

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

**LAKE FENTON HIGH SCHOOL  
11425 TORREY ROAD, FENTON, MICHIGAN**

Clerk Mueller called the meeting to order at 7:30 p.m.

Present: Mueller, Garfield, Mathis, McKenna, Rowe, Office Manager Broecker  
and Attorney Cooley

Absent: Gabrielson, Krug (arrived at 7:32 p.m.)

**PLEDGE OF ALLEGIANCE:**

Clerk Mueller led the pledge of allegiance to the flag.

**APPOINTMENT OF CHAIRMAN PRO-TEM:**

Motion to appoint Clerk Mueller as Chairman Pro-Tem.

Motion by: McKenna

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Gabrielson

Motion carried.

**APPROVAL OF AGENDA:**

Motion to approve the 8/5/02 Fenton Township Board Meeting agenda as presented.

Motion by: Rowe

Seconded: Garfield

Ayes: All Present

Nays: None

Absent: Gabrielson

Motion carried. The agenda is approved.

**MEETING MINUTES:**

Trustee Mathis asked that her request to be included in future meetings of the Thompson Road Corridor Study Steering Committee be added to the minutes of the last meeting. The minutes of the 7/22/02 regular meeting stand approved as amended.

**EXPENDITURES:**

Trustee Mathis questioned an invoice for sewer manhole bladders. It was explained that bladders are being placed under manhole covers to eliminate inflow and infiltration (I&I). The Township's Administrative Consent Order (ACO) with the DEQ requires that we take measures to minimize any inflow of stormwater into the sanitary sewer system. Trustee Mathis asked if bladders were being placed in all manholes or only those identified as I&I risks. It was indicated that the initial intent was to install only on higher risk manholes. It was later determined, however, that placing them in all manholes will be more effective in helping the Township minimize I&I. Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Krug

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe  
Nays: None  
Absent: Gabrielson

Motion carried.

**PUBLIC HEARINGS:**

**Woodhaven Drive Road Maintenance/1<sup>st</sup> Hearing**

Chairman Mueller reviewed the proposed special assessment for maintenance of Woodhaven Drive, a private street near the intersection of Thompson and Linden Roads. There was no public comment. The following resolution was presented:

**RESOLUTION NO. 2002-31**

*WHEREAS, the Fenton Township Board has received petitions signed by record property owners representing more than 50% of the total road frontage of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed road maintenance project to schedule a public hearing upon the same for this date, and*

*WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and*

*WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 5<sup>th</sup> day of August 2002 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and*

*WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Woodhaven Drive Road Maintenance Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the proposed improvement, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the maintenance of Woodhaven Drive as prepared and presented, and the estimated costs thereof of \$675.00 per year, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

*Woodhaven Drive Road Maintenance Special Assessment District, within which the costs of such maintenance shall be assessed, the following described area within said township:*

*Parcels 06-04-100-028 through 06-04-100-035 inclusive*

*BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.*

Motion to adopt Resolution No. 2002-31 as presented.

Motion by: McKenna

Seconded: Mathis

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

Office Manager Broecker reported that the Township Supervisor, in anticipation of the previous resolution, had already submitted a certified assessment roll to the Township Clerk. The following resolution was presented:

**RESOLUTION NO. 2002-32**

*WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$675.00 per year covering all parcels of land in the Woodhaven Drive Road Maintenance Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;*

*THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on August 19, 2002 at Lake Fenton High School located at 11425 Torrey Road, within the Township, to review such special assessment roll and hear any objections thereto, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

*BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation prior to the date of the hearing with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Woodhaven Drive Road Maintenance Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.*

Motion to adopt Resolution No. 2002-32 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

**REPORTS:**

**Fire Department Update**

Treasurer Garfield reported that the Fenton Township Fire Department's annual fundraiser golf outing is scheduled for Saturday 8/17/02 at the Preserve. Starting time is 8:00 a.m. and the entry fee is \$75.00 per person.

**Sewage Treatment Plant #3**

Trustee Krug reported that he, and the other members of the board, had received a petition from residents near the Hogan Road sewer treatment plant. The residents are opposed to the proposed expansion of the plant. Office Manager Broecker reported that the Genesee County Drain Commissioner would be scheduling an informational meeting to address these concerns.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning # R02-001, Robert Cairnduff, 06-21-100-008; AG to R-3/2<sup>nd</sup> Reading**

Chairman Mueller reviewed the proposed rezoning ordinance. There was no further discussion.

Motion to adopt Ordinance No. 596, an amendment to the Zoning Ordinance to rezone part of parcel 06-21-100-008 from AG to R-3, as presented.

Motion by: Mathis

Seconded: Garfield

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Resolution No. 2002-28, Lake Improvement Special Assessment – Lake Ponemah**

Office Manager Broecker reported that the property owners on Lake Ponemah had submitted petitions for the continuation of a weed control special assessment on their lake. The following resolution was presented:

**RESOLUTION NO. 2002-28**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties with frontage on or legal access to Lake Ponemah to establish a special assessment district for the purpose of improving the lake through the eradication and control of aquatic weeds, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing more than 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing lake improvement have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to implement an aquatic weed eradication and control program for Lake Ponemah, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby tentatively establish the boundaries of the proposed special assessment district to include all properties with frontage on or legal access to Lake Ponemah, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday August 19, 2002 at the Lake Fenton High School, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2002-28 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

**Trash Collection Ballot Proposal Language**

Office Manager Broecker reviewed the proposed ballot language for a 5-year assessment for trash collection. The \$107.00 assessment per year is based on the low bid submitted by Great Lakes Waste Services. The language, if approved, will be placed on the ballot for the November 5, 2002 General Election.

Motion to approve the following ballot proposal for the November 5, 2002 General Election:

*Shall each parcel of real estate in the Township upon which there is located a detached single-family dwelling or two-family dwelling or attached single-family dwelling be assessed the sum of up to one hundred seven dollars (\$107.00) per year per dwelling unit commencing with the December 2002 property tax statements for a five year period to continue funding for Residential Trash Collection Services for the calendar years 2003, 2004, 2005, 2006 and 2007?*

Motion by: McKenna

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

Motion carried.

**Resolution No. 2002-33, Special Assessment Bond Issuance RFP**

Office Manager Broecker reported that the Township's bond attorney has recommended that the sale of bonds to finance the three road paving special assessment projects (Byram Lake Drive, Curtwood/Silver Ridge and Woodhull Landing) be accomplished through a negotiated sale. A Request for Proposals (RFP) would be sent to local banks to give them the opportunity to bid on the bonds. A resolution is necessary to authorize the Township Clerk to solicit these proposals. The following resolution was presented:

**RESOLUTION NO. 2002-33**

*WHEREAS, pursuant to Act No. 188, Public Acts of Michigan, 1954, as amended, the necessary proceedings have been taken for the paving of Curtwood Drive and Silver Ridge Road, the paving of Byram Lake Drive and the paving of Woodhull Landing in the Township (the "Improvements"), and to defray the cost thereof special assessments have been made on special assessment rolls against lands in each of three related special assessment districts; and*

*WHEREAS, the Township Board has determined that it is in the best interest of the Charter Township of Fenton to proceed with the acquisition and construction of the Improvements and the issuance of bonds to defray part of the cost of the Improvements; and*

*WHEREAS, the provisions of Act No. 34, Public Acts of Michigan, 2001, as amended, authorize such bonds to be sold pursuant to a negotiated sale.*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

*THEREFORE, BE IT RESOLVED by the Township Board of the Township, as follows:*

- 1. The bonds shall be sold pursuant to a negotiated sale as provided in the bond authorizing resolution. The Township Clerk is hereby authorized and directed to request proposals for the purchase of the bonds from financial institutions to be determined by him. The Township Clerk shall present the bids to this Township Board for the award of the bonds, approval of the interest rates on the bonds and approval of any optional redemption terms. It is hereby determined that this method of sale is in the best interests of the Township and is calculated to provide the Township with flexibility in the timing of the sale of the bonds and the lowest costs of borrowing money through the issuance of the bonds.*
- 2. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.*

Motion to adopt Resolution No. 2002-33 as presented.

Motion by: Garfield

Seconded: Krug

Ayes: Mueller, Garfield, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Gabrielson

Motion carried. Resolution declared adopted.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked for an update on the filling operations at the In Between Campground. It was reported that a consultant hired by the Township had determined that the area filled was a regulated wetland and the information had been forwarded to the DEQ. Mr. Hawcroft also asked if the area around the mouth of the Shiawassee River could be cleared out. This will be researched further.

**DISCUSSION – NON-AGENDA ITEMS:**

Treasurer Garfield questioned the boat limit at the DNR Public Access on Lake Fenton. She believes that more boats are being launched from that site than is permitted. This issue will be investigated and a report brought back to the board.

The board also briefly discussed the procedure for filling vacancies on the Township Board.

**ADJOURN:** Meeting adjourned at 8:15 p.m.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 5, 2002**

Charles Mueller, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

**Minutes Posted 8/6/02**