

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**September 25, 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, and 4 interested people.

**Public Comment:** John VanBuren, 2403 Ramblewood, had questions regarding the water rates established by the City of Kalamazoo, noting they are higher for non city residents and wondered if the Township has any input. Attorney Porter advised the City provides water under a contract which has expired and is currently under negotiation, with part of the delay being trying to get a clear definition of how rates are computed. In response to a question regarding the service charge on the water bills, Trustee Bushouse advised the service charge builds a fund for future infrastructure maintenance which is the Township's responsibility.

Tom Hall, commented he is a five year resident of the Township and also commented on the percentage of increase in the water rates.

**Township Vehicle Use** – Discussion included clarifying that an employee would not be expected to pick up a Township vehicle if going to a meeting on their way to work; it was reiterated that employees should use Township vehicles when available and Clerk Everett presented a sign in/out log for such use. Trustee Sikora suggested a system for reserving a vehicle should also be considered.

**Speed Limit Signage** – Trustee Sikora noted that northbound South 8<sup>th</sup> Street has a 45 mph speed limit sign when turning off Stadium Drive, but no signs at the other end off West Main. Consensus was there should be dialogue with the Kalamazoo County Road Commission.

The public comment session was adjourned at approximately 6:40 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, Senior Planner Mary Lynn Bugge, Interim Fire Chief Paul Karnemaat and approximately 50 interested people.

Motion by Grace, second by Rakowski to approve the September 11<sup>th</sup> regular meeting minutes. Carried.

Income to the General and Fire Funds of \$44,685.14 and disbursements of \$371,506.94 were reported. Motion by Rakowski, second by Grace to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS**

Attorney Porter provided an update of the gravel pit; Alamo Township's original motion in response to Aggregate Industries appeal was the court where it was filed had no jurisdiction, but then accepted the consent judgment from the same court. He noted his research had found case law that determined a court cannot take action until they determine jurisdiction and C-COATS has filed a brief in support of no jurisdiction with a hearing scheduled for September 26<sup>th</sup>. He also advised Judge Lightvoet has recused herself from the case and Judge Lipsey will preside. In response to questions, Mr. Porter advised he thinks the legal argument to set aside the consent judgment is sound, a decision would probably come within a couple of weeks, if the court rules in favor of C-COATS brief the consent judgment would be invalidated and Aggregate Industries would have to reapply or appeal to the Court of Appeals. He also commented that recent State law requires Zoning Boards convert to Planning Commissions and while Zoning Boards were appointed by the Township Board, Planning Commission members are appointed by the Township Supervisor with consent of the Township Board.

Jim Sterenberg, 4110 Oakharbor Street, thanked the Board and in particular, Attorney Porter and Trustee Rakowski for their support of C-COATS and commented the Alamo Township Board's action is a slap in the face especially to their own Zoning Board.

Joe Gimmel, 3300 North 9<sup>th</sup> Street, advised he has a video showing 37 trucks in one hour passing his home and engine brakes being used approximately every three minutes. He also thanked the Board for their support.

Stephen Sickels, 3560 Kelfrey Cove, commented he applauds the Board for their efforts and wondered how the issue can be fought head on instead of looking just at technicalities. Attorney Porter advised Oshtemo Township is limited as to the action they can take since the proposed project is in Alamo Township.

Laura Anderson, 1399 Cadet Lane, commented she had asked about Alamo Township appointing a Planning Commission and was told by Alamo Supervisor Bob Vlietstra it was up to him.

Pat Glass, 6617 West G Avenue, asked if one Township can sue another. Attorney Porter advised legally yes but it is not typically done since there are other issues municipalities need to work together on. Supervisor VanDyke commented intergovernmental cooperation is encouraged by the State.

Tim Mallett, 7404 West H Avenue, commented it seems like Alamo Township rolls over pretty quickly so perhaps they would if threatened by Oshtemo Township.

Pam Whitmore advised she lives next to the C Avenue gravel pit, is trying to help C-COATS and start a recall. She provided a DVD with evidence of damage to her home.

Andy Bouma, 5099 North 7<sup>th</sup> Street, commented looking down the road emphasis should be placed on the research and information provided that indicated the negative impacts of a gravel pit.

Mert Frost, 6712 West G Avenue, asked if the meeting Alamo Township held to approve the settlement was legal. Attorney Porter advised to comply with the Open Meetings Act; a Township Board can call a special meeting and must post a notice 18 hours prior to the meeting.

Donna Mearing, 6792 Penny Lane, commented she can hear the trucks on 9<sup>th</sup> Street and is concerned that property values will be affected.

Trustee Sikora commented Alamo Township residents should contact their elected officials and be vigilant about staying informed.

#### **FINAL APPROVAL OF A PRELIMINARY PLAN – STEP 2 – OSHTEMO RIDGE PHASE 2**

Senior Planner Bugge presented Oshtemo Ridge Phase 2 for Step 2, Final Approval of a Preliminary Plan under the Site Condominium Ordinance. She advised the proposed development consists of 42 single family sites on 14.6 acres located on the west side of 11<sup>th</sup> Street and north of the Oshtemo Woods development, zoned R-1, public water and sewer will be provided, all individual sites meet the dimensional requirements, provisions for sidewalks and street lights are indicated on the plan, and all streets will be public. She further advised stormwater will be handled in a private basin shared with Oshtemo Ridge Phase 1, owned and maintained by the two condominium associations; appropriate easement, ownership and maintenance documents shall be submitted to the Township for review prior to Step 3 approval. She further advised execution of the Developers Construction Contract for installation of water is pending and approval should be subject to the Township receiving the contract and payment.

Motion by Culp, second by Sikora to grant Final Approval of a Preliminary Plan to Oshtemo Ridge Phase 2 subject to the conditions stated. Carried.

#### **TEXT AMENDMENTS – WASTE REDUCTION ORDINANCE – SECOND READING**

Proposed text amendments to the Waste Reduction Ordinance were before the Board for Second Reading.

Trustee Bushouse commented that while he is not opposed to recycling, he is against making it mandatory. Trustee Rakowski concurred.

Clerk Everett commented that while she doesn't like mandating it, she supports the intent of the ordinance to encourage recycling to reduce the amount of waste put in landfills, especially after the experience Oshtemo has endured with the landfill located here. Trustee Sikora concurred noting mandating makes it available.

Supervisor VanDyke noted the educational element is important in advising residents that if they recycle, they can use a smaller, less expensive garbage container. It was noted community education has suffered since Kalamazoo County no longer has a recycling coordinator. Mr. VanDyke advised the study group is still working on the issues. Consensus was the Board would like the study group to consider how the ordinance can affect multi family and commercial sites as well as single family and residential four units and less; Supervisor VanDyke will take this issue back to the study committee.

In response to questions regarding how long materials can be left at the curb for pick up, it was noted excessive amounts left out longer than necessary can be addressed by the litter ordinance.

Motion by Grace, second by Sikora to adopt the text amendments. Carried with Bushouse and Rakowski voting no.

#### **HOUSEHOLD HAZARDOUS WASTE PROGRAM – ADDITIONAL FUNDING**

A notice from Kalamazoo County advising the \$6,000 amount budgeted for 2007 for Oshtemo residents use of the hazardous waste disposal program has been exhausted was before the Board with a request for an additional \$1,400.

It was noted the program is used frequently by residents and proper disposal of hazardous materials should be encouraged.

Motion by Grace, second by Culp to approve the additional \$1,400 for hazard waste disposal. Carried.

#### **FIRE DEPARTMENT PARTICIPATION IN HAZARDOUS MITIGATION TEAM**

Attorney Porter advised Board action is needed approving the participation of our firefighters on the Kalamazoo County Hazardous Mitigation Team and recognize it as an activity of the Fire Department.

Motion by Rakowski, second by Grace, to approve the Fire Department's participation in the Kalamazoo County Hazardous Mitigation Team. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Grace-yes, Rakowski-, Sikora-yes, VanDyke-yes.

#### **OTHER BUSINESS TRUCK ROUTE SIGNAGE**

Discussion was held regarding the lack of response from the Kalamazoo County Road Commission in assisting with posting signs to enforce the Truck Route Ordinance.

Motion by Rakowski, second by Sikora to direct the Supervisor to send a letter to the Road Commission indicating signs will be posted by the Township if a response is not received within the next 30 days. Carried.

#### **FIRE DEPARTMENT STUDY COMMITTEE**

Trustee Grace advised the Fire Department Study Committee would consist of himself as chair, Trustees Rakowski and Sikora, and residents Dick Hertzell, Wayne Crippen and Ron Jacobs. Interim Fire Chief Karnemaat advised the Fire Department representatives would be Lt. Matt Wilton, Tom Fletcher and Matt Carlson. Mr. Grace advised Interim Chief Karnemaat, Trustee Bushouse and Dr. William Fales, Director of Kalamazoo County Medical Control would be acting as consultants; the first meeting would be October 1<sup>st</sup> at 6:00 p.m. and open to the public.

#### **9<sup>TH</sup> STREET SEWER AGREEMENT**

Engineer Elliott presented for the Board's review a proposed agreement with the Kalamazoo County Road Commission for construction of sanitary sewer installation as part of their South 9<sup>th</sup> Street project in 2008. He advised the estimated cost is \$448,064.60 and will be bid as part of the overall road project.

Motion by Bushouse, second by Grace to approve the agreement. Carried.

**BOARD MEMBER COMMENTS**

Trustee Rakowski expressed concerns regarding the Stadium Drive/9<sup>th</sup> Street/Parkview intersections since their reconfiguration. It was noted there have been several accidents, one fatal.

Trustee Sikora advised the Oshtemo Historical Society has received their 501(c)3 non-profit designation and can now accept donations that will be tax deductible.

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