



BOARD OF TRUSTEES
Regular Meeting
March 22, 2023
7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
 - a. Chippewa River District Library (CRDL) Updates from Lynn Laskowsky and Ruth Helwig
 - b. Mid Michigan Aquatic Recreation Authority Updates from John Zang
6. PUBLIC HEARINGS
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
 - B. March Monthly Activity Report
 - C. Planning Commission, EDA, Sidewalks, and ZBA updates by Community and Economic Development Director
 - D. Board Member Reports
10. CONSENT AGENDA
 - A. Communications
 - B. Minutes – March 8, 2023 – Regular Meeting
 - C. Accounts Payable
 - D. Payroll
 - E. Meeting Pay

- F. Fire Reports
- G. Pump Station 3, 6 and 11 Wet Well Wizard System Purchase

11. NEW BUSINESS

- A. Discussion/Action: (Stuhldreher) Mid-Michigan Aquatic Recreation Authority Request to Waive Audit Requirements for FY 2022 Financial Statements
- B. Discussion/Action: (Nanney) Second Reading and Adopting of the Storm Water Management Ordinance
- C. Discussion/Action: (Nanney) Resolution of Support to Release 4.01 Acres of PID 14-019-30-002-01 from the State's PA116 Agricultural Land Conservation Easement Program.
- D. Discussion/Action: (Board of Trustees) Policy Governance 3.3 Board Member's Code of Conduct

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

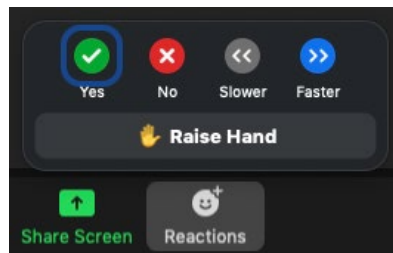
Hybrid Meeting Instructions for the Charter Township of Union Board of Trustees Meeting

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	Doug	LaBelle II	2/15/2025
5 - Vice Secretary	Tera	Albrecht	2/15/2024
6	Stan	Shingles	2/15/2024
7	Paul	Gross	2/15/2025
8	Nivia	McDonald	2/15/2026
9	Jessica	Lapp	2/15/2026
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/15/2025
2 -	Richard	Barz	12/31/2025
3 -	Liz	Presnell	12/31/2025
4 -	Brandon	LaBelle	12/31/2023
5 -	Eric	Loose	12/31/2024
Alt. #1	David	Coyne	12/31/2024
Alt #2 (BOT Representative)	Jeff	Brown	11/20/2024
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	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	Colin	Herren	12/31/2023
2	Joseph	Schafer	12/31/2023
3	Andy	Theisen	12/31/2023
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2024
2	John	Dinse	12/31/2023
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2025



Board Expiration Dates

EDA Board Members (9 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Bryan	Mielke	11/20/2024
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2027
6	Marty	Figg	6/22/2026
7	vacant seat		6/22/2023
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
Sidewalks and Pathways Prioritization Committee (2 year term -PC Appointments)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2024
2 - PC Representative	Stan	Shingles	2/15/2024
3 - Township Resident	Jeff	Siler	8/15/2023
4 - Township Resident	vacant seat		10/17/2022
5 - Member at large	Phil	Hertzler	8/15/2023
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	12/31/2022
1-Union Township	Stan	Shingles	12/31/2023
2-Union Township	Allison	Chiodini	12/31/2025
1-Mt. Pleasant Schools	Lisa	Diaz	12/31/2022
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: Jim Zalud Date: 1-17-23
Address: 6422 S. Whiteville Rd, Mt. Pleasant
Phone (home) 772-3249 (cell) 989-317-5121 (work) 772-5890
Email: jzalud@isabella.com
Occupation: CEO

Please select the board you are applying for:

- Zoning Board of Appeals Must be a Union Township Resident
- Board of Review Must be a Union Township Resident
- Planning Commission Must be a Union Township Resident
- EDA Must meet one of the following qualifications:
 - Property owner in East or West DDA
 - Resident in Union Township

OTHER *Specify Board: _____

Please state reason for interest in above board:
Have served on DDA Board for 20+ years

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):

Signature: Jim Zalud Date: 1-17-2023

APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION



Name: Thomas Kequom Date: Dec 13, 2022

Address: 1908 Oakwood Dr

Phone (home) 989 772 4222 (cell) 989 330 3544 (work) 989 775 4070

Email: tkequom@sagchip.org

Occupation: Construction Manager

Please select the board you are applying for:

Zoning Board of Appeals Must be a Union Township Resident

Board of Review Must be a Union Township Resident

Planning Commission Must be a Union Township Resident

EDA Must meet one of the following qualifications:

Property owner in East or West DDA

Resident in Union Township

OTHER *Specify Board: _____

Please state reason for interest in above board:

I have been on the EDA Boards, for 30 plus years.

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):

Capital Construction Management is my expertise.

Signature: Thomas Kequom Date: 1-17-23

APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION



Name: SARVJIT CHOWDHARY Date: 3/16/23
Address: 774 STONERIDGE DRIVE, MT PLEASANT, MI 48858
Phone (home) (989) 779-2900 (cell) (989) 400-2686 (work) X
Email: sarvichowdhary@yahoo.com
Occupation: RETIRED

Please select the board you are applying for:

- Zoning Board of Appeals Must be a Union Township Resident
- Board of Review Must be a Union Township Resident
- Planning Commission Must be a Union Township Resident
- EDA Must meet one of the following qualifications:
 - Property owner in East or West DDA
 - Resident in Union Township

OTHER *Specify Board: EDA

Please state reason for interest in above board:

I have served for three terms as Board Member and enjoyed working with fantastic team.

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):

I WAS EDA FOR 3 TERMS (Board Member), before the decided to reduce one position and did not serve w my term.

Signature: [Signature] Date: 3/16/23



Monthly Report

From: Township Manager

To: Board of Trustees

Month/Year: March 2023

Global Ends

- 1.1 Community well-being and the common good
- 1.2 Prosperity through economic diversity, cultural diversity, and social diversity
- 1.3 Safety
- 1.4 Health
- 1.5 Natural environment
- 1.6 Commerce

Future Board of Trustee Meeting Agenda Items

Finance

- FY 2022 Audited Financial Statement presentation – May 2023

Community and Economic Development

- Consideration of bids for the planned sidewalk construction projects across the 5243 Jonathan Lane lot and at the Township Hall across and into McDonald Park
- Consideration of a new 2023 - 2027 Parks and Recreation Master Plan for adoption, following a recommendation from the Planning Commission and a public hearing.
- Consideration of an updated Sidewalk and Pathway Ordinance for adoption.
- Consideration of an updated Private Road Ordinance for adoption.
- Consideration of new International Fire Code Ordinance for adoption, which would replace Ordinance No. 2014-05 and would reference the updated fire code to be enforced by the Mt. Pleasant Fire Department in both the City and the Township.
- Repeal of the outdated and unenforceable Ordinance 2011-4 for marihuana dispensaries and growing operations
- Consider updates to the Noxious Weeds Ordinance No. 1998-5 to improve consistency in applicable regulations of tall grass and weeds

- Consider updates to the Subdivision of Land Ordinance No. 1994-6 for consistency with updates to the state’s subdivision plat approval requirements. (1.1, 1.4, 1.6)
- Resolution in support of Chippewa River Master Plan

Public Services

- Consider amendments to water/sewer ordinance to
 - Consider elimination of REU basis for variable cost billing component and move to actual usage
- Pump Station #2 Engineering Agreement
- Lawnmower Purchase – Parks & Utilities
- Well #8 Rehabilitation Bid approval
- Well Exploration – test well bid approval

Significant Items of Interest Longer Term

Finance

- Implement BS&A Purchase Orders
- Complete the General Ledger migration to the new chart of accounts required by the State of Michigan
- Contract for Cost Allocation Study
- Cross-train for invoice entry and cash receipting
- Measure and price all exempt properties to better understand impact/volume/ of tax-exempt properties
- Current MTT docket is as follows:

22-001170-TT	PEP-CMU, LLC	Valuation Due March 20, 2023
22-001550-TT	SZ Mount Pleasant Apartments East LLC	Valuation Due July 5, 2023
22-001551-TT	SZ Mount Pleasant Apartments West LLC	Valuation Due July 19, 2023
22-001745-TT	Deerfield Village, LLC	TBD
22-001757-TT	Union Square Apartments LLC	TBD
22-002203-TT	Lexington Ridge Apartments LLC	TBD
22-002673-TT	Patrick & Nancy McGuirk	TBD

Community and Economic Development

- The Building Official received and began review of the detailed construction plans for the Isabella County Jail Project.
- Economic Development – The Department Director will prepare an updated summary document for the website outlining economic development programs and incentives available from the State of Michigan and our DDA Districts for various types of projects.
- Economic Development – The Department Director will expand information on the Township’s website related to development approval processes and pre-application meeting options to further assist the development community.
- Building Services - The Department Director is working with the county Community Development Dept. Director to develop a draft reciprocal intergovernmental agreement proposal for Isabella County to provide for residential and commercial building inspection services during vacations and other periods when the Township’s Building Official is temporarily absent, which would be subject to approval by the Township Board of Trustees and the county Board of Commissioners.

- Economic Development – Follow up again with the county Road Commission about the East DDA District development plan priorities and conceptual economic development proposal for road improvements in the Township’s industrial area north of Corporate Drive.
- Economic Development - Possible request to consider selling approximately 3.55 acres of vacant Township-owned land (PID 14-011-20-008-02 & -03) at the west end of the Ric Rach Dr. private road in the I-1 (Light Industrial) zoning district for private development, after necessary water and sewer system easements have been recorded on the parcels by the Public Services Department.
- Economic Development - Possible future airport-related Zoning Ordinance changes to create a separate zoning district for the Mt. Pleasant Airport to expand options for airport-related business activities beyond the limited scope allowed under the current the AG (Agricultural) district.
- Economic Development - The Department Director continues to work with MDOT project team members and contractors during the planned 2023 project to reconstruct E. Pickard Rd. (M-20) from the US-127 interchange area west to Packard St. to coordinate storage and re-installation of streetlights, park benches, etc. removed by the contractor.
- Building Services – Moving old, scanned prints to proper location within BS&A.
- Rental Housing – Community and Economic Development staff have begun a process to evaluate options for potentially holding a series of educational opportunities for local landlords on topics related to inspections, safety, applicable codes, and other landlord/tenant topics.
- The Department Director will work with the City staff to develop a proposal for a viable, City DDA-funded cross-access between the Target property in the Township and the shopping center property to the north in the City’s Downtown Development Authority District.
- Expanded use of BS&A Building Module capabilities for hosting of digitized plans and permit documents, and for building services and zoning administration functions.
- Develop soil erosion control process to integrate with site plan review process more seamlessly.
- Consider partnering with the City of Mt. Pleasant and the Saginaw-Chippewa Indian Tribe to conduct a joint transportation planning project that would include evaluation of options for improvements to the north and south Mission St. interchanges with US-127, routing of heavy truck traffic, public transit improvements, and updated planning for a regional network of interconnected pedestrian/bicycle pathways.

Public Services

- WWTP - Sludge Storage Tank installation
- Meridian Road iron removal filter maintenance approval – (re-bidding – due to lack of bids)
- Pump station #1 relocate/replacement
- New township hall feasibility study continues
- Refurbish Pump Station #10 (2024) 30 + years old
- Upgrade motor controls, level controls & electrical at Pump Station # 2 (2023) 43 years old
- Pump station #5 service area smoke and dye testing
- Lead and copper service line replacement as identified

Miscellaneous

- Finance Director and Accounting Specialist supporting Board of Review during March
- The option for public and applicant attendance and participation via Zoom has implemented for Planning Commission and Zoning Board of Appeals meetings.
- The Building Services Clerk and Community and Economic Development Director will meet on 3/28/2023 with a representative from the Michigan Department of Technology, Management and

Budget's preferred document digitization contractor for a preliminary evaluation of the scope of bulk digitization needs for the Township's building plans, site plans, plats, and associated permit and approval documents in long-term storage

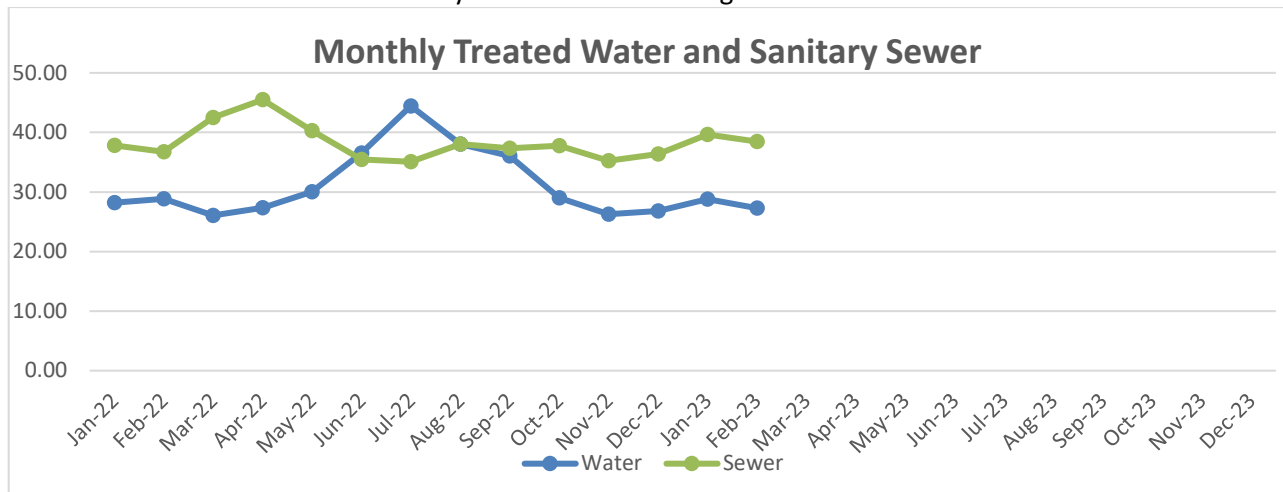
- The Community and Economic Development Director met with the new City Planner, Manuela Powidayko, to discuss topics of mutual interest and opportunities for collaboration on land use planning and development issues. A follow up meeting is scheduled for next month.
- The Community and Economic Development Director has started working with league and tournament representatives to coordinate field reservations for the 2023 baseball and softball seasons in McDonald Park.
- The Township's website was updated to add a policy governance posting for the Treatment of Consumers policy.
- The EDA Board section of the Township's website was updated with new maps of the DDA Districts, including the expanded East DDA District.
- The Community and Economic Development Director attended question and answer session hosted remotely by regional staff members from the Michigan Dept. of Environment, Great Lakes and Energy staff on floodplain regulations and related topics.
- The Community and Economic Development Director participated in a remote meeting and follow up conversation with CMU officials and representatives from various agencies regarding plans for private "micro-mobility E-Scooter" companies to begin operating in the area.
- The Community and Economic Development Director met twice with officials from Bandit Industries, Inc. to discuss plans for their recently purchased facilities in the East DDA District. The second meeting also included representatives from the Middle Michigan Development Corporation, Chamber of Commerce, and State of Michigan.
- The Building Official provided the following services during the month:
 - 21 Inspections
 - 14 Permits issued
- The Zoning Administrator provided the following services:
 - (2) Zoning review approval letters for building permit applications.
 - (2) Miss Dig notifications for various projects. Owners contacted for permits on projects.
 - (1) Zoning verification letter regarding 781 S. Mission Road.
- The Zoning Administrator received, reviewed, and took action on the following minor site plan applications during the month:
 - Approved Minor Site Plan application for the Isabella County Commission on Aging's outdoor pavilion and pickleball court addition at 2200 S. Lincoln Road.
 - Approved Minor Site Plan application from WSG Architects for a change of use and parking lot expansion at 2929 S. Isabella Road.
- Parks Rentals
 - Jameson Hall Rental – 2
- Kim Smith, John Bebow, Shawn McBride attended MDOT Pre-Construction meeting for M-20 / Pickard Road Project
- Public Services Department received/processed (259) miscellaneous service request/work orders/phone calls/general inquiry /billing inquiries/emails/cross connection program inquiries
- Reviewed delinquent water and sewer accounts and mailed out (216) shut-off notices
- Public Services Department processed 152 Miss Dig underground markings completed throughout Township
- Power outage on February 8th. Hooked up generators at pump stations # 9, 15 and 20
- Completed (29) water meter and reading device repairs or replacements
- Completed Annual Mercury Minimization Program Review and Submit to EGLE & EPA

- Collaborated with Consumers power and Block Electric adding three phase power to Meridian Well Site.
- Updated part-time seasonal job posting and posted position.
- Review of the Mid-Michigan Community College water and sewer plans for athletic and maintenance facilities – This is their 3rd submission
- Monthly fire extinguisher, AED, and eye wash inspections
- Attended ICRC regular board meetings
- Monthly Water reports submitted – no violations
- Monthly Sanitary Sewer reports submitted – no violations
- Feb 2023 – Treated Potable Water

Total Month: 27.307 mg
 Average Day: .975 mgd
 Max Day: 1.190 mgd

- Feb 2023 – Treated Sanitary Sewer

Total Month: 38.47 mg
 Average Day: 1.20 mgd
 Max Day: 1.64 mgd



Ordinance Enforcement Activities

- 5500 E Pickard Rd (Quality Inn) - multiple violations of the Fire Code and the Township’s Housing Licensing Ordinance. Follow up site inspections by the Rental Inspector and Mt. Pleasant Fire Department found all violations have been corrected. This matter is now closed.
- 3400 Deerfield Rd., unit W5–multiple violations for housekeeping, animal feces and insect infestation. Rental Inspector confirmed that the tenants have been evicted and the apartment is being cleaned and updated by the landlord. This matter is now closed.
- 898 S. Mission Road. Site Plan enforcement complaint due to unlawful change of use without the required minor site plan approval. Cluster of cars all over the lot, including unlawful parking on the lawn areas and in the front yard. Owner contacted, with direction to submit a minor site plan for the major auto repair business change of use per Section 14.2.C. (Site Plan Approval Required). Owner of the property contacted Township staff following final notice; the owner to submit a parking plan for compliance.
- 5401 S. Lincoln Rd. – Pole barn accessory building constructed without permits. The owner responded to the initial notice to acknowledge responsibility. An after-the-fact building permit application was denied due to the significant encroachments beyond maximum allowable height and floor area limitations. Following final notice of violation and order for corrective action, the

owner met with Township staff and confirmed plans to apply by the end of March for a variance, possibly with proposed modifications to minimize encroachments.

- 5281 Jonathon Ln. - Complaint of garbage bags piled up in rear yard with no use of trash collection on this lot that has been subject to several prior ordinance enforcement actions. No response from the owner to an initial notice of violation. Follow up notice is in process.
- 4941 E Valley Rd. – Dilapidated and potentially unsafe dwelling. This property has been the subject of previous code enforcement activity. Owner responded to additional notice sent via email to confirm that he wants the roof completed but does not have the funds. The Building Official spoke with a contractor who is looking into options to help the owner resolve the violations.
- Northeast corner of S. Lincoln Rd. and E. Broomfield Rd. – unlawful contractor’s storage yard and unlawful grading/fill activities without a grading permit. The owner claimed a “grandfathered” status as a legal nonconforming use. This matter is under review by the Township Attorney.

2023 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 March 8, 2023, at 7:00 p.m. at the Union Township Hall.

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

Bills moved **Smith** supported to appoint Trustee Bills as temporary clerk until Clerk Cody arrives.

Vote: Ayes: 4 Nays: 0. Motion carried.

Roll Call

Present:

Supervisor Mielke, Trustee Bills, Trustee Smith and Trustee Thering

Excused:

Clerk Cody (late arrival), Treasurer Rice and Trustee Brown

Approval of Agenda

Thering moved **Bills** supported to approve the agenda as presented. **Vote: Ayes: 4 Nays: 0. Motion carried.**

Presentation

Frank Engler, Isabella County Commissioner, gave updates on Isabella County.

Public Hearings

Public Comment

Open: 7:06 p.m.

No comments were given.

Closed: 7:06 p.m.

Reports/Board Comments

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

Thering moved **Bills** supported to appoint Trustee Smith as the Intergovernmental Liaison. **Vote: Ayes: 4 Nays: 0. Motion carried.**

B. Board Member Reports

Bills – gave an update on the Isabella County Board of Commissioners meeting held March 7th.

Thering – gave an update on the Planning Commission meeting held February 21st.

Mielke – gave updates on the Board of Review Organizational meeting held March 7th and the 2% Round Table discussion held February 22nd. Brought to the Boards attention an email correspondence from Amanda Brake regarding Tiny houses.

***7:18 p.m. Clerk Cody arrived.**

Consent Agenda

- A. Communications
- B. Minutes – February 8, 2023 – Regular Meeting
- C. Accounts Payable
- D. Payroll
- E. Meeting Pay
- F. Fire Reports
- G. Township and Isabella County Road Commission 2023 Brine Participation Contract

Cody moved **Bills** supported to approve the consent agenda with an amendment to remove Item B (Minutes – February 8, 2023 – Regular Meeting) for a separate vote. **Roll Call Vote: Ayes: Mielke, Cody, Bills, Smith, and Thering. Nays: 0. Motion carried.**

Bills moved **Thering** supported to approve the February 8, 2023 Regular Meeting Minutes. **Vote: Ayes: 4. Nays: 0. Abstains: 1. Motion carried.**

New Business

A. Discussion/Action: (Smith) Gourdie Frasier Professional Services Proposal for Pump Station #5 Upgrades and Service Area Infiltration Study

Thering moved **Smith** supported to approve the Engineering & Construction Services Contract with Gourdie Fraser for the upgrade of Pump Station #5 located on Concourse Drive and Service Area Infiltration Study in the amount of \$69,500.00, and authorize the Township Manager to sign the contract. **Vote: Ayes: 5. Nays: 0. Motion carried.**

B. Discussion/Action: (Nanney) Introduction and First Reading of the Stormwater Management Ordinance

Cody moved **Smith** supported to introduce and conduct a First Reading for the updated Stormwater Management Ordinance, which would repeal and replace Ordinance No. 1992-9. **Roll Call Vote: Ayes: Mielke, Cody, Bills, Smith and Thering. Nays: 0. Motion carried.**

C. Introduction/Discussion: (Nanney) CMU Pathway Connector Commitment of Funding

Cody moved **Bills** supported to approve a commitment to Central Michigan University for funding of up to \$332,456.20 to support construction of an eight-foot-wide asphalt pathway with lighting and security improvements from Deerfield Road north to Denison Drive to complete phase two of a collaborative effort with CMU to establish a safe pedestrian connection for Township residents in the student and workforce housing south of Deerfield Road to the CMU campus area. **Vote: Ayes: 5. Nays: 0. Motion carried.**

D. Board of Trustees Discussion: Resources to Support Administration to Contract Grant Writers
Discussion by the Board.

E. Introduction/Discussion: (Stuhldreher) Policy Governance 2.2 Treatment of Staff
Discussion by the Board.

F. Introduction/Discussion: (Stuhldreher) Policy Governance 3.2 Board Job Description
Discussion by the Board.

EXTENDED PUBLIC COMMENT: RESTRICTED TO 5 MINUTES REGARDING ANY ISSUE

Open: 8:32 p.m.

Frank Engler, Conservation District, announced tree presale now until April 3rd.

Closed: 8:34 p.m.

MANAGER COMMENTS

- Looks forward to working the new board, welcomed Trustee Smith
- Announced that the Assessor position has been filled pending employment screening. The new assessor will start May 1st.
- Commented on the Airport Crew Car
- Preparing for the outdoor fitness center to be installed this spring.

FINAL BOARD MEMBER COMMENTS

Smith – Thanked the manager for a seamless onboarding process.

Bills – Looks forward to working with the new board and welcomes Trustee Smith. Commented on the Clerk’s department.

Mielke – Commented on the Policy Governance Bootcamp May 4-5, 2023. Commented on the Airport Crew Car.

ADJOURNMENT

Bills moved **Thering** supported to adjourn the meeting at 8:46 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						
03/09/2023	101	594 (E)	01440	RESERVE ACCOUNT	RELOAD POSTAGE METER RESERVE ACCOUNT	3,000.00
03/15/2023	101	595 (E)	00146	CONSUMERS ENERGY	STREET LIGHTS	1,849.97
					48858 LED LIGHT	305.79
					5240 E BROOMFIELD RD	1,145.97
					900 MULBERRY LN	64.46
					5525 E REMUS RD	73.25
					5537 E BROADWAY RD	290.54
					1933 S ISABELLA RD	724.67
					1660 BELMONT DR	215.96
					5144 BUDD ST	30.59
					5142 BUDD ST	278.47
					2270 NORTHWAY DR	33.08
					2055 ENTERPRISE DR TEMP	237.97
					5228 S ISABELLA RD	7,639.17
					2010 S LINCOLN RD L4 LIGHT	68.41
						<u>12,958.30</u>
03/22/2023	101	24430	01358	21ST CENTURY MEDIA-MICHIGAN	ADVERTISEMENT TO BID-CLEANING/REHAB WELL	164.62
					ZONING ORDINANCE AMENDMENT-PTXT23-02	471.65
					MARCH BOARD OF REVIEW-PUBLIC NOTICE	673.50
					ZONING ORDINANCE AMENDMENT-PTXT22-01	472.40
						<u>1,782.17</u>
03/22/2023	101	24431	01703	AMAZON CAPITAL SERVICES	3 SAMSUNG CELL PHONES&2 DUST COVERS	2,602.75
					PHONE CASES	59.94
					MOBILUX EP2 GREASE	315.00
					CELL PHONE CASE	24.98
						<u>3,002.67</u>
03/22/2023	101	24432	00084	B S & A SOFTWARE	1/2 DAY BS&A BD SOFTWARE TRAINING	500.00
03/22/2023	101	24433	00066	BILL'S CUSTOM FAB, INC.	BELT GUARDS AERATOR #2 & #3	1,397.14
03/22/2023	101	24434	00095	C & C ENTERPRISES, INC.	PAPER TOWELS & ANTIMICROBIAL SOAP	342.75
03/22/2023	101	24435	00129	CMS INTERNET, LLC	NEW BATTERIES FOR BATTERY BACKUP-INSTR E	59.99
					2 VERKADA CAMERAS INSTALLED-MERIDIAN WEL	3,831.00
						<u>3,890.99</u>
03/22/2023	101	24436	00155	COYNE OIL CORPORATION	FUEL IN TOWNSHIP VEHICLES-FEB 2023	1,040.74
03/22/2023	101	24437	00201	ELHORN ENGINEERING COMPANY	BULK CHLORINE/LIQUID AQUADENE	1,953.00
03/22/2023	101	24438	00209	ETNA SUPPLY COMPANY	WATER METER FOR MMC ATHLETIC BLDG	1,865.00
03/22/2023	101	24439	01353	EVOQUA WATER TECHNOLOGIES LLC	BIOXIDE	802.62
03/22/2023	101	24440	00231	FOUR SEASON'S EXTERMINATING	TWP HALL INSP/TREATMENT-MAR 2023	40.00
03/22/2023	101	24441	01844	JOSEPH & MELISSA FREEMAN	SECURITY DEPOSIT-JAMESON HALL RENTAL	250.00
03/22/2023	101	24442	01746	TERA GREEN	MILEAGE FOR DAILY BANKING	40.09
03/22/2023	101	24443	01846	GWORKS	PUBWORKS ANNUAL SUPPORT - 2023	3,533.00
03/22/2023	101	24444	00266	HACH COMPANY	BIOXIDE TEST KIT	345.22
03/22/2023	101	24445	01721	HYDROCORP	CROSS CONNECT CONTROL PRG/RESIDENTIAL -	2,650.00
					CROSS CONNECT CONTROL PRG/NON-RESIDENTIA	950.00
						<u>3,600.00</u>
03/22/2023	101	24446	01843	INTEGRAL BUILDERS, LLC	BD PAYMENT REFUND-CANCELLED PERMIT	181.00
03/22/2023	101	24447	00337	ISABELLA COUNTY TREASURER	DOG LICENSE RENEWALS	018115.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
03/22/2023	101	24448	01324	KENEWELL GROUP	BUSINESS CARDS FOR BRIAN SMITH	79.02
03/22/2023	101	24449	01772	L C UNITED PAINTING CO, INC	WTR TOWER PAINTING PROJECT-FINAL PMT	4,037.50
03/22/2023	101	24450	00142	MICHIGAN OFFICE SOLUTIONS	PRINTER/COPIER SERV AGRMNT-MAR 2023	1,052.01
03/22/2023	101	24451	01774	ERIC MILLER	HRA HEALTH COSTS REIMBURSEMENT 2022	53.39
					HRA HEALTH COSTS REIMBURSEMENT 2022	25.88
						<u>79.27</u>
03/22/2023	101	24452	01663	RODNEY NANNEY	MILEAGE REIMBURSEMENT-JAN/FEB	125.76
03/22/2023	101	24453	00494	NORTH CENTRAL LABORATORIES	TEST SUPPLIES-VIALS, PETRIDISH, VACUSHIE	635.48
					ASPIRATOR BOTTLES/PIPETS	534.69
						<u>1,170.17</u>
03/22/2023	101	24454	01136	OPTO SOLUTIONS, INC	SNAP AC ETHERNET BRAIN	884.70
03/22/2023	101	24455	01543	AMY PEAK	MILEAGE TO BANK, POST OFFICE, ETC	18.01
03/22/2023	101	24456	00131	PERCEPTIVE CONTROLS, INC	INDUCTIVE AUTOMATION ANNUAL SUPPORT-MAR	1,512.00
03/22/2023	101	24457	01595	ROMANOW BUILDING SERVICES	JANITORIAL SERVICES@WTR PLANT-FEB 2023	316.29
					JANITORIAL SERVICES@TWP HALL-FEB 2023	527.14
					JANITORIAL SERVICES@ WWTP-FEB 2023	316.29
						<u>1,159.72</u>
03/22/2023	101	24458	00574	SAGINAW VALLEY CHAPTER ICC	2023 MADCAD REGISTRATION	285.00
					2023 SVICC MEMBERSHIP-LARRY SOMMER	15.00
						<u>300.00</u>
03/22/2023	101	24459	01845	KRISTEN SHARPE	SECURITY DEPOSIT-JAMESON HALL RENTAL	250.00
03/22/2023	101	24460	01542	STERICYCLE, INC.	PAPER SHREDDING-FEB 2023	76.04
03/22/2023	101	24461	00668	UNITED PARCEL SERVICE	WATER SAMPLE SHIPPING	73.62
03/22/2023	101	24462	01013	USA BLUE BOOK	TESTING SUPPLIES-COLORIMETER	1,718.28
					24' SS SENSOR MOUNTING BAND	577.01
					FEMALE ADAPTERS	484.17
						<u>2,779.46</u>
03/22/2023	101	24463	00723	WINN TELECOM	PHONE SERVICE 3/1/23 - 3/31/23	415.77
03/22/2023	101	24464	01246	WOLVERINE POWER SYSTEMS	ANNUAL GENERATOR MAINT-RIVER RD VALVE ST	360.00
					ANNUAL GENERATOR MAINT-BROADWAY TOWER	360.00
					ANNUAL GENERATOR MAINT-TRAILER UNIT 4	390.00
					ANNUAL GENERATOR MAINT-TRAILER UNIT 5	417.70
					ANNUAL GENERATOR MAINT-WWTP	750.00
					ANNUAL GENERATOR MAINT-TRAILER UNIT 2	390.00
					ANNUAL GENERATOR MAINT-TRAILER UNIT 3	390.00
					ANNUAL GENERATOR MAINT-LIFT STN 6	720.00
					ANNUAL GENERATOR MAINT-LIFT STN 3	810.00
					ANNUAL GENERATOR MAINT-SHOP WELL SITE	450.00
						<u>5,037.70</u>

101 TOTALS:

Total of 37 Checks:
 Less 0 Void Checks:

59,690.44
 0.00

Total of 37 Disbursements:

59,690.44

Charter Township of Union Payroll
--

CHECK DATE: March 16, 2023

PPE: March 11, 2023

NOTE: PAYROLL TRANSFER NEEDED

General Fund	\$	34,571.59
Fire Fund		
EDDA		
WDDA		
Sewer Fund		32,804.36
Water Fund		28,298.52
Total To Transfer from Pooled Savings	\$	95,674.47

NOTE: CHECK TOTAL FOR TRANSFER

BS&A Gross Payroll	\$	63,173.76
Employer Share Medicare		872.59
Employer Share SS		3,731.16
SUI		4.27
Pension-Employer Portion		5,361.02
Workers' Comp		431.65
Life/LTD		-
Dental		1,265.96
Health Care		21,859.14
Vision		-
Vision Contribution		-
Health Care Contribution		(2,412.28)
Flex Administrators		65.00
Cobra/Flex Administration		1,322.20
PCORI Fee		-
Total Transfer to Payroll Checking	\$	95,674.47



Union Township Report

Date: Tuesday, March 7, 2023



Alarm Date between 2023-02-26 and 2023-03-04

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
Union Township	0000150						
		3/1/2023 11:35:18 PM	445	Arcing, shorted electrical equipment	ENG 31	2	1
						Total Responding 2	
Union Township	0000151						
		3/2/2023 1:01:33 PM	100	Fire, other	ENG 31	3	1
						Total Responding 3	
Union Township	0000154						
		3/3/2023 9:15:06 PM	321	EMS call, excluding vehicle accident with injury	ENG 31	2	1
						Total Responding 2	

	Total Runs 3						Total Responding 7
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Note: Alarms

1=Duty Crew

2=Paged Off Duty Full-time

3=Paged Paid-on-Call Firefighters

4=Paged All

To: Mark Stuhldreher – Township Manager	DATE: March 13, 2023
FROM: Kim Smith – Public Service Director	DATE FOR BOARD CONSIDERATION: March 22, 2023
ACTION REQUESTED: Approval of the purchase of three Wet Well Wizard systems for pump stations 3, 6, and 11 from Link Utility Technologies in the amount of \$36,255.00.	

Current Action Emergency

Funds Budgeted: If Yes Account # 590-536-933.500 No N/A

Finance Approval

BACKGROUND INFORMATION

The Public Service Department currently injects bioxide into the wet wells at pump station 14 and pump station 3. The bioxide is injected to help combat the large amounts of FOG (fats, oil, greases) sludge and gases present in the wet well and reduce the hydrogen sulfide within the gravity and force mains that transport the sewer from the pump stations to the Waste Water Treatment Plant (WWTP). FOG is present in all sanitary sewer pump stations. The buildup can be extreme causing a layer of FOG at the wet well water surface that is several feet thick. The use of chemicals such as bioxide and/or other mechanical equipment aid in the reduction of FOG. Some stations require the use of both chemicals and mechanical equipment while others require the use of one or the other to combat FOG. The need of an individual station for chemical and/or mechanical equipment is dictated by the wet well size, rate of incoming flow, and the composition of the incoming sanitary sewer in each individual pump stations.

In 2022 Union Township purchased and installed a Wet Well Wizard system at pump station #14 to test the effectiveness of the equipment for reducing the amount of FOG in the stations’s wet well. Since the installation the Township’s Public Service Department has been monitoring the results and is pleased with the performance of the equipment and the reduction of FOG present in the wet well. The Wet Well Wizard assisted in the reduction of the amount of FOG, reduced odors, and reduced the amount of time crews had to manually remove sludge from the wet well. Manually removing the sludge from the top of the wet well is time consuming and can be dangerous due to working over the large open wet well hatches.

The Wet Well Wizard works by assisting in the wet well maintenance process by starting the mixing of raw sewage in the wet well. An aerobic environment is started in the wet well and distributed into the collection system which reduces corrosion of collection system components and helps improve the wastewater plant operation. Since the installation of this equipment at pump station 14 the amount of bioxide being injected into the wet well has been reduced. Station 14 and station 3 benefit from the use of both chemical and mechanical equipment due to the size and flow composition. Stations 6 and 11 do not require the use of bioxide but both will benefit from the use of mechanical equipment to combat FOG.

Below are links to the manufacturers website which shows what this equipment is and how the equipment operates.

<https://www.reliantwater.us.com/aeration-video-3.html>

<https://www.reliantwater.us.com/aeration-video-4.html>

The FY2023 Approved Sanitary Sewer Budget includes funding to purchase three Wet Well Wizard systems for pump stations 3, 6, and 11.

The bids for the equipment are as follows:

Supplier	Equipment Bid Amount	Shipping Estimate	Total Equipment and Shipping
Link Utility Technologies	\$35,055.00	\$1,200.00	\$36,255.00
Reliant Water Technologies	\$35,055.00	\$1,500.00	\$36,555.00
USA Blue Book	\$36,408.00	\$853.92	\$37,261.92

SCOPE OF SERVICES

One-time purchase of three Wet Well Wizard systems from Link Utility Technologies for pump stations 3, 6, and 11 in the amount of \$36,255.00.

JUSTIFICATION

The Public Service Department successfully installed the Wet Well Wizard equipment at pump station 14 and will be installing the equipment in the three proposed stations. The equipment at station 14 has proven to be beneficial in combating the amount of FOG in the sanitary sewer collection system, waste water treatment plant operations, and reducing the amount of bioxide injected into the wet well. The use of the equipment has reduced the amount of odor and reduced the amount of staff maintenance time to remove the sludge from the wet well surface.

The recommended bid from Link Utility Technologies has been reviewed by the Public Service Department and found to be in accordance with the standards required for each pump station. We recommend that the Wet Well Wizard systems be purchased from Link Utility Technologies in the amount of \$36,255.00 based on the following factors:

- Suppliers’ ability to provide equipment specified (Michigan Distributor)
- Previous successful installation and results at pump station #14
- Cost

PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed with this request (from Policy 1.0: Global Ends)

- 1. Community well-being and common good
- 2. Safety
- 3. Health

COSTS

\$36,255.00

PROJECT FUNDING

Funds are included in the FY2023 Approved Sanitary Sewer Budget for the purchase of three Wet Well Wizards in the following general ledger account number:

- 590-536-933.500

PROJECT TIME TABLE

Estimated Delivery 6-8 weeks after award of bid

RESOLUTION

Authorization is hereby given to purchase three Wet Well Wizard systems for pump stations 3, 6, and 11 from Link Utility Technologies in the amount of \$36,255.00.

Resolved by _____ Seconded by _____

- Yes:
- No:
- Absent:



February 16, 2023

Charter Township of Union
2010 S Lincoln Road, Mt Pleasant, MI 48858
Phone: 989-775-5574

ATTENTION: John Bebow, jbebow@uniontownshipmi.com

**RE: Union Township LS3 – WET WELL WIZARD
LUTI Budgetary Quote #23018rev1**

Dear John,

Based on our recent correspondence, we are pleased to provide you with a quotation for the supply of equipment as described herein:

ITEM #1 – WET WELL AIR INJECTION SYSTEM (LS3)
Quantity One (1) **Reliant Water Technologies Air Injection System**
Model: Wizard

Key Design parameters:

- Wet well size: 10' diameter
- Distance from ejector to blower: 35'
- Site problems: FOG, H₂S odor, wall scum

Reliant Water's **Wet Well Wizard™** is a cost effective and reliable answer to FOG and odor problems in sanitary sewer collection systems. A unique patent pending air ejector is placed into the center of the wet well to aggressively agitate and mix the wet well water. This constant agitation with highly forced air provides oxygen to the water, activating the growth of aerobic microbes in the wastewater, which in turn begin to digest the organic wastes in the water. This continual microbial activity, combined with constant aggressive agitation, not only eliminates the ability of H₂S to form, but it also emulsifies all FOG, and will not allow for FOG masses to collect and build in the wells. When this aerated water is pumped downstream in the collection system it replaces all the water in the lines with oxygenated water, thereby eliminating odors from street drains downstream. Even the water in sags, or swags, in the conduit lines downstream of the wet wells or lift stations become aerated and lose their ability to cause noxious odors.



To see the Wet Well Wizard in operation, [CLICK HERE.](#)

This proposal includes:

- Quantity Two (2) Air Ejectors with HDPE body, internal bubble cleavers and 10 pound stainless steel base and support;
- 40' of 3 ply EPDM 1" ID air hose for each air ejector;
- Stainless steel and brass hose fittings;
- 1.5HP 480V, 3 phase, 60Hz, **General Area rating** regenerative blower with air filtration system, pressure relief valve, 2-port stainless steel manifold with inches of water column gauge, magnetic starter control box, stainless steel filter hood, auto restart switch, full locking fiberglass weather enclosure

TOTAL PRICE (without freight).....\$12,997.00

Shipping \$ 400⁰⁰ -estimate 3/7/2023
Ben



OPTIONAL EXTRAS

- 1. Explosion proof blower motor \$3,105.00
- 2. Additional length for air hoses \$6/ft**

* For stations that have SCADA control where electrical equipment is automatically turned off, then back on, OR for purposes of generator exercise OR other requirements for automating blower restart, an Auto Restart Switch will be required.

** We recommend mounting the blower assembly as close to the wet well as possible. It is easier and cleaner to run electrical conduit to the blower as opposed to running the blower hose in longer lengths.

INSTALLATION:

Mechanical installation of the system shall be provided by customer with the following recommendations:

- Wizards are typically located in the middle of the wells/tanks between the pumps and pump rails, equal distance from each other.
- The hose must be taut directly above the Wizard, with minimal slack to prevent the Wizard from moving around.
- NEVER mount an ejector near a wall as that will decrease the effectiveness of the Wizard's aggressive coarse bubble action.
- The well's Low Water Level must be a minimum of 30" for the Wizard to operate. The Wizard must be underwater 100% of the time.
- Electrical installation of the system shall be provided by customer in compliance with State guidelines and electrical standards.

Standard Terms & Conditions

Delivery

- Freight from New Orleans, LA to site is extra
- Lead time 6 – 8 weeks

Pricing Terms and Conditions

- All applicable taxes are extra
- Quoted price is in US dollars
- Payment: Net 30 days
- FOB: Factory
- Late charges: A service charge of 1.5% per month may be added to all balances unpaid 30 days after invoice date.
- Failure to pay in accordance with these terms may void all warranties.

If you have any questions or require any clarifications, please feel free to contact me at any time.

Sincerely,

Ben Sangster
647-294-3240
bsangster@linkut.ca



Acceptance

The undersigned have read, acknowledged and agreed to this offer.
Please include this entire document with Purchase Order.

Signatures

Link Utility Technologies Inc.

Signature

Matthew Nicolak

President

Date: 02/16/2022

Union Township

Signature

Printed Name

Title

Date



Terms and Conditions, Rev 1 dated July 1, 2017

1) **Taxes:** Extra unless, otherwise stated, exempt or shown in our quote.

2) **Equipment is shipped F.O.B. Factory**

3) **Freight, Unloading and Storage:**

Freight: is extra unless otherwise stated in our quote.

Unloading and all Equipment necessary for unloading are not supplied by Link Utility Technologies Inc.

Storage and all equipment and material necessary for proper storage are not supplied by Link Utility Technologies Inc.

4) **Warranty:** Warranty on Parts and Labour, F.O.B. Factory, for 12 months after Start-up or 18 months after Delivery whichever comes first. Link Utility Technologies Inc. warrants to the purchaser that, at the time of Shipment, the products shall be free from any defects in material or workmanship and will conform to the specifications as agreed upon at the time the order is placed. At LUTI option, it will credit, repair or replace (without charge to the purchaser) such products or components which are defective or non conforming with the Specifications set out herein, provided the purchaser notifies the company of the defect or non-conformity within the specified warranty period. This warranty shall not apply to any defect or non conformity which is solely attributable to Installation and Operation not as per the manufacturers recommended instructions, a defect or non-conformity which is caused in shipment, transit or installation, or which is caused by misuse or abuse in storage, use or operation, as the case may be, it being agreed between the parties that this warranty shall apply solely to defective workmanship or material. Link Utility Technologies Inc. reserves the right to inspect the products prior to warranty replacement, repair or crediting. Warranty is specified by the manufacturer. Link Utility Technologies Inc. will not be responsible for any warranty claims beyond those of standard corporate policies.

5 a) **Consequential Damages:** Link Utility Technologies Inc. shall not be liable for any claims for any special, indirect or consequential damages arising out or related in whatsoever way to a defect in material or workmanship of the Products, Spare Parts or non-standard monitoring equipment.

5 b) **Liquidated Damages:** On this or any purchase orders, contracts, or agreements Link Utility Technologies Inc. enters into, Link Utility Technologies will not be held responsible for, does not accept or pay, Liquidated damages that may be assessed, inferred, or passed on, on other or by other parties, for any reason.

6) **Installation and Erection:** All field erection of Equipment, skids and other supply; **All** interconnecting piping and wiring; All bolts, conduits, piping and other hardware necessary for installation; All tools, special tools, hardware, and equipment necessary for installation; is not supplied by Link Utility Technologies Inc., and is to be supplied by others unless otherwise stated in our quote

7) **Video and/or Audio Recording:** In light of the potential risks to all parties associated with the use of video and/or audio recording for training, Link Utility Technologies Inc. prohibits personnel or its agents from participating in video and/or recordings at any time.

8) **Start Up, Commissioning and Training:** Including all costs associated with Travel and living expenses, are extra unless otherwise stated in our quote.

9) **Acknowledgement Letter:** Prior to accepting, processing and proceeding with an order: our Terms and Conditions, and scope of supply may be confirmed to the customer in the form of an Acknowledgement Letter. The customer must sign and return this letter to Link Utility Technologies Inc.

10) **Cancellations:** May be subject to a 25% fee after order placed, 50% fee after shop drawings submittals, 100% fee after equipment released for manufacturing.

11) **Returning Goods:** Certain items, cannot be returned for credit such as chemicals, buffers and probes or units that have been away from the factory for over 90 days. Link Utility Technologies Inc. cannot accept returns without a Return Merchandise Authorization Number (RMA). Upon inspection of returned goods, Link Utility Technologies Inc. will issue a credit on account, Link Utility Technologies Inc. does not return Money.

12) **Delivery Date** is subject to acceptance of customers Purchase order by Link Utility Technologies Inc., receipt of signed Acknowledgment Letter at Link Utility Technologies Inc. (if applicable), and receipt of approved shop drawings (if applicable), and as stated in our quote.

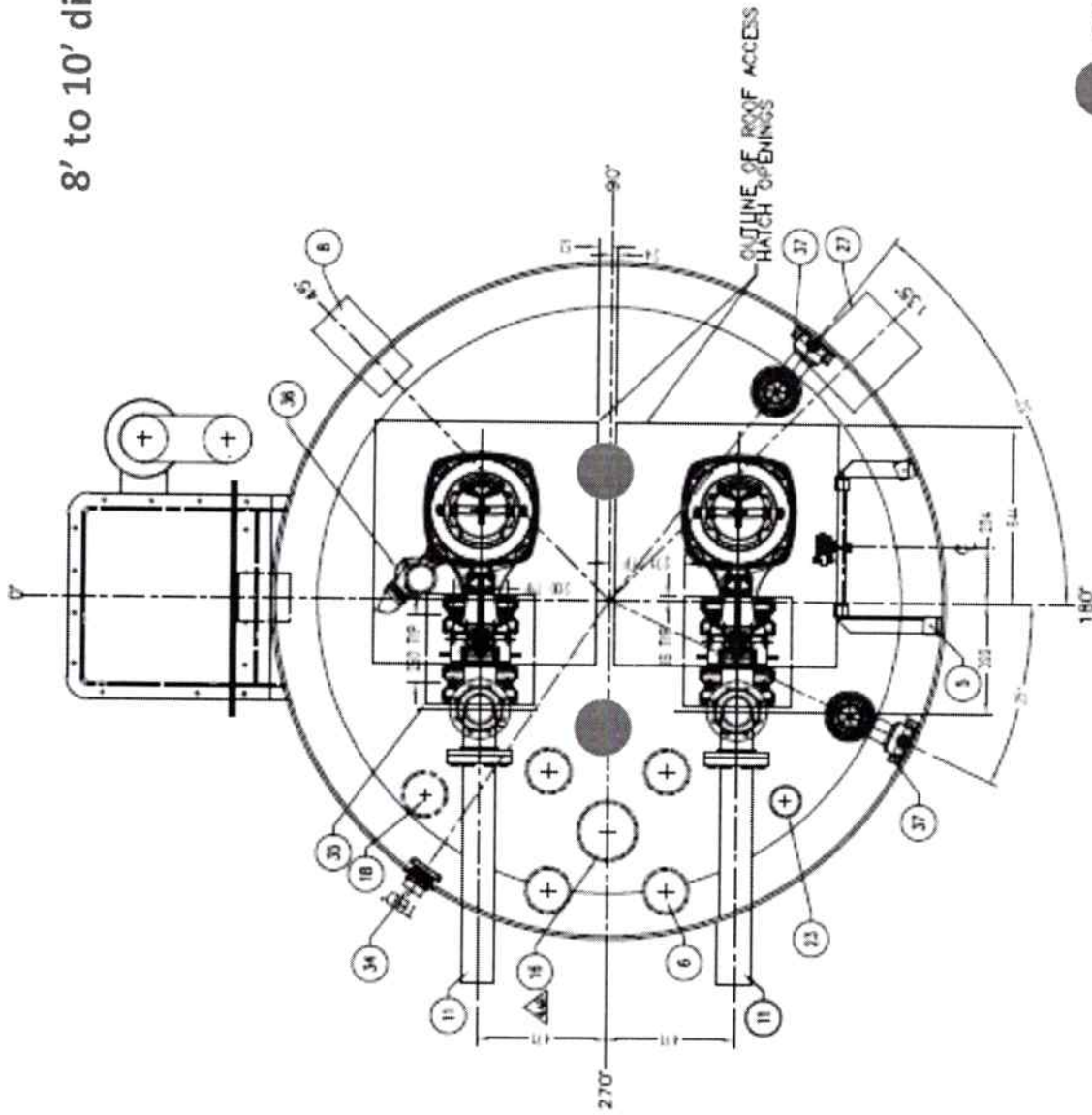
13) **Back Charges:** Link Utility Technologies Inc. does not accept any back charges, which may result from late deliveries, field installations, wrong information, etc.

14) **Terms:** General Terms and Conditions are net 30 days month following delivery on Approved Credit

15) **Quotation Validity:** 30 days from above quotation date

Link Utility Technologies Inc. Terms and conditions are subject to change, without notice.

8' to 10' diameter wet well



● Wet Well Wizard

SECTION "A-A"
SCALE 1:20 - PUMP LAYOUT

RELIANT
 Water Technologies
 5670 Hayne Blvd.
 New Orleans, LA 70126
 504-400-1239



February 16, 2023

Charter Township of Union
2010 S Lincoln Road, Mt Pleasant, MI 48858
Phone: 989-775-5574

ATTENTION: John Bebow, jbebow@uniontownshipmi.com

**RE: Union Township LS6 – WET WELL WIZARD
LUTI Budgetary Quote #23011rev1**

Dear John,

Based on our recent correspondence, we are pleased to provide you with a quotation for the supply of equipment as described herein:

ITEM #1 – WET WELL AIR INJECTION SYSTEM (LS6)
Quantity One (1) **Reliant Water Technologies Air Injection System**
Model: Wizard

Key Design parameters:

- Wet well size: 12' diameter
- Distance from ejector to blower: 20'
- Site problems: FOG, H₂S odor

Reliant Water's **Wet Well Wizard™** is a cost effective and reliable answer to FOG and odor problems in sanitary sewer collection systems. A unique patent pending air ejector is placed into the center of the wet well to aggressively agitate and mix the wet well water. This constant agitation with highly forced air provides oxygen to the water, activating the growth of aerobic microbes in the wastewater, which in turn begin to digest the organic wastes in the water. This continual microbial activity, combined with constant aggressive agitation, not only eliminates the ability of H₂S to form, but it also emulsifies all FOG, and will not allow for FOG masses to collect and build in the wells. When this aerated water is pumped downstream in the collection system it replaces all the water in the lines with oxygenated water, thereby eliminating odors from street drains downstream. Even the water in sags, or swags, in the conduit lines downstream of the wet wells or lift stations become aerated and lose their ability to cause noxious odors.



To see the Wet Well Wizard in operation, [CLICK HERE.](#)

This proposal includes:

- Quantity Two (2) Air Ejectors with HDPE body, internal bubble cleavers and 10 pound stainless steel base and support;
- 40' of 3 ply EPDM 1" ID air hose for each air ejector;
- Stainless steel and brass hose fittings;
- 1.5HP 480V, 3 phase, 60Hz, **General Area rating** regenerative blower with air filtration system, pressure relief valve, 2-port stainless steel manifold with inches of water column gauge, magnetic starter control box, stainless steel filter hood, auto restart switch, full locking fiberglass weather enclosure

TOTAL PRICE (without freight).....\$12,997.00

Shipping \$400.00 estimate 3/7/2023
Ben



OPTIONAL EXTRAS

- 1. Explosion proof blower motor \$3,105.00
- 2. Additional length for air hoses \$6/ft**

* For stations that have SCADA control where electrical equipment is automatically turned off, then back on, OR for purposes of generator exercise OR other requirements for automating blower restart, an Auto Restart Switch will be required.

** We recommend mounting the blower assembly as close to the wet well as possible. It is easier and cleaner to run electrical conduit to the blower as opposed to running the blower hose in longer lengths.

INSTALLATION:

Mechanical installation of the system shall be provided by customer with the following recommendations:

- Wizards are typically located in the middle of the wells/tanks between the pumps and pump rails, equal distance from each other.
- The hose must be taut directly above the Wizard, with minimal slack to prevent the Wizard from moving around.
- NEVER mount an ejector near a wall as that will decrease the effectiveness of the Wizard's aggressive coarse bubble action.
- The well's Low Water Level must be a minimum of 30" for the Wizard to operate. The Wizard must be underwater 100% of the time.
- Electrical installation of the system shall be provided by customer in compliance with State guidelines and electrical standards.

Standard Terms & Conditions

Delivery

- Freight from New Orleans, LA to site is extra
- Lead time 6 – 8 weeks

Pricing Terms and Conditions

- All applicable taxes are extra
- Quoted price is in US dollars
- Payment: Net 30 days
- FOB: Factory
- Late charges: A service charge of 1.5% per month may be added to all balances unpaid 30 days after invoice date.
- Failure to pay in accordance with these terms may void all warranties.

If you have any questions or require any clarifications, please feel free to contact me at any time.

Sincerely,

Ben Sangster
647-294-3240
bsangster@linkut.ca



Acceptance

The undersigned have read, acknowledged and agreed to this offer.
Please include this entire document with Purchase Order.

Signatures

Link Utility Technologies Inc.

Signature

Matthew Nicolak

President

Date: 02/16/2022

Union Township

Signature

Printed Name

Title

Date



Terms and Conditions, Rev 1 dated July 1, 2017

1) **Taxes:** Extra unless, otherwise stated, exempt or shown in our quote.

2) **Equipment is shipped F.O.B. Factory**

3) **Freight, Unloading and Storage:**

Freight: is extra unless otherwise stated in our quote.

Unloading and all Equipment necessary for unloading are not supplied by Link Utility Technologies Inc.

Storage and all equipment and material necessary for proper storage are not supplied by Link Utility Technologies Inc.

4) **Warranty:** Warranty on Parts and Labour, F.O.B. Factory, for 12 months after Start- up or 18 months after Delivery whichever comes first. Link Utility Technologies Inc. warrants to the purchaser that, at the time of Shipment, the products shall be free from any defects in material or workmanship and will conform to the specifications as agreed upon at the time the order is placed. At LUTI option, it will credit, repair or replace (without charge to the purchaser) such products or components which are defective or non conforming with the Specifications set out herein, provided the purchaser notifies the company of the defect or non-conformity within the specified warranty period. This warranty shall not apply to any defect or non conformity which is solely attributable to Installation and Operation not as per the manufacturers recommended instructions, a defect or non-conformity which is caused in shipment, transit or installation, or which is caused by misuse or abuse in storage, use or operation, as the case may be, it being agreed between the parties that this warranty shall apply solely to defective workmanship or material. Link Utility Technologies Inc. reserves the right to inspect the products prior to warranty replacement, repair or crediting. Warranty is specified by the manufacturer. Link Utility Technologies Inc. will not be responsible for any warranty claims beyond those of standard corporate policies.

5 a) **Consequential Damages:** Link Utility Technologies Inc. shall not be liable for any claims for any special, indirect or consequential damages arising out or related in whatsoever way to a defect in material or workmanship of the Products, Spare Parts or non-standard monitoring equipment.

5 b) **Liquidated Damages:** On this or any purchase orders, contracts, or agreements Link Utility Technologies Inc. enters into, Link Utility Technologies will not be held responsible for, does not accept or pay, Liquidated damages that may be assessed, inferred, or passed on, on other or by other parties, for any reason.

6) **Installation and Erection:** All field erection of Equipment, skids and other supply; **All** interconnecting piping and wiring; All bolts, conduits, piping and other hardware necessary for installation; All tools, special tools, hardware, and equipment necessary for installation; is not supplied by Link Utility Technologies Inc., and is to be supplied by others unless otherwise stated in our quote

7) **Video and/or Audio Recording:** In light of the potential risks to all parties associated with the use of video and/or audio recording for training, Link Utility Technologies Inc. prohibits personnel or its agents from participating in video and/or recordings at any time.

8) **Start Up, Commissioning and Training:** Including all costs associated with Travel and living expenses, are extra unless otherwise stated in our quote.

9) **Acknowledgement Letter:** Prior to accepting, processing and proceeding with an order: our Terms and Conditions, and scope of supply may be confirmed to the customer in the form of an Acknowledgement Letter. The customer must sign and return this letter to Link Utility Technologies Inc.

10) **Cancellations:** May be subject to a 25% fee after order placed, 50% fee after shop drawings submittals, 100% fee after equipment released for manufacturing.

11) **Returning Goods:** Certain items, cannot be returned for credit such as chemicals, buffers and probes or units that have been away from the factory for over 90 days. Link Utility Technologies Inc. cannot accept returns without a Return Merchandise Authorization Number (RMA). Upon inspection of returned goods, Link Utility Technologies Inc. will issue a credit on account, Link Utility Technologies Inc. does not return Money.

12) **Delivery Date** is subject to acceptance of customers Purchase order by Link Utility Technologies Inc., receipt of signed Acknowledgment Letter at Link Utility Technologies Inc. (if applicable), and receipt of approved shop drawings (if applicable), and as stated in our quote.

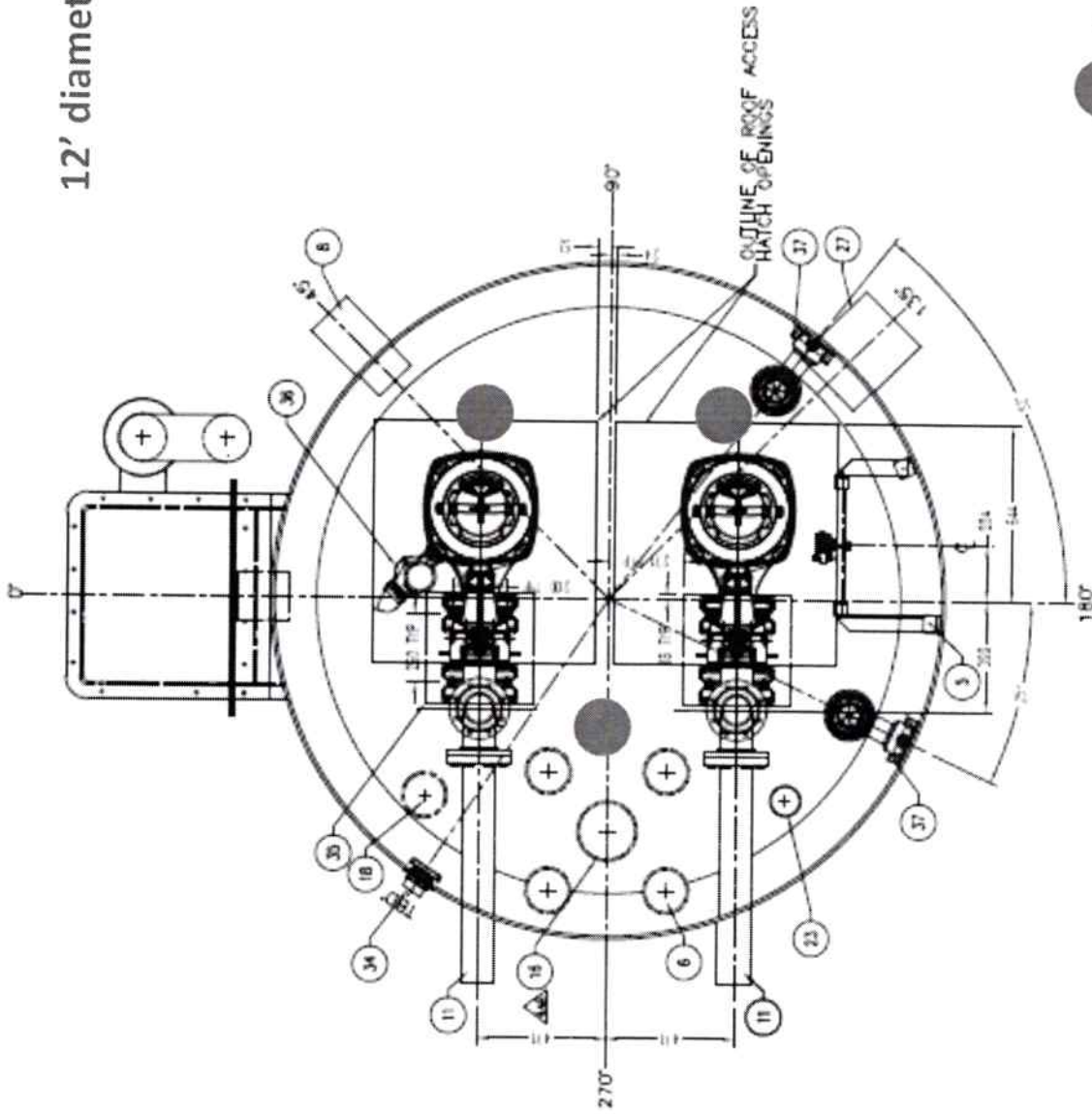
13) **Back Charges:** Link Utility Technologies Inc. does not accept any back charges, which may result from late deliveries, field installations, wrong information, etc.

14) **Terms:** General Terms and Conditions are net 30 days month following delivery on Approved Credit

15) **Quotation Validity:** 30 days from above quotation date

Link Utility Technologies Inc. Terms and conditions are subject to change, without notice.

12' diameter wet well



● Wet Well Wizard

SECTION "A-A"
SCALE 1:20 - PUMP LAYOUT

RELIANT
Water Technologies
5670 Hayne Blvd.
New Orleans, LA 70126
504-400-1239

Kaoger #11



February 15, 2023

Charter Township of Union
2010 S Lincoln Road, Mt Pleasant, MI 48858
Phone: 989-775-5574

ATTENTION: John Bebow, jbebow@uniontownshipmi.com

**RE: Union Township LS11 – WET WELL WIZARD
LUTI Budgetary Quote #23019rev0**

Dear John,

Based on our recent correspondence, we are pleased to provide you with a quotation for the supply of equipment as described herein:

ITEM #1 – WET WELL AIR INJECTION SYSTEM (LS11)
Quantity One (1) **Reliant Water Technologies Air Injection System**
Model: Wizard

Key Design parameters:

- Wet well size: 5' diameter
- Distance from ejector to blower: 35'
- Site problems: FOG, wall scum

Reliant Water's **Wet Well Wizard™** is a cost effective and reliable answer to FOG and odor problems in sanitary sewer collection systems. A unique patent pending air ejector is placed into the center of the wet well to aggressively agitate and mix the wet well water. This constant agitation with highly forced air provides oxygen to the water, activating the growth of aerobic microbes in the wastewater, which in turn begin to digest the organic wastes in the water. This continual microbial activity, combined with constant aggressive agitation, not only eliminates the ability of H₂S to form, but it also emulsifies all FOG, and will not allow for FOG masses to collect and build in the wells. When this aerated water is pumped downstream in the collection system it replaces all the water in the lines with oxygenated water, thereby eliminating odors from street drains downstream. Even the water in sags, or swags, in the conduit lines downstream of the wet wells or lift stations become aerated and lose their ability to cause noxious odors.



To see the Wet Well Wizard in operation, [CLICK HERE.](#)

This proposal includes:

- Quantity One (1) Air Ejector with HDPE body, internal bubble cleavers and 10 pound stainless steel base and support;
- 35' of 3 ply EPDM 1" ID air hose for each air ejector;
- Stainless steel and brass hose fittings;
- 1.5HP 480V, 3 phase, 60Hz, **General Area rating** regenerative blower with air filtration system, pressure relief valve, single port stainless steel manifold with inches of water column gauge, magnetic starter control box, stainless steel filter hood, full locking fiberglass weather enclosure

TOTAL PRICE (without freight).....\$9,061.00

Shipping \$ 400⁰⁰ - estimate 3/7/2023
Ben



OPTIONAL EXTRAS

1. Explosion proof blower motor	\$3,105.00
2. Blower auto restart switch*	\$250.00
2. Additional length for air hoses	\$6/ft**

* For stations that have SCADA control where electrical equipment is automatically turned off, then back on, OR for purposes of generator exercise OR other requirements for automating blower restart, an Auto Restart Switch will be required.

** We recommend mounting the blower assembly as close to the wet well as possible. It is easier and cleaner to run electrical conduit to the blower as opposed to running the blower hose in longer lengths.

INSTALLATION:

Mechanical installation of the system shall be provided by customer with the following recommendations:

- Wizards are typically located in the middle of the wells/tanks between the pumps and pump rails, equal distance from each other.
- The hose must be taut directly above the Wizard, with minimal slack to prevent the Wizard from moving around.
- NEVER mount an ejector near a wall as that will decrease the effectiveness of the Wizard's aggressive coarse bubble action.
- The well's Low Water Level must be a minimum of 30" for the Wizard to operate. The Wizard must be underwater 100% of the time.
- Electrical installation of the system shall be provided by customer in compliance with State guidelines and electrical standards.

Standard Terms & Conditions

Delivery

- Freight from New Orleans, LA to site is extra
- Lead time 6 – 8 weeks

Pricing Terms and Conditions

- All applicable taxes are extra
- Quoted price is in US dollars
- Payment: Net 30 days
- FOB: Factory
- Late charges: A service charge of 1.5% per month may be added to all balances unpaid 30 days after invoice date.
- Failure to pay in accordance with these terms may void all warranties.

If you have any questions or require any clarifications, please feel free to contact me at any time.

Sincerely,

Ben Sangster
647-294-3240
bsangster@linkut.ca



Acceptance

The undersigned have read, acknowledged and agreed to this offer.
Please include this entire document with Purchase Order.

Signatures

Link Utility Technologies Inc.



Signature

Matthew Nicolak

President

Date: 02/15/2022

Union Township

Signature

Printed Name

Title

Date



Terms and Conditions, Rev 1 dated July 1, 2017

1) **Taxes:** Extra unless, otherwise stated, exempt or shown in our quote.

2) **Equipment is shipped F.O.B. Factory**

3) **Freight, Unloading and Storage:**

Freight: is extra unless otherwise stated in our quote.

Unloading and all Equipment necessary for unloading are not supplied by Link Utility Technologies Inc.

Storage and all equipment and material necessary for proper storage are not supplied by Link Utility Technologies Inc.

4) **Warranty:** Warranty on Parts and Labour, F.O.B. Factory, for 12 months after Start-up or 18 months after Delivery whichever comes first. Link Utility Technologies Inc. warrants to the purchaser that, at the time of Shipment, the products shall be free from any defects in material or workmanship and will conform to the specifications as agreed upon at the time the order is placed. At LUTI option, it will credit, repair or replace (without charge to the purchaser) such products or components which are defective or non conforming with the Specifications set out herein, provided the purchaser notifies the company of the defect or non-conformity within the specified warranty period. This warranty shall not apply to any defect or non conformity which is solely attributable to Installation and Operation not as per the manufacturers recommended instructions, a defect or non-conformity which is caused in shipment, transit or installation, or which is caused by misuse or abuse in storage, use or operation, as the case may be, it being agreed between the parties that this warranty shall apply solely to defective workmanship or material. Link Utility Technologies Inc. reserves the right to inspect the products prior to warranty replacement, repair or crediting. Warranty is specified by the manufacturer. Link Utility Technologies Inc. will not be responsible for any warranty claims beyond those of standard corporate policies.

5 a) **Consequential Damages:** Link Utility Technologies Inc. shall not be liable for any claims for any special, indirect or consequential damages arising out or related in whatsoever way to a defect in material or workmanship of the Products, Spare Parts or non-standard monitoring equipment.

5 b) **Liquidated Damages:** On this or any purchase orders, contracts, or agreements Link Utility Technologies Inc. enters into, Link Utility Technologies will not be held responsible for, does not accept or pay, Liquidated damages that may be assessed, inferred, or passed on, on other or by other parties, for any reason.

6) **Installation and Erection:** All field erection of Equipment, skids and other supply; All interconnecting piping and wiring; All bolts, conduits, piping and other hardware necessary for installation; All tools, special tools, hardware, and equipment necessary for installation; is not supplied by Link Utility Technologies Inc., and is to be supplied by others unless otherwise stated in our quote

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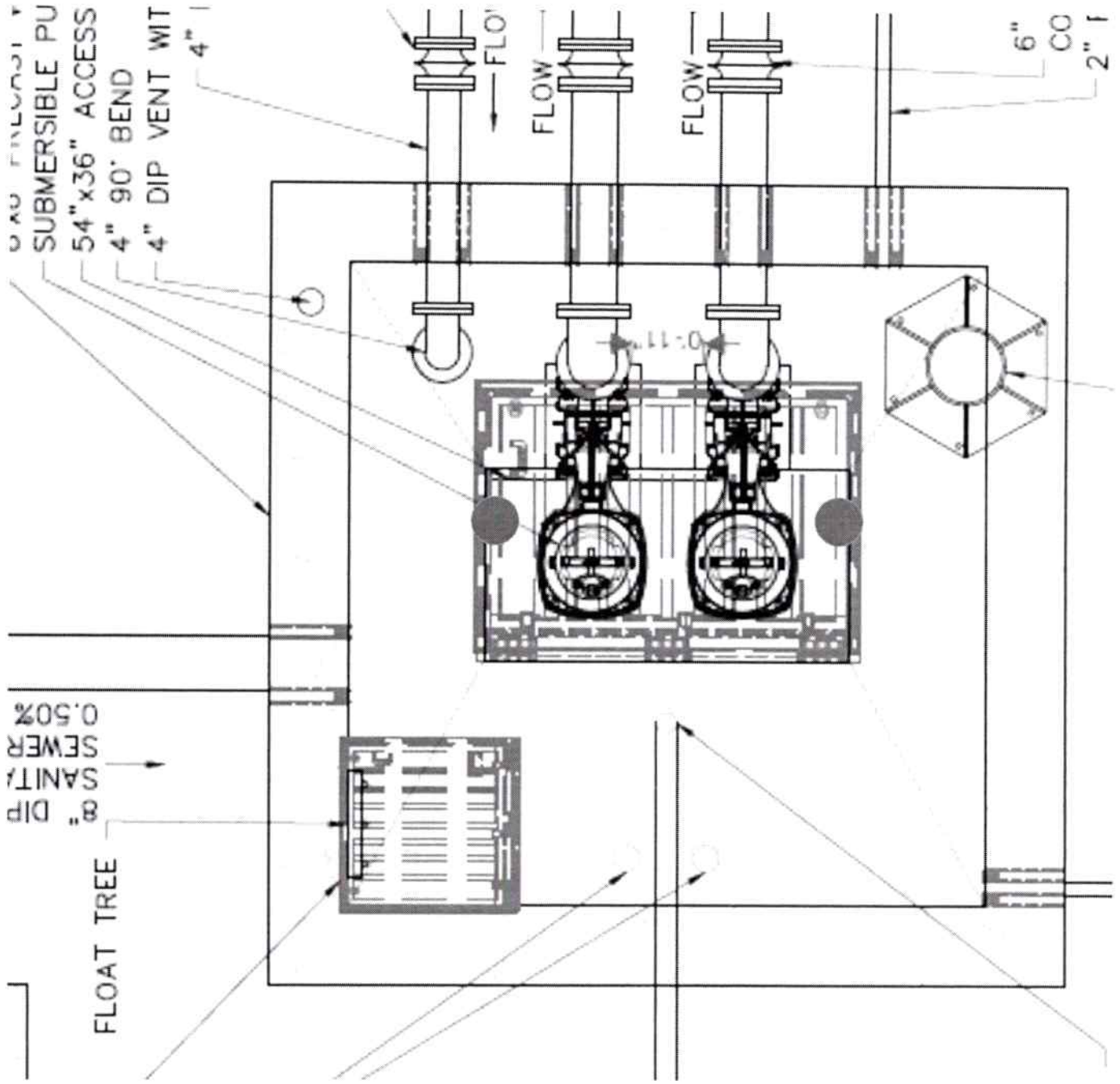
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14) **Terms:** General Terms and Conditions are net 30 days month following delivery on Approved Credit

15) **Quotation Validity:** 30 days from above quotation date

Link Utility Technologies Inc. Terms and conditions are subject to change, without notice.



● Wet Well Wizard



Water Technologies

Quotation

5670 Hayne Blvd.
 New Orleans, LA 70126
 Tel 504-400-1239
 FAX 504-242-8887
 Email: sales@reliantwater.us.com

Number
26223

Date
2/22/23

TO:
 Mr. John Bebow
 Union Township

 #6 LS, Union Township MI
 Wet Well Wizard Quotation

Item No.	Description	Quantity	Each	Extended
1	Reliant Water Wet Well Wizard Ejector, complete with 40' of 3-ply EPDM reinforced air hose, stainless steel and brass hose fittings	2ea	\$3,540/ea	\$7,080.00
2	Reliant Water 1.5HP 480V, 3 phase, 60 Hz regenerative blower with air filtration system, pressure relief valve, 2 port stainless steel manifold with inches of water gauge, SS filter hood, magnetic power control box, auto restart switch, and installation instruction manual	1ea	4,147/ea	4,147.00
3	Fiberglass Silencing Weather Enclosure	1	1,770/ea	1,770.00

List price before freight and insurance **\$12,997.00**

Please note the following:

1. This quotation is limited to supplying the equipment described above. It does not include any materials except that which are specifically listed above.
2. This quotation includes one set of instruction manuals per system ONLY.
3. Terms: Net 30 days
 FOB: Point of manufacture
 Quote valid: 60 days
 Delivery: Within 60+ days from receipt of order

Thank you for your interest in Reliant Water Technologies.

Best regards,
 Jim Dartez
 504-444-2200



Quotation

Water Technologies

5670 Hayne Blvd.
 New Orleans, LA 70126
 Tel 504-400-1239
 FAX 504-242-8887
 Email: sales@reliantwater.us.com

Number
26423

Date
2/22/23

TO:

Mr. John Bebow
 Union Township

 LS11, Union Township MI
 Wet Well Wizard Quotation

Item No.	Description	Quantity	Each	Extended
1	Reliant Water Wet Well Wizard Lift Station Air Ejector System, complete with 35' of 3 ply EPDM 1" ID air hose, stainless steel and brass hose fittings, one 1.5HP 480V, 3 phase, 60 Hz regenerative blower with air filtration system w/ SS hood, and pressure relief valve, stainless steel single port manifold with inches of water gauge, magnetic starter control box and installation instruction manual	1	\$7,291ea	7,291.00
2	Fiberglass Silencing Weather Enclosure	1	1,770ea	1,770.00

List price without freight \$9,061.00

Freight from New Orleans, LA to be added

Please note the following:

1. This quotation is limited to supplying the equipment described above. It does not include any materials except that which are specifically listed above.
2. This quotation includes one set of instruction manuals per system ONLY.
3. Terms: Net 30 days
 FOB: Point of manufacture
 Quote valid: 60 days
 Delivery: Within 60+ days from receipt of order

Thank you for your interest in Reliant Water Technologies.

Best regards,
 Jim Dartez 504-444-2200



Water Technologies

Quotation

5670 Hayne Blvd.
 New Orleans, LA 70126
 Tel 504-400-1239
 FAX 504-242-8887
 Email: sales@reliantwater.us.com

Number
26323

Date
2/22/23

TO: Mr. John Bebow
 Union Township

 LS 3, Union Township MI
 Wet Well Wizard Quotation

Item No.	Description	Quantity	Each	Extended
1	Reliant Water Wet Well Wizard Ejector, complete with 40' of 3-ply EPDM reinforced air hose, stainless steel and brass hose fittings	2ea	\$3,540/ea	\$7,080.00
2	Reliant Water 1.5HP 480V, 3 phase, 60 Hz regenerative blower with air filtration system, pressure relief valve, 2 port stainless steel manifold with inches of water gauge, SS filter hood, magnetic power control box, auto restart switch, and installation instruction manual	1ea	4,147/ea	4,147.00
3	Fiberglass Silencing Weather Enclosure	1ea	1,770/ea	1,770.00

List price before freight and insurance **\$12,997.00**

Please note the following:

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Thank you for your interest in Reliant Water Technologies.

Best regards,
 Jim Dartez
 504-444-2200

QUOTATION
 HDSFM
 D/B/A USABLUEBOOK
 PO Box 9004
 Gurnee, IL 60031-9004
 Toll free: 1-800-548-1234
 Fax: (847) 689-3030

NO. 328384

Page 1

02/20/23

Ship-to: 2
 UNION TOWNSHIP

Bill-to: 74916
 UNION TOWNSHIP

4795 S MISSION
 MT PLEASANT MI 48858
 USA

2010 S LINCOLN RD
 MT PLEASANT, MI 48858
 USA

REFERENCE #	EXPIRES	SLSP	TERMS	WH	FREIGHT	SHIP VIA
PER CS CAS-6229	03/22/23	ARZ	NET 30	01	FXD/PPD	FEDEXFRTPRIORTY

QUOTED BY: ARZ | QUOTED TO: JOHN BEBOW

ITEM	DESCRIPTION	QUANTITY	UM	PRICE	UM	EXTENSION
2181-WETW	WET WELL WIZARD 35' AIR HOSE 1.5HP 480V BLOWER W/SS MNFLD	1	EA	7656.00	EA	7656.00
2181-FIBE	FIBERGLASS LOCKING ENCLOSURE FOR BLOWER	1	EA	1770.00	EA	1770.00
2181-AUTO	AUTO RESTART FOR BLOWER ** ALLOW 5-7 WEEKS AFTER ORDERING **	1	EA	250.00	EA	250.00

Any quoted item(s) without a 5 digit stock # is not normally stocked by USABlueBook and is not normally returnable for credit UNLESS it is determined to be defective and covered under the vendor's warranty. With this in mind, please carefully review this quote BEFORE ordering to be certain it is appropriate for your application. This quote and all sales by HD Supply Facilities Maintenance, Ltd. d/b/aUSABlueBook shall be governed exclusively by the Terms of Sale available at hdsupplysolutions.com/terms.

Please note that your order may be subject to applicable taxes based on current rates at the time your order is completed.

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 D/B/A USABLUBOOK
 PO Box 9004
 Gurnee, IL 60031-9004
 Toll free: 1-800-548-1234
 Fax: (847) 689-3030

NO. 328384

Page 2

02/20/23

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4795 S MISSION
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 MT PLEASANT, MI 48858
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PER CS CAS-6229	03/22/23	ARZ	NET 30	01	FXD/PPD	FEDEXFRTPRIORTY

QUOTED BY: ARZ | QUOTED TO: JOHN BEBOW

ITEM	DESCRIPTION	QUANTITY	UM	PRICE	UM	EXTENSION
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TO ORDER --

For your convenience, you may simply sign below and return via fax to 847-689-3030. We will process your order promptly and fax a confirmation so you know we have it. If you prefer to call your order in or have additional questions or concerns, you may contact our Customer Service Department @ 800-548-1234. Please note any changes to the quantities or shipping address. Thanks for choosing USABlueBook.

Authorization Signature

PO Number (if required)

MERCHANDISE	MISC	TAX	FREIGHT	TOTAL
9676.00	.00	.00	284.64	9960.64

USE THIS QUOTE # ON PO's!

QUOTATION
HDSFM
D/B/A USABLUEBOOK
PO Box 9004
Gurnee, IL 60031-9004
Toll free: 1-800-548-1234
Fax: (847) 689-3030

NO. 328496

Page 1

02/20/23

Ship-to: 2
UNION TOWNSHIP

Bill-to: 74916
UNION TOWNSHIP

4795 S MISSION
MT PLEASANT MI 48858
USA

2010 S LINCOLN RD
MT PLEASANT, MI 48858
USA

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REFERENCE #	EXPIRES	SLSP	TERMS	WH	FREIGHT	SHIP VIA
PER CS CAS6229	03/22/23	ARZ	NET 30	01	FXD/PPD	FEDEXFRTPRORITY

=====

QUOTED BY: ARZ | QUOTED TO: JOHN BEBOW

ITEM	DESCRIPTION	QUANTITY	UM	PRICE	UM	EXTENSION
2181-LIFT	LIFT STATION EJECTOR W/40FT OF 3PLY 1" HOSE	2	EA	3627.00	EA	7254.00
2181-3HPB	1.5 HP 480V 3PH REGEN BLOWER W/2 PORT SS MANIFOLD	1	EA	4092.00	EA	4092.00
2181-FIBE	FIBERGLASS SILENCING WEATHER ENCLOSURE	1	EA	1770.00	EA	1770.00
2181-AUTO	AUTO RESTART FOR THE BLOWER SHIPS IN 5-7 WEEKS FROM ORDER PLACEMENT	1	EA	250.00	EA	250.00

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ITEM	DESCRIPTION	QUANTITY	UM	PRICE	UM	EXTENSION
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Authorization Signature

PO Number (if required)

MERCHANDISE	MISC	TAX	FREIGHT	TOTAL
13366.00	.00	.00	284.64	13650.64

USE THIS QUOTE # ON PO's!

QUOTATION
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D/B/A USABLUEBOOK
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Gurnee, IL 60031-9004
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NO. 328518

Page 1

02/20/23

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UNION TOWNSHIP

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MT PLEASANT MI 48858
USA

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MT PLEASANT, MI 48858
USA

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PER CS CAS-5229	03/22/23	ARZ	NET 30	01	FXD/PPD	FEDEXFRT

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Authorization Signature

PO Number (if required)

MERCHANDISE	MISC	TAX	FREIGHT	TOTAL
13366.00	.00	.00	284.64	13650.64

USE THIS QUOTE # ON PO's!



REQUEST FOR TOWNSHIP BOARD ACTION

TO: Board of Trustees	DATE: March 17, 2023
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 03/22/2023
ACTION REQUESTED: Consider Request by the Mid-Michigan Aquatic Recreational Authority (MMARA) to waive the requirement for an independent audit of their FY 2022 financial statements	

Current Action Emergency

Funds Budgeted: If Yes Account # _____ No N/A

Finance Approval _____ *MDS* _____

BACKGROUND INFORMATION

The MMARA's Articles of Incorporation were approved in October 2020. Article XVII of the Articles of Incorporation requires an annual, independent, audit of their financial statements. The relevant Article reads as follows:

The Board shall obtain an annual audit of the Authority pursuant to MCL 123.1157. The books and records of the Authority shall be open for inspection by any participating municipality at all reasonable times.

At the same time, The Recreational Authorities Act, being PA of 231 of 2000, as amended, and more specifically MCL 123.1157, allows the Authority to obtain biennial audits under certain circumstances as noted below:

(3) If an authority does not levy or collect a tax and has less than \$100,000.00 in yearly expenditures, the board shall obtain an audit of its financial records, accounts, and procedures not less frequently than biennially. However, if any audit under this subsection discloses a material deviation from generally accepted accounting practices or from applicable rules and regulations of a state department or agency or discloses any fiscal irregularity, defalcation, misfeasance, nonfeasance, or malfeasance, the department of treasury may require an audit to be conducted in the next year.

Attached is a request from the MMARA to waive the requirement for an independent audit of their FY 2022 financial statements. The request is based on 1) the Authority does not currently levy a tax and; 2) expenditures in FY 2022 were less than \$100,000. Also attached is their annual income statement and balance sheet. While these statement were created by an independent 3rd party, they were not audited as required by the Articles of Incorporation. Finally, the minutes of the Authority's February 13, 2023, Board meeting are attached evidencing the Board's request.

The administration supports this request.

SCOPE OF SERVICES

Not applicable

JUSTIFICATION

An independent audit of the financial statements can be expected to cost several thousand dollars. These funds could better be utilized at this time supporting the core mission of the Authority. It is noted that the FY 2023 financial statements will be independently audited as required by the state statute.

PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed by approving this request (From Policy 1.0: Global End)

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

COSTS

Not applicable

PROJECT TIME TABLE

Not applicable

RESOLUTION

It is Resolved that the request by the Mid-Michigan Aquatic Recreational Authority (MMARA) to waive the requirement for an independent audit of their FY 2022 financial statements is approved based on 1) the Authority does not currently levy a tax and; 2) expenditures in FY 2022 were less than \$100,000.

Resolved by _____

Seconded by _____

Yes _____

No _____

Absent _____

Mid-Michigan Aquatic Recreation Authority Audit

Background:

Public Act 321 of 2000 (Recreational Authorities Act) is the State law that provided for the Mid-Michigan Aquatic Recreation Authority to be created. In instances when the Authority does not levy or collect a tax and annual revenues are less than \$100,000, the State law requires an audit every two years.

The Articles of Incorporation drafted by the Recreation Authority Study Committee and ultimately approved by the Mt. Pleasant Public School Board, Charter Township of Union Board of Trustees, and City of Mt. Pleasant City Commission includes a requirement for an annual audit.

The revenues of the Recreation Authority for 2022 are estimated to be \$30,000, which is comprised of the \$10,000 contributed by each of the three (3) founding entities. The funds are being used for legal assistance, accounting assistance, consultant expenses, and marketing.

Preliminary estimates for a governmental audit are \$5,000 to \$10,000 for the 2022 fiscal year.

Concern:

The cost of an audit would be 16% to 30% of the total 2022 revenues of the Authority. This expense was not factored into the first year operational funding requests submitted. To cover the cost of an audit would require fundraising for money specific to that use or a request for an additional allocation from each of the founding entities.

Suggested Alternative:

Since State law does not require an annual audit, the Authority could provide financial statements approved by the Mid-Michigan Aquatic Recreation Authority to each of the founding entities and request that this 2022 financial reporting be sufficient for the initial year of operation.

Mid-Michigan Aquatic Recreation Authority

Profit and Loss

January - December 2022

	TOTAL
Income	
Services	30,000.00
Total Income	\$30,000.00
GROSS PROFIT	\$30,000.00
Expenses	
Advertising & marketing	75.80
General business expenses	
Bank fees & service charges	51.52
Total General business expenses	51.52
Insurance	670.00
Legal & accounting services	2,542.50
Consultants	16,705.14
Legal fees	2,150.97
Total Legal & accounting services	21,398.61
Total Expenses	\$22,195.93
NET OPERATING INCOME	\$7,804.07
Other Income	
Other income	3.75
Total Other Income	\$3.75
NET OTHER INCOME	\$3.75
NET INCOME	\$7,807.82

Mid-Michigan Aquatic Recreation Authority

Balance Sheet

As of December 31, 2022

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Cash	7,807.82
Total Bank Accounts	\$7,807.82
Accounts Receivable	
Accounts Receivable (A/R)	0.00
Total Accounts Receivable	\$0.00
Total Current Assets	\$7,807.82
TOTAL ASSETS	\$7,807.82
LIABILITIES AND EQUITY	
Liabilities	
Total Liabilities	
Equity	
Fund Balance	
Net Income	7,807.82
Total Equity	\$7,807.82
TOTAL LIABILITIES AND EQUITY	\$7,807.82

Minutes of the regular scheduled meeting of the Mid-Michigan Aquatic Recreational Authority held Monday, February 13, 2023 at 5:15 p.m. at Isabella County Commission on Aging, Mt. Pleasant, Isabella County, MI

Meeting was called to order by John Zang at 5:46 p.m.

Members present: Allison Chiodini, Lisa Diaz Sytsema, Stan Shingles, John Zang.

Members absent: Mark Stansberry, Judy Wagley, Mike Huenemann

Others present: None

Approval of Agenda

Lisa Diaz Sytsema made a motion supported by Stan Shingles to approve the agenda.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Public input on agenda items

None

Approval of Meeting Minutes from the January 4, 2023 MMARA Board Meeting

Lisa Diaz Sytsema made a motion supported by Stan Shingles to approve the Meeting Minutes from the January 4, 2023 MMARA Board Meeting.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Public input on agenda items

None

New Business

FINANCIAL UPDATES

Lisa Diaz Sytsema provided updates on and reviewed 2022 year-end financial report, items paid in the previous monty, as well as current accounts payable due needing approval. Current due invoices in the amount of \$3,617.50 due to Varum Attorneys at Law for legal consulting services, and \$652.00 due to Selective Insurance for the annual renewal of our liability insurance. Lisa Diaz Sytsema and John Zang provided updates on final draft/revisions to Financial Policies for approval: Investment Policy, ACH Policy, and Credit Card Policy.

Allison Chiodini made a motion supported Stan Shingles to approve the processing of February payments on current due invoices to Varum Attorneys at Law and Selective Insurance.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Lisa Diaz Sytsema made a motion supported Allison Chiodini to approve the unaudited 2022 year-end financial statements.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Lisa Diaz Sytsema made a motion supported Allison Chiodini to request respective bodies (City of Mt. Pleasant, Union Township & Mt. Pleasant Public Schools) waive the annual audit requirements for 2022.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Lisa Diaz Sytsema made a motion supported Allison Chiodini to approve the Investment Policy.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Stan Shingles made a motion supported Lisa Diaz Sytsema to approve the ACH Policy.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Lisa Diaz Sytsema made a motion supported Stan Shingles to approve the Credit Card Policy.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Old Business

MILLAGE / ELECTION UPDATE / PROJECT TIMELINE

John Zang provided an update in the election timing. John communicated with Minde Lux, Isabella County Clerk regarding us not being on the May 2023 School Board Election and needing to push out to the next scheduled statewide election. Minde was not able to confirm the next statewide election date for the Democratic Presidential Primary election at this time. Minde directed us to have legal documents drafted to make the formal written request of when we want to be on the ballot and submit them to her.

John Zang provided an update on the recent meeting with the three respective bodies (City of Mt. Pleasant, Union Township & Mt. Pleasant Public Schools) to update them on the election timing and needing to make the request to modify the three-year sunset clause within the Articles of Incorporation due to the election pushing out to 2024. The meeting went well, and the municipal leaders feel that this update and request will be well received and approved by their formal boards.

MMARA will make a formal presentation at upcoming Mt. Pleasant City Commission and Union Township Board of Trustees meetings in March.

NEXT STEPS FOR 2023

Lisa Diaz Sytsema discussed the plan for forming and dividing into five primary committees: Facility, Communications/Campaign, Fundraising, Finance/Legal, and MMARA Governance, and outlined the primary tasks and goals of each committee. Lisa Diaz Sytsema volunteered to chair the Communications/Campaign committee. Allison Chiodini volunteered to chair the Facility committee, along with John Zang as a co-chair. Mark Stansberry was nominated to chair the Fundraising committee. Stan Shingles was nominated and accepted being the chair of the Finance/Legal Committee. Judy Wagley was nominated to chair the MMARA Governance committee.

Each committee will have at least one MMARA board member, and board members can be active in multiple committees. Additionally, board members will also work to recruit community members with needed skillsets as board ambassadors to join these committees for additional professional input and assistance in carrying out the tasks and goals. Some names of potential board ambassador appointees, based on feedback from community members already engaged: Kathy Backus, Jim Wojcik, Kayla Slezak, Eric Beckman, Darren Masselink, Jerel Konwinski, Amanda Schafer, Nancy Ridley, Sheila Murphy, and Tom Olver. Lisa Diaz Sytsema also noted that Judy Wagley (absent) had mentioned having a few interested contacts to invite to be ambassadors, but we do not yet have those names.

We will dedicate our upcoming March meeting to onboarding and engage the ambassadors to bring them up to speed on everything we have done so far and how we got where we currently are, and our timeline for where we need to be in the next year. Lisa Diaz Sytsema will draft up an email template for sending out these invitations and send out to everyone.

Announcements on Authority related issues and concerns

None

The next regularly scheduled meeting will now be on ~~Wednesday, March 15, 2023 at 5:15 p.m.~~ – **RESCHEDULED TO MONDAY, MARCH 13, 2023 at 5:30 p.m.** - will be conducted in person at Isabella County Commission on Aging, Mt Pleasant, Isabella County, MI.

Adjournment

Motion by Allison Chiodini and supported by Lisa Diaz Sytsema to adjourn the meeting.

Ayes: Chiodini, Diaz Sytsema, Shingles, Zang

Nays: None

Absent: Stansberry, Wagley, Huenemann

Motion carried

Meeting adjourned at 7:04 p.m.

Allison Chiodini, Secretary



REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees **DATE:** March 14, 2023
FROM: Mark Stuhldreher, Township Manager **DATE FOR BOARD CONSIDERATION:** 3/22/2023
ACTION REQUESTED: To conduct a Second Reading of and to adopt the proposed Stormwater Management Ordinance as Township Ordinance Number 23-03.

Current Action X Emergency _____

Funds Budgeted: If Yes X Account # 101-701-801.000 No _____ N/A _____

Finance Approval MDS

BACKGROUND INFORMATION

The proposed Stormwater Management Ordinance includes necessary revisions to ensure consistency with current stormwater management practices and compatibility with regional stormwater management plans. The proposed Ordinance also includes updated definitions, removal of outdated references, and revisions needed for consistency with state laws and Michigan case law related to stormwater management, drainage, and the environment. If adopted, this proposed Ordinance would replace the current Stormwater Management Ordinance No. 1992-9 in its entirety.

Summary of the Amendatory Ordinance

The following is a summary of the proposed ordinance:

Article 1 (Purpose, Findings, and Effective Date) establishes the title, purpose, and intent of the ordinance, confirms that state law publication requirements will be met and ordinance elements are severable as provided by law, establishes the ordinance effective date based on adoption and publication requirements, and repeals the Ordinance No. 1992-9.

Article 2 (Regulated Activities) lists activities which require a Stormwater Management Permit from the Township and activities exempt from permit requirements.

Article 3 (Stormwater Management Permit Requirements) establishes permit application requirements, approval process, provisions for permit expiration, revocation, suspension, and revision, and requirements for construction certification.

Article 4 (Stormwater Plan and Technical Design Standards) lists specifications for stormwater plans and design, operation, and maintenance of stormwater management improvements.

Article 5 (Administration and Enforcement) establishes provisions for fees, escrow deposits, and performance guarantees, inspections, appeals, emergency actions, and penalties for violations of this ordinance, including a municipal civil infraction and other remedies available to the Township to correct, remedy or abate non-compliance.

Article 6 (Definitions) Defines certain terms used in the ordinance.

Summary of Public Input Opportunities

The following is a summary of public notices and meetings for the proposed ordinance:

Date	Event	Actions
March 8, 2023	Regular in-person meeting of the Board of Trustees	Introduction and First Reading of the proposed ordinance
March 13, 2023	Summary of the proposed ordinance and notice of the date, time, and place of the Second Reading per 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 under “Announcements” on the Township’s website
March 14, 2023		Publication of the summary and notice in The Morning Sun newspaper
March 22, 2023	Regular in-person meeting of the Board of Trustees	Second Reading and consideration of the proposed ordinance for adoption

SCOPE OF SERVICES

Second Reading and adoption of the updated Stormwater Management Ordinance.

JUSTIFICATIONS

The proposed updates to the Stormwater Management Ordinance are necessary to address technical issues and outdated provisions, and to ensure consistency with state laws and Michigan case law related to stormwater management, drainage, and the environment.

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**
- 3. Natural Environment**

Updating the Township’s Stormwater Management Ordinance will help to support a sustainable community through the most effective use of Township resources (1.0), to ensure fair and nondiscriminatory code enforcement (1.1.1.2), to reduce potential impacts from heavy rain and other flooding events and enable residents and businesses to enjoy a safe environment (1.3), to protect the natural environment and help people have optimum access to and enjoy a clean Chippewa River. (1.5.2)

COSTS

Funding for assistance from the Township Engineer (Gourdie-Fraser) to review the current Ordinance No. 1992-9 and prepare necessary updates to the Township’s stormwater management regulations were included in the adopted FY2022 budget. All work by the Township Engineer has been completed in accordance with initial cost estimates and the adopted budget.

TIMETABLE

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

RESOLUTION

To conduct a Second Reading of and to adopt the proposed Stormwater Management Ordinance as Township Ordinance Number 23-03.

Resolved by _____ Seconded by _____

Yes:

No:

Absent:

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

STORMWATER MANAGEMENT ORDINANCE NO. 23-03

[An ordinance adopted under provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) and Section 192 of the Land Division Act (Public Act 288 of 1967, as amended, being MCL 560.101 et seq.) to protect the general health, safety, and welfare by reducing hazards to public health and safety and the potential for economic losses to individuals and the community at large caused by excessive stormwater runoff; to enhance broader social and economic objectives; to protect, conserve, and promote the orderly development of land and water resources; and to provide for severability, repeal, publication, and an effective date.]

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

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ARTICLE 1
PURPOSE, FINDINGS, AND EFFECTIVE DATE

Section 1.1 TITLE

This Ordinance shall be known and may be cited as the Stormwater Management Ordinance No. _____, and shall be referred to herein as “this Ordinance.”

Section 1.2 STATEMENT OF FINDINGS

The Township Board of Trustees finds that:

- (A) Inadequate management of surface water runoff resulting from new development can overtax the carrying capacity of storm sewers, roadside ditches, County Drains, and the Chippewa River.
- (B) Stormwater management regulations are necessary to protect the general health, safety, and welfare, to protect water quality in the Chippewa River watershed, and to preserve the resources, infrastructure, and the environment of the Township and downstream communities.
- (C) Uncontrolled surface water drainage and development of land without reasonable provisions for stormwater management will cause serious adverse impacts for the community, including:
 - (1) Stormwater runoff carries pollutants into receiving waterbodies, degrading water quality.
 - (2) The increase in nutrients, such as phosphorus and nitrogen, accelerates eutrophication of receiving waters, adversely affecting flora and fauna.
 - (3) Uncontrolled or improperly channeled surface water runoff increases water velocity, soil erosion, and sedimentation within the Chippewa River watershed.
 - (4) Siltation of waterbodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna.
 - (5) Increasing the amount of impervious surfaces on a site without adequate provisions for managing surface water runoff can increase the volume and rate of stormwater runoff and decrease groundwater recharge by inhibiting on-site percolation into the soil.
 - (6) Improperly managed stormwater runoff can increase the incidence of flooding and the intensity and height of flooding that occurs, endangering property and human life.
 - (7) Improperly managed stormwater runoff has the potential to disrupt and degrade aquatic environments and disrupt biological productivity in the Chippewa River watershed.

Section 1.3 PURPOSE AND INTENT

- (A) The purpose of this Ordinance is to reduce the hazards to public health and safety caused by excessive stormwater runoff; to reduce potential for economic losses to individuals and the community at large; to enhance broader social and economic objectives; and to protect, conserve, and promote the orderly development of land and water resources.
- (B) The further purpose of this Ordinance shall be to:
 - (1) Protect the public health, safety, and welfare by requiring certain stormwater management improvements as part of new, expanded, or modified development projects.
 - (2) Promote the most efficient and beneficial uses of land and water resources.
 - (3) Assure that stormwater runoff from new and expanded development activity is controlled so that water quality is protected, siltation is minimized, and flooding problems are avoided.
 - (4) Provide for cost-effective and functionally effective stormwater management and to reduce the need for future remedial projects.

- (5) Protect and utilize the natural drainage system for conveying and receiving stormwater runoff in an environmentally appropriate manner.
 - (6) Encourage multiple-purpose stormwater management that enhances the environmental character of the Township.
 - (7) Recognize the private responsibility of incorporating stormwater management systems into the early stages of site planning and design.
 - (8) Allow wetlands to be used for stormwater detention in selected locations, while ensuring that the natural functions and the quality of wetlands throughout the Township are protected to the maximum feasible extent.
 - (9) Allow for off-site or regional stormwater management solutions under specified conditions.
 - (10) Ensure that all stormwater conveyance and detention facilities will be properly maintained.
 - (11) Provide penalties for violation of the provisions of this Ordinance.
- (C) It is the intent of this Ordinance to be fully consistent with the requirements of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended, being MCL324.101 et seq.), and for consistency across jurisdictional boundaries within the Chippewa River watershed to generally align the Township’s stormwater management standards with the adopted Isabella County Drain Commissioner standards and the 2021 Multijurisdictional Stormwater Master Plan as adopted by City of Mt. Pleasant.
- (D) It is the further intent of this Ordinance to provide clear standards for the Township to review stormwater applications, to require new developments and certain redevelopment activities to conform to current stormwater management standards, to ensure that stormwater management facilities are constructed to approved plans, and to establish standards for ongoing maintenance of approved and constructed stormwater management improvements.

Section 1.4 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Permits and approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. If more stringent requirements concerning regulation of stormwater or erosion and sedimentation control are contained in the other code, rule, act, or ordinance, the more stringent regulation shall apply.

Section 1.5 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 1.6 REPEAL

All ordinances or parts thereof in conflict with this Ordinance, including the Union Township Stormwater Management Ordinance No. 1992-9, are hereby repealed, except that this Ordinance shall not repeal any provision in the Township’s Zoning Ordinance, Subdivision Control Ordinance, Land Division Ordinance, or Construction Codes Ordinance.

Section 1.7 PUBLICATION

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

Section 1.8 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on _____, 202__ after a first reading by the Township Board of Trustees on March 8, 2023 and publication of a notice of the first reading and the date, time, and place of the second reading in accordance with the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34). This Ordinance shall become effective on _____, 202__ following publication of a summary of the Ordinance and notice of adoption in a newspaper of general circulation in the Township.

ARTICLE 2 REGULATED ACTIVITIES

Section 2.1 REGULATED ACTIVITIES

The following shall be regulated activities and require a Stormwater Management Permit from the Township, unless exempt pursuant to Section 2.2 or as otherwise provided for in this Ordinance:

- (A) Farm-based tourism and entertainment activities (agri-tourism), public stables, permanent auction facilities, and religious institutions as allowed in the Agricultural (AG) District per Section 3 of the Township Zoning Ordinance.
- (B) Multiple-family residential buildings and uses, independent or dependent senior housing, assisted living facilities, nursing homes; homes for the aged, and religious institutions as allowed in the Residential Districts per Section 3 of the Township Zoning Ordinance.
- (C) Establishment of any multiple-family, including mobile home park, mixed use or non-residential development.
- (D) Expansion of an existing multiple-family, mixed use or non-residential principal building exceeding ten percent (10%) of the existing gross floor area.
- (E) All land uses allowed in the Business Districts (B-4, B-5, B-7, OS), Industrial Districts (I-1, I-2) and Planned Unit Development District (PUD) per Section 3 of the Township Zoning Ordinance.
- (F) Construction or expansion of buildings, equipment storage yards, and associated above-ground site improvements occupied by or intended for occupancy by essential services as defined in the Township Zoning Ordinance.
- (G) Establishment of any subdivision plat in accordance with the Land Division Act and the Township's Subdivision Ordinance.
- (H) Establishment or alteration of any condominium development in accordance with the Condominium Act and Section 5.1 of the Township Zoning Ordinance.
- (I) Expansion of any multiple-family, mixed use or non-residential off-street parking facility exceeding 2,750 square feet.
- (J) Construction, extension or alteration of a private road that is located outside of a subdivision plat.
- (K) Earthwork involving a parcel of one-half (0.5) or more acres for construction of new impervious surfaces (driveways, parking lots, etc.), or for construction of new buildings or additions to existing buildings.
- (L) Diversion or piping of any natural or manmade stream channel.
- (M) Installation of stormwater management systems or appurtenances thereto.

Section 2.2 EXEMPTIONS

- (A) The following development activities shall be provided a limited exemption from provisions of this Ordinance, as follows:
 - (1) Use of land for gardening for home consumption.
 - (2) Farming and agricultural operations.
 - (3) Land disturbance associated with existing single- and two-family dwellings.

- (4) Construction of, addition to, or alteration of one (1) single-family dwelling or one (1) two-family residential building and customary accessory structures on a single lot of record.
 - (5) Any maintenance, alteration, use, or improvement to an existing structure not changing or affecting quality, rate, volume, or location of surface water discharge.
 - (6) The division of land subject to the Township's Land Division Ordinance or Subdivision Control Ordinance.
 - (7) Redevelopment of or alterations to existing multiple-family, commercial, or industrial sites with previously-approved stormwater management facilities on record with the Township, subject to verification by the Township Engineer that the existing facilities have sufficient capacity to support the redevelopment or alterations as proposed. Applicant shall indicate the size and scope of the changes of the site which contribute to the existing stormwater facilities.
 - (8) Logging operations that are operating under an approved Isabella County erosion and sedimentation control plan.
- (B) The Township Engineer may also recommend and the Community and Economic Development Director may grant written exceptions from any requirements of this Ordinance using the following criteria:
- (1) There are special circumstances applicable to the subject property or its intended use.
 - (2) The granting of an exception will not:
 - (a) Significantly increase or decrease the rate or volume of surface water runoff.
 - (b) Have a significant adverse impact on a wetland, watercourse, or water body.
 - (c) Significantly contribute to the degradation of water quality.
 - (d) Otherwise significantly impair attainment of the objectives of this Ordinance.
 - (3) The following types of development shall not be eligible to receive an exemption:
 - (a) Industrial or commercial facilities
 - (b) Platted subdivisions or site condominiums
 - (c) Impervious surfaces greater than 10,000 square feet.
- (C) Exempted activities may be required to provide a simplified stormwater management plan that would identify stormwater facilities and how stormwater would be managed on site and the expected off-site impact. Simplified plans may utilize creative and innovative stormwater management techniques, such as:
- (1) Swales in back-lot areas
 - (2) Parking lot depressions
 - (3) Leaching basins and underground storage
 - (4) Gravel berms
 - (5) Gravel underlayment

Section 2.3 OFF-SITE STORMWATER MANAGEMENT ALLOWED

The use of off-site stormwater conveyance, infiltration, or off-site regional detention facilities may be proposed to satisfy the requirements of this Ordinance in lieu of or as a supplement to on-site stormwater detention. Off-site stormwater management facilities may be shared with other landowners, and shall be subject to all applicable requirements of this Ordinance.

ARTICLE 3

STORMWATER MANAGEMENT PERMIT REQUIREMENTS

Section 3.1 PERMIT REQUIREMENTS

For purposes of this Ordinance, a Stormwater Management (SWM) Permit for regulated activities as identified in Section 2.1 is required before any earth changes commence. The SWM Permit requirements are independent of any other regulations governing the proposed earth change or development activity that may require additional permitting through other enforcing agencies. The granting of a SWM Permit shall authorize only such earth changes for which the permit has been issued, and shall not be deemed to approve a development as a whole or any land use activities.

Section 3.2 PERMIT APPLICATION SUBMITTAL

- (A) An application for a SWM Permit shall be submitted on the form provided by the Township, signed by the landowner or duly authorized agent, and shall include a description of the stormwater management controls and the development activity, a stormwater management plan, prepared in accordance with Article 4 (Stormwater Plan and Technical Design Standards), and the appropriate permit and review fee or escrow deposit.
- (B) Applications that are found by the Township Engineer to be incomplete or inaccurate shall be returned to the applicant and noted as incomplete, additional information required.
- (C) The Township Engineer may request additional plan details or supporting documentation determined to be necessary for verification of compliance with this Ordinance.
- (D) Permit approval shall be required prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this Ordinance subject to the enforcement and penalty provisions of this Ordinance. Soil test borings including those utilizing reasonable backhoe test excavation, vegetative cutting for land surveys, percolation tests, and normal maintenance shall not be considered a start of work under this Ordinance.

Section 3.3 SEQUENTIAL APPLICATIONS

For development proposals that are so large or complex that a stormwater management plan encompassing all phases of the project cannot reasonably be prepared prior to initial groundbreaking, an application for a sequential SWM Permit based on successive major incremental earth change activities shall be allowed as an option. The Township Engineer shall only consider written requests for sequential applications as follows:

- (A) Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for each phase of the total project shall be submitted for review and approval.
- (B) All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered for that phase. Each phase of the project shall be reviewed and permitted individually prior to construction.
- (C) A phase shall not be dependent upon subsequent phases for long-term functionality or purpose.

Section 3.4 PERMIT APPLICATION REVIEW PERIOD

An application for a SWM Permit shall be acted upon within ten (10) business days of notification by the

Township Engineer to the Community and Economic Development Director that a SWM Permit application submittal is complete and accurate.

Section 3.5 PERMIT APPROVAL OR DENIAL

- (A) Upon determination by the Township Engineer that the SWM Permit application and associated stormwater management plans comply with all applicable requirements of this Ordinance, a SWM Permit shall be issued specifying the work approved, along with any supplemental conditions. If the permit application or stormwater management plans do not comply with these requirements, the applicant shall be directed to modify the permit request or the permit shall be denied by the Township Engineer. When necessary, the Township Engineer may request additional information from the applicant upon which to base the permit decision.
- (B) The Township Engineer shall notify the applicant in writing if the application is denied, citing the reasons for the denial.
- (C) The Township Engineer shall notify the Community and Economic Development Director after a permit decision has been made.

Section 3.6 PERMIT EXPIRATION , REVOCATION, OR SUSPENSION

- (A) SWM Permits shall terminate automatically upon completion of the project or 365 calendar days from the date of issuance, whichever occurs first.
- (B) The applicant may request an extension of up to an additional 365 calendar days, which shall be reviewed and shall be granted by the Township Engineer upon determination of good cause for the extension and that the SWM regulations governing the proposed development and conditions on the site have not changed since the date the SWM Permit was first approved.
- (C) A SWM Permit issued by the Township Engineer under this Ordinance may be revoked or suspended, subject to the provisions of Article 5 (Administration and Enforcement), for any of the following causes:
 - (1) A violation of a condition of the permit.
 - (2) Obtaining a permit by misrepresentation or failure to fully disclose relevant facts in the application or stormwater management plan.
 - (3) A change in a condition that requires a temporary or permanent change in the activity.
 - (4) Noncompliance with or failure to implement any provision of the permit,
 - (5) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the project.
 - (6) The creation of any condition or the commission of any act during construction or development that constitutes or creates a hazard or nuisance or that endangers the life or property of others.
- (D) A suspended permit shall be reinstated by the Township when:
 - (1) The Township has inspected and approved the corrections to the stormwater management control measure(s) or the elimination of the hazard or nuisance; or
 - (2) The Township is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.
- (E) A permit that has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

Section 3.7 REVISIONS TO AN APPROVED PERMIT

Revisions to an approved SWM Permit, permit condition, or approved stormwater management plan shall first be approved by the Township Engineer, subject to the following:

- (A) Requests for revisions shall be submitted to and approved by the Township Engineer in writing before becoming effective, unless approved by the Township Engineer on-site. If a change is approved on-site, the following actions shall be required subsequent to the on-site approval:
 - (1) The permit holder shall provide updated sealed drawings, calculations, or other documentation to reflect the on-site-approved revisions within ten (10) business days of the on-site approval.
 - (2) The Township Engineer shall provide the permit holder with written verification of acceptance or denial of the updated sealed drawings, calculations, or other documentation within ten (10) business days of the on-site approval.
- (B) The Township may require submittal of a new fee/escrow deposit for review of the revisions.

Section 3.8 PENALTIES FOR INITIATING EARTH CHANGE ACTIVITIES WITHOUT A PERMIT

Any earth change activity, subject to regulation under this Ordinance, which has commenced without a valid SWM Permit, or is not proceeding in accordance with an issued SWM Permit, or is in violation of an SWM Permit condition, shall be considered a violation of this Ordinance subject to the enforcement and penalty provisions of this Ordinance.

Section 3.9 CONSTRUCTION CERTIFICATION

- (A) A certification letter shall be submitted to the Township Engineer by a professional engineer registered in Michigan after the stormwater management facilities have been installed to affirm that construction has been completed in accordance with the approved stormwater management plan. The certification shall be accompanied by sealed record drawings of the as-completed stormwater management improvements.
- (B) The Township Engineer shall issue a letter of compliance to the SWM Permit holder after the following has occurred:
 - (1) Receipt and acceptance of the certification letter and sealed record drawings of the as-completed improvements.
 - (2) Verification that the site is completely stabilized and in compliance with all applicable requirements of this Ordinance.

ARTICLE 4

STORMWATER PLAN AND TECHNICAL DESIGN STANDARDS

Section 4.1 GENERAL PLAN REQUIREMENTS

A stormwater management plan shall be prepared for any regulated earth change subject to requirements of this Ordinance. The plan shall be designed to effectively manage the runoff from the site to no more than the rate prior to development. The required stormwater management plan shall identify means for controlling the stormwater runoff release rate from the development and providing storage potential for the excess stormwater runoff, where applicable. Pretreatment shall be required if deemed necessary by the Township Engineer and shall be in accordance with provisions specified within this Ordinance.

Section 4.2 PLAN CONTENT

All computations, plans, and specifications related to the implementation of this Ordinance shall be prepared and sealed by a professional engineer registered in Michigan. The stormwater management plan shall contain but not be limited to the following information unless specifically excluded as unnecessary by determination of the Township Engineer. The plans shall be prepared at a standard engineer's scale of not more than 100 feet to the inch and shall at a minimum include the following:

- (A) Site Location Map
- (B) Existing Information:
 - (1) Legal descriptions
 - (2) Topographic information suitable to show property lines, drainage patterns and contributing watershed
 - (3) Existing land uses, site improvements, and vegetative cover
 - (4) Existing roads, utilities and associated easements that affect the site
 - (5) Existing features impacting the drainage of the site (i.e. management basins, culverts, ditches, storm sewer)
 - (6) Indicate upstream and downstream flow paths to and through the site
 - (7) Overlay existing soil types and boundaries from soil survey
 - (8) Indicate location of wetlands, lakes, streams and associated buffers
- (C) Proposed Information:
 - (1) Earth Changes to land surface and vegetative cover
 - (2) Proposed structures, roads, paved areas, and buildings
 - (3) Proposed underground utilities, sewers, and water lines
 - (4) Final contours at intervals of one (1) foot
 - (5) Location, size, and slope of proposed stormwater conveyance systems
 - (6) Indicate location of soil borings, test holes, and infiltration test locations
 - (7) Indicate presence of and depth to water table
 - (8) Location, size, inlet/outlet configuration of stormwater management facilities
 - (9) Pretreatment forebay/structure locations
 - (10) Areas of snow storage
 - (11) Description and location of all proposed temporary and permanent stormwater and soil erosion control facilities and measures
 - (12) Indicate watershed boundaries to each stormwater management facility

- (D) For each stormwater management facility also list the following:
 - (1) Applicable design criteria
 - (2) Contributing area and weighted runoff curve number
 - (3) Required and proposed management volumes
 - (4) Required and proposed release rate
 - (5) Design high water elevation and berm elevations
 - (6) Outlet control structure and emergency overflow details
- (E) Timing and sequencing of construction activities.
- (F) Maintenance program for stormwater facilities to identify ownership and fiscal responsibility for maintenance and operations during and after construction.
- (G) Stormwater management plans shall include all other calculations, details, and data necessary to verify compliance with the applicable requirements of this Ordinance.

Section 4.3 GENERAL STANDARDS

Stormwater control and management conveyance, storage, infiltration measures, and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development, and shall conform to the following general standards:

- (A) **Stormwater Management:** All regulated earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to provide for the retention/detention of stormwater runoff and to protect water quality.
- (B) **Natural Features:** Measures required for stormwater management shall take into consideration natural features, proximity of the site to lakes, streams, and wetlands, extent of impervious surfaces, potential for flooding, and the size of the site.
- (C) **Drainage Patterns:** Alterations to natural drainage patterns shall not create flooding down gradient or off-site, or water pollution for adjacent or downstream property owners. Stormwater from upstream and off-site locations shall be conveyed around or through the site or may be stored on site.
 - (1) There shall be no detrimental effect on the floodway or the floodplain elevation during the design storm event upstream or downstream of the proposed development area as a result of the proposed development. All required detention volumes shall be stored above the 100-year floodplain elevation.
 - (2) The drainage areas used for computation will be the total area of land on the subject property that flows to the site outlet. Extraneous flows from off-site upland areas shall be permitted to bypass or pass through the stormwater management system on the subject property. Bypass or pass-through devices shall be sized with sufficient capacity to receive the flow generated by a 10-year storm from upland areas. The applicant shall provide engineering calculations showing compliance with this Section as part of the permit process.
- (D) **Preferred Outlet Conveyance:** Unless otherwise approved, stormwater discharge shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, to allow for natural infiltration, to allow suspended sediment particles to settle, and to remove pollutants.
- (E) **Watercourses:** Watercourses shall not be dredged or cleared of vegetation or deepened, widened, straightened, stabilized, or otherwise altered without applicable permits or approvals from the State of Michigan and all other agencies with jurisdiction.

- (F) **Treatment Requirements:** Stormwater management improvements shall include adequate facilities to trap or contain discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials, subject to Township Engineer acceptance.
- (G) **Safety and Aesthetics:** Drainage systems shall be designed to protect public health and safety, and to be visually attractive in a manner consistent with Township ordinances.
- (H) **Operations and Maintenance:** All operation and maintenance plans and associated documentation shall be provided as required per Section 4.9 (Operation and Maintenance Requirements).

Section 4.4 USE OF LOW IMPACT DEVELOPMENT (LID) METHODS ENCOURAGED

All stormwater management improvement projects are encouraged to incorporate Low Impact Development (LID) methods to decrease stormwater impacts, consistent with accepted standards in the State of Michigan for both Nonstructural Best Management Practices (BMPs) and Structural BMPs, which are summarized below for reference:

- (A) **Nonstructural Best Management Practices** reduce stormwater impacts through limiting site disturbances, maintaining a more natural longer time of concentration, and preserving areas to naturally intercept and infiltrate stormwater.
 - (1) Configuring and clustering uses to limit site impacts and encourage green open spaces. This can provide a good fit to natural topography, avoid destruction of beneficial natural areas, and allow for better siting of stormwater management practices.
 - (2) Minimize soil compaction, total disturbed areas, and reduce impervious areas will reduce the increase in a project's runoff potential.
 - (3) Protect natural flow pathways, maintain existing vegetative cover, and incorporate use of natural drainage features such as swales and depressions.
- (B) **Structural Best Management Practices** consist of constructed conveyance, treatment, and management systems. A collective approach of BMPs that are decentralized and dispersed can better mimic the natural water cycle and limit the total rate and volume that would reach a typical end-of-pipe management facility and/or the flows that leave the site.

Section 4.5 STORMWATER MANAGEMENT STANDARDS

Stormwater management facilities that protect water quality and minimize flooding shall be required for all developments. Storage facilities may include but are not limited to detention basins, constructed wetlands, retention basins, infiltration trenches, underground management areas, swales with check dams, and other facilities. The following standards shall apply:

- (A) **Feasibility of the Site and Soils:** An evaluation of site feasibility and soil suitability for selection, siting, and sizing of the proposed stormwater management facilities shall be completed, which shall include:
 - (1) Certification of adequate downstream conveyance.
 - (2) Depth to known seasonal high-water table
 - (3) Infiltrative capacity of site soils
 - (4) Ability of the site to contain and to treat anticipated stormwater runoff both during and after construction.
- (B) **Management Volumes:** A stormwater facility shall, at a minimum, be designed to manage runoff

volume from storms up to a 24-hour duration, 25-year storm event, subject to the following:

- (1) All required volumes shall be stored above the 100-year floodplain elevation.
 - (2) Facility shall also be designed to manage up to two (2) 24-hour duration, 100-year storm events on-site when certified adequate downstream conveyance is not available.
- (C) **Allowable Release Rate:** Maximum release rate for detention systems, or allowable flow denoted as Q_a , shall not exceed the peak rate of 0.15 cubic feet per second per acre of contributing area. Where these standards cannot realistically be achieved, the applicant shall demonstrate that existing higher runoff rates meet the intent and spirit of this Ordinance. The peak runoff rate during a 25-year storm event from a developed or redevelopment site shall not exceed the allowable release rate. This rate is determined using the design impervious area.
- (D) **Overflow:** Overflow from basins and conveyance systems shall be designed to safely control and accommodate a secondary drainage system to direct runoff from storms greater than a 25-year and 24-hour frequency and duration up to a 100-year event.
- (1) Significant off-site watersheds shall be evaluated for a 10-year storm event peak runoff to pass through or around the site.
 - (2) Overflow conveyance spillways/structures shall be sized for a 100-year storm event peak runoff for the contributing area of the subject site.
- (E) **Water Quality:** All detention basins shall be designed to maximize the ability of the basin to hold and trap sediment. Water quality treatment shall be provided at a minimum volume, or Water Quality Volume denoted as WQV equal to one (1) inch over the contributing impervious area. The following types of basins are listed in order of Township preference, with infiltration basins being the most desirable, to satisfy the requirements of this Ordinance:
- (1) Infiltration facilities, provided that soils and groundwater conditions are suitable.
 - (2) Detention basins with a fixed minimum water elevation between runoff events (wet basins). Wet basins that serve to trap soil particles on site are preferable to dry basins.
 - (3) Detention basins that hold stormwater from the one (1) year storm event for more than 24 hours before completely draining to become a dry basin (extended detention).
 - (4) Filtration.
- (F) **Outlets:** Detention and retention basins shall be safely and adequately designed to control runoff. Retention and detention basins shall have an overflow system designed to safely control a 100-year frequency storm event. Basins shall be permanently stabilized to minimize erosion.
- (G) **Slopes:** The allowable slope for detention and retention basins with banks shall be no steeper than 3:1 (horizontal: vertical [H:V]).
- (H) **Discharge of Stormwater Runoff to Wetlands:**
- (1) Stormwater runoff discharged to wetlands shall be diffused to nonerosive velocities before it reaches the wetland.
 - (2) Wetlands may be used for stormwater detention if all of the following conditions are met:
 - (a) The wetland storage or detention area is set back at least 100 feet from the edge of any lake or stream.
 - (b) The wetland does not have significant wildlife habitat or ecological values that would

likely be impaired or destroyed.

- (c) The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the applicant and reviewed and approved by the Township.
- (d) Adequate on-site sediment control is provided to protect the natural functioning of the wetland.
- (e) All required permits and approvals from the State of Michigan and other agencies with jurisdiction are obtained, with documentation provided to the Township.

(I) Infiltration and Retention Systems:

- (1) An infiltration system is designed to promote percolation of stormwater into the ground. The system may be required to include an outlet or emergency spillway based on the adequacy of downstream conveyance systems.
- (2) A retention system is designed to completely retain stormwater runoff without a low flow outlet. The system may be required to include an emergency spillway based on the adequacy of downstream conveyance systems.

(J) Infiltration Criteria:

- (1) Infiltration systems will be required at all sites with soil permeability greater than one (1) inch per hour.
- (2) The bottom of the infiltration system shall be a minimum of four (4) feet above the highest known water table elevation.
- (3) The volume of the infiltration system shall be calculated by comparing the volume of runoff of the predeveloped site during a 24-hour duration two (2) year storm versus the volume of runoff from the developed site during a 24-hour duration 25-year storm.
- (4) If it is determined that discharge will cause downstream flooding or has inadequate means of conveyance, the infiltration system shall be designed to store the 100-year storm event runoff volume and manage back-to-back 100-year storm event runoff volumes on-site.
- (5) Certification that an adequate outlet for infiltration systems is available shall be provided by a licensed professional engineer, as accepted by the Township Engineer.
- (6) The design infiltration rate shall be listed on the plans.
- (7) The freeboard between the design high water level and top of berm shall be a minimum of one (1) foot.
- (8) The required and provided volumes and stage elevations shall be listed on the plans.

(K) Retention Criteria:

- (1) All retention systems shall be designed to store the 100-year storm event runoff volume and manage back-to-back 100-year storm event runoff volumes on-site.
- (2) The freeboard between the design high water level and top of berm shall be a minimum of one (1) foot.
- (3) The required and provided volumes and stage elevations shall be listed on the plans.

(L) Volume Reduction Criteria. Infiltration of runoff within the basin may be used to reduce the

required storage volume subject to the following provisions, subject to acceptance by the Township Engineer:

- (1) An infiltration test with a report shall be done within each proposed basin to a depth of five (5) feet below the bottom of the basin.
- (2) The infiltration test shall be conducted and report prepared in accordance with a standard test method for field measurement of the infiltration rate of soils, as accepted by the Township Engineer.
- (3) The maximum allowable infiltration rate used in the calculation for runoff storage shall be 0.5 times the actual measured infiltration rate.
- (4) The most restrictive soil lens shall be used in the infiltration calculation. The topsoil lens may be the most restrictive in sandy soils. If necessary, specify that only sandy topsoil is to be used in the basin bottom.
- (5) For basins without outlets the maximum water level shall be calculated without deduction for infiltration and shown on the plan where areas outside of the basin will be inundated with runoff. This is necessary to ensure buildings, roads, etc. will not be flooded during frozen soil conditions. The basin shall be sized using the allowable infiltration rate, but this second calculation shall be used for safety and flood control.
- (6) Maximum allowable deduction for the infiltration volume shall be based on a 24-hour period or the time of concentration, as was used in the total runoff volume calculation.

(M) Underground Infiltration and Retention Systems:

- (1) Underground infiltration or retention systems shall be allowed only when adequate space for an aboveground system is not available, as confirmed by the Township Engineer. The site grading shall provide for parking lot storage of excess runoff should the underground infiltration or retention system fail to function adequately.
- (2) Design infiltration rates for underground infiltration systems shall be supported by testing data and shall not exceed one (1) inch/hour.
- (3) The freeboard between the design high water level and top of berm shall be a minimum of one (1) foot.
- (4) The required and provided volumes and stage elevations shall be listed on the plans.
- (5) The infiltration basin shall be designed to drain completely within 72 hours. A maximum design infiltration rate of 0.5 times the infiltration rate determined by geotechnical investigation [not to exceed one (1) inch/hour for underground systems], or an infiltration rate of 0.52 inch/hour shall be used to estimate the maximum time to drain by the equation:

$$72 > \frac{12 D}{I}$$

- Where 72 = Maximum allowable drain time (hours)
12 = Unit conversions – inches to feet
D = Basin depth (feet)
I = Design infiltration rate (inch/hour)

- (6) The contractor shall avoid compacting the soil in the infiltration or retention basin area during excavation and grading. Use of equipment with low earth pressure loading is required. The final two (2) feet of depth shall be removed by excavating to finished grade.

- (7) Snow storage in the infiltration or retention system shall not displace more than fifty percent (50%) of the available storage volume and shall not impede drainage through the system.

(N) Detention Requirements:

- (1) Proposed storm drainage detention facilities shall be designed to have capacity to detain, at minimum, the 25-year recurrence interval design storm runoff volume in excess of the allowable discharge from the site.
- (2) The maximum design storage elevation in a detention area shall be a minimum of one foot below the lowest ground elevation adjacent to the detention area and above the 100-year floodplain.
- (3) The design maximum storage elevation in a detention area shall not be less than 24 inches below the minimum finish floor elevation of the proposed structure(s) or existing facilities.
- (4) Stormwater management facilities shall be maintained in accordance with approved operation and maintenance plans and any maintenance agreement.
- (5) Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features may include, but not be limited to fencing, handrails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access. Liability for the detention facilities shall be the responsibility of the applicant, developer, and owner.
- (6) Side slopes and the bottom of detention basins shall be evenly covered with topsoil to a minimum depth of four (4) inches and seeded with appropriate groundcover plantings. Soil erosion control blankets shall be installed to protect slopes if adequate vegetation does not exist between September 1 and May 1 of the calendar year.
- (7) The side slopes and bottom of the basins shall be shaped with maximum slopes of 1:3 [one (1) vertical to three (3) horizontal] to allow mowing of these surfaces.
- (8) Detention basins shall be constructed with the top of banks a minimum of 10-feet horizontally from any pedestrian walkway (i.e., public and private sidewalks/bike paths).
- (9) Underground stormwater detention systems can be accepted, subject to the applicable requirements of this Ordinance and adequate provisions for stormwater cleaning structures at the inlets of these basins.

- (O) **Discharge Restrictor Requirements.** Restrictors shall be required to regulate discharge up to the maximum release rate. The following orifice formula shall be used to properly size such restrictors. The minimum restrictor size shall be two (2) inches without use of a gravel filter or other means to prevent clogging.

$$a = \frac{Qa}{0.62 (64.4(h))^{\frac{1}{2}}}$$

a = area of orifice (square-feet)

Qa = Allowable Release Rate (cubic feet/second)

h = head differential from center of orifice to Hydraulic Grade Line of detention pond at maximum capacity (feet).

- (P) **Sediment Forebays:** Sediment forebays or equivalent upstream treatment shall be used to provide energy dissipation and to trap and localize incoming sediment.

- (1) The forebay shall be a separate sump, which can be formed by grading, a compacted earthen

berm, or other suitable structure.

- (2) The capacity of the forebay shall be equivalent to 15% of the water quality volume (WQV). The length to width ratio shall be a minimum of 1.5:1 (L:W) and a maximum of 4:1.

(Q) Treatment Forebay: A treatment forebay or equivalent stormwater filter shall be used to treat stormwater runoff prior to an infiltration or retention system for all sites with a significant potential of exposing stormwater to oil, grease, toxic chemicals, or other polluting materials.

- (1) The treatment forebay shall be designed with adequate spill containment volume to store the first flush of pollutants typically found in urban stormwater runoff, and to capture slug pollutant loads from accidental spills of toxic materials.
- (2) The treatment forebay shall be a wet basin or approved structure with an impermeable bottom and sides to the design high water level.
- (3) Capacity for the water quality volume shall be provided above the normal water level.
- (4) The overflow structure from the treatment forebay shall be sized for the peak inflow from the design rainfall event.
- (5) The top-of-berm elevation between the treatment forebay and the infiltration basin shall be a minimum of one (1) foot below the outer berm elevation.
- (6) The treatment forebay shall have a minimum one (1) foot-deep sump below the inlet pipe for sediment accumulation.
- (7) The outlet structure from the treatment forebay shall be designed to draw water from the central portion of the water column within the forebay to trap floatables and contain sediments. The top of the inlet structure shall be located a minimum of one (1) foot below the normal water level, and the invert shall be a minimum of 1.5 feet above the bottom of the treatment forebay.
- (8) Premanufactured systems for oil/water separation and sedimentation can be used as treatment forebays for sites of less than five (5) acres of paved surface. The premanufactured treatment systems shall be sized in accordance with manufacturer's recommendations.
- (9) A treatment forebay shall be required for retention and infiltration facilities, and facilities with five (5) acres or greater of contributing impervious area.

Section 4.6 STORMWATER CONVEYANCE STANDARDS

(A) Culverts and Bridges:

- (1) **Sizing:**
 - (a) Crossings shall meet the requirements of the Floodplain Control Section (Part 31) of Act 451, where applicable.
 - (b) Bridges shall be designed to provide a one (1) foot minimum freeboard to the underside (low chord) of the bridge for a 100-year flood. Footings shall extend at least 4 feet below the bottom of the channel.
 - (c) Culverts not requiring a permit under Part 31 shall be designed for a minimum 10-year storm in the developed watershed with a maximum outlet velocity of eight (8) feet/second. A maximum of one (1) foot of inlet submergence may be permitted, if this

does not backup water out of the storm drain.

- (d) Sizing of culverts and bridges shall include consideration for entrance and exit losses, and tail water condition.
 - (e) Minimum diameter of a driveway culvert shall be 12 inches.
 - (f) Minimum diameter of a road crossing culvert shall be 15 inches or equivalent pipe arch.
- (2) **End Treatment.** Headwalls, wingwalls, and all other end treatments shall be designed to ensure the stability of the surrounding soil. MDOT, Isabella County Road Commission, or manufacturer's designs may be used, as accepted by the Township Engineer.
- (3) **Material.** Culverts may be reinforced concrete pipe, smooth interior wall polyethylene pipe, corrugated steel pipe, box culvert, or pipe arch in accordance with the current MDOT Standard Specifications.

(B) Vegetated Swales:

- (1) **Sizing:**
- (a) The minimum required discharge capacity shall be for a 10-year frequency rainfall event with 0.5 foot of freeboard to top of bank.
 - (b) Minimum bottom width for grassed waterways shall be one (1) foot or an equivalent parabolic section. Minimum bottom slope shall be 0.50%.
 - (c) Side slopes shall be no steeper than 3:1 (horizontal: vertical [H:V]).
- (2) **Layout:**
- (a) Outlets into the grassed waterway shall enter at an angle of 90 degrees or less with the direction of flow.
 - (b) A minimum clearance of four (4) feet is required between vegetated swale and ditch inverts and underground utilities unless special provisions are approved. In no case will less than two (2) feet of clearance be allowed.

(C) Stormwater Piping Requirements:

- (1) Proposed storm sewer shall be designed to have capacity to pass the 10-year design storm runoff rate and check on 25-year storm to ensure no adverse increase in water elevation of development property, or flooding of structures within the development.
- (2) All storm sewer materials shall comply with current MDOT construction standards.
- (3) Provide two (2) feet of minimum cover over the storm drainage system.
- (4) Provide 18-inch vertical separation from all other utilities, including sanitary sewers and water mains.
- (5) Provide 10-foot horizontal separation from other utilities.
- (6) Manholes/catch basins shall be placed at a maximum distance of 400 feet from any other manholes/catch basins for access/maintenance purposes.
- (7) Provide a sump discharge outlet for each individual lot in all developments. This outlet shall be a catch basin (minimum four (4) foot diameter) or provide a stormwater lead to each lot. Manufactured cored and booted wye leads, six (6) inch diameter minimum, to each lot are acceptable.
- (8) Minimum pipe grades shall produce a minimum scouring velocity of 2.5 feet/second when

pipe is flowing full without surcharging.

- (9) For storm drainage systems, any plastic pipe shall be either schedule 80 PVC, smooth walled HDPE, SDR 35, or equivalent as accepted by the Township Engineer. If pipe is perforated, a manufacturer's sock shall be used over the pipe.
- (10) Minimum pipe diameter for catch basin leads shall be 12 inches.
- (11) Minimum pipe size for storm sewer main shall be 12 inches.
- (12) Pipe shall be sized for a 10-year design storm runoff rate without surcharging.
- (13) Wherever pipes of different sizes come into a structure, the 8/10th flow lines shall match.
- (14) Catch basins shall have a minimum sump depth of 24 inches.

Section 4.7 STANDARDS FOR OFF-SITE STORMWATER MANAGEMENT EASEMENTS

- (A) If any portion of the stormwater management facilities will be located on property other than the property on which the stormwater will originate, then the owner of the property on which the stormwater will originate shall obtain a stormwater management easement from the owner of the property on which all or a portion of the stormwater management facilities will be located.
- (B) The stormwater management easement shall define the scope of the easement to include at a minimum the legal right of the owner of the property on which the stormwater will originate to access the property on which the stormwater management facilities will be located for the purpose of installing, inspecting, and maintaining the stormwater management facilities; shall run in perpetuity with the land benefitted by the easement, or until the stormwater management facilities are removed, whichever is sooner; and shall be recorded in the office of the Isabella County Register of Deeds.
- (C) A recorded copy of the stormwater management easement shall be filed with the Township Engineer prior to the issuance of a SWM Permit.
- (D) The recorded stormwater management easement shall not be revoked, terminated, reconveyed, or amended without the prior written authorization of the Township Engineer. Any such extinguished or revised stormwater management easement shall be recorded in the office of the Isabella County Register of Deeds, and a recorded copy shall be filed with the Township Engineer.

Section 4.8 SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS

- (A) Grassed waterway flow velocities shall be neither siltative nor erosive. The minimum velocity for vegetated channels shall be 1.5 feet/second. The maximum velocity shall be four (4) feet/second. Riprap protection or equivalent erosion control measures shall be used where the velocity exceeds four (4) feet/second, up to maximum allowable design velocity of eight (8) feet/second.
- (B) Where maximum velocities are exceeded due to channel slope, rock check dams or grade control structures shall be used to reduce overall flow velocities.
- (C) Erosion control blankets shall be used to protect bare channels.
- (D) Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development or earth change.
- (E) Surface water shall be discharged or conveyed around, through, or from the development or earth change area at a controlled release rate sufficient to prevent erosion.

- (F) If lakes, ponds, rivers, creeks, streams, or other watercourses and wetlands are located on or near the site, erosion control measures that trap sediment shall be encouraged and may be required if reasonably determined to be necessary by the Township Engineer to protect a watercourse or wetland.
- (G) The creation or retention of vegetated buffer strips shall be required along the edge of all lakes, ponds, creeks, streams, other watercourses, and wetlands when reasonably determined to be necessary by the Township Engineer to protect the watercourse.

Section 4.9 OPERATION AND MAINTENANCE REQUIREMENTS

(A) Maintenance, Inspection, and Recordkeeping:

All temporary and permanent stormwater management facilities shall be consistently maintained and inspected as necessary during the life of the facility to provide adequate protection against adverse impacts from stormwater runoff and to ensure the continued and proper operation of the facility for the protection of downstream properties. Maintenance records shall be kept by the property owner indicating the date and items inspected and maintained.

(B) Maintenance Requirements. Where maintenance is required, it shall be performed in accordance with the following general provisions, as well as any specific conditions that may be included with the SWM Permit:

- (1) All stormwater management facilities shall be maintained in accordance with the SWM Permit conditions, maintenance agreement provisions, and all applicable requirements of this Ordinance.
- (2) The person(s) or organization(s) responsible for maintenance shall be designated in the stormwater management plan or the permit application submitted to the Township Engineer. Options may include:
 - (a) The owner(s) of the property.
 - (b) Property owners association or other designated qualified party as determined to be acceptable by the Township Engineer, if provisions for financing of necessary maintenance are included in the deed restrictions or other contractual agreements.
- (3) The Township Engineer is not required to accept the applicant’s desired responsible party for maintenance purposes in any given situation. Natural features, proximity of site to lakes, streams and regulated wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision, as well as the overall complexity of the stormwater management facilities. Where deemed necessary by the Township Engineer, third party maintenance may be required for the adequate protection of sensitive sites, or complex stormwater management facilities.
- (4) Upon determination and written notice from the Township that a stormwater management facility has not been properly maintained or is no longer functioning as designed, the property owner shall have 30 calendar days to complete necessary maintenance, or within 36-hours of notification of an emergency condition unless an identified threat to public health, safety, and welfare requires immediate action. If this maintenance is not completed as required, the Township may take all necessary legal actions to compel prompt completion of the required maintenance or to have any necessary maintenance completed at the owner's expense, unless other arrangements have been authorized as part of an executed maintenance agreement.

(C) **Operation and Maintenance Plans:** Stormwater management facility operation and maintenance plans may be required by the Township Engineer to be included with the SWM Permit application materials and plans. At a minimum, these plans shall include the following:

- (1) An annual maintenance budget, itemized by task. The financing mechanism shall also be described.
- (2) A listing of typical maintenance tasks and activities defined for each component of the stormwater management facility.
- (3) The party responsible for performing each maintenance activity.
- (4) A detailed description of the procedures for recordkeeping of maintenance operations and expenditures.
- (5) A schedule for implementation, and a period for corrective measures to be taken consistent with the requirements of this Ordinance. Language shall be included which states that if the property owner fails to act within the period specified, the Township may make arrangements to have a contractor perform the needed maintenance and assess the costs at the property owner's expense.
- (6) The plan shall specify that the property owner responsible for maintenance shall conduct routine maintenance inspections at least twice a year, in the spring and in the fall, and shall inspect all structural elements at least annually. Corrective action shall be completed within 30 calendar days of a regularly scheduled inspection or notification that action is required.
- (7) The plan shall also specify that emergency inspections shall be promptly conducted on an as-needed basis. Corrective action shall be completed within 36-hours of notification of the emergency condition unless an identified threat to public health, safety, and welfare requires immediate action.

(D) **Maintenance agreement:**

Adequate provision shall be made for stormwater management facility maintenance, subject to requirements of this Ordinance and a maintenance agreement which shall specify responsibilities for financing and for performing all necessary maintenance and emergency repairs in accordance with approved operation and maintenance plans and all applicable requirements of this Ordinance.

- (1) The maintenance agreement shall be executed by the property owner or owner's representative before final SWM Permit approval is granted. The agreement shall be included in any property deed restrictions or condominium master deed documents and shall be binding on all subsequent property owners.
- (2) The maintenance agreement shall include adequate provisions to authorize the Township access to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the stormwater management facilities..
- (3) The approved and executed maintenance agreement and approved stormwater management plans shall be recorded by the property owner or owner's representative at the Isabella County Register of Deeds office, with a recorded copy provided to the Township Engineer for the Township's record.

ARTICLE 5 ADMINISTRATION AND ENFORCEMENT

SECTION 5.1 FEES, ESCROW DEPOSITS, AND PERFORMANCE GUARANTEES

- (A) **Fees and Escrow Deposits:** All fees and/or escrow deposits applicable under this Ordinance shall be specified in a fee schedule determined from time to time by Board of Trustees resolution, and shall be paid in full by the applicant to the Township at the time of application. The established amounts of such fees or escrow deposits shall be directly related to the actual costs of administering the SWM Permit program, including design review, site inspection, enforcement and permit administration.
- (B) **Performance Guarantees:** To ensure compliance with this Ordinance, the Community and Economic Development Director may, after recommendation from the Township Engineer, require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, subject to the following:
- (1) **Form of the guarantee.** The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. Any such performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township if the bond, letter of credit or escrow is canceled. If the applicant posts a letter of credit, the credit shall require only that the Township present the bank with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the letter of 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 presents to the agent an affidavit signed by the Township Manager attesting to the Township's right to receive funds whether or not the applicant protests that right.
 - (2) **When Required.** The performance guarantee shall be submitted at the time of issuance of the SWM Permit authorizing the activity or project. 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) **Amount.** 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 shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Community and Economic Development Director, after recommendation from the Township Engineer.
 - (4) **Return of Performance Guarantee.** The entire performance guarantee shall be returned to the applicant following inspection by the Township Engineer and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
 - (5) **Retainage for Establishment of Groundcover Plantings.** An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one year after installation of groundcover plant materials or seeding to ensure establishment

and healthy growth to minimize soil erosion. This amount shall be released to the applicant following inspection by the Township Engineer and a determination that the groundcover plantings are fully established and healthy.

- (6) **Unsatisfactory Completion of Improvements.** 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, and may assess all costs of completing required improvements against the performance guarantee. Prior to completing required improvements, the Township shall notify the owner, applicant, or other firm or individual responsible for completion of the required improvements.

SECTION 5.2 INSPECTIONS

- (A) The Township Engineer shall have the right to conduct on-site inspections of the stormwater management facilities to verify compliance with the requirements of this Ordinance, including that maintenance is being performed as required by this Ordinance. Any such inspections may take place before, during, and after any earth change activity has occurred for which a permit has been issued. Submission of an application for a permit under this Ordinance shall be deemed as providing written consent for the Township Engineer to conduct on-site inspections of the stormwater management facilities. The Township Engineer shall exercise this right to inspect by written consent of the person having the right to possession of the property, or by administrative search warrant issued by a court of competent jurisdiction.
- (B) If upon inspection, existing site conditions are found not to be as stated in the SWM Permit or approved stormwater management plan, the SWM Permit may be revoked. No earth disrupting work shall be undertaken or continued, except preventative stormwater measures as authorized by the Township Engineer, until revised plans have been submitted and a valid SWM Permit issued.
- (C) For the purpose of this Ordinance, the Township Engineer or other duly authorized Township ordinance enforcement official may enter, at all reasonable times, in or upon any private or public property for the purpose of inspecting or investigating the condition and practices that may be a violation of this Ordinance. A written notice shall be sent to a person, firm, or corporation who is deemed to be in violation.

SECTION 5.3 VIOLATIONS AND PENALTIES.

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, shall be deemed in violation of this Ordinance and shall be subject to the following:

- (A) **Public nuisance.** Violations of any provision of this Ordinance are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- (B) **Violators.** Each owner or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance.
- (C) **Enforcement.** Anyone may report apparent violations of this Ordinance to the Township Manager, Community and Economic Development Director, Township Engineer, or other

designated Township ordinance enforcement official. All violations shall be addressed by following the procedures outlined in the Township's Municipal Ordinance Violation Bureau Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

- (D) **Municipal civil infraction.** Any person who violates or permits the violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township's Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.
 - (1) The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
 - (2) A person who violates or permits the violation of this Ordinance shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised Judicature Code, being MCL §600.8701, et. seq., as amended. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- (E) **Other remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy or abate such non-compliance.
- (F) **Rights and remedies preserved.** Any failure or omission to enforce provisions of this Ordinance or to prosecute a violation 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 5.4 STOP WORK ORDERS

If necessary to assure compliance with the permit requirements, standards, and other provisions of this Ordinance or to protect public health, safety, welfare, or natural resources, the Township Engineer may issue a stop work order for the purpose of preventing uncontrolled stormwater, or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources. The stop work order, when issued, shall require all specified activities to be stopped immediately. The order shall describe the specific alleged violation and the steps deemed necessary to bring the project back into compliance.

SECTION 5.5 EMERGENCY ACTION

Where necessary to protect public safety or water resources, including lakes, streams, regulated wetlands, and other receiving bodies of water, the Township, through a Circuit Court abatement proceeding, may seek a temporary restraining order or preliminary injunction from the court authorizing entry onto private property for the purpose of initiating emergency action to abate imminent and substantial danger and risk. Except as otherwise provided through maintenance agreements, the property owner shall reimburse the Township for all expenses incurred as a result of the emergency action, including but are not limited to reasonable attorney's fees, administrative costs, inspection fees, and the costs of any remedial action taken to abate the emergency condition.

SECTION 5.6 APPEALS

It shall be the duty of the Community and Economic Development Director to consider appeals from any determination or order made or issued by the Township Engineer in connection with the enforcement of this Ordinance.

- (A) Any person aggrieved by any determination or order made or issued by the Township Engineer in connection with the enforcement of this Ordinance may file a written appeal with the Community and Economic Development Director setting forth their name, address, phone number, and email address and including a written statement of the grounds for the appeal.
- (B) No fee is required for this appeal.
- (C) Any determination or order subject to an appeal shall be stayed until a disposition of the appeal is made by the Community and Economic Development Director, unless such a stay is determined by the Community and Economic Development Director to create or exacerbate a public health or safety issue.
- (D) For any appeal, the Community and Economic Development Director may sustain, modify, or withdraw the determination or order as determined necessary consistent with the purpose and intent of this Ordinance. The Director may postpone action on a matter under review to a date certain for the purpose of requesting additional information or to seek legal or other expert counsel prior to taking final action on the appeal.
- (E) Within ten (10) business days after final action on the appeal, the Community and Economic Development Director shall prepare and send a written record of the final action to the appellant and to the Township Engineer. Any appeal of the Community and Economic Development Director's final action shall be made to the Isabella County Circuit Court within 30 calendar days of the date that the written record of the final action is sent to the appellant.

ARTICLE 6 DEFINITIONS

This Article sets forth the definitions of certain terms used within the Ordinance which have a meaning specific to the interpretation of the text of the Ordinance. Any word not defined herein shall first be interpreted as defined within Act 451 , and where not defined there, shall be interpreted within its common and approved usage:

ACT 451. The Natural Resources and Environmental Protection Act, Michigan Public Act 451, of 1994, as amended (being MCL 324.101 et seq.).

ALLOWABLE DISCHARGE. The restricted discharge from a site after development or redevelopment as calculated in accordance with this Ordinance.

APPLICANT. The landowner or authorized agent for the property upon which is regulated earth change is proposed and who has submitted an application for a Stormwater Management (SWM) Permit.

CLEAN WATER ACT. The Federal Water Pollution Control Act, 33 USC §§ 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. The individual, firm, or employee designated by the Township Manager to oversee and manage the work of the Township's Community and Economic Development Department.

CONDUIT. Any channel, pipe, sewer or culvert used for the conveyance or movement of water whether open or closed.

CONTROL ELEVATION. Contour lines and points of predetermined elevation used to denote a detention storm area on a plat or site drawing.

COUNTY DRAIN. Drains established or constructed pursuant to the Michigan Drain Code.

DETENTION FACILITY. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate and to concurrently detain the excess waters that accumulate behind the outlet.

DETENTION STORAGE. The temporary detaining or storage of stormwater in storage basin, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage regulated by appropriately installed devices.

DETENTION. The capture of stormwater and release over a given period of time through an outlet structure at a controlled rate.

DEVELOPED or DEVELOPMENT. The installation or construction of impervious surfaces on a development site that requires, pursuant to state law or local ordinance, Township approval of a site plan, plat, site condominium, special land use, planned unit development, or permit for the erection of buildings or structures; provided, however, the terms DEVELOPED or DEVELOPMENT do not refer to individual single-family or two-family dwellings or projects involving the construction of such a dwelling, or to projects involving an addition, extension or modification to such dwelling or the parcel on which it is located.

DEVELOPER. Any person proposing or implementing the development of land.

DEVELOPMENT SITE. Any land that is being or has been developed, or that a developer proposes for development.

DISCHARGE. The release or outflow of water from any source.

DISCHARGER. Any person or entity that directly or indirectly discharges stormwater from any property. DISCHARGER also means any employee, officer, director, partner, contractor, or other person who participates

in, or is legally or factually responsible for, any act or omission that is or results in a violation of this Ordinance.

DRAIN COMMISSIONER. The Isabella County Drain Commissioner or designee.

DRAINAGE AREA. The area from which stormwater runoff is conveyed to a single outlet (i.e., a watershed or catchment area).

DRAINAGE. The collection, conveyance, or discharge of groundwater or surface water.

EARTH CHANGE. Any human activity, which removes groundcover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. EARTH CHANGE includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

EROSION. The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

EXEMPTED DISCHARGES. Discharges other than stormwater.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of waterbodies or the unusual and rapid accumulation of surface water runoff from any source.

FLOODPLAIN. Any land area susceptible to being inundated by flood waters from any source.

FLOODWAY. The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot.

FOREBAY. Manmade surface waters used as pretreatment systems. They are designed to temporarily store the first flush of runoff from a storm event and provide for pollutant removal through settling. A FOREBAY or other pretreatment system is recommended at each inlet to a detention system or retention basin.

FREEBOARD. A volume of additional storage designed within a detention basin. A safety factor within a stormwater detention system that is based on a minimum of one foot detention volume above the proposed high water elevation of a detention pond. This volume provides additional stormwater detention in the event that a storm exceeds the design capacity.

GRADING. Any stripping, excavating, filling, and stockpiling of soil or any combination thereof.

IMPERVIOUS SURFACE. Surface that does not allow stormwater runoff to percolate into the ground.

INFILTRATION FACILITIES. A Structure designed to direct runoff into the ground (e.g., French drains, seepage pits, and seepage trenches).

INFILTRATION TRENCH. Also known as a PERCOLATION TRENCH, is a shallow excavated trench, filled with gravel or crushed stone, designed to infiltrate stormwater through permeable soils into the ground water aquifer. This type of trench is not considered a preferred means of discharging stormwater.

INFILTRATION. A process whereby precipitation or groundwater seeps into the ground.

LAND DISTURBANCE. Any activity involving grading, tilling, digging, or filling of ground; stripping of vegetation; or any other activity that causes land to be exposed to the danger of erosion.

LEACHING BASIN. A catch basin that is fabricated of barrel and riser sections that permit runoff into the ground. This type of basin is not considered an effective means of controlling and treating stormwater runoff.

LOW-IMPACT DESIGN (LID). A stormwater management strategy that aims to control water, both rainfall and stormwater runoff, at the source.

OPERATIONS AND MAINTENANCE PLAN. One or more documents that describe in some detail the responsible organization, responsibilities, policies, and general procedures for maintaining and operating the specified

stormwater management facilities.

OWNER. Any person or entity having legal or equitable title to property, or any person or entity having or exercising care, custody, or control over any property.

PEAK RUNOFF. The maximum rate of flow of stormwater runoff discharge at a given location.

PERSON. An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

POLLUTANT. A substance discharged, which includes, but is not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

REDEVELOPMENT. Altering, improving, or otherwise changing the use of an existing developed property, including, but not limited to, roof, pavement, or any other impervious surface. Ordinary maintenance of impervious surfaces to address the effects of weathering (including, for example, pothole repair or overlays, crack seal, and seal coating to address pavement defects) does not constitute REDEVELOPMENT. However, crush and shape projects affecting pavement base materials shall constitute REDEVELOPMENT.

RETENTION. The capture and containment of stormwater until it infiltrates the soil and/or evaporates.

RETENTION BASIN. An area of excavated earth for the collection and storage of runoff without subsequent discharge to surface waters and into which surface water is directed into the ground.

RUNOFF. That part of precipitation that flows over the land.

SEDIMENT. Soil material, both mineral and organic, that is in suspension, which is being transported, or that has been moved from its site of origin by water.

SINGLE-FAMILY DWELLING. A building used exclusively for one-family occupancy.

SITE. Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership or that are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

SOIL EROSION. The stripping of soil and weathered rock from land, creating sediment for transport by water, wind or ice, and enabling formation of new sedimentary deposits.

STORM DRAIN. A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, groundwater and drainage.

STORM EVENT. A precipitation event of specific frequency and duration having a probable recurrence interval of once in the specified frequency (i.e., a 25-year, 24-hour storm event).

STORMWATER. Water that results from precipitation that is not absorbed by the soil or vegetation or evaporated and that flows over the ground surface or is collected in channels or conduits.

STORMWATER PLAN. Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these.

STORMWATER MANAGEMENT FACILITY. The method, structure, area, system, or other equipment or measures designed to receive, control, store, or convey stormwater.

STORMWATER MANAGEMENT (SWM) PERMIT. A permit issued pursuant to this Ordinance.

STORMWATER RUNOFF. The water from a rainstorm, snow melt or other natural event or process, which flows over the surface of the ground or is collected in a drainage system.

STREAM. A river, stream or creek, which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

SUBDIVISION. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

TIME OF CONCENTRATION. The elapsed time for stormwater runoff to flow from the most distant point in a drainage area to the outlet or other predetermined point.

TOWNSHIP. The Charter Township of Union, Isabella County, Michigan, except where otherwise stated.

TOWNSHIP ENGINEER. The Townships' designated civil engineering consultant, employee, or other designated representative as determined from time to time by the Township.

TWO-FAMILY DWELLING. A building used exclusively for the occupancy of two individual families living independently of each other.

UNDERGROUND DETENTION SYSTEM. An underground system consisting of one or more underground pipes or structures that are designed to provide the required volumes for storage for a development project.

UPLAND AREA. Land located in the upper portion of a watershed whose surface drainage flows toward the area being considered for development.

VEGETATED SWALES. Channels that are broad, shallow, and lined with vegetation that slow and filter stormwater runoff and promote infiltration.

WATER BODY. A river, lake, stream, creek or other watercourse or wetlands.

WATER QUALITY VOLUME (WQV). The amount of stormwater runoff from any given storm that should be captured and treated in order to remove a majority of stormwater pollutants on an average annual basis.

WATERCOURSE. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently.

WATERSHED. A region draining into a water body.

WEIR. A low dam built to raise the level of water upstream and regulate its flow. The flow is frequently controlled by a notch through which water flows. WEIR control may be a depression in the side of a tank, reservoir, or channel, or it may be an overflow dam or other similar structure.

WETLANDS. Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life as defined in Act 451.

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 amendatory ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the _____ day of _____, 202__, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

- (a) Voting in favor of the Ordinance: _____
- (b) Voting against adoption of the Ordinance: _____
- (c) Absent: _____ (d) Abstain: _____

I further certify that a notice of adoption and summary of this ordinance was published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the _____ day of _____, 202__ and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: _____, 202__

Lisa Cody, Clerk

REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees **DATE:** March 15, 2023

FROM: Mark Stuhldreher, Township Manager **DATE FOR BOARD CONSIDERATION:** 3/22/2023

ACTION REQUESTED: To adopt a resolution of support to release 4.01 acres of PID 14-019-30-002-01, a vacant parcel with an address of 3465 S. Meridian Road, from an existing State of Michigan PA116 program Farmland Development Rights Agreement, finding that the proposal from landowners William and Nancy Whitehead to donate this land to Isabella County to expand Meridian Park is acceptable, in the public interest, and for a public use.

Current Action X Emergency

Funds Budgeted: If Yes Account # No N/A X

BACKGROUND INFORMATION

William and Nancy Whitehead own a 34.6-acre parcel of vacant agricultural land in the Township (PID 14-019-30-002-01), which they chose to enroll in the State of Michigan’s PA116 Farmland Preservation program. Under this program, the land is placed under a conservation easement which prohibits development and restricts use to agricultural activities for the term of a Development Rights Agreement between the state and the landowners in exchange for certain tax-related benefits. The southern boundary of the subject parcel directly abuts Isabella County’s Meridian Park, where existing hiking trails run relatively close to the park boundary.

Mr. and Mrs. Whitehead noted in their 3/10/2023 letter that hikers in the park have a long history of unintentional trespassing and encroachment on to their private property. This is primarily due to topographic conditions and proximity of the subject parcel’s southern boundary to the adjacent Chippewa River. Trespassing is significant safety and liability concern, which ultimately led to the landowners’ decision to donate the area subject to repeated encroachments to Isabella County. This action would eliminate the trespassing-related liability, and the expanded Meridian Park recreation area would improve both safety and the experience for hikers.

To allow this land division and transfer to the County to take place, Mr. and Mrs. Whitehead must secure approval from the State of Michigan for a partial termination of their current Farmland Development Rights Agreement Number 37-2726-123136. Their request to the Board of Trustees to consider adoption of a resolution of support to release 4.01 acres of their parcel from the PA116 Farmland Preservation program is a necessary first step in that process. Section 36111a.(1)(b)(i) of Part 361 of the state’s Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended) establishes the conditions under which a release of land from the PA116 program can be allowed by the state. One of these conditions is a circumstance where the released land will be *“owned, operated, and maintained by a public body for a public use.”* As proposed, the donation to expand Meridian Park is fully consistent with this condition.

SCOPE OF SERVICES

Adoption of a resolution of support to release 4.01 acres of PID 14-019-30-002-01 from an existing State of Michigan PA116 program Farmland Development Rights Agreement.

JUSTIFICATION

The proposed donation of land to expand the County’s Meridian Park is consistent with the Township Master Plan’s designation of the area for future “*Recreation/Institutional*” uses, including “*indoor/outdoor recreation both publicly and privately owned.*”

GOALS ADDRESSED

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

- 1. Community well-being and common good**
- 2. Prosperity through economic diversity, cultural diversity, and social diversity**
- 3. Safety**
- 4. Health**
- 5. Natural Environment**

The proposed donation will help to maximize safety for visitors using the Meridian Park hiking trails by minimizing further encroachments beyond the current park boundaries on to private land (1.3.3). Expansion of Meridian Park will also help residents and visitors to engage in a vibrant community life (1.1) and to enjoy the natural resources and green space of the Township (1.5). The park’s hiking trails are a recreational resource available to help to facilitate an active and healthy lifestyle (1.4) and to further enhance the quality of life in this community that is attractive to a diverse population (1.2.1).

COSTS

N/A

TIMETABLE

If adopted by the Board of Trustees, copies of the signed Resolution of Support would be given to William and Nancy Whitehead, and to the Farmland Unit of the Michigan Department of Agriculture.

RESOLUTION

To adopt a resolution of support to release 4.01 acres of PID 14-019-30-002-01, a vacant parcel with an address of 3465 S. Meridian Road, from an existing State of Michigan PA116 program Farmland Development Rights Agreement, finding that the proposal from landowners William and Nancy Whitehead to donate this land to Isabella County to expand Meridian Park is acceptable, in the public interest, and for a public use.

Resolved by _____ Seconded by _____

Yes:

No:

Absent:

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN
RESOLUTION OF SUPPORT FOR A PARTIAL TERMINATION OF A PA116 PROGRAM
FARMLAND DEVELOPMENT RIGHTS AGREEMENT IN THE PUBLIC INTEREST

At a regular meeting of the Board of Trustees for the Charter Township of Union, Isabella County, Michigan, held at 7:00 p.m. Eastern Time in the Township Hall Board Room at 2010 S. Lincoln Road, Mt. Pleasant, Michigan on the _____ day of _____, 20____, the following resolution was offered by _____ and seconded by _____:

WHEREAS, landowners William and Nancy Whitehead have submitted a request to the Board of Trustees to consider adoption of a resolution of support to release 4.01 acres of parcel number 14-019-30-002-01 from the State of Michigan PA116 program Farmland Development Rights Agreement Number 37-2726-123136 for the intended purpose of donating this land area to Isabella County to expand the County’s existing Meridian Park outdoor recreation area; and

WHEREAS, the Board of Trustees has reviewed this request and determined that the release is acceptable, in the public interest, and for a public purpose meeting the requirements of Section 36111a.(1)(b)(i) of Part 361 of the state’s Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement:

BE IT FURTHER RESOLVED that the Board of Trustees hereby certifies that relinquishment is in the public interest as described in Section 36111a.(1)(b)(i) of Part 361 of the state’s Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended), and that certified copies of this resolution will be transmitted to landowners William and Nancy Whitehead and to the Farmland Unit of the Michigan Department of Agriculture.

Upon 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 Bill Hauck	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

RESOLUTION DECLARED ADOPTED.

 Bryan Mielke, Supervisor

 Date

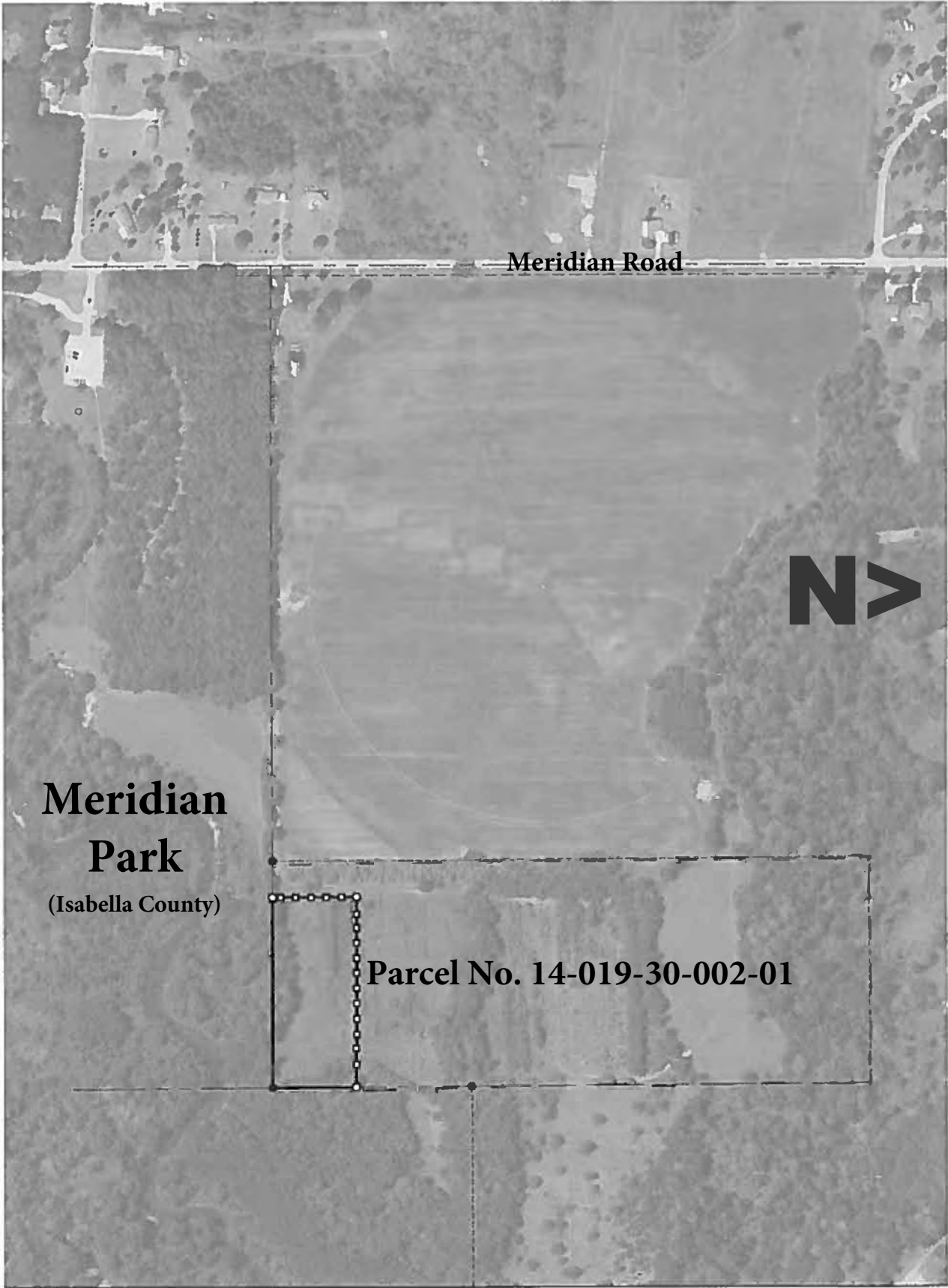
CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN
RESOLUTION FOR A PARTIAL TERMINATION OF A PA116 PROGRAM FARMLAND
DEVELOPMENT RIGHTS AGREEMENT IN THE PUBLIC INTEREST

CERTIFICATION

I, Lisa Cody, Clerk for the Charter Township of Union, do hereby certify that the foregoing is a true and complete copy of the action taken by the Board of Trustees at a regular meeting held on the _____ day of _____, 20___. I further certify that public notice was given and the meeting was conducted in full compliance with the Open Meetings Act (Public Act 267 of 1976, as amended).

Lisa Cody, Clerk

Certification Date



Meridian Road

**Meridian
Park**
(Isabella County)



Parcel No. 14-019-30-002-01

March 10, 2023

To the Union Township Board of Trustees:

For many years, Meridian Park, in Isabella County has been encroaching on our property. The hiking path and foot bridge that were built on our property was created for an easier path for the many hikers. However, for some hikers, the steepness, particularly in the wintertime, is very slippery and can sometimes be treacherous. These challenges have encouraged the hikers to take an alternative route going even further onto our private property.

The release of the four acres from PA116 and its purchase will achieve the following: Allow the public a safe alternative route for hikers, an end to the encroachment and the unintentional trespassing of the hikers on our property, an additional open area for the Meridian Park for a variety of activities for the public to enjoy, and the removal of our names on the insurance liability rider on the Isabella County policy.

With this release of PA116, Isabella County, and Meridian Park will be enhanced for the public benefit.

Thank you for your consideration in this matter,

Sincerely,



William D. Whitehead, owner of Whitehead Farms



Nancy J. Whitehead, owner of Whitehead Farms



Creating community...through people, parks & programs

March 13, 2023

Peter Gallinat
Zoning Administrator
Charter Township of Union
2010 S. Lincoln Rd.
Mt. Pleasant, MI 48858

Dear Mr. Gallinat,

I am writing in support of releasing 4.01 acres of land owned by William and Nancy Whitehead out of P.A. 116 Farmland Preservation. This property will become part of Meridian County Park and provide better accessibility to visitors, staff maintenance, and emergency access to the backside of the park. The 4.01 acres will remain part of the park's property in perpetuity.

Thank you for your consideration,

Miranda Walker

Miranda Walker
Interim Director
Isabella County Parks & Recreation

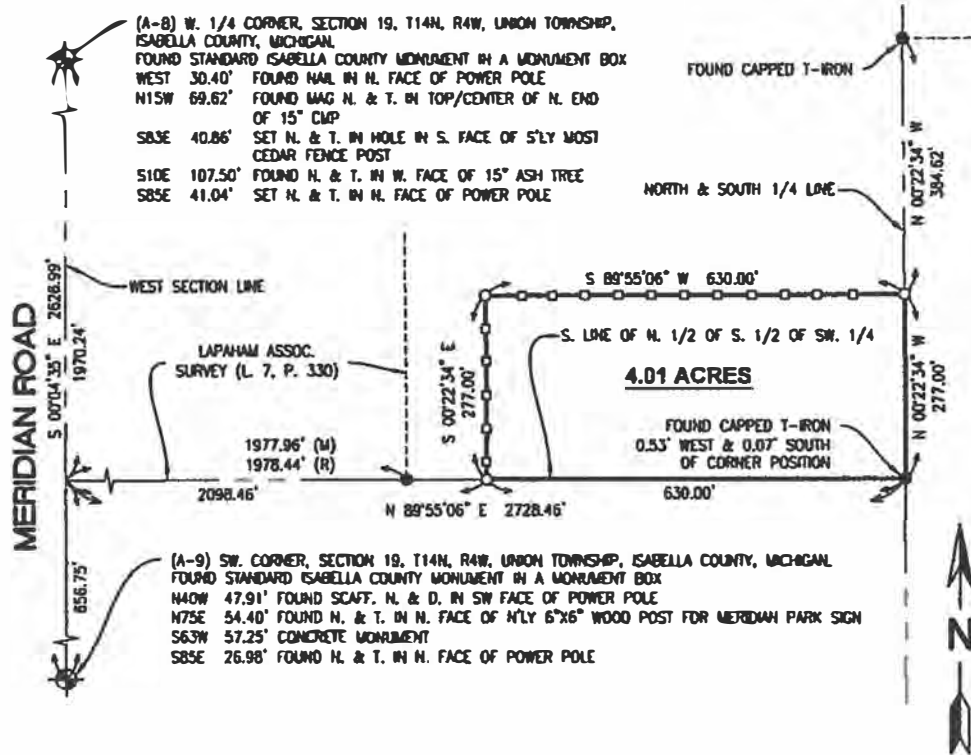
CERTIFICATE OF SURVEY

SECTION 19, T14N, R4W, UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

I, T. Pete Lorenz, hereby certify that on February 17, 2023, I surveyed the land described herein and the requirements for 1970 PA 132, MCL 54.213 have been met. The relative positional precision of the corners identified for this survey and shown on the map are within limits accepted by the practice of professional surveying.

CERTIFIED TO: Isabella County Parks & Recreation

DESCRIPTIONS: Part of the Southwest One-quarter of Section 19, T14N, R4W, Union Township, Isabella County, Michigan, described as commencing at the West One-quarter Corner of said Section 19; thence S. 00°04'35" E., along the West line of said Section 19, 1970.24 feet to the South line of the North One-half of the South One-half of said Southwest One-quarter, thence N. 89°55'06" E., along said South line of the North One-half of the South One-half of the Southwest One-quarter, 2098.46 feet to the true **POINT OF BEGINNING**; thence continuing N. 89°55'06" E., along said South line of the North One-half of the South One-half of the Southwest One-quarter, 630.00 feet to the North and South One-quarter line of said Section 19; thence N. 00°22'34" W., along said North and South One-quarter line, 277.00 feet; thence S. 89°55'06" W., parallel with said South line of the North One-half of the South One-half of the Southwest One-quarter, 630.00 feet; thence S. 00°22'34" E., parallel with said North and South One-quarter line, 277.00 feet to the point of beginning. Containing 4.01 acres more or less. Subject to easements, right of ways, restrictions and reservations whether used, implied or of record.



BASIS OF BEARING:
 Survey recorded in Liber 7,
 Page 330 which is Michigan
 State Plane Coordinate
 System, NAD 1983,
 Michigan South Zone.

LEGEND

- SET 1/2" X 18" REBOD (M) MEASURED
 W/P.S. CAP #46677
- FOUND CORNER (R) RECORDED
- SET LINE STAKE



LORENZ

SURVEYING & ENGINEERING, INC.

3229 W. Beal City Road
 Weldman, Michigan 48893

Phone: (989) 644-5953
 Fax: (989) 644-8659

Terrance Peter Lorenz, PS # 4001046677

SCALE: 1"=200'	DATE: February 18, 2023
JOB NUMBER: 230005	REV. DATE:
DRAWN BY: TPL	SHEET NUMBER: 1 OF 2



WILLIAM D. WHITEHEAD
NANCY J. WHITEHEAD
37-2726-123136
AGREEMENT #

Rev. 032906

P.A. 116 Farmland Preservation

Request for Release of PART OF AN AGREEMENT Prior to Expiration

Find the type of release that best fits your situation, check that box, then gather the documentation required and submit entire request packet to address shown at the end of this section.

- Releasing a parcel up to two acres with at least one structure that was present prior to the start date of the Agreement.**
 - Include items 1, 4, 7, 9 from the list below; also include item 8 if request is for more than 2 acres (can't exceed 5 acres).
- Releasing a parcel up to two acres with Existing Buildings - Due to Death of a Named Person on the Agreement**
 - Include items 1, 2, 7, 9, 10 from the list below; also include item 8 if request is for more than 2 acres (can't exceed 5 acres).
- Releasing a parcel up to two acres with Existing Buildings - Due to Disability of a Named Person on the Agreement**
 - Include items 1, 3, 7, 9, 10 from the list below; also include item 8 if request is for more than 2 acres (can't exceed 5 acres).
- Releasing a parcel up to two acres for Someone Essential to the Farm**
 - Include items 1, 5, 7, 9 from the list below
- Releasing a parcel - public interest is served by the release**
 - Include items 1, 6, 7, 9 from the list below

LIST OF ITEMS THAT MAY BE REQUIRED WITH REQUEST

1. The Farmland Development Rights Agreement number or a copy of the Agreement.
 2. Copy of the death certificate (request must be within 3 years of date of death).
 3. Signed statement from a physician stating the type and severity of the disability, and that the condition represents a total and permanent disability.
 4. A resolution of approval from the zoning authority (usually the township board) that indicates at least one structure on the parcel to be removed predates the Farmland Agreement.
 5. A resolution of approval from the zoning authority (usually the township board) that indicates the release is for someone essential to the farm according to the definition in the law governing the program.
 6. A resolution of approval from the zoning authority (usually the township board) that indicates the release is for Public Interest and meets one or more conditions of 36111a.(1)(b) of Part 361 of the Natural Resources and Environmental Protection Act.
- [Sample resolutions may be found here.](#)
7. Legal description of parcel to be released.
 8. Documentation for need for excess of 2 acres.
 9. A listing of the taxable value of the parcel to be released, including all buildings, for the past seven years on official letterhead, signed by the tax assessor.
 10. Signed statement from the tax assessor that indicates at least one structure on the parcel to be removed predates the Farmland Agreement.
 11. Documentation of public interest.

INCOMPLETE REQUESTS WILL BE RETURNED TO SENDER

**FARMLAND PROGRAM
MDA-ESD
P.O. Box 30449
LANSING, MI 48909**



Document # 20220029732 AGREEMENT
 Isabella County, Michigan
 Karen Jackson, Register of Deeds
 Recorded: 10/27/2022 11:28 AM
 OR LIBER 1898 PAGE 451

Bluff



STATE OF MICHIGAN - FARMLAND DEVELOPMENT RIGHTS AGREEMENT

PLEASE RECORD THIS DOCUMENT BEFORE 2/10/2023
 AGREEMENT #37-27269-123136

THIS FARMLAND DEVELOPMENT RIGHTS AGREEMENT, MADE AND EXECUTED THIS 27 day of Oct. AD, 2022, by and between **William D Whitehead and Nancy J Whitehead, Husband and Wife** hereinafter referred to as the "Owner" and the Department of Agriculture and Rural Development for and on behalf of the State of Michigan (MDARD); WITNESSETH WHEREAS, the Owner owns real property in the County of **Isabella**, State of Michigan, hereinafter referred to as the "Subject Property", which is described as follows:
E 750 ft of N 1/2 of S 1/2 of SW frl 1/4 of Section 19, ALSO E 750 ft of N 1/2 of SW frl 1/4 of Section 19, T14N, R4W, Union Township, Isabella County, Michigan. (35)

This Agreement shall serve notice of the removal and replacement of the property described above from a similar Agreement recorded in the Isabella County Register of Deeds Office in Liber 1892, Page 2544 on December 20th, 2022.

WHEREAS, Subject Property is now devoted to agricultural uses and uses compatible thereto; and WHEREAS, the Owner and MDARD desire to limit the use of Subject Property to agricultural uses and uses compatible thereto in order to preserve a maximum of agricultural land, to conserve Michigan's economic resources, to maintain the agricultural economy, to assure a supply of food and fiber for future residents of the State of Michigan and to discourage the premature and unnecessary conversion of agricultural land to more intensive uses, recognizing that such land has public value as agricultural land and constitutes an important physical, social, aesthetic and economic asset to the Owner and the State of Michigan; and

WHEREAS, both the Owner and the MDARD intend that the terms, conditions and restrictions of this Agreement be consistent with those Agreements authorized by Part 361 of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 (being Sections 324.36101 to 324.36117 of Michigan Compiled Laws annotated).

NOW, THEREFORE, the parties hereto for and in consideration of benefits to each of them accruing by virtue hereof AGREE that:

1. This Agreement is made and entered into pursuant to the provisions of Part 361 of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 and all of the provisions of said Act are incorporated herein by reference and made a part thereof.
2. A structure shall not be built on the Subject Property except for use consistent with farm operations, which includes a residence for an individual essential to the operation of the farm under section 36111(2)(b), or lines for utility transmission or distribution purposes or with the approval of the **Union Township Board** and MDARD.
3. Land improvements shall not be made except for use consistent with farm operations or with the approval of the **Union Township Board** and MDARD.
4. Any interest in the Subject Property shall not be sold except a scenic, access or utility easement which does not substantially hinder farm operations.
5. Public access is not permitted on the land unless agreed to by the Owner.
6. The exploration and extraction for natural gas and oil is hereby permitted provided MDARD be notified by the Owner when such activity takes place. The extraction of other surface and sub-surface minerals is hereby prohibited unless specifically approved by MDARD, and the **Union Township Board**.
7. The term of this Agreement shall be for **fifty-five (55)** years, commencing on the 1st day of January, **1982**, and ending on the 31st day of December, **2036**.
8. This Agreement may be terminated subject to the same provisions and with like penalties as set forth in Part 361 of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 for the termination of said Agreements.
9. If the Subject Property is sold to another party whose name does not appear on this Agreement, the seller must obtain a signed statement from the purchaser which declares that the purchaser will honor all conditions and restrictions contained in this Agreement and declares that the purchaser will assume responsibilities for all payback and/or penalty provisions provided by law. The Owner shall provide a copy of the signed statement and documentation of ownership change to MDARD and the **Union Township Board** within 90 days of the change.
10. This Agreement shall constitute a covenant running with the land and shall be binding upon and inures to the benefit of the heirs, executors, administrators, successors, trustees and assigns to the parties.

Return to:
 William Whitehead
 1474 E Broomfield Rd

Prepared By:
 Emma Lee-Conklin
 MDARD-ESD Farmland Program
 PO Box 30449
 Lansing, MI 48909

Mt Pleasant MI 48858
 AGREEMENT# 37-27269-123136
 Extend ERKL

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.36111a Relinquishment of development rights agreement; conditions; “economic viability” defined.

Sec. 36111a. (1) Upon request from a landowner and a local governing body, the state land use agency shall relinquish farmland from the development rights agreement if 1 or both of the following occur:

(a) The local governing body determines 1 or more of the following:

(i) That, because of the quality of the farmland, agricultural production cannot be made economically viable with generally accepted agricultural and management practices.

(ii) That surrounding conditions impose physical obstacles to the agricultural operation or prohibit essential agricultural practices.

(iii) That significant natural physical changes in the farmland have occurred that are generally irreversible and permanently limit the productivity of the farmland.

(iv) That a court order restricts the use of the farmland so that agricultural production cannot be made economically viable.

(b) The local governing body determines that the relinquishment is in the public interest and that the farmland to be relinquished meets 1 or more of the following conditions:

(i) The farmland is to be owned, operated, and maintained by a public body for a public use.

(ii) The farmland had been zoned for the immediately preceding 3 years for a commercial or industrial use.

(iii) The farmland is zoned for commercial or industrial use and the relinquishment of the farmland will be mitigated by 1 of the following means:

(A) For every 1 acre of farmland to be relinquished, an agricultural conservation easement will be acquired over 2 acres of farmland of comparable or better quality located within the same local unit of government where the farmland to be relinquished is located. The agricultural conservation easement shall be held by the local unit of government where the farmland to be relinquished is located or, if the local governing body declines to hold the agricultural conservation easement, by the state land use agency.

(B) If an agricultural conservation easement cannot be acquired as provided under sub-subparagraph (A), there will be deposited into the state agricultural preservation fund created in section 36202 an amount equal to twice the value of the development rights to the farmland being relinquished, as determined by a certified appraisal.

(iv) The farmland is to be owned, operated, and maintained by an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, and the relinquishment will be beneficial to the local community.

(2) In determining public interest under subsection (1)(b), the governing body shall consider all of the following:

(a) The long-term effect of the relinquishment upon the preservation and enhancement of agriculture in the surrounding area, including any nonfarm encroachment upon other agricultural operations in the surrounding area.

(b) Any other reasonable and prudent site alternatives to the farmland to be relinquished.

(c) Any infrastructure changes and costs to the local governmental unit that will result from the development of the farmland to be relinquished.

(3) If a landowner's relinquishment application under this section is denied by the local governing body, the landowner may appeal that denial to the state land use agency. In determining whether to grant the appeal and approve the relinquishment, the state land use agency shall follow the criteria established in subsection (1)(a) or follow the criteria in subsection (1)(b) and consider the factors described in subsection (2).

(4) The state land use agency shall review an application approved by the local governing body to verify that the criteria provided in subsection (1)(a) were met or the criteria in subsection (1)(b) were met and the factors in subsection (2) were considered. If the local governing body did not render a determination in accordance with this subsection, the state land use agency shall not relinquish the farmland from the development rights agreement.

(5) A local governing body may elect to waive its right to make a relinquishment determination under subsection (1)(a) or (b) by providing written notice of that election to the state land use agency. The written notice shall grant the state land use agency sole authority to grant or deny the application as provided in this section.

(6) A decision by the state land use agency to grant or deny an application for relinquishment under this section that adversely affects a land owner or a local governing body is subject to a contested case hearing as provided under this act and the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees	DATE: March 16, 2023
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 03/22/2023
ACTION REQUESTED: Board of Trustees annual review of Board Governance Policy No. 3.3 – Board Members’ Code of Conduct	

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 subsequent amendments in following years with the most recent update done in 2022. The purpose of the Policy is to assist 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 3.3 (Board Members Code of Conduct), are to be reviewed and monitored for compliance on an annual basis.

Attached to this memo is an evaluation form that can be used for the review/discussion of Policy No. 3.3.

Board Policy 3.3 - Board Members’ Code of Conduct

At the highest level, the policy states:

The board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

Due to length, the complete policy is attached to this memo. Also attached is an evaluation form that can be used for the review/discussion of Policy No. 3.3.

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
- Safety
- Health
- Natural environment
- Commerce

COSTS

Not applicable

PROJECT TIME TABLE

Not applicable

RESOLUTION

Not applicable

Policy Name: 3.3 Board Members' Code of Conduct
Type of Review: Internal by the Board
Review Occurrence: Annual
Date: March 2023

Policy Wording

3.3 POLICY TITLE: BOARD MEMBERS' CODE OF CONDUCT

The board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

- 3.3.1 Members must have loyalty to the ownership, unconflicted by loyalties to staff, other organizations, and any personal interest as a consumer.
- 3.3.2 Members must avoid conflict of interest with respect to their fiduciary responsibility.
 - 3.3.2.1 There will be no self-dealing or business by a member with the organization. Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.
 - 3.3.2.2 When the board is to decide upon an issue, about which a member has an unavoidable conflict of interest, that member shall abstain herself or himself without comment from not only the vote, but also from the deliberation.
 - A. Exception: Where a board member has special expertise and has a conflict of interest, the board may choose to allow the member with the conflict to participate in the discussion, but not the vote.
 - 3.3.2.3 Board members will not use their board position to obtain employment in the organization for themselves, family members, or close associates.
- 3.3.3 Board members may not attempt to exercise individual authority over the organization.
 - 3.3.3.1 Members' interaction with the Township Manager or with staff must recognize the lack of authority vested in individuals except when explicitly board authorized.
 - 3.3.3.2 Member interaction with public, press or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly stated board decisions.
 - 3.3.3.2.1 When interacting with public, media or other entities, Board members must recognize explicitly stated board decisions.
 1. The Township Supervisor is the official spokesperson for the Board and may delegate that role.
 2. Board members may discuss CONTENT issues with the media but not personal attacks on other Board member(s).

3. Preceding any comment to the media, board members will make it clear that their comments are personal opinion as an individual member of the board and citizen of the township and not the position of the board.
4. In the case of existing legal proceedings, from the point of suit filed to final disposition or public Board action, board members will direct media questions on the specific lawsuit to the Township Manager.

3.3.3.3 Except for participation in board deliberation about whether reasonable interpretation of board policy has been achieved by the Township Manager, members will not express individual judgments of performance of employees of the Township Manager.

3.3.4 Members will respect the confidentiality appropriate to issues of a sensitive nature.

3.3.5 Members will be properly prepared for board deliberation.

Use this evaluation form for discussion at the Board of Trustees Meeting on March 22, 2022.

Review all sections of the policy listed and evaluate Board 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?