PENN TOWNSHIP
MINUTES OF THE SEPTEMBER 14, 2026, REGULAR BOARD MEETING

Supervisor Olafsson detemined a quorum was present.

Township Supervisor Olafsson called the meeting to order at 6:42 pm in the Penn Township Hall, 60717 S. Main Street, Vandalia, MI 49095.

Members Present: Supervisor Oli Olafsson, Clerk Rhonda Barnett, Treasurer Rachele Bogue, Trustee Roger Leach and Trustee Scott Peters

Board Member Absent: None

Trustee Leach opened with prayer and led the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Treasurer Bogue and supported by Trustee Leach to approve the agenda.

The motion carried unanimously.

CONSENT OF AGENDA

- **A. MINUTES OF AUGUST 13, 2026 REGULAR MEETING AND SEPTEMBER 3, 2026 SPECIAL MEETING**
- **B. STATEMENTS AND CHECKS FOR AUGUST 31, 2026, IN THE AMOUNT OF $240,813.55**
  - **i. CHECKS #24605-24637 AND CHECKS 24644-24650 IN THE AMOUNT OF $233,617.55**
  - **ii. ACH PAYMENT TO LEAP PRODUCTS IN THE AMOUNT OF $7,196.00**
- **C. TREASURER'S REPORT**

A motion was made by Trustee Leach and supported by Treasurer Bogue to approve the consent agenda.

The motion carried unanimously.

DRAFT

PUBLIC COMMENTS

There were 5 public comments.

BOARD MEMBER COMMENTS

There was 1 board member comment.

Trustee Peters mentioned the Cassopolis High School is hosting the area high school bands on Friday, September 18, 2026 at 5:45. He encouraged people to come support the local band.

SUPERVISOR COMMENTS

Supervisor commented about two of the public comments regarding the contract the township has with Mika Meyers.

NEW BUSINESS

1. **1ST READING OF RESOLUTION 2026-06, PROPOSED ORDINANCE 2026-02, AN ORDINANCE TO AMEND ARTICLE 6 OF THE ZONING ORDINANCE OF PENN TOWNSHIP BY THE ADDITION OF A NEW SECTION 6.26, TEMPORARY MORATORIUM ON DATA CENTERS**

Clerk Barnett read the resolution into the record.

A motion was made by Clerk Barnett and supported by Trustee Peters to approve the 1st Reading of Resolution 2026-06, Proposed Ordinance 2026-02, an ordinance to amend Article 6 of the Zoning Ordinance of Penn Township by the addition of a new section 6.26, Temporary Moratorium on Data Centers. (see attached)

Peters	**yes**	**Leach**	**yes**	**Olfasson**	**yes**
Bogue	**yes**	**Barnett**	**yes**		

The motion carried unanimously.

DRAFT

2. **APPROVE THE ~~HERITAGE~~ L-4029 -2026 TAX RATES FOR THE 2027 BUDGET**

A motion was made by Trustee Leach and supported by Clerk Barnett to approve the L-4029 -2026 Tax Rates for the 2027 Budget. (see attached)

The motion carried unanimously.

2. **APPROVE CASS COUNTY ROAD COMMISSION (CCRC) CONTRACT REVISIONS FOR GARDS PRAIRIE ROAD AND PENN ROAD**

A motion was made by Trustee Leach and supported by Treasurer Bogue to approve the Cass County Road Commission (CCRC) Contract Revision for Gards Prairie Road and Penn Road to include Hoffman Road and Kelsey Lake Street. Also, for Penn Road to include Quaker Street to join. (see attached)

The motion carried unanimously.

DEPARTMENTAL REPORTS

A. CLERK REPORT

Clerk Barnett commented the ballots will be mailed by the end of the month.

B. FIRE DEPARTMENT REPORT

Chief Bogue reported that the department responded to 21 runs in August. We had three dispatches with wires down, two false alarms, assisted a resident with replacing batteries for fire alarm, two CO alarm dispatches, 4 dispatched with assists for ambulance, four PI accidents, assisted Cass Fire Department, Car vs motorcycle and an iPhone crash detection. Runs to date are 141 compared to last year at this time of 142.

C. CAUA REPORT

No Report

D. AMBULANCE REPORT

SMCAS finances continue to be strong. Two new ambulances are still in the works and were hoping one is placed at the Brick Church Rd. ambulance station. The merger talks between Medic One and SMCAS are on hold due to some lingering questions from member communities from

DRAFT

MEDIC ONE. On an added note, Response times of 10 minutes or less are at 89%. These are very good numbers.

E. ASSESSOR REPORT

None.

F. ZONING REPORT

Trustee Leach reported that there was zoning approval granted for a 2100 sq ft home on Lake Street, Diamond Lake Yacht Club will be building a two-story building, new garage on Gards Prairie, back porch on Cass Road, and new garage on Vans Lane

G. PARKS DEPARTMENT REPORT

No Report

ADJOURNEMENT

A motion to adjourn was made by Supervisor Olafsson and supported by Trustee Leach.

The motion carried unanimously.

The meeting was adjourned at 7:18 pm.

Respectfully submitted,

_____ _____

Rhonda Barnett, Penn Township Clerk Date

_____ _____

Oli Olafsson, Penn Township Supervisor Date

DRAFT

PENN TOWNSHIP

RESOLUTION 2026-06

In Reference to Ordinance No. 2026-02

RESOLUTION ENACTING A TEMPORARY MORATORIUM ON APPLICATIONS FOR ZONING AND BUILDING REVIEW WITH RESPECT TO DATA CENTERS

WHEREAS, pursuant to the Michigan Zoning Enabling Act ("MZEA"), MCL 125.3101, *et seq*., the Township has adopted a Zoning Ordinance that establishes zoning districts and zoning regulations for the entire Township;

WHEREAS, a new land use, commonly known as "Data Centers," has begun to be proposed and developed with increasing frequency in the State Michigan and around the Country;

WHEREAS, Data Centers are secure buildings filled with computer servers that store, process and transmit data in support of internet functions and other digital services, and which are typically accompanied by networking equipment, water-fueled cooling systems (to prevent overheating), backup power systems and security systems, and which typically have minimal on-site staffing, limited customer visitation and no retail activity;

WHEREAS, Data Centers are sometimes referred to by other names, including, but not limited to, data processing facility, information technology facility, computer processing facility, technology services facility, digital infrastructure facility, electronic data storage facility, and digital mining center – all of which shall be referred to as a "Data Center" for purposes of this resolution;

WHEREAS, Data Centers were not envisioned by the Township when the Township Zoning Ordinance was originally adopted, nor when the Zoning Ordinance was last amended, such that the use of land, buildings and structures for this purpose is currently not permitted or regulated in any way under the terms of the Zoning Ordinance;

WHEREAS, the Township desires to ascertain the most appropriate and safest means for regulating the use of lands, buildings or structures for Data Centers, in order to protect the health, safety and welfare of Township residents;

WHEREAS, the Township intends to promptly undertake a study and evaluation for the purpose of identifying zoning regulations that would specify the bases upon which the use of land, buildings or structures for Data Centers would be approved in the Township, and for the purpose of specifying the terms and conditions that the Township may impose on such approval, when granted; and,

WHEREAS, the Township Board finds that it is in the public interest to enact a temporary moratorium, lasting until October 12, 2027, unless later shortened or extended by the Township Board, with respect to the Township's review of zoning applications and other approvals for Data Centers, as specified below, so as to preserve the status quo in the interim; to prevent the development of Data Centers that may not be in the best interest of Township development plans; to prevent the development of Data Centers that might be detrimental to the health, safety and/or welfare of Township residents; and, to allow the Township sufficient time to evaluate, develop and potentially enact amendments to the Zoning Ordinance that will establish new regulations for Data Centers.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. ***Temporary Moratorium***. A temporary moratorium on Township consideration of applications for Data Centers is hereby adopted under the following terms, conditions, and limitations:
    (a) During the temporary moratorium, no Township officer, employee, agent, contractor, board, agency or commission shall process or review any zoning or building application for the use of any land, building or structure for a Data Center, or issue a permit, license or other form of approval which would allow any land, building or structure to be used for a Data Center.
    (b) The temporary moratorium is effective as to all applications for Data Centers that have been received in the Township on or after May 21, 2026.
    (c) The temporary moratorium shall remain in effect until October 12, 2027, unless previously terminated or otherwise extended by the Township Board.
    (d) The moratorium applies only to the types of applications stated in this resolution.
2. ***Superseding Zoning Ordinance Amendment***. At such time when the Board may adopt and place into effect an amendment to the Township Zoning Ordinance that effectuates a temporary moratorium on Data Centers, this resolution shall be superseded and replaced by the terms of such Zoning Ordinance amendment.
3. ***Repeal***. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed, to the extent of any such conflict.

PENN TOWNSHIP

PROPOSED ORDINANCE NO. 2026-02

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF PENN TOWNSHIP
[Temporary moratorium on data centers]

THE PENN TOWNSHIP ORDAINS:

Section 1. Temporary Moratorium on Data Centers. Article 6 of the Zoning Ordinance of the Penn Township is hereby amended by the addition of a new Section 6.26, which shall read in its entirety as follows:

Section 6.26 TEMPORARY MORATORIUM ON DATA CENTERS

A. Background: A new land use, commonly known as "Data Centers," has begun to be proposed and developed with increasing frequency in the State of Michigan and around the Country. Data Centers are secure buildings filled with computer servers that store, process and transmit data in support of internet functions and other digital services, and which are typically accompanied by networking equipment, water-fueled cooling systems (to prevent overheating), backup power systems and security systems, and which typically have minimal on-site staffing, limited customer visitation and no retail activity. Data Centers are sometimes referred to by other names, including, but not limited to, data processing facility, information technology facility, computer processing facility, technology services facility, digital infrastructure facility, electronic data storage facility and digital mining center – all of which shall be referred to as a "Data Center" for purposes of this Section 6.26. Data Centers were not envisioned by the Township when the Township Zoning Ordinance was originally adopted, nor when the Zoning Ordinance was last amended, such that the use of land, buildings and structures for this purpose is currently not permitted or regulated in any way under the terms of the Zoning Ordinance.

B. Intent and Purposes: The Township desires to ascertain the most appropriate and safest means for regulating the use of lands, buildings or structures for Data Centers, in order to protect the health, safety and welfare of Township residents. To that end, the Township intends to promptly undertake a study and evaluation for the purpose of identifying zoning regulations that would specify the bases upon which the use of land, buildings or structures for Data Centers would be approved in the Township, and for the purpose of specifying the terms and conditions that the Township may impose on such approval, when granted.

C. Findings: The Township Board finds that it is in the public interest to enact a temporary moratorium, lasting until October 12, 2027, unless later shortened by the Township Board, with respect to the Township's review and decision-making on zoning applications and other

approvals for Data Centers, as specified below, so as to preserve the status quo in the interim; to prevent the development of Data Centers that may not be in the best interest of Township development plans; to prevent the development of Data Centers that might be detrimental to the health, safety and/or welfare of Township residents; and, to allow the Township sufficient time to evaluate, develop and potentially enact amendments to the Zoning Ordinance that will establish new regulations for Data Centers.

D. Temporary Moratorium: A temporary moratorium on Township consideration and decision-making on applications for Data Centers is hereby adopted under the following terms, conditions, and limitations:

(1) During the temporary moratorium, no Township officer, employee, agent, contractor, board, agency or commission shall process, review or make a decision on any zoning or building application for the use of any land, building or structure for a Data Center, or issue a permit, license or other form of approval which would allow any land, building or structure to be used for a Data Center.

(2) The temporary moratorium is effective as to all applications for Data Centers that have been received at the Township on or after May 21, 2026.

(3) The temporary moratorium shall remain in effect until October 12, 2027, unless previously terminated by the Township Board.

(4) The moratorium applies only to the types of applications stated in this Section 6.26.

(5) To the extent that the provisions of this Section 6.26 conflict with the site plan review provisions of Section 6.18 or the conditional use permit provisions of Article 8, the provisions of this Section 6.26 shall control.

E. Automatic Repeal: This Section 6.26 shall be considered to have been automatically repealed, and shall be of no further force and effect, as of October 12, 2027.

Section 2. Publication and Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

Michigan Department of Treasury
614 (04-16)

This form is issued under MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory. Penalty applies.

ORIGINAL TO: County Clerk(s)
COPY TO: Equalization Dept.(s)
COPY TO: Each Twp or City Clerk

L-4029

2026 TAX RATE REQUEST (This form must be completed and submitted on or before September 30, 2026.)
MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

County	Taxable Value
CASS	333,404,629
Local Government Unit	
Township of Penn	

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE CAREFULLY.

You must complete this form for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec. 211.119.
The following tax rates have been authorized for levy on the 2026 tax roll

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Millage Authorized by Election, Charter, etc.	(5) 2025 Millage Rate Permanently Reduced by MCL 211.34d	(6) 2026 Current Year Millage Reduction Fraction	(7) 2026 Millage Rate Permanently Reduced by MCL 211.34d	(8) Sec. 211.34 Millage Rollback Fraction	(9) Maximum Allowable Millage Rate*	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
ALLOCATED	OPERATING	N/A	1.0000	0.6611	0.9986	0.6601	1.0000	0.6601		0.6601	unlimited
SPECIALS:	Ambulance	May-05								0.2999	
	Fire	1952								0.7300	

Prepared by	Title	Date
Tami Stewart	Equalization Director	05/05/2026

As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary, to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34, and for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, MCL 380.1211(3).

	Signature	Type Name	Date
☐ Clerk ☐ Secretary			
☐ Chairperson ☐ Supervisor			

**Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. A public hearing and determination is required for an operating levy which is larger than the base tax rate but not larger than the rate in column 9.*

**** IMPORTANT:** See instructions on the reverse side for the correct method of calculating the millage rate in column (5).

CONTRACT

ESTIMATE NO:	26-10-09 R1	TOWNSHIP:	Penn	WORK TYPE:	HMA Overlay
STREET:	Gards Prairie Road	LENGTH:	1.49 Miles	WORK CODE:	03
TERMINI:	Quaker Street to Kelsey Lake Street	TOTAL COST $	255,602.14	WO #	9796

This Contract is made this _____ day of _____, 2026, by and between the Board of County Road Commissioners for the County of Cass, Michigan, hereinafter called the COMMISSION, and the Board of Penn Township, hereinafter called the BOARD.

WHEREAS, the funds for county road maintenance and construction are allocated to the COMMISSION by the Michigan State Highway Department through PA 51of 1951, as amended, which permits allocation by the COMMISSION of certain portions of said funds to the BOARD for use on approved local road projects; and

WHEREAS, the parties hereto have reached an understanding with each other in the matter of design, construction or direction of the aforesaid improvement, and it be the desire to set forth their understanding in the form of a written agreement using the aforesaid funds not to exceed the sum of $ 255,602.14 as follows:

COMMISSION:	$	46,644.43
BOARD:	$	132,757.23
100% REVISION! BOARD		76200.48

The balance of funds necessary to complete the project in the amount of $ 208,957.71 shall be deposited by the BOARD with the COMMISSION before the beginning of any actual physical work as follows:

25% with signed contract	**$**	**52,239.43**	paid 99,567.92 ✓
50% on or before June 1	**$**	**104,478.86**	bal 109,389.79
Balance on or before September 25	**$**	**52,239.42**	

1. All work involved shall begin and be completed during the 2026 construction season.

ITEM OF WORK	QUANTITY	UNIT		UNIT COST		EXTENSION
Subdivision and/or Lake area premium	0	Each	$	0.00	$	0.00
Job Preperation	1	LSUM	$	0.00	$	0.00
Finish Grading	1	LSUM	$	0.00	$	0.00
HMA 2.5 " X 21 feet	2587	Tons	$	80.85	$	209,158.95
HMA Approach	173	Tons	$	80.85	$	13,987.05
Shoulder 2.5 " X 3 feet	914	Tons	$	35.51	$	32,456.14
Crackseal	0.00	Mi	$	5879.00	$	0.00
Bioseal	0.00	Mi	$		$	0.00
Sealcoat 0 feet	0.00	Mi	$	0.00	$	0.00
Gravel 0 " X 0.0 feet	0.00	Tons	$	18.51	$	0.00
Fogseal 20 feet wide	0.00	Mi	$	8800.00	$	0.00
				TOTAL	$	255,602.14

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by their duly authorized officers to be effective on the day written above.

BOARD OF CASS COUNTY ROAD COMMISSIONERS

Manager _____

Clerk _____

Date _____

TOWNSHIP OF: Penn

Supervisor _____

Clerk _____

Treasurer _____

Trustee _____

Trustee _____

Trustee _____

Trustee _____

Date _____

*** INVOICE ***

CASS COUNTY ROAD COMMISSION
340 N O'Keefe Street
Cassopolis, MI 49031-0000

Phone: 269-445-8611

0010

PENN TOWNSHIP, TREASURER
PAUL RUTHERFORD
16738 DONNELL LK ST
VANDALIA, MI 49095-0000

Invoice Number	805925
Invoice Date	07/21/2026
Work Order Number	009796

201 General Operating Fund

(9796) Gards Pra HMA Overlay

Township Contract #:26-10-09

Work Type: HMA Overlay

Road Name: Gards Prairie

Which Payment:1st & 2nd 75%

Amount of Invoice: $99,567.92 bal # 109,389.79

Due upon receipt See revised contract attached.

CONTRACT

ESTIMATE NO: 26-10-11 R1 TOWNSHIP: Penn WORK TYPE: HMA Overlay
STREET: Penn Road LENGTH: 1.38 Miles WORK CODE: 03
TERMINI: Quaker Street to joint TOTAL COST $ 244,167.77 WO # 9800

This Contract is made this _____ day of _____, 2026, by and between the Board of County Road Commissioners for the County of Cass, Michigan, hereinafter called the COMMISSION, and the Board of Penn Township, hereinafter called the BOARD.

WHEREAS, the funds for county road maintenance and construction are allocated to the COMMISSION by the Michigan State Highway Department through PA 51of 1951, as amended, which permits allocation by the COMMISSION of certain portions of said funds to the BOARD for use on approved local road projects; and

WHEREAS, the parties hereto have reached an understanding with each other in the matter of design, construction or direction of the aforesaid improvement, and it be the desire to set forth their understanding in the form of a written agreement using the aforesaid funds not to exceed the sum of $ 244,167.77 as follows:

COMMISSION:	$	12,895.33
BOARD:	$	155,865.22
100% REVISION 1 BOARD	$	75,407.22

The balance of funds necessary to complete the project in the amount of $ 231,272.44 shall be deposited by the BOARD with the COMMISSION before the beginning of any actual physical work as follows:

25% with signed contract	**$**	**57,818.11**
50% on or before June 1	**$**	**115,636.22**
Balance on or before September 25	**$**	**57,818.11**

pd 93,662.10
bal 137,610.34

1. All work involved shall begin and be completed during the 2026 construction season.

ITEM OF WORK	QUANTITY	UNIT		UNIT COST		EXTENSION
Subdivision and/or Lake area premium	0	Each	$	0.00	$	0.00
Job Preperation	1	LSUM	$	0.00	$	0.00
Finish Grading	1	LSUM	$	0.00	$	0.00
HMA 2.5 " X 21 feet	2396	Tons	$	80.85	$	193,716.60
HMA Approach	252	Tons	$	80.85	$	20,374.20
Shoulder 3.0 " X 2.5 feet	847	Tons	$	35.51	$	30,076.97
Crackseal	0.00	Mi	$	5879.00	$	0.00
Bioseal	0.00	Mi	$		$	0.00
Sealcoat 0 feet	0.00	Mi	$	0.00	$	0.00
Gravel 0 " X 0.0 feet	0.00	Tons	$	18.51	$	0.00
Fogseal 20 feet wide	0.00	Mi	$	8800.00	$	0.00
		TOTAL			$	244,167.77

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by their duly authorized officers to be effective on the day written above.

BOARD OF CASS COUNTY ROAD COMMISSIONERS

Manager _____

Clerk _____

Date _____

TOWNSHIP OF: Penn

Supervisor _____

Clerk _____

Treasurer _____

Trustee _____

Trustee _____

Trustee _____

Trustee _____

Date _____

*** INVOICE ***

CASS COUNTY ROAD COMMISSION
340 N O'Keefe Street
Cassopolis, MI 49031-0000

Phone: 269-445-8611

0010

PENN TOWNSHIP, TREASURER
PAUL RUTHERFORD
16738 DONNELL LK ST
VANDALIA, MI 49095-0000

Invoice Number 805923
Invoice Date 07/21/2026
Work Order Number ~~009795~~ 9850

201 General Operating Fund

(9795) Penn Rd HMA Overlay

Township Contract #:26-10-11

Work Type: HMA Overlay

Road Name: Penn Rd (Quaker-Hoffman)

Which Payment:1st & 2nd 75%

Amount of Invoice: $93,~~662~~.10 bal # 137,610.34

See revised contract attached.

Due upon receipt