

**Au Train Township Regular Board Meeting Minutes
August 11, 2025 6:00PM - 8:23PM**

Roll Call:

Board Members Present: Supervisor Tom Balmes, Clerk Mary Johnson, Treasurer Kristy Cota, and Trustee John Carr. Absent: Trustee Jake Miller. Others present: Donna Shields, Justen Knuttila, Ryan Walther, Joan Potter Sommer, Alex Kolton, and Eryn Grupido.

Supervisor Balmes opened our August 11, 2025 meeting at 6PM leading us with the pledge.

Approval of the Agenda:

Moved Johnson/seconded Cota to **approve the agenda**. Motion carried.

Approval of Minutes:

Moved Johnson/seconded Carr to **approve the minutes of the July 14, 2025 Regular Board Meeting**. Motion carried.

Moved Balmes/seconded Cota to **approve the minutes of the July 28, 2025 Special Board Meeting**. Motion carried.

Financial Reports:

Clerk Johnson presented the July, 2025 and Quarterly Financial Reports. Reports are provided to Board Members prior to the meeting. No Budget Amendments recommended.

Pay Bills:

Moved Cota/seconded Carr to **pay bills**. Cota, yes; Carr, yes; Johnson, yes; Balmes, yes. Motion carried. (General Fund #17530-17552; Fire Fund #9383-9392; Garbage Fund #2155; Road Fund #3019).

Board Member Reports:

Treasurer - Balance as of July 31, 2025: General Fund \$294,339.69; Fire Fund \$432,093.83 + CD \$55,130.10; Garbage Fund \$303,541.37; Road Fund \$181,392.91.

There is an upcoming hall rental on August 20th for the Secretary of State Mobile Office Event. The CFR monies were received and will process for August. Summer Tax Collection continues with office hours scheduled for September 15th.

Clerk - Since the July Meeting several emails, and FOIA requests were responded to. Preparation for the July Special Meeting, Election Administration ConEd, Workers Comp Audit, MML Insurance Renewal Application, Parcel Division Applications, and the finalization of the UpAhead Proposal were started or completed.

Trustee's - Trustee Carr noted that he met with the Window Store representative to confirm door sizes before ordering. They will provide an estimate for replacement windows in the main storage room for review at our September Board Meeting.

Supervisor - Supervisor Balmes indicated recent meetings attended with the Fire Department, Board of Review, and US Fish and Wildlife. Also addressed garbage concerns and has an upcoming meeting scheduled with MDOT and the ACRC regarding the Orange Bridge on Woodland Ave. The bridge is part

PAGE 1

of the National Historic Preservation Act. The Railroad/Trail Bridge was completely removed. It is

scheduled for replacement in 2026. The trail will remain open with alternate M28 use allowed to bypass the closure on the trail for snowmobiles.

Supervisor Balmes noted there may be grant monies available for the mouth of the Au Train River and will continue to monitor. Discussion regarding emergency notification and the plan through the Alger County Sheriff Department and Alger County Emergency Disaster Plan. Also, a reporter from "Under the Bridge" will be doing a story on the Forest Lake Dam and the concerns that the Township Board and residents have about its future and stability of the dam.

Special Presentation: Alger County Conservation Districts Alex Kolton and Eryn Grupido provided information on invasive species in the Township and requested permission, which was granted, to install Decontamination Station signage at the Heritage Trail site. Future locations and suggestions are always welcome.

Public Comment: Joan Potter Sommer provided information to the Board on an upcoming Alger County Renewable Energy Solutions collaboration with Alger County Solarize hopes to offer solar panels at a discounted rate for a group purchase. An upcoming meeting is scheduled for September 18, 2025 at 6:00PM at the Munising Township Hall.

Boards/Departments:

Maintenance Department: Ryan provided an update to the Board on recent maintenance issues and projects. Work concluded on the removal of the trail tressel bridge and the park was reopened for Public access. Ryan shared more information regarding the kayak launch dock and more damage and repairs that will be needed. Complete removal of the dock and/or launch and how it might affect our lease with the DNR, ADA compliance and monies spent for repairs every year and the benefit it provides was addressed. Clerk Johnson will pull the lease and update the Board at the September meeting. There is a community service worker that is working on projects throughout the Township.

Fire Department: Assistant Chief Justen Knuttila provided the July Department report and it is on file. There were 3 calls for the month. Turn out gear for a new member Brad Steinhoff has been ordered. They would like to put the older pumper, stored in Christmas, up for sale on bids. It is a 1996-1997 truck. There would be a \$5,000 minimum. The Fire 1 And 2 upcoming classes will be using the Christmas Hall.

Clerk Johnson provided information to the Board on the propane pre-purchase options for 16 Mile Lake Fire hall. UP Propane \$1.699 per gallon and Superiorland Gas Co. \$1.94 per gallon. Moved Cota/seconded Johnson to **contract with UP Propane at \$1.699 per gallon and pre-purchase propane for the 16 Mile Lake Fire Hall in the amount of \$1,389.64.** Motion carried.

Assessor/Board of Review - Report received and on file. Information regarding the July Board of Review Meeting was provided. New construction and regular field inspections are both underway. Letters were sent to all property owners who will be visited this year.

Zoning Administrator/Planning Commission/Zoning Board of Appeals- Zoning Administrator Donna Shields was present and provided her report. Additional information was provided, along with upcoming meeting August 21st and hearing schedule details. Discussion regarding several Zoning Violation complaints filed by one individual was made, with clarification and response recommendations from Attorney Nordeen.

Unfinished Business:

1. Board Action Items - None

2. Ordinance Enforcement Officer - The Ordinance Enforcement Officer Ordinance was reviewed, along with discussion on the person(s) responsible for enforcement. Review of the process will be addressed at the September Board Meeting.

New Business:

1. Correspondence - None

2. Civil Infraction Ordinance - Clerk Johnson provided the Civil Infraction Ordinance for consideration by the Board.

Moved Cota/second Balmes to **approve the Au Train Township Civil Infraction Ordinance 2025-001**. Cota, yes; Balmes, yes; Johnson, yes; Carr, yes. Motion carried. **See Attachment No. 1**

3. Zoning Fees - After review and discussion of possible increased fees for applying after the fact to bring their property into compliance. The Board requested additional information from Zoning Administrator Shields to revisit and discuss at the September Board Meeting.

4. L-4029 Review - Clerk Johnson presented the L-4029 Tax Rate Request form for the Winter Tax Collection for review and approval. After discussion and reliance on the millage rates used to determine the 2025-2026 Approved Budgets for all funds, Moved Johnson/second Cota to **authorize the following rates be collected for the 2025 Tax Rate Request (Form L-4029): General Fund Operate - 0.6758; Fire Fund - 2.9895; Garbage Fund - 2.0000; Road Fund - 1.9930.**

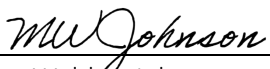
Public Comment: Public comment, via email, was received from Duane Newton.

Board Member Comments: None.

Next Meeting: The next Regular Board meeting is scheduled for September 8, 2025 at 6:00PM

Adjournment: Motion Balmes/seconded Johnson to **adjourn at 8:23PM**. Motion carried.

Submitted by Mary Walther Johnson, Clerk



Mary Walther Johnson

APPROVED DATE: 09-08-2025

Prepared: 08/22/2025
mwj

Ordinance Number 2025-001

**Au Train Township
Municipal Civil Infraction Ordinance**

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

An Ordinance to provide for commencement of municipal civil infraction actions and provide for issuance, service and contents of citation for municipal civil infractions by Ordinance Enforcement Officers.

Section 101: Purpose

- A. The purpose and intent of this Ordinance is to prevent, reduce, or eliminate nuisances or causes of nuisances with the Township of Au Train; provide for the enforcement of Township ordinances; and provide for penalties for the violation of Township ordinances, and by doing so thereby provide for the public health, safety, and general welfare of persons and property within the Township.

Section 102: Short Title

- A. This Ordinance shall be known and may be cited as the Municipal Civil Infraction Ordinance of the Township of Au Train, County of Alger, Michigan.

Section 103: Definitions

- A. The following words and phrases shall have the following meanings:
 1. Act: means Act 236 of the Public Acts of 1961, as amended, MCL 600.101et seq
 2. Municipal Civil Infraction: means an action or omission that is prohibited by this Ordinance, or other township ordinance authorizing penalty by such, but which is not a crime under this ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
 3. Municipal Civil Infraction Action: means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
 4. Municipal Civil Infraction Citation: means a written complaint or notice prepared by an Ordinance Enforcement Officer, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
 5. Ordinance Enforcement Officer(s): means personnel of the township authorized by this Ordinance to issue municipal civil infraction citations.
 6. Township: means Au Train Township, Alger County, Michigan.

Section 104: Commencement of a Municipal Civil Infraction Action

- A. A municipal civil infraction action shall be commenced upon the issuance by an Ordinance Enforcement Officer of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 105: Issuance and Service of Municipal Civil Infraction Citations

- A. Upon receipt of a complaint, or determination by an Ordinance Enforcement Officer that a violation exists, the Ordinance Enforcement Officer shall issue a notice of violation.
 1. The notice of violation shall be directed to each owner of, or party of interest, in whose name the property appears on the last local tax assessment record.

2. The notice of violation shall be in writing and shall be served upon the person or property owner who is alleged to have caused the violation. If the violation involves the use or occupancy of land, a building, or other structure, the notice may be sent by first-class mail addressed to the owner or party of interest in whose name the property appears on the last local tax assessment record.
 3. The notice of violation shall include a citation to the applicable section of the ordinance in violation, include specific instructions for the resolution or remedy of the violation to bring the property into compliance, and include a specific deadline for the resolution or remedy to occur.
 4. All violations shall be corrected within the period of time specified on the notice of violation. A violation not corrected within this period shall cause the issuance of a municipal civil infraction citation.
- B. Municipal civil infraction citations shall be issued and served by an Ordinance Enforcement Officer as follows:
1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
 2. The place for appearance specified in a citation shall be the District Court of Alger County.
 3. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
 4. A citation for a municipal civil infraction signed by an Ordinance Enforcement Officer shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*
 5. An Ordinance Enforcement Officer who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
 6. An Ordinance Enforcement Officer may issue a citation to a person if:
 - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or other attorney for the political subdivision employing the authorized local official approves in writing the issuance of the citation.
 7. Municipal civil infraction citations shall be served by an Ordinance Enforcement Officer as follows:
 - a. Except as provided in Section 105(B)(7)(b) of this Ordinance, an Ordinance Enforcement Officer shall personally serve a copy of the citation upon the alleged violator.
 - b. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

Section 106: Contents of Municipal Civil Infraction Citations

- A. A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - 1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - 2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - 3. Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
 - b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- C. The citation shall also inform the alleged violator of all of the following that:
 - 1. If the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - 2. If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing unless a hearing date is specified on the citation.
 - 3. A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - 4. At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - 5. At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- D. The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 107: Violations and Penalties

- A. The failure to comply with the provisions of this Ordinance or other Township ordinances authorizing penalties by municipal civil infraction are subject to enforcement by the procedures and penalties outlined in this Ordinance.
- B. Sanctions for a violation of a municipal civil infraction shall be a civil fine in the amount of not less than that established by the Au Train Township Board in the Township Fee Listing, plus other costs, damages, expenses, and other sanctions for each infraction.
- C. A municipal civil infraction violation of the same provisions of an ordinance committed by a person or property owner within twelve months of the date of an earlier municipal civil infraction violation for which the alleged violator either admitted responsibility or was determined to be responsible may be subject to an increased fine for repeat offenses provided for in the Township Fee Listing.

- D. Failure to comply with an order, judgement of default in payment of a civil fine, costs, damages, or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens, or other remedies as permitted in Act Number 236 of the Public Acts of 1961, as amended.

Section 108: Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected.

Section 109: Effective Date

- A. This Ordinance shall be in full force and effect fourteen (14) days following the publication of the notice of adoption in the Munising Beacon.

DATE ORDINANCE ADOPTED BY TOWNSHIP BOARD: 08/11/2025

DATE ORDINANCE EFFECTIVE: 09/05/2025

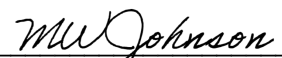
DATE OF PUBLICATION OF NOTICE OF ADOPTION: 08/20/2025

DATE OF FILING WITH ALGER COUNTY CLERK: 08/19/2025

Roll Call Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Tom Balmes	X		
Mary Walther Johnson	X		
Kristy Cota	X		
Jacob Miller			X
John Carr	X		

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Au Train Township Board, Au Train Township, Alger County, Michigan at a regular meeting held on August 11, 2025 pursuant to the procedures required by law.



Mary Walther Johnson
Au Train Township Clerk