

**SAUGATUCK TOWNSHIP BOARD
REGULAR MEETING**

**WEDNESDAY, FEBRUARY 6, 2008, 7:00 p.m.
SAUGATUCK TOWNSHIP HALL
3461 BLUE STAR HWY, SAUGATUCK, MICHIGAN 49453**

MINUTES

Supervisor Wester called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance.

Members present: Supervisor Bill Wester, Clerk Jane Wright, Treasurer Pat Knikelbine, Trustee Chris Roerig, and Trustee Damien Jarzembowski.

Members absent: None.

Wester opened the regular meeting and began taking public comments.

- A. Eric Beckman, Representative for the Fire Board. Beckman presented the fire district's 2007 year in review. He reported the financial audit has been completed with favorable results, and the department responded to 559 calls with an average response time of 4.72 minutes. He added the department is budgeting for the purchase of a new pumper truck to replace the current 20-year-old pumper that will be sold. Beckman concluded his report with the statement the department is always looking for new fire fighters and first responders.
- B. Fritz Royce asked to hear the details leading up to the proposed settlement agreement with Saugatuck LLC that the Board had tabled until a development plan is presented to the Planning Commission. Royce also asked to have the township aggressively pursue the tax tribunal lawsuit that Saugatuck LLC recently put on hold.
- C. Nick Cappelletti requested the Board discuss their opinions on the proposed settlement agreement more fully during the public meetings. He asked to have a Q & A session to better understand Board members positions. He also requested the web site include information on how individuals can get involved in local government as well as posting meeting protocol. Board discussion took place with Trustee Roerig stating he will be added several agenda items that will hopefully address some of the public's concerns.
- D. Dayle Harrison presented a list of concerns regarding the cooperation agreement with Saugatuck LLC and other issues surrounding the former Denison property. Board members discussed several of the issues and Harrison voiced additional concern with the proposed settlement agreement. Roerig suggested to avoid becoming mired in the past and to instead focus on the future. Additional discussion took place with Harrison stating the R4 zoning needs to remain in place to protect the property.
- E. Mary Ann Glane suggested developing a legal fund to ensure all landowners adhere to township zoning laws to ensure the Board is not held prisoner against a big money property owner such as Saugatuck LLC. Board discussion took place.
- F. Andrew Leach stated the property will be developed at some level and the owner has the right to do so. Open discussion took place.

Wester closed the first public comment portion of the meeting at 8:20, assuring there will be a second opportunity to speak at the end of the meeting.

Approval of Agenda: Roerig requested to add under *New Business, Item E. Clarification of Cooperation Agreement, Item F. Escrow Account for PUD Applications, and Item G. Recommendations Going Forward.* Wester then brought the consent agenda to the floor for approval.

- A. Accounts Payable
 - i. ALLEGAN CO LIS through XTREME CLEANING LLC
Total to be paid \$16,243.28
 - ii. Checks issued to be post-audited (check register attached)
- B. Payroll (check register attached)
- C. Approval of Minutes
 - i. January 2, 2008 Regular Board Meeting
- D. Quarterly Financial Statements Through December
- E. Annual Audit

Motion by Wright, seconded by Wester to approve the agenda with the additions requested by Trustee Roerig. Roerig requested to remove the Approval of Minutes from the consent agenda and add it as a separate agenda item under *Unfinished Business, Item A*. Wright then withdrew the motion to approve the agenda, Wester withdrew his second. **Motion by Roerig, seconded by Wester to approve the consent agenda as amended and the agenda with the additions requested.** Carried unanimously.

Correspondence:

- A. 2007 Building Permit Summary. Board noted there were 119 permits issued in 2007 which was down from 2006 by 29.

Unfinished Business:

- A. Approval of Minutes. **Motion by Roerig, seconded by Jarzembowski to approve the minutes of January 2, 2008 Regular Board Meeting as presented.** Roerig stated he wants to ensure full understanding of the motion in respect to the settlement agreement. Wright read the paragraph that included the motion to table the agreement with conditions. She then restated the motion means the Board will not consider the settlement agreement again until a Planned Unit Development application has been submitted by Saugatuck LLC to the Saugatuck Township Planning Commission and the Commission has considered the application. Board then discussed the potential time involved for consideration of a complex PUD. Motion to approve the minutes as presented passed unanimously.

New Business:

- A. 2008 Summer Tax Collection. Knikelbine stated the Saugatuck School District desires the Township collect half of their school property taxes on the summer tax bill at a cost to them of \$3.25 per parcel. She added it is a contract that needs to be approved each year. **Motion by Wright, seconded by Knikelbine to approve the Memorandum of Agreement for 2008 Summer Tax Collection of School Taxes for Saugatuck Public Schools as presented for a cost of \$3.25 per parcel.** Motion carried unanimously.
- B. KLSWA Term Expiration for Representative Phil Quade. Wester stated the term for Phil Quade, township representative on the Kalamazoo Lake Sewer & Water Authority Board has expired. Wright stated Quade is the most knowledgeable in sewer and water matters and is willing to accept a 3 year re-appointment to the board. **Motion by Knikelbine, seconded by Wright to re-appoint Phil Quade to the KLSWA Board.** Roerig noted under normal circumstances it would be typical to advertise for interested individuals, but due to the technical requirements of the position it is in the township's best interest to re-appoint Quade. Motion carried 5 – 0.
- C. Road Work Order. Roerig stated the work order would allow for the resurfacing of Riverside Drive from 62nd Street east to the end of the pavement and then Arrowhead Drive from Riverside Drive west to the end of the certified road at the entrance to Water Wonderland Trailer Park. He added the work order also allows for the final course of asphalt and 5' gravel shoulders to

complete the surfacing of Bradley Road. **Motion by Roerig, seconded by Wester to approve the road work order as presented.** Carried unanimously.

- D. Road Millage Renewal. Roerig verified one of the two 1.0 millages has expired and we will need to include the renewal on a ballot referendum in 2008. Wright suggested including the renewal language on the August ballot. Discussion took place and it was suggested to expand the language to allow for not only road construction and maintenance but maintenance and possible construction of non-motorized trails. Roerig stated he will bring the idea to the Road Committee and see if there is interest in expanding the use of the special millage monies to include non-motorized trails.
- E. Clarification of Cooperation Agreement. Roerig stated the cooperation agreement with Saugatuck LLC currently states under *Item 5. Repeal of the Zoning Amendment* that the Township agrees, upon the expiration of the additional standstill period, to consider a repeal of the zoning amendment and a restoration of the zoning classifications and use restrictions that were in effect on the Denison property immediately prior to May 26, 2006. Roerig referenced the minutes of the September 6, 2006 meeting when the cooperation agreement was adopted and noted during the discussion of the agreement, Knikelbine asked if we were considering at any time to roll back the current zoning. Continuing to reference the minutes, he stated Wester referred to the agreement and stated the zoning would be rolled back if no agreement could be reached after 4 years. He added Wright verified the agreement does not change the current R4 zoning and that if any development is proposed Saugatuck LLC would work with the Township to come to an agreement with the type of development and if no agreement can be reached after the 4 year period, the zoning would then be rolled back for all of R4. Roerig clarified the statements made during the September 6, 2006 meeting did not reflect the exact legal interpretation and that the agreement does not state the Township shall repeal the R4 zone, only that the Township consider a repeal of the R4. Board discussed the clarification and agreed the document only states the Board would consider a repeal, and not that a repeal would automatically happen.
- F. Escrow Account for PUD's. Planning Commission Chair Jim Hanson was present in the audience and explained he was asked to calculate an estimate of the costs that might be involved in reviewing a complex Planning Unit Development such as suggested to be proposed by Saugatuck LLC. He gave examples of expenses likely to be incurred and suggested a budget of approximately \$31,000. Roerig asked if the Board should give some direction to the Zoning Administrator to establish guidelines for requiring and utilizing an applicant's escrow account. Board discussion took place and Roerig verified escrow accounts are allowable under the current consolidated fee schedule. Board agreed to advise the Zoning Administrator to utilize the escrow account policy.
- G. Recommendations Going Forward. Roerig stated he was glad the Township hired Steven Lasher of Foster, Swift, Collins & Smith to file a response to the tax tribunal lawsuit brought on by Saugatuck LLC, and he appreciates having the Supervisor's Report on as a regular Committee Report. He requested the Board plan on meeting regularly with the Planning Commission before each of the regular board meetings from 6:00 to 7:00 in the event there is something to discuss. Roerig also asked to consider hiring a specialist for PUD legal review processes and recommended Steve McKown. As a last request, Roerig asked Wester to include another township representative in legal dealings and negotiations, particularly regarding Saugatuck LLC, and recommended Jim Hanson. Wester was agreeable to the request.

Committee Reports

- A. Planning Commission. Jarzembowski reported that during the last meeting on January 28th, the commission amended the guidelines for lot yield and approved with conditions a bed & breakfast at 3442 66th Street.
- B. Road Commission. Roerig reported the 5 year plan has been updated and is available.
- C. Interurban. No report.
- D. Supervisor's Report. Wester stated Aubrey McClendon, the new owner of the Denison property, will be hosting a party at the SCA on May 30th with local leaders and business representatives invited to attend.
- E. County Commissioner's Report. No report.

Wester then opened the meeting to additional public comment at 9:10 p.m. Fritz Royce reported Saugatuck LLC (SLLC) is thinking of presenting a PUD with 40 single family homes and 40 townhouses. Royce stated it is his opinion environmental restrictions would allow for 10 homes and he surmised it would be at that point when SLLC would file a takings court action. Royce then suggested the Board consider the option to claim eminent domain and purchase the property through the courts. Dayle Harrison stated anybody who wants to speak has the right to speak during meetings. Harrison went on to voice a concern over the Township's response to one of the SLLC tax tribunal lawsuit allegations and asked to work with the Township's attorney to amend the response. He continued speaking in regard to SLLC, their actions and presumed actions to come. Jim Hanson asked for clarification of the conditions stated in the motion to table action on the proposed settlement agreement with SLLC. Wright re-read the motion and Board verified there would be no action on the agreement until SLLC presents a development plan to the Planning Commission and the Commission reviews the plan during a public meeting. They agreed the motion language did not require a Planning Commission decision on the development, only that they have reviewed the development plan. Hearing no further public comment, Wester closed the final public comment portion of the meeting.

Motion by Wright, seconded by Roerig to adjourn. Motion carried unanimously and the meeting was adjourned at 9:30 p.m.

Jane Wright, CMC, Township Clerk

Date

Bill Wester, Township Supervisor

Date