

SANILAC TOWNSHIP BOARD  
REGULAR MEETING  
Thursday, December 08, 2022  
6:00 P.M.

OPENING OF MEETING:

Supervisor Kelly called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL:

Members Present: Supervisor Dan Kelly, Trustee Jeff Lyall, Trustee William Noelke, Treasurer Dru Moran, and Clerk Suzanne Shagena.

Absent: None.

Guests Present: County Commissioner William Sarkella, Art Schlichting, Ken Wimmer, Thac Nguyen, John Goike, Doug Shagena, Nona Walker and Mary Simon.

ADDITIONS/CORRECTIONS TO AGENDA:

Motion by Moran, seconded by Lyall, to approve the agenda as presented. CARRIED.

COUNTY COMMISSIONER'S UPDATE:

Commissioner Sarkella provided an update from the county.

PUBLIC COMMENTS:

Thac Nguyen, home owner at 1877 S. Lakeshore Road, provided the township board with electric and water usage estimates to be reviewed by the board.

CONSENT AGENDA:

- a. Board Minutes of 11/10/22
- b. Accounts Payable — General Fund and Water Operating Bills.
- c. Payroll for December 2022.
- d. Treasurer's Report
- e. Zoning Administrator's Report.
- f. Planning Commission Minutes - 12/01/22

Motion by Lyall, seconded by Shagena, to approve the consent agenda. CARRIED.

The following reports were presented:

- *Fire Authority Report* – No written report as SEFA has not had a meeting.
- *Water Operations Report*
- *Assessor's Report*

Motion by Shagena, seconded by Noelke, to approve the reports as presented.  
CARRIED.

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OLD BUSINESS:

None.

NEW BUSINESS:

Supervisor Kelly presented the following Resolution of Appreciation for board approval:

A Resolution of the Township of Sanilac Board of Trustees recognizing Nona Walker for her commitment and dedication to the Township of Sanilac, in her service as an Election Inspector and Precinct Election Chairperson.

**WHEREAS**, the Township Board wishes to recognize Nona for her years of dedicated service in assisting and overseeing the administration of elections in Sanilac Township; and

**WHEREAS**, Nona has worked diligently over the years with the township clerk, other board members, government officials and township residents to ensure confidence in the outcome of our electoral processes. During such time, she has maintained a professional demeanor and positive attitude. Her expertise, knowledge and years of service are greatly appreciated and will be truly missed; and

**WHEREAS**, during the COVID-19 pandemic, she helped conduct accurate and timely elections while ensuring the protection and safety of the election workers and the voting public; and

**WHEREAS**, Nona has provided an invaluable function to Sanilac Township and has been a valuable resource. She is truly an unsung hero of our democracy;

**THEREFORE, BE IT RESOLVED**, that the Sanilac Township Board of Trustees recognizes the commitment and dedication of Nona Walker. The members of the Board offer their sincere thanks and appreciation for the time she has invested in serving the Township.

**BE IT FURTHER RESOLVED that** this resolution be spread upon the official records of the Township of Sanilac and that on behalf of the Citizens of Sanilac Township we thank you.

Roll Call: KELLY; yes, LYALL; yes, NOELKE; yes, MORAN; yes, SHAGENA; yes.

On this 8th day of December, 2022, the Township Supervisor declares this Resolution approved and adopted this day.

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The board reviewed information for a 2023 Zoning Administrator Certificate Program offered through Michigan State Extension Office. Motion by Kelly, seconded by Lyall to approve the registration cost for Kurtis Steeb, Township Zoning Administrator, to enroll in the 2023 Zoning Administrator Certificate Program or prerequisite Citizen Planner Program. CARRIED.

Treasurer Moran presented the board with information received from Team One Credit Unit with regards to current rates and terms for Certificates of Deposit. Motion by Noelke, seconded by Shagena to approve opening an account with Team One Credit Union for the purpose of investing \$230,000.00 from the Lexington Water Fund into a Certificate of Deposit for a term of 62 months at a rate of 3.928% and further designating Dru Moran, Sanilac Township Treasurer, and Daniel Kelly, Sanilac Township Supervisor, as co-signers for the Team One Account. CARRIED.

Supervisor Kelly recommended the following Appointments to the Board of Review.

- Mary Ann Milarch
- Corrine Falls
- Debbie Earls

Motion by Shagena, seconded by Noelke, to approve the Board of Review Appointments for a term of January 2023 through December of 2024. CARRIED.

The board discussed an unpaid receivable invoice from May of 2022 for fire hydrant use for a fire at 6834 Roach Road. The clerk will send a certified letter advising the home owner of possible small claims action if unpaid.

CORRESPONDENCE:

The County Board of Canvassers verified totals and certified the results of the November 8, 2022 General Election.

ADDITIONAL NEW BUSINESS:

Motion by Shagena, seconded by Noelke, to enter into closed session at 7:00 P.M., for the purpose of contract review. ROLL CALL: NOELKE; yes, SHAGENA; yes, MORAN; yes, LYALL; yes, KELLY; yes. CARRIED.

Motion by Noelke, seconded by Lyall, to come out of closed session at 7:25 P.M. CARRIED.

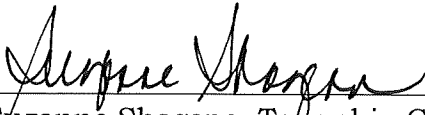
Motion by Noelke, seconded by Lyall, to approved the contract with Sanilac Appraisers, Inc., for a one-year term commencing July 1, 2022 through June 30, 2023, at a cost of \$17,000.00, to be paid in twelve monthly payments. CARRIED.

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OTHER:

None.

Motion by Lyall, seconded by Noelke, to adjourn the meeting at 7:50 P.M. CARRIED.

  
\_\_\_\_\_  
Suzanne Shagena, Township Clerk

  
\_\_\_\_\_  
Dan Kelly, Township Supervisor

## PERFORMANCE RESOLUTION FOR MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the \_\_\_\_\_ TOWNSHIP OF SANILAC

(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

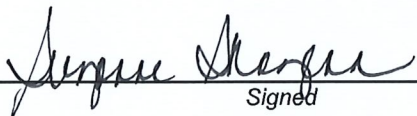
Water Administrator/Board Trustee - William Noelke

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the TOWNSHIP BOARD  
(Name of Board, etc.)

of the TOWNSHIP OF SANILAC of SANILAC  
(Name of MUNICIPALITY) (County)

at a REGULAR meeting held on the 12th day  
of JANUARY A.D. 2023.

  
Signed

SANILAC TOWNSHIP CLERK  
Title

SUZANNE SHAGENA  
Print Signed Name