

THE CHARTER TOWNSHIP OF OSHTEMO**Township Board Minutes****May 13, 1997**

The Oshtemo Township Board held its regular meeting at the Township Hall. The meeting was called to order by Supervisor Fleckenstein at 7:00 p.m.

PRESENT: Supervisor Ron Fleckenstein Trustee Anderson
 Treasurer Lois Brown Trustee Marvin Block
 Trustee David Bushouse
 Trustee Fred Johnson

Also present was Richard Reed, Township Attorney and Robert Snell, Township Engineer, along with 9 interested people. Deputy Clerk Debbie Everett was present to take minutes.

The Pledge of Allegiance was recited.

Motion made by Block, seconded by Johnson, to approve the minutes of our meeting, April 22nd meeting as prepared. Carried.

Income to the General Fund of \$45,870.07 and disbursements of \$119,998.02 were reported. Fire Fund income was \$2.00 with disbursements of \$53,765.23. Motion made by Anderson, seconded by Johnson to approve the report and pay the bills. Carried.

CITIZENS COMMENTS

Neil Sikora, 2378 Fairgrove, questioned why the township does not have a tornado warning system. Supervisor Fleckenstein advised he is seeking information and the Board will look at what could be covered at a reasonable cost.

CHANGE IN CO-LICENSEE OF LIQUOR LICENSE

Supervisor Fleckenstein presented a request from MIKA Corporation (McGinnis Landing restaurant) for approval of a corporation name change on their liquor license. There would be no change in the use of the license.

Motion made by Brown, seconded by Block to approve the name change. Roll call vote showed:

Johnson-YES Bushouse-YES Fleckenstein-YES
 Brown-YES Block-YES Anderson-YES

LOT SPLIT - WESTPORT PLAT

A request was received from the owners of Lots, 391, 392 and 393 for a split/combination. The property owners had worked out the changes to accommodate a setback problem on Lot 393. The proposed changes would meet all requirements regarding lot size including the Land Division Ordinance.

Motion made by Brown, supported by Johnson to approve the lot split/combination. Roll call vote showed:

Johnson-YES Bushouse-YES Fleckenstein-YES
 Brown-YES Block-YES Anderson-YES

LOT SPLIT - FRIE & GIBBS PLAT

A request was received from the owners of Lot 4, Block 2 for a lot split to create a new building site. The proposed split would meet all requirements for lot size including the Land Division Ordinance.

Motion made by Block, seconded by Brown to approve the proposed lot split. Roll call vote showed:

Johnson-YES Bushouse-YES Fleckenstein-YES
 Brown-YES Block-YES Anderson-YES

FIBER OPTIC PERMIT AGREEMENT

Supervisor Fleckenstein presented a request from Kalamazoo Public Schools for township approval of a permit agreement that would allow Fiber Link, Inc. to place fiber optic cable lines on existing Consumer Power poles located within the right of way and other public places in the Township. This would allow school properties in Oshtemo to be connected to the KPS fiber optic network.

Attorney Reed advised the agreement would have some technical changes in wording that had been negotiated between Fiber Link, KPS and the communities involved. He advised the board approval could still be given for the Supervisor to sign the corrected agreement after it has been prepared.

Trustee Anderson questioned if the lines could be used by other parties than KPS. Attorney Reed advised that 8 of the fibers would be for KPS use. The rest would be available for sale, lease or use by Fiber Link, but would require Township approval. He also advised any expansion of the system would require township approval. This approval would be for the currently proposed route for a period of 15 years which thereafter would require yearly renewal until terminated by either party.

Motion was made by Anderson, seconded by Johnson to table the request until the corrected written agreement is received. In response to Supervisor Fleckenstein's question, Attorney Reed advised the corrected agreement would be available for the next board meeting. Carried.

KL LANDFILL SUIT SETTLEMENT

Attorney Reed presented to the Board a brief history and overview of the KL Landfill settlement negotiations. A settlement has been reached between all parties which will eliminate the need for court action. He also explained that the Township currently holds the escrow account for monies that has been collected thus far from named responsible parties.

Attorney Reed further advised the cleanup process may cost less than originally estimated, although all parties involved have already incurred a great expense.

Motion was made by Brown, seconded by Anderson to authorize the Supervisor to sign the settlement agreement and to authorize an appropriation of \$50,000 from the escrow fund to Pharmacia & Upjohn Co. who is administering the cleanup.

Trustee Bushouse asked if a sewer line is required for the cleanup, would the township be responsible for the monthly usage charges. Attorney Reed advised Pharmacia & Upjohn has taken responsibility for the cleanup, but it is likely a sewer line will not be needed. Trustee Bushouse also inquired as to whether the township attorney fees had been submitted to insurance under errors and omissions. Attorney Reed advised a diligent search of township records had been done for insurance coverage, but none found.

Motion carried.

CABLEVISION NEGOTIATIONS

Supervisor Fleckenstein presented a report from Clerk Elaine Branch, who is the township representative on the Local Government Cable Advisory Committee, which has been in negotiations with Cablevision of Michigan regarding renewal of their franchise agreement. Progress in these negotiations has been an informal process and progressing very slowly. It is the desire of the committee to return to formal negotiations which would put a time frame and required procedures in place.

Motion made by Anderson, seconded by Block to authorize Clerk Branch to vote in favor of formal negotiations with Cablevision of Michigan. Carried.

FLAGS - FLESHER FIELD

Treasurer Brown presented the Park Committee recommendation regarding the proposal of placing a flag display at Flesher Field. The Committee recommendation is not to do so for the following reasons: serious concern about vandalism, the fact that flags are not displayed at other Township locations, other than the Township hall, and the Park Budget has limited funds which they would recommend be used to provide equipment for citizens use.

Motion made by Johnson, seconded by Anderson to accept the Park Committee recommendation not to place a flag display at Flesher Field.

Trustee Bushouse asked if the proposal would be considered if a local group or club raised the needed funds. Treasurer Brown advised it would have to go back to the Park Committee for consideration. Trustee Bushouse said he felt vandalism is minimal and would not be a great problem. Treasurer Brown advised there have been problems with vandalism and graffiti at both township parks in the past.

Jay Brown, 3667 South 9th Street, stated he lives across the street from the park and has seen it grow in the past 38 years. He feels the public does a good job caring for the park and vandalism is not a big problem. He also stated he felt the needed funds could be raised and a flag display would be a good addition.

Bill Hamilton, 1122 Cadet Lane, urged the Board not to let the threat of vandalism make their decision and to consider letting an organization raise the needed funds.

Trustee Johnson commented that flags must be maintained in that someone would need to lower them when appropriate and they must be lighted.

Trustee Bushouse advised he would like to go back to the community and see if the funds can be raised. He felt maintenance would not be burdensome for the Township.

Motion carried with Bushouse voting "no".

BOARD MEMBER COMMENTS

Trustee Bushouse stated he hoped the property owners who requested the lot split in the Frie & Gibbs Plat were issued a refund for originally applying to the ZBA. He was advised by Deputy Clerk Everett that a refund had been issued.

Treasurer Brown advised the board that her application for CMFA (Certified Municipal Finance Administrator) had been approved and will be awarded in August.

There was no further business. Meeting adjourned at 8:05 p.m.


DEBORAH L. EVERETT
 Deputy Clerk


 Attested: **RON FLECKENSTEIN**
 Supervisor