

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JUNE 21, 2004**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson,  
Office Manager Broecker and Attorney Cooley.

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 6/21/04 Fenton Township Board Meeting agenda as presented.

Motion by: Stiverson

Seconded: Gatesman

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**PRESENTATION:**

**BKR Dupuis & Ryden, PC – Financial Report for Fiscal Year Ended 12/31/03**

Supervisor Mathis introduced Brian Ross of BKR Dupuis & Ryden PC. He presented an overview of Fenton Township's 2003 financial statements. Areas highlighted included:

- ⇒ Total fund balance in the General Fund was \$681,802, which is \$113,621 greater than the final budget. The unreserved fund balance of \$659,141 represents approximately 3½ months of budgeted expenditures.
- ⇒ General Fund revenues increased \$133,433 from 2002, due primarily to new construction.
- ⇒ Excluding one-time costs related to the Township Hall renovation in 2002, and the annual debt payment for that project, General Fund expenditures remained relatively constant from 2002 to 2003.
- ⇒ All General Fund expenditure categories were within the approved budget for 2003. Total expenditures were \$113,265 under the final budget.
- ⇒ Most of the surplus cash reserves in the Sewer Fund have been spent on repairs and upgrades to the sanitary sewer system. Additional needed repairs and upgrades will be financed as necessary
- ⇒ Since the Ragnone/LJS mobile home lawsuit is still pending, the contingent liability of \$1,000,000 that was recognized last year in the long-term debt section of the financial statements to account for the potential loss in this lawsuit has not changed.
- ⇒ For the ninth consecutive year, no internal control deficiencies were noted in the review of accounting policies and procedures.

Mr. Ross added that his firm received excellent cooperation from the Township staff during the completion of the audit and that no adjustments were necessary to the financial statements.

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**MEETING MINUTES:**

The minutes of the 6/7/04 regular meeting stand approved as presented.

**EXPENDITURES:**

Treasurer Garfield questioned an invoice for the purchase of a recorder for the Fire Department. Supervisor Mathis will verify this expense before it is paid. Motion to approve expenditures as presented.

Motion by: Gatesman

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

**Ponemah Lake Estates Street Lighting Special Assessment/2<sup>nd</sup> Hearing**

Supervisor Mathis reviewed a proposed special assessment district for street lighting in Phase I of the Ponemah Lake Estates development. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-25**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the improvement project proposed to be initiated within the Ponemah Lake Estates I Street Lighting Special Assessment District as shown on the plans and specification for such project;*

*AND WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;*

*AND WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter;*

*AND WHEREAS, no written objections were received to said roll and levy;*

*AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;*

*THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township, as submitted, shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2004-3 and shall hereby be confirmed as the assessment roll for the Ponemah Lake Estates I Street Lighting Special Assessment District.*

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*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-3 shall be paid in annual installments with the first installment to be due and payable on December 1, 2004 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance.*

*BE IT FURTHER RESOLVED, if any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended.*

*BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.*

*BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2004-25 as presented.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**REPORTS:**

Treasurer Garfield asked about the water problems in the Township Hall. Supervisor Mathis confirmed that the recent heavy rains caused some minor flooding in the lower level. The outside stairwell has been re-sealed and the drains flushed out. This should prevent future occurrences. She also added that the Township will be seeking reimbursement from the builder for several minor items that should have been covered under warranty.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Request for Lot Depth-to-Width Variance – Ken & Danielle Beckman**

Supervisor Mathis explained that this item has been placed on the agenda before the second reading of the rezoning ordinance for Ken & Danielle Beckman at the applicant's

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request. If the rezoning is approved the two parcels would be combined, creating a parcel that has a depth-to-width ratio of greater than 5 to 1. The Beckmans have asked that the board act on the depth-to-width ratio variance request before acting on the rezoning ordinance. There was no further discussion.

Motion to grant a variance from Section 7D of Ordinance No. 176 to permit a lot depth-to-width ratio greater than 5 to 1 to allow the combination of parcel 06-09-200-012 and part of parcel 06-09-200-007, as presented.

Motion by: Mathis

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Rezoning # R04-004, Ken & Danielle Beckman, part of 06-09-200-007; AG to R-2 & parcel 06-09-200-012; R-3 to R-2/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed the proposed Zoning Ordinance amendment, which was introduced at the 6/7/04 meeting, to rezone property on Jennings Road from AG and R-3 to R-2. The front parcel has electric wires crossing the property. The applicants want to combine the two parcels and build a home on the back portion. There was no further discussion.

Motion to adopt an amendment to Zoning Ordinance No. 594 to rezone parcel 06-09-200-012 from R-3 to R-2 and part of parcel 06-09-200-007 from AG to R-2, as presented.

Motion by: Mathis

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

**Resolution No. 2004-26, Creation of Drainage District – Whitaker Road/Pine Lake**

Supervisor Mathis reported that, as a result of concerns raised at the last Township Board meeting, the Genesee County Drain Commissioner was asked to prepare the appropriate language to initiate the creation of a drainage district in the Whitaker Road/Pine Lake area. The appropriate resolution has been prepared by Genesee County and is presented for board consideration. Trustee McDermott questioned the clause that requires the Township to pay a portion of the costs. Office Manager Broecker confirmed that the Township receives an “at large” assessment on all drain assessments. It is not known if this is due to state law or Genesee County policy.

Public Comment:

Charles Mueller, 6036 Lobdell Road

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Mr. Mueller stated that the existing drainage problem is due to two primary factors: 1) Whitaker Road itself causes much of the problem due to its steep grade and high banks. There is simply no place for the water to go. 2) The Genesee County Drain Commissioner made a mistake in approving the drainage plans for the Orchard View subdivision. All storm water from this development is directed through the park and ultimately across Whitaker Road. Mr. Mueller stated that the existing wetland is large enough to handle the storm water flows, however most of the water is not being directed there. He suggested that re-routing the water to the wetland area and installing a stand pipe to control outflow could solve the problem.

Trustee Carmody questioned the concept of committing to a drainage district when more information may be needed. He has talked to several people who live in the area that have expressed the same concerns raised by Mr. Mueller. It was clarified that adopting the resolution only starts the process of creating a drainage district, but does not create a commitment. There will be opportunities to stop the process if the board so chooses.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2004-26**

*WHEREAS, residents of Fenton Township have requested the assistance of the Fenton Township Board to help resolve drainage and erosion problems in the Whitaker Road/Pine Lake area, and*

*WHEREAS, the Fenton Township Board believes it to be in the best interests of the Township to resolve said drainage and erosion issues;*

*THEREFORE BE IT RESOLVED, that Fenton Township make and cause to be filed a petition in form substantially as follows:*

**CHAPTER 3 PETITION**

***TO THE DRAIN COMMISSIONER FOR THE  
HEREINAFTER MENTIONED GENESEE  
COUNTY, MICHIGAN DRAIN PROJECT***

*The undersigned public corporation hereby petitions for the establishment of an Intra-County drainage district for the proposed Fenton Township Drain, to be located and established in Fenton Township and ask that the Drain Commissioner lay out and establish the drainage district, the location to be substantially as follows:*

***Beginning at a point that is 2,932 feet East of and 275 feet North of the NW corner of Section 32, T5N R6E, Fenton Township, Genesee County, Michigan , thence S89<sup>0</sup> 37'W, 312.27 feet; thence South, 331.22 feet; thence S78<sup>0</sup> 01'W, 248.72 feet; thence S25<sup>0</sup> 00'W, 155.43 feet; thence S70<sup>0</sup> 10'W, 164.80 feet; thence S60<sup>0</sup> 17'W, 242.96 feet; thence S53<sup>0</sup> 36'W, 224.71 feet; thence S12<sup>0</sup> 41'W, 382.49 feet; thence S54<sup>0</sup> 32'W, 341.03 feet; thence S05<sup>0</sup> 05'W, 170.06 feet to the point of ending, which is 1,387 feet East of and 1,300 feet South of the NW corner of said Section 32, and also a Branch,***

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*which begins at a point in the Main, which is 1,843 feet East of and 503 feet South of the NW corner of said Section 32, thence N73<sup>0</sup> 50'W, 223.24 feet; thence S72<sup>0</sup> 50'W, 247.87 feet; thence S79<sup>0</sup> 25'W, 468.73 feet; thence N85<sup>0</sup> 20'W, 686.97 feet; thence S64<sup>0</sup> 57'W, 243.18 feet to the point of ending, which is 26 feet East of and 647 feet South of the NW corner of said Section 32, T5N R6E, Fenton Township.*

*Which drain district and proposed project is necessary for the public health and is located within the limits of Fenton Township.*

*This petition is filed pursuant to the provisions of Chapter 3 of Act No. 40 of the Public Acts of 1956, as amended.*

*It is understood that the cost of said project is to be assessed against the drainage district as determined by the Drain Commissioner.*

*A certified copy of the resolution of the governing body of the public corporation authorizing its execution is hereto attached.*

*BE IT FURTHER RESOLVED, that the Supervisor and Clerk be and hereby authorized and directed to execute said petition for and on behalf of Fenton Township and to file same with the Drain Commissioner of the County of Genesee.*

*BE IT FURTHER RESOLVED, that Fenton Township hereby consents to this Intra-County drain project and to an assessment at large for a percentage of the total amount assessed for the cost of the proposed work.*

Motion to adopt Resolution No. 2004-26 as presented.

Motion by: Krug

Seconded: Garfield

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried. Resolution declared adopted.

**Renewal of IT Consultant Agreement – BCL Computing Solutions Inc.**

Office Manager Broecker reviewed a proposed Technical Service Support Agreement between Fenton Township and BCL Computing Solutions, Inc., which represents a 2-year extension of the existing agreement. Some of the key points in the proposed agreement are:

- The Township is committing to 250 man-hours of service per year. Our average for the past three years has been 280-300 hours per year.
- The term of the agreement is two years. The agreement is automatically renewed every two years unless either party notifies the other party in writing at least 30 days before the expiration date of intent to terminate or revise.
- The billing rate for service is \$85.00 per hour. Telephone support will be provided at no charge and emergency response service calls will be billed at the standard \$85.00

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per hour, (as opposed to \$127.50 without an agreement). These rates have not changed from the current agreement.

Office Manager Broecker stated that BCL Computing Solutions, Inc. has been the Township's Information Technology (IT) service provider since 1994. They are a very reliable, cost-effective consultant and he recommends approval of the agreement.

Motion to approve the Technical Service Support Agreement between Fenton Township and BCL Computing Solutions, Inc., as presented.

Motion by: Mathis

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Award of Janitorial Services Contract – Fenton Township Civic Community Center**

Office Manager Broecker reported that requests for cleaning service proposals were sent to six janitorial service companies in May. Additionally, a notice was published in the local newspaper indicating that the Township was accepting proposals for cleaning services at the Fenton Township Civic Community Center, which resulted in a few additional proposal packets being picked up at the office. When the June 17<sup>th</sup> deadline arrived, however, the Township received only one proposal – Manssur's Cleaning Service (the current service provider). An analysis of the proposal estimates the annual cost to be approximately \$18,800.00. It was noted that the cost of cleaning the main level office was actually lower than the current cost. Manssur's Cleaning Service is a local company that has been in business for many years and has been the Township's janitorial service provider since the renovated Township Hall opened in November of 2002. Office Manager Broecker recommended that the Township Board award the cleaning service contract to Manssur's Cleaning Service, per their proposal. Treasurer Garfield expressed reservations about awarding the contract due to some existing concerns with the quality of service we are currently receiving. After additional discussion the board decided to take no action on the new proposal. The Township will work with the cleaning company for the next 90 days in an attempt to correct any deficiencies. At the end of the 90-day period the board will decide whether or not to re-bid the service.

**Proposal for Submission of PEG Grant Application**

Trustee Carmody reviewed a proposal from TEL Systems for the purchase and installation of television broadcasting equipment to be installed in the lower level of the Township Hall. He is proposing that a PEG fund grant application be filed with the Fenton Area Cable Television (FACT) Consortium for the cost of the equipment. If approved, the cost of the installation (just over \$6,000.00) would be paid by the Township.

Motion to authorize the submission of a PEG grant application to the Fenton Area Cable Television Consortium for the purchase of television broadcast equipment as presented.

Motion by: Carmody

Seconded: Stiverson

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Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

**Scheduling of Election Commission Meeting – 7/6/04**

Clerk Krug stated that the Township’s Election Commission is required to formally appoint the Election Inspectors for the August 3, 2004 Primary Election. He is recommending that the meeting be scheduled for 7:00 p.m. on Tuesday July 6, 2004 (just prior to the regular Township Board meeting).

Motion to schedule a meeting of the Fenton Township Election Commission for July 6, 2004 at 7:00 p.m.

Motion by: Krug

Seconded: Stiverson

Ayes: Mathis, Krug, Garfield, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Motion carried.

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

Dave Franz, 3435 Breezpointe

Regarding the cleaning service proposal, Mr. Franz questioned the board’s decision not to award the contract based on the new proposal. There were no other proposals and the cost would be lower with the new proposal.

Daryl Baird, 13465 Fenton Road

Mr. Baird noted that the project to widen Fenton Road has been delayed until 2006. On a related topic, Mr. Baird referenced Public Act No. 65 of 2003, which gives townships input on setting speed limits within their jurisdiction. He asked the board to pursue the lowering of the speed limit on Fenton Road between Butcher Road and the Fenton city limits to 35 mph. Supervisor Mathis will pursue this change.

**ADJOURN:** Meeting adjourned at 9:05 p.m.

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Bonnie Mathis, Supervisor

\_\_\_\_\_  
Robert Krug, Clerk

**Minutes Posted 6/22/04**