

Minutes of Lapeer Township Board
Lapeer Township Offices and Community Building
1500 Morris Road, Lapeer, Michigan 48446
Regular Meeting
January 8, 2007
8:30 a.m.
Dawn Walker, Clerk

Supervisor Jarvis called the meeting to order at 8:30 a.m.

PRESENT: Clerk Dawn Walker, Supervisor Scott Jarvis, Treasurer Lori Ann Taylor, Trustees John Rutzen and Howard Stack.

Also present:

Leonard Lumley, 1031 Pine Tree Lane
Lenny Schneider

Susan Younger
William Marshall
Linda Jarvis

Steve Steffey, 11200 Vantage Pt. Linden
Chuck Madden
Peter Taylor, 904 Morris

Representing:

Self
Self/Lapeer County
Commissioner
The County Press
Lapeer Township Chief of Police
Self/Lapeer County
Commissioner
Vantage Homes, Inc.
Lapeer County ISD
Self

Everyone stood for the Pledge of Allegiance.

CONSENT
AGENDA:

Agenda
The minutes of the December 11, 2006 regular meeting.
The minutes of the December 21, 2006 special meeting.
General correspondence for review:
Police Statistics for December 2006
Fire Report for December 2006
Reports from GLTA & CCA.

MOVED by Jarvis, support by Walker to approve the consent agenda with additions to the agenda of Fiber Optics High Speed and Board of Review Training Class. A vote was taken. Yes': All (5). **MOTION CARRIED.**

PUBLIC TIME:
AGENDA:

No one available who wished to address the board at public time.

TREASURERS
REPORT:

FUND	CLOSING BALANCE
General Fund Checking	\$15,386.37
General Fund Saving	\$40,701.81
MONEY MARKETS	
Wolverine Bank	\$1,069.23
CERTIFICATES OF DEPOSIT	
National City 5.25 APY Matures 2/28/07	\$101,123.35
Wolverine Bank 5.2% Matures 2/6/07	\$231,427.95
COMERICA	
Revolving Improvement	\$158,373.93
Revolving Improvement CD -5.18% - matures 12/11/2006	Transferred
R.I. CD 5.57% Matures 6/20/07 Merrill Lynch	\$194,000.00
Capital Improvement	\$33,642.41
Capital Improvement CD - 5.18% - matures 2/21/2007	\$103,585.21
General Fund J-Account	\$42,612.08
LASALLE BANK	
State Share	\$851.41
General Township Working Totals:	\$825,773.75
RESTRICTED FUNDS	
LAPEER COUNTY BANK & TRUST	
Disaster Contingency	\$300.75
Liquor Law Enforcement	\$951.95
Cemetery Trust	\$34,830.09
Trust & Agency	\$69,703.90
NATIONAL CITY BANK	
Tax Collection	\$772,063.79

Moved by Walker, support by Stack to accept the Treasurers report. A vote was taken. Yes: All (5). **MOTION CARRIED.**

Treasurer Taylor supplied the board with documentation from a FDIC brochure regarding FDIC insurance on Governmental deposit insurance from FDIC. Clerk Walker provided documentation to the same extent from the FDIC web site.

FIBER OPTICS

Chuck Madden presented information from the County regarding fiber optic connections to tie into the County network along with a cost analysis.

CLERKS
REPORTS

Clerk Walker presented the following:

- Vouchers presented from December 16th thru January 15th, including payroll from January 2nd for a total voucher payments in the amount of \$47,437.80.
- Budget report.
- General Fund Balance sheet.
- Profit & Loss Report.

Discussion followed.

MOVED by Jarvis, support by Stack to approve payment of the vouchers. A vote was taken. Yes': All (5). **MOTION CARRIED.**

Budget Amendments needed for current month as follows:

	DEBIT	CREDIT
1011817050 – COMMITTEE WAGES	1,116.00	
1018007150 – TWP SOCIAL SECURITY	70.00	
1018007151 – TWP MEDICARE	15.00	
101841720 – PENSION ADMINISTRATION	380.00	
101890890 – CONTINGENCIES		1581.00
1012189790 – GENERAL OFFICE, EQUIP & FURN	500.00	
1012189300 – GENERAL OFFICE, MAINT & REPAIR		500.00
1012768020 – CEMETERY, MOWING	1,200.00	
1012768010 – CEMETERY, PROF SERVICES		750.00
1012769770 – CEMTERY, EQUIPMENT		450.00
1011919000 – ELECTION, NEWSPAPER PUBLISHING	128.00	
1011918010 – ELECTION, PROFESSIONAL SERVICES		128.00

MOVED by Stack, support by Rutzen to approve the budget amendments. A vote was taken. Yes': All (5). **MOTION CARRIED.**

Lenny Schneider departed at 8:50 a.m.

VANTAGE
HOMES

Steve Steffey appeared before the board to request release of the Vantage Homes performance bond in the amount of \$26,000.00.

MOVED by Walker, support by Rutzen to approve the release of the Vantage Homes, Inc. performance bond in the amount of \$26,000 contingent to a current invoice from the Township engineer being paid in the amount of \$288.00, as built plans being submitted and a two (2) year maintenance guarantee in the amount of \$13,000 being posted. A roll call vote was taken: Walker; yes, Rutzen; yes, Taylor; yes, Stack; yes, Jarvis; yes. **MOTION CARRIED.**

PROPERTY
DONATION

Tabled from December – the donation of parcel 44-012-010-017-00, 1706 Imlay City Road. An estimate was received from James Morris, of Jim's Recycling, Inc. to clean up the debris at the property at a cost of \$2,800. Tabled until it can be further discussed with our attorney.

LAND DIVISION
APPLICATION

A recommended disclaimer was received from the Township attorney to add to the Land Division Application used by the Township.

MOVED by Walker, support by Stack to add the following disclaimer to section 7 of the Lapeer Township land division application.

The undersigned hereby verifies that the statements and information provided on this application are true and correct. Any approval of the proposed land division will be made upon data submitted by the undersigned applicant and it is assumed that the data is complete and correct. If any material information supplied is later found to be incorrect, any approval as to this land division shall be null and void. The undersigned applicant understands that approval of the division of this land is made without reference to any private party agreements. Lapeer Township cannot be held accountable for conformance with, or enforcement of, any private party agreements, such as deed restrictions. The undersigned hereby grants permission to the land division official to enter the property in order to determine compliance with the Land Division Ordinance.

NOTE: As provided in Section 109(b) of the Michigan Land Division Act, approval of this division is not a determination that the resulting parcels comply with any other local ordinances, regulations, state statutes or building permit requirements.

A vote was taken. Yes': All (5). **MOTION CARRIED.**

ZBA
APPLICATION

Construction Code Authority (the Township Zoning Administrator) reviews all ZBA applications prior to being submitted to the Township. This review incurs a minimum fee for the Township in the amount of \$50.

MOVED by Jarvis support by Rutzen to raise the Zoning Board of Appeals Application fee to \$50.00 to be collected at the time of application prior to be submitted to Construction Code Authority. A roll call vote was taken: Jarvis; yes, Rutzen; yes, Stack; yes, Taylor; yes, Walker; yes. **MOTION CARRIED.**

Linda Jarvis departed at 9:45 a.m.
Susan Younger departed at 9:50 a.m.

ZBA MEETING
FEE

As tabled from prior board meetings a payment schedule was created that would establish ZBA fees based upon the number of cases being held in one evening that would be a cost savings for applicants applying for a ZBA.

MOVED by Stack, support by Jarvis to adopt a formula to divide the actual meeting costs by the number of cases on an agenda based on current fees with a three case maximum per meeting. This is the schedule for all ZBA cases. The 2007 Annual ZBA meeting will for this year only remain at a six case maximum. The following schedule is the current approved ZBA fees.

1 case	\$424.00 each + application fee
2 cases	265.00 each + application fee
3 cases	213.00 each + application fee

A roll call vote was taken: Stack; yes, Jarvis; yes, Rutzen; yes, Taylor; yes, Walker; yes. **MOTION CARRIED.**

- CEMETERY GRAVE OPENING FEES **MOVED** by Jarvis, support by Walker to amend the fee schedule for cemetery grave opening fees:
- | | |
|--|----------|
| Monday – Friday, resident and nonresident | \$575.00 |
| Saturday, resident and nonresident | 625.00 |
| Sunday / Holiday, resident and nonresident | 900.00 |
- A vote was taken: Yes: All (5). **MOTION CARRIED.**
- FIRE RUN TO SMALL CLAIMS **MOVED** by Rutzen support by Stack to have fire-run #2003-141 taken to small claims court for non-payment. A vote was taken: Yes: All (5). **MOTION CARRIED.**
- CD RELEASE **MOVED** by Rutzen support by Stack to release the CD held from Cynthia Woodward for Guarantee of completion of house removal and leveling of land per inspection by Supervisor Jarvis. A vote was taken: Yes: All (5). **MOTION CARRIED.**
- COMPUTER NETWORK MAINTENANCE **MOVED** by Rutzen support by Taylor to allow B&B Computer to come in on an as needed basis to maintain the Township computer network at a rate of \$45.00 per hour. A vote was taken: Yes: All (5). **MOTION CARRIED.**
- ENGINEERING STANDARDS ORDINANCE **MOVED** by Stack support by Rutzen to approve a review and amendment to the Engineering Standards Ordinance by Davis Land Surveying and Engineering not to exceed \$2000.00. A roll call vote was taken: Stack; yes, Rutzen; yes, Walker; yes, Jarvis; yes, Taylor; yes. **MOTION CARRIED.**
- INSURANCE Discussions regarding current insurance and the quotation for insurance from Ponta, Castle & Ingram Agency. Also discussed terrorism coverage.
- MOTION** by Walker, support by Rutzen to increase the deductibles for liability insurance from Burnham & Flower Insurance Group as follows: Property deductible \$1,000; Auto deductible \$500/500; Inland marine \$500; Boiler and machinery \$1,000; Wrongful acts \$2,500; and General liability deductible \$2,500 resulting in a savings of \$4,350 per year. A vote was taken: Yes: All (5). **MOTION CARRIED.**
- AIR ADVANTAGE Clerk Walker stated that Air Advantage will be providing a proposal very shortly regarding installation of a tower to provide high-speed wireless internet services for the area.
- POLICE CONVENTION **MOTION** by Walker support by Jarvis to allow Police Chief William Marshall to attend the police chiefs convention in Grand Rapids at a cost of \$285 plus meals and lodging on January 31, February 1 & 2 (two nights), expenses will be shared between Lapeer Township and Dryden Township. A vote was taken: Yes: All (5). **MOTION CARRIED.**

FIRE
PROTECTION
ORDINANCE
14.1

Ordinance No. 14.1

An ordinance to protect the public health, safety, and welfare by requiring permits for open burning; by providing for the control of fires which may threaten life and property; to prohibit the turning in of a false fire alarm; to authorize the Township Board to determine, by resolution, fees to charge persons who allow fires to burn out of control, to persons starting open fires without first obtaining fire permits, to persons turning in false fire alarms, and to the owners of property protected by fire runs; to assess the amount of delinquent fire run fees to the property tax roll; to define the term "fire run" to include fire department responses for carbon monoxide protection, assistance rendered at an accident scene by the fire department, wash downs after traffic accidents, downed electrical wires, jaws of life services, and similar responses that do not involve fires; and to repeal the prior Fire Protection Ordinance.

THE TOWNSHIP OF LAPEER ORDAINS:

ARTICLE I
PERMITS AND LIABILITY FOR SETTING OPEN FIRES

- Section 1.01 No person shall set a fire outside of an enclosed burner without first obtaining a permit from the officer designated by the Township Board.
- Section 1.02. No fire shall be set outside of an enclosed burner unless the person setting the fire has taken sufficient precautionary measures to prevent the fire from burning out of control.
- Section 1.03. No person shall burn any materials, which are prohibited by state statute from being burned in the open.
- Section 1.04. Any person who causes a fire run to be made due to setting an open fire without first obtaining a burning permit, burning illegal materials, or setting a fire which burns out of control shall be liable to the Township for a fire run fee in an amount established by motion of the Township Board.

ARTICLE II
LIABILITY FOR FALSE ALARMS

- Section 2.01. No person shall cause a fire alarm to be turned in unless he has good cause to believe a fire actually exists or unless he has notified the fire department that a fire alarm will be turned in pursuant to testing, repairing, or otherwise working on a fire alarm system.
- Section 2.02. Any person who has a fire alarm system on his premises shall maintain such alarm system so that no false alarms are inadvertently transmitted to the fire department from such fire alarm system.

Sections 2.03. Any person who in violation of Section 2.01 turns in a false fire alarm or who in violation of Section 2.02 fails to maintain his fire alarm system so as to prevent false alarms, shall be liable to the Township for a fire run fee in an amount established by motion of the Township Board in the event of a fire run made pursuant to the false alarm.

ARTICLE III
LIABILITY FOR PROPERTY PROTECTION AND RESCUE SERVICES

Section 3.01. The owners of real or personal property, which the Township attempts to protect on a fire run shall be liable to the Township for a fire run fee established by motion of the Township Board.

Section 3.02. For the purposes of this Ordinance the term "fire run" shall include not only fire protection services, but also fire department responses for carbon monoxide protection, assistance rendered at an accident scene by the fire department, wash downs after traffic accidents, downed electrical wires, jaws of life services, and similar responses that do not involve fires.

ARTICLE IV
APPEAL OF FIRE RUN BILLINGS

Section 4.01. Any person or entity billed for a fire run may appeal the fire run billing to the Township Board if they believe that they are not properly liable for the fire run. Any such appeal must be filed within ninety (90) days of the date the billing is first sent to the responsible party.

ARTICLE V
ASSESSMENT OF DELINQUENT FIRE RUN FEES TO THE TAX ROLL

Section 5.01. Any fire run fee which remains unpaid for ninety (90) days after being mailed to the responsible party may be assessed on the property tax bill for the property, which the fire run attempted to protect.

ARTICLE VI
SEVERABILITY

Section 6.01. This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid the remainder of the Ordinance shall not be affected thereby.

ARTICLE VII
REPEAL OF PRIOR ORDINANCE

Section 7.01. The Lapeer Township Fire Control Ordinance No. 14 adopted on January 19, 1978 is hereby repealed.

ARTICLE VIII
ENACTMENT AND EFFECTIVE DATE

Section 8.01. This Ordinance adopted by the Township Board of the Township of Lapeer, Lapeer County, Michigan at a meeting duly called and held on the 8th day of January 2007 and was published in the LAView on the 18th day of January 2007. This Ordinance shall take effect upon said date of publication.

MOVED** by Jarvis, support by Walker to approve the above Fire Protection Ordinance 14.1. A roll call vote was taken: Jarvis; yes, Walker; yes, Taylor; yes, Stack; yes, Rutzen; yes. **MOTION CARRIED.

SEMINAR ***MOVED** by Stack, support by Rutzen to allow Clerk Walker to attend a Microsoft Office workshop put on by CareerTrack and Managing Human Resources in the Township by MTA.conference. A vote was taken: Yes': All (5). **MOTION CARRIED.***

MOVED** by Rutzen, support by Stack to allow Supervisor Jarvis to attend the Board of Review Training class by MTA. A vote was taken: Yes': All (5). **MOTION CARRIED.

REPORTS Report given by Chief Marshall on the Taser training class attended by Lapeer and Metamora Township police agencies.
Report given by Leonard Lumley on the Lapeer District Library.

ADJOURNMENT

***MOVED** by Jarvis, support by Taylor to adjourn the meeting. The meeting was unanimously adjourned (at 10:53 a.m.).*

Dawn M. Walker, Clerk

Scott Jarvis, Supervisor