

Johnstown Township Minutes

13641 South M-37 Highway. Battle Creek, Michigan 49017

Special Board Meeting – October 11, 2023 – 5:00 p.m.

Special Assessment District – Bristol Lake Channel & Public Hearing

Meeting called to order at 5:00 p.m.

Present: Supervisor Barb Earl, Clerk Sheri Babcock, Treasurer Karmen Nickerson
Trustee Deana Powell, Trustee Jeff Warren and Township Attorney, Catherine Kaufman

Absent: None

Visitors: Four (4)

Agenda: A motion was made by Powell to approve the agenda as presented. Seconded by Warren.
All ayes. Motion carried.

Discussion: Review last month's objections to Special Assessment District. Trustee Warren wanted to have the opportunity to walk the Russell property before making a determination this property being excluded from the district.

Attached is a copy of the objection received from Kevin McCormick, Parcel #08-09-190-013-00

Kevin McCormick of 277 Sunset Drive, Dowling, MI presented his comments on why the Russell property should be included:

- He states there is proof of clear access, a portion of it is mowed;
- He states that the channel was dredged in 1993 and the Russell property was included on the assessment. But later it was not included on the weed assessments;
- He doesn't think his own property should be included in the weed assessment;
- It is wrong for him to have to pay for weed control when he does not use the channel because he has lake frontage;
- He states that the Township shouldn't even be doing special assessments;
- He also states that the Township is incorrect in using a per parcel assessment instead of a linear foot determination;

The Township Assessor provided the following information:

- Soil Map – Barry County, Russell property. Shows Colwood loam 38.3%, Udorthents and Udipsamments 0 to 6 percent slopes, 1%, Edwards muck, 0 to 1 percent slopes at 43.2% and Water at 17.5%. All poorly drained, low flats and depressions and subject to ponding.
- Barry County GIS map shows Russell property almost entirely as Freshwater Emergent Wetland.
- The Assessor conclusion is that this property does not have a benefit from weed control in the channel and should remain exempt from the district. Her opinion is based on these findings and the previous determination of prior SAD's.
- Because someone has property on the channel it doesn't mean that they have a benefit. The Russell property is wetland area and does not have a benefit. Jeff Smith is the one mowing the property, not the Russell's;

The Township Assessor provided the following information: (continued)

- The Assessor stated that it appeared that the McCormick living room faced the channel;
- It is the opinion of the Assessor that the determination is correct of not placing the Russell property in the district as they receive no benefit.

Catherine Kaufman, Township lawyer, provided options for board action.

It was determined that we will go ahead and proceed with Resolution #2.

Resolution No. 2 - #2023-10-01 – Special Assessment District No. 1

Several corrections of dates were identified within the resolution and the modifications were made. The resolution as revised was offered by Powell and supported by Warren.

Roll call vote: Ayes: Warren, Powell, Nickerson, Babcock, Earl
Nays: None

The Supervisor declared the motion carried and the Resolution duly adopted.

A motion was made by Powell to close the regular meeting at 5:18 p.m. Seconded by Warren. All ayes. Motion carried.

PUBLIC HEARING: A motion was made by Powell to open the public hearing at 5:19 p.m. Seconded by Warren. All ayes. Motion carried.

Public Comments: Please state your name and address for the record.

Kevin McCormick, II, 277 Sunset Drive, Battle Creek MI 49017. His concerns were presented and received by the board as required by law. Additionally, his verbal statements and objections include:

- He objects to the Russell property being excluded from the district;
- He doesn't agree with assessment vs. benefit.
- His property has lake access so he doesn't use the channel;
- He doesn't care if there are weeds in the channel
- Mr. Russell's property may be wetland but the area photo clearly shows he can assess from his property, he could put a dock there and a boat. A portion is being mowed.
- Weed control in the channel does not increase the value of his property;
- He doesn't agree with the board decision to use frontage vs. per parcel. The board is just lazy to not use footage.
- He doesn't agree that the township should be doing special assessment at all. The board should let the people do it themselves;
- He takes his own weeds out by hand and doesn't need access from the channel to park a boat or gain access so the lake;
- His living room does not face the channel;
- The corner lot determination does not just apply to roads;

PUBLIC HEARING – (continued)

Trustee Powell stated that McCormick does have a boat launch on the channel according to the aerial view.

The Township Lawyer asked if there were any other correspondence:

The Clerk Babcock read a letter from Cindy Hall thanking for the assistance in process. Copies of both the objection and thank you are attached to the minutes.

The Township Lawyer offered that the board could determine an amount less than 100% due to channel and lake access.

A motion was made by Warren to close the public hearing at 5:26 p.m., seconded by Powell. All ayes. Motion carried.

A motion was made by Warren to open the Special Board meeting at 5:26 p.m., seconded by Powell. All ayes. Motion carried.

The McCormick property – the board reviewed all information and considerations.

Conclusion: There is some benefit to the McCormick property due to frontage on the channel; the Russell property does not have a benefit from the assessment. The Township Lawyer advised that we can't add but can strike or decrease at this time but we could still consider other options.

A motion was made by Warren to assess the McCormick parcel at a ½ assessment instead of a full assessment. Seconded by Powell. All ayes. Motion carried.

Mr. McCormick stated "that seems fair."

Resolution No. 3 – #2023-10-2 – Assessment Roll

Corrections to the resolution were made to eliminate the language addressing interest, as no interest is assessed and the language for delinquent tax was not necessary.

Resolution No. 3 - #2023-10-2 as amended and adjusted to reflect the changes was offered by Warren. Supported by Powell.

Upon roll call vote: Ayes: Warren, Powell, Nickerson, Babcock, Earl
Nays: None

The Supervisor declared the motion carried and the Resolution duly adopted.

Public Comments: None

Adjournment: A motion was made by Warren to adjourn the meeting at 5:43 p.m. Seconded by Powell. All ayes. Motion carried.

Attested to by:
Barbara Earl
Supervisor



Sheri Babcock, Clerk