

**MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 13, 2020**

MEMBERS PRESENT: Les Andersen, Tammy Beal, Duane Stokes, Scott Lloyd, Greg Durbin, Dan Lowe, and Bob Hanvey

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer; Dave Hamann, Zoning Administrator

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 pm.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Items #13 Cub Scouts and #14 Crystalwood Trees were added. Les Andersen motioned to approve as amended. Tammy Beal seconded. **Motion carried.**

CONSENT AGENDA

Greg Durbin motioned to approve the consent agenda as presented. Les Andersen seconded. **Motion carried.**

MHOG

Ken Palka from Pfeffer, Hanniford & Palka, was present to answer any questions the board members may have on his firm's recommendations to finance construction of two water system projects: water transmission from Sanitorium to Hometown Village for \$3.5 million and water transmission from the water treatment plant to Sanitorium water storage tanks for \$2.5 million. His recommendation would avoid the need for bonding the projects which could cost as much as \$250,000 in fees, attorneys, etc. The township could contribute the funds in the New User Fund, and the township would pay the tap fees to MHOG as repayment. Ultimately, he would recommend establishing MHOG as the sole seller of REUs with one price for the fees that would be paid directly to the authority. Bob Hanvey asked what kind of document would be used; Mr. Palka said one document that's an agreement between all of the townships and MHOG. Tammy Beal asked what would happen to the REUs; Mr. Palka said they would be given to MHOG. Dan Lowe said that is a big problem, and mentioned a court case that sided with a developer when the authority charged the same price whether or not the developer paid for the water main. No action required at this time on this item.

FINAL REVIEW—AMEND SUP #01-03 COMMERCIAL STABLE AT 2699 CEDAR LAKE RD.

Les Andersen said he would like the township to notify the new owner that a manure management plan is recommended in order to be protected under Right-to-Farm. Dave Hamann will provide them with the contact information for MDARD. Les Andersen motioned to approve the amendment to SUP #01-03 Commercial stable

at 2699 Cedar Lake Road, supply the owner with MDARD information, and authorize the clerk and supervisor to sign the special use permit. Duane Stokes seconded. **Motion carried.**

FINAL REVIEW—PROPOSED TXT #04-17 SECTION 8.01 B.3 NURSERY OPERATION AND SECTION 10.01 B 16 LANDSCAPE CONTRACTORS YARD

Les Andersen motioned to approve TXT #04-17 Section 8.01 B 3 and Section 8.02 B 6 as presented, and the amend 3.02 Definitions to "...used chiefly for the storage of live trees, shrubs, and plants, of which at least 50% must be natural growing in the ground; the remainder can be temporarily balled or potted and packaged for retail sale." Tammy Beal seconded. **Motion carried.**

Les Andersen motioned to approve TXT #04-17 Section 10.01 B 16 and Section 3.2 Definitions, as presented. Tammy Beal seconded. **Motion carried.**

FINAL REVIEW—REVISED TXT #03-18 SECTION 6.14 HOME OCCUPATION, SECTION 17.32 HOME-BASED BUSINESS

Greg Durbin motioned to approve TXT #03-18 Section 6.14 Home Occupation, as presented. Scott Lloyd seconded. **Motion carried 6-1 (Andersen—no.)**

Greg Durbin motioned to approve TXT #03-18 Section 17.32 Home-based Business, as presented. Bob Hanvey seconded. Discussion: Les Andersen said he doesn't think the township should have Special Use Permits and that current businesses should be given 36 months to become compliant. The motion was withdrawn. Dan Lowe motioned to postpone this item until the next meeting. Tammy Beal seconded. **Motion carried 6-1 (Stokes—no.)**

FINAL REVIEW—ANNUAL REPORT FROM PLANNING COMMISSION SECRETARY

Les Andersen motioned to accept and file the annual report from the Planning Commission secretary, as presented. Scott Lloyd seconded. **Motion carried.**

BOARD OF REVIEW RESOLUTION

Duane Stokes motioned to adopt a resolution to change the starting date for appeals to the Board of Review for 2020 to March 12 at 1 pm, as presented. Greg Durbin seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Resolution passed 7-0.**

MEADOWS WEST REU REASSIGNMENT

Scott Lloyd motioned to adopt a resolution to approve moving 52 sewer REU's from #4710-02-400-016 to parcels #4710-11-203-001 through 4710-11-203-052, as presented. Les Andersen seconded. Roll call vote: Stokes, Durbin, Hanvey, Lloyd, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

Duane Stokes motioned to adopt a resolution to approve moving 52 water REU's from #4710-02-400-016 to parcels #4710-11-203-001 through 4710-11-203-052, as presented. Les Andersen seconded. Roll call vote: Beal, Andersen, Stokes, Durbin, Lowe, Hanvey, Lloyd—all yes. **Resolution passed 7-0.**

ENGINEERING HOURLY INSPECTION RATES

Phil Westmoreland from Spicer was present to discuss the request from Allen Edwin to review the rates for engineering services. Mr. Westmoreland explained that it's difficult to compare rates from different firms because they are not all equal; many firms charge extra for mileage and drive time, they charge a ½ day minimum, etc. It all depends on the scope of services provided. The cost for engineering services for Marion Creek 2 was approximately \$960 per home.

Les Andersen motioned to take no action on this item as the township board is satisfied with the service provided by Spicer. Duane Stokes seconded. **Motion carried.**

ROADS

A meeting was held today at the Livingston County Road Commission and they said they would do cost-sharing on non-primary roads at 30% LCRC/70% township with a maximum of \$100,000 per project. The LCRC also indicated they were not interested in doing less than a standard job on Cedar Lake Road. Les Andersen said he understood the LCRC wouldn't do any work unless an engineering study is done at a cost of approximately \$120,000; Dan Lowe said that is not what the LCRC said. Forrest Wyckoff, 3145 Cedar Lake Road, said he believes Mr. Andersen is more concerned about votes than he is about long-time residents. Bob Hanvey said the LCRC has provided the township with soil boring samples from Cedar Lake Road that were done about 20 years ago. Dan Lowe said the hill near Love's Creek needs to be fixed, and Mr. Hanvey suggested it could be done as a single project.

Greg Durbin motioned to have Spicer provide an estimate for this project. Dan Lowe seconded. **Motion carried.**

DEVELOPMENT STANDARDS

Duane Stokes motioned to postpone this item until next meeting. Tammy Beal seconded. **Motion carried.**

CUB SCOUTS

Tammy Beal presented an email request from Harold Murthum from Cub Scout Park 365 asking for permission to hold an annual model rocket launch and campfire in late April/early May on township property west of the gazebo. Tammy Beal will contact them regarding insurance. Duane Stokes motioned to allow this activity on township property. Greg Durbin seconded. **Motion carried.**

CRYSTALWOOD TREES

Dan Lowe feels there's not enough money in the escrow account to cover the cost of the required trees. He said they either need to put in the trees or put more funds in the escrow account before he gets his last two permits. Mr. Lowe will talk with the three homeowners affected by planting of evergreen trees along his property line.

Scott Lloyd asked about the status of the roads in Crystalwood; Bob Hanvey will talk with Rick Elkow. He also asked about the status of Stone Garden. Supervisor Hanvey will check with the attorney on the unique circumstances of Stone Garden.

CORRESPONDENCE & UPDATES

The CIRAB meeting scheduled for February 3 was cancelled. Don Parker has resigned as chairman of the Livingston County Board of Commissioners. A new CIRAB representative will have to be appointed.

The monthly Livingston County update is included in the packet.

The City of Howell ZBA meeting for the Padnos shredder is rescheduled for Thursday, February 20 at 7 pm.

CALL TO THE PUBLIC

Forrest Wyckoff, 3145 Cedar Lake Road, asked if anyone knew what the cost was to fix Clyde Road; no one knew.

ADJOURNMENT

Tammy Beal motioned to adjourn at 9:37 pm. Les Andersen seconded. **Motion carried.**

Submitted by: S. Longstreet