

APPROVED 10/18/2017
WATERSMEET TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
WEDNESDAY, SEPTEMBER 20, 2017
6:30PM
WATERSMEET TOWNSHIP COMMUNITY CENTER
www.watersmeet.us

The meeting was called to order by Supervisor Rogers at 6:34pm.

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

Others present: 32 plus Attorney Tim Dean, township legal counsel

A motion was offered by Paul Kempainen with support from Alan Piel to accept and approve the minutes of the regular board meeting held 8/16/17. Motion carried. A motion offered by Bill Neumann with support from Paul Kempainen to accept and approve the minutes from the special meeting of 8/24/2017. Motion carried.

Public Comments:

Steve Roth: Asked if we could keep minutes of the meetings on tape. It was answered that we could but we are only required to keep a recorded session until the minutes have been approved at the following meeting.

Yvonne Clark: Stated that it was rumored that we were going to settle at this meeting, and the reason was to get the suit dropped in exchange for reinstating Mr. Pachmayer's special use permit. This is no rumor, we plan to take action tonight. She stated 3 reasons why she felt we could not settle: 1. She felt that the ZBA got it right by revoking the SUP 2. This has set a precedent for allowing such SUP (special use permits) to be issued 3. There was a review written on the website of people having stayed at the residence even though people were told it had not been rented.

Steve Wilkins: Believes that the people of Duck Lake suffered harm from this decision.

Dianne Brennand: Dianne stated that according to their attorney, the township has no authority to overturn the decision of the ZBA.

Julie Mathiesen: Julie agrees with Dianne in that according to her interpretation of the law, the board cannot overturn the ZBA. She asked the township attorney how it works.

Tim Dean (township attorney): The board does have the authority to settle law suits and litigation and the board has the right to overturn a decision in a settlement. That is township law.

Russ Diethert: Again, he states that the board is going against the law by overturning the decision.

Mr. Clark: States that the township board is showing bad government. Wants to know what the hurry is to settle this issue.

Pat Walsh: Has continuing concerns about Fish Hawk Lake Road. Nothing is getting done and road is continuing to deteriorate. County will not do anything, he has spoken with the Road Commission on more than one occasion. Still feels the township needs to be the ones to fix it.

A motion to approve the agenda as presented was offered by Paul Kempainen with support from Alan Piel. Motion carried.

A motion was made by Sandy Mansfield to go into closed session to talk with the township attorney regarding the law suit brought against the township by Robert Pachmayer (BBTB Management, LLC). This is in accordance with the Open Meeting Act MLC 15.267. Motion was supported by Alan Piel

Roll Call Vote: Mike Rogers, Aye; Alan Piel, Aye; Sandy Mansfield, Aye. Motion passed. Closed session entered at 6:55pm.

The open meeting was reentered at 7:12pm after a motion by Alan Piel and a second from Mike Rogers. Roll call vote: Yeas...Mike Rogers, Alan Piel, Sandy Mansfield. Motion carried.

Supervisor Rogers read into the minutes the six (6) reasons we are at this point:

1. Person or persons on ZBA investigated the appeal on their own. On an appeal, this is not allowed. In the case of a variance they can.
2. Two members of the ZBA should have recused themselves, as they are members of the Duck Lake Riparian's which was one of the litigants in the appeal.
3. No reason was given, other than personal opinion not sighted in the ordinance, to Mr. Pachmayer as to why he was being denied his special use permit.
4. By a simple denial of his special use permit, it essentially changed the ordinance.
5. With the exception of one ZBA member, these same members granted a permit on appeal for short term rentals on another lake in the past.
6. At the Planning Commission meeting, the zoning administrator said, and wrote, that all conditions required by the ordinance were met. That was disregarded by the ZBA.

Sandy Mansfield moved that the supervisor and clerk be authorized to execute any documents necessary to settle the pending litigation of BBTB Management, LLC vs Watersmeet Township based on the terms of dismissal of all claims and the township be released from all claims. Support by Alan Piel. Roll Call Vote: Yeas: Mike Rogers, Alan Piel, And Sandy Mansfield. Motion carried.

Master Plan: Alan Piel moved to table the approval of the Master Plan and Rec Plan until the next meeting so we can spend more time reading the changes. Support by Bill Neumann. Motion carried.

Food Pantry: There was a motion by Paul Kempainen with support from Sandy Mansfield to sign a contract drafted by our legal counsel, for Saint Vincent DePaul to use the township's building for a nominal fee in order to supply the senior citizens of the township with a pickup place for the food pantry. Motion carried.

A motion was offered was Sandy Mansfield with support from Alan Piel to allow the use of the Community Center without charge for fund raising meetings. The same conditions that all other uses have to follow will still apply such as no cooking as our kitchen is strictly a warming kitchen and not commercial. Motion carried.

Bill Neumann moved that bills submitted for payment be approved. A second was made by Paul Kempainen. Motion carried. GF checks #37313 – 37330, WW checks 4038-4040.

Reports:

Supervisor....There was a teleconference with John Oliver and Eric Smith over the Wifi broadband. There is a possibility that the tower out by Roger's Bar could be used to get access to more people around the chain.

Treasurer....The bank balance is still going down until December when we get our portion of taxes. Accounts are all balanced.

Clerk....The auditor should have the audit ready and delivered on Tuesday, September 26th.

Alan Piel...There is a delay on the Whitefish Trail project due to weather, however, it is still slated to be completed by the end of October.

Bill Neumann moved to adjourn the meeting with a second from Paul Kemppainen. Motion carried.
Meeting adjourned at 7:26pm.

Respectfully Submitted,

Sandy Mansfield, Clerk
Watersmeet Township