

**VERGENNES TOWNSHIP**  
**Regular Meeting Minutes**  
**December 20, 1999**

The regular meeting of the Vergennes Township Board was called to order by Tim Wittenbach at 7:02 p.m. in the Vergennes Township Hall.

Members Present:	Tim Wittenbach	-	Supervisor
	Jean Hoffman	-	Treasurer
	Mari Stone	-	Clerk
	Susan Geiger-Hessler	-	Trustee
	Mark Weber	-	Trustee

Also Present: Mr. Doezema, Township Attorney

A motion was made by Hoffman, seconded by Wittenbach to approve the minutes of the November 15, 1999 regular meeting. Motion carried. Treasurer's Report accepted as read. Motion by Weber seconded by Wittenbach to approve bills as read including Williams & Works invoice. Drafts 3580 through 3634 were issued.

**Unfinished Business:**

1. Gypsy Moth Survey Results. Map in Township Hall indicating survey results. Preliminary report involves 2400 acres – possible increase in number of acres. Spraying by helicopter, \$14-\$15 per acre (\$33,600). Spraying by fixed wing aircraft costs approx. \$16-\$17 per acre – more costly. If good weather, the contractor plans to spray Cascade, Lowell and Vergennes within two consecutive days.
2. Consideration of Private Road Ordinance Amendments. The Board reviewed suggested changes to the proposed amendment: strike out “principal” within term “principal means of access;” strike out “working policy” as not used any longer; when issuing private road construction permit, add language in permit form indicating approval granted after engineering drawings submitted and sent to Hegerty for approval, Board then can accept or make recommendations by comparing two findings. Two visits by applicants to Planning Commission: first visit involves survey drawings or site plan; second visit involves engineering drawings. Weber questioned need for specifications of private road to Kent County standards. Changes in preliminary approval language to include list of requirements under maintenance agreement (Paragraph 2) and include phrase “development of property subject to private road ordinance provision.” Doezema brought up possible problem with Private Road Ordinance. Recent case up north and opinion of Judge Kolenda may challenge Kent County standard requiring multiple roads in and out of plats thus making Township amendment unconstitutional. Doezema will read opinion and recommended Board hold decision on amendments until January. Motion by Stone, seconded by Weber, to

refer suggested changes to Private Road Ordinance to Planning Commission for their review and recommendations, upon which the Board will reconsider adoption. Doezema will keep the Board updated concerning the recent court opinion and his conclusions based on that opinion. Motion approved.

3. Unclassified Uses Ordinance 99-9. Board was satisfied with language inserted limiting unclassified uses to Commercial and Industrial Districts. Motion by Hoffman, seconded by Geiger-Hessler, to adopt Ordinance 99-9, Unclassified Uses. Roll call vote carried unanimously.

**New Business:**

1. Community Cleanup Day Proposal. Proposal by City of Lowell to set up environmental pick-up station to handle toxic substances with Township of Lowell and Vergennes Township. Township charged by amount of use; approx. \$2,000 per year. General consensus to participate, Dan DesJarden to visit Board and explain details of proposal.
2. Construction Board of Appeals Appointment. Motion by Wittenbach to appoint Tom Medendorp to fill vacancy for 3 year term (up in 2002). Seconded by Geiger-Hessler. Motion approved unanimously.
3. Planning Commission Appointments. Three three year terms up for appointment. Ten residents interested in serving on Planning Commission. Board discussed importance of attendance and education of members. Stone to make education packets for PC and ZBA. It was suggested that if any member misses three meetings w/in year, consideration be given to removal of member.

Motion by Wittenbach, seconded by Geiger-Hessler, to appoint Al Baird. Because of previous statements made by Baird, Stone expressed concern regarding Baird's ability to consider PUD development in Township as recommended in Comprehensive Plan. Baird indicated that would not be a problem.

Yes: Wittenbach                      No: Hoffman  
      Stone  
      Geiger-Hessler  
      Weber

Motion by Wittenbach, seconded by Geiger-Hessler, to appoint Art Warning.

Yes: Wittenbach                      No: Hoffman  
      Weber                                      Stone  
      Geiger-Hessler

Motion by Wittenbach, seconded by Geiger-Hessler, to appoint Lee Hovey.

Yes: Wittenbach                      No: Stone

Geiger-Hessler

Hoffman

Weber

Motion by Wittenbach, seconded by Hoffman, to appoint Colleen Lenihan.

Yes: Wittenbach

No: Weber

Stone

Hoffman

Geiger-Hessler

Baird, Warning and Lenihan appointed to terms ending in December 2002.

4. Zoning Board of Appeals Appointments. Hoffman made a motion to appoint Scott Jernberg as Planning Commission representative to Zoning Board of Appeals. Motion carried unanimously. Motion by Stone, seconded by Weber, to reappoint Pete Gustafson to the Zoning Board of Appeals. Motion approved. Hoffman made a motion, seconded by Weber, to reappoint Roger Odell as alternate to Zoning Board of Appeals. Motion approved unanimously. It was noted that Al Baird is currently an alternate to Zoning Board of Appeals. Because statues allow only one Planning Commissioner on the ZBA, he must resign this position.
5. Approval of Meeting Schedule for 2000. Motion by Geiger-Hessler, seconded by Hoffman, to approve meeting schedule for 2000. Motion approved.
6. Collection of Summer Taxes for LAS, GRCC & KISD. Motion by Stone, seconded by Hoffman, to collect summer taxes for LAS, GRCC & KISD.
7. MTA Convention. January 17-20, 2000. Individuals who would like to attend to fill out paperwork and give to Stone, who will register.
8. Driveway Setback Ordinance. Discussion regarding the abolishment of the ordinance. Zoning Administrator feels it is very difficult to enforce. Motion by Stone, seconded by Hoffman, to return Driveway Setback Ordinance to Planning Commission for abolishment or amendments which will enable ordinance to be enforceable and report back to the Board.

In a related matter, the Board discussed options concerning the Marvel Civil Infraction case. According to Doezema they are: 1) Go through with hearing and let Judge decide issue; 2) dismiss without prejudice (i.e. issue can be refiled) and matter returned to Planning Commission for redetermination. Motion by Wittenbach, seconded by Stone, to request Marvel allow dismissal w/o prejudice and return to Planning Commission for redetermination **or** if not dismissed w/o prejudice, hearing goes forward and Judge decides issue once and for all. Motion carried.

**Citizens Comments:**

Weber inquired as to the status of the proposed Lowell Area Community Cooperation Model/Community Recreation Committee. Committee would have no tax levying capability. Meet to discuss community issues. Motion by Stone, seconded by Hoffman, to get version adopted by Lowell Township and place issue on future agenda for further discussion.

Hall to be closed December 24 and December 31, 1999. Notice in Lowell Ledger regarding these dates and also noting Gypsy Moth survey map available for inspection at hall.

It was noted that budget requests must be in by end of January 2000.

Craig Wood summarized Fallasburg cemetery issue. Historical Commission would like to have a survey done, and they will submit proposed expenses for the budget process.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Mari Stone, Clerk