

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**March 14, 2006**

Township Board work session was held at the Township Hall. Supervisor VanDyke called the meeting to order at 5:00 p.m.

**PRESENT:**

Supervisor John VanDyke  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Dave Bushouse  
Trustee Stan Rakowski  
Trustee Neil Sikora

Also present was James Porter, Township Attorney, and Marc Elliott, Township Engineer, and one interested person.

**Committee Reports:**

**Building & Grounds** – move to the building addition scheduled for March 30<sup>th</sup> and 31<sup>st</sup>, the punch list has been prepared, the committee recommends a policy be written regarding the new lock system which will be utilized.

**Parks** – porta johns will be placed at Flesher Field and the Township Park until restrooms open April 1<sup>st</sup>, a letter has been prepared to K-College regarding purchase of the Drake House driveway, the committee will be proposing a policy on “prospecting” on Township owned property, items not completed with the Grange paving project were noted; Engineer Elliott will follow up.

**Personnel** – the committee has been working on updating position descriptions, various items in the employee handbook, and reviewing employee benefits.

**Sewer/Water** – current projects to be considered on the regular agenda are the sewer projects on North 6<sup>th</sup> Street and in the West Port Plat. Discussion was held with public in attendance concerning the West Port project.

**Roads** – Trustees Bushouse and Rakowski advised the committee had begun a survey of Township roads and streets and would provide a report on conditions.

**Police District** – the committee will continue their study of expanding the current district. Supervisor Van Dyke advised the Sheriff will be meeting with townships who currently do not participate in contracting deputies on March 23<sup>rd</sup>.

**Election Commission** – Clerk Everett advised precincts 3 and 9 and 4 and 7 will be combined for the May 2<sup>nd</sup> election. She further advised Third Reformed Church has advised they can no longer accommodate two precincts; therefore one will be relocated to the Immanuel Fellowship Church located at North 10th Street and West H Avenue beginning with the August election.

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

Supervisor VanDyke called the regular meeting to order at approximately 7:00 p.m.

A moment of silence was observed for Trustee Corakis who had been hospitalized.

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Planner Mary Lynn Bugge, Fire Chief Ken Howe, and approximately 31 interested people.

Motion by Sikora, second by Rakowski to approve the February 28<sup>th</sup> regular meeting minutes.  
Carried.

Income to the General and Fire Funds of \$109,945.77 and disbursements of \$333,470.33 were reported. Motion by Rakowski, second by Sikora to accept the receipts and disbursements report.  
Carried.

## **CITIZENS COMMENTS**

None.

### **PUBLIC HEARING – DOWNTOWN DEVELOPMENT AUTHORITY VILLAGE THEME DEVELOPMENT PLAN – SECOND READING**

The Village Theme Development Plan for the DDA was before the Board for Second Reading.

Motion by Rakowski, second by Culp to adopt the DDA Village Theme Development Plan. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

### **REZONING REQUEST – 6312 WEST MAIN – R-2 TO R3**

A recommendation from the Planning Commission for approval of a rezoning request for property at 6132 West Main from “R-2” Residential to “R-3” Residential was before the Board for First Reading.

Motion by Culp, second by Sikora to approve First Reading and set Second Reading for March 28<sup>th</sup>. Carried.

### **LAWN MAINTENANCE BIDS – 2006**

Supervisor VanDyke advised 18 bids were received with 9 bidders supplying all required information and documentation. He commented perhaps the instructions need to be made clearer on the bid specifications.

Doug Hadaway, representing Hadaway & Sons Facilities Maintenance, commented their items that were late were already on file with the Township as they were the 2005 contractor, they got the bid package late and items being considered were not legitimate. Mr. VanDyke advised current information is requested each season.

It was noted none of the 8 bidders for consideration had previously worked for the Township and the low per season bid did not include spring and fall cleanup.

Motion by Bushouse, second by Sikora to table the item to March 28<sup>th</sup> to allow the Supervisor time to check references for the two low bidders. Mr. VanDyke advised references had been received with the bids; Attorney Porter commented Wolverine Lawn Services has been his law firm’s vendor and they were happy with their work, and Treasurer Culp commented she had received favorable comments regarding Wolverine as well. After further discussion Mr. Bushouse withdrew his motion.

Motion by Bushouse, second by Sikora to award the 2006 lawn maintenance bid to Wolverine Lawn Services in the amount of \$20,010.00. Carried.

### **NORTH 6<sup>TH</sup> STREET SEWER PROJECT**

Engineer Elliott advised bids for the installation of dry sewer in North 6<sup>th</sup> Street from West Main to West H Avenue had been reviewed and recommended accepting the bid from Peters Construction in the amount of \$465,385.38, the contract start date would be approximately April 1<sup>st</sup>.

Barbara Johnson, 7863 West H Avenue, inquired when the Board decided sewer should go in and commented information she had received from the Kalamazoo Area Transportation Study (KATS) dated 2002 indicates the road project was discussed, however, the first notice to residents was from the Kalamazoo County Road Commission on October 12, 2005 and the Township regarding the sewer project in December. She also commented that while she agreed the intersection of North 6<sup>th</sup> Street and West H Avenue should be improved, North 6<sup>th</sup> Street does not need to be changed.

Supervisor VanDyke advised sewer and water projects are coordinated when possible with road projects for cost savings, to avoid future costs for relocation of lines, and while projects may be discussed at KATS, when they actually occur is based on available funding.

Ric Knapp, 6182 Valley Forge, inquired how the cost of dry sewer is recovered.

Trustee Bushouse advised the line would be in the roadway for future connections, rates are reviewed each year.

Engineer Elliott commented potential cost savings to the Township for installing sewer during the road project would be approximately \$500,000. He also noted that under State law the Road Commission has control of the 66 foot right of way, KATS is mandated by Federal law through which the Road Commission receives their funds, and the scope of the project was not known until the Road Commission brought their plans forward.

Motion by Rakowski, second by Bushouse to accept the bid from Peters Construction in the amount of \$465,385.38 for installation of dry sewer in North 6<sup>th</sup> Street from West Main to West H Avenue. Carried 4-2 with Culp and Everett voting no.

#### **WEST PORT SEWER PROJECT**

Trustee Bushouse advised the Sewer/Water Committee is recommending the engineer be directed to design plans and obtain costs for installation of sewer to service 36 lots in the West Port Plat on Old Post Road, Westlins Avenue and a portion of Cadet Lane. He noted that a petition had been submitted in 2002, however, when final costs were calculated they were higher than originally presented and based on a counter petition the project was not moved forward. Mr. Bushouse further commented since that time two citizens were added to the committee, the Township sewer ordinance had been changed and does not require mandatory connection, the time period for payment extended to 15 years and interest rate changed to prime plus 2%. He noted a petition has been received regarding this proposed project with language requesting if the project goes forward the Township provide the same terms considered and/or provided to other Township landowners when installing and connecting to Township installed sewer, including deferment of sewer benefit fees, use of the 15 year installment agreement and allowing affected homeowners with dual frontage to utilize the shortest distance in calculating frontage on the public street. Mr. Bushouse noted these are addressed under the current ordinance. He also noted Kalamazoo County Health Department concerns regarding new septic systems in this area and groundwater protection. He also felt the addition of sewer, which would result in road improvements, would add value to the properties.

Engineer Elliott advised while the project has not yet been designed, the estimated cost is \$290,000.

Ric Knapp, 6182 Valley Forge Drive commented there has been input from the neighborhood three times opposing the project; he requested that the Clerk record in the minutes the counter petition on July 18, 2002 reflected 68% opposed. He also commented the Township Board minutes of February 24, 2004 approving cost of new pump station indicated a petition would be needed from residents of West Port if sewer were to be installed and Township Board minutes of August 9, 2005 indicated a sewer benefit fee was being deferred and inquired why homeowners are asked to fund future growth. He further inquired what the need is, is there documented failure of current systems. Mr. Knapp also commented the September 2005 Township newsletter featured an article regarding septic system maintenance. He felt the issue should be referred back to the Sewer/Water committee to seek other funding.

Lisa Walley, 6248 Valley Forge Drive commented there is no documentation of failing systems or problem with ground water, their area is no different than others, the whole Township benefits on the backs of the residents; residents would rather spend their dollars on maintenance of own systems. She also commented the real estate market is not good in this area now, and mortgage lenders require connection.

Bill Schrader, 6104 Old Post Road, commented this is a good decision by the Board, looking ahead, and the post card survey was a close vote.

Barbara Johnson, 7248 West H Avenue, commented the Board assumes everyone wants to sell their property.

Cathy Knapp, 6182 Valley Forge Drive, commented when her current system was pumped, the contractor advised it was in good condition. She also commented current residents, elders, singles, and couples are not taxing the current systems. Mrs. Knapp also commented that calls she made to Township office indicated more people were interested in the project, but the most recent neighborhood survey found almost 70% opposed. She also commented she felt the Kalamazoo Promise would not greatly affect the neighborhood, new families want new homes.

Terry Schley, 1266 Wickford Drive, commented the focus should be on protecting the environment, dense development does harm groundwater, and the proposed project is a step forward. He further commented to be visionary in addressing issues with groundwater; perhaps no further plats should be approved without sewer.

Olga Button, 1339 Cadet Lane, commented the projected cost has changed several times, there is no evidence of contamination and she is concerned with decisions being made in spite of the neighborhood feeling.

John Carroll, 6172 Nantucket Lane, commented the benefit fee for commercial users should be higher and capture funds for future trunk lines.

Harold DeWolf, 6142 Westlins Avenue, inquired as to the timeline of the project.

Nancy Calloway, 1341 Bunker Hill Drive, commented the majority is not in favor but if future plans include going forward regardless of what the residents want, they should be advised of the next phase time frame so they can plan.

Risa Landeros, 1175 Bunker Hill Drive, commented she is disheartened that the will of people doesn't matter; the motion should be to table, get statistics and find other funding methods.

Supervisor VanDyke commented discussion is taking place at the State level to require sewer, there are also mandates from the DEQ regarding stormwater.

Trustee Bushouse commented there are State mandates for land use planning, the plan is developed with citizen involvement and he would encourage residents to attend meetings and get involved.

Engineer Elliott commented the pump station originally built for Meijer was paid for by them as well as the 9<sup>th</sup> Street extension and sewer and they also contributed to the pump station recently constructed that would serve the West Port area which allowed them to connect to a public station. He also commented that the Township's capital improvement plan developed in 2003 outlines where trunk lines and pump stations should be. Mr. Elliott further commented the

current project is based on an overall plan using gravity flow; other areas in West Post could not be served until sewer is installed at the lower elevation. He also commented fees are reviewed on an annual basis and have historically been based on expense. Mr. Elliott also commented the project would take approximately two to three months to complete, access for public traffic would be maintained and would not commence until the next construction season. He also noted a letter had been received from the Kalamazoo County Health Department stating a majority of the homes in the older subdivision phases have installed secondary systems due to initial system failures.

Attorney Porter commented while the State allows septic systems and recognizes they must be allowed for development to occur, the position in statute is that septic systems are not healthy or a clean method for waste removal. He also commented the Township Board minutes of February 24, 2004 referred to by Mr. Knapp assumed a special assessment district would be established by petition.

Trustee Sikora commented he felt utilities enhance the value of property, sludge does not become harmless, and the experience with the KL Landfill has shown that despite some contaminants being eliminated through bioremediation, new contaminants have been found. He also commented there would be no cost to residents until they connect, many residents have already paid for utilities and it would not be fair to ask them to pay for others.

Clerk Everett commented this is a very difficult issue, the need to balance concern for the environment while recognizing the significant cost to residents.

Motion by Rakowski, second by Bushouse to direct the Township Engineer to prepare plans and seek bids for sewer installation in West Port as discussed. Carried 4-2 with Culp and Everett voting no.

#### **COMMUNITY SEWER SYSTEM ORDINANCE**

Attorney Porter presented a draft ordinance to establish provisions for community sewer systems advising the need has evolved as the concept of entire neighborhoods being served by a single association-owned sewer system becomes more popular. He further advised that although the systems are both permitted and regulated by the County and State, the Sewer/Water Committee, he, and Township Engineer feel the Township should have an ordinance that addresses responsibility for maintenance and future conversion to public sewer when available.

Motion by Culp, second by Rakowski to accept the proposed Community Sewer System ordinance for First Reading and set Second Reading for March 28<sup>th</sup>. Carried.

#### **VIDEO EQUIPMENT PURCHASE**

Trustee Bushouse advised discussion had been held with representatives of the Community Access Center and the vendor, however, a final proposal had not been received.

Motion by Everett, second by Culp to table this item until a final proposal is received. Carried.

#### **POLICY FOR NON-PROFIT USE OF OSHTEMO COMMUNITY CENTER**

Trustee Sikora presented a Park Committee recommendation to adopt a policy for use of the Oshtemo Community Center by non-profit groups in exchange for community service.

Motion by Sikora, second by Bushouse to approve the proposed policy with the additions of annual review and application for use made to and approved by the Park Committee.

#### **COUNCIL OF GOVERNMENTS (COG) UPDATE**

Supervisor VanDyke advised he felt participation should continue with COG; the group is

attempting to work on issues of mutual interest. Consensus was to remain a member.

#### **DRAKE HOUSE – ADDITIONAL PROPERTY PURCHASE**

Trustee Bushouse advised negotiations had been ongoing with Kalamazoo College to donate or sell to the Township the property necessary to retain the driveway to the Drake House. Trustee Bushouse advised the Park Committee recommendation is an offer comparable to what the Township paid for the parcel with the house at \$50,000 per acre; the property needed to retain the driveway is just over an acre.

Engineer Elliott commented the impression of the original bequeath of the property containing the Drake House would support keeping the driveway with the house.

Motion by Bushouse, second by Rakowski to approve an offer to Kalamazoo College in the amount of \$10,213.00 for the property necessary to retain the Drake House driveway. Carried.

#### **OTHER BUSINESS**

##### **REGIONAL WASTEWATER/WATER AGREEMENT EXTENSION**

Supervisor VanDyke advised a 2 year extension of the current agreement with the Kalamazoo Regional Water and Wastewater Commission was being requested.

Motion by Culp, second by Sikora to approve the agreement extension as requested. Carried.

#### **BOARD MEMBER COMMENTS**

Trustee Sikora commented he was glad to see the policy for public comment printed on the back of the agenda. He also requested reports to the Board be copied back to back when possible.

Mr. Sikora also commented he was disappointed with the March newsletter; an item he submitted was not printed, and he found the tax information graph very confusing. Clerk Everett advised space is sometimes limited and the graph was an attempt to illustrate tax rates for all three school districts in the Township.

Clerk Everett advised the public hearing for the Township's request to expand the no discharge of fire arms area would be held by the DNR on April 26<sup>th</sup>.

Trustee Rakowski commented during the many discussions regarding the flag pole ordinance, a member of the community volunteered to be the "flag police", however, he has noticed several flags in poor condition.

Mr. Rakowski also commented it is difficult to make decisions that affect taxpayers but the Board must consider the entire Township and encouraged residents to be involved in the process.

There was no further business and the meeting was adjourned at approximately 9:50 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: JOHN VANDYKE**  
Supervisor