

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF AUGUST 19, 2019**

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

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

Present: Krug, Tucker, Goupil, Kesler, Reid, Attorney Belzer and Operations  
Manager Broecker.

Absent: Mathis, Lorraine

**OPENING PRAYER / PLEDGE OF ALLEGIANCE:**

Trustee Goupil offered the opening prayer. Clerk Krug led the pledge of allegiance to the flag.

**APPOINTMENT OF TEMPORARY CHAIRPERSON:**

Clerk Krug stated that, in the absence of the Township Supervisor, the board must appoint a temporary chairperson for this evening's meeting.

Motion to appoint Clerk Krug as chairman pro-tem.

Motion by: Tucker

Seconded: Kesler

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried.

**APPROVAL OF AGENDA:**

Operations Manager Broecker noted that two items had been added to the agenda since the packet was initially emailed out on Friday. Motion to approve the 8/19/19 Fenton Township Board Meeting revised agenda as presented.

Motion by: Reid

Seconded: Goupil

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 8/5/19 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$420,074.73 for payment as presented.

Motion by: Tucker

Seconded: Reid

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried.

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**PUBLIC HEARINGS:**

**Lake Fenton Improvement Special Assessment District No. 2 - Hearing on Special Assessment Roll**

Chairman Krug noted that, based on previous actions of the township board, Trustee Reid will be abstaining from voting on this issue due to a conflict of interest.

Chairman Krug opened a public hearing on the special assessment roll for Lake Fenton Improvement Special Assessment District No. 2. The proposed roll assesses the following amounts per parcel:

December	2019	\$ 126.98 (includes township administrative costs)
"	2020	33.87
"	2021	36.12
"	2022	42.89
"	2023	45.15

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.

There was no public comment. Chairman Krug closed the public hearing.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-30**

*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 Lake Fenton 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;*

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*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. 2019-05 and shall hereby be confirmed as the special assessment roll for Lake Fenton Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-05 shall be divided into five annual installments with the first installment due on or before December 1, 2019 and the following installments to be due on or before the 1<sup>st</sup> day of December of the years 2020 through 2023, inclusive.*
- 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. 2019-30 as presented.

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

Motion carried. Resolution declared adopted.

**Proposed Lake Improvement Special Assessment District - Loon Lake/Hearing on Creation of Special Assessment District**

Chairman Krug opened a public hearing on the creation of a new lake improvement special assessment district for Loon Lake. If approved, the project would consist of a 5-year continuation of a weed control program for Loon Lake. The estimated cost of the project is \$138,050, 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.

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Public comment:

Dave Weber, 4212 Neil Court

Mr. Weber, President of the Loon Lake Association stated that the new proposal is a continuation of the existing weed control program with similar costs. Mr. Weber also thanked Operations Manager Broecker for assistance and guidance through the special assessment process.

There was no further public comment. Chairman Krug closed the public hearing.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-31**

*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 19th day of August 2019 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 Loon Lake and services related thereto, as submitted, and the estimate of costs for the completion thereof of \$138,050.00.*
- 2. That this township board does hereby create, determine and define as a special assessment district to be known as Loon Lake Improvement Special Assessment 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, or legal access to, Loon 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*

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*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. 2019-31 as presented.

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

Motion carried. Resolution declared adopted.

Chairman Krug stated that, in anticipation of the previous resolution, a special assessment roll has been completed, certified and filed with the Township Clerk as required by said resolution.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-32**

*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 \$138,053.98 covering all parcels of land in Loon 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.*
2. *That the Fenton Township Board shall meet at 7:30 p.m. on September 3, 2019 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*

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*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 Loon 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. 2019-32 as presented.

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

Motion carried. Resolution declared adopted.

**Proposed Lake Improvement Special Assessment District - Squaw Lake/Hearing on Creation of Special Assessment District**

Chairman Krug opened a public hearing on the creation of a new lake improvement special assessment district for Squaw Lake. If approved, the project would consist of a 3-year continuation of a weed control program for Squaw Lake. The estimated cost of the project is \$56,100, spread over the 3-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:

Paul Hausler, Progressive AE

Mr. Hausler stated that his company was asked to put together budget for the Squaw Lake treatment program, including management of the program by Progressive AE. He provided a brief overview of the program, which will be similar to the one already in place on Lake Ponemah.

Dominic Corso, 3266 Ponemah Drive

Mr. Corso, Vice President of the Ponemah-Squaw-Tupper Lake Association, stated that their association is very pleased with the work of Progressive AE on Lake Ponemah and offered to share information regarding their program with Squaw Lake residents.

Mark Shantz, 4140 Four Lakes Avenue

Mr. Shantz asked about the proposed assessment amounts and the number of parcels in the district. Operations Manager Broecker stated that the proposed special assessment roll assesses \$177.35 per parcel in the first year, (includes township administrative costs and a lake evaluation study), and \$130.47 per parcel in years two and three.

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Howard Schrock, 3417 Isleview Drive

Mr. Schrock commented that the weeds in Lake Ponemah are worse than ever this year.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson asked if there has been any thought of combining the Squaw and Ponemah projects. Operations Manager Broecker stated that the Squaw Lake special assessment is proposed for only three years so that it will end the same year as Lake Ponemah. This will allow the lake association to work on a combined treatment program for the next special assessment, although the special assessment districts will remain separate.

Mr. Carlson also asked if the canal along Horrell Road is part of the district and if the canal is treated. Operations Manager Broecker confirmed that the parcels on the canal are part of the proposed special assessment district. Derek Brookshire of Aquatic Nuisance Plant Control confirmed that the canal does receive weed treatments.

There was no further public comment. Chairman Krug closed the public hearing.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-33**

*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 19th day of August 2019 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 Squaw Lake and services related thereto, as submitted, and the estimate of costs for the completion thereof of \$56,100.00.*
- 2. That this township board does hereby create, determine and define as a special assessment district to be known as Squaw 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 Squaw Lake  
and/or the canals connecting to Squaw 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. 2019-33 as presented.

Motion by: Goupil

Seconded: Kesler

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. Resolution declared adopted.

Chairman Krug stated that, in anticipation of the previous resolution, a special assessment roll has been completed, certified and filed with the Township Clerk as required by said resolution.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-34**

*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 \$56,101.12 covering all parcels of land in Squaw 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*



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*days from the present date until the public hearing upon the same and shall further be examined at such public hearing.*

2. *That the Fenton Township Board shall meet at 7:30 p.m. on September 3, 2019 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 Squaw 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. 2019-34 as presented.

Motion by: Goupil

Seconded: Reid

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. Resolution declared adopted.

**Proposed Lake Improvement Special Assessment District - Golden Pond/Hearing  
on Creation of Special Assessment District**

Chairman Krug noted that, per board action at the last meeting, he will be abstaining from voting on this issue due to a conflict of interest. He asked Treasurer Tucker to moderate this public hearing.

Treasurer Tucker opened a public hearing on the creation of a lake improvement special assessment district for Golden Pond. If approved, the project would consist of a 5-year weed control program for Golden Pond. The estimated cost of the project is \$32,230, 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:

Bob Fey, 2338 Swans Cove

Mr. Fey stated that their lake is being choked by weeds. He supports the special assessment.

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Dennis "Whitey" Fischer, 2377 Golden Shores Drive

Mr. Fischer stated that the weeds have become a serious problem, making it difficult to fish in the lake. He also stated that recent treatments have not been as effective as in the past.

Derek Brookshire, Aquatic Nuisance Plant Control

Mr. Brookshire stated that his company has been treating Golden Pond for many years. The money for treatments was manually collected and, as fewer people contributed over the years, treatments were reduced accordingly, thereby reducing effectiveness. The proposed special assessment would provide consistent funding and better results. Mr. Brookshire emphasized that treatments target invasive weeds only. He added that the rainy spring this year caused fertilizer runoff into the pond, which made the weeds worse.

Pete Trosko, 2341 Swans Cove

Mr. Trosko agreed with the statements already made. He supports the special assessment, which is badly needed.

Operations Manager Broecker reported that a written objection was received from property owner B.I.M. Imaging, LLC and a letter of support was received from property owners Bill and Donna Mynatt.

There was no further public comment. Treasurer Tucker closed the public hearing.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-35**

*WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, 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 19th day of August 2019 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:*

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1. *That this township board does hereby approve the plans for the eradication and/or control of aquatic weeds on Golden Pond and services related thereto, as submitted, and the estimate of costs for the completion thereof of \$32,230.00.*
2. *That this township board does hereby create, determine and define as a special assessment district to be known as the Golden Pond Improvement Special Assessment District, 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 Golden Pond***

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. 2019-35 as presented.

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

Motion carried. Resolution declared adopted.

Treasurer Tucker stated that, in anticipation of the previous resolution, a special assessment roll has been completed, certified and filed with the Township Clerk as required by said resolution.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-36**

*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 \$32,232.20 covering all parcels of land in Golden Pond Improvement Special Assessment District 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;*

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*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.*
- 2. That the Fenton Township Board shall meet at 7:30 p.m. on September 3, 2019 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 Golden Pond Improvement 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.*
- 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. 2019-36 as presented.

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

Motion carried. Resolution declared adopted.

**Proposed Street Lighting Special Assessment District - Fenton Orchards III/ Hearing on Creation of Special Assessment District**

Chairman Krug opened a public hearing on the creation of a street lighting special assessment district for Fenton Orchards Phase III. If approved, the project would include the installation, operation and maintenance of street lights in Phase III of the Fenton Orchards condominium subdivision. The estimated cost of the project is \$9,750 for LED street light installation and \$2,400 per year for operation & maintenance of the street lights, plus administrative costs. 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:

Chuck Gurden, 12359 Wolfberry Drive

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Mr. Gurden stated that phases I and II of Fento Orchards already have street lights, and the residents in phase III have been working on street lights for a couple of years, however the number of developer owned units made it difficult to get a majority to sign the special assessment petition. Now that enough homes have been built and sold, they were able to get over 50% on the petition. He strongly supports the proposed special assessment.

There was no further public comment. Chairman Krug closed the public hearing. Operations Manager Broecker added that this will be the first street lighting special assessment that will include the installation of LED street lights. The higher cost of the lights themselves will be offset by lower electricity costs within two years.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-37**

*WHEREAS, the township board of the Charter Township of Fenton received petitions signed by more than 50% of the total land area of the proposed special assessment district described hereinafter, and accordingly, 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 street lighting 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 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 19th day of August 2019 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 determine that the petitions for the Fenton Orchards III Street Lighting Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed special assessment district.*
- 2. That this township board does hereby approve the plans for the installation, operation and maintenance of street lights in Phase III of the Fenton Orchards condominium subdivision and the estimate of costs for the completion thereof of \$9,750.00 for installation and \$2,400.00 per year for operations and maintenance, (not including administrative costs).*

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3. *That this township board does hereby create, determine and define as a special assessment district to be known as the Fenton Orchards III Street Lighting Special Assessment District, within which the costs of such improvements shall be assessed according to the benefits, the following described area within said township:*

***All units in Phase III of the Fenton Orchards Condominium Subdivision***

4. *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 special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the same has been completed, the Supervisor or 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.*
5. *That all resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2019-37 as presented.

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

Motion carried. Resolution declared adopted.

Chairman Krug stated that, in anticipation of the previous resolution, a special assessment roll has been completed, certified and filed with the Township Clerk as required by said resolution.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-38**

*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 \$14,550.36 for 2019 and \$2,400.00 per year for each year thereafter covering all parcels of land in the Fenton Orchards III Street Lighting Special Assessment District 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 working hours of regular working days*

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*from the present date until the public hearing upon the same and shall further be examined at such public hearing.*

2. *That the Fenton Township Board shall meet at 7:30 p.m. on September 3, 2019 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 having an ownership interest in property within the Fenton Orchards III Street Lighting 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.*
4. *All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

Motion to adopt Resolution No. 2019-38 as presented.

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

Motion carried. Resolution declared adopted.

**REPORTS:**

**Eleanor Street Paving Project**

Operations Manager Broecker reported that the Genesee County Road Commission will proceed with the paving of Eleanor Street. The projected start date is 9/3/19.

**Dog Park Update**

Clerk Krug reported that agility/exercise equipment has been installed on both sides of the Thompson Road Regional Dog Park. The work was completed by a local Boy Scout as an Eagle Scout project.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS:**

**Purchase Offer - Tax-Reverted Property**

Chairman Krug reported that the Township has received an offer for one the remaining tax-reverted properties – a vacant lot on Dalhart Drive. Treasurer Tucker suggested postponing action on the offer since our realtor was unable to attend tonight’s meeting. The board agree to move this issue to the 9/3/19 agenda.

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**Next Meeting Date Reminder**

Chairman Krug reminded the board that the next meeting is Tuesday 9/3/19, the day after Labor Day.

**NEW BUSINESS:**

**Proposed Hiring to Fill Full-Time Position**

Operations Manager Broecker reviewed a proposal to move Township employee Julie Oraa from part-time to full-time and eliminate the part-time position. Ms. Oraa is already averaging 27 hours per week as a part-time employee. The additional hours will provide the backup and support to the Building Department made necessary by increased activity. This change would also provide greater flexibility in scheduling for the front counter staff. The annual cost increase for the proposed change is just under \$20,000, and is more than offset by the \$75,000 increase in annual net building permit revenue experienced since the part-time position was created in 2015.

Motion to approve the hiring of Julie Oraa to fill the full-time position of Receptionist/Support Clerk, as presented.

Motion by: Tucker

Seconded: Goupil

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried.

**Resolution No. 2019-39, GCRC Permit for LFHS Homecoming Parade**

Lake Fenton High School wishes to hold their annual Homecoming Parade along Torrey Road between North Long Lake Road and Lahring Road on Friday 10/4/19. The Genesee County Road Commission requires the Township Board to authorize the appropriate application. A resolution has been prepared for that authorization.

Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-39**

*WHEREAS, Lake Fenton Community Schools 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 Community Schools 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 4, 2019, between the hours of 4:00 p.m. and 6:00 p.m.***



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

Motion to adopt Resolution No. 2019-39 as presented.

Motion by: Goupil

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. Resolution declared adopted.

**MDOT Performance Resolution for Governmental Agencies**

Operations Manager Broecker explained that Fenton Township has applied for a Michigan Department of Transportation (MDOT) construction permit to allow us to have our lawn maintenance contractor mow and generally clean up the areas around the US-23 ramps at Thompson Road. The Township was just informed today that a resolution must also be submitted with the application. Operations Manager Broecker presented the following resolution:

**RESOLUTION NO. 2019-40**

*WHEREAS, the **Charter Township of Fenton**, hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits;*

*NOW, THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:*

- 1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.*
- 2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.*

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3. *The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.*
4. *The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.*
5. *With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.*
6. *The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.*
7. *This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.*

*BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.*

<u>Name</u>	<u>Title</u>
Bonnie Mathis	Township Supervisor
Robert Krug	Township Clerk
Thomas Broecker	Operations Manager

Motion to adopt Resolution No. 2019-40 as presented.

Motion by: Goupil

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. Resolution declared adopted.

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**BOARD COMMENT:**

None

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

Dave Weber, 4212 Neil Court

Mr. Weber stated that some of the weed problems experienced by area lakes are due to the use of lawn fertilizer near the shoreline. Rain washes the fertilizer into the lake, thereby increasing weed growth. Operations Manager Broecker advised that the Township does have a Fertilizer Application Ordinance, which prohibits fertilizer application within 25 feet of any lake, river, stream or county drain by a commercial applicator. For private residents, the limit is 50 feet. Further, commercial applicators are required to be licensed by the Township. The board discussed various ways to increase awareness of this ordinance, including the Township's website, future newsletters and contacting any unlicensed businesses.

Les Scott, 12499 Margaret Drive

Mr. Scott requested a copy of the Fertilizer Application Ordinance. Operations Manager Broecker responded that a copy may be picked up at Mr. Scott's convenience.

**CLOSED SESSION:**

**Pending Litigation – Bjorklund vs. Fenton Township**

Motion to recess the open meeting for the purpose of convening a closed session to discuss pending litigation in the matter of Bjorklund vs. Fenton Township.

Motion by: Goupil

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Kesler, Reid

Nays: None

Absent: Mathis, Lorraine

Motion carried. The open meeting was recessed at 8:47 p.m.

The open meeting was reconvened at 9:00 p.m. No decisions were made or actions taken during the closed session.

**ADJOURN:** Meeting adjourned at 9:00 p.m.

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Robert Krug, Chairman Pro-Tem

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Thomas Broecker, Deputy Clerk

**Minutes Posted 8/20/19**