

**MINUTES
ALPINE TOWNSHIP BOARD
REGULAR MEETING
MAY 15, 2006**

06-82 REGULAR MEETING

The Alpine Township Board met on Monday, May 15, 2006 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.

Supervisor Brechting requested that an addition be added to the agenda under **Pending and New Business, 6F: Amendment to the Cafeteria Plan for Insurance Benefits**. It was noted that agendas sent to the Board last week had an incorrect date, however the date was corrected for subsequent agendas.

In a motion offered by May, supported by Wallace, the May 15, 2006 Agenda was approved as amended. Motion carried 7-0.

06-83 CONSENT AGENDA

The following corrections were made to the Minutes:

April 17, 2006 Minutes-Page 3, paragraph 6, second line: "The Township has to take advantage" should be amended to read "The Township has to **consider taking** advantage."

April 24, 2006 Minutes-Page 1, last paragraph, add at the end of the paragraph: "**The \$50 per year per employee is continued to be looked at for the existing pension and health benefits.**"

Page 2, paragraph 3, second line: "Codes" should be changed to "**Cordes.**"

Page 3, paragraph 2, second line: "She would like" should be changed to "**She was approached**".

May 8, 2006 Minutes - Page 1, last paragraph, last line, delete the word "**he**" in the middle of the last sentence.

J. Brechting offered a motion, supported by May, to approve the Consent Agenda with the amendments to the Minutes and the removal of 2C: Approval of Budget Amendments. Motion carried 7-0.

**06-84 PUBLIC HEARING: BUILDERS IRON, INC - REQUEST FOR INDUSTRIAL FACILITIES
TAX EXEMPTION CERTIFICATE & APPROVAL OF RESOLUTIONS AND AGREEMENT**

Supervisor Brechting stated that an application has been received from Tom Hopping, owner of Builder's Iron, Inc., located at 7770 Vinton Avenue NW, to create an Industrial district and qualify for a tax exemption certificate. Mr. Hopping addressed the Board by stating that he plans on a 15,000 square foot addition for cold storage, painting, and adding an angle-master which will help the flow of steel going through the building. Hopping explained with this addition, his company will be in a better position to bid for larger jobs. He predicts that the business will require an

additional three/four employees and he currently employs 17 people. They will be purchasing three new cranes.

Steffens offered a motion, supported by May, to open the Public Hearing. Motion carried 7-0.

With no public comment offered, Steffens motion to close the public hearing was supported by May and carried 7-0.

In response to Wahlfield's question, Hopping indicated that any road issues have nothing to do with the application for the abatement. He indicated that there is adequate parking and the proposed addition is to enclose the area where steel had been previously stored outside at the rear of his existing building.

Steffens offered a motion, supported by J. Brechting, to approve Resolution #06-10: Establishing An Industrial Development District for Builder's Iron, Inc. (41-09-02-476-020) 7770 Venture Drive NW. Motion carried 7-0.

J. Brechting offered a motion, supported by Wahlfield, to approve Resolution #06-11: Approving Application of Builder's Iron, Inc.(41-09-02-476-020) 7770 Venture Drive NW for an Industrial Facilities Exemption Certificate for the Construction of an Addition and Personal Property. Motion carried 7-0.

J. Brechting offered a motion, supported by May, to approve Agreement #06-10 Property Tax Abatement Agreement between Alpine Township and Builder's Iron, Inc. located at 7770 Venture Drive NW. Motion carried 7-0.

06-85 PUBLIC HEARING: 2006/2007 FISCAL YEAR TOWNSHIP BUDGET - GENERAL FUND

Supervisor Brechting remarked that the 2006/2007 Budget is still a work in progress and she is still collecting bids on projects that were put "on the back burner."

Reviewing the proposed Budget Revenue, it was noted that interest received has increased which is helpful. The current revenue sharing formula is due to expire and a new formula has not been proposed. Last fiscal year the Township received just over \$92,000 in franchise fees. There is a possibility that those fees may be eliminated so the FY 2007 budget reflects an amount of \$50,000 for franchise fees.

Expenditures for the new fiscal budget includes a 3% cost-of-living increase for full-time employees and elected officials. Trustee per diems will be paid for sub-committee meeting where minutes are taken. The part-time employees were given a set increase of .25¢ per hour. The Board is continuing to review the part-time assessor employment agreement.

The Supervisor will continue to look into options regarding the employee insurances and employees opting out.

Supervisor Brechting explained that the policing costs continue to rise, however community policing is critical to the safety of our citizens. Supervisor Brechting attended a meeting with the Kent County Sheriff Road Control Captain and the North Precinct Commander to work on alternate funding and grant possibilities.

Another major increase to the budget is the Fire Department. Fuel costs, training needs, and increased call volumes add to the expenditure. The bus service costs have increased by \$9,000. The Township has received a request from York Creek residents to extend the service hours and bus runs. The proposed 2007 budget does not reflect an increase for additional hours.

Supervisor Brechting highlighted other high cost items expenditures some of which include chip sealing Westshire and Westgate roads, the road work on Cordes from Henze to 4-Mile, updating the Zoning Ordinance, the last

payment for Wahlfield Park and repayment to CDBG for the McConnell House funds

May offered a motion, supported by Wallace, to open the public hearing for the Fiscal Year 2006/2007 Budget. Motion carried 7-0.

No public comment was offered.

May offered a motion, supported by J. Brechting, to close the public hearing for the FY 2006/2007 Budget. Motion carried 7-0.

Supervisor Brechting informed the Board that information from Mr. Tom Tilma, Director of Kent County Community Development, noted that the Township will exceed the amounts budgeted for the Go!Bus. In addition, he has stipulated that all the funds that were designated for the McConnell House be paid back in the following increments: an additional \$20,000 by June 30, 2006 (totaling \$45,000 which included \$25,000 that was previously paid), \$45,000 in 2007, and \$39,000 in 2008. J. Brechting stated that this payment schedule was not addressed previously. Supervisor Brechting stated that the funds could be used for other CDBG project such as the installation of sidewalks on Cordes.

Supervisor Brechting has received bids on the roofing project for the Community Building. It was the consensus of the Board to discuss the Community Development payments and the roofing bids, painting bids, request for new Community Room tables at the special board meeting to be held on May 23rd at 5:00 p.m.

Another motion to close the public hearing was offered by Steffens, supported by Wallace, and carried.

06-86 PUBLIC COMMENT

Phil Brunger, 4647 Fruit Ridge Avenue, questioned the Community Development Fund process. It was noted that by paying back the Community Development Funds, the same funds will be available for other projects within the designated district.

Noreen Jost Ophoff, part owner of the Jost property at 4823 Baumhoff, stated that Township Board minutes and agendas for 2006 are not on the Township website with the last ones posted in December of 2005. She also wanted to know when a Harvester newsletter would out.

Dave Agema, 3299 Tomahawk, Grandville, introduced himself as a Republican candidate for the House of Representatives for the 74th District. He was retired from the Air Force, worked as an airline pilot and states that he is a citizen wanting to make a difference.

Martin Brechting, 1307 6-Mile Road NW, stated that regarding the Doorenbos Rezoning, the Planning Commission had a difficult time with this issue and a lot of people in Alpine Township want this rezoning turned down. The last rezoning and associated issues cost a lot of people on the Board their jobs, and let's not forget that.

06-87 COMMISSION REPORTS

Planning Commission - May: The Commission met on April 20th worked through issues regarding storage for Evergreen Properties. The Planning Commission was directed by the Board to further findings of fact to support the decision to deny the Doorenbos rezoning. The Township Attorney had prepared two motions but both motions failed because of a tie vote. Discussion on signage for farm markets was tabled.

Zoning Board of Appeals-Wallace: A request was received from Uncle Bob's storage to reduce the rear yard setback for an additional building. The request was denied because the ZBA felt it would be set a precedent.

Historical - Cordes: On April 23rd, Mary Alt gave a presentation on the Henze family with 31 guests attending. On

May 21st, there will be a History of Cemeteries presentation at the museum.

Sewer & Water - M. Brechting: The North Kent Sewer Authority adopted a new logo. The work on engineering plans continue. J. Brechting commented that the first interest payment on the first bond principal will not be due until 2009, after the Township has fulfilled their contract with Grand Rapids. At the current time the North Kent Sewer Authority has saved 8 million dollars due to not signing the Grand Rapids contract in 1998.

06-88 PRESENTATION BY AREA AGENCY ON AGING - ANNE DOMANSKI

Anne Domanski, Elders' Helpers, gave a power-point presentation on the upcoming senior millage question to be placed on the August 8th ballot. The Kent County senior millage serves 12,000 people a year with 39 different services that enable them to live independently in their own homes. More than half of the millage dollars go for priority services such as home delivered meals, personal care aides, respite care, transportation, and prescription assistance, which help the most frail people stay at home. Millage funded services save health care dollars in the long run. The current millage is 1/4 of a mill and the renewing the millage at a rate of 1/3 of a mill will cost the average owner of a \$160,000 home an extra \$6.40 per year.

06-89 FINAL READING: DOORENBOS REZONING - 4454 AND 4458 BRISTOL - AG TO R-1

Supervisor Brechting pointed out that the Doorenbos rezoning was denied at the Planning Commission level. The Township Board held the first reading in March and directed the Planning Commission to develop stronger reasons why the rezoning should be denied. At a subsequent meeting, the Planning Commission offered two motions, one motion to rescind the previous decision and another motion to reconfirm the rezoning denial to the Township Board. Both motions failed in tie votes.

Supervisor Brechting added she felt that there have been many problems and inconsistencies of how the project was handled. She noted that to overturn the recommendation to deny the rezoning (approve the rezoning) would be a disservice to the Planning Commission and undermine the work of the Planning Commission. Supervisor Brechting indicated that she feels the rezoning should be denied. In response to a question whether or not denial would be jeopardizing the Township, Supervisor Brechting's response was that a referendum could go either way.

J. Brechting explained that the Doorenbos property has been planned as R-1 for 30 years and the Master Plan update indicates that the property should be rezoned as R-1, a denial does not make sense.

May stated that the Planning Commission was working with five pieces of property and offered to rezone one piece in the SE corner and the Doorenbos attorney did not want that.

Steffens commented that the attorney for the Doorenbos property did not want that particular piece of property rezoned as R-1. Steffens stated that the proposed phasing map was never approved by the Planning Commission and does not have a bearing on specific rezoning request at issue. If the Planning Commission notes that the timing is not right for the Doorenbos rezoning, Steffens questioned when will it be right as it has been Master Planned for R-1 use for approximately 30 years.

For the audience' benefit Steffens displayed a map and described the following: Property "A" and Property "B" is located on the SE corner of Alpine Church Road and Bristol. Property "B" is involved in a current lawsuit. Property "C" is the parcel around Holy Trinity Church, which Doorenbos has indicated he may request Conditional Rezoning for senior housing. Property "E" is located behind Churchill Apartments.

Steffens commented that public utilities are available to all this property.

Steffens offered the following motion to approve the rezoning of the Doorenbos property based upon the following findings of fact:

FINDINGS OF FACT -

- A. Presently before the Township Board is a request to rezone approximately 46 acres of property (the "Property") from A-Agricultural to an R-1 Low-Density Residential zoning designation. The request has been submitted by Mr. Ted Doorenbos.
- B. The Property located at 4454 and 4458 Bristol is presently vacant and is adjacent to other property that he owns near Holy Trinity.
- C. The Township Planning Commission recommended denial of the rezoning on March 16, 2006. This recommendation was forwarded to the Township Board for action.
- D. Subsequent to the Planning Commission's action, the Township Board reviewed the request and the recommendation of the Planning Commission. Consistent with the terms of MCL 125.281, a further report was requested of the Planning Commission on March 20, 2006.
- E. The Township Planning Commission held a meeting on April 20, 2006 to consider and further report on its recommendation to the Township Board. The Planning Commission's actions from that meeting were transmitted to the Township Board. The Planning Commission could not agree either way and made no decision.
- F. As a result of the hearings on this matter, the record (and accompanying materials) prepared below by the Planning Commission, the record (and accompanying materials) prepared by the Township's planning and engineering staff, information presented to the Township Board by citizens and representatives and inquires made by the Township Board, the Township Board finds that the rezoning meets the standards of the Township's Zoning Ordinance and Michigan law and grants the request to rezone the Property for reasons including, but not limited to, the following:
 - 1. The land use proposed in the rezoning request from A-Agricultural to R-1 Low-Density Residential is consistent with the uses designated for that property in the Master Plan, both in the Future Land Use map and the text of the Master Plan. Additionally, this parcel has been planned for residential use for over 30 years.
 - 2. The permitted uses in an R-1 district are compatible with the adjacent zoning and land uses.
 - 3. To date, the work done on the revision of the Master Plan has indicated that the Property will likely remain designated for Low-Density Residential use.
 - 4. The Property can be adequately served by sewer and water, as well as roads.
 - 5. The Property is within the designated water and sewer districts in the Township
 - 6. A rezoning would not constitute a spot zoning given the other grounds for rezoning identified herein.
 - 7. The proposed rezoning will not adversely affect property values in the surrounding area.
 - 8. There are no other adequate comparable sites available elsewhere that are already properly zoned to accommodate the proposed use. This is one of the standards for rezoning.
 - 9. The Property is located in close proximity to local schools, churches, parks, and shopping opportunities.
 - 10. The proposed rezoning will help preserve farmland elsewhere in the Township by permitting more density at this location.

The motion was supported by J. Brechting.

BOARD DISCUSSION

Wahlfield added that she has reviewed Planning Commission meeting minutes from the past two years and she has noted that there have been instances where the Planning Commission members indicated that the current Master Plan was a good plan. They did not change their findings during their current Master Plan

update process which indicates the Doorenbos parcel for R-1 use even with the newer appointed Planning Commissioners participating in the process. She stated that she found it difficult to deny the rezoning and noted that the Planning Commission has approved an updated Master Plan map to show R-1 future use.

Supervisor Brechting stated that the Master Plan process is not complete and is concerned that the density is going from one home on 1.5 acres to three homes on one acre and that there is no medium in between. It will affect farming in the area and those properties currently being farmed. To overturn this decision is to undermine the Master Plan process and a disservice to the people who have worked on it.

Wallace commented that he wasn't certain what the intended use of the property was because there were so many different properties, he questioned what the property was being rezoned for and the use.

Both Steffens and J. Brechting explained that the request for property being rezoned is R-1, residential homes.

Wallace questioned whether or not we should ignore the previous referendum by the people of this Township.

Wahlfield explained that a referendum is a process that is the residents' right and requested input on this subject from Attorney Noland.

Craig Noland, the attorney representing the Township against the Doorenbos lawsuit, explained that a referendum is not a defense for a lawsuit, but is one aspect of the legal processing. A referendum has no bearing on a claim of a taking. A referendum will not provide a defense.

Wahlfield added that courts would look at current Master Plan, records and minutes from both Planning Commission and Township Board and similar documents.

Supervisor Brechting stated that there are other options than the R-1 requested from the property owner. In addition, the Courts also look into uses and quality of land as well other numerous things when processing a lawsuit.

Attorney Noland repeated that a threat of a referendum or a previous referendum does not give the Township a defense for a taking in court.

Wahlfield mentioned that in reading the Planning Commission minutes, there were commissioners who would voted for the master plan map and voted against the rezoning making it difficult to get a clear picture of the intent from the Commission members.

Steffens commented that one standard for rezoning approval is if adequate sites are available elsewhere to accommodate the proposed use, and the Township has none to offer at this time.

May felt the problem with the Planning Commission was that different presentations for different parcels.

Steffens stated that the Planning Commission encouraged Doorenbos to come forth with all parcels, and maybe that confused him and it is partially our (township's) fault.

Supervisor Brechting pointed out that there are options for the rezoning, rather than to overturn the

Planning Commission's decision.

J. Brechting stated that she did not agree with the Planning Commission's reasons offering the recent example of the Wal-Mart's rezoning approval for property which was not master planned for commercial use but was rezoned to commercial. She stated that it is the Board's obligation to go with the Master Plan especially when the Doorenbos parcel has been designed for R-1 use for approximately 30 years.

Wahlfield stated that when she reads through Planning Commission minutes, there is no indication that the Doorenbos property was going to be changed from R-1. She could not find anywhere where the planning commissioners felt that the current master plan map was going in the wrong direction.

May defended the Planning Commission's work on the Master Plan commenting that Beckett and Raeder had misinformation at the beginning and the process has been taking a long time.

The motion to approve the rezoning of the Doorenbos property located at 4454 and 4458 Bristol (41-09-26-300-012 & -013) to R-1 was approved in a roll call vote 4-3 as following:

YEAS: Wahlfield, J. Brechting, Cordes and Steffens

NAYS: M. Brechting, May and Wallace.

06-90 CONSIDERATION OF PDR APPLICATION - 2683 8-MILE ROAD NW

May offered a motion, supported by Steffens, to approve the Carl Cranmer PDR application for property located at 2683 8-Mile Road NW (41-09-09-400-004), to authorize the Supervisor and Planner to sign the Certification and to supply a \$1,500 contribution to the Kent County Agricultural Preservation Board. Motion carried 7-0.

06-91 DISCUSSION OF SWPPI PLAN AND REQUIREMENTS

Supervisor Brechting stated that she is waiting for information from MTA. She attended a watershed meeting at which she learned that Alpine Township has two out falls that will cost approximately \$6,000 - \$8,000 to correct. With the addition of permit charges, Supervisor Brechting added \$12,000 in the FY 2006-2007 budget. It is the overall desire of all the communities to lessen requirements, not strengthen them.

06-92 APPROVAL OF NEW GROUNDSKEEPER

The Personnel Committee has selected Linda Dunneback as the groundskeeper for the 2006 season at the Sports Complex with a starting hourly rate of \$11 per hour.

May offered a motion, supported by Wallace, to approve Linda Dunneback as the Groundskeeper at the Sports Complex for the 2006 season at \$11 per hour. Motion carried 7-0.

Supervisor Brechting stated that the position will not exceed 40 hours per week.

06-93 UPDATE AND DISCUSSION - ALPINE AVENUE-ALPENHORN INTERSECTION

Supervisor Brechting noted that M-DOT has not given approval for the traffic signal in front of Menard's.

Best Buy and Fifth-Third Bank have held meetings regarding their driveway relocation. In a memo received from Township Engineer Bob VanderMale, it was noted that bids will be advertised on June 7th, bid are planned to be opened on June 28th, and a special township board meeting will need to be scheduled for July 10 at 7:30 p.m. to award the bid. It was noted that this project is running on a very tight schedule with a completion date proposed for December 1, 2006.

06-94 AMENDMENTS TO THE CAFETERIA PLAN FOR ALPINE TOWNSHIP EMPLOYEES SECTION 125

Supervisor Brechting commented that a resolution for an amendment to the Township's cafeteria plan is required as two employees have chosen to participate in an AFLAC insurance program and would like to have their premium payments made as a pre-tax payroll deduction. Upon review by the Township Attorney of the current cafeteria plan it was also noted that the "Board of Directors" needs to be changed to "Board of Trustees."

Wahlfield questioned the reference to the vision insurance portion of the plan as the Township does not provide a vision plan. Supervisor Brechting will addition information on this topic before the Board votes on this issue.

06-95 SUPERVISOR'S REPORT AND BOARD COMMENTS

Upon the suggestion of the Supervisor it was the consensus of the Board that a draft copy of the Board meeting agenda will be available the Monday before the meeting. A final copy of the agenda as well as the Board packets will also be distributed to Board members on the Wednesdays before the meeting.

The Harvester is ready for print, however updates will be necessary. It was suggested that the Board see a complimentary copy before printing. Steffens challenged Supervisor Brechting that several critical facts were omitted from the NKSA insert proposed for the Harvester and a discussion took place on the insert.

Supervisor Brechting stated that she felt that the "other side" of the story regarding the NKSA decision as well as information on current issues should be told using the insert. Board members also discussed the SAFER letter distributed by members of the Board which voted in favor of constructing the NKSA plant.

It was noted that any publication of the Harvester contain current information with articles for the upcoming months and that it be reviewed by the Board prior to publication.

May noted that the Farm Safety Seminar to be held on his farm is looking for any equipment that may be available for demonstration purposes. This seminar will be worth 20 credits for emergency personnel. Any donations will be appreciated. There is a possibility that a safety program may be available for youth on Friday evening with advertisement targeted through Farm Bureau.

06-96 PUBLIC COMMENT

Al Beckstrom, 4891 Grettel NW, questioned why all residents did not receive the SAFER letter and requested information on the NKSA wastewater treatment construction plans which he understands is not be built as originally designed.

With no further business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Jean Wahlfield
Clerk

Marta Brechting
Supervisor

Beth Alt
Recording Secretary