

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
June 9, 2009

Township Board work 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
Trustee Scott McCormick

Also present were James Porter, Township Attorney Marc Elliott, Township Engineer, Cathy Harrell, Township Assessor, and 4 interested people.

2009 Tax Appeals

Assessor Harrell advised the Board that to date 13 commercial tax appeals had been received and at least one more was expected. She also provided information outlining the economic impact on the Township and other units which would be affected noting a potential loss in revenue of approximately \$1.2 million dollars; \$83,466 of which would be from the Township and Fire Department. She noted there had been discussion at the March 24th meeting of establishing an administration fee to be charged on all tax bills to assist the Township in funding the tax appeals.

Discussed ensued which noted cost of the current appeals could exceed \$100,000 for appraisals as well as staff time of the Assessing, Legal and Treasurer's Departments, the Township is mandated by the State to handle all appeals with no assistance from other taxing units, and further appeals are likely. It was noted that in 2008, the State Tax Commission adopted the position that local units should levy and collect the one percent administration fee as authorized under Michigan Law and dedicated to the property tax function as specified in the law. It was also noted Oshtemo is the only local unit in the county and one of only a few in the state that does not charge the administration fee. There was discussion that if the fee was instituted, informing the public and explaining the reasons would be very important.

After lengthy discussion, consensus was the fee should be collected to fund the appeal process beginning with the 2009 winter tax bills as there would not be sufficient time to inform the public prior to the summer tax season.

Motion by James Grace, second by Borgfjord to add a one percent administration fee to all tax bills beginning with the 2009 winter tax collection. Carried.

Township Office Addition – Release of Retainer

Supervisor Heiny-Cogswell advised the retainer and final payment for the Township Office addition had been submitted for payment. She advised the contractor had not made the request due to the pending warranty items which have since been resolved.

Motion by James Grace, second by Heiny-Cogswell to approve release of retainer and final payment in the amount of \$38,136.28. Carried.

Electrical Repair Bid

Supervisor Heiny-Cogswell presented a bid for repair to an electrical box in the parking lot believed to have been damaged by snow plowing. Consensus was the item should be referred to the Buildings and Grounds Committee for a recommendation.

Committee Reports

Road Committee – The committee has been reviewing the current road maintenance policies but due to time constraints will bring their findings to the Board at a future meeting.

Board Member Comments

Trustee/Fire Commissioner James Grace advised Fire Chief Mark Barnes has been working on a 25 year capital plan and will discuss it with the Board at the July 14th work session. He also advised Chief Barnes has been researching the issue of changing the radio system to a 800 MHz system and found it to be cost prohibitive.

Mr. Grace advised new fire helmets have been ordered and requested the Board approve permitting firefighters to purchase their own current helmet for \$25.00 advising they do not meet current safety standards that would allow them to be sold to other departments. He noted any not sold could be donated to an organization that distributes such equipment to other countries that do

not have the same safety standards.

Motion by James Grace, second by Everett to permit firefighters to purchase their own current helmet for \$25.00, with any not sold could be donated as described. Carried.

The Board work session adjourned at approximately 6:55 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 James Grace
Trustee Scott McCormick

Also present were James Porter, Township Attorney, Marc Elliot, Township Engineer, and 13 interested people.

Motion by James Grace, second by Borgfjord to approve the May 26th regular meeting minutes. Carried.

Income to the General and Fire Funds of \$12,405.27 and disbursements of \$164,546.12 were reported. Motion by James Grace, second by Culp to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Greg Rosine, Vice-Chair of the Kalamazoo County Transportation Authority, thanked Board members and residents of the Township who supported the transportation millage.

Margaret Masuzawa, 331 West Ridge Circle, commented she attended the Kalamazoo County Road Commission meeting on this date and was disappointed in the results, there was minimal discussion and she heard no reasons for their decision. She inquired as to the status of the issue.

Supervisor Heiny-Cogswell and Attorney Porter advised an appeal of the KCRC decision has been filed and a show cause hearing will be held on June 22nd. They noted the decision made by KCRC at their regular meeting on this date considered Oshtemo Township's objection to the prohibition of truck traffic on G Avenue in the consent judgment between Alamo Township and Aggregate Industries, the KCRC voted on four criteria but it appeared the format for considering the Township's objection was different from that used for Alamo and Kalamazoo Townships objections. They also noted the KCRC held a special meeting on June 4th which the Township had no knowledge of and minutes have been requested.

RESOLUTION – JACOB DELLA PIA

Supervisor Heiny-Cogswell read a resolution in honor of Firefighter Jacob Della Pia who has been deployed to Iraq with his National Guard Unit. Fire Chief Mark Barnes accepted the resolution on his behalf thanked the Board for their recognition of Firefighter Della Pia's service to his country.

VARIOUS TEXT AMENDMENTS – FIRST READING

A recommendation from the Planning Commission to adopt eight proposed zoning ordinance text amendments was before the Board for Second Reading.

Motion by James Grace, second by Culp to adopt the text amendments. Carried.

RENTAL HOUSING ORDINANCE

A proposed Rental Housing Ordinance was before the Board for Second Reading. Supervisor Heiny-Cogswell advised a letter had been received from Edward Rose & Sons; Attorney Porter felt their concerns had been addressed.

Motion by James Grace, second by Everett to adopt the Rental Housing Ordinance. Carried with McCormick voting no.

CLEANING CONTRACT

Supervisor Heiny-Cogswell presented a contract with MRC Industries to provide cleaning of Township facilities for the Board's consideration.

Motion by Borgfjord, second by James Grace to authorize the Supervisor to sign the contract with MRC Industries to provide cleaning of Township facilities in the amount of \$941.71 per month. Carried.

WEST MAIN WATER EXTENSION

Engineer Elliott presented information regarding a water main extension on West Main from 1st Street to Wickford Drive to be funded by the KLA Group. He noted the Township is being asked to contract with Scott W. Taylor Excavating for the project with the Township to be reimbursed for construction, engineering, administrative and related project costs. Attorney Porter advised he has reviewed the proposed agreement with Golder Associates, agent for the KLA Group and found it to be satisfactory.

It was noted there are no contaminants above allowable levels in the extension area; the project is a proactive precautionary measure.

Motion by James Grace, second by Culp to contract with Scott W. Taylor Excavating for construction of water main on West Main from 1st Street to Wickford Drive in the amount of \$132,768.00 and contract with Golder Associates for reimbursement of the project. Carried.

DANGEROUS BUILDING ORDER

Attorney Porter advised a dangerous buildings hearing was held on May 13th regarding a garage at 2454 North 2nd Street which resulted in the hearing officer ordering the property owner remedy the situation, which has not been accomplished, therefore the matter is now before the Township Board. He advised the Board can affirm or modify the order and the property owner will have 60 days to comply. He also advised if the structure is razed no excavation should be allowed due to a possible underground storage tank.

Roberta Benyon-Stanciel, owner of the subject property advised she has accomplished some of the items as ordered, had spoken with the Building Inspector regarding the soundness of the structure and needed more time to complete the repairs.

Motion by James Grace second by Borgfjord to affirm the order of the Dangerous Buildings Hearing Officer granting the property owner 60 days to complete the order and if not accomplished, the building razed with no excavation allowed. Carried.

BOARD MEMBER COMMENTS

Trustee James Grace commented he spoke with Mark Monk of the Public Media Network regarding the audio problems of the meeting room sound system and was provided a list of possible vendors which he had forwarded to Supervisor Heiny-Cogswell.

Supervisor Heiny-Cogswell advised AT&T will be donating to the Township their right of way along Atlantic Avenue from Parkview west to the Oshtemo Community Center parcel. She thanked Senior Planner Mary Lynn Bugge and Attorney Porter for their diligence on this matter which has taken several years.

Supervisor Heiny-Cogswell advised a dedication of the DDA beautification project at the Oshtemo Community Center will be held on June 24th at noon.

There was no further business and the meeting was adjourned at approximately 7:45 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor