

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
July 10, 2007

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 James Grace
Trustee Stan Rakowski
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, and Cathy Harrell, Township Assessor.

Personal Property Audit – Assessor Harrell presented a proposal to conduct an audit of the personal property files. She advised State law requires all commercial, industrial and utility properties to report all personal property they own as of December 31st each year; the Township has approximately 650 personal property parcels and received reports from 80% for 2007. Ms. Harrell further commented State law also provides for auditing of business records for the current and two previous years. Ms. Harrell proposed contracting with Andrew Bouma, a certified personal property examiner who has previous experience as a personal property tax consultant; his fee would be based on a percentage of the revenue collected on unreported personal property. There was lengthy discussion on the merits of the proposal and acknowledgement it is the Township's responsibility to obtain the correct information and collect the personal property tax.

Motion by Grace, second by Sikora to authorize the Supervisor, Assessor, and Township Attorney to negotiate a contract in the best interest of the Township for a personal property audit with Mr. Bouma.

911 Dispatch Contract – Supervisor VanDyke advised the Township Supervisors in Kalamazoo County are not in support of a proposed contract from the county for 911 dispatch service and he will be asking them to put their position in writing. Attorney Porter noted the county accepted responsibility for 911 dispatches under State statute several years ago and receives the revenue from the 911 charges on telephone bills. He further noted the Township should respond to the proposed contract. Consensus was to handle this item under other business on the regular meeting agenda.

Board Member Comments – Trustee Rakowski requested copies of any correspondence to and from Department Heads and the Supervisor be provided to the Township Attorney.

Trustee Grace commented he had concerns regarding accountability issues, i.e., the proposed changes in the 5th Street water project due to the road not being on center, and the 11th Street sewer lead location issue handled by the Board a few meetings ago. Engineer Elliott advised in some instances, until final engineering surveys and designs are made, exact locations of utilities, etc. are not known.

The board work session was adjourned at approximately 6:45 p.m.

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

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Senior Planner Mary Lynn Bugge, Associate Planner Brian VanDenBrand, and 7 interested people.

Motion by Grace, second by Rakowski to approve the June 26th regular meeting minutes as presented. Carried.

Income to the General and Fire Funds of \$65,475.94 and disbursements of \$141,128.89 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Judy Weddington, 6139 West Main, commented she was very upset with the process taking place with the Township attempting to acquire an easement across her property for the water main to be installed in conjunction with the M-43 bike path. She felt good faith efforts had not been made to negotiate and felt pressured to accept the Township's offer or be threatened with condemnation. She advised she and her husband had been involved in a serious auto accident which resulted in them not being able to proceed with this process in a timely manner and felt the Township had known for over a year the easement would be needed but not contacted her until a few months ago.

Attorney Porter commented time was an issue since the project is slated to begin within days and he had been unaware of the Weddington's accident. Discussion included the willingness of the Board to allow more

time for discussion with the Weddington's while trying to meet the project timeline.

Motion by Grace, second by Rakowski to set a deadline of July 17th to reach an agreement with the Weddington's regarding the easement before proceeding with any legal action. Carried.

Justine Hertzell, 2484 Isle Harbor, thanked the Board for attending the June 26th Alamo Zoning Board meeting.

Mike Lutke, owner of Kalamazoo Pool, 3357 South 9th Street, requested the Board grant him permission to access his business through the Oshtemo Community Center property between Parkview and Atlantic. Lengthy discussion ensued regarding recent road projects affecting access to his 9th Street driveway and future plans for the area including involvement of the DDA.

Board consensus was to grant temporary permission to Mr. Lutke to access his business through the Oshtemo Community Center parking lot off Parkview, no access from Atlantic Avenue is allowed, and direct Attorney Porter to draft such an agreement.

Stephen Sickels, 3560 Kelfrey Cove, advised he had attended an Alamo Township Board meeting and was left with questions regarding the proposal gravel pit. He inquired what steps could be taken by the Alamo Township Board since their Zoning Board had denied the request. Attorney Porter advised the Zoning Board decision is final; after the minutes are approved the applicant has 21 days to file an appeal in circuit court; the Township Board would then determine what action would be taken regarding any litigation.

LOT RECONFIGURATION/CONVERSION TO CONDOMINIUM 6145/6147 FAIRGROVE

Associate Planner VanDenBrand presented a request from Willard Glashower for approval of conversion of a duplex into condominium units and lot line reconfiguration that would bring the applicant's and the adjacent property at 6125/6127 Fairgrove into compliance with side setback requirements. He noted a variance was granted by the Zoning Board of Appeals to allow the shared property line be rearranged while permitting the lots to retain their "buildable" status. He also noted the Planning Commission recommended approval of the conversion to condominium units.

Trustee Grace commented it was his understanding these are preexisting structures which will remain non-conforming but not precedent setting as far as width and area requirements are concerned.

Motion by Everett, second by Sikora to approve the lot reconfiguration and conversion to condominiums subject to review by the Township of the bylaws and master deed. Carried.

M-43 BIKE PATH

Lengthy discussion was held concerning funding for the Township share of the M-43 bike path the Board had previously approved at \$132,700 with possible options including setting up a special assessment district, allocating benefit in the proposed district based on residential/vacant or commercial use, delay collection of assessments while asking residents to approve a Township wide recreation millage, or using available Township funds. Board member comments included concerns that the benefits of this path are Township wide and it seems unfair to assess just those properties attached. It was also discussed that a formal Township Recreation Plan which would include public input is needed before approaching residents on a millage. Clerk Everett advised monies which have been received under the Metro Act, that collects right of way fees from telecommunication companies by the State, which is then distributed to the local units, could be used toward this project. She advised the current fund is approximately \$34,000.

Motion by Culp, second by Sikora to not establish a special assessment district, using the Metro Act funds and balance from the general fund reserves to fund the Township's share of the project. Carried.

OTHER BUSINESS 5TH STREET WATER PROJECT

Engineer Elliott presented a revised scope of work for the North 5th Street water extension advising surveys have revealed the roadway pavement is off center to the east of the true section line. He recommended revisions to the previously approved contract to include unit cost items for edge of pavement repair and roadway reconstruction and extend the total length of the water main an additional 40 feet to terminate at the nearest property line, opposite the Western Woods development. Mr. Elliott advised the contract is now formatted as a unit cost bid with total costs estimated at \$92,001.60 if the additional pavement/ roadway edge repair is necessary.

Motion by Grace, second by Rakowski to authorize the Supervisor to sign the contract with Fulton Excavating for the water extension project not to exceed \$92,001.60. Carried.

911 DISPATCH CONTRACT

Discussion regarding the proposed contract for 911 dispatch service with Kalamazoo County held at the work session was reviewed; the county receives revenue from 911 charges on telephone bills and agreed to assume dispatching duties under State statute.

Motion by VanDyke, second by Grace to direct the attorney to respond to Kalamazoo County counsel declining participation in the proposed 911 dispatch contract. Carried.

RECREATION PLAN

Trustee Sikora noted as discussed earlier, in order to facilitate planning and funding of parks and non-motorized facilities, a Recreation Plan is needed and requested the Board approve funds for the project.

Motion by Sikora, second by Grace to approve an expenditure not to exceed \$20,000 to develop a Recreation Plan. Carried.

ALAMO TOWNSHIP – LEGAL ASSISTANCE

Discussion was held regarding the recent denial of the proposed gravel pit application by the Alamo Zoning Board with consensus to assist Alamo Township in any legal action that could result.

Motion by Rakowski, second by Sikora to authorize an expenditure of matching funds up to \$25,000 to assist Alamo Township with legal defense regarding the denial of the proposed gravel pit and notification of such from Supervisor VanDyke be mailed to all Alamo Township Board and Zoning Board members. Carried.

BOARD MEMBER COMMENTS

Trustee Rakowski advised he and Attorney Porter will be attending Alamo Township's Board meetings.

Trustee Rakowski commented an open house/ice cream social will be held July 14th at the Drake House.

There was no further business and the meeting was adjourned at approximately 8:40 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: JOHN VANDYKE
Supervisor