

facility and that the intersection is used frequently used by large trucks coming off and traveling to Wood Road. She stated that although it seems fruitless to continue the request a fix and so many calls and requests, she refuses to give up the fight.

COMMITTEES AND
COMMISSIONS
Elections Commission

Mosier moved, Daggy seconded, to receive and place on file the Elections Commission meeting minutes of October 17, 2006. Mosier voted and carried.

Board of Appeals

Musselman moved, Seeger seconded, to receive and place on file the minutes of the Board of Appeals meeting of September 20, 2006. Motion voted and carried.

VOUCHERS

Seeger moved, Musselman seconded, to approve General Operating Fund Vouchers 50848 thru 50891; Tax Fund Vouchers 6564-6571; and Electronic Transfer October 26. Motion voted and carried.

UNFINISHED
BUSINESS
Ordinance Amendment
91.6 Second Reading

Calder moved, Seeger seconded, to adopt Ordinance Amendment 91.6, on Second Reading, amending the Township's Wastewater Collection and Treatment System Ordinance relating to the Sanitary Sewer Construction Standards.

NEW BUSINESS
Coleman/West Road
Residents

**AYES: Musselman, Seeger, Mosier, Daggy, Calder
NAYS: None Motion carried.**

Clerk Mosier explained that the written request from the Coleman Road/West Road residents to address the Board this evening came into the office this afternoon. She noted that although short noticed, she informed the residents that their request will be honored since their issue is very time sensitive. She also noted that Coleman Road and West Road are in the East Lansing 425 Area.

Luis Garcia, 16825 West Road, East Lansing, stated that he has been asked to speak for his neighbors on West and Coleman Roads. He stated that he and his neighbors used to be in the Township, but now are a part of East Lansing as a result of the 425 Agreement between the Township and East Lansing. He presented the Board with signed petitions (and the assessments proposed for levy), from the Coleman Road/West Road residents, asking that the 425 Agreement be terminated. He stated that the City of East Lansing is forcing public improvements and creating a financial burden on the residents of Coleman and West Roads. He stated that the residents feel that these improvements, for which they are being assessed thousands of dollars, clearly benefit developers and the City of East Lansing, not the residents, who were happy with the current condition of the properties, roads, and services. He stated that the residents did not petition for these improvements. He stated that the 425 Agreement states "that the governments units wish to minimize the negative impacts and expenses on the current residents and owners of property being conditionally transferred into the City of East Lansing, while making available to residents and property owners the municipal infrastructure and services necessary for economic development of the properties and the protection of the environment, and wish to properly plan and coordinate the orderly development of the properties as development shall occur, according to the needs and desires of the current residents."

Garcia stated that they have, time and time again, asked the City of East Lansing for help by answering their questions. He stated that the City continues to respond that the residents should consult their attorney. He noted

that they have attempted to get an attorney, however the need for money, from \$10,000 to \$50,000, and perceived conflicts have hampered their efforts. He stated that he and his neighbors did not know that this relationship was going to cost them so much money. He stated that if this is what happens with a 425 Agreement, then other communities should be aware what can happen to their residents. He stated that no one talked to them and their road was dug up and improvements made.

Jerry Dalman, 3317 West Road, tried to explain the process which has taken place to date: 1)they have been unable to get, from East Lansing, a copy of any request for improvements from any property owners 2)the improvements began prior to any notice being received from the City of East Lansing 3)the first notice they received was a hand delivered notice about the construction which would take place 4)construction actually started prior to any public meeting with the residents 5)the residents question how they can then effectively protest a special assessment for a project that is already under construction 6)these assessments are for thousands of dollars, some for more than the purchase price of the properties 7)they believe that even the City Council is uninformed or misinformed about the process to date 8)they have requested, under the Freedom of Information Act, copies of any petitions or requests for these improvements, a copy of competitive bid documents or contract award, and with each request they waited five days, then another ten day extension period, and then were told that the information was not available and here is how you can proceed in court 8)three residents have approached the City assessor requesting written information on the assessment process and how to correctly contest the assessment, and they have been denied with the assessor stating that the information will be available at the public meeting addressing the assessments, and then they will have only fifteen days (City Charter) to complete an appeal of their assessments.

It was determined that the assessment notice received by the residents is dated 10/10/06. Clerk Mosier read aloud the dollar figures from the assessment roll provided to the Board by the residents. She also noted that it appears that there is more than one assessment roll, involving roads, sewer, etc.

Dalman stated that her assessment for two acres of land is approximately \$92,000, when she paid \$15,000 for the property in 1987. She noted that with interest over ten years, the total assessed will be over \$121,000, just to keep her property which will be taken for back taxes if this is not paid. She stated that the average assessment on Coleman Road, largely residential, is \$36,000 per acre.

There was a brief discussion about the City's proposal to defer a portion of the assessments. It was noted that the residents feel that this would then be a lien on their properties.

The residents stated that they do not know what to do anymore. They have reached the point where they feel desperate to stop what the City of East Lansing is doing to them and they do not know where to turn, therefore the request to DeWitt Township to terminate the 425 Agreement since this is not what they were told would happen when the agreement was made between the City of East Lansing and DeWitt Township.

Dalman stated that the City of East Lansing received \$2,500,000 in ACT 51 Funds for public improvements and questioned why assessments are even needed.

Clerk Mosier stated that this is clearly a complicated issue, one that she informed the residents earlier today, would not be solved this evening. Trustee Calder stated that in his memory this is not what was supposed to happen to residents within the 425 area.

Seeger moved, Calder seconded, to refer the issues raised by the Coleman Road/West Road residents to the Township Attorney, including the petition requesting termination of the 425 Agreement.

Clerk Mosier suggested that the residents might want to provide the Township with copies of all the documents they have relative to this issue. She stated that it is important that the residents understand that these properties are no longer under the control of the Township.

Trustee Musselman stated that two issues exist here, those being the 425 Agreement and what assurances it provides the residents, and the assessment process itself. Trustee Calder agreed and briefly spoke to the assessment process and the appeal process before the tax tribunal. Clerk Mosier stated that she believes the City Charter will play a part in this assessment process, which may differ from Trustee Calder's previous experience with assessments.

The residents indicated that Jerry Dalman be their contact person.

Mike Savoie, who used to reside at 2773 Coleman Road, and now lives on Cutler Road in DeWitt, asked if the Township is the "first offended party" since the Agreements is between the City of East Lansing and the Township of DeWitt. He stated that he believes that the Township would have more success challenging the City's actions than the residents of Coleman and West Roads.

Clerk Mosier stated that this issue, should it go before a court, will be the investment and debt incurred by the City of East Lansing in the 425 area. She stated that this Board does not want to mislead the residents here that the matter will be settled by just determining that there has been a violation of the agreement.

Interim Manager Gray will contact Attorney Robinson.

Vote on motion: Motion voted and carried.

Division of Platted Lot/
Peacock

Interim Manager Gray's staff report dated October 19, 2006, on the division of a platted lot in County Meadows Estates Subdivision was reviewed and discussed.

The applicant was present and declined to comment.

Musselman moved, Seeger seconded, to approve the proposed division of Lot 149 of Country Meadows Estates Subdivision, subject to the following conditions: 1)the applicant shall record an affidavit and survey documentation for the division with the Clinton County Register of Deeds 2)the applicant shall provide copies of all recorded documents to the Township Planning Department and Township Assessing Office. Motion voted and carried.

Burning Permit/
DAESA

Fire Chief Koos reviewed his memo dated October 19, 2006, relating to the Live Fire Training request by the DeWitt Area Emergency Services Authority

for 13858 Schavey Road located within DeWitt Township.

Seeger moved, Musselman seconded, to issue a burning permit to Chief Robin Ballard of the DeWitt Area Emergency Services Authority (DAESA) to conduct a live fire training at 13858 Schavey Road on November 11, 2006, contingent upon the following conditions: 1) NFPA 1403, Standard on Live Fire Training Evolutions be followed 2)Appendix B of said standard be followed 3)Appendix C of said standard be followed 4)if weather conditions exist making the live fire training a safety issue, such as strong winds, that the live fire training exercise will be cancelled 5)that neighboring fire departments be invited to participate in the live fire training exercise 6)that the fire be completely extinguished prior to DAESA leaving the site. Motion voted and carried.

Utility Agreement
Kirkside Estates

Calder moved, Daggy seconded, to approve the Utility Agreement with Kirkside Estates, LLC for the Kirkside Estates Subdivision and authorize the Supervisor and Clerk to execute the same. Motion voted and carried.

Interim Manager Gray spoke to the ongoing process of adopting the 2007 Township Budget.

2007 Budget
Resolution 061069
Resolution 061070

Seeger moved, Daggy seconded, to approve Resolution 061069 to adopt the 2007 DeWitt Charter Township Budget.

**AYES: Calder, Daggy, Mosier, Seeger, Musselman
NAYS: None Motion carried.**

Seeger moved, Calder seconded, to approve Resolution 061070 to authorize appropriations from the 2007 DeWitt Charter Township Budget.

**AYES: Seeger, Musselman, Calder, Daggy, Mosier
NAYS: None Motion carried.**

Resignation/
Fire Department

Motion carried to accept, with regret, the resignation of Hillary Monroe from the Fire Department. Motion voted and carried.

Manager Search

The Board reviewed information from Clerk Mosier regarding hiring a firm to assist the Board in the search for a new Township Manager. The issue was discussed at length. Clerk Mosier reported that both Supervisor Galardi and Trustee Ross have contacted her in support of hiring a firm to assist with the process.

Discussion determined that at a Special meeting, interviewing three firms prior to making a selection would be appropriate. Two firms, as recommended by Clerk Mosier, will be invited to make presentations, and a third firm will be added to the list.

Musselman moved, Calder seconded, that the Clerk be authorized to take the necessary steps to seek firms to be interviewed by the Board, who will then make a selection as to which firm will be hired to assist the Board with the Manager search and selection process. Motion voted and carried.

Clerk Mosier stated that the advertisement provided will not be used, that the selected firm will assist in drafting the advertisement. She explained that the advertisement provided is intended to assist the Board in realizing the decisions that will need to be made with the firm's assistance. Trustee Musselman indicated that he would like to see further discussion on salary. Clerk Mosier will contact Supervisor Galardi to schedule the Special meeting.

EXTENDED PUBLIC
COMMENT

The following residents of Willow Creek Farms spoke: Diane Smith, Merideth Hill, Les VanAlstine; Barb Kasten, Kevin Coveart.

The following points were made and issues raised:

1)the residents of Willow Creek Farms are waiting to hear the Township Attorney's response to the Dyer letter regarding the number of splits granted Feldpausch within his development 2)why has the Township not met with Maynard Dyer regarding his written opinion 3)can the residents get a copy of the Township's Land Division Ordinance 4)how much longer before the residents can hear from the Township regarding what will be done 5)one resident expressed issues with the location of the streetlight on Outlot B and would like it moved 6)what will happen if Feldpausch sells lots 7)who will be maintaining Outlot B as they are concerned about maintenance of the property 8)there are currently three stakes marking the boundary of Outlot B, which one is accurate, and Gray should continue to resolve this 9)there is a safety issue entering their subdivision from Airport Road 10)they were told that the Township does not have any authority over land divisions, and that is not true, referring to Slater v DeWitt Charter Township 11)Gray has referred to the "lawyer's final opinion" which they are now assuming is not a final opinion 12)is there any room for the Township's Attorney to be convinced to agree with the Dyer opinion 13)there are other court cases that apply and should be considered, such as 5928.

Interim Manager Gray provided the following information: there have been extensive conversations with Supervisor Galardi, Attorney Robinson, Pat Feldpausch and his attorney, and Kevin Coveart has been kept informed on the content of those discussions; the issue of the number of divisions allowed, as referred to in the Dyer letter, is not easily answered, it becomes a matter of legal interpretation; depending on the option Feldpausch chooses to correct the issue, the Township could be in court with Feldpausch and therefore the legal opinion of the Township Attorney has not yet been disclosed; the written opinion received from Township Attorney Robinson is considered "privileged" and not a public document; another meeting with the parties has been scheduled for this week.

Interim Manager Gray stated that Mr. Feldpausch is aware that doing nothing is not an option, and if he proceeds under the assumption that the law is behind him, we will take legal action.

Clerk Mosier explained how the residents can get the documents they are requesting. She also stated that until this evening, she was under the assumption that the streetlight issue was resolved. Several Board members indicated that they will visit the site to see the streetlight in question.

BOARD COMMENTS

Trustee Musselman reported that meetings with the Airport continue.

Seeger moved, Musselman seconded, to adjourn at 8:47 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor