

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2017**

**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, Goupil, Lorraine, Shumaker, Attorney Belzer and  
Operations Manager Broecker.

Absent: Kesler

**OPENING PRAYER / PLEDGE OF ALLEGIANCE:**

Trustee Goupil offered the opening prayer. Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 9/18/17 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: All Present

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 9/5/17 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$998,614.22 for payment as presented.

Motion by: Tucker

Seconded: Goupil

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

Nays: None

Absent: Kesler

Motion carried.

**PUBLIC HEARINGS:**

**Proposed Special Assessment Roll - Crane Lake Improvement Special  
Assessment District No. 2**

Supervisor Mathis opened a public hearing on the special assessment roll for Crane Lake Improvement Special Assessment District No. 2. The proposed roll assesses a total of \$815.25 per parcel, spread over a 5-year period. The board will accept public comment on the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public comment:

Dan Hrbek, 3234 Horrell Court

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Mr. Hrbek asked for clarification on the special assessment process. He thought the board action at the last meeting approved the special assessment. Operations Manager Broecker clarified that the public hearing at the 9/5/17 meeting was for the creation of the special assessment district. This public hearing is for the special assessment roll.

Liz Uptegraff, 3226 Horrell Court

Ms. Uptegraff stated that she is opposed to using herbicides in lake.

Kathleen Lage, 13132 North Road

Ms. Lage again stated that the Crane Lake Association is not functioning properly relative to communication and working together. There has been no response to requests to consider an evaluation of the lake before approving treatments. The residents need to take a more overall approach to lake management.

There was no further comment or discussion. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2017-37**

*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 special assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the lake improvement project within Crane Lake Improvement Special Assessment District No. 2 as shown on the plans and specifications for such project, and*

*WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, 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, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and*

*WHEREAS, a record of those present to protest, and of written protests submitted, if any, 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 special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;*

*NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:*

- 1. The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2017-4 and shall hereby be confirmed as the special assessment roll for Crane Lake Improvement Special Assessment District No. 2.*

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2. *The assessments in said Fenton Township Special Assessment Roll No. 2017-4 shall be divided into five annual installments with the first installment due on or before December 1, 2017 and the following installments to be due on or before the 1<sup>st</sup> day of the same month of each and every year thereafter.*
3. *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 said Michigan PA 188.*
4. *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 PA 188.*
5. *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. 2017-37 as presented.

Motion by: Krug

Seconded: Shumaker

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

Nays: None

Absent: Kesler

Motion carried. Resolution declared adopted.

**Proposed 2017 Special Assessment Roll - Fenton Township Fire Protection  
Special Assessment District**

Supervisor Mathis stated that this is the annual public hearing on the Fire Protection Special Assessment Roll. The assessment per property remains at \$65.00. There was no public comment. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2017-38**

*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 special 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, and*

*WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the township, and*

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*WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and*

*WHEREAS, a record of those present to protest, and of written protests submitted, if any, 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 special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;*

*NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:*

- 1. The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2017-5 and shall hereby be confirmed as the 2017 special assessment roll for the Fenton Township Fire Protection Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2017-5 shall be due and payable on or before December 1, 2017.*
- 3. If any 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 Public Act 81 of 1989, as amended, and Public Act 188 of 1954, as amended.*
- 4. 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. 81 of 1989 and P.A. 188 of 1954.*
- 5. 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. 2017-38 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

Nays: Kesler

Motion carried. Resolution declared adopted.

**Proposed Lake Improvement Special Assessment District - Lake Ponemah**

Supervisor Mathis opened a public hearing on the creation of a lake improvement special assessment district for Lake Ponemah. The proposed project would continue the weed control program for an additional five years. The estimated cost of the project is

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\$368,113, spread over the 5-year period. The board will accept public comment on the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public comment:

Jay Stoker

Mr. Stoker stated that the lake quality has gotten worse in recent years. He believes the residents should vote on the issue.

Gary Congdon, 13506 North Road

Mr. Congdon stated that the water quality in the canals has gotten worse in recent years. He believes that the DNR should pay for treatments since they have a public boat launch. Mr. Congdon also claims that prior treatments have killed lily pads and fish.

Sal Angotti, 14088 North Road

Mr. Angotti stated that the DNR should control the weed treatment process and also help pay for it. He also believes that prior treatments have negatively affected his garden.

Dominic Corso, 3266 Ponemah Drive

Mr. Corso stated he would like to have the treatment process re-evaluated. There may be more effective options that are better for the environment. He is aware that the City of Fenton cuts (harvests) the weeds in the Fenton Mill Pond.

Jason Warda, President of PST (Ponemah-Squaw-Tupper) Lake Association

Mr. Warda stated that the previous treatments have been effective and the lake has improved significantly in recent years. He also claimed that he did not realize the property owners had a voice in the special assessment process. He simply forwarded the vendor's proposal to the township.

Joe Ceresia, 3506 Silver Lake Road

Mr. Ceresia stated that the lake needs to have weed control and warned against ending the treatments. Without continued treatments, the invasive weeds will take over the lake.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft stated that weed harvesting is not an effective treatment. He also believes that the milfoil problem is much improved from the past, however other invasive species, such as starry stonewort, have become a problem. He suggested that the contractor or some other authority should attend these meetings to provide expertise.

Jim Edmonds, 3495 Four Lakes Avenue

Mr. Edmonds favors weed control. He also believes that commercial fertilizer companies are applying fertilizer too close to the lake.

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Trustee Shumaker suggested ending the special assessment process and simply require a new petition if property owners want to initiate a new special assessment. Trustee Shumaker made a motion to that effect, which was seconded by Trustee Lorraine.

Attorney Belzer suggested continuing the public hearing at a future meeting to give the property owners time to look at options and determine if they want to move forward with the special assessment. By continuing the hearing, additional notification will not be required and, if the property owners do want to proceed, the board can create the special assessment district without requiring a new petition.

Treasurer Tucker encouraged the property owners to research the issue so they can make an informed decision.

Trustee Shumaker withdrew his motion and Trustee Lorraine withdrew his second.

Motion to continue the Lake Ponemah special assessment hearing public hearing to 11/20/17 meeting.

Motion by: Tucker

Seconded: Lorraine

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

Nays: None

Motion carried.

Supervisor Mathis recessed the meeting at 8:45 p.m.

The meeting was reconvened at 8:55 p.m.

**Proposed Lake Improvement Special Assessment District - Dollar Lake**

Supervisor Mathis opened a public hearing on the creation of a lake improvement special assessment district for Dollar Lake. The proposed project would continue the weed control program for an additional five years. The estimated cost of the project is \$34,592, spread over the 5-year period. The board will accept public comment on the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public comment:

*(Name not provided)*

A gentleman stated that he supports continuing the weed control program and asked about cost. Treasurer Tucker provided the proposed assessment amounts. Operations Manager Broecker stated that the proposed assessments are only a few dollars more per property per year than the previous 5-year assessment.

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William Walters, 12283 Dollar Lake Drive

Mr. Walter stated that he was part of lake association that initiated first special assessment. He believes the overall health of Dollar Lake is very good today and supports continuing the weed control program. Aquatic Nuisance doing a good job.

Trustee Goupil asked how long it took for the treatments to improve the lake when the project was first started. Mr. Walter stated that the quality of the lake was noticeably improved after about two years.

Mike Felker, 12251 Dollar Lake Drive

Mr. Felker asked if the properties on Little Long Lake or the channel between the lakes are included in the assessment. Operations Manager Broecker clarified that Little Long Lake has their own special assessment district, which is on a different schedule than Dollar Lake. Properties on the channel are included in the Dollar Lake assessment district.

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

**RESOLUTION NO. 2017-41**

*WHEREAS, the township board of the Charter Township of Fenton has determined to proceed under the provisions of PA 188 of 1954, as amended, to secure plans and estimates of cost together with a proposed special assessment district for assessing the costs of the proposed lake improvement project to schedule a public hearing upon the same for this date, and*

*WHEREAS, the preliminary plans, estimates of cost and proposed special assessment district were filed with the Township Clerk for public examination and notice of the within hearing upon the 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 18th day of September 2017 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;*

*NOW, THEREFORE, BE IT RESOLVED as follows:*

- 1. That this township board does hereby approve the plans for the eradication and/or control of aquatic weeds on Dollar Lake and services related thereto, as submitted by the Dollar Lake Association, and the estimate of costs for the completion thereof of \$34,592.*
- 2. That this township board does hereby create, determine and define as a special assessment district to be known as Dollar Lake Improvement Special Assessment*

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*District No. 2, within which the costs of such improvements shall be assessed according to benefits, the following described area within said township:*

***All parcels of land with frontage on Dollar Lake and the channel between Dollar Lake and Little Long Lake***

3. *That on the basis of the foregoing, this 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 which amount shall be the relative portion of the whole sum to be levied against the parcels of land in the in the special assessment district as the benefit to the parcel of land bears to the total benefit to all the parcels of land in the special assessment district. When the same has been completed, the Supervisor and assessing officer shall affix thereto her certificate stating that it was made pursuant to this resolution and that in making such assessment roll, she has, according to her best judgment, conformed in all respects to the directions contained in this resolution and the applicable state statutes.*
4. *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. 2017-41 as presented.

Motion by: Krug  
Seconded: Goupil  
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker  
Nays: None  
Absent: Kesler

Motion carried. Resolution declared adopted.

Supervisor Mathis stated that, in anticipation of the previous resolution, a special assessment roll has been completed, certified and submitted to the Township Clerk. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2017-42**

*WHEREAS, the Supervisor and assessing officer of the 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 \$36,593.20 covering all parcels of land in Dollar Lake Improvement Special Assessment District No. 2 according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto her certificate as required by said resolution;*

*NOW, THEREFORE, BE IT RESOLVED as follows:*

1. *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.*



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2. *That the Fenton Township Board shall meet at 7:30 p.m. on October 2, 2017 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the township, to review such special assessment roll and hear any objections thereto.*
3. *That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general circulation in the township 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 interested in property within Dollar Lake Improvement Special Assessment District No. 2 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.*
4. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.*

Motion to adopt Resolution No. 2017-42 as presented.

Motion by: Krug  
Seconded: Goupil  
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker  
Nays: None  
Absent: Kesler

Motion carried. Resolution declared adopted.

**REPORTS:**

None

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Proposed Gas & Electric Franchise Ordinance - Consumers Energy/1<sup>st</sup> Reading**

Supervisor Mathis reviewed a proposed gas & electric franchise ordinance for Consumers Energy Company. The previous franchise ordinance, No. 366, was adopted on December 21, 1987 and will expire before the end of this year. The proposed ordinance grants franchise rights to Consumers Energy to continue providing natural gas and electric service in Fenton Township for another 30 years.

Kyle McCree, Community Affairs Area Manager for Consumers Energy  
Mr. McCree introduced himself as the new Community Affairs Area Manager and gave a brief overview of Consumers Energy issues in Michigan. He thanked the board for putting the proposed franchise ordinance on the agenda.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 10/2/17 meeting.

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**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

None

**BOARD COMMENT:**

Trustee Goupil stated that he liked the fact that residents showed up and were interested in what is going on.

Trustee Shumaker suggested scheduling a workshop to review property sales and the Assessor's employment agreement. After a brief discussion, the board agreed to schedule the meeting for Monday 9/25/17 at 7:00 p.m.

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

None

**ADJOURN:** Meeting adjourned at 9:18 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 9/20/17**