

CALL TO ORDER

The regular August 8, 2013 meeting of the Buchanan Township Board of Trustees was called to order by Supervisor Jane Mitchell at 7:00 pm.

Members Present: Jane Mitchell, Supervisor; Cathy Ganus, Clerk; Janet Dehring, Treasurer; and Thomas VanAntwerp, Trustee.

Members Absent: Lynn Ferris, Trustee.

Others Present: Michael Hildebrand; three (3) township residents, no staff, and no members of the press.

PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was recited by those in attendance.

APPROVAL OF MINUTES

The minutes of the July 25, 2013 meeting was approved as presented.

ADDITIONS / CORRECTIONS TO AGENDA

Addition under New Business – Township Hall Painting Stipend.

BRIEF PUBLIC COMMENT – AGENDA ITEMS

Township resident Scott Albright voiced concerns that Township ordinances are not being enforced regarding RedBud and the use of the gate off of Main Street (Gate D). He also pointed out there is a milling business being conducted five (5) houses south of the Township Hall. He also suggested that any payments relating to code enforcement should be revisited.

[Dehring arrives at 7:05 pm]

Township resident Mario Palmisano questioned the Board as to why the Hildebrand's have not been required to pull permits for drainage through the Berrien County Drain Commission. He also questioned whether the Hildebrand's are required to maintain safe slopes on their piles of gravel in the Hildebrand mining area as it appears as though one of the hills is vertical in nature and he feels this is a safety hazard.

SHERIFF'S REPORT

The Sheriff's Report for the month of June, 2013 was reviewed. During that time, 52 complaints were handled, five tickets were issued, and five arrests were made. As of July 31, 2013, the Berrien County Sheriff's Department Narcotics Unit has made 89 arrests for drug offenses within Berrien County.

CORRESPONDENCE

Michigan State University Extension – Michigan Citizen Planner Class – SW Michigan College, Dowagiac

TREASURER'S REPORT

Motion by Dehring, second by Ganus, to approve General Fund check # 8769 to and including check # 8801 totaling \$45,469.85 as well as Fire Fund check # 5324 to and including check # 5334 totaling \$3,060.77. Roll call vote showed unanimous approval, motion carried (4-0).

REPORTS

Fire Report – Tim Jesswein – on file

Motion by Mitchell, second by VanAntwerp, to allow up to five (5) firefighters to attend the Advanced Vehicle Extrication Training held at Lincoln Township Fire Department on October 5, 2013 at a cost of \$100 per person. Roll call vote showed unanimous approval, motion carried (4-0).

Joint Water/Sewer Board Meeting – Jane Mitchell

Mitchell advised that the City of Buchanan has found that there is a substantial leak in the Waste Water Treatment Plant chemical feed building and it has been leaking for some time. It is estimated that the repair will be in the neighborhood of \$30,000-\$40,000.

The Township had requested the City of Buchanan to waive the ready-to-serve fees on the installation of meters at the Township Fire Department. Buchanan City Manager Bill Marx advised that they do not waive the fees for the City Fire Department; however, it should be noted that the City Fire Department uses the hydrants to fill their trucks so the water is not metered. Marx went on to advise that Bertrand Township pays Niles Township \$223 per month for a five inch water line so Buchanan Township should not be exempt.

Mitchell advised that the City has responded to the Township's request for notification regarding the repairs of Township-owned lift stations. There will be a policy drafted and brought back to the next Joint Water/Sewer Board meeting.

It should be noted that the Water Agreement between Buchanan City and Buchanan Township is expiring October, 2014 and Mitchell has requested that the City and Township begin dialogue regarding this agreement. VanAntwerp agreed to assist with this issue.

Mitchell advised that the engineering firm Prein & Newhof provided a presentation to the Joint Water/Sewer Board. Prein & Newhof stated there are grants for managing infrastructure and Mitchell has asked that they attend a Township Board meeting in September to present their plan.

Mitchell noted that the resident of 16454 Rynearson Road is currently not hooked into municipal water and the City of Buchanan is currently charging them the highest rate for water use for their sewer services. Mitchell suggested that the City utilize the residence equivalent usage and bill accordingly. The City responded by stating that the Township would need to provide the City with a date when the township resident would hook in to the water system and at that time they would lower the rate.

UNFINISHED BUSINESS

Demolition of Unsafe Structures – Listing from Joe Kring

This item will be placed on the table to allow for further investigation. Ordinance Enforcement Officer Joe Kring will be asked to attend the next meeting to review the listing he provided.

NEW BUSINESS

Ernest & Mike Hildebrand SLU Renewal

The Buchanan Township Planning Commission held a public hearing on July 24, 2013 for the purpose of an application received by Ernest & Mike Hildebrand for the renewal of the special land use permit for parcel # 11-06-0011-0006-01-5. Comments were received and the Planning Commission made a motion for recommendation of the approval of the special land use permit for Hildebrand with the conditions of the

NEW BUSINESS (continued)

Ernest & Mike Hildebrand SLU Renewal (continued)

1996 SLU permit minus condition # 14 (proof of no assigned mineral rights) and the conditions recommended in the July 15, 2013 Williams & Works memorandum, with Hildebrand providing an updated letter of credit and an annual report showing compliance with the conditions passed unanimously.

After review of the conditions imposed in the 1996 original SLU application, the following motion was made:

Motion by Ganus, second by VanAntwerp, to approve the extension of the Special Land Use Permit for Ernest and Mike Hildebrand for parcel # 11-06-0011-0006-01-5 with the following conditions:

- 1) All stockpiled gravel or other mined material must be removed at the end of the special use.
- 2) All topsoil and subsoil shall be replaced and the five (5) acres returned to a suitable agricultural use as intended for farming.
- 3) No lights to be installed in conjunction with the gravel mining permit.
- 4) Rock crushing shall not take place during the time period June 15 – August 31.
- 5) The slope of the hill from the north to south shall be set back twenty (20) feet from the north boundary and shall begin and remain level with the current top of the hill that is there now so that there is not a drop off from the adjacent property to the north of the five (5) acres. There shall be no drop off from the west to the east either. The sloped hill shall remain within the five (5) acre boundary of the permit.
- 6) The topsoil and subsoil can be pushed aside outside the five (5) acre site and the processed gravel can also be stockpiled off but near the five (5) acre site.
- 7) No washing of raw materials permitted.
- 8) Non-essential equipment to this operation shall not be stored on site.
- 9) Other raw materials (such as slag and limestone) shall not be hauled in and stored on site.
- 10) There shall be a performance guarantee in the amount of \$7,000 to \$8,000 an acre to assure for reconditioning of the property to a safe and sanitary condition. The performance guarantee shall be reviewed and approved by the Township attorney.
- 11) The Board and applicant shall establish an agreeable procedure for the rebate of any cash deposits required in reasonable proportion to the ratio of the work completed on the required improvements as work progresses; i.e., 50% restored – 50% refunded. Said agreement shall be written as an element of the conditions surrounding approval of the special land use permit.
- 12) No sign shall be permitted.
- 13) Ingress/egress to the five (5) acres shall be from Red Bud Trail.
- 14) All copies of appropriate permits shall be kept on file at the Township offices.
- 15) The applicant shall adhere to the standards as set forth in Section 18.30 J, 1-8 of the Buchanan Township Zoning Ordinance.
- 16) The applicant shall adhere to all applicable local, state, and federal laws and regulations.
- 17) Hours of operation shall be limited to 7 am to 5 pm Monday through Friday.
- 18) Applicant shall provide an annual report showing compliance with the conditions.

Voice vote showed unanimous approval, motion carried (4-0).

Fire Protection Agreement

Motion by VanAntwerp, second by Mitchell, to approve the Fire Protection Agreement between RedBud Recreation, Inc. and Buchanan Township for the TORC Off-Road Championship from August 9, 2013 through August 11, 2013 as presented. Roll call vote showed unanimous approval, motion carried (4-0).

NEW BUSINESS (continued)

Township Hall Meeting Room Painting Stipend

Tina Darnell and Laurea McBain have donated their personal time to re-paint the Township Hall meeting room. Ganus felt it was appropriate to compensate them for their time and the following motion was made.

Motion by VanAntwerp, second by Mitchell, to approve a \$150 stipend each for Tina Darnell and Laurea McBain for the painting of the Township Hall meeting room. Roll call vote showed unanimous approval, motion carried (4-0).

ANNOUNCEMENTS

- Buchanan Township Planning Commission will be holding public hearings at 7:00 pm on August 28, 2013 for amendments to the zoning ordinance regarding rural salvage as well as wineries, breweries, and distilleries.

CITIZEN COMMENTS – NON-AGENDA ITEMS

Dehring inquired about the earlier comment made by Scott Albright regarding the TORC race and the use of the Main Street entrance by RedBud Recreation. Mitchell advised she would investigate this issue.

Township resident Mario Palmisano advised he had questioned township counsel at the Planning Commission public hearing regarding the Hildebrand SLU issue and there is no limitation to a special land use so why would the Hildebrand's be required to renew the SLU for the past 17 years. He also questioned whether the Planning Commission is doing their homework with regard to applications they recommend for approval before the Township Board as he has found some of their information to be flawed.

Palmisano also advised that per his conversation with Berrien County Drain Commissioner Roger Zilke, RedBud should be subject to the mining limitations under the ordinance with regard to the TORC race. He also questioned the allowable use of temporary signs and temporary lighting, citing that RedBud Recreation has been advertising the TORC race for the last month utilizing a tractor and trailer parked on their property.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:20 pm.

Cathy A. Ganus
Buchanan Township Clerk