

**OSHTEMO CHARTER TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS**

MINUTES OF MEETING HELD JANUARY 19, 2012

The Oshtemo Charter Township Downtown Development Authority (DDA) Board of Directors held a regular meeting on Thursday, January 19, 2012. The meeting was called to order at approximately 12:01 p.m. at the Oshtemo Community Center at 6407 Parkview Avenue.

Members of the Board of Directors present: Bruce Betzler, Jay Brown, Terry Schley, Libby Heiny-Cogswell, Michael Lutke, Kathleen Garland-Rike, Fred Gould and Andy Wenzel.

Members of the Board of Directors absent: Ron Zuiderveen, Glenn Steeg, Jack Siegel, Chip Everett, and Stephen Dallas.

Also present was James W. Porter, Township Attorney, and approximately 25 other interested persons.

Approve Agenda

The meeting was called to order at approximately 12:01 p.m. by Chairman Betzler. The Chairman asked for approval of the agenda. Mr. Schley moved to approve the agenda, as submitted. Ms. Garland-Rike seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

Elect Officers

The Chairman said the next item on the agenda was the election of officers. The Chairman asked counsel whether they could approve a slate of officers or elect the officers individually. Attorney Porter indicated they could move a slate of officers if they so chose. The full slate of officers was introduced as follows:

Chairman	Bruce Betzler
Vice Chairman	Terry Schley
Treasurer	Jay Brown
Secretary	Chip Everett

The Chairman asked if there were any other proposals, and hearing none, called for a motion on the proposed slate. Mr. Schley moved the proposed slate of officers for approval for 2012. The motion was seconded by Mr. Lutke. The Chairman called for a vote on the motion, and the motion passed unanimously.

Approval Minutes

The Chairman said the next item on the agenda was approval of the minutes of November 17, 2011. Mr. Schley made a motion to approve the minutes, as submitted. Mr. Brown seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously. Mr. Schley did note that the complete set of minutes for the DDA was not on the website and asked that the minutes be kept up to date on the website.

Treasurer's Report

The Chairman indicated that there were no changes to the last report and no deposits or expenditures. Therefore, an updated Treasurer's Report was not necessary.

ITC Project

The Chairman stated that the next item up for discussion was the ITC project. The Chairman asked for a report from Attorney Porter. Attorney Porter took those in attendance through a review of the current state of affairs with ITC's proposed mid-level power transmission lines. He said he was not aware of any new action taken by ITC. He also noted that ITC had not responded to his letter of December 8, 2011, in which he requested that ITC advise the Township and the residents as to how they plan to proceed.

The Chairman, after receiving a report from counsel, explained to the DDA that a citizens group was proposing an alternative route to that route proposed by ITC. The Chairman asked who was there to speak on behalf of the residents.

Jamie Renwick introduced on behalf of the Twelve Oaks' residents. Ms. Renwick then presented the DDA with an alternate proposal for the routing of the proposed ITC line with respect to the area in or near Twelve Oaks and the Downtown Development Authority. The Twelve Oaks' proposed alternate route and proposal to ITC dated January 3, 2012, is incorporated in the minutes by reference.

Ms. Renwick then took the Board through the proposal. She said she thought it would have the effect of being less invasive, thereby reducing the impact both on the residential and the commercial areas. She explained that Twelve Oaks had presented this alternative to ITC. She said ITC had responded by saying it had been received, but ITC did not comment on the proposal.

Ms. Renwick then summarized her proposal to the DDA by indicating that she thought it would help preserve the viewscape, reduce the number of wooded acres which would have to be clear-cut and be beneficial for the entire community as a whole.

The Chairman asked what the Twelve Oaks' community was seeking from the DDA. Ms. Renwick said that they were asking that the DDA endorse the proposal, as submitted, in lieu of any other proposal from the Downtown Development Authority.

Ms. Garland-Rike asked if any of the property owners in the area had expressed support. Mr. Langeland, who was present, said he thought it was an excellent idea, and he supported their proposal. He said the fact that they would be burying quite a bit of the line in the area would improve the view from his facility and would shield their audio system from negative interference from the power line.

Ms. Renwick said they had talked to Tom Kilbourne from Tall Oaks who said that they would not necessarily endorse it, but they thought it was an improvement. She said she had also talked to the owner of V&V Lumber, who said he felt handcuffed until ITC actually made a decision.

Mr. Brown asked if the line went underground whether an easement would still be required. Ms. Renwick said that it would, but it could be smaller, and she opined the underground lines could be as shallow as four feet deep, and therefore, the easement may be as little as 20 feet wide. Mr. Brown questioned whether other people would have to give up their property. He initially thought it might impact his property, but after a closer review, he discovered that it would not.

Mr. Schley asked Ms. Renwick if she knew her depth and easement references were absolute, and she indicated they were right-of-way widths and depths she had seen in information from a Wisconsin website. Mr. Schley reiterated no one knew for sure at this time the placement criteria for an underground power line if allowed by I.T.C. and the utility companies.

Ms. Heiny-Cogswell explained that the Oshtemo Charter Township Board was aware of this proposal, and while the Board could not take an official position on it because ITC might make application for review of its proposed line with Township under its newly-revised Utility Ordinance, she said she thought the idea of the underground line had merit.

There was a brief discussion regarding the cost of putting lines underground versus above ground and whether it was feasible. Mr. Schley said he understood why he was asked to abstain from the decision because the line, as proposed, would impact his property. However, he thought before the Board took any action, that they should carefully consider the planning which was done in the Downtown Development area. He suggested that they look very closely at the language which was put in place in the Master Land Use Plan, as well as the form-based Overlay Zone.

Ms. Garland-Rike raised an issue as to what area the Downtown Development Authority encompassed and thought they should look at that area before making a decision which would affect the DDA.

Lynda Thomsen, a resident of Twelve Oaks, thought that the Board could certainly support the underground line as set forth in the proposal and suggested that they recommend that the entire line within the DDA be put underground.

Ms. Renwick said they certainly would support that proposal.

Ms. Garland-Rike said she thought that would encompass a much larger area, and she was not comfortable making that recommendation without determining exactly where the DDA boundaries were in relationship to the line proposed by ITC.

A further discussion ensued regarding what recommendation, if any, the DDA should put forth.

Ms. Garland-Rike said perhaps a recommendation could be made from the Downtown Development Authority Board that, in keeping with the Village Form-Based Code, the Township's Zoning Ordinance, the General Township Ordinances, all the lines within the DDA be underground. She said she did not think it was fair that any of the area in the DDA be impacted more negatively than any other area within the DDA. The Chairman asked if that was a motion. Ms. Garland-Rike said that was a motion. Mr. Gould supported that motion. After a brief discussion on the motion, Ms. Garland-Rike clarified that it was clear in her mind that she wanted all lines in the DDA underground. Mr. Gould agreed to that clarification on the motion, and reiterated his support for that motion.

Mr. Wenzel said he thought it was very difficult to vote on the issue today. He said he was not sure where the red lines were being proposed and how that would impact those property owners. Mr. Schley said he agreed that this line would be displaced to other property and would affect others, such as those in the apartment complex who would inherit the matters on their property; lines not wanted by this group present today.

Mr. Brown suggested that the applicant could always find an alternate route. He said he was not sure that putting the lines underground is realistic. He opined that the DDA was spending a great deal of time on the issue, and that if they accepted this proposal, perhaps there would be another group which would make a different proposal and also seek the DDA's support. He said he was not sure that he could support the proposal.

Mr. Wenzel said he understood the concept of only approving power lines underground as set forth in the Master Land Use Plan and the Village Form-Based Code, but was not sure how this would impact the other property owners.

Mr. Schley said the DDA had previously approved a resolution which in final form was drafted by the Township Staff.

Ms. Garland-Rike expressed concern that if they did not move to modify that previous resolution or rescind it, that their previous support would stand.

Ms. Lynda Thomsen suggested that the DDA rescind its previous resolution and make sure that any action they took would be in compliance with the Township Ordinances and the Form Based Code.

A brief discussion ensued as to whether this matter should be tabled until the next meeting. It was suggested that it be tabled, and if the issue had to be addressed prior to the next meeting, that a special meeting could be called. Mr. Wenzel made a motion to table the matter until the next meeting, but in the case of exigent circumstances, a special meeting would be called. The

motion was seconded by Mr. Lutke. The Chairman called for a vote, and the motion passed with one abstention by Mr. Schley.

The Chairman then reminded the Board members that they should rescind the previous resolution adopted by the Board regarding an alternate route to make sure that they could consider this matter anew at their next meeting. Ms. Garland-Rike made a motion to rescind the resolution previously adopted on September 22, 2011, and the motion was seconded by Mr. Wenzel. The Chairman called for a vote, and the motion passed with one abstention by Mr. Schley.

Sidewalk Discussion

The Chairman asked for an update from the Township Supervisor and Board member, Ms. Heiny-Cogswell. Ms. Heiny-Cogswell explained that they were looking to make improvements on the north side of Stadium Drive. She said they did not want to proceed with the improvements until they had more input from the DDA and how it would affect the DDA's Master Plan.

A brief discussion ensued, and it was agreed by the DDA to table this matter until their March meeting due to the late hour.

Upgrades.

a. 9th Street Rear Access Discussion Update

Ms. Schley submitted a Concept Proposal for the 9th Street Business Development Rea Access. Mr. Schley presented the Concept Proposal as more fully set forth in his attached report and map, which is incorporated herein by reference. There was a discussion as to whether there would be any changes to the Concept Proposal and whether it should be moved forward to the Township Board. Ms. Heiny-Cogswell suggested that it be placed on the Township Board's work session on February 14, 2012. Mr. Schley made a motion to move the Concept Proposal forward to the Township Board's February 14 work session. The motion was seconded by Mr. Wenzel. The Chairman called for a vote on the motion, and the motion passed with one abstention by Mr. Lutke, who is a property owner in the proposed development area.

b. Citgo Property.

The Chairman explained that they had received a proposal from Prein & Newhof to develop Phase I, BEA, and a Due Care Plan prior to the acquisition of the Citgo property. He asked for input from Attorney Porter. Attorney Porter said he thought what Prein & Newhof was proposing was appropriate and necessary not only to develop the property, but to make sure that due care was taken in the future not to exacerbate the contamination and thereby become a responsibility party for spreading contamination. The Chairman said the Phase One proposed would be approximately \$2,300, the BEA \$1,900, and the Due Care Plan \$1,300, for a total of \$5,500. Mr. Schley made a motion to authorize Prein & Newhof to commence with the reports.

The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed unanimously.

Any Other Business

- a. Discuss Mailing DDA Minutes to Owners/Occupants in DDA Area.

The Chairman said the first item was a discussion regarding mailing DDA minutes to owners or occupants in the DDA area. There were comments indicating that there were a lot of alternative formats by which people could access information. There was reference to information being on-line; there was a proposal to mailing out a postcard about the minutes. Mr. Brown suggested that the idea was to get them thinking about the DDA and supporting it.

Ms. Garland-Rike again suggested using postcards. Mr. Wenzel suggested using a portion of the newsletter to communicate about the DDA. Mr. Schley said it was apparent that everyone had to agree to disagree on this matter, and there was no resolution concerning this matter.

- b. Review Board Appointment Application.

Mr. Schley suggested this was not a matter for the DDA to consider, and it was up to the Township Board to review Board appointment application forms. Ms. Heiny-Cogswell concurred, and the discussion on the issue ceased.

Announcements and Adjournment.

The Chairman said, given the late hour, there would be no announcements, and he adjourned the meeting at approximately 2:00 p.m.

Oshtemo Charter Township
Downtown Development Authority

Minutes Prepared: January 30, 2012
Minutes Approved: _____, 2012