



**Montrose Charter Township**  
139 S. Saginaw Street, P.O. Box 3128 Montrose, MI 48457  
Phone (810) 639-2021 Fax (810) 639-3207

### **Montrose Township Board Meeting**

**PLACE:**

Montrose Township Hall, 139 S Saginaw Street, Montrose, MI 48457

**DATE:**

**May 17, 2011**

The Meeting was called to order by Supervisor Mark Emmendorfer at 7:00 pm.

The meeting began with The Pledge of Allegiance to the Flag.

**Roll Call:** Present- Mark Emmendorfer, Fred Domine, Gail Fikes, Tom Tithof, Gary Keeler, Dan Hill, Linda Miller. Absent- None.

**Agenda Approval:** Supervisor Emmendorfer asked to add a Zoning Map Change for Harry Powell's property on Vienna Road to the agenda. This item is "An Ordinance Revising The Township Of Montrose Zoning Map And Allowing The Re-Zoning of a Parcel Of Land".

Gary Keeler made a **Motion** to add this item to the agenda as item (4a.). Support for the motion was given by Dan Hill. Vote- All yes. Motion passed.

Gary Keeler made a **Motion** to accept the Agenda as amended. Support for the motion was given by Tom Tithof. Vote- All yes. Motion passed.

**Citizens Comments:** None

**Minutes:** Tom Tithof made a **Motion** to accept the minutes of the April 19<sup>th</sup>, 2011 Board meeting as written. Support for the motion was given by Dan Hill. Vote- All yes. Motion passed.

**Treasurers Report:** Treasurer, Gail Fikes, presented the treasurers Report.

**Presentation of Bills:** Gary Keeler made a **Motion** to pay the bills as presented. Support for the motion was given by Gail Fikes. Vote- Mark Emmendorfer (yes), Fred Domine (yes), Gail Fikes (yes), Tom Tithof (yes), Gary Keeler, (yes), Dan Hill (yes), Linda Miller (yes). Motion passed.

**Reports:**

Fire Department	Police Department	Twin Township Ambulance
Building Department	Senior Center	Building & Grounds.

Reports are on file with these minutes.

Police Chief, Darrell Ellis, read a letter from the family of Evelyn Unger. They praised our Police and Fire Departments for their efforts in trying to save Mrs. Unger. Ellis also said that Matt Payne has been selected to receive an award from the Flint 100 Club for his effort trying to save Mrs. Unger.

Chief Ellis said that the 100 Club is buying Vests for our Police Department.

Chief Ellis presented a Letter of Resignation from Firefighter, Christopher Smith.

Gary Keeler made a **Motion** to accept the Resignation of Firefighter Christopher Smith, effective May 4<sup>th</sup>, 2011. Support for motion was given by Dan Hill. Vote- All yes. Motion passed.

Jeff Ebenhough said that renovations have started on the new ambulance base but it will be June before they will be able to move into the facility.

**Business:**

Genesee County Treasurer Deborah Cherry- Treasurer Cherry introduced herself to the Board and to the audience. She said she is looking forward to working with the governmental agencies in the County. She passed out her business cards and gave out her direct telephone line.

West Shore Services Community Alert/Notification Systems (Jeff DuPilka) - Supervisor Emmendorfer said that a township resident suggested a good use for the Impact Fund Money would be to upgrade the township's tornado sirens. Mr. Dupilka has provided us with two proposals to upgrade our warning system. Proposal one would add four new sites to our system and proposal two would add seven new sites to our system. Jeff explained that the present sirens all have to be converted to "Narrow Band Initiative". Genesee County has a Grant available to help us with the conversion of our present sites. The new system would provide two way communications between the siren sites and our monitoring station. This will enable us to detect malfunctioning sites electronically. Presently, we have to depend on someone reporting a malfunctioning siren to become aware of a problem. Jeff explained the coverage afforded by the two different proposals. All the equipment comes with a two year parts and labor warranty and the siren head has a five year warranty. There is a five year warranty on the installation. Emmendorfer said that he has contacted the Genesee County office of Emergency Management and applied for a Home Land Security Update Grant. They will give us \$820.00 each to upgrade our four existing sirens. Marshalls Crossing said they will give their siren to the Township and Dan Gudgel of Waste Connections has agreed to share the estimated \$6,000.00 cost of upgrading this

siren. Jeff DuPilka said that the life expectancy of these sirens would be forty five years. Our present four sirens are approximately 10 years old. The Board also discussed offering financial assistance to the City of Montrose in the form of a loan so they could upgrade their existing siren. The cost to the City of Montrose to upgrade would be \$5,800.00.

Emmendorfer said that if we chose to go with the seven additional sites and did the upgrades to our present sirens and took possession of the Marshalls Crossing siren, our total cost would be \$192,182.00. This figure assumes that the City of Montrose would upgrade their siren. Emmendorfer said that we could fund this project from Impact Fund money because it benefits the entire township.

Tom Tithof made a **Motion** to upgrade the Montrose Township Tornado Siren System by adding seven new two way sites and upgrading the existing four sites to two way capabilities. The total cost of upgrading our system is not to exceed \$192,180.00. This motion is contingent upon receiving a signed written proposal with a total dollar cost figure for the “project as approved” from West Shore Services before any ordering of equipment or site work commences. Also, in order to comply with the Township’s purchasing policy, it should be noted that West Shore Services is a unique business utilizing specialized equipment and competitive bids cannot be readily obtained. Support for the motion was given by Gail Fikes. Vote- Domine (yes), Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (yes). Motion passed.

Supervisor Emmendorfer said in order to integrate the new warning system with the City of Montrose “it would necessary for them to upgrade their existing Tornado Siren”. Mark said that he spoke with the city and they do not have the funds available to upgrade their siren at this time. Emmendorfer asked the Board if it was interested in approving an offer to the City of Montrose to loan them the money to upgrade their tornado siren. The amount required would be \$5,800.00.

Dan Hill made a **Motion** to offer the City of Montrose a loan in the amount of \$5,800.00 to upgrade their Tornado Siren. If the City of Montrose accepts the offer, the maximum length of the loan would be three years. Support for the motion was given by Gail Fikes. Vote- Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (yes), Domine (yes). Motion passed.

Supervisor Emmendorfer asked the Board if they would consider entering into an agreement with Marshalls Crossing to accept ownership of their Tornado Siren. Fred Domine made a **Motion** to accept ownership of the Marshalls Crossing Tornado Siren upon completion of a written agreement for the transfer of ownership and the establishment of an easement to the site. Acceptance of this agreement is contingent upon approval of these documents by the Township Attorney. Support for the motion was given by Gail Fikes. Vote- Tithof (yes), Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (Yes), Domine (yes), Fikes (yes). Motion passed.

Gary Keeler made a **Motion** to pay all costs for the Tornado Siren upgrade project from the Impact Fund and to establish a Public Safety Expenditure line in the Impact Fund with a budget of \$198,000.00. Support for the motion was given by Gail Fikes. Vote- Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (yes), Domine (yes), Fikes (yes), Tithof (yes). Motion passed.

2010 Audit Results (Barry Gaudette)- Supervisor Emmendorfer asked our auditor, Barry Gaudett, to present the results of the audit for the 2010 fiscal year. Barry presented the audit and said that the audit

resulted in the issuance of an “*Unqualified Opinion*” which is the result that the township should desire to receive. Gaudette said that the Township’s Fund Balance increased by 1.3 million dollars during fiscal 2010. Gaudette said that the Audit now contains two sets of balance sheets. One set of balance sheets shows the Capital Assets and the second set does not. Dan Hill asked about \$100,000.00 transferred out of the Water Fund, what did we use this for? Emmendorfer replied \$48,000.00 for water line to the park and \$50,000.00 for engineering for the water line on Wilson and Nichols Roads. Dan asked about the term *Unearned Revenue* Barry Gaudette told him that it was the synonymous with *Deferred Revenue*. These amounts for the most part, relate to tax collections and the fact that the taxes are due the township but not collected until the next fiscal year.

Dan Hill made a **Motion** to accept the 2010 audit as presented. Support for the motion was given by Tom Tithof. Vote- Hill (yes), Miller (yes), Emmendorfer (yes) Domine (yes), Fikes (yes), Tithof (yes), Keeler (yes). Motion passed.

Cemetery Ordinance Revision (2<sup>nd</sup> Reading)- Emmendorfer called attention to page five section (91.10) of the ordinance. Supervisor Emmendorfer said that he received an e-mail from an individual stating that the Township was in violation of Federal Law because of the signs that we have posted at the Park and the Cemetery stating “No Guns Allowed”. Properly licensed citizens do have the right of “*Concealed Carry*” and “*Open Carry*” under the law. Emmendorfer said that he contacted the Township’s attorney and it was agreed that the words “unless otherwise provided by law” could be added to Section 91.10 article I. It was the attorney’s opinion that this would bring our ordinance into compliance with the law and not deter tonight being the second reading of this ordinance.

Dan Hill made a **Motion** to accept tonight’s meeting as the second reading of the Cemetery Ordinance. Ordinance 11-191. Support for the motion was given by Linda Miller. Vote- Miller (yes), Emmendorfer (yes), Domine (yes), Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes). Motion passed.

Harry Powell Rezoning- This is an Ordinance revising the Township of Montrose Zoning Map and allowing the Rezoning of a parcel of land. Proper notices were sent out to the neighboring parcels as required by law and no objections were received. This change has been recommended by the Planning Commission. This ordinance allows the described parcel to be changed from (RF) Residential Farm to (I1) Light Industrial.

Gary Keeler made a **Motion** to accept tonight’s meeting as the 1<sup>st</sup> reading of Ordinance 11-192. An Ordinance Revising the Township Zoning Map and allowing the Rezoning of a parcel of land. The motion was given support by Dan Hill. Vote- Emmendorfer (yes), Domine (yes), Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes), Miller (yes). Motion passed.

Scrap Tire Cleanup Grant Award- Emmendorfer said that the township received a \$3,000.00 Grant from the State of Michigan MDEQ for the Scrap Tire Cleanup Program. First Class Tire completed the tire cleanup as scheduled on Monday, May 16<sup>th</sup>, 2011. Approximately 2,285 tires were picked up on the collection day.

Fire Equipment Approval- The Fire Department obtained bids for miscellaneous Fire Equipment from the following companies. Schramke Fire Equipment- \$1,844.00, Foam and Chemical Specialist- \$1,953.50, Apollo Fire Equipment Company- \$2,049.00.

Gary Keeler made a **Motion** to purchase the Fire Fighting Equipment from Schramke Fire Equipment Company for \$1,844.00. Support for the motion was given by Gail Fikes. Vote- Domine (yes), Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes), Miller (yes) Emmendorfer (yes). Motion passed.

Township Attorney Fees- It has been a year since the Township retained Richard Austin as our township attorney. Mr. Austin has reevaluated his fee schedule as was agreed upon last year. His proposal for legal services to the township for the twelve months beginning June 1<sup>st</sup>, 2011 through May 31<sup>st</sup>, 2012 is \$125.00 per hour or a flat fee of \$3,000.00 per month. The hourly billings for the past twelve months have averaged 26.876 hours per month.

Gary Keeler made a **Motion** to retain Richard Austin as our Township attorney for \$3,000.00 per month (\$36,000.00 per year) beginning June 1<sup>st</sup>, 2011. Support for the motion was given by Gail Fikes. Vote- Fikes (yes), Tithof (yes), Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (yes), Domine (yes). Motion passed.

Land Sales- 12254 Duffield Road & 7000 block Farrand Road (vacant) - Emmendorfer explained that Independent Realty felt that the deeds for these properties would have to have the title "Quieted" in order to protect themselves and the Township. Township attorney Austin disagrees with this and said that we can sell the properties with a "Quit Claim Deed".

Tom Tithof made a **Motion** to reject the two offers received from the Realtor for the property located at 12254 Duffield Road. Support for the motion was given by Dan Hill. Vote- All yes. Motion passed.

Dan Hill made a **Motion** for the Township to contact Independent Realty and ask them if they would void our listing contract for these two properties. If the realtor is willing to nullify the contract the township will offer to pay any costs incurred by the realtor. Support for the motion was given by Tom Tithof. Vote- Tithof (yes), Keeler (yes), Hill (yes), Miller (yes), Emmendorfer (yes), Domine (yes), Fikes (yes). Motion passed.

Discussion & Updates on the Non-Motorized Bike Trail- Supervisor Emmendorfer informed the Board that he sent a letter to the Jennings Foundation on May 5, 2011 explaining the concept of the Bike Trail and that in order to procure this MDOT grant for the trail, the Township will need approximately \$300,000.00 as their share. He explained to the Foundation that the Township Board has committed \$200,000.00 to the project and is asking the Foundation for the remaining \$100,000.00 to be paid to the Township over a five year time frame at \$20,000.00 per year.

Waste Pickup Assessment District- This is a resolution to create a Special Assessment District to finance Township wide trash pick up and to hold a Public Hearing regarding for same pursuant to Public Act 188 of 1954. Supervisor Emmendorfer explained that he has not been able to determine that a Special Assessment District has ever been set up for Waste Collection. Attorney Austin has advised him that this Special Assessment district should be established. The Township Clerk is instructed to give notice of such Public Hearings for the Special Assessment District by U. S. Mail and publication in accordance

with Act 188 of 1954. This process should occur on a yearly basis. We will know the cost for 2012 Waste Pickup on August 15<sup>th</sup>, 2011. The Public Hearing will be scheduled for September 20<sup>th</sup>, 2011. Notification of the Public Hearing by letter to property owners must be made at least ten days prior to the meeting. An advertisement for the meeting must also be publicized prior to the meeting.

Gary Keeler made a **Motion** to adopt Resolution 11-06. A Resolution of Intent to create a Special Assessment District to finance township wide trash pick up and to hold Public Hearings regarding same pursuant to Public Act 188 of 1954. Support for the motion was given by Dan Hill. Vote- All yes. Motion passed.

Mosquito Abatement Program- Discussion took place on the wording for the proposed assessment ballot proposal. The consensus was that the proposal should refer to “*improved lots*” within the township. Attorney Joliett said that he would research the “the levy and collection issue and determine the number of years for the request so that renewals would coincide with the presidential election cycle.”

Dan Hill made a **Motion** to table action on the Mosquito Abatement Assessment Program until proper language is established. Support for the motion was given by Tom Tithof. Vote all yes. Motion passed.

Senior Center Resolution 2012 Funding- A Resolution approving the 2012 Application for Funding for the Montrose Senior Center.

Dan Hill Made a **Motion** to adopt Resolution 11-07, A Resolution Approving the 2012 Application for Funding for the Montrose Senior Center. Support for the motion was given by Tom Tithof. Vote- All yes. Motion passed.

Misteguay Drainage Resolution- Emmendorfer explained that Montrose Township has entered into a lawsuit along with thirteen other governmental units to challenge the Misteguay Drainage Assessment. Mark said that the governmental units filing the lawsuit believe that parcels have been added to the assessment district and that the scope of the work has changed without the proper Public Hearings being held. This is a resolution supporting this action. A court date has been set for May 31<sup>st</sup>, 2011. Assessments cannot be mailed out until the Judge has rendered a decision. The shared initial expense for this lawsuit will cost Montrose Township \$898.00.

Fred Domine Made a **Motion** to remove the last paragraph {referring to further charges} from the proposed resolution and to then adopt Resolution 11-08 “Misteguay Drainage Assessment Resolution”. Support for the motion was given by Gary Keeler. Vote- Tithof (yes), Keeler (yes), Hill (no), Miller (yes), Emmendorfer (yes), Domine (yes), Fikes (yes). Motion passed.

Property Appraisals Discussion- Supervisor Emmendorfer commented on the appraisals for three parcels of property that have been considered for “possible relocation” of the ambulance base and the police and fire departments. Mark said he was sorry for the delay in getting this information to the Board but the delay was due to the appraiser, John Snyder, not getting back with him in a timely fashion.

The current appraised value for the three parcels is as follows;

Three acres at McKinley Road and M-57 (Northeast corner) owned by Davison Bank. \$50,000.00 and they will give us a \$25,000.00 donation credit.

Glenn Powell property on M-57 south side of the road east of the Flint River Bridge. Fifteen acres \$50,000.00.

John Barber property southeast corner of Seymour Road and M-57 (10 acres) \$100,000.00.

#### Budget Amendments-

**1.** Fred Domine said that the Township received \$5,000.00 from Genesee County to conduct the Hazardous Waste Program at Brent Run Landfill. We need to establish a revenue line to receive this money. This revenue line would be 101-000-602.001. We also need to establish an expense line (101-525-928.002) to disburse the money.

Dan Hill made a **Motion** to establish a Revenue line and an Expense line for Hazardous Waste Collection. The revenue line is 101-000-602.001 and expense line is 101-525-928.002 these lines will be funded in amount of \$5,000.00 respectively. Support for the motion was given by Tom Tithof. Vote- All yes. Motion passed.

**2.** Fred explained that when the John Deere Gator was purchased, the Board voted to pay one half from the Park Fund and one half from the Cemetery Fund. The Board however, did not vote to fund the Park Equipment Fund for this money which amounts to \$4,586.00. Also, the Board voted to pay one third the cost (\$15,632.00) of the Tractor Loader Backhoe from the Park Equipment Fund. These two amounts total \$20,218.00. We need to increase the Park Equipment expenditure line (208-000-984.000) by \$20,218.00.

Gary Keeler made a **Motion** to increase the Park Equipment expenditure line by \$20,218.00. Support for the motion was given by Gail Fikes. Vote- All yes. Motion passed.

**3.** The Board also voted to fund two thirds (\$31,266.00) of the Tractor Loader Backhoe from of the Cemetery Equipment line (209-000-984.000). The Cemetery Equipment line presently has a balance of \$2,914.00. We need to increase the Cemetery Equipment line (209-000-984.000) by the amount of \$28,352.00.

Gary Keeler made a **Motion** to increase the Cemetery Equipment line (209-000-983.000) by \$28,352.00. Support for the motion was given by Linda Miller. Vote- All yes. Motion passed.

**4.** We need to increase the Depreciation Expense Line to account for water line that was put in at the park. Line (591-000-926.000) needs to be increased by the amount of \$32,501.00.

Gary Keeler made a **Motion** to increase expense line (595-000-926.000) by the amount of \$32,501.00. Support for the motion was given by Dan Hill. Vote- All yes. Motion passed.

Extended Board Member Comments- Supervisor Emmendorfer said that the Township has received \$278,800.00 from the State of Michigan for the DNR Grant. We have made Application for the remaining payment of \$69,700.00.

Dan Hill asked if the mail boxes at the township hall could be made inaccessible to everyone from inside the building.

Tom Tithof asked if the door bell on the hall entry door could be turned off during meetings.

**Citizens Comments:** None

**Adjournment:** Dan Hill made a Motion to adjourn the meeting. Support for the motion was given by Gary Keeler. Vote- All yes. The meeting adjourned at 10:45 PM.

Submitted by  
Fred Domine  
Montrose Township Clerk

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Mark Emmendorfer, Supervisor

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Fred Domine, Clerk

**Mark Emmendorfer** Supervisor

**Fred Domine** Clerk

**Gail Fikes** Treasurer

**Dan Hill** Trustee

**Gary Keeler** Trustee

**Linda Miller** Trustee

**Tom Tithof** Trustee