

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
April 26, 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 Lee Larson

Also present was Township Attorney James Porter, Township Engineer Marc Elliott and 4 interested people.

Public Comment

Treasurer Culp responded to questions raised at the April 12th board meeting concerning the Friends of the Parks newsletter article.

Discussion was held concerning recent estimates of revenue sharing and the redistricting of the Kalamazoo County Board of Commissioners.

Other Business

The following items from the regular agenda were handled due to time available.

Inclement Weather Policy

A recommendation from the Personnel Committee updating the inclement weather policy to clarify when meetings would be cancelled and compensation for essential and non-essential personnel was before the Board.

Motion by Borgfjord, second by Culp to approve the amended inclement weather policy. Carried.

Flex Time Policy

A recommendation from the Personnel Committee amending the flex time policy to cap the hours accrued to 40 at any one time was before the Board.

Motion by Culp, second by Borgfjord to adopt a resolution to amend the Employee Handbook Section 5.6 to cap flex time at 40 hours. Roll call showed Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, Larson-yes, Heiny-Cogswell-yes.

TOWNSHIP FUNDS DEPOSITORIES

Treasurer Culp presented a recommendation to add First Michigan Bank, Consumers Credit Union, Educational Community Credit Union, First Federal Community Credit Union and Lake Michigan Credit Union to the list of Township approved depositories.

Motion by Culp, second by Bushouse to approve the additional financial institutions. Carried.

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

Supervisor Heiny-Cogswell called the regular meeting to order at 7:00 p.m.

PRESENT:

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

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia and 7 interested people.

MOMENT OF SILENCE

A moment of silence was held to honor Kalamazoo Department of Public Safety Officer Eric Zapata, killed in the line of duty on April 18th. Supervisor Heiny-Cogswell also thanked members of the Oshtemo Fire Department who volunteered to assist the City of Kalamazoo with staffing and additional staffing for the Township during the funeral for Officer Zapata.

Clerk Everett noted the April 12th minutes should be corrected to reflect Trustee Bushouse was in attendance. Motion by Culp, second by Larson to approve the April 12th regular meeting minutes as corrected. Carried.

Income to the General and Fire Funds of \$37,668.04 and disbursements of \$553,107.50 were reported. Motion by Borgfjord, second by Culp to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

None.

CONDITIONAL REZONING – 7190 WEST KL AVENUE

Planning Director Jodi Stefforia presented a recommendation from the Planning Commission to approve a Conditional Rezoning request at 7190 West KL Avenue; the property is currently zoned I-1 Industrial and the applicant is requesting a portion of the building be conditionally rezoned to Rural Residential to permit a residence while establishing a new business. She noted Conditional Rezoning is permitted under the Michigan Zoning Enabling Act as a planning tool that recognizes certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning and voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Ms. Stefforia advised the conditions offered were the living space will be occupied by the applicant, the living space will never be used as a rental property, the living space will never be sold separate from the balance of the property, and the conditional rezoning is contingent upon the applicant, Nancy Bruce, occupying the building and if she ceases to occupy the building, the zoning will revert back to I-1 Industrial zoning. She further advised the conditions would be required to be incorporated into a Statement of Conditions that may be recorded with the Register of Deeds.

Motion by Heiny-Cogswell, second by Borgfjord to accept the proposed rezoning, subject to recording of the Statement of Conditions as presented, for First Reading and set Second Reading for May 10th. Carried.

RESOLUTION TO AMEND BUILDING DEPARTMENT FEES

A recommendation to reduce the building permit fees for pools and decks was before the Board; Attorney Porter noted this was after a review by Building Official Jerry Reitenour.

Trustee Bushouse suggested notification be sent to the Home Builders Association.

Motion by Borgfjord, second by Larson to adopt a resolution amending building department fees for pools and decks as presented. Roll call showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, Heiny-Cogswell-yes.

TRUCK ROUTE ORDINANCE AMENDMENT – SECOND READING

A proposed ordinance amendment to the Township's truck route ordinance was before the Board for Second Reading. The proposed amendment would allow a north bound only truck route on 10th Street from West Main to H Avenue, two way truck traffic on 10th Street from H Avenue to G Avenue, south bound truck traffic only on 9th Street from H Avenue to West Main, two way truck traffic on H Avenue from Drake Road to 10th Street and west bound truck traffic only on H Avenue from 10th Street to 9th Street.

There was discussion regarding the need to apply the ordinance prohibiting engine brakes and post areas found to be problematic.

Scott Ernstes, 6329 West H Avenue, inquired as to the status of a weigh master. Supervisor Heiny-Cogswell advised that since Kalamazoo County does not have one, the Township has formally requested the

Kalamazoo County Road Commission and Kalamazoo County Sheriff's Department to allow the Township to contract for weigh master services from another source, there has been no reply.

Ray Robinson, 2860 North 10th Street, inquired when the ordinance would take effect. Attorney Porter advised 30 days after publication of the notice of adoption and signs posted.

Supervisor Heiny-Cogswell read a letter from Beth Lupe, 6320 Torrington commenting on her concerns of safety and noise if trucks are allowed to use North 10th Street.

Motion by Borgfjord, second by Larson to adopt the ordinance amendment. Carried.

BOARD MEMBER COMMENTS

Trustee Borgfjord noted the local wiffle ball league had accomplished several maintenance and upgrades of the wiffle ball fields at the Township Park and Flesher Field.

Ms. Borgfjord also noted the 2nd Annual Oshtemo Sunburst 5K will be held on August 13th.

Clerk Everett reminded everyone to vote next Tuesday.

CLOSED SESSION

Motion by Heiny-Cogswell, second by Everett to adjourn to closed session to discuss pending litigation because doing so in open session could negatively impact the Township's position. Roll call vote showed Roll call showed Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, Larson-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 7:40 p.m.

Motion by Everett, second by Culp to return to open session at approximately 8:20 p.m. Carried.

Motion by Everett, second by Borgfjord to authorize the Township Attorney to proceed as discussed in closed session. Carried.

There was no further business and the meeting was adjourned at approximately 8:20 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COSGWELL
Supervisor