

1 Trustee Miller noted that the project cost estimate of \$35,685 had been based upon a bid
2 received from Heystek and Sons. He indicated that if the Township Board instead chose to accept the
3 bid of Lovett Driveway Company, that bid was approximately \$10,000 higher. In response to a
4 question to Trustee Miller, the Township Attorney indicated that this evening's public hearing was, in
5 part, upon the proposed cost estimate for the project and that following this public hearing, the
6 Township Board would be in a statutory posture to take action on approving or disapproving the cost
7 estimate. He indicated that the Township Board would have authority to increase or decrease the cost
8 estimate.

9
10 Mr. Steve Graff indicated that he had obtained the two companies' estimates.

11
12 Mr. Jerry Kelly of Heystek and Sons then addressed the Township Board. He indicated that he
13 had been asked to view the portion of the subject roads proposed to be improved and give his
14 evaluation. He indicated that some portions of the roadway had experienced subsidence. He indicated
15 that additional asphalt would be placed on those portions of the road. He indicated that the bid
16 submitted by him would involve a resurfacing or overlay of the existing street.

17
18 Ms. Kathy Yarworth expressed concern that she and her husband had recently put a new
19 driveway in and that it would be at a lower level than the road abutting the driveway once the dip in
20 the road was filled in. Mr. James Kraft indicated that he was in a similar situation. Mr. Kelly
21 indicated that while each situation would have to be specifically examined, the company would
22 probably have to mill out the existing edges. In response to a further question, Mr. Kelly indicated that
23 concerns as to stormwater runoff would also have to be evaluated at the site.

24
25 In response to a question from Trustee Miller, Mr. Kelly indicated that his company was
26 proposing to level the trough areas in the road and then, once this was done, resurface the entire road
27 with 1 ½ inches of asphalt.

28
29 Mr. Rick Dennehy indicated that Gilmore's Point had been resurfaced and that not all of the
30 property owners in that area had been happy with the work.

31
32 Mr. John Lovett of Lovett Driveway Company then addressed the Township Board. Mr.
33 Lovett indicated that his proposal was very similar to that submitted to Heystek and Sons, except that
34 his company was proposing a 2 inch base, instead of a 1 ½ inch base, where the road was widening.

35
36 Ms. Judy Tuin inquired as to whether the Township had given any consideration to creating
37 two separate special assessments, one for each separate portion of the roads. She indicated that
38 technically the plat owners could force the opening of Penny Lane. Clerk Owens noted that if Penny
39 Lane was opened up, then the property owners would also have to pay for any improvements to Penny
40 Lane. The Township Attorney noted that discontinuance of the proposed special assessment project
41 and the institution instead of two separate special assessment proceedings for different portions of the
42 subject roadways would entail additional publication and legal costs. Ms. Tuin indicated that she had
43 only asked if the Township had considered such an option.

44
45 In response to a question from Trustee Miller, the Township Attorney indicated that it would be
46 legally possible for the Township Board to set a different, lower special assessment for those benefited

1 properties not directly fronting upon the portion of road proposed to be improved if the Township
2 Board determined that such a two-tiered special assessment approach would more accurately reflect the
3 relative proportion of benefit received to the properties in the proposed special assessment district.
4

5 Trustee Ritchie indicated that she had compared the two bids received for this project. She
6 then proceeded to ask a number of questions pertaining to the bids.
7

8 In response to a question from Ms. Judy Tuin, Mr. Lovett indicated that the proposed project
9 would take three to four days. Mr. Kelly indicated that he agreed with this estimate. He noted that
10 weather could affect the length of the project.
11

12 Clerk Owens noted that the Township Board had received written communications from
13 Charles Ford, Timothy and Christine Yake, Janis Laurens and John Scheel objecting to the proposed
14 special assessment as it relates to the properties owned by them.
15

16 In response to a further question from Ms. Judy Tuin, the Township Attorney indicated that the
17 second public hearing on this matter would be on a proposed special assessment roll, which would set
18 forth the proposed special assessments upon the various projects in the special assessment district.
19

20 Mr. Steve Graff indicated that he would like to thank the Township Board for its efforts in this
21 matter.
22

23 There being no further public comments, Supervisor Stoneburner closed the public hearing.
24

25 The Township Attorney then reviewed a proposed Resolution that had been prepared by him
26 for Board consideration with respect to this matter.
27

28 Supervisor Stoneburner indicated that he could accept the proposed Resolution with the cost
29 estimate of \$35,685 as stated in the Resolution. Clerk Owens indicated that she agreed. She indicated
30 that both proposals received by the Township were good, but that the Lovett Driveway Company
31 proposal would cost approximately \$10,000 more. Treasurer Newhouse indicated that she also agreed
32 with Supervisor Stoneburner.
33

34 It was then moved by Treasurer Newhouse, seconded by Clerk Owens, that the Township
35 Board adopt the following resolution:
36
37

38 **RESOLUTION ON CHANNEL DRIVE/FORD'S POINT ROAD SPECIAL ASSESSMENT**
39 **DISTRICT NO. 09-2**
40

41 WHEREAS the Township Board of the Township of Prairieville received petitions signed by the
42 record owners of lands whose frontage constitutes more than fifty (50%) percent of the frontage upon
43 the portion of road proposed to be improved and determined both on the basis of the petitions and its
44 own motion to proceed under the provisions of 1954 PA 188, as amended, to secure plans and
45 estimates of costs together with a proposed special assessment district for assessing the cost of the
46 proposed improvement and to schedule a public hearing upon the same for this date; and

1
2 WHEREAS the plans, estimates of costs and proposed special assessment district were filed with
3 the Township Clerk for public examination and notice of the within hearing upon the same was
4 published and mailed in accordance with law and statute as shown by affidavits pertaining thereto on
5 file with the Township Clerk; and
6

7 WHEREAS in accordance with the aforesaid notices, a hearing was held on July 16, 2009,
8 commencing at 7:00 p.m. and all persons given an opportunity to be heard in the within matter; and
9

10 WHEREAS as a result of the foregoing, the Township Board believes the project to be in the
11 interest of the Township and of the District proposed to be established therefore;
12

13 NOW THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:
14

15 1. That this Township Board does hereby determine that the Petitions for the CHANNEL
16 DRIVE/FORD'S POINT ROAD SPECIAL ASSESSMENT DISTRICT NO. 09-2 were properly
17 signed by the record owners of lands whose frontage constitutes more than fifty (50%) percent of the
18 frontage upon the portion of road proposed to be improved.
19

20 2. That this Township Board does hereby approve the plans for the road improvement as
21 prepared and presented to the Township Board and approve the estimate of cost for the completion
22 thereof of Thirty Five Thousand Six Hundred Eighty Five (\$35,685.00) Dollars.
23

24 3. That this Township Board does hereby create, determine and define as a special
25 assessment district to be known as CHANNEL DRIVE/FORD'S POINT ROAD
26 SPECIAL ASSESSMENT DISTRICT NO. 09-2 within which the cost of such improvements shall be
27 assessed according to benefits, against the following described area within the Township (described by
28 tax parcels):
29

12-170-001-00	12-170-002-00	12-170-002-10	12-170-002-20	12-170-003-00
12-170-004-00	12-170-005-00	12-170-008-00	12-180-020-00	12-180-021-00
12-180-022-00	12-180-023-00	12-180-023-10	12-180-024-00	12-180-025-00
12-180-026-00	12-180-027-00	12-180-028-00	12-180-029-00	12-180-030-00
12-180-031-00	12-180-032-00	12-180-033-00	12-180-034-00	12-180-035-00
12-180-036-00	12-180-037-00	12-180-038-00	12-180-039-00	12-180-040-00
12-180-041-00	12-180-042-00	12-180-043-00	12-180-044-00	12-180-045-00
12-180-046-00	12-180-047-00	12-180-048-00	12-180-049-00	12-180-018-00
12-180-019-00	12-005-006-05	12-005-006-00		

30
31 The special assessment district shall remain in existence until all assessments and interest thereon have
32 been paid.
33

34 4. That on the basis of the foregoing, this Township Board does hereby direct the
35 Supervisor and Assessing Officer to make a special assessment roll in which shall be entered and
36 described all the parcels of land to be assessed with the names of the respective owners thereof if
37 known, and a total amount to be assessed against each parcel of land which amount shall be the

1 relative portion of the whole sum to be levied against all parcels of land in the Special Assessment
2 District as the benefit to the parcel of land bears to the total benefit to all the parcels of land in the
3 Special Assessment District. When the same has been completed, the Supervisor and Assessing
4 Officer shall affix thereto his Certificate stating that it was made pursuant to this Resolution and that in
5 making such assessment roll, he has, according to his best judgment, conformed in all respects to the
6 directions contained in this Resolution and the applicable state statutes.

7
8 5. That all Resolutions and parts of Resolutions insofar as they conflict with the provisions
9 of the within Resolution be and the same are hereby rescinded.

10
11 Trustee Miller inquired as to whether the Township Board would have authority to seek
12 changes to the proposed plans. The Township Attorney answered in the affirmative.

13
14 Trustee Miller noted that the Lovett Driveway Company proposal would place an additional ½
15 inch of asphalt upon the road than that set forth in the Heystek and Sons proposal. Mr. Kelly indicated
16 that the Heystek and Sons proposal involved establishing a 1 inch base layer of asphalt, whereas the
17 Lovett Driveway Company proposal would establish a 1 ½ inch base layer of asphalt.

18
19 Trustee Ritchie expressed some preference for accepting the proposal from the Lovett
20 Driveway Company. She expressed concern regarding item 2. in the Heystek and Sons proposal,
21 which indicated that “If any sub-standard subsoil in encountered (ie-concrete, clay or bad soil) an
22 additional charge may be incurred.” Trustee Miller inquired as to whether Heystek and Sons would be
23 willing to strike out this sentence in their proposal. Mr. Kelly indicated that he would agree on behalf
24 of his company to striking this item from the company’s proposal. The Township Attorney indicated
25 that the minutes of this evening’s meeting would reflect Mr. Kelly’s agreement on behalf of his
26 employer to the elimination of item 2. in the proposal submitted by Heystek and Sons, Inc. Mr. Kelly
27 indicated that this was acceptable.

28
29 The Township Attorney indicated that with the modification of the written proposal submitted
30 by Heystek and Sons, which proposal had served as the plans that were the subject of this evening’s
31 public hearing, it would be necessary to modify paragraph 2. of the proposed Resolution to read as
32 follows:

- 33
34 2. That this Township Board does hereby approve the amended plans for the road
35 improvement as presented to the Township Board at this meeting and approve the
36 estimate of cost for the completion thereof of Thirty Five Thousand Six Hundred
37 Eighty Five (\$35,685) dollars.

38
39 Treasurer Newhouse and Clerk Owens indicated agreement with this amendment to the proposed
40 Resolution.

41
42 Upon roll call vote, the following voted "Aye":

43
44 Jim Stoneburner
45 Deb Newhouse
46 Jill Owens

1 Bill Miller
2 Sharon Ritchie

3
4 The following voted "Nay":

5
6 None.

7
8 The Supervisor declared the motion carried and the Resolution duly adopted.

9
10 It was noted that the Supervisor, in anticipation of the foregoing Resolution, had completed a
11 proposed assessment roll in connection therewith and had attached thereto his Certificate as required
12 by the Resolution. The assessment roll was then received and filed with the office of the Township
13 Clerk.

14
15 The following Preamble and Resolution were then submitted upon motion of Trustee Ritchie,
16 seconded by Clerk Owens, for adoption:

17
18 **SECOND RESOLUTION ON CHANNEL DRIVE/FORD'S POINT ROAD**
19 **SPECIAL ASSESSMENT DISTRICT NO. 09-2**

20
21 WHEREAS the Supervisor and Assessing Officer of the Township has, in accordance with a
22 Resolution of the Township Board and the laws and statutes pertinent thereto, prepared a special
23 assessment roll in the amount of Thirty Five Thousand Six Hundred Eighty Five (\$35,685.00) Dollars
24 for the parcels of land in the CHANNEL DRIVE/FORD'S POINT ROAD SPECIAL ASSESSMENT
25 DISTRICT NO. 09-2, according to the relation of the benefit to each parcel of land to the total benefit
26 to all parcels of land in such special assessment district and has affixed thereto his certificate as
27 required by said Resolution.

28
29 NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

30
31 1. That said special assessment roll shall be filed with the Township Clerk and shall be
32 available for public examination during regular working hours of regular working days from the
33 present date until the public hearing on same and shall further be examined at such public hearing.

34
35 2. That the Township Board shall meet at a meeting at 7:00 p.m. on August 6, 2009, at the
36 Prairieville Township Hall at 10115 South Norris Road, within Prairieville Township to review such
37 special assessment roll and hear any objections thereto.

38
39 3. That the Township Clerk shall cause notice of such hearing and the filing of such
40 assessment roll to be published twice in the Hastings Banner, a newspaper of general circulation in the
41 Township, prior to the date of the hearing with the first publication being not less than ten (10) days
42 prior to the hearing and shall further cause Notice of such hearing to be mailed by first class mail to all
43 owners or persons interested in property within the CHANNEL DRIVE/FORD'S POINT ROAD
44 SPECIAL ASSESSMENT DISTRICT NO. 09-2 as shown on the current assessment roll of the
45 Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute
46 provided.

1
2 4. All Resolutions and parts of Resolutions insofar as they conflict with the provisions of
3 the within Resolution are hereby rescinded.

4
5 Upon roll call vote, the following voted "Aye":

6
7 Jim Stoneburner
8 Deb Newhouse
9 Jill Owens
10 Bill Miller
11 Sharon Ritchie

12
13 The following voted "Nay":

14
15 None.

16
17 The Supervisor declared the motion carried and the Resolution duly adopted.

18
19 **CITIZEN COMMENT**

20
21 The Supervisor then opened the meeting for any general citizen comment. The Supervisor
22 answered a question from Ms. Judy Tuin regarding the amount of the cost estimate discrepancy in the
23 two written proposals for the special assessment project that had been the subject of this evening's
24 meeting.

25
26 Trustee Ritchie indicated that she would like to thank the citizens present at this evening's
27 meeting and also thank both of the persons who had been present to discuss the proposals submitted by
28 their companies with respect to this project.

29
30 Supervisor Stoneburner indicated that he would also like to thank the company representatives
31 who had been present at this evening's meeting. Clerk Owens indicated that she concurred in this.
32 Treasurer Newhouse indicated that she would like to thank the members of the public present. Trustee
33 Miller indicated that he concurred in this regard.

34
35 There being no further matters to come before the Township Board, Trustee Miller moved that
36 the meeting be adjourned. The motion was seconded and passed unanimously. The meeting was
37 adjourned at approximately 8:45 p.m.

38
39
40
41 _____
42 Jill Owens
Clerk