

Vassar Township Board of Trustees

Regular Meeting – April 13, 2021

Call to Order: 7:00 P.M.

Pledge Allegiance to the Flag:

Roll Call:	John Stack	Present
	Tom Borcharding	Present
	Deborah Pounds	Present
	Bruce Foether	Present
	Ben Partridge	Present

Approval of Minutes for the Regular Meeting on March 9, 2021

Motion to approve minutes by Ben Partridge with 1 correction Seconded by Tom Borcharding

All in Favor (5) Ayes (0) Nays motion passed.

Motion to accept payables by Tom Borcharding, Seconded by Ben Partridge.

All in Favor (5) Ayes (0) Nays Motion passed

Reports:

Financial Report:

Trustee Report

Zoning Administrator's Report:

Clerk's Report

All other Reports

Correspondence:

New Business:

Thumb Electric Cooperative: Phone participation by General Manager Dallas Braun at 7:45 P.M.

Questions regarding the agreement were answered and agreement was signed.

Rezoning for Vassar Victory Center

Rezoning for DD & MH LLC: Ben Partridge wanted the word abstained from the meeting. The issue of rezoning for DD & MH LLC was up for discussion Mr. Partridge did not participate at all. He went to the Treasurer's office and closed the door.

Zoning Ordinance Amendment

Township of Vassar Zoning Ordinance Amendment Ordinance No. 100-13

See attached

Resolution #04-2021

Resolution attached

The foregoing resolution was offered by Board Member Bruce Foether and supported by Deborah Pounds.

Upon roll call vote, the following voted (4) Ayes Ben Partridge Y Bruce Foether Y John Stack -Abstain Tom Borcharding Y Deborah Pounds Y (0) Nays (1) Abstain

The Supervisor declared the resolution was adopted.

Resolution PC 01-2021: Township of Vassar

Vassar Township Planning Commission Resolution To Rezone Certain Properties

Resolution #05-2021

Resolution attached

To be revisited at next meeting

Resolution: To approve the Planning Commission Rezoning of Properties.

Motion by Bruce Foether, Seconded by Deborah Pounds

After several people said they did not receive notification letters (within 300 feet of said properties)

The Resolution had to be tabled and sent back to the Planning Commission, so all of the property owners within 300 feet are properly notified.

Township of Vassar zoning Ordinance Amendment Ordinance No. 100-14

An ordinance to amend the Vassar Township Zoning Ordinance, being Ordinance No. 100, to rezone certain properties.

Resolution PC 02-2021: Township of Vassar

Vassar Township Planning Commission Resolution To Rezone Certain Properties

Resolution #06-2021

Resolution: To approve the Zoning Ordinance Amendment.

Resolution attached

The foregoing resolution was offered by Board Member Tom Borcharding and supported by Bruce Foether.

Upon roll call vote,, the following voted Aye (4) Ben Partridge Y Tom Borcharding Y John Stack -Abstain
Bruce Foether Y Deborah Pounds Y Nay (0) (1) Abstain

Motion carried.

The Supervisor declared the resolution was adopted.

Resolution PC 03-2021

Vassar Township Planning Commission Resolution To Amend The Zoning Ordinance

Resolution attached

Resolution #07-2021

Resolution: Amendment of 2020-2021 Budget

Resolution attached

The foregoing resolution was offered by Board Member Bruce Foether and supported by Board Member Deborah Pounds.

Upon roll call vote, the following voted Aye (5) John Stack Y Ben Partridge Y Tom Borcharding Y Bruce
Foether Y Deborah Pounds Y Nay (0)

Motion Carried.

Budget/ Budget Dates: Think about dates and discuss at next meeting

Spears Drain

Spears Drain Resolution #08-2021

Resolution attached

Drain repair (our cost to be \$2,500.00)

Motion by Bruce Foether, Seconded by John Stack to approve.

Roll Call vote Ben Partridge Y Tom Borcharding Y Deborah Pounds Y John Stack Y

(5) Ayes (0) Nays

Resolution approved.

ZBA

No one has applied for vacancy on ZBA, put on Facebook & sign in front of Hall.

Two meeting per year. Fifteen days prior to meeting notification in the paper.

Grant program offered by our insurance company

Security lights and cameras

Motion by Bruce Foether, Seconded by Deborah Pounds to get a quote for above items and present at next meeting.

All in Favor: (5) Ayes (0) Nays

Motion carried.

Michigan Township Participating Plan Grant Program

Virtual Conference & Expo

425 Agreement for Dollar General

Storage Garage for the Park – 7 Members to 5 Members

Motion by Bruce Foether, Seconded by Tom Borcharding to accept bid for shed 12 x 20 x 8 for \$4290.00 cost.

Ayes (3) Nays (1) Abstain (1)

Motion passed.

Tire Collection May 22. Need people to help out. Dumpster will be here May 14 – 16.

Old Business:

Property: Close on Washburn Rd. property Friday April 16, 2021

DTE Substation

Assessor Contract Extension

Motion by Bruce Foether, Seconded by Deborah Pounds to extend Debby Valentine's contract until June 30th, new contract starts July.

(5) Ayes (0) Nays

Motion passed.

Public Comment (3 Minutes)

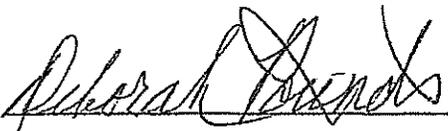
Adjourn: Motion by Tom Borcharding to adjourn at 9:44 P.M., Seconded by Deborah Pounds.

All in Favor: (5) Ayes (0) Nays

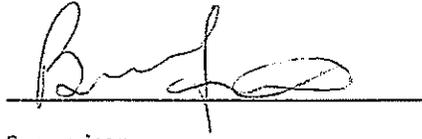
Motion passed

Next Regular Meeting is May 9, 2021 @ 7:00 P.M.

Minutes prepared by Clerk Deborah Pounds



Vassar Township Clerk



Supervisor

TOWNSHIP OF VASSAR
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 100-13

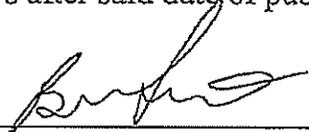
An ordinance to amend the Vassar Township Zoning Ordinance, being Ordinance No. 100, to rezone certain properties.

THE TOWNSHIP OF VASSAR ORDAINS:

Section 4.02. the boundaries of the zoning districts as shown on the zoning map are hereby amended to rezone the following described property from

020-018-000-2900-01 Old zoning RM Medium Density Residential to New zoning C Commercial, 19.97 Acres

The undersigned Supervisor and Clerk of the Township of Vassar hereby certify that this Zoning Ordinance Amendment was duly adopted by the Vassar Township Board at a meeting held on the 13th day of April, 2021 and was published in the Tuscola Advertiser. On the 21st day of April 2021. This Ordinance Amendment was made effective seven (7) days after said date of publication.



Bruce Foether, Supervisor


Deborah Pounds, Clerk

Resolution # 04-2021

April 13, 2021

RESOLUTION: To approve the Planning Commission Rezoning of Properties.

WHEREAS, the purpose is to rezone one (1) Properties:

020-018-000-2900-01 Zoned- RM Medium Density Residential to C Commercial.

NOW, THEREFORE, BE IT RESOLVED, that the Vassar Township board of Trustees approve the Zoning Ordinances No. 100-13.

The foregoing resolution was offered by Board Member Foether and supported by Pounds.

Upon roll call vote, the following voted "Aye" (4) Partridge, Foether, Borcharding, Pounds

"Nay" (0)

"Sustained" (1) Stack

The Supervisor declared the resolution was adopted.



Vassar Township Clerk

CERTIFICATE

I, Deborah Pounds, the duly elected and acting Clerk of Vassar Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of Board held on 13th day of April, 2021, and at which a quorum was present, by roll call vote of said members as hereinbefore set forth; was published in the Tuscola Advertiser. On the 21 of April, 2021. This Ordinances Amendment was made effective seven(7) day after said of Publication.



Vassar Township Clerk

Resolution #06 -2021

April 13, 2021

RESOLUTION: To approve the Zoning Ordinance Amend.

WHEREAS, An Ordinance pursuant to Public Act 246 of 1946, MCL 41.181, et seq., to secure the health, safety and welfare of the citizens, residents and property owners of Vassar Township. The Zoning Ordinance additions:

Section 8.02 O. Commercial Marijuana Grower And MRTMA Growers Class A, B, C , Excess.

Section 16.03 F.6. Buffer Zone. A commercial Marijuana grower or MRTMA Grower Class A, B, C, or Excess permitted premises shall not share a common lot line with marijuana Provisioning Centers or Retail Establishments. Common lot line that lie on State or County Roads are exempt from this provision.

NOW, THEREFORE, BE IT RESOLVED, that the Vassar Township Board of Trustees approve the authorizing And change to the Zoning Ordinance.

The foregoing resolution was offered by Board Member Borcharding and supported by Foether.

Upon roll call vote, the following voted "Aye" (4) Partridge, Borcharding, Foether, Pounds

"Nay" (1) Stack

"Absent" ()

The Supervisor declared the resolution was adopted.



Vassar Township Clerk

CERTIFICATE

I, Deborah Pounds, the duly elected and acting Clerk of Vassar Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of Board held on April 13, 2021 at which a quorum was present, by roll call vote of said members as hereinbefore set forth; that said resolution was published in the Tuscola County Advertiser on April 21, 2021 and to take effect (15) days after Publication to take immediate effect.

ELECTRIC AND FIBER FRANCHISE ORDINANCE

No: 02-2021

AN ORDINANCE GRANTING THE RIGHT, POWER, AND AUTHORITY TO MARKET AND SUPPLY ELECTRICITY, ELECTRICAL SERVICES, AND BROADBAND INTERNET SERVICE TO CUSTOMERS WITHIN THE TOWNSHIP THROUGH AND OVER EXISTING AND FUTURE ELECTRICAL TRANSMISSION LINES, FIBER CABLES AND RELATED EQUIPMENT OWNED AND OPERATED BY AUTHORIZED PUBLIC UTILITY AND LOCATED WITHIN THE BOUNDARY LIMITS OF VASSAR TOWNSHIP, TUSCOLA COUNTY, MICHIGAN FOR A PERIOD OF YEARS; TO CHARGE FOR SUCH ELECTRICITY AND ELECTRICAL AND BROADBAND INTERNET SERVICES; AND TO HOLD THE TOWNSHIP HARMLESS FROM ALL CLAIMS ARISING FROM THE GRANTING OF SAID FRANCHISE AND THE OPERATIONS OF THE FRANCHISE THEREUNDER.

THE TOWNSHIP OF VASSAR ORDAINS:

Section 1: Grant

(A) The Township of Vassar ("GRANTOR") hereby grants to Thumb Electric Cooperative, a Michigan Domestic Non-Profit Corporation, its successors and assigns ("GRANTEE") the right, power, and authority to use the streets, alleys, avenues, ways, and other public places of GRANTOR as now constituted and as it may be hereafter extended, for the purpose of building, equipping, maintaining, extending, owning and operating a plant and system for the manufacture, transmission, distribution, and sale of electricity for lighting, heating, and power purposes as well as for such other purposes as electric energy may be used, in and to said Grantor and to the public generally, and to transmit electric energy over transmission and distribution lines to connections and systems in other localities, with poles, wires, conduits, substations and apparatus necessary and convenient for such plant and system upon, across, over, and under each and any of said streets, alleys, avenues, ways and other public places and grounds.

(B) GRANTOR further grants to GRANTEE, its successors and assigns, the right, power, and authority to use the streets, alleys, avenues, ways and other public places of GRANTOR as now constituted and as it may be hereafter extended, for the purpose of building, equipping, maintaining, extending, owning and operating a fiber network system for the generation, transmission, distribution, and sale of broadband internet service as well as for such other purposes as fiber may be used, in and to said GRANTOR and to the public generally, and to provide broadband fiber service to connections and systems to other localities, with all equipment and apparatus necessary and convenient for such system upon, across, and under each and any of said streets, alleys, avenues, ways and other public places and grounds.

(C) This Franchise Agreement and the grant contained herein recognizes that GRANTEE previously and currently operates facilities and provides electric service within certain areas of previously and currently operates facilities and provides electric

service within certain areas of Vassar Township and that nothing in this Franchise Agreement shall impair or adversely affect in any manner the exiting and continuing right of GRANTEE to conduct and expand its operations within those areas of the Township where GRANTEE operates.

(D) The GRANTOR further grants to the GRANTEE the right, power, and authority to construct and maintain equipment related to both electrical and broadband services in the following circumstances where such construction is necessary to connect the GRANTEE's customers to facilities owned and operated by an authorized public utility under a franchise with GRANTOR and located within the boundary limits of the Township.

Section 2: Term

This franchise shall be for the term thirty (30) years.

Section 3: Consideration

In consideration of the rights, powers and authority granted, the GRANTEE shall faithfully perform all obligations required by this franchise.

Section 4: Conditions

GRANTEE shall have the right to make and enforce reasonable rules and regulations for the sale, delivery, and metering of its electric energy and broadband service and the conduct of its business and may reserve in such rules and regulations the right to disconnect service to customers where GRANTEE's equipment are found to be tampered with, or who failed to pay for any services, and to enter upon the premises of its customers at all reasonable times for the purpose of inspecting or repairing equipment, for reading meters, or for removing wires, meters, switches, appliances, or other equipment. This is provided that such rules and regulations shall not be in conflict with law or the rules and regulations from time to time made by any applicable regularly constituted regulatory authority.

GRANTEE covenants and agrees in consideration hereof, that it will maintain service in and to GRANTOR under the rules and regulations specifically imposed by any applicable regularly constituted regulatory authority. However, in accepting this Franchise Agreement, GRANTEE does not guarantee continuous service at all times and shall be relieved temporarily from its obligation to furnish such services continuously in case of any disability caused by an act of God or by the elements, or strikes, or lock-outs, or by any temporary breakdown or failure of machinery, transmission, or distribution lines, appliances or apparatus, to by other causes beyond the control of GRANTEE; but it does agree in such cases to exercise due diligence in repair of such machinery, transmission or distribution lines, appliances or apparatus, and to resume operation of same without unnecessary delay.

As an electric power marketer and supplier of electricity services, GRANTEE will not impair, obstruct or attempt to control any street, alley, bridge, highway, waterway or other public place.

Section 5: Hold Harmless

GRANTEE covenants and agrees that it will indemnify and hold GRANTOR free and clear of any claims for damages or otherwise caused by negligence of the GRANTEE in the construction, operation, or maintenance of its property within the Township. It is understood and agreed that, in the event of claims being presented or prosecuted against GRANTOR, the GRANTEE shall have the right to defend against the same and settle and discharge same in such manner as it may see fit. To this end, GRANTOR agrees to notify the GRANTEE of such claims and to furnish to it such information and assistance as may be necessary in defense thereof.

Section 6: Franchise Not Exclusive

The rights, power, and authority granted by this franchise are not exclusive.

Section 7: Rates

The GRANTEE shall be entitled to charge the citizens of Vassar Township for electricity furnished therein and for broadband internet service at the rate approved by GRANTEE.

Section 8: Jurisdiction

The GRANTEE shall be and remain subject to all ordinances, rules and regulations of GRANTOR now in effect or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety, and general welfare of the public; provided, however, that nothing shall be construed as a waiver by the GRANTEE of any of its existing or future powers of the GRANTOR pursuant to its charter or state or federal law.

Section 9: Effective Date

This ordinance shall take effect on April 13, 2021. Upon acceptance and publication, this ordinance shall constitute a contract between the GRANTOR and the GRANTEE.

Dated: April 13, 2021



Bruce Foether, Supervisor

Dated: April 13, 2021



Deborah Pounds, Clerk

RESOLUTION: Amendment of 2020-2021 Budget

WHEREAS, the uniform Budgeting and Accounting Act, Act 2 of 1968 prescribes that the state treasurer prescribe minimum auditing procedures and standards,

And **WHEREAS**, the Michigan Department of Treasury Uniform Budget Manual of 2001 in Section 17 and 18 requires amending the budget when a deviation such as expenditures exceeding the budget occurs,

And **WHEREAS**, the township has noticed such a deviation in its budget,

NOW, THEREFORE, BE IT RESOLVED that the Vassar Township Board of Trustees adjust its budget in the following way:

Under Expenses:

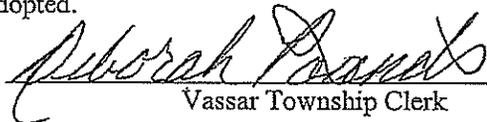
Add \$ 200.00	to Deputy Clerk-Wages	bringing it to \$ 2,700.00
Add \$1,000.00	to TWP Hall & Prop-Repair & M	bringing it to \$ 7,200.00
Add \$ 2,000.00	to Plan Comm- Salary	bringing it to \$ 6,310.00
Add \$1,100.00	to Administrative Assistant	bringing it to \$16,700.00
Subtract \$4,300.00	from CONTINGENCY,	bringing it to \$ 115,200.50

The foregoing resolution was offered by Board Member Foether and supported by Board Member Pounds.

Upon roll call vote, the following voted "Aye" (5): Stack, Partridge, Borcharding, Foether, Pounds

"Nay" (0):

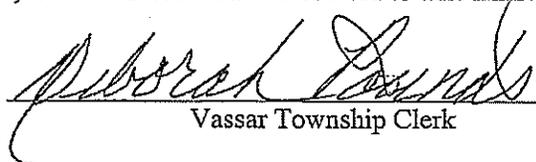
The Supervisor declared the resolution adopted.



 Vassar Township Clerk

CERTIFICATE

I, Deborah Pounds, the duly elected and acting Clerk of Vassar Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of said Board held on April 13, 2021, at which meeting a quorum was present, by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.



 Vassar Township Clerk

STATE OF MICHIGAN
COUNTY OF TUSCOLA
VASSAR TOWNSHIP

RESOLUTION

WHEREAS, the Tuscola County Drain Commissioner has advised the Vassar Township Board that certain maintenance and repair is necessary to be performed on the Spears Drain; and

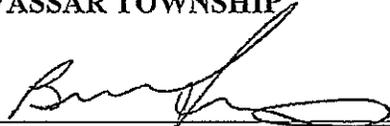
WHEREAS, the Tuscola County Drain Commissioner has authority to expend up to Five Thousand and 00/100 Dollars (\$5,000.00) per mile or fraction thereof of drain in any one year for the maintenance and repair of the Drain, and where it is estimated that expenditures in excess of Five Thousand and 00/100 Dollars (\$5,000.00) per mile or fraction thereof of drain are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost when combining the at-large apportionment and the total apportionment for private lands within Vassar Township pursuant to MCL 280.196(5); and

WHEREAS, the Tuscola County Drain Commissioner has advised the Vassar Township Board that it will be necessary to expend funds in excess of Five Thousand and 00/100 Dollars (\$5,000.00) per mile or fraction thereof of drain for the maintenance of the Spears Drain.

NOW, THEREFORE BE IT RESOLVED by the Vassar Township Board, that pursuant to Section 196 of the Drain Code, the Tuscola County Drain Commissioner is authorized to expend money for the maintenance and repair of the Spears Drain in excess of Five Thousand and 00/100 Dollars (\$5,000.00) per mile or fraction thereof and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Tuscola County Drain Commissioner is authorized to levy a special assessment, as allowed by law.

RESOLUTION approved this 13th day of April, 2021, by the Vassar Township Board.

VASSAR TOWNSHIP


By: Bruce Foether
Its: Supervisor

Yeas: Partridge, Borcharding, Pounds, Foether, Stack

Nays:

Abstain:

Absent:

Resolution No. 08-2021

I, the undersigned, being duly qualified and acting Clerk of Vassar Township, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Vassar Township Board at a regular meeting held on the 13th day of April, 2021.

Deborah Pounds
Deborah Pounds, Clerk
Vassar Township

4-13-2021
Date