

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 21, 2008**

**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, Tucker, Brown, Goupil, Ketchmark, Zimmer, Attorney  
Cooley and Operations Manager Broecker

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

Supervisor Mathis also noted that she attended the funeral of Ray Durant earlier in the day. Mr. Durant was a pillar in the community as the owner of Uncle Ray's Dairyland and will be missed.

**APPROVAL OF AGENDA:**

Motion to approve the 7/21/08 Fenton Township Board Meeting agenda as presented.

Motion by: Brown

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

**MEETING MINUTES:**

Trustee Zimmer requested a minor revision to the public comment portion of the minutes. The minutes for the 7/7/08 regular meeting stand approved as revised.

**EXPENDITURES:**

Trustee Zimmer questioned the invoices related to a sewage backup claim. Operations Manager Broecker explained that the temporary pump in use during sewer work to connect two manholes either failed or was turned off, which resulted in a backup of sewage into three homes. The diesel pump has since been replaced with an electric pump to minimize the risk of failure. Motion to approve expenditures for payment as presented.

Motion by: Tucker

Seconded: Ketchmark

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Ketchmark, Zimmer

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

**Chateaux du Lac/Barrington Hills – Island View Road Improvement Special  
Assessment District; Hearing on Special Assessment Roll**

Supervisor Mathis opened a public hearing on the special assessment roll for properties in the Chateaux du Lac and Barrington Hills developments. The special assessment was requested by property owners to contribute toward the cost of repaving Island View Drive. The per parcel assessment is \$2,015.00, which includes legal costs for establishing the special assessment district. The board will accept public comment regarding the following:"

1. An individual's assessment in relation to benefit received.

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2. The total cost of the project.
3. The validity of the proceedings to date.

There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2008-13**

*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 road improvement project proposed to be initiated within the Chateaux du Lac/Barrington Hills – Island View Drive Road Improvement 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, a record of those present to protest, and of written protests submitted at or before the public hearing, if any, was made a part of the minutes of the hearing, 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 shall hereafter be designated as Fenton Township Special Assessment Roll No. 2008-2, and shall hereby be confirmed as the assessment roll for the Chateaux du Lac/Barrington Hills – Island View Drive Road Improvement Special Assessment District.*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Chateaux du Lac/Barrington Hills – Island View Drive Road Improvement Special Assessment Roll shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2008 and the following installments to be due on or before the first day of December of each year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at a rate equal to the interest rate charged by the Genesee County Road Commission for their Island View Drive Improvement Special Assessment.*

*BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in*

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*accordance with Michigan Public Act 188 of 1954, as amended. 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, also in accordance with said Act 188.*

*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 FURTHER 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. 2008-13 as presented

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Ketchmark, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

**REPORTS:**

**Quarterly Investment Report**

Treasurer Tucker reviewed a report of the Township's investments as of 6/30/08. The total amount invested is approximately \$5.44 million, with approximately \$2.55 million being bond proceeds not yet spent for sewer repairs. He will be working with area financial institutions to try to improve our investment returns.

**Tax Reverted Properties**

Treasurer Tucker reviewed a listing of tax-reverted parcels in Fenton Township. Before the properties are offered at public auction, the Township has the opportunity to purchase them at a cost equal to back taxes owed. If the properties remain unsold after public auction, the Township will have another opportunity to acquire these parcels at no cost. After a brief discussion, the board recommended that Treasurer Tucker investigate two of the parcels for potential acquisition.

Motion to authorize Treasurer Tucker to investigate the purchase of the following tax-reverted parcels: 06-16-604-029 and 06-22-100-003.

Motion by: Krug

Seconded: Mathis

Ayes: Mathis, Krug, Tucker, Brown, Goupil, Ketchmark, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

**Legal Update – Diccion vs. Fenton Township**

Supervisor Mathis reported that the judge in this case has ruled that the Diccions are allowed to keep their bushes and that they do not constitute a violation of the sight line provisions of the Township's Zoning Ordinance.

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**WWS District 3 Treatment Plant Update**

Supervisor Mathis reported that the project to expand the District 3 wastewater treatment plant is in the final phase and should be complete later this year.

**Political Signs**

Clerk Krug distributed a copy of the Genesee County Road Commission political sign policy. The Township has received complaints of signs being stolen or vandalized. These complaints will be passed on to the appropriate authorities. Clerk Krug also noted that many of the sign currently placed are not in compliance with Michigan election law. All signs must contain the name and address of the candidate's election committee to be legal. He urged all candidates to bring their signs into compliance.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Amendment to Utility Control Ordinance/1<sup>st</sup> Reading**

Operations Manager Broecker reviewed a proposed amendment to the Township's Utility Control Ordinance. The proposed amendment revises the ordinance to ensure that video service providers obtain Township approval before installing lines and/or equipment in public rights-of-way. There was no public comment. The second reading of the proposed ordinance will be conducted at the 8/4/08 meeting.

**UNFINISHED BUSINESS:**

**Township Sewer Work – Firestone Drive**

Trustee Ketchmark asked if information had been obtained regarding the questions raised at the last meeting regarding the excavation site on Firestone Drive and the Township's excavation contractor, Bostwick Excavating. Supervisor Mathis confirmed that the water in the partially excavated hole on Firestone Drive had been tested and there was no sewage in the water. Clerk Krug clarified that, unlike an engineer or an attorney, there is no "certification" for excavating contractors. Bostwick Excavating has been in business since 1987. They are fully bonded and insured and licensed to do sewer work, and they are OSHA certified.

The issue of the use of soil borings for sewer project was also briefly discussed. Matt Raysin of Genesee County WWS stated that the decision to perform soil borings typically rests with the consulting engineer for the project, and is dependent on various factors. He added that his experience is limited to new sewer construction, not repair projects.

**NEW BUSINESS:**

None

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

Sue Foland 11421 Fairbanks Road

Ms. Foland stated that she is a candidate for Trustee in the upcoming election and thanked the board for the opportunity to address the meeting.

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Supervisor Mathis also introduced Richard Steinhoff, a write-in candidate for Trustee in the Democratic primary. Mr. Steinhoff stated that he decided to run for office to give the voters another option.

Ed Collins, 13056 Harbor Landings Drive

Mr. Collins asked if Tyrone Township has approved the fire services contract with Fenton Township. Clerk Krug stated that Tyrone Township has not yet taken action on the agreement. Mr. Collins also stated that he is concerned with the speed that some of the on-call fire fighters travel when responding to an emergency. Trustee Goupil stated that this issue will be addressed at the next Public Safety Committee meeting. Mr. Collins also stated that he appreciated the recent Township newsletter and suggested that the board provide a quarterly update on the status of the sewer project and finances.

Robert Caning, 1381 Edgewater Drive

Mr. Caning asked several questions regarding sewer fees, maintenance costs for water mains, other revenue sources such as an EDC and the current status of lawsuits involving the Township. Supervisor Mathis stated that an update on all pending litigation will be provided at the next meeting.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft expressed frustration and confusion with the primary election ballot. Clerk Krug and Treasurer Tucker attempted to explain the closed primary concept and answer his questions.

**ADJOURN:** Meeting adjourned at 9:15 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 7/22/08**