

DALLAS TOWNSHIP
Minutes of the Dallas Township Special Board Meeting
February 24, 2015 @ 5:30 p.m.

Members Present:	Arens, Gerry Feldpausch, Vern	Koenigsknecht, Therese Schafer, Stephanie	
Member Absent:	Schafer, Phil		
Guests:	Glen Feldpausch Jane Theis	Commissioner Dave Pohl Ken Wieber	Dave & Nancy Rademacher Attorney Chris Patterson

Call to Order: The meeting was called to order by Supervisor Feldpausch at 5:30 p.m.

Approval/Additions to the Agenda: ***A motion was made by G. Arens, supported by S. Schafer to approve the agenda as presented. Motion carried.***

NEW BUSINESS:

1. Interim Zoning Ordinance (IZO): V. Feldpausch stated the purpose of tonight's meeting is to discuss the Dallas Township Planning Commission's Resolution 2015-#1 Recommending A Dallas Township Interim Zoning Ordinance to the Township Board for approval. The Planning Commission held a Public Hearing and approved this Resolution at their February 4, 2015 Planning Commission meeting. V. Feldpausch introduced Dallas Township Legal Counsel Chris Patterson.

Mr. Patterson addressed the Township Board and stated that late this afternoon his office received a short email from Forest Hill's legal counsel. The email basically threatened that any action taken by the Township in taking away Forest Hill's permitted use under the County permit, they would consider this a taking. Legal counsel Fahey and Patterson suggested that their legal counsel is either confused or mistaken in regards to the Takings law. Mr. Patterson explained 2 ways in which the project could be looked at and stated this was discussed with the Township Board at previous meetings with legal counsel.

Mr. Patterson stated there's 2 hypothetical's that could happen;

1. It's either a non-conforming use, which is protected by State law and the Dallas Township Interim Zoning Ordinance would also apply to that as far as allowing the non-conforming use to exist and so the Township would be taking zero property.
2. It would not be a non-conforming use because they don't have a vested property right and in that case you can't take something that doesn't exist. So if there's no property you can't take that.

He explained that the actual action that's before the Township Board tonight in terms of adopting the Interim Zoning Ordinance would not constitute a taking under either situation. A lengthy question and answer session followed with Mr. Patterson and it was decided to go into closed session.

A motion was made by G. Arens, supported by S. Schafer to go into a closed session to discuss confidential legal opinions. Roll call vote was taken by the Clerk. V. Feldpausch - yes; G. Arens - yes; S. Schafer - yes; T. Koenigsknecht - yes. Motion carried to adjourn to closed session at 5:50 pm.

The Board discussed with the attorney confidential legal opinions and recommendations.

A motion was made by V. Feldpausch, supported by G. Arens to reopen the meeting at 6:35 pm. Motion carried.

Public Comment:

Supervisor Feldpausch called for comments from the public. Glen Feldpausch stated his concerns over the cost of the ongoing and future litigations to pursue an Ordinance. Jim Rademacher stated the focus is on Dallas Twp. taking control of their own destiny with respect to any zoning issues and feels comfortable with the board pursuing the Ordinance. Ken Wieber touched on threatening lawsuits around the state against townships from various wind companies in similar situations and encouraged Dallas Twp to

proceed with the Ordinance. Commissioner Pohl spoke regarding why Dallas Twp. is adopting an Interim Zoning Ordinance when the County has one in place; concern with zoning costs & administration; and questions on wording in the IZO. Nancy Rademacher thanked the township board for representing the majority of the citizens and encouraged passage of the Ordinance so the township can control zoning. Mr. Patterson stated their office sent a copy of the Interim Zoning Ordinance to Clinton County and has not received any comments.

After lengthy discussion, ***a motion was made by G. Arens, supported by T. Koenigsknecht to adopt Interim Zoning Ordinance #9 presented by the Dallas Township Planning Commission. Roll call vote was taken by the Clerk. S. Schafer – yes; V. Feldpausch - yes; G. Arens – yes; S. Schafer - yes; T. Koenigsknecht – yes. Motion carried.***

ADJOURNMENT OF MEETING:

There being no further business, a motion was made by V. Feldpausch, supported by G. Arens to adjourn the meeting at 7:07 pm. Motion carried.

Respectfully submitted,



Therese Koenigsknecht, Dallas Township Clerk