

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 15, 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, Ketchmark, Zimmer, Attorney Cooley and  
Operations Manager Broecker

Absent: Goupil

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

Supervisor Mathis also advised the audience that this meeting was being recorded for telecast on local public access television.

**APPROVAL OF AGENDA:**

Motion to approve the 9/15/08 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Brown

Ayes: All Present

Nays: None

Absent: Goupil

Motion carried. The agenda is approved.

**MEETING MINUTES:**

Trustee Zimmer asked to have the public comment section of the minutes revised to reflect Clerk Krug's statements regarding his opinion of comments made by Ed Collins. The minutes for the 9/2/08 regular meeting stand approved as revised.

**EXPENDITURES:**

Trustee Ketchmark asked if Bostwick Excavating charges for equipment that is on site but not in use. Operations Manager Broecker stated that the Township is only billed for times when the equipment is being used. Motion to approve expenditures for payment as presented.

Motion by: Tucker

Seconded: Ketchmark

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

Nays: None

Absent: Goupil

Motion carried.

**PUBLIC HEARINGS:**

**Fenton Township Fire Protection Special Assessment District/2008 Roll Hearing**

Supervisor Mathis opened the public hearing on the 2008 Fenton Township Fire Protection Special Assessment Roll. The annual assessment remains unchanged at \$65.00 per parcel. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2008-18**

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*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 raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and*

*WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and*

*WHEREAS, one written objection was received to said roll and levy;*

*WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, 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 presented, to be correct, just and reasonable;*

*NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the Supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2008-4 and shall hereby be confirmed as the 2008 assessment roll for the Fenton Township Fire Protection Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2008-4 shall be due and payable on December 1, 2008, and*

*BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment 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, and*

*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, and*

*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. 2008-18 as presented.

Motion by: Krug

Seconded: Brown

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

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Nays: None  
Absent: Goupil

Motion carried. Resolution declared adopted.

**REPORTS:**

**Sewer Updates**

Treasurer Tucker distributed before and after photos of pump station #19, which was recently rehabilitated. Many of our pump stations are experiencing significant rusting and these stations will be rehabbed, which includes sandblasting and painting with a special epoxy paint that stops corrosion. The cost will be around \$10,000 per station, with over 20 stations needing this type of work. Treasurer Tucker reported that the Township has issued only ten connection permits year-to-date. He also provided a brief report of current and upcoming repair projects. Pipe lining will be used where possible to reduce costs.

**Cell Tower Zoning**

Trustee Zimmer noted that a recent FCC initiative would limit local zoning control over the placement of cell towers. How would this affect the Township's ordinance? Treasurer Tucker confirmed that proposed FCC regulations would establish a very short time frame for approval by local units of government. If that happens the Township may have to amend its ordinance to make sure those time frames can be achieved.

**Sewer Backups**

Supervisor Mathis reported that the heavy rains this past weekend resulted in several sewage backups into homes. The Township is still investigating the cause(s) but it appears that the county's interceptor was so full the sewage from the Torrey Road area could not empty into the interceptor. Pumper trucks were used to minimize the damages; however the costs will be significant. Additionally, a power outage knocked out power to eleven pump stations in the Owen Road area. Generators were deployed to keep the system operating and there were no reported problems resulting from the power outage. Supervisor Mathis thanked and commended the work crews that responded to these emergencies.

Supervisor Mathis then addressed statements made by residents at the 9/2/08 meeting regarding the availability of information. All township records are available for inspection and copies can be provided upon request. The Township will always make every attempt to accommodate information requests and provide explanations.

Supervisor Mathis also stated that the public comment section of the meeting has increasingly become a question & answer session rather than simple public comment. The board does not have the necessary information in front of them to answer detailed questions on non-agenda issues. Therefore, any such questions will be researched and answers provided directly to the person asking the question or at a future meeting.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Emergency Access Key Lock Box Ordinance/1<sup>st</sup> Reading**

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Supervisor Mathis reviewed a proposed ordinance to require commercial, industrial and multi-family facilities to install a standardized key lock box to allow faster access during an emergency. This ordinance has been reviewed by the Public Safety Committee. There was no public comment.

Supervisor Mathis stated that she has heard some concerns regarding the cost of the key lock boxes and will ask Chief Moulton to attend the next meeting to discuss before the ordinance is presented for final adoption. Trustee Zimmer also questioned the Township's liability if someone breaks into a key lock box and illegally accesses the building. This will also be discussed at the next meeting. The second reading of the proposed ordinance will be at the 10/6/08 meeting.

**UNFINISHED BUSINESS:**

**Resolution No. 2008-16, Loon Lake Improvement Special Assessment Roll**

Supervisor Mathis noted that the board conducted a public hearing on a new 3-year special assessment roll for Loon Lake weed control at the last meeting. Concerns were raised regarding the relative benefit of the project for certain properties in the Loon Harbor Preserve development. Formal action to confirm the special assessment roll was moved to this meeting to allow time to review those concerns.

It was noted that the properties in the Loon Harbor Preserve development access the lake through a community dock facility, not individual docks on their own property. The community dock does not have any access problems and, therefore, these property owners do indeed benefit from the program.

It was also reported that Clerk Krug had contacted the Genesee County Drain Commissioner's office to determine how the level on Loon Lake can be changed. Legal action is required to establish a legal lake level. Contact information was forwarded to the Loon Lake residents to pursue this issue if they so choose.

Public Comment:

Ron Rolak, 13247 Harborview Drive

Mr. Rolak asked who monitors the treatments for the lake. It was clarified that the Loon Lake Association, through a weed control committee, will monitor the overall program.

Clerk Krug presented the following resolution:

**RESOLUTION NO. 2008-16**

*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 weed eradication/control project proposed to be continued within the Loon Lake 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*

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*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 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;*

*NOW, 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. 2008-3 and shall hereby be confirmed as the assessment roll for the Loon Lake Improvement Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2008-3 shall be divided into three annual installments with the first installment due and payable on December 1, 2008 and the following installments to be due and payable on the first day of December for the years 2009 and 2010, and*

*BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. 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 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 P.A. 188 of 1954, as amended, and*

*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, and*

*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. 2008-16 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

**NEW BUSINESS:**

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**Proposed Amendment to Solid Waste Collection Contract - Enhanced Recycling Program**

Operations Manager Broecker reviewed a proposed amendment to the solid waste collection contract with Allied Waste Services, which was postponed at the 9/2/08 meeting in order to verify the total 2009 cost including fuel surcharge. This amendment, if approved, would implement an expanded and enhanced recycling program. Phone books, paperboard, #3 through #7 plastic containers and plastic grocery bags are among the items that could be recycled under the new program. The cost increase is less than \$5.00 per household per year. Including the fuel surcharge, the amount to be assessed on the 2008 tax roll would be \$118.00 without the enhanced recycling and \$123.00 with the enhanced recycling, still well below the \$130.00 approved by the voters.

Trustee Brown noted that the Lake Fenton school facilities collect recyclable paper as a fundraiser and residents will still have that option to help out the schools.

Motion to approve the amendment to the solid waste collection contract with Allied Waste Services to provide enhanced collection of recyclables as presented, and to authorize the Township Supervisor and Clerk to execute said contract amendment on behalf of Fenton Township.

Motion by: Tucker  
Seconded: Ketchmark  
Ayes: Mathis, Krug, Tucker, Brown, Ketchmark, Zimmer  
Nays: None  
Absent: Goupil

Motion carried.

**Board of Review Letter of Resignation – Rita Lauer**

Supervisor Mathis reported that the Township has received a letter of resignation from Board of Review member Rita Lauer. Ms. Lauer recently moved out of Fenton Township and is no longer eligible to serve on that board. Rita was first appointed to the Board of Review in March of 2004 and did an excellent job for the Township.

Supervisor Mathis stated that the Township would accept résumés from qualified candidates to fill this position.

Motion to accept, with regrets, the resignation of Rita M. Lauer from the Fenton Township Board of Review.

Motion by: Tucker  
Seconded: Brown  
Ayes: Mathis, Krug, Tucker, Brown, Ketchmark, Zimmer  
Nays: None  
Absent: Goupil

Motion carried.

**Resolution No. 2008-19, GCRC Permit for LFHS Homecoming Parade**

Supervisor Mathis reported that Lake Fenton High School wants to hold their annual Homecoming Parade along Torrey Road between North Long Lake Road and Lahring Road. The date of the parade is Friday October 3rd. The Genesee County Road Commission requires the Township Board to authorize the appropriate application. A

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resolution has been prepared for that authorization. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2008-19**

*WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a Homecoming Parade within the road right-of-way of Torrey Road, and*

*WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;*

*NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:*

***Hold a Homecoming Parade on Friday October 3, 2008, between the hours of 4:00 p.m. and 6:00 p.m.***

***within the right-of-way of Torrey Road, between North Long Lake Road and Lahring Road, as requested.***

Motion to adopt Resolution No. 2008-19 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

**Proposed Sale of Tax-Reverted Property**

Operations Manager Broecker reminded the board that the Township took ownership of several tax-reverted properties in 2007 with the intent of getting them back on the active tax roll. In June, two of the parcels were sold to adjacent property owners. A deed has now been prepared to sell a third parcel to an adjacent owner. The subject parcel is land-locked and approximately 40% of the property is wetlands. By itself the property has very little value but combining it with the adjacent parcel would provide some value to those property owners.

Trustee Ketchmark asked why the property isn't sold through a sealed bid process. Treasurer Tucker explained that tax-reverted properties are parcels that were not purchased at the annual tax sale, so ownership has reverted to the local government. The Township is not permitted make a profit on the sale of such parcels, therefore a sealed bidding process would not be appropriate.

Motion to sell parcel # 06-11-529-055 to Michael & Angela Schwiuntek as presented.

Motion by: Tucker

Seconded: Brown

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

Nays: None

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Absent: Goupil  
Motion carried.

**BOARD COMMENT:**

Trustee Ketchmark asked about the status of two ordinances discussed at recent meetings: accessory buildings and hunting/firearm restrictions. Treasurer Tucker stated that the accessory building provisions of the Zoning Ordinance are on the Planning Commission agenda for 9/16/08. The hunting/firearm ordinance discussed at a previous meeting had been misinterpreted by the resident and/or the DNR. The resident's property was not subject to that ordinance and a subsequent conversation with a DNR officer confirmed that a bow & arrow is not considered a firearm.

Trustee Zimmer reported that she had spoken to Janet Monroe of the Michigan Department of Environmental Quality (DEQ) regarding low cost financing that is available from the State Revolving Fund (SRF). Ms. Monroe stated that there may have been a misunderstanding regarding the Township's eligibility for funding and encouraged the Township to contact the DEQ to further investigate. Trustee Zimmer stated that the DEQ does require a formal plan as part of the funding application, which can be costly. Treasurer Tucker stated that those extra costs would have to be weighed against any interest savings in order to determine if the Township would truly benefit from this program. Supervisor Mathis stated that this will be further investigated.

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

Chuck Dolliver, 13143 Harborview Drive

Mr. Dolliver asked if there was a petition for the renewal of the Loon Lake special assessment. Operations Manager Broecker clarified that a petition was not necessary because the special assessment district had already been created in 2003 as a result of petitions filed by property owners. Mr. Dolliver stated that he is concerned about the increased cost of the assessment relative to the benefit received, especially for the properties in Loon Harbor Preserve. He asked if there is any recourse for these property owners and if there was any way to "undo" the special assessment. It was suggested that he should take his concerns to the lake association. The only way to remove the special assessment would be to file a petition to dissolve the special assessment district. The petition would have to contain signatures representing more than 50% of the land area of the special assessment district.

Ed Collins, 13056 Harbor Landings

Regarding his comments at the last meeting, Mr. Collins clarified that he did appreciate the information that was provided and the time spent by Township officials and consultants. He still believes a detailed presentation is needed to better explain the sewer system financial situation. Supervisor Mathis confirmed that a presentation is being developed for a future board meeting.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft asked if the fire special assessment approved this evening was any different than previous years. Clerk Krug clarified that the amount assessed is still \$65.00 per parcel. The Township must go through the process of a public hearing and confirmation of the assessment roll each year.

Regarding the rehabilitation of pump stations, Mr. Hawcroft asked how large these stations are. Treasurer Tucker responded that the stations consist of a tube

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approximately 6 feet in diameter and can be anywhere from 20-40 feet deep, with the actual pump station located at the bottom of the tube.

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

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 9/17/08**