

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
February 22, 2011

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee James Grace

Also present was Township Attorney James Porter, and 18 interested people.

Appointment of Trustee

The Board reviewed and agreed to a procedure to fill the recently vacated Trustee position; each board member would indicate their top three choices to arrive at two candidates from which one would be selected. Supervisor Heiny-Cogswell advised a letter of withdrawal had been received from Neil Sikora for the trustee position. Board members thanked all who applied and commented the decision was difficult.

The first balloting showed Lee Larson with 5, Robert Bertrand, Scott Ernstes and Kathleen Garland-Rike each with 3, Dave Corning with 2, and Fred Gould with 1. A second ballot showed Scott Ernstes with 3, Kathleen Garland-Rike with 2 and Robert Bertrand with 1.

Motion by Everett, second by Borgfjord to appoint Lee Larson to fill the trustee vacancy for the remainder of the term to expire November, 2012. Carried 4-2 with Bushouse and James Grace voting no. Trustee Larson was then sworn in and seated at the dais.

2011 Sunburst 5K – Use of Road Right-of-Way

Trustee Borgfjord presented the proposed route for the Oshtemo Sunburst 5K requesting the Board approve use of the road right of way for this event. She advised the proposed route begins at The Rock on North 10th Street, north to the Kalamazoo River Valley Trail to Drake Road then south on Drake Road to either Northfield Trail or Westhaven Trail to H Avenue, then west back to North 10th Street to the starting point.

Motion by James Grace, second by Culp to approve the use of the road right of way for the 2011 Oshtemo Sunburst 5K. Carried.

Other Business
Truck Route Issue Update

Attorney Porter advised the litigation regarding the Township's traffic control orders will be back in Circuit Court on March 21st.

False Alarm Ordinance

Having time left in the session, Item #9 from the Regular Meeting agenda was taken up for consideration. Attorney Porter advised due to the number of false fire alarms during the past year, he the current False Alarm Ordinance which provides for billing after 4 false alarms in a calendar year to be amended to provide for billing in the event of more than two false alarms or nuisance alarms are received in any given year, more than three in any two year period or more than four in a three year period. It was noted there is concern that in the case of residential facilities experiencing a high volume of these alarms, there is a danger of non-response from the residents which could be life threatening in the case of a real fire.

Attorney Porter also suggested those facilities that have experienced the volume discussed should be notified of the change in the ordinance; the goal of the ordinance is to encourage facility owners to correct the problems. In response to board member questions, he advised accidental or good intention activations would not be counted as a false or nuisance alarm.

Supervisor Heiny-Cogswell shared a memo from Fire Chief Barnes in support of the amendment.

Dan Thompson, 103 Echo Hills Drive, inquired if the item should be removed from the regular agenda as there would be no opportunity for comment if someone intended to come to the regular meeting for this item. It was noted there would still be opportunity for comment. Supervisor Heiny-Cogswell advised the Board was trying to use the time wisely and does not take any items that require approval of expenditures from the regular agenda.

Motion by Borgfjord, second by James Grace to accept the ordinance amendment for First Reading and set Second Reading for March 8th. Carried.

The public comment session was adjourned at approximately 6:50 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:05 p.m.

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Fire Chief Mark Barnes and 16 interested people.

Motion by Borgfjord, second by James Grace to approve the February 3rd Special Meeting, February 8th Regular Meeting, and February 15th Joint Meeting minutes. Carried.

Income to the General and Fire Funds of \$49,520.87 and disbursements of \$182,277.55 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

None.

REFURBISH FIRE ENGINE NO. 513

Fire Chief Barnes presented a proposal for a refurbishment of Engine No. 513 advising the item was part of the long range capital expenditure plan discussed during the budget process. He advised two quotes had been received, one from Pierce Midwest Refurbishment Center, Weyauwega, Wisconsin and Emergency Vehicle Products, Kalamazoo. He commented it is expected refurbishment would provide at least another 10 years of life to the engine. He recommended accepting the proposal from Emergency Vehicle Products, noting as the low bidder, it is a local firm and further expenses for transporting the vehicle would not be incurred.

Motion by James Grace, second by Everett to accept the proposal from Emergency Vehicle Products in the amount of \$101,000 for refurbishment of Engine No. 513. Carried.

HVAC ZONE CONTROL SYSTEM – FIRE HOUSE NO. 1

A proposal to replace the HVAC zone control system in the dorm area of Fire House No. 1 was before the Board for consideration. Information from Bill Sams, Building Maintenance, advised the current system is not functioning, the remaining zones will need to be sequenced together, three proposals were received from Suburban Mechanical, Andy J. Egan Co. and W. Soule Co. and along with Building Inspector Jerry Reitenour and Mechanical Inspector Tom Gutherie, recommends accepting the proposal from Andy J. Egan in the amount of \$3,778.00 which includes a 3 year parts/1 year labor warranty.

Motion by James Grace, second by Borgfjord to accept the proposal from Andy J. Egan Co. in the amount of \$3,778.00 for replacement of the HVAC zone control system in the dorm area of Fire House No. 1. Carried.

2011 ACTUARIAL VALUATION

Supervisor Heiny-Cogswell advised the Personnel Committee met with a representative of Watkins & Ross and recommends accepting their proposal for updating the Township's actuarial valuation for retiree health, due to the changes made in retiree health options and number of staff.

Motion by Heiny-Cogswell, second by Culp to approve an expenditure not to exceed \$3,800 for update of the Township's actuarial valuation. Carried with James Grace voting no.

PROPOSED ORDINANCE – MEDICAL MARIHUANA MORATORIUM

Attorney Porter presented a proposed ordinance to place a six month moratorium regarding consideration or action regarding medical marihuana and directs the Planning Department, Township Counsel and Planning Commission to study the issues and make recommendations regarding the potential regulation of marihuana for medical use.

Kevin Spitler, owner of Mother Nature's Meds Community Compassion Center, commented he provides a safe, secure environment, and his interpretation is the State law allows for patient to patient transfer.

Chris Lowry, co-owner of Midwest Compassionate Care, commented the law is clearly defined regarding patient to patient transfer. In response to an inquiry he advised his facility is located at 9th Street and West Main.

Brian VanTatenHov, 1525 Merrill, co-owner of Midwest Compassionate Care, commented the law is two years old, local units did not plan ahead, not allowing facilities will force the business into homes, facilities offer responsible care, and the Board should look at Colorado who recently updated their law.

Trena Morton, commented the purpose of a dispensary can also be outlet for excess product of individual owners, dispensaries allow the law to be followed, and they try to be responsible in choosing a location.

There was brief discussion regarding the effect of a moratorium on the current business, the position of the Kalamazoo County Prosecutor is not yet known and the time frame the Planning Commission would need to draft a proposed ordinance.

Motion by James Grace, second by Borgfjord to accept the proposed ordinance for First Reading and set Second Reading for March 8th. Carried with Culp voting no.

BOARD MEMBER COMMENTS

Trustee Borgfjord thanked all the Trustee applicants and welcomed Trustee Larson to the Board.

Trustee Larson commented he was looking forward to working with the Board.

There was no further business and the meeting was adjourned at approximately 8:00 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COSGWELL
Supervisor