

Approved 7/26/2017
WATERSMEET TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING
THURSDAY, JULY 13, 2017 5:30PM
COMMUNITY CENTER
www.watersmeet.us

A special meeting of the Watersmeet Township Board of Trustees was called to order at 5:30pm.

Members present: Mike Rogers, Bill Neumann, Alan Piel, Paul Kempainen, Sandy Mansfield

Other citizens: 13 and Township Attorney, Tim Dean

A motion to make item A of the agenda "approval of bills" was made by Alan Piel with support from Bill Neumann. Motion carried. Item A will be Approval of Bills, Item B will be ZBA Workshop.

BILLS: A motion was offered by Bill Neumann to pay the bills presented for payment. Paul Kempainen supported the motion. Motion carried. GF Check, #37143 – 37161. Water #3217 and Waste Water #4027, 4028.

ZBA WORKSHOP:

The township Attorney, Tim Dean was present to help the ZBA understand what their role is and what the board can and can't do. The ZBA is to hear appeals and grant variances. Mr. Dean had some handbooks that were given to the ZBA to help understand their function as a board. In order to prevent future problems, the ZBA should establish bylaws and a policy for "conflict of interest".

There was great discussion of the appeal for the Pachmayer Special Use Permit that occurred on July 19, 2017. The goal of this meeting was to be what the ZBA is to look at and consider during an appeal and the legal implications for doing so. The (Pachmayer) appeal issue is completed. The Township is being taken to court.

The ZBA should have considered only: Was the correct process for issuing a Special Use Permit followed? If all of the specifications were met then you must fulfill the obligation of issuing the permit. The Zoning Administrator submitted the application to the Planning Commission and told the Commission that all requirements had been met.

Cheryl Pytlarz, an alternate member of the ZBA, stated that she chaired a ZBA for 8 years and ran all her meetings by a script written by the town attorney and maybe that should be considered.

Giiwe Martin, Planning Commission member and past secretary, spoke about some ZBA members calling her and the PC incompetent. She believes that she makes good decisions based on what information she has been given.

Julie Mathiesen stated that the February PC meeting raised questions about procedures and Mr. Pachmayer's Special Use Permit. She also had some handouts for education to pass out to the ZBA and Town Board members.

Paul Kempainen stated that the Planning Commission made their decision to issue the Special Use Permit based on our Zoning Ordinance. Short Term Rental is allowed. The township attorney was present at the meeting where Mr. Pachmayer made verbal clarification to the PC regarding items he was questioned about on his application. Mr. Dean said that submitting a new application was not necessary.

Julie Mathiesen said that there are legal differences between commercial and residential well/septic and fire codes. Also, Mr. Pachmayer was not specific about the number of people that would be using his place.

The majority of comments at the meeting were all about an issue that has already been decided on. Mr. Dean stated that the handbooks given out covered many items and he highlighted some of the things that should be looked at. In appeal, the decision must be decided by the application that was submitted, no new evidence can be presented. The ZBAs obligation is to follow the law. If there is conflict, an alternate should step in. There should be bylaws developed to make clear what a conflict is so there is no appearance of unfairness. If an administrative decision is challenged, the court's review will be of the facts and reasons stated in the minutes. There is no opportunity for an administrative body to add more facts or reasons to what appears in the minutes.

A Motion to adjourn was offered by Paul Kemppainen, supported by Alan Piel. Motion carried.
Meeting adjourned at 6:33pm.

Respectfully Submitted,

Sandy Mansfield, Clerk
Watersmeet Township