

**SAUGATUCK TOWNSHIP BOARD
REGULAR MEETING**

**WEDNESDAY, DECEMBER 5, 2007, 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 asked for public comments. Dayle Harrison presented the Board with an outline of issues relating to the Saugatuck LLC tax tribunal lawsuits and spoke regarding those issues until 7:15. Joe Milaukas recommended refunding the fees being addressed later in the meeting under New Business Item B. Milaukas also encouraged participation in the harbor report and the joint sewer agreement with Laketown. He finished his comments asking for caution with the Saugatuck LLC proposed settlement agreement. Many more comments were heard from various individuals regarding the proposed settlement agreement. Hearing no further public comment, Wester closed that portion of the meeting at 8:10.

Approval of Agenda: Wester then brought the consent agenda to the floor for approval.

- A. Accounts Payable
 - i. 360 SERVICES through MICHIGAN OFFICE SOLUTIONS
Total to be paid \$2,574.68
 - ii. Checks issued to be post-audited
(check register attached)
- B. Payroll (check register attached)
- C. Approval of Minutes
 - i. November 7, 2007 Regular Township Board Meeting
 - ii. November 7, 2007 Special Joint Meeting

Wright asked to add new bills received after packets were sent out in the amount of \$31,509.25. She also asked to add under Unfinished Business Item B. Comcast Franchise Agreement that had been tabled at the previous meeting. **Motion by Wright, seconded by Knikelbine to approve the agenda as amended.** Carried unanimously.

Correspondence:

- A. IIMC Vice President, Letter of Congratulations for Clerk's Recertification. Wester read letter into the record and congratulated Wright on her achievement.

Unfinished Business:

- A. Howard Bouwens, Jr., Request to Waive ZBA Filing Fees. Wester stated he met with Bouwens and asked him to address all planning commission site plan conditions, and then come before the ZBA for reinstatement of his SAU. He asked the Board to approve the waiving of the ZBA fees. Discussion took place and there was a **Motion by Wright/Knikelbine to waive the \$350 ZBA filing fee for Howard Bouwens Jr. with the**

condition he meets during a time when a second applicant comes before the ZBA. Motion carried unanimously.

- B. Comcast Franchise Agreement. Wright stated at the previous meeting the Board agreed to table the decision to renew the agreement for an additional 10 years until an audit could be performed. She stated she has been in contact with the company and informed them of the intent to audit and is currently waiting for the materials to be compiled. She added the company will continue to operate without a signed agreement but the township will not be eligible for any franchise fees until the agreement is signed. **Motion by Roerig/Wester to authorize the Clerk and Supervisor to sign the Comcast Franchise Agreement as presented and continue to pursue an audit.** Carried unanimously.

New Business:

- A. Donna Nowak, Re-Appointment to Library Board. Wright stated Nowak was appointed to replace a resigning representative, and that term has now expired. She added Nowak is willing to serve a full 4 year term. **Motion by Wright/Knikelbine to reappoint Donna Nowak to the Library Board as a Saugatuck Township Representative for a term to run until September 30, 2011.** Motion carried unanimously.
- B. Melanie Warren, Request for Refund of SAU Fee. Wester explained Warren was told by the Zoning Administrator she would need to request a special approval use from the Planning Commission to allow a dog kennel home occupation. He added the ZA failed to notice an inadequate side lot setback and the PC denied her SAU based on that fact. **Motion by Wright/Jarzembowski to refund the \$400 fee charged to Melanie Warren as the request for an SAU should have been denied administratively before going in front of the PC.** Motion carried unanimously.
- C. Joint Sewer Agreement with Restrictive Covenants. Board discussed the agreement that would allow certain properties within Laketown Township to utilize the existing sewer infrastructure with restrictions to the development allowed, specifically no truck stops. Wright stated the agreement has been approved by the City of Saugatuck and Laketown Township and our Manager is recommending Board approval. **Motion by Jarzembowski/Wester to accept the joint sewer agreement with restrictive covenants as presented.** Carried unanimously.
- D. Jim Hanson, Harbor Report Review. Hanson briefed the Board on the Kalamazoo Harbor Master Plan Technical Report dated April 27, 2007. He recommended accepting the harbor technical report while stating the land use recommendations it makes do not form part of the comprehensive plan. **Motion by Roerig/Knikelbine to acknowledge the receipt of the Harbor Report.** Carried unanimously.
- E. Saugatuck LLC, discussion on Potential Settlement Agreement. Wright called upon Township Attorney Ron Bultje to address concerns previously stated during public comment. Bultje stated the new owner of the Denison property has filed tax tribunal lawsuits against the township and made procedural and substantive claims against the rezoning of the property. He added to resolve these claims and give both parties time to work out what will happen with the property, the township is considering a settlement agreement. The agreement will allow one year for both parties to work out any development and/or donation of the property. Bultje then addressed individual concerns and answered questions at great length until 9:05. **Motion by Wester/Wright to accept the settlement agreement with Saugatuck LLC with item 11 language to include any development must be approved through the Planning Commission Planned Unit Development process.** Roerig called for discussion and stated he has not received an answer as to how expensive the court process might get, nor has he received a final version of the agreement with the revised language under item 11 and feels the decision should be tabled. Wright stated it is her understanding the agreement does not commit the Township in any way but gives us one year to either approve or deny a development plan,

makes the tax tribunal lawsuit go away, and allows for a reinstatement of the R4 zone if no plan is approved. Bultje stated that was a correct understanding. Additional discussion took place and Wright asked Roerig if he would be more comfortable to receive a final document and then hold a special meeting to review and vote on it. Roerig stated yes and Wester withdrew his motion with Wright withdrawing her second. **Motion by Knikelbine/Wester to table the settlement agreement until a special meeting can be held.** Carried unanimously.

Committee Reports:

- A. Planning Commission. No report.
- B. Road Commission. Roerig stated they are reviewing the paving of 130th at Riverside Dr.
- C. Interurban. Knikelbine reported approving the request from Pioneer Resources to receive bus #18, the old 1999 bus. She added October was a high ridership month with a 26% increase.
- D. Fire Authority. Wright stated the department is currently in the second year of a 3 year savings plan to purchase a new pumper truck. She added there is an opportunity to purchase a demonstration unit at considerable savings and the truck will be replacing a 1970 unit. The truck will be available for final payment in September 2008.
- E. Website & Newsletter Update. Roerig noted some information is out of date. Wright will get information from employee Aaron Sheridan and update.
- F. County Commissioner Report. Terry Burns updated board with ongoing work at the county until 9:20.

Public comment was offered and various people spoke against the settlement agreement. Hearing no further comments, public comment was closed at 9:50.

Wester stated if there is no more business to come before the board he declares it adjourned at 9:50 p.m.

Jane Wright, CMC, Township Clerk

Date

Bill Wester, Township Supervisor

Date