

HOPKINS TOWNSHIP BOARD MINUTES
REGULAR MEETING
May 13, 2013

Meeting called to order by Evans at 7:34 p.m.

Board members present: Battjes, Evans, Wamhoff, Modreske

Motion by Modreske, supported by Wamhoff to approve board meeting agenda as presented. Four Ayes

Morris present: 7:35 p.m.

Motion by Modreske, supported by Wamhoff to approve amended minutes of last month's meeting. All Ayes.

Motion by Wamhoff, supported by Modreske to approve the financial report as presented. All Ayes.

Motion by Modreske, supported by Wamhoff to authorize the payment of bills as presented. All Ayes.

Battjes updated the board on correspondence.

Reviewed the 2013 Memorial Day program plans.

Discussed proposed Trust Acquisition of land for Match-e-be-nash-she-wish Band of the Pottawatomini Indians.

Motion by Evans, supported by Wamhoff to release attorney client privilege regarding letter from Township attorney regarding Jijak foundation. All Ayes Copy Attached

Motion by Modreske, supported by Morris to file the 5 responses to the US Department of Interior Bureau of Indian Affairs as written. All Ayes. Copy Attached

Motion by Evans, supported by Wamhoff to table petition for road repairs on 12th street until June board meeting so we can discuss matter with the county. All Ayes.

Motion by Modreske, supported by Wamhoff to approve road project LH4708 within 10% of \$73,255. All Ayes.

Motion by Evans, supported by Morris to adjourn the meeting at 9:06 p.m. All Ayes.

Lisa Battjes, Clerk
Hopkins Township
May 2013

BAUCKHAM, SPARKS, LOHRSTORFER, THALL & SEEBER, P.C.
ATTORNEYS AT LAW

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CATHERINE P. KAUFMAN

May 10, 2013

**THIS DOCUMENT IS SUBJECT TO THE ATTORNEY CLIENT PRIVILEGE AND IS EXEMPT FROM
DISCLOSURE**

Hopkins Township Board of Trustees
1451 124th Avenue
Hopkins, MI 49328

Re: Jijak Foundation v Hopkins Township
MTT Docket No. 441563

Dear Board Members:

I have extensive experience in dealing with property tax exemption claims and have reviewed the above-referenced case at the request of Supervisor Evans. This letter is intended for informational purposes and is subject to attorney/client privilege. Since the Township is involved in pending litigation regarding this matter, this letter must not be disseminated to the public.

This case involves a claim by the Jijak Foundation (Jijak) that its real property acquired by warranty deed in 2011 from Mel Trotter Industries should be exempt from real property taxation. Jijak claims tax exempt status based upon its purported use of the property as a non-profit entity for the furtherance of education and charity. Pursuant to law the burden is placed upon Jijak to demonstrate its real property tax exempt status with sufficient proofs.

The property was previously exempt from real property taxes when it was owned by Mel Trotter Industries. It is my understanding that when Jijak purchased the property, Supervisor Evans informed them to submit evidence that the property would be exempt, otherwise he would remove the exemption from the property. Supervisor Evans did not receive the requested evidence and subsequently provided proper notice to Jijak in early 2012 that the exemption from real property taxes was removed for 2012. Jijak then appealed the removal of the exemption to the Township Board of Review. Jijak submitted information in support of its request for exemption with its appeal to the Board of Review. I have reviewed the information supplied by Jijak and would concur with the Board of Review decision to deny the exemption request. This is not to say that the Jijak property is not exempt in fact or cannot become exempt but rather, based upon the information provided, the Board of Review made the correct decision. The burden of proof was on Jijak and Jijak did not submit sufficient documentation to support its contention.

This is not uncommon that a party claiming tax exemption does not provide sufficient documentation and is therefore denied by the assessor or Board of Review. It is then the claimant's right to appeal that decision to the Tax Tribunal as in this case. Now that we are in the Tribunal we can engage in informal and

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formal discovery to uncover more facts regarding Jijak and its use of the property. As we gather more information during this process, we may determine that the information provided justifies the exemption or we may find that our case is strengthened. As you may know, Jijak has applied to bring the property into trust. Once the Township receives the application, we will review it. We can go from there to see what further information we might want in order to better weigh how far we go with this case. We intend to work further with the Supervisor regarding this case.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

**BAUCKHAM, SPARKS, LOHRSTORFER,
THALL & SEEBER, P.C.**

Robert E. Thall

RET/ser
cc: John Lohrstorfer

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May 13, 2013

esther.thompson@bia.gov

United States Department of the Interior
Bureau of Indian Affairs
Michigan Agency
2845 Ashmun Street
Sault Ste. Marie, MI 49783-3732
Attn: Esther M. Thompson
Realty Officer of the US. Department of the Interior

Re: Proposed Trust Acquisition of Land for Match-e-be-nash-she-wish Band of Pottawatomi Indians (Gun Lake Tribe) – Jijak Camp Hopkins Township

Dear Ms. Thompson:

On behalf of Hopkins Township located in Allegan County, Michigan, our firm is responding to the request by the Jijak Camp for trust acquisition of property referenced above. In your letter of March 14, 2013, you invited the Township, pursuant to 25 CFR Part 151, to offer comments on five different issues which I will list and respond accordingly below:

1. The annual amount of property taxes currently levied on the properties.

Response: Both parcels totaling \$27,011.72. Parcel 10-032-001-30 has delinquent amount due of \$22,524. As of April 4, 2013 this doesn't include any penalties/ interest.

2. The impact of the political subdivision resulting from the removal of the land from the tax rolls.

Response: Loss of property tax revenue and State of Michigan revenue sharing that these parcels would generate to each of these services. etc, fire, ambulance, police, library, schools and roads.

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3. Any special assessments, and amounts thereof, which are currently assessed against the property.

Response: Drain Assessments and Recycling Assessments. However, depending on what develops on the property, there could be special assessments for water, sewer, utilities, etc.

4. Any governmental services which are currently provided to the property by your jurisdiction.

Response: General governmental services for the property include fire protection, police protection, library service, recycling service and ambulance services. At this time there is no current contract or discussion with Hopkins Township to provide any of these governmental services.

5. Describe the current zoning classification and any potential conflicts of land use which may arise.

Response: At this time a small part of the property is zoned R-1. The majority of the property is in the R-2 classification. R-1, Rural Estate district uses include farms, greenhouses, orchards, single-family dwellings, parks, and cemeteries. In addition, Special Use Permits would be needed for any home occupation, removal and processing of the top soil, sand, gravel, and kennels. R-2, Low Density Residential districts include single-family and two-family dwellings. Special Use Permits are needed for schools, libraries, parks, playgrounds, community centers, governmental service buildings, churches and home occupations.

The historical use of the property has been that of a seasonal church camp and related recreational activities associated with the camp. We believe this camp was created prior to the adoption of the Township Zoning Ordinance and therefore would constitute a legal non-conforming use. To the extent that the property remains a camp use, there would not be any conflict. However, if the property is to be used other than a camp and not consistent with the residential uses, then there would be a potential conflict.

However, one of the issues for the Township is that no plan for future development has been presented to the Township. At this time the Township does not know exactly what the uses may be in the future for the property. To that extent, certain uses could be in conflict with the zoning classifications. Therefore, we cannot comment

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on what the issues in the future may be.

In conclusion, we hope the answers to the above questions will be helpful to the Department of the Interior.

In the meantime, if there are any other questions about our responses to the issues, please do not hesitate contacting my office or the Township Supervisor, Mark Evans.

Very truly yours,

BAUCKHAM, SPARKS,
LOHRSTORFER, THALL
& SEEBER, P.C.

John K. Lohrstorfer

JKL:paj

cc: Mark Evans (via email: supervisor@hopkinstownship.org)