

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
March 27, 2007

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

PRESENT:

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

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Senior Planner Mary Lynn Bugge, and 17 interested people.

Public Comment – Morris Arnold, 1226 Cadet Lane advised he met with Alamo Township Supervisor Bob Vlietstra regarding the proposed gravel mining operation. He proposed money be raised to purchase the proposed site but was advised by Mr. Vlietstra the property is privately owned.

Kalamazoo County Road Commissioners Dennis Berkebile, Jeffrie Maddox and Kent McCauley were present along with Managing Director Ron Reid, and area foreman Jim Beaudoin. An overview of 2006, 2007 and proposed 2008 projects was provided. Other items discussed included the paving project on Plainview will be lower than original contract, KCRC is continuing work on the Trailways project, KCRC is supporting efforts of drivemi to address the issues of funding for roads, and KCRC supports increasing the number of board members to five; the County Commission is working on implementing this.

Discussion was also held concerning the Parkview/Stadium project regarding changes to Oshtemo Community Center driveway and parking lot with the KCRC agreeing to remove the internal parking lot tree and stump. Mr. Maddox requested the Township provide a letter requesting this.

It was noted further discussions will be held regarding changes on north side of Stadium with all parties concerned. Managing Director Reid advised KCRC is working with owners of Ted & Marie's regarding relocating their accessible entrance to the east side of their building along with a ramp.

KCRC is requesting an easement for Township owned property adjacent to the 9th Street Amtrak bridge. This will be placed on the next Township board agenda.

The public comment session was adjourned at approximately 6:55 p.m.

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

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, and approximately 35 interested people.

Motion by Culp, second by Grace to approve the March 13th regular and March 22nd special meeting minutes. Carried.

Income to the General and Fire Funds of \$84,910.00 and disbursements of \$142,797.89 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Jim Sterenberg, 4110 Oakharbor, representing C-COATS, the citizens group working in opposition to the proposed gravel mining operation in Alamo Township read a statement to the Board reiterating their concerns and urged the Board to continue their support and involvement.

Andy Bauman, 5099 North 7th Street, inquired if the Board had received copies of the W.E. Upjohn Institute response and commented their comments should be valued. He was advised copies were received.

Attorney Porter advised the Board has directed him to continue the course of action previously approved to assist C-COATS and an informational flyer would be mailed to Township residents to clarify the Board's position.

Pat Glass, 6617 West G Avenue, advised she and others in her neighborhood have been picking up litter where G Avenue ends at US-131 which consists mostly of empty wine bottles; at times up to 100 bottles. She advised she had contacted the Kalamazoo County Sheriff's Department and would appreciate an attempt to determine who the offender is.

LIQUOR LICENSE TRANSFER – BIG BURRITO

An application from Martin Ray, owner of The Big Burrito, for transfer of a liquor license was before the Board. Mr. Ray advised he has been business for 15 years, the restaurant business is getting more competitive and he would like to add liquor sales to enhance his business. He provided sales figures and a breakdown of sales for lunch and dinner hours. Mr. Ray stated he would not sell any alcohol after midnight as he does not want to be a "last call" bar, and has a security person who will be present.

Trustee Bushouse commented he had concerns based on the location and age of the probable clientele and if the business would be able to comply to the ordinance requirement that liquor is subordinate and incidental to the primary business.

Discussion included if an agreement could be required beyond the ordinance regarding Mr. Ray's commitment to not sell alcohol after midnight and requiring proof of sales percentages of food and liquor. Some board members thought it would be unfair to require such an agreement of Mr. Ray and not other liquor license holders. Mr. Ray stated he would be willing to execute an agreement regarding no sales after midnight.

Motion by Culp, second by Rakowski to approve the liquor license transfer for The Big Burrito. Carried 6-1 with Bushouse voting no.

LIQUOR LICENSE NAME CHANGE – DAANE'S

Clerk Everett advised an application for a name change for the liquor license held by The Birches had been received due to the death of Al Daane's; the license name will change to The Alvin J. Daane Trust; Joyce A. Daane, Successor Trustee.

Motion by Grace, second by Sikora to approve the liquor license name change. Carried.

MDOT CONTRACT – M-43 BIKE PATH

The agreement for the bike path as part of the MDOT M-43 project from 10th Street to 8th Street and across the library and Township property on the south side and 10th Street to west of 9th Street on the north side, was before the Board for consideration.

It was noted Oshtemo was spelled wrong on the first page of the contract.

Board members commended Planning Director Jodi Stefforia for her work on this project noting due to the grant received, the Township's share of the project which totals \$663,500 will be \$132,700.

Motion by Sikora, second by Grace to authorize the Supervisor and Clerk to sign the MDOT contracts. Carried.

TRUCK ROUTE ORDINANCE – SECOND READING

A proposed truck route ordinance was before the Board for Second Reading. Streets classified for truck traffic would be portions of 4th, 6th, 9th, 11th, 12th Streets, Almena Drive, Drake Road, VanKal, KL Avenue, West Main, N Avenue, Parkview, and Stadium Drive, all of which are designated all season by the Kalamazoo County Road Commission.

Trustee Bushouse commented he felt the language in Section X – Special Permits, should allow the Township Board would have the authority to grant permits in special cases rather than the Township Supervisor.

There was also discussion regarding notices should be sent to area businesses who would be affected and the need to acquire and post the necessary signage.

Virginia Juriga, 8655 West G Avenue, inquired if 10th Street from H Avenue to G Avenue would be designated as a truck route. Attorney Porter advised if it were upgraded by the Kalamazoo County Road Commission, it would have to be reconsidered.

Larry Glass, 6617 West G Avenue, inquired who will enforce the ordinance and does it include both sides of G Avenue. It was noted the Kalamazoo County Sheriff's Department will be notified of the ordinance and their assistance sought as well as the Township's Ordinance Enforcement Officer and the ordinance only applies to the south side of G Avenue as the north side is Alamo Township.

Jim Cripps, 2216 West Main, commented 10th Street has Class A Road status and noted there are no Class A roads north of M-43 listed as truck routes, the ordinance increases traffic on already busy roads because of inconveniencing 9th and 10th Streets, the ordinance has not been thought through, and how does a truck driver convince an officer he was making a local delivery and who will determine the most direct route.

Mr. Balkema, 1500 River Street, commented portions of 10th Street and H Avenue are all weather, trucks will be forced to use 6th Street which he feels would be dangerous, Drake Road and West Main has one of the highest traffic counts in the county; it does not make sense to use only Drake Road, his expenses will increase having to go out of the way to accommodate the truck routes, improvements to 10th Street and West H were paid for with more than just Township money, and the ordinance will affect a lot of interests other than gravel trucks including small businesses.

Laura Carr, 1691 West D Avenue, commented she owns a gravel train company, pays a lot of highway use taxes, license fees and fuel taxes which are used for road maintenance, she will have to reroute trucks which increases expenses and will reconsider doing business in the Township; drivers will receive points on their licenses if stopped, Drake Road is very busy already, 9th and 10th Streets to H Avenue should be included as truck routes, and the issue is the gravel pit and it should be kept separate.

Jim Sterenberg, 4110 Oakharbor, commented he understood the intent of the ordinance is to establish commercial truck routes designed to handle heavy traffic, limit through truck traffic but local use would be allowed.

Attorney Porter noted the ordinance was drafted for the entire Township.

Motion by Grace, second by Rakowski to adopt the truck route ordinance with the language in Section X changed to Township Board instead of Supervisor. Carried.

RESOLUTION – BUILDING CODE REQUIREMENT REGARDING FIRE SUPPRESSION

A resolution in opposition to the International Code Amendments requiring sprinkling of single family residential structures was before the Board for consideration.

Supervisor VanDyke advised the Home Builders Association of Greater Kalamazoo had requested the Board consider this issue.

Board member comments included this would be difficult to support in light of the Fire Chief recently losing his house to a fire and being injured, what information is available regarding cost of adding such systems and insurance savings, and what input the Fire Department might want to offer on this issue.

Motion by Grace, second by Sikora to table the issue for more information. Carried.

QUAIL RUN SANITARY SEWER EXTENSION

Engineer Elliott presented a recommendation to construct sanitary sewer in Quail Run Drive at 9th Street as a separate project to occur between June and August, 2007. He noted the project is part of the 9th Street sanitary sewer project planned in conjunction with the KCRC 2008 9th Street Roadway Project but after consulting with the KCRC recommends constructing the Quail Run portion in 2007 to guarantee coordination with the Heritage Christian Academy's summer break and also better reduce traffic flow disturbances when the 9th street railroad crossing is closed beginning in late 2007.

Motion by Grace, second by Rakowski to authorize the Engineer to obtain bids for the project. Carried.

ATTORNEY & PARALEGAL POSITIONS

Trustee Bushouse presented a recommendation from the Personnel Committee to establish the positions of Township Attorney and Paralegal and employ Attorney James Porter and Paralegal Kathy Barnes as full time Township employees rather than continue the current contract agreement with Mr. Porter. He noted that Mr. Porter's contract obligates him to 30 hours per week for the Township and the balance to the other clients; the workload for the Township is at least 40 hours per week currently and has been for several months.

Trustee Sikora commented he is not opposed to the recommendation but feels more information is needed and would prefer to table it. He also commented he was intending to bring up under other business a recommendation to establish a committee to study wages and benefits. Further discussion included the Personnel Committee has been discussing these issues and is in fact moving toward bringing to the Board a revised schedule of benefits for next year.

Motion by Grace, second by Culp to establish the positions of Township Attorney and Paralegal effective April 1st. Carried 6-1 with Sikora voting no.

OTHER BUSINESS

Trustee Sikora commented he would like to establish a committee to study wages and benefits as discussed earlier. Treasurer Culp and Clerk Everett advised they could assist in providing the historical information Mr. Sikora would like to review.

BOARD MEMBER COMMENTS

Treasurer Culp advised street lights will be installed at West Main and 9th Street in approximately 6 weeks.

Trustee Grace commented in light of the recent discussions regarding the gravel pit and continuing applications for development he feels there should be discussion regarding current lot sizes. Consensus was the Board to have a discussion of this issue at the April 10th work session.

There was no further business and the meeting was adjourned at approximately 8:30 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: John VanDyke
Supervisor