

**TYRONE TOWNSHIP REGULAR BOARD
APPROVED MINUTES – MARCH 7, 2006**

CALL TO ORDER

Clerk Kuzner called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on March 7, 2006 at 7:10 p.m. at the Tyrone Township Hall.

Trustee Nagy moved to appoint Treasurer Kurtz as temporary Chairperson of tonight's meeting. (Trustee Thompson seconded). The motion carried.

ROLL CALL

Present: Clerk David Kuzner, Treasurer David Kurtz, Trustees: Robert Byerly, and Lynn Thompson, Andrew Schmidt, and Steve Nagy. Absent: Supervisor Mike Lewis.

PUBLIC REMARKS FOR NON-AGENDA ITEMS

None.

APPROVAL OF AGENDA – OR CHANGES

Trustee Nagy moved to approve the agenda as modified. (Trustee Thompson seconded.) The motion carried.

The modifications are as follows:

Added New Business #9 Fire Station Construction Committee.
Added New Business #10 Fiscal Year 2006-07 Budget Workshop Date.
Added New Business #11 Fiscal Year 2005-06 Monthly Budget Report.

APPROVAL OF CONSENT AGENDA

Approval of Regular Board Meeting Minutes – February 21, 2006
Approval of Clerk's Warrants and Bills

Trustee Nagy moved to approve the consent agenda as presented. (Trustee Thompson seconded.) The motion carried.

COMMUNICATIONS

None.

PUBLIC REMARKS FOR AGENDA ITEMS

Steve Hasbrouck questioned the documentation that the Board will be sending to the Planning Commission. Chairman Hasbrouck asked for an Impact Assessment. He requested information to be delivered by the next Planning Commission Meeting.

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UNFINISHED BUSINESS

None.

NEW BUSINESS

#1 Bond Attorney Presentation.

Mr. Steve Mann, acting as Bond Counsel for the Township from the law firm of Miller, Canfield, presented and explained Resolution 060301. He also answered question from Board members.

**RESOLUTION #060301 TO CREATE
SPECIAL ASSESSMENT DISTRICT
(FIREHOUSE)**

Minutes of a regular meeting of the Township Board of the Township of Tyrone, County of Livingston, State of Michigan, held in the Township on March 7, 2006, at 7:00 p.m., Eastern Standard Time.

PRESENT:

Members: Clerk David Kuzner, Treasurer David Kurtz.
Trustees: Lynn Thompson, Steve Nagy, Bob Byerly, and Andrew Schmidt.

ABSENT: Members: Supervisor Mike Lewis

The following preamble and resolution were offered by Clerk Kuzner and supported by Trustee Thompson.

WHEREAS, the Township Board of the Township of Tyrone, County of Livingston, State of Michigan (the "Township Board"), Landon Development Corporation ("Landon"), and Tyrone Park Associates Limited Partnership ("Tyrone Park," collectively with Landon, the "Developers") have entered into a Consent Judgment, including amendments thereto, regarding *Landon Development Corporation v. Tyrone Township*, Livingston County Circuit Court No. 98-16839-NZ, a copy of which, when entered and final, shall be attached to this resolution (the "Judgment"); and

WHEREAS, the Township Board, pursuant to Act 116, Public Acts of Michigan, 1923, as amended (the "Act"), and the Judgment desires to proceed with proposed public improvements generally described as constructing and maintaining housing facilities for fire apparatus and equipment, including a firehouse and all necessary and related accessories and appurtenances as more thoroughly described in Exhibit A attached

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hereto and made a part hereof in the special assessment district described in Exhibit B attached hereto and made a part hereof; and

WHEREAS, pursuant to the Judgment, the Developers have agreed to the creation of the special assessment district and to waive their rights to notice and hearing requirements; and

WHEREAS, the parties intend the Judgment to fully satisfy the procedures referred to in the Act; and

WHEREAS, the Township Board desires to authorize the preparation and execution of a Special Assessment Agreement to be executed by the Developers and the Township in respect of the creation of the special assessment; and

WHEREAS, in accordance with the Judgment it is appropriate for the Township Board to proceed with the proposed public improvements described in Exhibit A and to assess the estimated cost thereof to the Developers' property benefited by said improvements, all in accordance with the Act and the Judgment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Lindhout Associates of Howell, Michigan, has prepared preliminary plans showing the improvement, the location thereof and estimates of the cost thereof (the "Plans") and the Township Board ratifies and approves the preparation of such preliminary Plans which are on file with the Township Clerk.
2. The Township Board hereby determines that the proposed public improvements described in Exhibit A are necessary for the health, safety and welfare of the Township and that said public improvements shall be made and completed pursuant to the Act and the Judgment.
3. The Township will within six months from the date of issuance of any bonds issued to finance any portion of the public improvements (the "Bonds") incur a substantial binding commitment with a third party to expend at least five percent (5%) of the net sale proceeds of the Bonds issued to finance any portion of the public improvements, which, to the extent financed with proceeds of Bonds, consists solely of costs of a type that are properly chargeable to capital account (or would be so chargeable with a proper election). For this purpose, the net sale proceeds of the Bonds means any amount received from the sale of the Bonds, including amounts used to pay underwriter's discount. The Township will proceed with due diligence to complete the public improvements and to allocate proceeds of the Bonds to the public improvements, which is expected to occur no later than three years from the date hereof.
4. The Township Board hereby approves the Plans and estimate of cost for the public improvements in the total sum of \$800,000. Of the aforesaid total cost of the project, the estimated sum of \$480,000 (the "Assessed Cost") will be spread against the hereinafter maintained special assessment district pursuant to the Act and the Judgment.
5. The Township accepts the Developers' representations and commitments in the Judgment as full satisfaction of the procedures referred to in the Act.
6. The Township Board finally determines that said special assessment district shall consist of all of the property described in Exhibit B and that the existence of said special

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assessment district shall be maintained until all special assessments payable on the roll hereinafter described, and any bonds issued in anticipation of such special assessments, have been paid. Upon subdivision of the special assessment district into residential units, condominium units, or the like, the special assessment for the Assessed Cost serving or benefiting such units shall be allocated to each unit developed within the special assessment district in accordance with the Special Assessment Agreement.

7. The Township Supervisor is hereby directed to make a special assessment roll in which shall be described all the parcels of land to be assessed as above set forth, with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel of land bears to the total benefit of all parcels of land in the special assessment district.

8. When the Township Supervisor shall have completed the special assessment roll, the Township Supervisor shall affix thereto a certificate stating that said roll was made pursuant to a resolution of the Township Board of the Township adopted on the date of adoption of this resolution, and that in making the assessment roll the Supervisor has, according to the Supervisor's best judgment, conformed in all respects to the directions contained in said resolution, the Judgment, and the statutes of the State of Michigan, and the Supervisor shall then report the special assessment roll, with the certificate attached thereto, to the Township Board.

9. In preparation for the sale and issuance of the Bonds, the Township Treasurer or his designee is hereby authorized and directed to consult with the Township's financial advisor to determine and develop the terms and specifications related to the Bonds.

10. Prior to the delivery of Bonds as described herein, the Township and the Developers shall execute a Special Assessment Agreement in form and substance satisfactory to the Township Attorney and to the Township's Bond Counsel detailing the terms and specifications of the special assessment approved by this resolution; the Township Supervisor and Township Clerk are authorized and directed to execute and deliver such Special Assessment Agreement upon the approving advice of the foregoing counsel.

11. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Clerk David Kuzner, Treasurer Dave Kurtz.

Trustees: Lynn Thompson, Steve Nagy, Bob Byerly, and Andrew Schmidt.

NAYS: None.

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RESOLUTION DECLARED ADOPTED.

David G. Kuzner
Tyrone Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Tyrone, County of Livingston, Michigan, at a regular meeting held on March 7, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

David G. Kuzner, CMC
Tyrone Township Clerk

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EXHIBIT A

DESCRIPTION OF PUBLIC IMPROVEMENTS

[Attach Description of Public Improvement (Firehouse) here]

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EXHIBIT B

SPECIAL ASSESSMENT DISTRICT

LEGAL DESCRIPTION

The land referred to in this commitment is situated in the Township of Tyrone, County of Livingston, State of Michigan, is described as follows:

Part of the Southeast 1/4 of Section 32, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan: Commencing at the South 1/4 corner of said Section 32; thence North 00° 12' 40" West 539.52 feet along the North-South 1/4 line to the Point of Beginning; thence continuing North 00° 12' 40" West (M) 2124.94 feet (M) North 00° 14' 21" West (R) 2123.63 feet (R) along the North-South 1/4 line of said Section to the center of said Section; thence South 89° 56' 15" East (R) 2657.16 feet (R) South 89° 56' 23" East (M) 2657.17 feet (M) along the East-West 1/4 line of said Section to the East 1/4 corner of said Section; thence South 00° 08' 51" West (M) 2676.29 feet (M) South 00° 07' 19" West (R) 2676.32 feet (R) along the East line of said Section to the Southeast corner of said Section; thence North 89° 40' 49" West 1320.44 feet along the South line of said Section; thence North 00° 14' 21" West 468.02 feet; thence North 89° 40' 49" West 200.01 feet; thence South 00° 14' 21" East 217.01 feet; thence North 89° 40' 49" West 400.02 feet; thence South 00° 14' 21" East 251.01 feet; thence North 89° 40' 49" West 66.00 feet along the South line of said Section; thence North 00° 14' 21" West 468.02 feet; thence North 89° 40' 49" West 224.01 feet; thence North 00° 12' 40" West (M) 71.50 feet (M) North 00° 14' 21" West (R) 71.50 (R); thence North 89° 40' 49" West 430.01 feet to the Point of Beginning.

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#2 Request for Public Hearing for Contract Zoning.

Trustee Thompson moved to formally request a Public Hearing for the Landon Corporation to be held by the Planning Commission on March 28, 2006. (Trustee Byerly seconded). The motion carried.

#3 Jayne Hill Farms road paving final cost analysis.

Trustee Schmidt moved to refund the Jayne Hill Farms Paving Project cost savings by reducing the total assessed amounts for the residents that have not prepaid and issuing a check to refund the savings to the residents that have prepaid. (Trustee Byerly seconded). The motion carried.

#4 Plan Administrative Services Agreement.

Trustee Nagy moved to terminate the Plan Administrative Services Agreement as presented. (Trustee Thompson seconded). The motion carried.

5 Southern Lakes Planning Initiative.

Trustee Schmidt moved to table the Southern Lakes Planning Initiative. (Trustee Nagy seconded). The motion carried.

#6 Resolutions for 2006 Summer Tax collection for Hartland Schools, Linden Community Schools, and Genesee Intermediate School District.

Trustee Nagy moved to authorize the Supervisor and Clerk to enter an agreement for summer tax collection with Hartland Schools, Linden Community Schools, and Genesee Intermediate School District. (Trustee Schmidt seconded). The motion carried.

#7 Request of Kimberly Schulz for special land use permit.

Treasurer Kurtz explained the correct process for Ms. Schulz to petition the Township for a Special Land Use Permit. He stated that she must first apply through the Planning Commission.

#8 Fire Construction Committee

Clerk Kuzner moved to establish a Fire Station Construction Committee to consist of Treasurer Kurtz, Trustee Nagy, and Supervisor Lewis. (Trustee Schmidt seconded). The motion carried.

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#9 Fiscal Year 2006-07 Budget Workshop Date

Trustee Nagy moved to establish March 18, 2007 at 7:30 a.m. for a 2006-07 Fiscal Year Budget Workshop Meeting. (Trustee Thompson seconded). The motion carried.

#10 Fiscal Year 2005-06 monthly budget update.

Trustee Nagy moved to receive and place on file the fiscal year 2005-06 Monthly Budget Report. (Trustee Byerly seconded). The motion carried.

#11 Closed session to discuss pending litigation.

**RESOLUTION #060102
CLOSED SESSION**

Clerk Kuzner resolved to go into closed session to discuss written material submitted by Attorney David Landry and Attorney Nielsen regarding pending litigation that may have a financial impact on the Township. (Trustee Nagy seconded). The motion carried.

Roll Call: Nagy, yes; Schmidt, yes; Kurtz, yes; Kuzner, yes; Lewis, absent; Thompson, yes; Byerly, yes.

* * * * * **Closed Session Minutes** * * * * *

Trustee Nagy moved to reconvene in open session. (Trustee Thompson seconded.) The motion carried.

Trustee Thompson moved to authorize Attorney Nielsen to represent the Board and the Township in any and all litigation concerning the Fire Authority. (Clerk Kuzner seconded). The motion carried.

MISCELLANEOUS BUSINESS

#1 Mid Decade Census.

No action taken.

BILLS FOR APPROVAL AND CLERK'S REPORT

The following checks (No.15053-15059, 6746, 6748, 6750, 6751, 15062-15063, 15065-15067, 15069-15070, and 15072-15079) have been paid since our last regular meeting and are submitted for approval which includes a total of **\$24,573.95** from the **GENERAL FUND**.

ADJOURNMENT

The meeting ended at 10:10 p.m.