

**MINUTES - PRAIRIEVILLE TOWNSHIP Special Meeting
February 4, 2013; 7:30 PM; LGI (Large Group Instruction) Auditorium at Delton-Kellogg
High School at 327 N. Grove Street, Delton, Michigan**

CALL TO ORDER

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

ROLL CALL

Members present: Clerk DeVries, Supervisor Stoneburner, Treasurer McGuire and Trustee Goebel.

Member absent: Trustee Grundy

There were approximately 14 other interested persons present.

PLEDGE OF ALLEGIANCE - All present stood for the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

The agenda was reviewed. It was moved by Trustee Goebel, seconded by Treasurer McGuire, to approve the agenda as presented. The motion passed unanimously.

APPROVAL OF MINUTES

Upon motion of Trustee Goebel, seconded by Clerk DeVries, the Township Board voted unanimously to approve as prepared the proposed minutes of the January 7, 2013 special meeting of the Township Board.

Upon motion of Trustee Goebel, seconded by Treasurer McGuire, the Township Board voted unanimously to approve as prepared the proposed minutes of the January 17, 2013 Township Board Budget Workshop Meeting.

With respect to the proposed minutes of the January 28, 2013 Budget Workshop Meeting of the Township Board, Trustee Goebel noted that Line 25 of the proposed minutes should be revised to reflect that the motion referenced therein was seconded by Trustee Grundy. Upon motion of Trustee Goebel, seconded by Treasurer McGuire, the Township Board voted unanimously to approve the minutes as corrected.

CORRESPONDENCE

There was no correspondence.

PINE LAKE AQUATIC PLANT CONTROL PROJECT

The next matter to come before the Board was consideration of the proposed special assessment roll for the PINE LAKE AQUATIC PLANT CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 12-1 which had been prepared by the Supervisor and Assessing Officer of the

1 Township in accordance with a Resolution of the Township Board adopted January 7, 2013, and
2 which had been noticed for public hearing for this date.

3 Supervisor Stoneburner then asked the Township Attorney to make a few introductory comments
4 with respect to this matter.

5
6 The Township Attorney noted that this was the second public hearing to be held in connection
7 with this special assessment project. He noted that at the public hearing held on January 7, 2013,
8 the Township Board at the conclusion of that hearing had approved the petitions for the project,
9 the proposed special assessment district, the cost estimate and the plans for the project. He
10 indicated that these matters were accordingly not the subject of this evening's public hearing. He
11 indicated that this evening's public hearing was on the proposed special assessment roll that had
12 been prepared.

13
14 The Township Attorney encouraged persons speaking during the public hearing to give their
15 name for the record each time they speak. The Township Attorney indicated that if any persons
16 present wished to object to the special assessment, they should feel free to do so. The Township
17 Attorney noted that in order to preserve the right to appeal a special assessment to the Michigan
18 Tax Tribunal, a property owner would have needed at some point prior to the conclusion of this
19 evening's public hearing to have made objection to the special assessment.

20
21 The Township Attorney indicated that in general terms the proposed special assessment roll
22 would impose a special assessment of \$424.55 payable in five annual installments of \$84.91 each
23 for lots having Lake Frontage and that the special assessment would be one-half that amount for
24 back lots having deeded access. The Township Attorney indicated that the Township Clerk
25 would discuss the methodology of the proposed special assessment roll in greater detail. The
26 Township Attorney noted that copies of the proposed special assessment roll were available at
27 the front of the room for any person who wished to review the same.

28
29 The Township Attorney indicated that notice of this evening's public hearing had been given by
30 publication in the Hastings Banner on January 17, 2013 and again on January 24, 2013 and by
31 first-class mail to each property owner of record in the special assessment district. Affidavits of
32 such publication and mailing are on file as a part of the records of this meeting.

33
34 Clerk DeVries then addressed the audience. He indicated that the approved cost estimate for the
35 project was \$227,135. He indicated that there were approximately 630 parcels in the special
36 assessment district. He indicated that the proposed special assessment roll used the same
37 methodology that the Township Board had used previously in connection with the aquatic plant
38 control special assessment project for Upper Crooked Lake. He indicated that a parcel with a
39 house on it would be specially assessed \$424.55. He indicated that there were 522 such parcels
40 in the special assessment district. He indicated that parcels that were back lots with deeded
41 access would be specially assessed one-half this amount. He indicated that there are 26 such
42 back lot parcels. He indicated that the special assessment for parcels that are vacant or just have a
43 garage upon them would be zero.

44
45 The Supervisor then opened the public hearing to public comment.

1
2 Mr. George Hoffman then addressed the Township Board. He indicated that the proposed
3 special assessments assume equal benefit to all lakefront properties. He indicated that the benefit
4 is not the same. He indicated that he believed special assessments should be based on millage.
5 He indicated that if the lake becomes overrun with milfoil and there is, for example, a 20%
6 reduction in property values, this would result in a greater value reduction for expensive parcels
7 than for less expensive parcels. He indicated that a \$500,000 parcel uses the lake more than a
8 \$100,000 property. He expressed concern for the precedent that would be set if millage is not
9 used. He indicated that millage would be the fairest way of apportioning the special
10 assessments.

11
12 Mr. Hoffman inquired as to whether there was any pending proposal to develop some of the farm
13 land in the special assessment district. The Supervisor indicated that he was not aware of any
14 such pending project. Trustee Goebel indicated that he serves on the Planning Commission and
15 had not heard of any such proposed project.

16
17 Mr. Hoffman indicated that if a millage approach is used, then wealthy people will pay more. He
18 indicated that if millage is not used, then this would benefit the wealthier property owners.

19
20 Ms. Christine Johnson indicated that she agreed with Mr. Hoffman.

21
22 Mr. Richard VanNiman indicated that he believed the approach proposed by the Township Board
23 was the best approach.

24
25 Mr. Hoffman indicated that the Board should determine benefit and fairness. He indicated that a
26 back lot is different than a lakefront lot. He indicated that he believes millage should be used as
27 the basis for apportioning special assessments. He noted that property values change over the
28 years and that some adjustments may accordingly need to be made over time.

29
30 Mr. Pete Johnson indicated that he was against poisoning the weeds. He indicated that the Board
31 should address the situation of people pumping water out of the lake.

32
33 Mr. James Barney indicated that he believed speakers should be limited to 3 minutes as set forth
34 on the agenda. He indicated that he also believed that persons speaking should focus on the
35 proposed special assessment roll.

36
37 Supervisor Stoneburner noted that there were relatively few people present and that he preferred
38 to let people have their say even if it exceeded 3 minutes.

39
40 Mr. Joe Gabos inquired as to whether there was anything in the proposed special assessment roll
41 that would address hardship situations.

42
43 Supervisor Stoneburner and the Township Attorney noted that while there is provision in the
44 statutes for a property owner to apply for a poverty tax exemption, this exemption applied to
45 taxes, not special assessments. The Township Attorney indicated that while there is provision in

1 the special assessment statute that would allow a township to adopt an ordinance containing a
2 hardship deferment for special assessments, Prairieville Township, like many townships, had not
3 to date chosen to adopt such an ordinance.

4
5 There being no further public comment, the public hearing was closed.

6
7 Supervisor Stoneburner noted that the Center Street boat launch owned by Prairieville Township
8 is within the special assessment district and indicated that he believed the boat launch should be
9 specially assessed. Clerk DeVries expressed agreement. Treasurer McGuire also expressed
10 agreement. In response to a question from the Township Attorney, Clerk DeVries indicated that
11 the proposed special assessment roll does provide for a special assessment upon the Center Street
12 boat launch in the same manner as other lakefront parcels. The Township Attorney noted that if
13 this was the case, then no special action would be needed by the Township Board to include the
14 special assessment upon the Center Street boat launch and that this special assessment would be
15 accomplished by confirmation of the proposed special assessment roll.

16
17 The Township Attorney noted that a draft resolution had been prepared by him for the Board's
18 consideration in case the Board determined that it wished to take action this evening on the
19 proposed special assessment roll. The Township Attorney then reviewed the draft resolution.

20
21 The Township Attorney noted that the draft resolution called for the first installment to be due on
22 February 14, 2014 and the remaining installments to be due on or before the 14th day of the same
23 month of each and every year thereafter. He noted that this was consistent with the due date that
24 the Township Board used in connection with other special assessments. The Township Attorney
25 further noted that the draft resolution contained language providing for the unpaid installments to
26 bear interest at an unspecified rate commencing February 14, 2014. The Township Attorney
27 noted that when the Township Board had addressed the Upper Crooked Lake aquatic plant
28 control special assessment, the Township Board had chosen to not impose such interest in
29 recognition that, unlike a road or sewer improvement project where costs are paid up front, the
30 costs of the aquatic plant control project would be more spread out and billed to the Township as
31 the work was performed each year.

32
33 Clerk DeVries indicated that a possible alternative to having the first special assessment
34 installment due February 14, 2014 when winter taxes are due, would be to instead have the first
35 special assessment installment due on September 14, 2013, when summer taxes are due.

36
37 Trustee Goebel noted that if the first installment was due on February 14, 2014, there would be a
38 long time that would pass between the contractor performing work on the project and the
39 contractor getting paid. He indicated that it was the Township's delay that had prevented the
40 special assessment roll being confirmed in time to have the first installment billed with winter
41 taxes due on February 14, 2013.

42
43 Treasurer McGuire noted that if property owners fail to pay a special assessment installment
44 when it is due, then they would be assessed penalty interest at the rate of 1% for each month that

1 the installment remains unpaid before being placed on the Township tax roll for collection in the
2 same manner as taxes.

3
4 After further discussion , Trustee Goebel moved that the draft resolution be amended so as to
5 change the first installment due date to September 14, 2013, and have the subsequent
6 installments be due on September 14 of each year thereafter. He further moved that the draft
7 resolution be revised to delete the language that would provide for interest subsequent to the due
8 date of the first installment. Clerk DeVries seconded the motion and the motion passed
9 unanimously.

10
11 The following Preamble and Resolution were then, upon motion, submitted by Clerk DeVries,
12 supported by Trustee Goebel, for adoption:

13
14 **PREAMBLE AND RESOLUTION CONCERNING PINE LAKE AQUATIC PLANT**
15 **CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 12-1**
16

17
18 WHEREAS, the Township Board of the Township of Prairieville, Barry County, Michigan,
19 after due and legal notice, has conducted a public hearing upon a proposed assessment roll
20 prepared by the Supervisor and Assessing Officer of the Township for the purpose of defraying
21 costs of an aquatic plant control program proposed to be conducted within the PINE LAKE
22 AQUATIC PLANT CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 12-1 as
23 shown on the plans for such project and;

24 WHEREAS, such public hearing was preceded by proper notice in the Hastings Banner, a
25 newspaper of general circulation in the Township, and by First Class Mail notice to each
26 property owner of record within said District and upon said assessment roll; and

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

29 WHEREAS, the Township Board has duly inspected the proposed assessment roll and
30 considered all comments and has found the proposed assessment roll to be correct, just and
31 reasonable.

1 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

2 1. The assessment roll submitted by the Supervisor and Assessing Officer of the
3 Township, shall hereafter be designated as the PINE LAKE AQUATIC PLANT CONTROL
4 PROJECT SPECIAL ASSESSMENT DISTRICT NO. 12-1 ROLL and shall hereby be
5 confirmed as the assessment roll for the PINE LAKE AQUATIC PLANT CONTROL PROJECT
6 SPECIAL ASSESSMENT DISTRICT NO. 12-1 .

7 2. The assessments in said PINE LAKE AQUATIC PLANT CONTROL PROJECT
8 SPECIAL ASSESSMENT DISTRICT NO. 12-1 ROLL shall be divided into five equal annual
9 installments of principal with the first installment to be paid on or before September 14, 2013,
10 and the following installments to be due on or before the 14th day of the same month of each and
11 every year thereafter.

12 3. Future due installments of an assessment against any parcel of land may be paid
13 to the Township Treasurer at any time in full with interest accrued through the month in which
14 the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. If
15 any installment of a special assessment is not paid when due, then the installment shall be
16 considered to be delinquent and there shall be collected, in addition to interest as provided by
17 this paragraph, a penalty at the rate of one (1%) percent for each month, or fraction of a month,
18 that the installment remains unpaid before being reported to the Township Board for
19 reassessment upon the Township tax roll, also in accordance with said Act 188.

20 4. The assessments made in the special assessment roll are hereby ordered and
21 directed to be collected by the Township Treasurer, and the Township Clerk shall deliver the
22 assessment roll to the Treasurer with his Warrant attached, commanding the Treasurer to collect

1 such assessments in accordance with the direction of the Township Board and said Public Act
2 188.

3 5. All resolutions and parts of resolutions insofar as they conflict with the provisions
4 of this Resolution be and the same are hereby rescinded.

5 Upon roll call vote, the following voted AAYE@:

6 Jim Stoneburner, Supervisor
7 Ted DeVries, Clerk
8 Kasandra McGuire, Treasurer
9 Rod Goebel, Trustee

10
11 The following voted ANAY@:

12 None.

13 The Supervisor declared the motion carried and the Resolution duly adopted.

14 BOARD COMMENTS

15 Trustee Goebel indicated that he understood the argument that had been made with respect to
16 using millage as the basis for apportioning the special assessment, but that he believed the
17 methodology adopted by the Township Board was best. Supervisor Stoneburner expressed
18 agreement.

19
20 There being no further matters to come before the Township Board, Clerk DeVries moved that
21 the meeting be adjourned. Treasurer McGuire seconded the motion. The motion passed
22 unanimously and the meeting was adjourned at 8:27 p.m.

23
24 Respectfully submitted:

25
26
27 _____
28 Ted DeVries, Clerk