

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
June 13, 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 Grace Borgfjord
Trustee Dave Bushouse
Trustee Stan Rakowski
Trustee Neil Sikora

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer and Planner Mary Lynn Bugge.

Board discussion included maintenance items and sewer and water updates.

Public Information Meeting – Proposed Sidewalk Ordinance

A public hearing was held regarding a proposed ordinance regarding regulations and standards concerning the construction, maintenance, and repair of public or private sidewalks or other non-motorized facilities.

Public comment included:

Dale Shugars, representing the Home Builders Association of Greater Kalamazoo, commented on the requirement that sidewalks be provided on both sides of streets noting that in cul-de-sacs and narrower streets they would make sense but are not necessarily as useful in rural areas and asked that consideration be given to waive one side if a development promotes non motorized paths elsewhere such as nature trails, etc. He also commented snow removal can be difficult and asked if consideration could be given for seniors especially on busy streets where plowing would increase the difficulty of clearing.

Ken Bertolissi inquired where the ordinance would apply and commented 24 hours for snow removal is a short time frame, and referring to the proposed bike path on West Main as part of an MDOT project, commented for the record that he has lived and worked on West Main for 35 years and could count on one hand the number of people he sees walk on West Main and is opposed to the proposed non-motorized path noting the cost burden versus use should be considered.

Judy Weddington, 6139 West Main, commented the proposed bike path on West Main would result in a 10 foot asphalt path 346 feet long across their front yard which they are being asked to pay for and maintain. She felt the entire Township should pay for the path.

Mr. Weddington commented if the cost were shared by all residents it would be \$6.00 per resident.

Jeff Bertolissi, commented he owns 330 feet on West Main, the maintenance that would be required is not realistic, penalties are excessive, a 10 foot path is too narrow to plow but too large to shovel, there is too much traffic on West Main, and the proposed path would end at 10th Street with no provision for safe passage over US-131.

Earl Dalzell commented he heard this afternoon of the meeting, he is opposed to the special assessment, he will not use or shovel the path, it is the responsibility of government to share in such costs such as Portage who spreads the cost to all taxpayers; he feels he is being taxed twice.

Earnie Best, commented sidewalks do promote good health as do nature paths. He felt the requirements should be different in high density areas, in more rural areas paths are more appropriate and maintenance left in a more natural state.

It was noted the proposed ordinance addresses all sidewalks or non-motorized paths, not specifically the proposed bike path on M-43 between the Township Hall and 10th Street. Trustee Bushouse commented there are currently areas with sidewalks that have not been maintained or cleared of snow causing pedestrians to travel on the street which is dangerous.

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

Supervisor VanDyke called the regular meeting to order at approximately 7:10 p.m.

Also present were James Porter, Township Attorney, Bob Snell and Marc Elliott, Township Engineers, Planner Mary Lynn Bugge, and 2 interested people.

Clerk Everett noted the June 8th special meeting minutes should be corrected to indicate the meeting was adjourned at 4:15 p.m. Motion by Sikora, second by Culp to approve the May 23rd regular and June 8th special meeting minutes as corrected. Carried.

Income to the General and Fire Funds of \$120,017.26 and disbursements of \$500,320.79 were reported. Motion by Culp, second by Rakowski to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

None.

SUBDIVISION/SITE CONDOMINIUM ORDINANCE – FIRST READING

Attorney Porter reviewed a proposed ordinance for review of subdivisions and site condominiums. It was noted suggestions made at the committee work sessions and new requirements regarding noticing in the recent changes in State law were incorporated.

Dale Shugars commented on the language requiring all trees be shown on a proposed site plan feeling the unintentional consequences could be trees would be cut before a plan is designed.

Earnie Best inquired if the proposed ordinance would prohibit rain gardens and also felt the requirement regarding identifying trees was excessive. Engineer Elliott suggested the term “isolated trees” be used instead of “individual” which would allow a stand of trees or woodlot to be shown as such on a plan.

Other items discussed included the need for review by the Kalamazoo County Drain Commissioner of storm water areas, references to lots, parcels and building sites should be corrected to reflect the appropriate reference whether subdivision or site condominium, and the articles of the Township Land Division Ordinance were incorrect as numbered.

New noticing requirements by the State were discussed. Trustee Sikora felt notices should be mailed before they are published; affected residents should receive them first. Consensus was the mailing date should be added to the notice.

Motion by Everett, second by Culp to accept the proposed ordinance for First Reading and set Second Reading for July 11th with the changes as discussed for description of trees, correct references to lots, parcels and building sites where appropriate and correct the reference to the articles of the Township Land Division ordinance. Carried.

SIDEWALK ORDINANCE – FIRST READING

The proposed sidewalk ordinance as discussed at the earlier public information meeting was before the Board for First Reading.

Board member comments included recognizing the concerns expressed earlier regarding snow removal, being required to keep a 10 foot bike path cleared, and while recognizing the expense sidewalks and non-motorized paths create, they are needed. Consensus was the concerns should be further explored, including surveying other communities.

Motion by Everett, second by Rakowski to table the item to the July 11th meeting. Carried.

TEXT AMENDMENT – VILLAGE THEME DESIGN TEXT – FIRST READING

A recommendation from the Planning Commission to revise the introductory paragraph of Section 33.400 of the Zoning Ordinance pertaining to Site Development Standards in the Village Commercial District to facilitate consideration of the design suggestions in the Village Theme Development Plan adopted for the DDA District when development proposals are formulated was before the Board for Second Reading.

Motion by Culp, second by Sikora to adopt the text amendment. Carried.

LASALLE STORM DRAIN DISTRICT

William French, Kalamazoo County Drain Commissioner requested the Township Board initiate a petition for the LaSalle Storm Drain District and commented he made the request originally at the January 10th meeting. He advised due to the time frame required for noticing and hearings, the project must be initiated soon.

Lengthy discussion was held regarding Board member concerns that a plan to permanently correct the problems or cost estimate were not available to share with the affected residents. There was also discussion that the new development on the east side of 8th Street had agreed to have some storm water directed to their property. Board members acknowledged the Drain Code does not allow funds to be spent without first establishing a district but it was noted authorization had been given to the Township Engineer to begin assisting with the project to obtain the needed information.

Motion by Sikora, second by Rakowski that the direction and position of the Township Board is it will not authorize a petition at this time, understanding a project cannot be undertaken this year, and to direct the Township Engineer to work with the Drain Commissioner to provide a permanent solution including calculating the storm water volume to be directed to the development currently under way on the east side of 8th Street. Carried.

COMMUNITY ACCESS CENTER – ENTITY AGREEMENT

This item was tabled from the May 23rd meeting. It was noted a revised agreement had not been received.

Motion by Everett, second by Culp to postpone the item until the revised agreement is received. Carried.

FIREWORKS PERMIT

An application from Andy Webb for a fireworks permit to conduct a fireworks show on July 1st at 10463 West H Avenue was before the Board for consideration. Clerk Everett advised the details of the application, including Fire Department approval, were the same as the one Mr. Webb obtained last year.

Motion by Culp, second by Rakowski to approve the fireworks permit. Carried.

KALAMAZOO COUNTY HAZARD MITIGATION PLAN

A request from Kalamazoo County that the Township adopt a resolution supporting the intent and activities contained the Kalamazoo County Hazard Mitigation Plan was before the Board.

Motion by Rakowski, second by Culp to adopt the resolution. Carried.

MICHIGAN TOWNSHIPS ASSOCIATION DUES

Membership dues for the Michigan Townships Association in the amount of \$5,431.44 were before the Board for consideration.

Motion by Sikora, second by Culp to approve the expenditure for payment of the dues. Carried.

OTHER BUSINESS

PROPERTY PURCHASE/SALE – KL LANDFILL

Attorney Porter advised all necessary documents for the completion of the purchase and sale of property regarding soil needed for the landfill cap were completed. He requested the Supervisor and Clerk be authorized to sign the closing documents.

Motion by Culp, second by Sikora to authorize the Supervisor and Clerk to execute all necessary documents for closing of the sale and purchase. Carried.

EXTENSION OF PUBLIC WATER – KL AVENUE

Engineer Elliott advised the KLA Group will be funding a 740 foot extension of public water in KL Avenue at 2nd Street and felt the Township may wish to consider completing the loop to Almena as this segment is within the area where the Kalamazoo County Health Department restricts the permitting of new groundwater wells.

Motion by Everett, second by Culp to authorize the Engineer to seek bids for the project. Carried.

BOARD MEMBER COMMENTS

Trustee Sikora distributed a map of the Township Park trails prepared by Mike Horvath for his Eagle Scout project.

There was no further business and the meeting was adjourned at approximately 10:10 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: JOHN VANDYKE
Supervisor