

CHARTER TOWNSHIP OF PENNFIELD
REGULAR MEETING MINUTES

May 9, 2007

7:00 P.M.

Supervisor Behnke called the meeting to order at 7:00 p.m. at the Pennfield Township Huntington Hall. Present were Supervisor Behnke, Clerk Bammer, Treasurer Phillips, Trustees Bordine, Ensign and Newman. Trustee Bartlett was excused. Also present were 15 citizens. Supervisor Behnke asked for a moment of silence (in memory of Elizabeth Ann Armstrong) and led the Pledge of Allegiance.

PUBLIC COMMENT:

Supervisor Behnke asked Chief Smith and Dee Dee Halder to help with the presentation of the new Township Web Site, which should be up and running by June 1st, 2007. With the assistance of the Fire Department personnel and township officials, the new website contains many important items of interest to our residents: Events Calendar, Dates for the Regular Township Board Meetings and Planning Commission Meetings; Community News, Township Departments (Supervisor, Clerk, Treasurer and Township Trustees; Police, Fire, Assessor, Code Compliance, Water/Sewer, and Permits); Minutes from the Township Board and Planning Commission; Township Budget for 2007-2008 and other governmental and community links.

Four individuals spoke about the following items:

- 1) Use the web site for marketing the Township.
- 2) Paper Drive Saturday, May 12th 8:30 am to 12 noon (1630 Capital Ave)
- 3) Discussion on proposed Ordinance #71A-05-07-Curfew/Truncy. Two individuals were opposed to the Ordinance.

ADDITIONS/DELETIONS TO THE AGENDA:

It was moved and seconded by (Phillips/Newman) to accept the agenda as presented. Motion carried.

CONSENT AGENDA:

It was moved and seconded by (Phillips/Newman) to approve the Regular Board Meeting Minutes of April 10, 2007 and received and placed on file the Department reports. Motion carried.

DEPARTMENT REPORTS:

SHERIFF DEPARTMENT:

Lt. Eddy gave the monthly report for April 2007. The stats for the month of April are as follows: there were 269 calls for service, 139 Traffic Citations, 123 Verbal warnings, 11

Traffic crashes, 133 Arrests, 80 Self-generated complaints, 269 Dispatched complaints, 747 Property inspections.

Page Two Meeting Minutes 5-9-07

FIRE:

There were 2 trainings and 75 calls for services for the month of April 2007. The monthly stats for the month of April are as follows: 7 fire, 51 rescue & EMS, 6 hazardous conditions, 4 service calls, 5 good intent calls, 2 false Alarm & False Call.

UTILITIES:

Over 1,200 meter reads for the month of April 2007. There were 22 Miss Dig calls. Water samples for the month came back OK. Dixon inspected the water tower inside and out and will furnish a detailed report within two to three weeks.

ASSESSOR/ZONING:

All of the deeds, property transfers, property splits and Homestead Exemptions are current. Calhoun County Equalization has equalized all taxing units which allows for the creation of the 2008 assessing data base.

Planning:

The Planning Commission met April 2, 2007. The special use request from Hammer's Towing to operate a U-Haul business from their Capital Avenue location was approved with the following conditions: 1) that no unit was parked west of the west line of the main building, 2) not more than 10 U-Haul vehicles, 3) they must be parked within the 26 parking spaces set by the consent order which lie between the house and building and south and west of main building.

Zoning:

The Zoning Board of Appeals met April 4, 2007, to review three variance requests as follows: 1) Penn Village PUD requested relief of setbacks between buildings of 15 feet to 12 feet; request approved. 2) Penny Parris on North Ave. is requesting relief of north side yard setback of 50 feet to 15 feet for proposed addition; request approved. 3) Gary Riggs on Crane Court requested relief of front yard setback of 30 feet to 10 feet and side yard setback of 15 feet to 5 feet to replace existing car port with a new garage; request approved.

PERMITS

BUILDING

09 Permits (013-021) \$ 2,708.79

ELECTRICAL

12 permits (016-028) \$ 1,410.00

MECHANICAL

06 permits (020-025) \$ 545.00

PLUMBING

05 permits (006-010) \$ 600.00

ZONING

02 permits (003-004) \$ 100.00

Page Three Meeting Minutes 5-09-07

CODE ENFORCEMENT:

1. Conducted 51 property inspections for blight and zoning violations.
2. There were 20 complaints/violations for the month of April as follows:
 - " 12 violations for junk, trash & rubbish.
 - " 03 violations for inoperable vehicles.
 - " 00 violations for unsafe structure.
 - " 02 violations for front yard parking/storing of vehicles & recreational vehicles.
 - " 00 violations of zoning.
 - " 02 violations of Township Ordinance.
 - " 01 violation for overgrown grass.
 - " 00 violations for building without permit.

It was moved and seconded by (Phillips/Newman) to adopt Ordinance #71A-05-07-an ordinance to amend the Pennfield Charter Township Code of Ordinances with regard to Curfew and Truancy.

Supervisor Behnke Yes Trustee Bartlett Excused

Clerk Bammer Yes Trustee Ensign Yes

Treasurer Phillips Yes Trustee Newman Yes

Trustee Bordine-Houseman Yes

Vote shows 6 yes, 0 no and 1 excused, Ordinance #71A-05-07 stands adopted.

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #07-34
(A Resolution to re-finance the current Water Bonds of 1997)**

WHEREAS, the Township has previously entered into a contract, as amended, with the County of Calhoun (the "County") to provide for the construction and financing of a water supply system and the issuance of the County's Water Supply System (Charter Township of Pennfield) Bonds, Series 1997 (the "1997 Bonds");

WHEREAS, the Township has been advised that the refunding of the 1997 Bonds through the issuance of a series of refunding bonds (the "Refunding Bonds") will secure to the Township interest savings; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") permits the County to refund the 1997 Bonds; and

WHEREAS, a Refunding Contract (the "Refunding Contract") has been prepared. The execution of this is necessary in order to implement a refunding program, so

Page Four Meeting Minutes 5-09-07 Cont. Resolution #07-34

THEREFORE BE IT RESOLVED, that

- 1) The Township hereby approves and confirms the refunding of all or a portion of the outstanding 1997 Bonds, if market conditions would result in sufficient savings to make issuance of refunding bonds worthwhile in the manner provided by and pursuant to the Refunding Contract.
- 2) The Township hereby requests the assistance of the County in the refunding of the 1997 Bonds.
- 3) The refunding Contract is hereby approved in substantially the form as presented to the Township. The Township Supervisor and the Township Clerk are hereby directed to execute the Refunding Contract, once approved by the Township Attorney, on behalf of the Township and to deliver said Refunding Contract to the County Board of Public Works (the "BPW")
- 4) The Township and all agents and employees shall cooperate with the BPW to the end that these Calhoun County bonds can be issued as promptly as possible in an amount not to exceed \$2,500,000.00, which amount will be sufficient to pay the estimated cost of refunding the 1997 Bonds and paying the costs agreed upon by all parties for the issuance of Refunding Bonds. Said bonds shall be retired out of payments made by the Township to the County through the BPW in amounts fully sufficient to meet all principal and interest requirements thereon. County full faith and credit as secondary security for the bonds is also requested.
- 5) The Township hereby agrees to reimburse the County and the BPW all reasonable expenses, as agreed upon by both parties, in connection with the refunding should the refunding not be achieved for any reason whatsoever.
- 6) The Township will not move forward on any refunding/refinancing of bonds until such time as deemed appropriate by its financial advisor, Robert Bendzinski, Sr., and the Township Board, to be in the best financial interest of Pennfield Township.
- 7) The Township shall comply with Securities and Exchange Commission Rule 15c2-12 and appoints the Township Supervisor as its' disclosure representative and further covenants not to take any action or fail to take any action which would impair the tax exempt status of the Refunding Bonds.
- 8) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Page Five Meeting Minutes 5-09-07 Cont. Resolution #07-34

Moved by: Treasurer Phillips Seconded by: Trustee Newman
Supervisor Behnke Yes Trustee Bartlett Excused
Clerk Bammer Yes Trustee Ensign Yes
Treasurer Phillips Yes Trustee Newman Yes
Trustee Bordine-Houseman Yes
Vote shows 6 yes, 0 no and 1 excused, resolution #07-34 stands adopted.

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #07-35
(A resolution setting the Sewer Readiness to Serve Fee)**

WHEREAS, Pennfield Charter Township operates a sanitary sewer collection system in portions of the Township, and

WHEREAS, said sanitary sewer collection system funds are regulated by Township Code of Ordinances Chapter #54, and

WHEREAS, said Township Code of Ordinances Section 54-313 states that no free service shall be furnished by the sanitary sewer system to any person, firm or corporation, public or private, or to any public agency, and

WHEREAS, said Township Code of Ordinances Section 54-283 states any changes of such charges shall be established pursuant to resolution to the township Board, and

WHEREAS, this resolution amends resolution #06-34, and

WHEREAS, Pennfield Charter Township has been notified by the City of Battle Creek that they are again increasing the readiness to serve charge to Pennfield Township, as well as the other surrounding jurisdictions, and

WHEREAS, the Pennfield Charter Township Board hereby establishes a new Sewer Readiness to Serve rate Schedule, to be effective 30 days from publication, and so

THEREFORE, BE IT RESOLVED, that the Readiness to Serve rate will be adjusted, according to the City of Battle Creek Rate Sheet, as follows for the period of July 1, 2007 to June 30, 2008:

	Current	Battle Creek's	New Charge
Meter Size Rate	Charge	Charge	Total Cost
Residential	\$ 4.82	\$ 1.62	\$ 6.44

Page Six Meeting Minutes 5-09-07 Cont. Resolution #07-35

Commercial to be based on meter size as follows:

5/8"	\$ 8.66	\$ 1.62	\$ 10.28
------	---------	---------	----------

¾"	\$ 9.47	\$ 2.43	\$ 11.90
1"	\$ 14.61	\$ 4.05	\$ 18.66
1 1/2"	\$ 23.94	\$ 8.10	\$ 32.04
2"	\$ 36.72	\$ 12.96	\$ 49.68
3"	\$ 59.94	\$ 24.30	\$ 84.24
4"	\$ 93.96	\$ 40.50	\$134.46
6"	\$161.19	\$ 81.00	\$242.19
8"	\$249.88	\$129.60	\$379.48
10"	\$366.72	\$186.30	\$553.02

Motion by Treasurer Phillips Seconded by Trustee Newman
 Supervisor Behnke Yes Trustee Bartlett Excused
 Clerk Bammer Yes Trustee Ensign Yes
 Treasurer Phillips Yes Trustee Newman Yes
 Trustee Bordine-Houseman Yes
 Vote shows 6 yes, 0 no and 1 excused, resolution #07-35 stands adopted.

PENNFIELD CHARTER TOWNSHIP RESOLUTION #07-36
(A Resolution creating a Section 125 Premium Conversion Plan for employees of
Pennfield Township) (See addendum)

BE IT RESOLVED, that the Pennfield Charter Township Board hereby creates a Section 125 Premium Conversion Plan benefit available to its employees and pays a portion of those premiums as set forth in the attached Plan effective June 1, 2007. The Pennfield Charter Township Board also wishes to adopt such Plan as it complies with the Internal Revenue Code (IRS) to enable its employees to elect to pay for their share of the group insurance premiums on a pre-tax salary reduction basis. The plan, as presented, is hereby approved and adopted and the proper officers of the Charter Township of Pennfield (Executive Committee members) are hereby authorized and directed to execute and deliver necessary documents, and

FURTHER BE IT RESOLVED, that the Township Supervisor, as Plan Administrator, shall take necessary action to implement the Plan, and set up adequate accounting and administrative procedures to provide benefits under the plan, and

STILL FURTHER BE IT RESOLVED, that the proper officers of the Charter Township of Pennfield (Executive Committee) shall act as soon as possible to notify the employees of the Charter Township of Pennfield of the adoption of the Flexible Benefit Plan by delivering to each employees a copy of the Summary Description of the Plan in the form of the Summary Plan Description, as presented, which is hereby approved.

Motion by Treasurer Phillips Seconded by Trustee Newman
 Supervisor Behnke Yes Trustee Bartlett Excused
 Clerk Bammer Yes Trustee Ensign Yes

Treasurer Phillips Yes Trustee Newman Yes
Trustee Bordine-Houseman Yes
Vote shows 6 yes, 0 no and 1 excused, resolution #07-36 stands adopted.

TREASURER'S REPORT:

April 2007 Treasurer's report shows the following balances on hand:

General Fund	\$1,411,962.07
Metro Act-Maint.	\$ 16,419.53
Parks	\$ 12,251.60
Public Safety	\$ 19,544.69
Permits/Inspections	\$ 4,159.00
Sewer	\$ 831,579.89
Water	\$ 449,306.60
Trust & Agency	\$ 12,971.27
Tax Collection	\$ 985.61
Paving Assessment	\$ 0.00

TOTAL \$2,759,180.53

It was moved and seconded by (Newman/Houseman) to receive and place on file the Treasurer's Report. Motion carried.

It was moved and seconded by (Phillips/Newman) to pay the monthly bills in the amount of \$243,949.84. Motion carried. (See #1 addendum).

PUBLIC COMMENTS:

None

TRUSTEES PERSONAL PRIVILEGE:

Thanks to Chief Smith and Dee Dee for all of their work on the Web Site.
There were 348 Voters that showed up for the May 8, 2007 Election.

REQUESTS/DISCUSSIONS/ANNOUNCEMENTS BY THE CHAIR:

The next regularly scheduled meeting will be held on June 12, 2007.
Wal Mart's site plan was approved and they plan to break ground in May or June of 2008, with an opening date of Spring 2009.

Calhoun County Road Commission will be doing chip and seal operations on the following roads in Pennfield Charter Township:

East Avenue North from White Rabbit Rd. to Poorman Rd.

White Rabbit Rd. from M-66 to North Avenue

Pennfield Rd. from McAllister Rd. to the Bridge

Page Eight Meeting Minutes 5-09-07 Cont. Calhoun County Road Comm.

Clear Lake Avenue
Community Drive
Clear Lake Rd. from Walkinshaw to Lynch
Burrows from Clear Lake to Walkinshaw
Pine Lake Rd. from Bellevue Rd. to Chippewa Trail
Bellevue Rd. from 11 Mile Rd. to Jessup Rd.
11 Mile Road from Brown Rd. to Bellevue Rd.
North Avenue from Battle Creek City limits to S Drive North

It was moved and seconded by (Phillips/Newman) to adjourn the meeting at 8:10 p.m. Motion carried.