

UNAPPROVED

Regular Board Meeting
October 5, 2005

Courtland Township

1. The meeting was called to order at 7:00 P.M. by Supervisor James McIntyre. Members present: Andersen, Crosby, Davis, Krygier, McIntyre and Porter. Members absent: None. Member Brown arrived at 7:20 P.M. Also present: Township Attorney James Scales, and ten spectators, including Pamela VanderPloeg and Jennifer German of the Kent District Library.
2. Public Comment: Pamela VanderPloeg and Jennifer German gave a presentation on programs and services of the Kent District Library. Resident Carol Shaw (12 Mile Rd.) said she would like to see the township continue with the park project.
3. Motion by Krygier, Porter supported, to approve the agenda. CARRIED.
4. Consent Agenda: Motion by Porter, Krygier supported, to approve the Consent Agenda. CARRIED.
 - A. Approval of Minutes – September 7, 2005 Regular Board meeting.
 - B. Treasurer's Report /Approval of bills for payment – General Fund, Sewer, and Fire Department.
5. Supervisor's Report/Building Permits/Correspondence: Building permits were issued in September for three new residences @ \$485,000.00, bringing the 2005 total to 65 homes, 10 less than last year. The first coat of asphalt has been put on 11 Mile Rd. Last month's fall clean up was a success with more trash hauled away than last year. An informational meeting for sewer customers was held on October 3rd.
6. Zoning Board of Appeals: Andersen reported that the Kruisenga (Je Ne Be Dr.) setback variance was approved. One request was received for October.
7. Planning Commission Report: Jerry Davis reported that the Commission discussed the Master Plan update and changes to the zoning ordinance for easements and shared driveways.
8. Fire Board Report: Chief Davis reported that there were 12 runs for September. The firefighters' banquet will be held on November 5th at Courtland Crossings. Oakfield Township would like to wait until the next fiscal year to discuss sharing the costs for the well/hydrant on 14 Mile Rd.
9. Revised Resolution 2005-19 for Special Land Use Approval – Ron Riebschleger. Township Attorney, Jim Scales, reviewed the proposed resolution and summarized the history of the application. This had been scheduled to go to the Township Board a few months ago, but was delayed by a late objection from Country Fresh and some requests for changes from the applicant's attorney.

Attorney, Andrew Vredenburg, representing Dr. Riebschleger, explained that the request began in order to provide a 4-H project for Dr. Riebschleger's son. He stated that Dr. Riebschleger does not, at this time, know exactly what type of transportation or marketing he might be doing for the water product.

Board Members Davis and Andersen expressed concern that they had heard different things from Dr. Riebschleger about what he intended to do on his property and with the water. Dr. Riebschleger at Planning Commission meetings mentioned adding flavoring to the water, bottling it, and similar activities. Eighteen thousand gallons per day of water removal estimated in the application seems much more than would be required for a 4-H project, or an operation that would fit in as a home

occupation. Andersen was concerned that the water would be bottled or used in manufacturing food products, which would not be allowed by the zoning ordinance and that this would be hard to monitor.

Attorney Scales explained that Dr. Riebschleger had approached the Township and had asked about a number of different things he might want to do at his property. He read through a memorandum Dr. Riebschleger prepared, listing different types of activities he might want to do, such as farming, food processing, and also removal and sale of spring water. Attorney Scales stated he had reviewed those requests, and had found that some of them would be permitted as farming, but did not have enough information to determine whether others would be permitted. Dr. Riebschleger was informed that removal of spring water would require special land use approval, and this is what resulted in the application for water removal up to 18,000 gallons per day.

Andersen noted that she had been at the Planning Commission public hearings and meetings, and that some people had expressed concern about the effect on the ground water. She did not feel that the applicant had adequately addressed the potential impact on the aquifer or creek, taking into account Country Fresh's use. McIntyre also stated that the various uses for water Dr. Riebschleger had mentioned throughout the process made the purpose of the extraction unclear. Board members also noted that comments made by Attorney Vredenburg about shipment in passenger vehicles or vans led them to believe Dr. Riebschleger was talking about a bottling operation. He had presented no information about the bottling operation, which would not be allowed unless it could fall within the limitations for home occupations, including a limitation on electric motors devoted to the operation. Porter stated that it looked to him like this 4-H project was turning into a major business. Krygier asked whether the original notification of the special use was clear to the public, and Crosby replied that the notice of public hearing stated that the special land use application was for mineral (water) extraction. Brown stated she was also concerned about the impact of removal of ground water. She did not feel that the applicant had adequately addressed the impact of their proposed operation in addition to that of Country Fresh. She also expressed concern that no adequate information had been given to her to assure her that this would not have an impact on groundwater and the creek. Davis and Andersen also pointed out that this has a potential to add more traffic onto 13 Mile Road, which is not a county primary road. This could add up to three round trip tanker truck trips daily to the Country Fresh operation already going on.

Motion by Davis, Andersen supported, to deny approval of Revised Resolution 2005-19 for Special Land Use Approval for Ron Riebschleger. POLLED VOTE: AYES - Brown, Porter; Davis, McIntyre, Crosby; Andersen, Krygier. NAYS - None. Resolution for Special Land Use declared denied. The Board directed Attorney Scales to prepare suggested written findings of fact based upon the discussion for review and approval by the Board at its next meeting.

10. Resolution 2005-23: Resolution Approving Sewage Collection & Treatment Agreement. Andersen commented on how well last Monday's informational meeting went. Attorney Scales summarized the resolution, which authorizes and directs the Supervisor and Clerk to sign the Sewage Collection & Treatment Agreement (NKSA) and to sign the 2002 North Kent Wastewater Treatment Plant Contract. Motion by Krygier, McIntyre supported, to adopt Resolution 2005-23. POLLED VOTE: AYES - Krygier, Andersen, Crosby, McIntyre, Davis, Porter, Brown. NAYS - None. Resolution declared adopted.

11. Master Plan - Planning Consultant. Motion by Andersen, Crosby supported, to authorize attorney Scales to send a request for proposals to several planning consultants to assist the township in updating its Master Plan. CARRIED.

12. Board Member Comments: Crosby stated that the new township precincts were approved by the state and new ID cards will be mailed to voters soon.

As there was no further business to be considered, the meeting was adjourned at 9:52 P.M.

Submitted by,

Marilynn Crosby, Clerk