

1 Trustee Ritchie noted that the draft resolution approving the proposed special assessment roll
2 would charge property owners paying the special assessment on an installment basis 3% annual
3 interest beginning February 15, 2010. She indicated that she believed this interest rate was too high.
4 Clerk Owens indicated that the 3% interest specified in the draft Resolution had been put in the
5 Resolution for purposes of discussion and that she would have no objection to reducing that figure.
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7 The Supervisor then invited further public comment with respect to the proposed special
8 assessment roll.
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10 Mr. Mike Pennington indicated that he occupies his property on a seasonal basis. He indicated
11 that he did not believe seasonal property owners should be required to pay the same special assessment
12 as persons occupying their property on a year round basis.
13

14 Ms. Judy Tuin indicated that she did not believe the owners of property on Ramseyer Drive
15 should have to pay a full special assessment since Ramseyer Drive is not being improved and people
16 living on Ramseyer Drive would not use the Ford's Point Road portion of the roadway being improved
17 under this project. She further indicated that people living on Ramseyer Drive would have the option
18 of using Penny Lane as opposed to Channel Drive, although she acknowledged that this was not a
19 particularly desirable option.
20

21 Mr. Bob Tuin indicated that he agreed with Ms. Tuin's comments. He indicated that he and
22 others living on Ramseyer Drive would only use about one-half of the total roadway being improved
23 pursuant to this project.
24

25 Ms. Lucille Eckert indicated that her property is on Ramseyer Drive and that she did not believe
26 the project would benefit her. She indicated that she objects to the special assessment upon her
27 property.
28

29 Trustee Miller indicated that he had paced off the portions of Channel Drive and Ford's Point
30 Road proposed to be improved. He indicated that only about one-half of the roadway being improved
31 would be used by persons residing on Ramseyer Road.
32

33 Mr. Terry Dennehey indicated that basing the size of a property owner's special assessment upon
34 the relative length of improved roadway used by them would create a lot of practical problems. He
35 indicated that such a philosophy would mean that a property owner at one end of the improved road
36 should perhaps be required to pay more than the property owner at the other end of the improved road.
37 He indicated that such an approach would create a slippery slope.
38

39 Mr. Todd Reynolds indicated that he agreed with the prior speaker.
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41 Mr. Steve Kraft indicated that it would make things crazy if the Township tried to break down
42 special assessments based upon relative use of the road. He indicated that he believed the special
43 assessments should be equal.
44

45 Ms. Judy Tuin indicated that she disagreed with the prior speakers. She indicated that she does
46 not use Ford's Point Road. She indicated that she believed she and her husband should just be

1 specially assessed one-half of the special assessment imposed upon properties located directly upon
2 Channel Drive or Ford's Point Road.

3
4 Ms. Phyllis Ketchum inquired as to what past Township practice had been with respect to road
5 special assessment projects.

6
7 Trustee Ritchie noted that the Oak Drive road special assessment project had imposed an equal
8 special assessment upon all occupied properties in the special assessment district, regardless of
9 whether those properties fronted upon the portion of Oak Drive to be improved or were located upon
10 side streets. She noted that persons traveling to and from properties on those side streets had to travel
11 upon the portion of Oak Drive that was being improved.

12
13 At the request of Supervisor Stoneburner, the Township Attorney indicated that his recollection
14 was that past Township Boards had always imposed equal special assessments upon occupied
15 properties in a road improvement special assessment district.

16
17 Ms. Deborah Stoyanoff indicated that she believed the special assessments should be equal.

18
19 Ms. Lucille Eckert inquired as to if Ramseyer Road is paved in the future, whether everyone
20 would pay for that. Supervisor Stoneburner noted that the question of improving Ramseyer Road was
21 not currently before the Township Board. He noted that property owners desiring a special assessment
22 project to improve Ramseyer Road could initiate such a project by petition.

23
24 Mr. Allan Ketchum indicated that in the past persons living in the Ford's Point Road area had
25 financed prior maintenance and improvement work on Ford's Point Road on a voluntary basis, but that
26 typically there would be 10% of property owners who would refuse to pay. He indicated that it was for
27 this reason that the property owners had petitioned the Township for the proposed special assessment
28 project.

29
30 Mr. Mike Pennington indicated that he believed a property owner residing on property on a
31 seasonal basis should not be charged the same as a property owner residing on the property on a year
32 round basis.

33
34 Mr. Greg Yarworth indicated that he had served on prior collection committees for road
35 improvement projects with respect to Ford's Point Road. He indicated that all of the property owners
36 use the road and that he believed they should be specially assessed on an equal basis.

37
38 Ms. Jody Willford indicated that she agreed that the property owners should be specially assessed
39 on an equal basis.

40
41 Mr. Mike Pennington indicated that he had not been offered the chance to sign the petition for the
42 special assessment project. He indicated that he would have liked to have seen the petition.

43
44 There being no further public comment, Supervisor Stoneburner closed the public hearing.
45

1 Trustee Miller indicated that he believed the present situation was different than the Oak Drive
2 special assessment project and that not everyone in the subject special assessment district uses Ford's
3 Point Road. He noted that Ramseyer Drive was not proposed to be improved and that the properties on
4 Ramseyer Drive received less of a benefit than the properties on the subject portion of Ford's Point
5 Road and Channel Drive.

6
7 Supervisor Stoneburner indicated that he believed all of the subject properties should be specially
8 assessed an equal amount. He noted that seasonal residency can be converted to year round residency
9 at any time.

10
11 Clerk Owens indicated that she sees the present situation as being very similar to the Oak Drive
12 situation. She indicated that dump trucks serving the properties in the special assessment district
13 would travel upon Ford's Point Road as well as Channel Drive. She noted that such trucks tend to
14 cause the most damage to a road.

15
16 Trustee Ritchie noted that while it had been mentioned that property owners would have the
17 alternative of using Penny Lane and this was technically true, Penny Lane is not much more than an
18 overgrown field. She further noted that the Township Board had not been petitioned to have separate
19 projects for Ford's Point Road and Channel Drive, but had instead been petitioned for one project
20 encompassing both roads.

21
22 Clerk Owens suggested that the Board discuss the question of what would be an appropriate
23 interest rate to charge. She noted that the 3% interest rate set forth in the draft Resolution had been put
24 in simply because this was an interest rate that Barry Township had recently imposed with respect to a
25 road special assessment project. She indicated that she was open to using a lower interest rate.

26
27 Trustee Miller indicated that he believed it would be unfair for the Township to make money by
28 charging an interest rate higher than what the Township would otherwise receive for Township monies
29 on deposit. He indicated that he would have difficulty supporting more than a 1% interest rate. He
30 indicated that he questioned whether such a low interest rate was even worth the bother of imposing.

31
32 In response to a comment from Trustee Miller, Clerk Owens noted that the Township had not
33 imposed any interest rate with respect to the Upper Crooked Lake project because the payments for the
34 weed control treatments would be structured in such a way that the Township would not be advancing
35 any monies. She noted that was not the case with the current proposed special assessment project.

36
37 Supervisor Stoneburner indicated that he believed interest should be charged, but it should be at a
38 lower rate.

39
40 Trustee Ritchie indicated that she could accept a 1% interest rate, but would have difficulty with
41 any higher figure. Other Board members expressed a willingness to accept a 1% interest rate.

42
43 In response to a question from Clerk Owens, Trustee Ritchie indicated that she had no problem
44 with the proposal to have the interest start accruing as of February 15, 2010. No other Board member
45 expressed an objection in this regard.

1 Clerk Owens inquired as to whether the proposed five-year installment period was acceptable.
2 Board members expressed general agreement with this.

3
4 Trustee Miller indicated that a 1% interest rate might be too small to be worth imposing. Trustee
5 Ritchie indicated that she believed an adverse precedent would be set if there was no interest imposed.
6 She indicated that this would be contrary to past precedent.

7
8 At the request of Supervisor Stoneburner, Clerk Owens identified and summarized letters that
9 had been received from property owners with respect to the proposed special assessment roll. A copy
10 of these letters is on file with the Township Clerk as part of the record of this meeting and the special
11 assessment proceedings.

12
13 The Township Attorney then reviewed the draft Resolution that had been prepared by him.

14
15 After brief further discussion, it was moved by Clerk Owens, seconded by Trustee Ritchie, that
16 the Township Board adopt the following Preamble and Resolution:

17
18 **PREAMBLE AND RESOLUTION CONCERNING CHANNEL DRIVE/FORD'S POINT**
19 **ROAD SPECIAL ASSESSMENT DISTRICT NO. 09-2**
20

21
22 WHEREAS, the Township Board of the Township of Prairieville, Barry County, Michigan, after
23 due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the
24 Supervisor and Assessing Officer of the Township for the purpose of defraying the costs of private
25 road improvements proposed to be made within the CHANNEL DRIVE/FORD'S POINT ROAD
26 SPECIAL ASSESSMENT DISTRICT NO. 09-2 as shown on the plans and specifications for such
27 project and;

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

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

33 WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered
34 all comments and has found the proposed assessment roll to be correct, just and 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 CHANNEL DRIVE/FORD'S POINT ROAD SPECIAL
4 ASSESSMENT DISTRICT NO. 09-2 ROLL and shall hereby be confirmed as the assessment roll for
5 CHANNEL DRIVE/FORD'S POINT ROAD SPECIAL ASSESSMENT DISTRICT NO. 09-2.

6 2. The assessments in said CHANNEL DRIVE/FORD'S POINT ROAD SPECIAL
7 ASSESSMENT DISTRICT NO. 09-2 ROLL shall be divided into five (5) equal annual installments of
8 principal with the first installment to be paid on or before February 14, 2010, and the following
9 installments to be due on or before the 14th day of the same month of each and every year thereafter.
10 All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of
11 1954, as amended, shall bear interest payable annually on each installment due date at the rate of one
12 (1%) percent per annum, commencing February 15, 2010. Any payments made before such first
13 installment due date shall not bear any such interest.

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

22 4. The assessments made in the special assessment roll are hereby ordered and directed to
23 be collected by the Township Treasurer, and the Township Clerk shall deliver the assessment roll to

1 the Treasurer with her Warrant attached, commanding the Treasurer to collect such assessments in
2 accordance with the direction of the Township Board and said Public Act 188.

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

5

6 Upon roll call vote on the adoption of the Resolution, the following voted "AYE":

7 Jim Stoneburner

8 Jill Owens

9 Sharon Ritchie

10

11 The following voted "NAY":

12 Bill Miller

13

14 The Supervisor declared the Resolution duly adopted.

15

16 **CITIZENS COMMENT**

17

18 The Supervisor then opened the meeting for any general citizen comment.

19

20 Ms. Lucille Eckert indicated that she believed the imposition of equal special assessments upon
21 all of the properties in the special assessment district was unfair and that she appreciated the stance that
22 had been taken by Trustee Miller. Ms. Judy Tuin indicated that she agreed with Ms. Eckert. Mary
23 Pennington indicated that she believed the Board's action had not been fair.

24

25 Mr. Todd Reynolds indicated that he appreciated the Township Board's decision.

26

27 Ms. Debra Stoyanoff indicated that garbage trucks go all the way down Ford's Point Road. She
28 indicated that she supported the Board's action.

29

30 Mr. Steve Kraft indicated that he agreed with Ms. Stoyanoff and that he wished to thank the
31 Board for its time and effort on this matter.

32

33 *Letter to be sent to residents of Assessment District.*

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 by Clerk Owens and passed unanimously. The
37 meeting was adjourned at approximately 8:06 p.m.

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Jill Owens
Clerk