

VERGENNES TOWNSHIP
Regular Meeting Minutes
November 15, 2004

The regular meeting of the Vergennes Township Board was called to order by Tim Wittenbach at 7:00 p.m. in the Vergennes Township Hall.

Members Present:	Tim Wittenbach	-	Supervisor
	Mari Stone	-	Clerk
	Jean Hoffman	-	Treasurer
	Al Baird	-	Trustee
	Vern Nauta	-	Trustee

Minutes of the October 18, 2004 Regular Board Meeting stand approved as presented. Motion by Hoffman, second by Nauta, to approve bills as read. **Motion approved.** Item #5 – Oath of Office for Board members and Item #6 – DeWitt, added to Agenda. Motion by Nauta, seconded by Hoffman, to approve Agenda as amended. **Motion carried.**

Unfinished Business:

1. Wildview Private Road. Attorney Fitzgerald present as attorney hired by resident Tom Thayer. Fitzgerald requested that the Board reverse decision they made at last month's Board meeting allowing a building permit with a signed agreement from the Fizers. He would like the Board to reconsider their decision and revoke the building permit for the split. It is his contention that the Board is misinterpreting the zoning ordinance by granting this permit citing minimum lot requirements, setback, road easement width, insufficient area for building; one acre of wetlands on property, lot width not meeting ordinance requirements, private road in existence before private road ordinance, etc.

Jeanne Vandersloot, Zoning Officer, cited and interpreted portions of Vergennes Township Zoning Ordinance which explain Board's decision to issue building permit. Township does not exclude wetlands for totaling 3 acre building site. It is a driveway easement not a private road and the permit was issued noting required waiver of cul de sac requirement by Township Engineer.

Wittenbach stated there is no reason to reverse Board's decision as they voted as historically they have done in the past for similar requests and also it is their belief they voted the way the ordinance reads and is interpreted by the Township. Resident inquired what would be road owners' recourse in the future? Hoffman suggested they create a Master Deed for the road and construct an agreement which requires signatures by everyone. Residents/Road Owners noted that no notification was received by them from the Township regarding last month's meeting and the Board's decisions which affected them. Board noted that notification didn't arise as the ordinance does not require a public hearing in this type of matter. Board apologized for the misunderstanding, and agreed that a policy to deal with these kinds of situations would be valuable.

New Business:

1. Consideration of the Lowell Area Recreation Authority Agreement. Discussion among Board members. Baird would like to table matter at least one month because of past issues relating to City of Lowell and Vergennes Township. Wittenbach stated he will vote no to the Agreement or would like to table the matter. Stone noted that this Agreement has nothing to do with the property annexation matter. The agreement was written by an unbiased attorney who took into consideration all three involved parties. She considers it valuable to take a risk and demonstrate generosity and willingness to work together for the sake of the community as a whole. City of Lowell and Lowell Township will be considering LARA Agreement tonight also. Resident Betsy Davidson spoke to the Board as a supporter of the trails as an asset to all three municipalities. She also noted that a large portion of the trail will wind through Vergennes Township. Nauta supports the LARA Agreement as it benefits the whole community, is not a huge financial commitment, and there is an opt-out provision if we so desire. Hoffman noted the LARA Agreement will not continue if all three municipalities do not support the Agreement. Motion by Nauta, seconded by Hoffman, that Vergennes Township enter into the Lowell Area Recreation Authority Agreement as presented.

Roll Call Vote: Yes: Hoffman, Stone, Nauta
No: Baird, Wittenbach

Motion Carried.

Another matter concerning the LARA Agreement is to establish a Board to run the Authority. Needed are seven members: 3 from each Board; 3 residents from each area i.e. City of Lowell, Lowell Township and Vergennes Township; and 1 person appointed by all three municipalities. Motion by Stone, seconded by Hoffman, to appoint Dan Edwards as representative from Vergennes Township and Stone to volunteer to continue as representative from Vergennes Township on the Authority Board. **Motion approved.** Stone made a motion, seconded by Nauta, to nominate Betsy Davidson as the member at large to be appointed by all three municipality Boards. **Motion carried.**

2. Federal Poverty Income Standards for 2005 Assessments. Motion by Hoffman, seconded by Baird, to adopt the Federal Poverty Income Standards for the 2005 Assessments. **Motion approved.**
3. Planning Commission Recommendations - AT&T Cell Tower Application. Maximum 3 carriers to cell tower. Planning Commission recommended the following:
 - Gated Drive planted with conifers etc.
 - Stagger entry
 - Replant and reseed within one year
 - 20' easement
 - Limit tower height
 - If lights necessary – recommend the minimum required single light facing upward
 - Approval from MDOT before construction

Wally Hayley, AT&T Representative present. Mr. Hayley noted that they have obtained a tall structure permit; applied for approval from MDOT; and that FAA determines the type of lighting. He noted the benefits to the township. Mainly, enhanced cell coverage; create a

network for coverage in NE quadrant; better 911 coverage (FCC mandated increase of 911 coverage). Three tower sites within Township with construction of this cell tower.

Howard Burton - resident at 11251 Heim (most affected by this cell tower) – requested a stipulation that AT&T while maintaining road to site completely clear snow when plowing and keep snow from building up at the end of his driveway.

Motion by Nauta, seconded by Baird, to approve AT&T application including stipulations by Planning Commission as well as Township Attorney review and approval of Agreement to Remove document, tower drawings, and snow maintenance of road. **Motion carried.**

4. 2005 Road Construction. Need to sign 2004 work order variation as culvert over creek at 3 Mile was way over budget - \$16,500 over. Minor construction was under budget (\$65,000 budgeted) so with this overage – it will be close to a "wash" on these two items. Stone made a motion, seconded by Hoffman, to authorize and sign work order variation on 3 Mile. **Motion approved.** Approximately \$120,000 yet to pay until December 2006. Consensus of the Board to hold off on further construction on other roads at this time.
5. Oath of Office for Board Members. Elected officials must take oath of office before November 20, 2004. Oaths taken by Baird for Trustee, Wittenbach as Supervisor, Hoffman as Treasurer and Nauta for Trustee. Stone to administer oath to Ada Township Clerk and Ada Township Clerk to administer oath of office to Stone as Vergennes Township Clerk on November 19, 2004.
6. Dewitt Matter. Motion by Stone, second by Nauta, to accept Dewitt proposal (November 11, 2004 correspondence) for private road with completion date of June 1, 2005, inspection approval by Township Engineer, establishment of escrow account for payment of engineer, supplying and receiving approval from Planning Commission of construction plans for private road at January 2005 meeting. **Motion carried.**

Scott Dewitt requested information about requirements of Township for agricultural use of structure built on his land (w/o permit). Wittenbach stated he would need site plan application which demonstrates structure's use as an agricultural building and meets the criteria of the ordinance requirements along with a \$25.00 barn permit. There is no well on the property. Board told him to call when property cleaned up and ready for inspection by J. Vandersloot to approve building as an agricultural building in order to receive zoning permit.

Citizens Comments.

Dave Pedley inquired as to progress of City of Lowell annexation matter. Warner, Norcross & Judd hired as Vergennes Township legal representation in this matter. Legal Sufficiency Hearing scheduled for November 18, 2004. Applicant requesting higher density than Vergennes Township zoning allows. A public hearing with State Boundary Commission is planned. Vergennes will post on website as information is available.

Motion by Nauta, seconded by Stone, to request a joint meeting between City of Lowell Board and Vergennes Township Board regarding the annexation issue. **Motion approved.**

In further discussion of the DeWitt building issue, it was noted that better regulations for agricultural building permits are needed. The Board would like to see some adopted. Motion by Hoffman, seconded by Stone, to direct Planning Commission to develop guidelines regarding requirements for agriculture buildings. **Motion carried.**

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Mari Stone, Clerk