

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
November 12, 2013

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 Dave Bushouse
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, Fire Chief Mark Barnes and 2 interested people.

KALAMAZOO COUNTY ROAD COMMISSION

Kalamazoo County Road Commission Members Ken Oscarson, Dennis Berkebile, Daniel Moyle, Jeff Maddox, Dave Worthams, Managing Director Joanna Johnson, Engineering Director Tom Holm, Operations Director Travis Bartholomew and Project Superintendent Mark Warden were present. Informational items included funding sources, methods of road maintenance, and road condition survey. Discussion included the proposed non-motorized facility policy and Township concerns with it.

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

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:00 p.m.

PRESENT:
Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Trustee Dave Bushouse – arrived approximately 9:45
Treasurer Nancy Culp
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, Fire Chief Mark Barnes, and approximately 45 interested people.

CONSENT AGENDA

Items on the consent agenda were minutes of the October 22nd regular meeting, Receipts & Disbursements Report, Poverty Exemption Standards for 2014, 2014 Depositories, Township Purchasing Policy, Auditor, Engineer, & IT Consultants for 2014, Township Board Meeting Dates for 2014, and purchase of Replacement Personal Protective Equipment for Fire Department.

Motion by Larson, second by Culp to approve the consent agenda. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Tom Mitchell, 8267 West G Avenue, commented he owns property on North Drake Road but did not receive information regarding construction of sidewalks on Drake Road. Supervisor Heiny-Cogswell advised the Township is working with the Kalamazoo County Road Commission and City of Kalamazoo on the design which is not final and she would be happy to meet with him to discuss further.

Brian Maloney, owner of 7491 Stadium Drive, inquired regarding the vote on the Non-Discrimination Ordinance passed recently. Supervisor Heiny-Cogswell advised the vote was 6-1 in favor.

FIRE DEPARTMENT NATIONAL VFIS AWARD

Brian Timmer, representing Volunteer Fire Insurance Services and Geoff Lansky, local agent from the Hartleb Agency presented to the Fire Department the VFIS National Safe Driving Award. Fire Chief Mark Barnes, Lt. Scott Paddock, Firefighter Grant Gelling and Firefighter Taylor Langer accepted the award on behalf of the department.

SANITARY SEWER SAW GRANT APPLICATION

Township Consulting Engineer Tom Wheat presented information on applying for the Stormwater, Asset Management, and Wastewater (SAW) Program grant to conduct an inventory of the Township's sanitary sewer and storm water infrastructure and assess the conditions, to help plan for future development and maintenance; each manhole and pipe will be inspected. He noted a work plan estimate has been compiled at \$704,850, 90% would be funded by the grant with a 10% Township match of \$70,485, and the work would be completed over 3 years.

In response to questions from Trustee Carr, Mr. Wheat and Engineer Elliott advised some portions of the current system is approximately 30 years old and seeing signs of wear, funding for the local match would be from the Sewer Fund, funding for the match would occur over three years.

Mr. Wheat noted it is anticipated there will be more applications for the program than money available, the DEQ has indicated they will be awarded by lottery in early spring; if the Township is successful in obtaining a grant, work would start early summer 2014.

Mr. Elliott noted life of the system will be part of the report, while the City is the operator of the system, the Township owns the infrastructure and is responsible for maintenance. In response to an inquiry from the audience, Mr. Elliott advised the City of Kalamazoo would apply for the portion in their jurisdiction.

Supervisor Heiny-Cogswell commented this is an opportunity to get ahead of long range planning. Trustees Farmer and Larson concurred; it is a good opportunity to assess conditions and use the information to predict future needs and replacements and budget accordingly.

Trustee Carr commented it may be premature to proceed; the systems last 50-100 years, this is a young system and application could be made at a later date.

Clerk Everett commented the system will continue to age and the SAW program might not be available in the future.

Motion by Larson, second by Everett to adopt the resolution to apply for the grant and authorize the local match. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-no, Heiny-Cogswell-yes.

2014 BUDGET PUBLIC HEARINGS FIRE PROTECTION SPECIAL ASSESSMENT DISTRICT

Gary Schripsema, 211 Westview Street inquired if the assessment rate is for all properties. Supervisor Heiny-Cogswell advised it is and has been 2.5 mills Township wide for many years.

Motion by Culp, second by Farmer to adopt the Fire Protection Special Assessment Resolution for 2014 at 2.5 mills, in the amount of \$1,678,912. Roll call showed Culp-yes, Everett-yes, Heiny-Cogswell-yes, Larson-yes, Carr-yes, Farmer-yes.

STREET LIGHT SPECIAL ASSESSMENT DISTRICT

There was an inquiry from the audience if the assessment is for everyone on the street or only the parcel where the street light is located. It was noted parcels with frontage within 200 feet of a street light are assessed.

Motion by Everett, second by Larson to adopt the Street Light Special Assessment Resolution for 2014 at .3 mills, in the amount of \$138,353. Roll call showed Carr-yes, Farmer-yes, Culp-yes, Everett-yes, Heiny-Cogswell-yes, Larson-yes.

POLICE PROTECTION SPECIAL ASSESSMENT DISTRICT EXPANSION

Supervisor Heiny-Cogswell commented approximately two years ago the Board created an ad-hoc committee made up 30 citizens, business owners, two board members, retired and current members of the Kalamazoo County Sheriff's Department to study the issue of police protection. She further commented, some served throughout the process, and some on sub-committees to examine in more detail certain issues. A presentation was made by Jack Shepperly, citizen member of the ad-hoc Police Committee. He provided history of the current contract arrangement for police protection with the Kalamazoo County Sheriff's Department, funding methods, data related to calls for service, types of crimes reported, and level of service recommended by the committee.

A public hearing was held to consider the roll for the expanded 2003-1 district; it was noted all affected properties were noticed; the proposed rate is 5.5 mills.

Brian Maloney, owner of 3062 South 9th Street, inquired if the proposed increase would overlap the current millage, he was advised it would not. He commented a special assessment district seems discriminatory, he has never had to call for police at this address, it is a burden for small businesses, it should be the same rate for everyone as is the Fire Protection assessment and he is protesting the assessment for 3062 South 9th Street. He further commented he lives in Kalamazoo Township who also provided police protection for Parchment, he also owns property in Gun Plain Township and is not special assessed for police; the Board is discriminating against businesses, they should not have to keep taking the burden.

Matt Weaver, representing Mill Creek Apartments, commented he is protesting the amount and method of assessment, he wants appropriately sized law enforcement in Oshtemo, the recommendation of the committee is excessive even though some increase is justified, apartment business is low margin, everyone in the Township benefits from law enforcement.

Randy St. John, 7125 Stadium Drive, commented he is protesting, he has been there about a year, it is difficult to make a profit, the increase seems like a big jump, currently paying 2.5 for fire which seems adequate for police protection, and it seem like residents would want the same protection. He also commented as a physical therapy business, he is contracted with insurance companies, he can raise prices but still only reimbursed for the same amount from insurances.

Themis Corakis, owner of three properties on Stadium Drive, commented he is protesting, inquired if the county would hire more deputies or take them from the general county, the entire Township will benefit, increase is excessive and burden to small businesses, he has not called for service in 35 years.

Jim Lefler, 8644 Hathaway, commented he is a former small business owner, the cost will be passed on to consumers or go out of business, he does support police, based on information on the internet the Township's fund balance is high and that should be taken into account with amount of assessment reduced to reflect that.

Diane Gottschalk, commented she is a 20 year resident, the increase seems excessive if crime is at a three year low; are there five new hires to achieve the proposed 12.5 officers needed, and how much time do the deputies assigned to the Township spend here.

Gary Schripsema, 211 Westview Street, commented on principle, unequal assessment is rough, businesses provide goods and services for residents, needs for police and fire protection are equal.

Ann Nieuwenhuis, Supervisor of Comstock Township, commented only four townships contract with the County for service, negotiations with the County are difficult, people should be asking the County why four townships are paying 100% of the cost of a deputy when the contracted officers are a benefit to other Townships.

Nancy Eigenhouse, resident on Quail Run, commented more police is reactive than proactive, we should examine why and how to resolve issues, businesses and residents should have a public campaign to say we are not going to put up with all the crime.

Michael Burke-Pappas, 9559 Autumnwood Circle, commented it is unfair to put the burden on small businesses, as a resident he would receive the benefit, disburse the cost across the board.

Supervisor Heiny-Cogswell advised she had received comments from Duane Buell who resides on O'Park Street that he is not happy with the increase, the apartments should bear the brunt, he sees police cars there, it is not fair to plats, he doesn't see patrols in his neighborhood, would not mind the increase if he saw patrol cars, he sees cars at Fire Station No. 2 on breaks.

Trustee Carr read a letter from the Home Builders Association commenting the increase and expansion do not seem justified given the current amount of crime, restrictive fees and taxes do not lead the Township to a bright future, keep staff at leaner levels including police protection. She also read a letter from the owner of Inverway Court Apartments commenting special assessments should not be levied to offset general expenses and the police committee circumvented the constitutional restrictions of the State. She further commented money could come from the fund balance.

In response to public comment, Attorney Porter advised the officers assigned to the Township only leave in case of extreme emergency, they are here 98% to 99% of the time. He also commented the letter from the owner of Inverway Court Apartments is not correct, special assessments are often a source of revenue for fire and police; it is an assessment for service, which is permitted under State law.

Supervisor Heiny-Cogswell commented even though funds may appear in the audit as unrestricted, certain funds are i.e., Fire Department and DDA and it has been a matter of policy to not use funds for other than what they are intended, such as sewer and water. She further commented the Township is taking the long view of needs for sidewalks, parks, sewer, water and road maintenance. She further commented the attempt is made to use dollars to match grant dollars when possible so a fund balance is needed for these opportunities, such as the Township Park which was improved with a grant. She further commented Township staff has been cut, the 1% administration fee instituted due to the flood of tax appeals to fund professional appraisals to aid in defending the tax roll, was reduced to .5% last year and is proposed to be cut to .1% for 2014. She further noted there have been concerns expressed by business owners for more police protection as well as the Fire Chief, the current number of officers spend their time running from call to call and do not have time to be proactive. She noted the proposed increase in the number of police is large but in looking at crime in the Township, Level 1 index crimes are higher than other jurisdictions that have more officers. She further commented she would agree with the need to discuss the unequal assessments.

Trustee Carr commented the real issue is do we need additional police, should businesses pay extra, she feels no, and you can scare the public with numbers. She further commented the Township has a large fund, and feels all projects will be eventually be assessed; she is not in favor of raising taxes, does not think we have crime and we should not send that message. She also commented there has been little growth, if the assessment does go through it should be spread Township wide; but the question is do we need extra police. She commented her proposal would be to put it before the whole Township as a vote.

Trustee Farmer commented she appreciates and respects the over a yearlong work of the police committee, has an understanding of their information and agrees with the need for increased police protection. She also commented she would agree having a split district should be discussed. She further commented as crime increases, property values decrease, the law is vague as to how much police protection we are required to have but there must be expectations to satisfy what is needed, it is the Board's responsibility to insure the Township is safe.

Trustee Larson commented he feels the Township does need to increase police protection and it has been his position that most activity is in the areas of the high density, large multi-family complexes and large businesses. He further commented large commercial development has continued to grow and apartments have added population and the number of calls for service; he will support the proposed increase. As to the discussion of a lowering the proposed assessment, he commented he would support the level of service the special assessment will provide, not using the General Fund.

Clerk Everett commented measurable outcomes are needed, response times and clearance rates, if not met, assessment should be decreased. She further commented the proposed 5.5 mills may be too big a leap and understands residents who are concerned with not seeing patrols; she would support lowering the proposal to 3 or 3.25. She further commented a contract must include measurable expectations.

Supervisor Heiny-Cogswell commented she would consider this the first of two phases, lowering the proposed assessment will not raise the revenue needed to provide the committee's recommended level of service; she sees a vote to approve as a commitment to move toward that goal. Clerk Everett commented she could support that as long as our expectations are met.

Trustee Bushouse commented special assessments require an annual hearing to set the rates, a voted millage does not; the Fire Department requested 2.5 mills in the mid 1970's and has operated with no increase. He further commented there have been a number of meetings over the last year and a half with extensive research to determine the level of service needed for this growing community; crime is on the increase with meth labs, gang graffiti in several places, and traffic accidents. He commented the Township needs to be proactive and plan for the future and he hopes further discussion will result in one Township wide assessment rate.

Motion by Heiny-Cogswell, second by Farmer to set the expanded 2003-1 district at 3.25 mills to raise \$200,553 for 2014. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

POLICE PROTECTION SPECIAL ASSESSMENT DISTRICTS 2003-1 & 2009-1

Brian Maloney, inquired if there were grants available for police protection. Supervisor Heiny-Cogswell advised the police committee did not look into that. He also commented response times are important, those paying the higher rate should have better response times.

Jake Meyer, 84 Hickory Valley, inquired if the Board looked at different areas in assessing for police protection, particularly Redstone Farms and Leisure Time, they are high density areas but mostly retirees, or consider a set fee like the Fire Department. Attorney Porter noted these are single family residential which would not be assessed at the higher rate.

Jim Sterenberg, commented as a member of the police committee he has transitioned his mind shift to support the same rate for police as for fire, he looks at it in terms of community pride; we have a great fire department but there is a cost for that, the lion's share of taxes is for schools, but as a citizen he has an obligation to pay but gets something in return. He further commented the committee found having a Township police department would be cost prohibitive, but perhaps have some kind of hybrid with a contract but get some identity with it, so we can see a return on our investment.

Jim Lefler, 8644 Hathaway, advised the financial information he referred to is from the Township audit he found at the State web site. He commented on the amount of unrestricted funds; he noted it would be helpful to have this on the Township web site. He further commented the Board should be proactive, safety should be at the top of the list but how much fund balance is enough; Kalamazoo County says 25% is enough.

Supervisor Heiny-Cogswell commented she initiated putting the Township budget, audit and board packets on line when elected. She also commented the unrestricted funds include funds intended for particular uses, i.e., sewer and water. She also noted funds raised by special assessments cannot be used for other purposes. She also commented the 1% administration fee which was instituted for a specific purpose is proposed to be cut by 90%, sidewalks are a safety issue, the Township is making strides for long term planning in other areas.

Trustee Bushouse commented over the years the Township has been conservative and set revenue aside, there has been decreased revenue due to lower property values. He further commented being conservative has allowed for major purchases, i.e., fire equipment without have to borrow or bond; discussion is held on what is available and what can be funded; services have a price tag but the Township needs stable revenue.

Trustee Carr commented she agrees property values are down but we should not ask the people for the difference, the money in the funds is the taxpayers.

Treasurer Culp commented she would have liked to have seen a mailing to residents regarding the special assessment. Attorney Porter noted all noticing requirements were met.

Motion by Everett, second by Larson to adopt the Police Protection Special Assessment Resolution for 2014 at 3.25 mills for the 2003-1 district and 1.25 mills for the 2009-1 district in the amount of \$1,216,558. Roll call showed Everett-yes, Larson-yes, Farmer-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

GENERAL FUND PUBLIC HEARING

There was no public comment.

Supervisor Heiny-Cogswell noted four open meeting budget workshops were held.

Motion by Everett, second by Carr to adopt the General Fund Budget Resolution for 2014 at .9765 mills in the amount of \$698,601.

Roll call showed Heiny-Cogswell-yes, Culp-yes, Carr-yes, Bushouse-yes, Farmer-yes, Larson-yes, Everett-yes.

Motion by Everett, second by Culp to adopt a resolution regarding routine expenditures and purchases. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

RESOLUTIONS – OFFICIALS SALARIES

Supervisor Heiny-Cogswell noted there has not been an increase for the last five years.

Motion by Everett, second by Larson to adopt the resolution establishing the Supervisor salary at \$64,653 for 2014. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-abstain.

Motion by Heiny-Cogswell, second by Culp to adopt the resolution establishing the Clerk salary at \$64,653 for 2014. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-abstain, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

Motion by Everett, second by Larson to adopt the resolution establishing the Treasurer salary at \$64,653 for 2014. Roll call showed Bushouse-yes, Carr-yes, Culp-abstain, Everett-yes, Heiny-Cogswell-yes, Larson-yes, Farmer-yes.

Motion by Heiny-Cogswell, second by Culp to adopt the resolution establishing the Trustee salary at \$2,400 per year plus \$100.00 per board meeting and \$50.00 per committee meeting for 2014. Roll call showed Everett-yes, Larson-yes, Farmer-yes, Bushouse-yes, Carr-yes, Culp-yes, Heiny-Cogswell-yes.

SECANT TECHNOLOGIES – INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

Consideration of granting an IFT Certificate to Software Services Group, Inc. d/b/a Secant Technologies, located at 6395 Technology Avenue was before the Board. It was noted an Industrial Development District was approved by the Board at its October 8th meeting.

Motion by Everett, second by Culp to adopt a resolution granting the certificate. Roll call showed Larson-yes, Farmer-yes, Everett-yes, Carr-yes, Bushouse-yes, Culp-yes, Heiny-Cogswell-yes.

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell provided an update of the Drake Road/Stadium Drive/US 131 improvement project and advised an application for site plan has been received by Costco.

There was no further business and the meeting was adjourned at approximately 10:50 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor