private road rights-of-way and maintenance agreements with the County Register of Deeds, and for furnishing paper and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Planner prior to the issuance of the certificate of completion per Section 15.0 (Inspections).

**Section 14.0 Private Road Standards and Specifications.**

The following standards and specifications shall apply to private roads in the Township:

**1. Minimum specifications by type of private road.**

Specifications	Minimum Specifications for Private Roads		
	Serving up to Eight (8) Lots	Serving Nine (9) or More Lots	
<b>Minimum road right-of-way width</b>	66.0 feet	The private road shall fully conform to the Isabella County Road Commission's residential road standards	
<b>Minimum sub-base</b>	6.0 inches in depth of compacted sand spread to a sufficient width to extend to the front slope of the roadside ditch		
<b>Minimum base for gravel surface</b>	Crushed limestone or processed road gravel (MDOT 22A or 21AA or equal as accepted by the Township Engineer):		
	6.0 inches in depth in two (2) equal courses, each compacted to 24.0 feet wide		
<b>Minimum base for paved surface</b>	Same materials as for a gravel surface: 8.0 inches in depth in two (2) equal courses, each compacted to 24.0 feet wide		
<b>Roadway pavement</b>	Not required. If proposed, then 3.0 inches in depth in two (2) equal lifts of bituminous aggregate MDOT 1100 or E mixes-20AA at least 20.0 feet wide		
<b>Minimum turnaround area and the terminus of the private road</b>	75.0-foot radius right-of-way with a 55.0-foot outside radius roadway surface		
<b>Roadside ditches:</b>	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage, subject to the following standards:		
<b>Minimum grade</b>	0.5%		
<b>0.5% to 4.0% grade</b>	sod or otherwise stabilize		
<b>4.1% and steeper grade</b>	rip-rap		
<b>Front and back slopes</b>	1 on 4 or flatter		
<b>Roadway Grade</b>	Minimum		0.5%
	Maximum		6.0%
<b>Minimum Roadway curves</b>	Horizontal		230.0-foot centerline radius
	Vertical	100.0 foot long for changes in gradient of 2% or more	

2. **Additional specifications for all private roads.** The following additional specifications shall apply to all private roads:
  - a. The roadway surface and turnaround area shall be centered in the right-of-way.
  - b. Underground crossroad drainage shall be provided where the right-of-way crosses a stream or other drainage course, subject to Township Engineer acceptance.
  - c. The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Where required, ditches shall be located within the right-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established watercourse. Connection to county drains shall be approved by the Isabella County Drain Commissioner's Office. Connection to public road ditches shall be approved by the state or county road authority with jurisdiction.
  - d. The private road's name assignment and installation and maintenance of road signs shall conform to the Michigan Manual of Uniform Traffic Control Devices and the standards and assignment procedures of the state or county road authority with jurisdiction.
  - e. The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
3. **Additional specifications for private roads serving nine (9) or more lots.** To establish an integrated road network in the Township, the following additional specifications shall apply to all new private roads and extensions of existing private roads serving nine (9) or more lots:
  - a. They shall be connected to adjacent public and private roads, and stub road ends and road rights-of-way shall be provided to the lot boundaries of adjacent land at suitable locations for future road connections, subject to Planning Commission approval. Road ends shall be marked and barricaded per County Road Commission standards for local public streets, with details shown on the Private Road Permit plan.
  - b. They shall provide for at least two (2) means of vehicular ingress and egress to each lot served by the private road. This requirement can be satisfied through a boulevard-style divided roadway connection to the public road, subject to approval from the state or county road authority with jurisdiction and acceptance of the design and proposed boulevard length by the Fire Department and Planning Commission.

## **Section 15.0 Inspections.**

All required improvements shall be subject to inspection by the Township Engineer during construction, and subject to a final inspection upon completion of construction. The Township Engineer shall report the results of each inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval.

1. Upon notification from the Township Engineer of a successful final inspection, and receipt of all required documentation per Section 13.0 (Recording of Rights-of-Way and Maintenance Agreements), the Township Planner shall promptly provide a letter of completion to the applicant.
2. Inspection costs, including compensation for the Township Engineer, shall be paid from the applicant's escrow deposit per Section 17.0 (Fees and Escrow Deposits).



## **Section 16.0 Building Permits.**

Except as follows, a building permit shall not be issued for any building on a lot subject to the provisions of this Ordinance unless a letter of completion for the private road shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections) of this Ordinance. A building permit may be issued prior to the issuance of a certificate of completion upon recommendation by the Township Engineer and upon deposit with the Township of a performance guarantee in an amount sufficient to guarantee completion of the remaining required improvements pursuant to a Private Road Permit and associated development plan approved in accordance with the requirements of this Ordinance.

## **Section 17.0 Fees and Escrow Deposits.**

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

## **Section 18.0 Performance Guarantees.**

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements consistent with an approved Private Road Permit plan. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancellation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to

the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.

2. The performance guarantee shall be submitted at the time of issuance of the Private Road Permit or prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion for the private road shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.) of this Ordinance.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

## **Section 19.0      Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction, alteration, or extension of a private road to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any approved Private Road Permit plan or conditions of approval, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
  - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
  - b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
  - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
  - a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township’s Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
  - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township’s Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township’s attorney fees.
  - c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, expansion, alteration, or maintenance of or site preparation for a private road in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

**Section 20.0 Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**Building.** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

**Building Permit.** A document issued by the authorized agent for the Township in accordance with the State Construction Code adopted and enforced by the Township, which authorizes the holder to construct, enlarge, or alter a building on a particular lot.

**Driveway.** A private lane, designed primarily for use by vehicles, which connects a dwelling, lot, parcel, or building as defined in this Section with a road.

**Enforcement Official.** The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

**Fixed Costs and Expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

**Fire Department.** The Mt. Pleasant Fire Department.

**Lot.** A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a “lot” for purposes of this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

**Obscene Material.** Any “material” that is found to be “obscene” as these two terms are defined in Michigan Public Act 343 of 1984, as amended (MCL752.362).

**Pavement or Hard Surface.** Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

**Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

**Planning Commission.** The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

**Private Road.** Any road or street that is privately maintained and has not been accepted for maintenance by the Isabella County Road Commission, the State of Michigan or the federal government, but is subject to approval by the Township. This term also includes any road or street designated or described as a private road, private street, or similar designation in a legal description, easement, or right-of-way, or on a certified survey, subdivision plat, condominium master deed, or final site plan or other private road development plan as approved by the Township under the ordinances in effect at the time of approval.

**Private Road Permit.** A right of way authorization issued pursuant to this Ordinance for construction, alteration, or extension of a private road.

**Road or Street.** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. This term does not include a farm track or similar vehicle accessway to an agricultural operation, a driveway as defined in this Section, a cross-access connecting adjacent commercial premises, or a vehicle accessway for utility, railroad, institutional or similar purposes.

**Road Commission.** The Isabella County Road Commission.

**Shared Driveway.** A private way, lawfully established, which affords principal means of access to more than one (1) dwelling, lot or parcel, but that was not approved as a private road under Township ordinances.

**Township.** Charter Township of Union, Isabella County, Michigan.

**Township Board.** The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

**Township Engineer.** The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

**Township Planner.** The Director of the Township’s Community and Economic Development Department or the Director’s designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

**Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

**Zoning Administrator.** The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration and/or enforcement of the provisions of this Ordinance.

**Section 21.0 Severability.**

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

**Section 22.0 Repeal.**

All Ordinances or parts of Ordinances in conflict with this Ordinance, including Private Road Ordinance No. 2000-09, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township’s Zoning Ordinance.

**Section 23.0 Publication.**

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

**Section 24.0 Effective Date.**

This Ordinance was adopted by the Township Board on \_\_\_\_\_, 2024, after a first reading by the Township Board of Trustees on March 13, 2024, publication after such first reading as required by Public Act 359 of 1947, as amended, and a second reading held on March 27, 2024. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.

**CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE**

I, Lisa Cody, the duly elected Clerk of The Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, at which the following members of the Board of Trustees were present and voted in person as follows:

<b><u>Board of Trustees</u></b>	<b><u>Aye</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>	<b><u>Abstain</u></b>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

I further certify that a summary and notice of adoption of this Ordinance were published in The Morning Sun, a newspaper of general circulation in The Charter Township of Union on \_\_\_\_\_, 2024.

Certification Date: \_\_\_\_\_, 2024

\_\_\_\_\_  
Lisa Cody, Clerk

I, Bryan Mielke, the duly elected Supervisor of The Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

\_\_\_\_\_  
Bryan Mielke, Supervisor

Date: \_\_\_\_\_, 2024

# Charter Township of Union



To: Township Board of Trustees  
From: Sherrie Teall, Finance Director  
Subject: Policy Governance Review  
Date: June 19, 2024

Policy Review: 2.5.10 Cash Flow Adequacy  
Type of Review: Internal  
Review Interval: Annually  
Review Month: June 2024

## **Policy Wording**

The Township shall not fail to maintain an adequate level of cash flow.

## **Manager Interpretation**

Manager interprets this policy to indicate that cash availability for the major funds (not including debt retirement) should not 1) fall below the thresholds defined in Governance Policy 2.4.3 and; 2) other considerations as defined below:

- **General Fund** – 4 months of budgeted expenditures for the current fiscal year
- **Fire Fund** – 3 of the quarterly contract payments due to the City of Mt. Pleasant for fire protection services
- **East and West DDA Funds** – 2 months of normal operational expenditures
- **Water and Sewer Funds** – 2 months of budgeted expenses for the current fiscal year

## **Justification of Reasonability of Interpretation**

Cash flow for this report is defined as “liquid cash reserves held by a bank or credit union that can be accessed and utilized on an as needed basis.”

The Township Manager has determined that 4 months of cash reserves is needed for the General Fund because revenues are not collected evenly throughout the fiscal year. Property taxes, which account for 11% of General Fund revenue are not collected until December, January, and February of each year and State Revenue Sharing, which accounts for about 39% of General Fund Revenue are collected semimonthly.

For the Fire Fund, the combined amount of 3 quarterly contract payments is required to meet the obligations that are due in July, October, and January; all of which are due prior to the collection of the property taxes, which begin in December of each year.

For the East and West DDA districts 2 months of cash reserves are needed to meet the normal operations of the East and West Districts. Project costs are not included because they are not reoccurring and will be based on the tax capture amount that will be deposited in the respective funds during the second quarter of each year.

For the Water and Sewer Funds 2 months of cash reserves are needed because 80% of the payments for the water and sewer bills are received in the first two months of each quarter. Bills are sent in January, April, July, and October of each year.

**Data**

Data used for this report is gathered from the BS&A General Ledger system – report- “Cash Summary by Account for the Charter Township of Union” and is based on the reconciled cash at the end of the previous month.

<u>Fund</u>	<u>Current cash</u>	<u>Amount required for compliance</u>	<u>Compliant?</u>
General Fund Total	\$ 7,986,740	\$ 804,580	Yes
Fire Fund Total	\$ 1,494,319	\$ 628,800	Yes
East DDA Fund	\$ 1,979,761	\$ 67,600	Yes
West DDA Fund	\$ 1,206,940	\$ 24,130	Yes
Sewer Fund	\$ 4,656,285		
2011 Bond Reserve	\$ ( 50,000)		
2011 Bond RRI Reserve	\$ ( 10,205)		
2013 Bond Reserve	\$ (200,000)		
2013 Bond RRI Reserve	\$ ( 8,507)		
Sewer Fund Net	\$ 4,387,573	\$ 495,200	Yes
Water Fund	\$ 4,011,792	\$ 294,630	Yes

**Compliance**

All funds are in compliance with the policy.



# Charter Township of Union



To: Township Board of Trustees  
From: Mark Stuhldreher, Township Manager  
Subject: Policy Governance Review  
Date: June 21, 2024

Policy Review: 2.7 End Focus of Grant and Contracts  
Type of Review: Internal  
Review Interval: Annual  
Review Month: June 2024

## **Policy Wording**

The Township Manager may not enter into any grants and contract arrangements that fail to emphasize primarily the production of Ends and, secondarily, the avoidance of unacceptable means.

Further, without limiting the foregoing, the Manager shall not:

- 2.7.1 Submit a Saginaw Chippewa Indian Tribe 2% grant application without prior approval by the Board of Trustees

## **Manager Interpretation**

The Township Manager interprets this policy to indicate that all grant applications and contractual arrangements must be executed with the goal of contributing to the accomplishment of and be consistent with, the approved Global End Policies 1.0 through 1.5. Additionally, as it relates to 2% grant applications, this sub-policy is interpreted to indicate the Board is to approve all grant applications prior to submission.

## **Justification for reasonability**

The Township Manager has determined that the interpretation is reasonable based on the wording reflected in the policy itself.

## **Data**

1. Participation Agreements were executed with Isabella County Road Commission for the Bassline Rd flashing stop sign, improvements to 4 miles of gravel road and various other projects. Road projects are consistent with End Policies 1.3.1. Collaboration efforts are consistent with Governance Policy 2.9
2. Successfully applied for and received a fire protection reimbursement grant from the State of Michigan in the amount of \$10,597 for fire protection on State owned buildings in the Township. Fire protection is consistent with End Policy 1.3.3
3. Successfully applied to the State of Michigan for reimbursement for lost personal property tax revenues for the East and West DDA, General, and Fire funds and received \$86,741 consistent with End Policies 1.0 – 1.5

4. The following items were approved by the EDA and are instrumental in contributing to the accomplishment of the approved Global End Policies 1.0 through 1.5
  - a. Approved an agreement with Art Reach for the East DDA District participation in the 2024 Art Reach Festival of Banners program.
  - b. Approved an agreement with J Ranck Electric to expand the scope of streetlight foundation and wiring upgrades to include the south side of E. Pickard Rd. corridor within the 2023 road reconstruction area.
  - c. Approved a new 3-year agreement with Hometown Decoration and Display, LLC for annual holiday lighting that includes moving to more efficient LED lighting.
  - d. Approved a 3-year agreement with Johnny’s Lawn Care, LLC for sidewalk snowplowing that also includes an expanded scope of services within the West DDA District to support our residents that make year-round use of our East and West DDA District sidewalks.
  - e. Approved an agreement with Green Scene Landscaping for landscaping/beautification improvements around the US-127 interchange area and along portions of the E. Pickard Rd. corridor affected by the 2023 road reconstruction.
  - f. Approved agreements with Gourdie-Fraser Associates for engineering and design of several sidewalk projects in the East and West DDA Districts, and very recently approved the bid from Malley Construction to install a new sidewalk connection from E. Pickard Rd. north to Jameson Park.
5. Successfully applied for and was awarded \$100,000 in grant funding from the Saginaw Chippewa Indian Tribe for funding to assist with the upgrades to pump station #1. This project is consistent with End Policies 1.3.2, 1.4.2
6. ARPA Revenue-Recognized in 2023 were spent totaling \$191,000 on the Outdoor Fitness Center. This project is consistent with End Policies 1.3.3
7. Contracted with various firms for rehabilitation of sewer manholes, pump station improvements, sewer pipe cleaning and an expanded cross connection monitoring program These projects are consistent with End Policies 1.3.2, 1.4.2
8. The township received revenue of \$31,137 in 2023 in reimbursements from the Source Water Protection Grant previously awarded
9. The township applied for and was awarded the following grants in 2023:

Grant Name	Amount	Purpose
Drinking Water EGLE Grant	\$10,958,000	Expansion and Improvements to the water system.
Housing Readiness Incentive Enhancement Grant - MSHDA	\$50,000	Identification of specific housing development policies for incorporation in the updated Master Plan.
Rural Readiness Program – Michigan Department of Agricultural and Rural Development	\$45,000	Master Plan update-in partnership with the Middle Michigan Development Corporation (MMDC) for a more detailed evaluation of opportunities for new industrial/research/business park development along the US-127 corridor

**Compliance:** In compliance with policy as indicated.

**Policy Governance Executive Limitations Evaluation Form**

*A tool to be used by individual Board members as they evaluate the internal monitoring reports*

Policy being monitored: **2.7 End Focus of Grant and Contracts**

- 1. Was this report submitted when due?  Yes  No
  
  - 2. Did the report lay out the Manager's interpretation or an operational definition of the policy?  Yes  No
  
  - 3. Is the interpretation justified or is proof provided to explain why the interpretation is reasonable?  Yes  No
  
  - 4. Was I convinced that the interpretation is justified and reasonable?  Yes  No
  
  - 5. Did the interpretation address all aspects of the policy?  Yes  No
  
  - 6. Does the data show compliance with the Manager's interpretation of our policy?  Yes  No
- 

Comments regarding further policy development:

- 1. Is there any area regarding this policy that you worry about that is not clearly addressed in existing policy?

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- 2. What policy language would you like to see incorporated to address your concern?

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Signature and date of Board member \_\_\_\_\_



# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Board of Trustees	<b>DATE:</b> June 19, 2024
<b>FROM:</b> Mark Stuhldreher, Township Manager	<b>DATE FOR BOARD CONSIDERATION:</b> 06/26/2024
<b>ACTION REQUESTED:</b> Board of Trustees annual review of Board Governance Policy No. 3.5 – Board Commission and Community Linkage	

Current Action  Emergency

Funds Budgeted: If Yes  Account # \_\_\_\_\_ No  N/A

Finance Approval \_\_\_\_\_ *MDS*

### BACKGROUND INFORMATION

The Board Governance Policy was originally adopted in 2010 with later amendments in the intervening years with the most recent being earlier this year. The purpose of the Policy is to aid the Board of Trustees in the execution of their duties as a policy making body. Through the articulation of various policies within the totality of the document, the Board of Trustees is encouraged to focus on long-term organizational outputs and the discharge of its fiduciary responsibilities.

Certain policies, such as Policy 3.5 (Board Commission and Community Linkage), are to be reviewed and monitored for compliance on an annual basis. Following the policy is an evaluation section that can be used for the review/discussion of Policy No. 3.5.

### Board Policy 3.5 – Board Commission and Community Linkage

The Policy states:

Annually, the Board will host the Planning Commission, Zoning Board of Appeals, Union Township Economic Development Authority, to share Ends and promote alignment within the community.

Accordingly,

- 3.5.1 To keep the Board fully informed, Planning Commission, Zoning Board of Appeals, Hannah’s Bark Park Advisory Board, Chippewa River District Library, Union Township Economic Development Authority, Mid-Michigan Area Cable Consortium, Cultural and Recreational Commission, Sidewalks and Pathways Prioritization Committee and the Mid-Michigan Development Corporation will be invited to give an annual report to the Board in the first quarter of each year.
- 3.5.2 To promote regional linkage, the Township Board will attempt to meet periodically with bordering local units of government, county authorities, and the Saginaw Chippewa Nation.
- 3.5.3 The Township Board will name a liaison to each of these groups to establish and maintain communication with these authorities and report back to the Township Board.

### SCOPE OF SERVICES

Not applicable

**JUSTIFICATION**

An annual review of Board Policies allows for the Board of Trustees to monitor itself about adherence to policies that apply to the Board of Trustees.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed in this review (From Policy 1.0: Global End)

- Community well-being and common good
- Prosperity through economic diversity, cultural diversity , and social diversity
- Health and Safety
- Natural environment
- Commerce

**COSTS**

Not applicable

**PROJECT TIME TABLE**

Not applicable

**RESOLUTION**

Not applicable

**Use this evaluation form for discussion at the Board of Trustees Meeting on June 26, 2024.**

**Review all sections of the policy listed and evaluate the Board's compliance with policy.**

1. Indicate item by item if you believe the Board is in strict compliance with the policy as stated.
2. If you indicated that the Board is not in strict compliance with the policy as stated, please indicate what you notice that gives evidence that the Board is not in compliance?
3. How do you think the Board could improve the process to be in full compliance?
4. What does the Board need to learn or discuss in order to live by its' policies more completely?



# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Board of Trustees	<b>DATE:</b> June 19, 2024
<b>FROM:</b> Mark Stuhldreher, Township Manager	<b>DATE FOR BOARD CONSIDERATION:</b> 06/26/2024
<b>ACTION REQUESTED:</b> Board of Trustees annual review of Board Governance Policy No. 3.6 – Supervisor’s Role in the Board’s Process	

Current Action  Emergency

Funds Budgeted: If Yes  Account # \_\_\_\_\_ No  N/A

Finance Approval \_\_\_\_\_ *MDS*

### BACKGROUND INFORMATION

The Board Governance Policy was originally adopted in 2010 with later amendments in the intervening years with the most recent being earlier this year. The purpose of the Policy is to aid the Board of Trustees in the execution of their duties as a policy making body. Through the articulation of various policies within the totality of the document, the Board of Trustees is encouraged to focus on long-term organizational outputs and the discharge of its fiduciary responsibilities.

Certain policies, such as Policy 3.6 (Supervisor’s Role in the Board’s Process), are to be reviewed and monitored for compliance on an annual basis.

### Board Policy 3.6 – Supervisor’s Role in the Board’s Process

The Policy states: “The Supervisor assures the integrity of the board's process and, secondarily, occasionally represents the board to outside parties.”

Due to the length, the entire policy is attached. Following the policy is an evaluation section that can be used for the review/discussion of Policy No. 3.6.

### SCOPE OF SERVICES

Not applicable

### JUSTIFICATION

An annual review of Board Policies allows for the Board of Trustees to monitor itself regarding adherence to policies that apply to the Board of Trustees.

### PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed in this review (From Policy 1.0: Global End)

- Community well-being and common good
- Prosperity through economic diversity, cultural diversity, and social diversity
- Health and Safety
- Natural environment
- Commerce

**COSTS**

Not applicable

**PROJECT TIME TABLE**

Not applicable

**RESOLUTION**

Not applicable



**Policy:** 3.6 Supervisor's Role in the Board's Process  
**Type:** Direct Inspection  
**Occurrence:** Annual  
**Date:** June 2024

**Policy:**

The Supervisor assures the integrity of the board's process and, secondarily, occasionally represents the board to outside parties.

Accordingly:

- 3.6.1 The job result of the Supervisor is that the board abides consistently with its own rules and those legitimately imposed upon it from outside the organization.
  - 3.6.1.1 Meeting discussion content will be only those issues which, according to board policy, clearly belong to the board to decide, not the Township Manager.
  - 3.6.1.2 Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.
- 3.6.2 The authority of the Supervisor consists in making decisions that fall within topics covered by board policies on Governance Process and Board-Management Linkage, with the exception of (a) employment or termination of the Township Manager and (b) where the board specifically delegates portions of this authority to others. The Supervisor is authorized to use any reasonable interpretation of the provisions in these policies.
  - 3.6.2.1 The Supervisor is empowered to chair board meetings with all the commonly accepted power of that position (e.g., ruling, recognizing).
  - 3.6.2.2 The Supervisor has no authority to make decisions about policies created by the board within Ends and Executive Limitations policy areas. Therefore, the Supervisor has no authority to supervise or direct the Township Manager.
  - 3.6.2.3 The Supervisor may represent the board to outside parties in announcing board-stated positions and in stating chair decisions and interpretations within the area delegated to her or him.
  - 3.6.2.4 The Supervisor may delegate this authority but remains accountable for its use.

**Use this evaluation form for discussion at the Board of Trustees Meeting on June 26, 2024.**

**Review all sections of the policy listed and evaluate the Board's compliance with policy.**

1. Indicate item by item if you believe the Board is in strict compliance with the policy as stated?
  
2. If you indicated that the Board is not in strict compliance with the policy as stated, please indicate what you notice that gives evidence that we are not in compliance?
  
3. How do you think the Board could improve the process to be in full compliance?
  
4. What does the Board need to learn or discuss in order to live by its' policies more completely?



# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Board of Trustees	<b>DATE:</b> June 21, 2024
<b>FROM:</b> Mark Stuhldreher, Township Manager	<b>DATE FOR BOARD CONSIDERATION:</b> 06/26/2024
<b>ACTION REQUESTED:</b> Board of Trustees annual review of Board Governance Policy No. 3.7 – Duties of the Elected Department Heads	

Current Action  Emergency

Funds Budgeted: If Yes  Account # \_\_\_\_\_ No  N/A

Finance Approval MDS

### BACKGROUND INFORMATION

The Board Governance Policy was originally adopted in 2010 with later amendments in the intervening years with the most recent being 2024. The purpose of the Policy is to aid the Board of Trustees in the execution of their duties as a policy making body. Through the articulation of various policies within the totality of the document, the Board of Trustees is encouraged to focus on long-term organizational outputs and the discharge of its fiduciary responsibilities.

Certain policies, such as Policy 3.7 (Duties of the Elected Department Heads), are to be reviewed and monitored for compliance on an annual basis.

### Board Policy 3.7 – Duties of the Elected Department Heads

The Policy states: “The Township Clerk and Township Treasurer serve the township in a dual capacity. In carrying out their duties within the scope of the law, these elected officials serve as elected department heads, responsible for designated department operations under the advisory supervision of the township manager.”

Due to the length, the entire policy is attached. Following the policy is an evaluation section that can be used for the review/discussion of Policy No. 3.7.

### SCOPE OF SERVICES

Not applicable

### JUSTIFICATION

An annual review of Board Policies allows for the Board of Trustees to monitor itself regarding adherence to policies that apply to the Board of Trustees.

### PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed in this review (From Policy 1.0: Global End)

- Community well-being and common good
- Prosperity through economic diversity, cultural diversity, and social diversity

- Health and Safety
- Natural environment
- Commerce

**COSTS**

Not applicable

**PROJECT TIME TABLE**

Not applicable

**RESOLUTION**

Not applicable

**Policy:** 3.7 Duties of the Elected Department Heads  
**Type:** Direct Inspection  
**Occurrence:** Annual  
**Date:** June 2024

**Policy:**

The Township Clerk and Township Treasurer serve the township in a dual capacity. In carrying out their duties within the scope of the law, these elected officials serve as elected department heads, responsible for designated department operations under the advisory supervision of the township manager.

Accordingly:

- 3.7.1 The role of the elected Township Clerk is to serve the dual role of Department Head and voting member of the Union Township policymaking board. The Clerk's responsibilities include: Voter registration and election administrator; Township records management; secretary to the Township Board and the Zoning Board of Appeals as well as other responsibilities as delineated in State Law, unless otherwise delegated.
  - 3.7.1.1 The Township Clerk is responsible for carrying out the responsibilities as prescribed in State Law; those responsibilities historically accepted by the Clerk's Office and meeting all statutory deadlines.
  - 3.7.1.2 The Township Clerk will observe and meet all statutory deadlines as prescribed by State Law.
  - 3.7.1.3 The Township Clerk will cooperate with the Township Manager, complete budget recommendations, department accomplishments, annual reports, and other general department head administrative responsibilities. The Township Clerk will provide the Township Manager with periodic checklist reports indicating completion of department head responsibilities.
- 3.7.2 The role of the elected Township Treasurer is to serve the dual role of Department Head and voting member of the Union Township policymaking board. The Treasurer's responsibilities include: serving as the township tax collector, bill payer, investor, and supervisor of his/her department.
  - 3.7.2.1 The Township Treasurer is responsible for carrying out all statutory duties.
  - 3.7.2.2 The Township Treasurer is required to comply with statutory deadlines.
  - 3.7.2.3 The Township Treasurer will cooperate with the Township Manager with respect to administrative policies and procedures

**Use this evaluation form for discussion at the Board of Trustees Meeting on June 26, 2024.**

**Review all sections of the policy listed and evaluate the Board's compliance with policy.**

1. Indicate item by item if you believe the Board is in strict compliance with the policy as stated?
  
2. If you indicated that the Board is not in strict compliance with the policy as stated, please indicate what you notice that gives evidence that we are not in compliance?
  
3. How do you think the Board could improve the process to be in full compliance?
  
4. What does the Board need to learn or discuss in order to live by its' policies more completely?

# Charter Township of Union



To: Board of Trustees  
From: Mark Stuhldreher, Township Manager/*MDS*  
Date: June 26, 2024  
Subject: Township Clerk Salary Adjustment

Per state statute, there are three possible ways that the salary of a Township Board Officer (supervisor, clerk, treasurer, and trustee) are set: 1) By the township board at any time, 2) By the annual meeting of the electors before a new fiscal year (if the annual meeting is still held—uncommon), or 3) By a salary compensation commission created by township board ordinance that meets every two years (rare).

The current annual salary for the Township Clerk is \$21,190.

Should the Board decide to increase the salary for the Township Clerk, the attached Resolution should be adopted via a roll call vote. I have left the salary level blank as this will be decided following discussions by the Board.

You will note that the effective date is 1/1/2024. If an adjustment is approved, the administration will effectuate this via the issuance of a paycheck retroactive to the beginning of the year. This will reflect the difference between what has been paid year to date and what should have been paid based on the action of the Board of Trustees. Future pay checks will be increased as appropriate. This way, the 2024 W-2 will be reflective of the salary amount shown in the approved Resolution.

Note the statute allows for a referendum period during which the citizens can contest the action of the Board. Before effectuating any change approved by the Board, it is necessary to allow the referendum period to expire.

I am prepared to discuss this in more detail at the meeting tonight.

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**RESOLUTION TO ESTABLISH CHARTER TOWNSHIP OF UNION TOWNSHIP CLERK SALARY**

At a regular meeting of the Charter Township of Union Board of Trustees ("Township Board") held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, the following Resolution was adopted.

The following preamble and resolution were offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

**WHEREAS**, according to MCL 41.95(3), in a township that does not hold an annual meeting, the salary for officers composing the township board shall be determined by the township board; and

**AND WHEREAS**, the township board deems that an adjustment in the salary of the office of Clerk is warranted due to the increase in workload associated with the statutory duties related to elections resulting from the changes made by the legislature and election related constitutional amendments;

WHEREAS, If, within 30 days after the township board votes, a petition signed by 10% of the qualified electors of the township is filed requesting that the question be submitted to the electorate, the township board shall call a special election and submit the question of salary to the electors;

**NOW THEREFORE BE IT RESOLVED**, that as of January 1, 2024, the annual salary of the office of Township Clerk shall be \$ \_\_\_\_\_

The foregoing resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

Upon a roll call vote, the following voted:

<u>Board of Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Bryan Mielke, Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lisa Cody, Clerk

\_\_\_\_\_  
Date