

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
October 11, 2011

Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:00 p.m.

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

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia, and approximately 15 interested people.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

None.

KCSD ACTIVITY REPORT

Sgt. Todd Meyers was present and provided information on recent activity in the Township.

ITC POWER LINE

Supervisor Heiny-Cogswell advised she attended a citizens meeting on October 9th regarding the impending construction of high voltage power lines by ITC through the Township and asked the Board to take their comments at the regular meeting under Other Business. Attorney Porter advised the Township is limited in their ability to address the issue due to State statute and there are no legal means for the Township to intervene. Consensus was there should be further conversation with ITC inquiring as to what alternatives there might be.

KALAMAZOO COUNTY ROAD COMMISSION

Kalamazoo County Road Commission Members Kent McCauley, Ken Oscarson, Dennis Berkebile, Jeffrie Maddox, Daniel Moyle, Managing Director Joanna Johnson, General Superintendent Travis Bartholomew and Area Superintendent Jim Beaudoin were present. Items discussed included current and future road projects, the special assessment process, and information provided regarding evaluation of Township roads conducted this year. There was also discussion of the recent action by the KCRC noticing 21 residents that they must remove their brick, stone or otherwise permanent structure mailboxes which violate KCRC policy and are considered a safety hazard. Ms. Johnson advised most of the residents attending the Township Board work session were also present at the KCRC regular meeting earlier in the day. Several questions/issues were raised by the Board; some of the mailboxes in question have been in place for decades, there are other obstructions in the right-of-way, i.e., signs, light poles, and how were the 21 who were noticed selected. Ms. Johnson advised the policy is enforced when violations are brought to their attention, they do not have staff or resources to survey the entire county, and utilities are allowed in the right-of-way. She further advised the KCRC took action at their earlier meeting not to proceed with the enforcement regarding the 21 notices and their policy will be reviewed at their October 25th meeting.

OTHER BUSINESS

GROUNDWATER & SEPTIC SYSTEMS

Planning Director Stefforia presented information regarding the need to protect groundwater, septic system maintenance and failure and the need for inspections. It was also noted more education is needed which the Township could provide with information in the Township wide newsletter and web page. Consensus was to forward a letter of support for the county to implement a "point of sale" inspection requirement. Ms. Stefforia will draft a letter for the Board's consideration at the October 25th regular meeting.

2012 BUDGET

There was discussion of the 2012 Police Fund budget. Supervisor Heiny-Cogswell noted the police protection contract with Kalamazoo County will increase from an approximate total of \$650,000 in 2011 to \$750,000 for 2012. This increase reflects the new County policy on charging for contract deputies-- over the next three years the cost for each contract deputy will increase from 60% to 100% (from roughly \$70,000 in 2011 to \$117,000 in 2014). There was lengthy discussion regarding the concern to provide strong police protection and making sure the full value is being received. Revenues from the special assessments for police protection have declined to the point they are not covering the full contract cost and they are projected to continue to decrease due to declining property values. Supervisor Heiny-Cogswell put forth two options for the Board's consideration.

Option A would reduce the contract cost by \$170,000 by eliminating two deputies, leaving five deputies and one sergeant. Option B would reduce the contract by \$227,000 by eliminating one deputy and the sergeant. Both scenarios would budget \$40,000 to the Police Fund for future contracts and \$30,000 for overtime in 2012, which would result in reducing the transfer from the General Fund by \$100,000 for Option A and \$157,000 for Option B. Trustee Bushouse and Treasurer Culp felt no cuts should be made, Supervisor Heiny-Cogswell and Trustee Borgfjord, supported Option A, Trustee Larson supported Option B and Clerk Everett supported Option A if it provided for re-acquiring the two deputies if desired. It was noted that the Board previously decided to form a citizen police protection ad hoc committee, to work in late 2011 and 2012 on the issues of police protection in the Township.

The Board work session adjourned at approximately 7:00 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:10 p.m.

PRESENT:

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

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia, and approximately 35 interested people.

Motion by Borgfjord, second by Culp to approve the September 27th regular meeting and October 6th special meeting minutes. Carried.

Income to the General, Building, Fire, and Sewer & Water Funds of \$13,816.99 and disbursements of \$252,750.23 were reported. Motion by Borgfjord, second by Larson to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Jack Shepperly, 6418 Hollison, thanked the Board for their comments to the Kalamazoo County Road Commission at the earlier work session. He commented that others in his neighborhood did not get a letter, the KCRC policy indicates it will be uniformly enforced, which they are not doing and hundreds of people could be affected.

Bryan Bolhuis, 3649 Oak Harbor, advised he has an affidavit from a builder regarding building stone mailboxes, is required to comply with rules and policies, contacted the KCRC in August of 2008 and was referred to their web page, which had no mailbox policy. He commented his mailbox is wood frame and could breakaway if hit, he follows the rules, this issue needs a common sense solution and there is no consistency in their enforcement.

Jeff Leonard, 3144 Bramble, commented this is not just an Oshtemo issue, KCRC is violating the law, he called them in 2010 for permission to build his mailbox and received approval as long as it was on Bramble and not H Avenue, they are using selected enforcement, there are other obstructions in the right of way, and a 5 to 10 year history from the Michigan State Police shows fewer people injured by hitting mailboxes than trees, light poles, and signs.

APPOINTMENT OF TRUSTEE

Supervisor Heiny-Cogswell advised the Board would follow the same procedure used in February for filling the trustee vacancy; each board member would indicate their top choice of the three candidates. The first balloting showed Scott Ernestes with 3 votes and Jerry Stirton with 3 votes.

Motion by Bushouse, second by Larson to appoint Scott Ernestes to fill the trustee vacancy for the remainder of the term to expire November, 2012. Carried. Trustee Ernestes was then sworn in and seated at the dais.

KALAMZOO AREA BUILDING AUTHORITY GRANT APPLICATION

Supervisor Heiny-Cogswell advised discussion has taken place with Kalamazoo Township, Schoolcraft Township, Comstock Township, Texas Township and from VanBuren County, Antwerp Township to seek a grant to form an area authority to consolidate building inspection departments. She noted due to the down turn in development, the expected retirement of some building inspectors, and the availability of grant funding from the State for collaboration and consolidation of services this is an opportunity to offer consistent service in inspections and costs. She further advised Kalamazoo County would facilitate the

grant writing. David Artley, Director, Resource Development for the county was present and provided further information.

In response to Board member questions, Mr. Artley advised the grant application will be a joint application of all participating units, other units could join such an authority at a later date, the application is due by November 1st with an answer in two to three weeks, the grant would cover two years of operation for the authority at which time it would become self-funding, discussions have included establishing two sites, one on each side of the county, the authority board would be comprised of one representative from each unit, the authority would establish an appeal board, contract for electrical, mechanical, and plumbing inspectors, and participation in the grant application does not commit any party to join should they decide not to.

Motion by Everett, second by Borgfjord to approve the Township's participation in seeking a grant to establish a building authority. Carried.

PARKING ENFORCEMENT PROGRAM

Supervisor Heiny-Cogswell advised further information is needed and will be ready for the October 25th meeting.

Motion by Heiny-Cogswell, second by Everett to table this item to the October 25th meeting. Carried.

FIRE DEPARTMENT REQUEST TO PURCHASE EQUIPMENT

A request from Fire Chief Mark Barnes to purchase fire hose was before the Board. He advised all existing hose has been tested and some found in need of replacement; 95 sections of various sizes for a total cost of \$21,854.

Trustee Bushouse inquired if the current fittings would be reused or recycled; there is value in them.

Motion by Bushouse, second by Larson to approve an expenditure of \$21,854 for purchase of fire hose as requested. Carried.

KALAMAZOO VALLEY INTERGOVERNMENTAL AMBULANCE AGREEMENT

A recommendation from Fire Chief Barnes was before the Board for approval of renewal of the existing Kalamazoo Valley Intergovernmental Ambulance Agreement for three years to October 31, 2014 which will continue with Life EMS as the primary provider.

Motion by Everett, second by Culp to approve the three year renewal of the ambulance agreement. Carried.

REPLACEMENT OF GARAGE DOOR OPENERS

Maintenance Department Head Bill Sams presented a recommendation to replace garage door openers at Fire Stations No. 1 and No. 3 due to age and repair needs. He advised the cost for four new openers and the required number of remote openers would be \$8,950.00.

Jerry Stirton, 1082 Wickford, inquired if the same situation had been assessed at Fire Station No. 2. Mr. Sams advised the openers there are not of the age of the others and have not experienced problems.

Motion by Borgfjord, second by Culp to approve the expenditure of \$8950.00 to replace door and remote openers at Fire Stations No. 1 and No. 3. Carried.

ZONING TEXT AMENDMENTS – FIRST READING

Planning Director Stefforia presented a recommendation from the Planning Commission for approval of several proposed text amendments to the Zoning Ordinance. They include adding definition of frontage, permitting houses of worship in an existing multi-tenant building in the I-R Industrial District, Restricted, identify the depth to which the minimum parcel frontage must be maintained until the required building setback line is satisfied, change definition of wall sign to distinguish that when the façade is illuminated, it may be considered part of the wall sign area, require illuminated signs to be turned off at 10:00 p.m. versus midnight when the premise is not open and abuts a residential district, and limit the amount of the facade that can be illuminated to 25% of the building wall.

In response to questions from Board members and the public, Ms. Stefforia advised a change of occupancy in a multi-tenant building would require building department review and the frontage requirement to the building set back line applies to parcels, not platted lots.

Supervisor Heiny-Cogswell commented she would prefer to see the illuminated signs abutting residential zoning turned off earlier than 10:00 p.m. if the business is not open; she has received comments from residents near such businesses and she would like this item returned to the Planning Commission for further review.

Motion by Heiny-Cogswell, second by Everett to accept all items with the exception of the proposed amendment regarding the time illuminated signs must be turned off for First Reading and set Second Reading for October 25th. Carried.

RESOLUTION TO ESTABLISH RECEIVING BOARD – NOVEMBER 8th ELECTION

Clerk Everett presented a resolution to establish a receiving board for the November 8, 2011 Mattawan School election noting that State law requires Township Board action to do so.

Motion by Borgfjord, second by Larson to adopt a resolution authorizing the establishment of a receiving board for the November 8, 2011 election. Roll call showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, Ernstes-yes, Heiny-Cogswell-yes.

2012 BUDGET – SET PUBLIC HEARING DATE

Discussion was held on setting the public hearing date for the 2012 budget. It was noted the regular meeting scheduled for November 8th has been rescheduled for November 9th due to the Mattawan School election.

Motion by Heiny-Cogswell, second by Everett to conduct the public hearing on the 2012 budget on November 9th. Carried.

TOWNSHIP HALL REPAIRS

Supervisor Heiny-Cogswell advised there has been further discussion and study in addition to the information that was available at the August 9th meeting of the needed repairs regarding the deterioration of the stucco like finish on the Township Office exterior and roof problems resulting in leaks. She noted a proposal from Hoekstra Roofing in the amount of \$3,159.00 was approved, however, further study has found other repairs needed, resulting in a revised proposal of \$4,785.00. Trustee Bushouse advised the original proposal approved for the exterior repairs from Miller Plastering in the amount of \$8,290.00 was found to have not been complete; therefore he would be meeting with them for a revised proposal. It was noted the roof repairs should proceed as soon as possible and should be prior to the exterior repairs.

Motion by Everett, second by Heiny-Cogswell to accept the revised proposal from Hoekstra Roofing in the amount of \$4,785.00 for needed roof repairs and consider the revised proposals for the exterior repairs at the October 25th meeting. Carried.

OTHER BUSINESS ITC POWER LINE

As discussed at the earlier work session, a group of citizens who would be affected by the proposed high voltage power line to be constructed by ITC were present to express their concerns. Attorney Porter repeated the information he provided at the work session regarding the Township's lack of authority to intervene.

Micki Maxwell, 3020 South 6th Street, commented a group of approximately 40 citizens representing 34 of the affected parcels held a meeting on October 9th, their concerns are impacts on their properties, can alternative routes be considered, could the I-94 corridor be used, how was the current route determined, what other routes were considered, and they have not been able to get these answers from ITC. She further commented that if the Township cannot act legally, they would like help in getting their questions answered, the Township has put much thought into planning the community, what will the impact be on the tax base, some businesses will be unable to expand, and there is concern regarding the long term degradation of property values.

Kelly Hicks, 4204 Carver Drive, commented she understands that as a body the Township cannot take legal action but hopes the Board would take political action to support their group and help minimize the impact of the project.

Bruce Goethe, 9775 West M Avenue, commented he is not directly impacted but supports the group's concerns; the Township Master Plan calls for preserving rural character.

Jane Kuipers, 2764 South 4th Street, commented she will be highly impacted, she understands a similar project in the thumb area of the state had to make application for approval. Supervisor Heiny-Cogswell advised the proposed line is under the size required for application and approval by the Michigan Public Service Commission (MPSC).

In response to an inquiry of what political pressure could be used, Attorney Porter advised contacting the State legislators, and while it would have no legal standing, the Township Board could pass a resolution regarding the issue.

Judy VandenBerg, 4147 South 7th Street, commented the proposed power line would severely impact her parents' farm, while not asking to stop the project she is asking for help to relocate it; could the old railroad be used.

Henrietta Squires, 4301 Carver Drive, commented she and her husband were shocked when they heard about the project, the mailing was not clear and information has not been forthcoming. She further commented she is concerned about health issues related to being in such close proximity to the high voltage lines, and inquired if the lines could be buried.

Doug Maxwell, 3020 South 6th Street, inquired if a certificate of approval must be issued. Attorney Porter advised ITC can voluntarily ask for one, but it is not required by the MPSC.

Randall Dyk, 3444 South 6th Street, commented the line will be on both sides of his property and he was told a business group had complained and gotten the route changed near Flesher Field. Supervisor Heiny-Cogswell advised the Downtown Development Authority (DDA) had passed a resolution requesting such a change but per her conversations with ITC, the route that has been presented in the final route.

Trustee Ernstes inquired if the residents impacted had an opportunity to meet with ITC, perhaps the Township could act as an intermediary, and would suggest another community meeting be held.

Supervisor Heiny-Cogswell advised the citizens group the Township Hall meeting room could be made available for any future meetings and commented she would place this item on the 6:00 p.m. public input session for the October 25th Township Board meeting and invite representatives from ITC to attend. It was also suggested the local State legislators also be invited.

Trustee Bushouse suggested a letter be drafted outlining the impact on Flesher Field and articulate the objections and concerns regarding the proposed project.

Clerk Everett commented all should be cognizant of the fact that regardless of where the line goes, there will be impact.

There was no further business and the meeting was adjourned at approximately 9:15 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor