

**MINUTES  
ALPINE TOWNSHIP  
REGULAR MEETING  
MAY 16, 2005**

**05-58           REGULAR MEETING**

The Alpine Township Board met on Monday, May 16, 2005 at 7:30 p.m. at the Alpine Township Hall, 5255 Alpine Avenue, Comstock Park, Michigan. Board Members present were: Supervisor Marta Brechting, Clerk Jean Wahlfield, Treasurer Jan Brechting, Trustees Ron Cordes, Jim May, Sharon Steffens and Ted Wallace.

Supervisor Brechting called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

One item was added to the Consent Agenda: Appointment of Margaret Brechting and Raymond Wcisel, Jr. to the Historical Commission.

**J. Brechting offered a motion, supported by Wallace, to approve the Agenda as amended. Motion carried 7-0.**

**05-59           CONSENT AGENDA**

Wahlfield noted that budget amendment item needs to be removed from the Consent Agenda.

**Steffens offered a motion, supported by Brechting, to approve the Consent Agenda consisting of: Minutes of April 18, 2005, Consideration of Bills, Receipt of Correspondence and Appointment of two Historical Commission Members. Motion carried 7-0.**

**05-60           PUBLIC HEARING: VITALITY DRAIN II - CLARENCE BRANCH  
Special Assessment District - SAD**

Supervisor Brechting explained that this public hearing is the final stage to complete the Special Assessment District for the Vitality Drain - Clarence Branch. This district was necessitated by the development of Metzgar Court. Planning for the entire Vitality Drain began three years ago, with the Clarence Branch portion payments deferred until this time. Wahlfield noted that all property owners in the Clarence Branch district received a notice of this public hearing.

**Steffens offered motion, supported by May, to open the public hearing. Motion carried.**

No public comment was offered at this time.

**J. Brechting offered a motion, supported by May, to close the public hearing. Motion carried 7-0.**

**05-61                    CONSIDERATION OF RESOLUTION #05-08 VITALITY DRAIN II -  
CLARENCE BRANCH**

J. Brechting recommended that the Board allow five years for the payment of these assessments at a six percent (6%) interest rate and requested permission to add it on the winter tax statement. It was noted that the assessments can be paid completely or in installments, with interest beginning to accrue on Feb 15, 2006. The Township will be paying the 20% of the assessment charge.

**May offered a motion, supported by Wallace, to approve Resolution No. 05-08 including a time period of five (5) years and an interest rate of six percent (6%). Motion carried 7-0.**

**05-62                    PUBLIC HEARING - GENERAL ORDINANCE #05-01: SAND MINING AND  
MINERAL EXTRACTION**

Brechting indicated that the Board was considering a sand mining general licensing ordinance in response to different situations and a lack of opportunity to enforce safety issues. Currently sand mines are addressed through special use permits, however current laws can not be enforced for sand mines that have been grandfathered.

**In a motion offered by May, supported by Steffens, to open the public hearing for the proposed sand mine ordinance. Motion carried 7-0.**

At the request of Mike Rusche, owner of Rusche Trucking located at 4457 Alpine Avenue NW, Brechting read a memorandum reviewing the proposed sand mining licensing ordinance written by Rusche's attorney, Gary P. Schenk.

Mike Rusche stated that he felt this proposed ordinance was targeting one sand mine pit which was began in the 1930's. He informed that Board that he has been operating the Feedback/DeBoer sand mine and has been in compliance with township regulations. He questioned the need for an licensing ordinance when sand mining is now enforced through a special use permit. He explained that the Crawford mines have been greatly improved with berms, gated areas, fencing and the slopes have been taken care of. Rusche pointed out that the Township cannot be held liable for this particular sand mine and that his business has a large insurance policy to cover the pit.

Max Dunneback, 3241 6-Mile Rd NW, commented that as a dairy farmer he purchases a large amount of sand from Rusche Trucking. He stated that costs added to Rusche will raise the sand prices for farmers. Dunneback added that many farmers work for Rusche as a means to supplement their farming income. The Crawford sandmine location is good when load limits are being enforced and the operation is looking nice. Dunneback's last comment was if elected officials have a grievance, this is not the place to settle it.

Todd Rickert, Rickert Landscaping Contractors, 9800 Sparta Avenue, stated that approving a licensing ordinance will drive up the costs for everyone. He advised that the Board tweak the special use permit as applied to new pits.

Dan Alt, 1632 6-Mile, commented that he was a former Planning Commission member and during his tenure many sand mines were approved with different criteria for different sizes of pits. Alt stated that his farming business uses a lot of sand and this proposed ordinance will increase the cost to the excavator and that will reflect in the cost to the consumer. Alt reminded the Board that the Planning Commission still has a role in approving a sandmine as a special use and would like to see it fair for everyone.

Ed Labanowski, owner of New World Excavating, 591 6-Mile NW, remarked that his business uses a lot of sand in Alpine Township. Recently the price of sand increased by 25/30 cents a yard which makes it difficult to bid and maintain quality on jobs. He advised the Board to enforce the present rules and everything will work out fine.

Pat McGann, 177 Chicory Street NE (Plainfield Township) works for Myles Excavating, commented that he was on our website and there was not an agenda for tonight's meeting. He criticized our archaic ways (several times). He was curious as to what were the goals of this ordinance. He stated that the system is not broke and questioned what was the Board trying to achieve?

Mike Rusche complained that he could not get a copy of the ordinance until Friday afternoon before this meeting. The ordinance was published in the newspaper on Monday and Rusche could not understand why residents could not obtain a copy. He felt that the township was trying to "sneak" something in. His comment was "this just isn't right."

**J. Brechting offered a motion, supported by Wallace, to table the public hearing and continue at the June 20<sup>th</sup> meeting for the reason that Board members just received this ordinance this weekend. Motion carried 7-0.**

Discussion: J. Brechting requested that research be done to see what options are available with our current special use ordinance that would take care of the Crawford mine.

Supervisor Brechting explained that there have been problems/complaints with the Crawford mine and this is the reason for the licensing issue. Brechting also stated that the complaints can not be addressed by our current special use ordinance because the mine has been existing for years.

**Steffens offered a motion, supported by Wallace, that a copy of the proposed licensing ordinance for sand mining and mineral extraction be provided to the township excavators and mining operations. Motion carried 7-0.**

Wahlfield stated that the following be clarified in the ordinance language: any fees or escrow amounts, someone else besides the Building Inspector (or in addition to) should be responsible for the sand mine investigation and the fencing issue should be addressed more clearly.

## **05-64            2005 - 2006 FISCAL YEAR TOWNSHIP BUDGET - GENERAL FUND**

Supervisor Brechting explained that this fiscal year is going well, and the proposed budget contains only the basic items. M. Brechting stated that she is reviewing building needs, getting quotes and

information on insurance (which are not addressed in the basic budget).

**J. Brechting offered a motion, supported by May, to open the public hearing for the FY 2005/2006 Budget. Motion carried 7-0.**

Rusche questioned how much was paid to the township attorney for the proposed sand mining ordinance. It was noted that the township attorney went over the proposed ordinance, however it was taken from Ensley Township and tweaked with recommendations from the sub-committee.

**With no further public comment, Wahlfield offered a motion, supported by Steffens to close this public hearing with intentions to resume public comment at the June meeting. Motion carried 7-0.**

Board members commented that several adjustments will need to be applied to the budget and it was noted that several issues need to be discussed. It was noted that the Personnel Committee will also need to meet to discuss wages and look at the sand mining ordinance.

#### **05-65 PUBLIC COMMENT**

Dick Sedlecky, 295 Lantern NW, endorsed the recommendation of having agendas, minutes and new ordinances available on the website. He complimented the current web-site as a refreshing change but feels the agenda needs to be included on the website. He requested that people speak loudly and clearly as this is a public meeting and suggested when communication is read to the entire board, that it not be read so quickly.

Don May, 4704 Kenowa Avenue, agreed that publishing information on the website was a very good idea, but reminded the board that there are elderly citizens that do not use the website and questioned the Board when the new Harvester would be coming. Brechting noted that the newsletter will be going to the publisher on Monday.

#### **05-66 COMMISSION REPORTS**

**Planning Commission - May:** A meeting was held on April 21, 2005 with discussion on the Yorktown Center project which was tabled for the May meeting regarding their problems with the Kent County Road Commission. The Doorenbos rezoning from AG to R2 was denied. Doorenbos was suggesting an elderly care facility on said property. Many people supported the use, however were not comfortable with the R-2 zoning for 56+ acres of land which was master planned Low Density. Master Plan meetings will be held on May 5 and June 9 at 7 p.m. There will be a rezoning request at the May 19<sup>th</sup> meeting.

**ZONING BOARD OF APPEALS - Wallace:** There was no April meeting, but there is an variance request in May.

**HISTORICAL COMMISSION - Cordes:** The Historical Commission will regretfully be losing Cathy Clair as a member.

**SEWER/WATER - Brechting:** The NKSA will meet this Thursday, May 19<sup>th</sup> and hopefully we will have more information.

**LIBRARY - Clair:** Clair reported that during the month of April visitors increased by 6.8% and

circulation increased by 5.2%. Robin Lukow, Youth Librarian, will be leaving in August to study Library Science in London, England. Lukow was present and highlighted the summer activities for the children. The summer theme will be Dragon Dreams and Daring Deeds. A new program is being initiated for babies called Baby Time and will be similar to Story Time. Two programs will be offered this summer for teens. Each KDL branch will be giving away a bike and a trip to Cedarpoint. Lukow expressed her thanks to the Board for their support of the library programs. Wahlfield, on behalf of the entire board, thanked Lukow for her work with the youth programs.

**05-66            MOTION TO DENY REZONING OF PROPERTY LOCATED AT 4639  
CORDES**

Brechtig read the motion that the Planning Commission approved at their April 21, 2005 meeting which denied the Doorenbos rezoning because it is not consistent with the current Master Plan and is not consistent with development trends in the area.

May, board representative for the Planning Commission, indicated that no one was against the senior housing, but were concerned with how many homes could be possible with an R-2 zoning, since the zoning goes with the land, not the project.

Steffens stating that she was also present at that meeting added that there was discussion initiated by the Chairman to inquire about a Special Use for elderly care in the R-1 zone.

May stated that the next meeting will be May 5. Wahlfield requested that this issue be put on "high priority". Wahlfield doesn't want the township to exclude elderly housing. Wallace added that the township needs to look at some of the residential proposals and that Alpine can not remain a stagnant township.

**May offered a motion, supported by Cordes, to support the Planning Commission denial of the property located at 4639 Cordes from AG to R-2.**

Wahlfield requested to amend the motion to include: that the Zoning Ordinance Sub-committee will work on updating the current Zoning Ordinance to include provisions for elder/assisted care living facilities as a Special Use in R-1. Steffens agreed.

**May amended his motion, supported by Cordes, to support the Planning Commission denial of the property located 4639 Cordes NW from AG to R-2 and that the Zoning Ordinance Sub-committee will work on updating the current Zoning Ordinance to include provisions for elder/assisted care living facilities as a Special Use in R-1. Motion carried 7-0.**

**05-67            DISCUSSION - LETTER FROM ATTORNEY**

A letter was received from Attorney Donald Visser, representing Ted Doorenbos, requesting feedback to a proposal of rezoning his parcel to R-2 with the agreement that any portion of the property that was not developed as an elderly care facility or sold to the church, would ultimately revert to R-1 rezoning. This suggestion was intended to apply to the part of Doorenbos' property

that was submitted to the township for rezoning and not to any other part.

Brechting explained that this request is a new concept that was recently featured in the MTA News. Brechting gave a brief explanation of this proposal which may be referred to as “Contract Zoning” or “Conditional Zoning”. These terms have become interchangeable, but there are clear differences between them. There are many ramifications with new type of rezoning and Brechting felt the township should proceed cautiously.

Steffens encouraged all Board members to read the article. Steffens advised that the township should take a look at the engagement procedure and develop that for future requests; we need to educate ourselves as this may be a tool in other cases.

**Steffens offered a motion, supported by Brechting, to reject the proposal considering conditional rezoning until we are better prepared for it and that our current procedure with the Master Plan should be able to be arrived at sooner than this would be. Motion carried 7-0.**

Steffens addressed Ted Doorenbos in the audience suggesting that while the Master Plan is being updated, he should possibly get a better handle on what the needs would be for the church and his elderly care facility. Steffens also advised that his plan would be a wonderful project for a Planned Unit Development.

Supervisor Brechting stated that she will get written response to Attorney Visser.

#### **05-68 DELINQUENT 2002 TAXES - PROPERTY FORECLOSURE**

J. Brechting stated that a new law has reduced the time of the foreclosure process on properties with delinquent taxes. The procedure is that the State receives the first option on the property, then the township has the option of acquiring it. The property is located at 3545 Milla Avenue which is a landlocked vacant lot. J. Brechting’s recommendation was that the township not purchase the property nor pay the delinquent taxes. J. Brechting will notify the adjacent property owners after the board decision.

**J. Brechting offered a motion, supported by Steffens, that the township not pay the delinquent 2002 taxes nor purchase the property. Motion carried 7-0.**

#### **05-69 UPDATE ON CEMETERIES AND MOWING - JOHN FREY**

John Frey, owner of Frey’s Landcare, gave a brief update their work mowing the township grounds. Frey noted that he and Marta Brechting walked the grounds at the Sports Complex. He is pleased with the current fertilizer program being used and he is trying to regulate a good program of mowing. He informed the Board of the current mowing schedule and suggested that after a heavy rain or several rains the complex be rolled with a commercial roller with aeration immediately following to help the root system. If that suggestion is not possible, then he would recommend that some topsoil be applied to topdress the fields. He requested keys to the main gate of the Sports Complex and the special area that is locked off. He suggested that changes in the mowing schedule, changes

with irrigation and/or alteration of the fertilizer program may be a possible if there are problems. At that time Supervisor Brechting stated that the Township may be purchasing a mower. Frey asked for patience and that his company will get the mowing cycle regulated.

He requested a weed control program for Station 1. The facility is on Alpine Avenue and this would improve the aesthetics of the property.

They will be giving special care to the cemeteries before Memorial Day; they have developed a good cycle for mowing and have a good handle on it. He asked permission to clean up around the fence area at Pine Grove.

As the main cemetery person Wahlfield complimented Frey on his work and stated that the cemeteries look very good.

#### **05-70 SUPERVISOR'S REPORT and BOARD COMMENTS**

Supervisor Brechting informed the board that she received information from National Incident Management Systems (NIMS) that grants will be available to NIMS compliant communities. Brechting and Christians will be attending one of their overview sessions. It has been recommended that local government should establish an ordinance. J. Brechting commented that it would be based upon our own disaster policy.

A FEMA open house will be held on Wednesday, May 18 at 2 p.m. at Plainfield Township for an overview and discussion of their maps. It was noted that Indian Mill Creek has been mapped.

Steffens distributed a proposed amendment regarding board members voting via tele-conference. Certain restrictions apply and it was noted that our meeting room has a phone with conference call capabilities. M. Brechting suggested that our attorney will "fine tune" the amendment and this will be discussed at the June meeting.

Steffens inquired about the NPEDS informational meeting. It was noted that Brechting and Vega-Mkhwanazi attended. Brechting reported that water quality in York Creek is in trouble and Strawberry Creek is threatened. Nothing was mentioned about erosion. They are asking for Board input and Bob VanderMale will have more information at a later date.

Steffens spoke on behalf of Comstock Park Rotary expressing their thanks for all the volunteers working to install playground equipment at Wahlfield Park.

Supervisor Brechting stated that the deadline for the Harvester would be Friday as it will go to the publisher on Monday.

#### **05-71 PUBLIC COMMENT & ADJOURNMENT**

Sean Gibson, 1556 Harding NW, stated he is employed by Rusche Trucking and emphasized the safety procedures and classes that Rusche Trucking provide. Gibson stated that the employees attend

classes annually.

Fritz Wahlfield, 730 Marlene NW, stated he greatly appreciated all of Steffens' help at the park. He also informed the Board that the Road Commission will be installing a light for those traveling north on West River. He felt this was good news for everyone.

John Frey requested that before the Board purchase a mower that he be allowed to present a list of pros/cons of sub-contracting the lawn care. He also requested written information before a decision of a mower purchase is made.

Al Beckstrom, 4891 Grettel NW, requested that the North Kent Sewer Authority Study be placed on the website.

**With no further business to discuss May offered a motion, supported by J. Brechting, to adjourn the meeting. Motion carried 7-0.**

Respectfully submitted,

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Jean Wahlfield  
Clerk

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Marta Brechting  
Supervisor

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Beth Alt  
Recording Secretary