ORDINANCE NO. 12

AN ORDINANCE TO AMEND THE MISSAUKEE SANITARY DRAIN NO. 2 SEWER RATE AND USE ORDINANCE (ORDINANCE NO. 8)

THE TOWNSHIP OF CALDWELL (MISSAUKEE COUNTY, MICHIGAN) ORDAINS:

Section 1. Amendment of Section 1.01.

Section 1.01 of Ordinance No. 8 is amended to add subsection (v) to read as follows:

(v) “debt service factor” or “debt service charge” shall mean that charge established by the township board pursuant to Section 3.05 of Ordinance No. 8, as amended, imposed on users of the system to pay principal, interest and administrative costs of retiring debt incurred for the construction or improvement of the system, including amounts necessary to repay advances from Caldwell Township's or Lake Township's township general fund utilized to pay or pre-pay principal, interest and administrative costs of such debt.

Section 2. Amendment of Section 3.02.

Section 3.02 of Ordinance No. 8 is amended to read as follows:

3.02 Owners of premises within the area of the township served by the system as of the effective date of this ordinance shall pay the following charges: (a) Trunkage Charge, (b) an Availability Charge, (c) Service Charges, and (d) a Debt Service Charge, in the amounts established by the township board from time to time in accordance with this ordinance, as amended.

The Trunkage and Availability Charges imposed pursuant to this Section shall be paid in cash at the time a connection permit is issued.

The township board may, by resolution, establish that owners of premises listed on a special assessment roll shall be given a credit against the Trunkage and Availability Charges specified herein equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

Section 3. Amendment of Section 3.05.

Section 3.05 of Ordinance No. 8 is amended to read as follows:

3.05 (a) Charges for sewage disposal services provided to each premises within the township connected to the sewage disposal system shall be established by resolution of the Township Board and may be revised from time to time by the Township Board, subject only to any obligations and limitations set forth in the contract between the township and the County entered into to finance acquisition of the system.
(b) Charges for sewage disposal services shall be billed on a quarterly basis on the 1st day of March, June, September, and December and shall be payable within 30 days. Notwithstanding the foregoing sentence, the Township Board at its sole discretion may determine, by resolution, that the Debt Service Charge shall be payable on an annual basis with the Township December 1 tax bill that is due on the last day of February, or according to any other schedule authorized by law, and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises. A penalty of ten percent (10%) of the amount of the bill for charges for sewer services shall be charged for any payment received after the due date specified above.

(c) The above notwithstanding, in the event that a structure or residence connected to the system is removed from the premises, the charges for sewage disposal services may be waived upon the written request of the owner of the premises and approval by the Board. The waiver may continue until another structure or residence is added to or rebuilt on the premises where the structure or residence is required to be connected to the sewage disposal system. The waiver shall not apply or be applied to any abandoned, vacant or seasonal use structures or residences not permanently removed from the premises. There shall be a one hundred and no/100 ($100.00) dollar reconnection and inspection fee charged to each premises of such a waived service charge which fee shall be paid before any reconnection is made to the sewage disposal system.

Section 4. Amendment of Section 7.02.

Section 7.02 of Ordinance No. is amended to read in its entirety as follows:

7.02 Pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and services charged (including a debt service factor or debt service charge) imposed upon such premises under the provisions of this ordinance, shall be a lien thereon as such fees or charges become due and payable; and, on the 1st of September of each year, the township treasurer shall certify any unpaid charges which have been delinquent thirty (30) or more days, together with penalties and interest accrued thereon, plus an additional amount of 6 percent of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 5. Amendment of Section 8.04.

Section 8.04 of Ordinance No. is amended to read in its entirety as follows:

8.04 The township specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or to repeal the same. Rates, charges and fees established by this ordinance or any resolution adopted by the township board pursuant to Section 3.05 of this ordinance, as amended, may be repealed, increased, decreased, or otherwise modified by resolution of the township board. It being understood, however, that any amendment to this ordinance or any resolution establishing, repealing, or otherwise modifying any rate, charge or fee shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the contract with the county. This ordinance shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.
Section 6. **Publication and Recording.** A true copy or a summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Township of Caldwell qualified under State law to publish legal notices, within thirty (30) days after its adoption and the same shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Township.

Section 7. **Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

Passed and adopted by the Township Board of the Township of Caldwell, County of Missaukee, Michigan on October 16, 2003, and approved by me on October 16, 2003.

Dan Mills, Supervisor
Township of Caldwell

Attest:

Sheniece Sloat, Clerk
Township of Caldwell
Minutes of a regular meeting of the Township Board of the Township of Caldwell, Missaukee County, Michigan, held in the Caldwell Township Hall located at 9510 W. Walker Road, Manton, Michigan, on the day of October 16, 2003, at 6:00 p.m. Local Time.

PRESENT: Members: Brown, Haver, McCurdy, Mills, Sloat

ABSENT: Members: None

It was moved by Member McCurdy and supported by Member Haver that the following Ordinance be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

The Ordinance was then read.

Upon roll call, the vote upon motion adopting said Ordinance was as follows:

YEAS: Members: Mills, McCurdy, Haver, Brown, Sloat

NAYS: Members: None

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 12 as adopted.
TOWNSHIP OF CALDWELL
COUNTY OF MISSAUKEE, MICHIGAN

RESOLUTION TO SET SEWER RATES AND FEES FOR
MISSAUKEE SANITARY DRAIN NO. 2

Minutes of a regular board meeting of the Township Board of the Township of Caldwell, Missaukee County, Michigan, held in the Caldwell Township Hall located at 9510 W. Walker Road, Manton, Michigan, on the 16th day of October, 2003, at 6:00 p.m. Local Time.

PRESENT: Members: Brown, Haver, McCurdy, Mills, Sloat

ABSENT: Members: None

The following preamble and resolution were offered by Member Brown and supported by Member McCurdy:

WHEREAS, pursuant to Ordinance No. 12, adopted by the Caldwell Township Board on October 16, 2002 (Ordinance No. 16), which amended the Missaukee Sanitary Drain No. 2 Sewer Rate and Use Ordinance, Ordinance No. 8 (“Ordinance No. 8, as amended”), the Township Board is authorized to establish from time to time various rates and charges for use of the Caldwell Township Sewer System (the “System”).

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. As of the effective date of Ordinance No. 12:
   (a) The Trunkage Charge shall be $3,100 per unit until December 31, 2003. The Trunkage Charge shall escalate at $100 per year commencing on January 1, 2004, and annually thereafter on January 1st.
   (b) The Availability Charge shall be $1,700 per pressure sewer connection and $3,400 per gravity sewer connection per unit until December 31, 2003. These charges shall each escalate at $50 per year commencing on January 1, 2004, and annually thereafter on January 1st.
(c) The **Connection Charge** shall be $725 per unit until December 31, 2003. The Connection Charge shall escalate at a rate of $25 per year commencing January 1, 2004, and annually thereafter on January 1st.

(d) The owner of premises listed on the Caldwell Township Special Assessment Roll for the Missaukee Sanitary Drain No. 2 shall be given a credit against the charges specified in Section 3.02 equal to the amount levied on the roll and said charges will be considered paid at the time the roll was confirmed.

The Trunkage, availability, and connection charge provided above shall be paid in cash at the time a connection permit is issued, if not listed on the Special Assessment Roll.

(e) The **Service Charge** provided by Section 3.02 of Ordinance No. 8, as amended, shall be $36.75 per quarter per unit for all users of the System.

(f) The **Debt Service Charge** provided by Section 3.02 of Ordinance No. 8, as amended, shall be $24 per unit per year for all users of the System. Proceeds of the Debt Service Charge shall be used to repay bonds issued by Missaukee County for the acquisition and construction of the System (as defined in Ordinance No. 8, as amended) or to repay advances from Caldwell Township's or Lake Township's General Fund, plus accrued interest which were used to pay or prepay bonds issued by Missaukee County for the acquisition and construction of the System.

2. The **Service Charge** specified in Section 1 above shall be billed on the next quarterly bill in accordance with Section 3.05(b) of Ordinance No. 8, as amended. The **Debt Service Charge** specified in Section 1 above shall be billed with the Township tax bill on December 1, beginning December 1, 2003, and each year thereafter and shall be payable on or before the last day of February.
3. The capitalized terms used in this resolution shall have the meanings assigned thereto in the Sewer Ordinance.

4. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

AYES: Members: Mills, McCurdy, Haver, Brown, Sloat

NAYS: Members: None

ABSTAIN: Members: None

RESOLUTION DECLARED ADOPTED.

Shelley Sloat, Clerk
Township of Caldwell

STATE OF MICHIGAN )
COUNTY OF MISSAUKEE ) ss.

I, Shelley Sloat, duly qualified and acting Clerk of the Township of Caldwell, Missaukee County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting on October 16, 2003, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 16th day of October, 2003, A.D.

Shelley Sloat, Clerk
Township of Caldwell
CALDWELL TOWNSHIP
REGULAR BOARD MEETING
OCTOBER 16TH, 2003 6:00 P.M.

MEETING CALLED TO ORDER BY SUPERVISOR.
ROLL CALL: HAVER, BROWN, MCCURDY, MILLS, AND SLOAT. ABSENT 0
MOTION BY BROWN AND SUPPORTED BY MCCURDY TO APPROVE THE SEPTEMBER 18, 2003 MINUTES AS PRINTED. AYES 5 NAYS 0 CARRIED.

COMMUNICATIONS: A COPY OF THE COUNTY ELECTION TO AUDIT HOMESTEAD EXEMPTIONS WAS RECEIVED AND WILL BE FILED BY THE CLERK.

NEW BUSINESS: THERE WILL BE A TELEPHONE CONFERENCE HELD ON OCTOBER 17, 2003 AT 11:00 A.M. TO DISCUSS THE POSSIBLE REFINANCING AND OR REFUNDING OF THE MISSAUKEE COUNTY SANITARY DRAIN NO. 2 BONDS. EDNA MCCURDY, TREASURER AND GORDON BROWN, TRUSTEE ARE GOING TO BE PART OF THIS CONFERENCE CALL AND WILL REPORT TO THE BOARD WHAT THE OUTCOME OF THE DISCUSSION WAS AT A LATER DATE.

THE ASSESSOR REPORTED THAT ALL HOMESTEADS NOW HAVE TO BE REVIEWED BY FEBRUARY OF 2004.

THE ASSESSOR REPORTED TO THE BOARD THAT THE CAMERA HE HAD BEEN USING BROKE AND WAS IN NEED OF ANOTHER ONE. THE TREASURER HAD A CAMERA THAT WAS LIKE NEW AND OFFERED TO SELL THAT ONE TO THE TOWNSHIP. SHE WILL CHECK ON THE VALUE OF THAT CAMERA AND LET THE BOARD KNOW AT A LATER DATE WHAT THE COST WOULD BE. THE ASSESSOR HAS TRIED IT OUT AND IT WORKS GREAT.

THE SUPERVISOR REPORTED THAT HE HAD RECEIVED A LETTER FROM THE PLACE THE TOWNSHIP HAD BOUGHT THE VIDEO RECORDER. AS MENTIONED IN PREVIOUS MINUTES, THE RECORDER WE ORIGINALLY GOT WAS DEFFECTIVE. THAT RECORDER WAS MILED BACK TO THE INSTALLER OF THE RECORDER FOR AN EXCHANGE. APPARENTLY THE INSTALLER HAS NOT TURNED IN THAT RECORDER AND NOW A BILL HAS BEEN SENT WANTING $1,000.00 FOR THE RECORDER. THE SUPERVISOR HAS BEEN IN CONTACT WITH BOTH THE COMPANY AND THE INSTALLER AND THE ISSUE IS SUPPOSED TO BE RESOLVED, LEAVING THE TOWNSHIP OUT OF THE PROBLEM.

RAY FIX FROM PROGRESSIVE ENGINEERING CAME BEFORE THE BOARD TO SPEAK ABOUT THE PROJECTED SHORT FALL TO LAKE TOWNSHIP AS WELL AS CALDWELL TOWNSHIP CONCERNING THE REPAYMENT OF BONDS FOR SEWER #2. AS HAS BEEN MENTIONED IN PREVIOUS MINUTES, DUE TO FALLING INTEREST RATES, THE PROJECTED AMOUNTS THE TOWNSHIPS WOULD HAVE TO PAY THESE BONDS HAS FALLEN SHORT. MEANING THE TOWNSHIPS HAVE TO TRY AND RECOUP THE LOSSES. THE ONLY WAY THIS CAN BE DONE NOW IS TO ASSESS A $24.00 ASSESSMENT PER YEAR ON THE TAX BILLS OF THE SEWER RESIDENTS. THE DEBT SERVICE CHARGE SHALL BE $24.00 PER UNIT PER YEAR FOR ALL USERS OF THE SYSTEM. HAVING THIS DEBT SERVICE CHARGE WOULD MEAN CALDWELL TOWNSHIP WOULD NEED TO AMEND ORDINANCE #8 WHICH IS THE ORIGINAL SEWER ORDINANCE AND TO PASS A RESOLUTION TO DO SO.

MOTION BY MCCURDY AND SUPPORTED BY HAVER TO AMEND CALDWELL TOWNSHIP ORDINANCE #8 BY ADOPTING CALDWELL TOWNSHIP ORDINANCE #12. VOICE VOTE: MILLS-AYE, MCCURDY-AYE, HAVER-AYE, BROWN-AYE, SLOAT-AYE. ORDINANCE #12 SO ADOPTED. ORDINANCE #12 WILL BE ON FILE WITH THE CLERK FOR VIEWING AND IS ATTACHED TO THE MINUTES. MOTION BY BROWN AND SUPPORTED BY MCCURDY TO ADOPT A RESOLUTION TO SET SEWER RATES AND FEES FOR MISSAUKEE SANITARY DRAIN NO. 2. AYES 5 NAYS 0 ABSENT 0 RESOLUTION ADOPTED. THIS RESOLUTION WILL BE ON FILE WITH THE CLERK FOR VIEWING. A COPY OF THE RESOLUTION IS ATTACHED TO THE MINUTES.

CEMETERY: MIKE LUTKE REQUESTED PERMISSION TO PURCHASE A PUSH MOWER FOR AROUND THE GRAVE MARKERS. HAVING ONE WOULD MAKE IT EASIER TO GET UP CLOSE AND IMPROVING THE APPEARANCE. THE COST OF THE PUSH MOWER WOULD BE AROUND $150.00. IT WAS ALSO REQUESTED THAT THE BOARD CONSIDER PURCHASING A TOW-BEHIND BAGGER FOR THE RIDING LAWN MOWER. THIS BAGGER CAN BE USED ON ANY LAWN TRACTOR SO IT WOULD BE SOMETHING THAT WOULD NOT NEED TO BE CHANGED IF A NEW LAWN TRACTOR WAS NEEDED AT SOME TIME IN THE FUTURE. MOTION BY HAVER AND SUPPORTED BY BROWN TO HAVE MIKE LUTKE PURCHASE A PUSH MOWER FOR THE CEMETERY. FUND TO COME OUT OF CEMETERY REPAIRS AND EQUIPMENT AND TO PURCHASE A TOW-BEHIND BAGGER FOR THE LAWN TRACTOR, COST TO BE SPLIT EVENLY BETWEEN THE TOWNSHIP HALL AND CEMETERY. AYES 5 NAYS 0 CARRIED.

COMMITTEE REPORTS: GORDON HAVER SUBMITTED MINUTES, OUTSTANDING FIRE RUNS AND EXPENSES FROM THE LAKE MISSAUKEE AREA FIRE AUTHORITY. ALSO SUBMITTED WAS THE AUDIT DONE ON THE FIRE AUTHORITY AND ALL WAS REPORTED IN GOOD SHAPE. FROM THE SEWER #1, GORDON HAVER SUBMITTED A STATEMENT OF REVENUES, EXPENSES AND CHANGES IN RETAINED EARNINGS SHEET. THESE WILL ALL BE ON FILE TILL THE CLERK.

MOTION BY HAVER AND SUPPORTED BY BROWN TO PAY ALL BILLS. AYES 5 NAYS 0 CARRIED.

MOTION BY BROWN AND SUPPORTED BY HAVER TO ADJOURN. AYES 5 NAYS 0 ADJOURNED.

SHELLEY SLOAT, CLERK
ORDINANCE NO. 12

AN ORDINANCE TO AMEND
THE MISSAUKEE SANI-
TARY DRAIN NO. 2 SEWER
RATE AND USE ORDI-
NANCE
(ORDINANCE NO. 8)

THE TOWNSHIP OF CALD-
WELL (MISSAUKEE COUNTY,
MICHIGAN) ORDOINS:

Section 1. Amendment of Sec-
tion 1.01.
Section 1.01 of Ordinance No. 8
is amended to add subsection (v) to
read as follows:
(v) "debt service factor" or "debt
service charge" shall mean that
charge established by the township
board pursuant to Section 3.05 of
Ordinance No. 8, as amended, im-
posed on users of the system to pay
principal, interest and administra-
tive costs of retiring debt incurred
for the construction or improve-
ment of the system, including
amounts necessary to repay ad-
vances from Caldwell Township’s
or Lake Township’s township gen-
eral fund utilized to pay or pre-pay
principal, interest and administra-
tive costs of such debt.

Section 2. Amendment of Sec-
tion 3.02.
Section 3.02 of Ordinance No. 8
is amended to read as follows:
3.02 Owners of premises within
the area of the township served by
the system as of the effective date
of this ordinance shall pay the fol-
lowing charges: (a) Trunkage
Charge, (b) an Availability Charge,
(c) Service Charges, and (d) a Debt
Service Charge, in the amounts es-
tablished by the township board
from time to time in accordance
with this ordinance, as amended.

The Trunkage and Availability
Charges imposed pursuant to this
Section shall be paid in cash at the
time a connection permit is issued.

The township board may, by reso-
lution, establish that owners of pre-
mises listed on a special assessment
continued on page 12-B
3.06 (a) Charges of sewage disposal services provided to each premises within the township connected to the sewage disposal system shall be established by resolution of the Township Board and may be revised from time to time by the Township Board, subject only to any obligations and limitations set forth in the contract between the township and the County entered into to finance acquisition of the system.

(b) Charges for sewage disposal services shall be billed on a quarterly basis on the 1st day of March, June, September, and December and shall be payable within 30 days. Notwithstanding the foregoing sentence, the Township Board at its sole discretion may determine, by resolution, that the Debt Service Charge shall be payable on an annual basis with the Township December 1 tax bill that is due on the last day of February, or according to any other schedule authorized by law, and such charge shall be collected and the lien thereof enforced in the same manner as all other property taxes levied against such premises. A penalty of ten percent (10%) of the amount of the bill for charges for sewer services shall be charged for any payment received after the due date specified above.

(c) The above notwithstanding, in the event that a structure or residence connected to the system is removed from the premises, the charges for sewage disposal services may be waived upon the written request of the owner of the premises and approval by the Board. The waiver may continue until another structure or residence is added to or rebuilt on the premises where the structure or residence is required to be connected to the sewage disposal system. The waiver shall not apply or be applied to any abandoned, vacant or seasonal use properties or residences not permanently removed from the premises. There shall be a one hundred and no/100 ($100.00) dollar reconnection and inspection fee charged to each premises of such a waived service charge which fee shall be paid before any reconnection is made to the sewage disposal system.

Section 4. Amendment of Section 7.02.

Section 7.02 of Ordinance No. 8 is amended to read in its entirety as follows:

7.02 Pursuant to Act 176 of the Public Acts of Michigan of 1939, as amended, charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage charge, availability charge, and services charged (including a debt service factor or debt service charge) and upon such premises the provisions of this ordinance, shall be a lien thereon as such fees or charges become due and payable; and, on the first of September of each year, the township treasurer shall certify any unpaid charges which have been delinquent thirty (30) or more days, together with penalties and interest accrued thereon, plus an additional amount of six percent (6%) of the aggregate amount to the township board which shall cause such delinquent amount to be entered upon the next December 1 tax roll against the premises in respect of which such unpaid charges shall have been imposed and such delinquent amount shall be collected and said lien shall have been imposed and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such real property.

Section 5. Amendment of Section 8.04.

Section 8.04 of Ordinance No. 8 is amended to read in its entirety as follows:

8.04 The township specifically reserves the right to amend this ordinance in whole or in part, at one time or more times hereafter, or to repeal the same. Rates, charges and fees established by this ordinance or any resolution adopted by the township board pursuant to Section 3.05 of this ordinance, as amended, may be repealed, increased, decreased, or otherwise modified by resolution of the township board. It being understood, however, that any amendment to this ordinance or any resolution establishing, repealing, or otherwise modifying any rate, charge or fee shall in no way change, relieve, or release any obligation of the township to make any required payments pursuant to the contract with the county. This ordinance shall otherwise not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

Section 6. Publication and Recording. A true copy or a summary of this ordinance shall be published in a manner prescribed by general circulation within the boundaries of the Township of Caldwell qualified under State law to publish legal notices, within thirty (30) days after its adoption and the same shall be recorded in the minutes of the Township Board of the meeting at which this ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Township.

Section 7. Effective Date. This ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

Passed and adopted by the Township Board of the Township of Caldwell, County of Missaukee, Michigan on October 16, 2003, and approved by me on October 16, 2003.

Dan Mills, Supervisor
Township of Caldwell

Attest:

S. Shelley Sloat
Shelley Sloat, Clerk
Township of Caldwell

10/31/2003