

**OSHTEMO CHARTER TOWNSHIP BOARD**  
**7275 West Main Street**  
**Kalamazoo, MI 49009**

**April 25, 2023**

*Refer to page 3 for Virtual Meeting Information*

**REGULAR MEETING** (added to schedule)  
**6:00 P.M.**  
**AGENDA**

1. Call to Order
2. Remote Location Identification (for remote attendance when permitted by statute)
3. Public Comment
4. Consent Agenda
  - a. Job Descriptions (Asst Treas)
  - b. Second Reading – Rezoning  
Consideration to conditionally rezone parcel ID: 05-14-130-017 and a portion of 6660 W. Main Street, parcel ID: 05-14-185-022, from R-2 Residence Status to R-4 Residence Status (Marroll LLC)
  - c. Budget Amendments
  - d. Parks Department Head Appointment
  - e. 2023 Consultants (Revised)
5. Consideration of Resolution to Conditionally Award Construction Contracts (Phase I USDA Sewer Project) – Contracts A & B
6. Consideration of Motion for Amended & Restated Sewer Main Connection Charges
7. Consideration of Resolution Establishing Sanitary Sewer Fees & User Rates
8. Consideration of USDA Loan Resolution for Series 2023A Bonds
9. Consideration of USDA Loan Resolution for Series 2023B Bonds
10. Consideration of Resolution to Authorize Issuance of Capital Improvement Bonds, General Obligation Limited Tax, Series 2023A and Series 2023B, for Phase I USDA Sewer Project
11. Public Comment
12. Board Member Comments
13. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	375-4260	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

<b>Township Department Information</b>			
<b><u>Assessor:</u></b>			
Kristine Biddle	216-5225		<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>			
Greg McComb	375-0487		<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>
<b><u>Ordinance Enforcement:</u></b>			
Rick Suwarsky	216-5227		<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>			
Karen High	216-5233		<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224		<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>			
Iris Lubbert	216-5223		<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>
<b><u>Public Works Director:</u></b>			
Anna Horner	216-5228		<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>

## Zoom Instructions for Participants

### Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

### To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering this **Meeting ID: 897 5729 5283**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

### To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **897 5729 5283#**

### Participant controls in the lower-left corner of the Zoom screen:



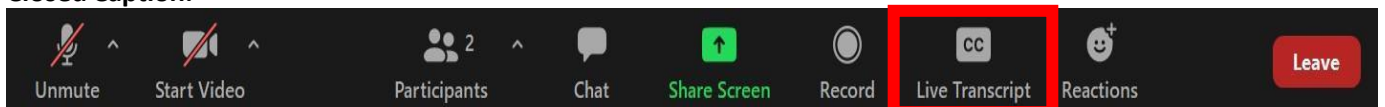
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

### Closed Caption:



### Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

# Memorandum

**Date:** 11 April 2023  
**To:** Township Board  
**From:** Sara Feister, Human Resources Director  
**Subject:** Assistant to the Treasurer Job Description Revisions



---

## **Objective**

Requesting Board consideration of the proposed revisions to the Assistant to the Treasurer job description.

## **Background**

Due to the addition of the Clerk's Assistant position, the Clerk's office duties that the Assistant to the Treasurer have previously completed have been re-classified into the Clerk's Assistant position. Other responsibilities were added due to the development of the position.

## **Information Provided**

1. Assistant to the Treasurer Job Description Redline
2. Assistant to the Treasurer Job Description Clean Copy

## **Core Values**

Sustainability, Professionalism

## CHARTER TOWNSHIP OF OSHTEMO POSITION DESCRIPTION

**Position Title:** ASSISTANT TOWNSHIP TREASURER

**General Summary:**

Under the direct supervision of the Treasurer, performs a variety of duties for the Office of the Treasurer.

**Essential Job Functions:**

The physical requirements described herein are representative of those requirements which must be met by an employee to successfully perform the essential job functions of this job. Reasonable accommodation may be made upon request to enable an individual with a disability to perform these essential job functions.

The employee must be able to use a cash register, as well as the Treasurer's accounting software. The employee must be able to oversee, train, and provide guidance to other staff members that process payments and receipt transactions, providing account corrections if needed.

The employee must also be able to use word processing programs and type various documents including memos, notices, letters, and time reports.

The employee must be able to maintain the records of the Treasurer's Office. To do so, he or she must be able to open, maintain and close files, requiring lifting, standing, bending, walking, manipulation of the files within his or her office, as well as the office of the Township Treasurer. The employee must also be able to move about to file and retrieve files from storage.

The employee must be able to keep books electronically and manually, accounting for all funds received by the Treasurer's Office, this includes Microsoft Excel Spreadsheets. The employee must be able to answer the telephone in English and communicate with others, must be able to make calls, schedule appointments and maintain the calendar for the Treasurer.

The employee must be able to open, sort, read and distribute incoming correspondence, both regular and electronic.

**Typical Responsibilities:**

1. Assists in preparing tax rolls, special assessment rolls, billing notices, etc.
2. Prepares semi-annual billing of delinquent Personal Property Tax statements for mailing.
3. Receives and receipts Township payment for tax collections, special assessments, contracts, escrow, dog licenses, etc. Invoice tracking and management
4. Invoice tracking and management

Effective Date: 04/11/23

5. Assist with processing payables and payroll, including direct deposits, state taxes, and retirement deposits

6. Oversee training of persons taking cash, credit cards, or checks at the front counter.

7. Performs a variety of financial functions.

8. Maintains reservations for park rentals and indoor facilities, coordinates with maintenance staff.

9. Coordinate, oversee, and file Sewer/Water contracts and liens and the payments or payoffs.

7.10. Any other duties as directed by the Treasurer.

### **Secondary Responsibilities:**

1. Assist in other areas of office support, answering the telephone, taking messages, sending emails, and provide service at the customer counter for the Treasurer's Office.

2. Provide support services for the Office of the Treasurer.

3. Under direction of the Treasurer, provide support services for other departments as needed and according to current cross-training needs.

~~4. Provide support services for other departments as needed and according to current cross-training needs.~~

The above statements are intended to describe the general nature and level of work being performed. They are not to be construed as an exhaustive list of all duties performed.

### **Employment Qualifications:**

EDUCATION: Associate's degree in accounting, finance, or similar field, with advance coursework in accounting and data processing preferred

EXPERIENCE: 3+ years of cash handling experience desired. Prefer some experience providing familiarity with the tax collection process and cash management. Must be able to meet prescribed typing and computer standards in effect at the time of hire, including Microsoft Office Suite.

Must be detail oriented and highly organized.

Excellent communications in customer service is expected.

Strong interpersonal communication skills, both oral and written.

These qualifications represent guidelines; alternative qualification may be substituted if sufficient to perform the duties required by this position.

**CHARTER TOWNSHIP OF OSHTEMO  
POSITION DESCRIPTION**

**Position Title:** ASSISTANT TOWNSHIP TREASURER

**General Summary:**

Under the direct supervision of the Treasurer, performs a variety of duties for the Office of the Treasurer.

**Essential Job Functions:**

The physical requirements described herein are representative of those requirements which must be met by an employee to successfully perform the essential job functions of this job. Reasonable accommodation may be made upon request to enable an individual with a disability to perform these essential job functions.

The employee must be able to use a cash register, as well as the Treasurer's accounting software. The employee must be able to oversee, train, and provide guidance to other staff members that process payments and receipt transactions, providing account corrections if needed.

The employee must also be able to use word processing programs and type various documents including memos, notices, letters, and time reports.

The employee must be able to maintain the records of the Treasurer's Office. To do so, he or she must be able to open, maintain and close files, requiring lifting, standing, bending, walking, manipulation of the files within his or her office, as well as the office of the Township Treasurer. The employee must also be able to move about to file and retrieve files from storage.

The employee must be able to keep books electronically and manually, accounting for all funds received by the Treasurer's Office, this includes Microsoft Excel Spreadsheets. The employee must be able to answer the telephone in English and communicate with others, must be able to make calls, schedule appointments and maintain the calendar for the Treasurer.

The employee must be able to open, sort, read and distribute incoming correspondence, both regular and electronic.

**Typical Responsibilities:**

1. Assists in preparing tax rolls, special assessment rolls, billing notices, etc.
2. Prepares semi-annual billing of delinquent Personal Property Tax statements for mailing.
3. Receives and receipts Township payment for tax collections, special assessments, contracts, escrow, dog licenses, etc. Invoice tracking and management.
4. Assist with processing payables and payroll, including direct deposits, state taxes, and

Effective Date: 04/11/23



retirement deposits.

5. Oversee training of persons taking cash, credit cards, or checks at the front counter.
6. Performs a variety of financial functions.
7. Maintains reservations for park rentals and indoor facilities, coordinates with maintenance staff.
8. Coordinate, oversee, and file Sewer/Water contracts and liens and the payments or payoffs.
9. Any other duties as directed by the Treasurer.

**Secondary Responsibilities:**

1. Assist in other areas of office support, answering the telephone, taking messages, sending emails, and provide service at the customer counter for the Treasurer's Office.
2. Provide support services for the Office of the Treasurer.
3. Under direction of the Treasurer, provide support services for other departments as needed and according to current cross-training needs.

The above statements are intended to describe the general nature and level of work being performed. They are not to be construed as an exhaustive list of all duties performed.

**Employment Qualifications:**

**EDUCATION:** Associate's degree in accounting, finance, or similar field, with advance coursework in accounting and data processing preferred

**EXPERIENCE:** 3+ years of cash handling experience desired. Prefer some experience providing familiarity with the tax collection process and cash management. Must be able to meet prescribed typing and computer standards in effect at the time of hire, including Microsoft Office Suite.

Must be detail oriented and highly organized.

Excellent communications in customer service is expected.

Strong interpersonal communication skills, both oral and written.

These qualifications represent guidelines; alternative qualification may be substituted if sufficient to perform the duties required by this position.

# MEMORANDUM



**Date:** April 14, 2023

**To:** Township Board

**From:** James Porter

**Subject:** Second Reading and Adoption of Conditional Rezoning for the Hamptons

---

**Objective:**

To accept for First Reading of Conditional Rezoning of the Hamptons property.

**Proposed Motion:**

I move to accept the Planning Commission's Recommendation for approval of the Conditional Rezoning of the subject property from R- 2 Residence District, to R-4 Residence District, subject to the following conditions:

- A. The northern portion of the subject site, approximately 10 acres, will only be developed as a Residential PUD with townhomes.
- B. The maximum unit count, per townhome building, will be four (4).
- C. The south half the property will remain as a storm water basin, with a proposed 55-year-old Senior Living Facility, to be located in the southwest corner.

**Background Information:**

Attached is the Recommendation from the Planning Commission, signed by the Planning Director, along with the Staff Report regarding the Hamptons Conditional Rezoning, and the Minutes of March 23, 2023.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING  
COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON  
MARCH 23, 2023


The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the conditional rezoning of the subject property, from R-2, Residence District to the R-4 Residence District of the Oshtemo Charter Township Zoning Ordinance, in order to facilitate the development of townhomes as part of a Residential PUD and a 55-year-old senior living facility. The subject property is located directly north of Meijer on W Main Street, Parcel No(s). 05-14-130-017 and a portion of 05-14-185-022, and is more particularly described as follows:

SEE ATTACHMENT

A copy of the Planning Commission Staff Report and the Draft Meeting Minutes from the March 23, 2023 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: April 4, 2023

By:   
\_\_\_\_\_  
Iris Lubbert  
Township Planning Director

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION



# MCKENNA

March 10, 2023

Charter Township of Oshtemo  
7275 West Main Street  
Kalamazoo, MI 49009

**Subject:** Conditional Rezoning Request from R-2, Residential to R-4, Residential District,  
**Location:** 9<sup>th</sup> Street (Parcel ID: 05-14-130-017 and a portion of 6660 W Main St, Parcel ID 05-14-185-022)  
**Applicant(s):** Thomas Carroll, Marroll, LLC – 70 Michigan Avenue, Suite 450, Battle Creek MI 49017  
**Owner(s):** Thomas Carroll, Marroll, LLC – 70 Michigan Avenue, Suite 450, Battle Creek MI 49017

Marroll LLC, requests to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 W Main Street, parcel number 05-14-185-022, from its current zoning of R-2, Residence, to R-4, Residence, in order to facilitate the development of townhomes as part of a Residential PUD and a 55-year-old senior living facility. The total rezoning area is approximately 20 acres in size and is located on the east side of 9<sup>th</sup> Street, north of West Main.

While the Oshtemo Township Zoning Ordinance does not specifically outline requirements for rezonings, the following comments are provided for consideration by the Planning Commission as it reviews the applicants request to conditionally rezone the subject property from R-2 to R-4, which would permit a higher intensity of use on the subject site. Note, the applicant has submitted the following conditions in conjunction with the rezoning request:

- A. North half of the property will only be developed as a residential PUD (Planned Unit Development) with townhomes.
- B. The maximum unit count per townhome building will be four (4).
- C. The south half of the property will remain as a stormwater basin as is today, with a proposed 55 year old senior living facility to be located in the southwest corner [of the subject property].

## COMMENTS

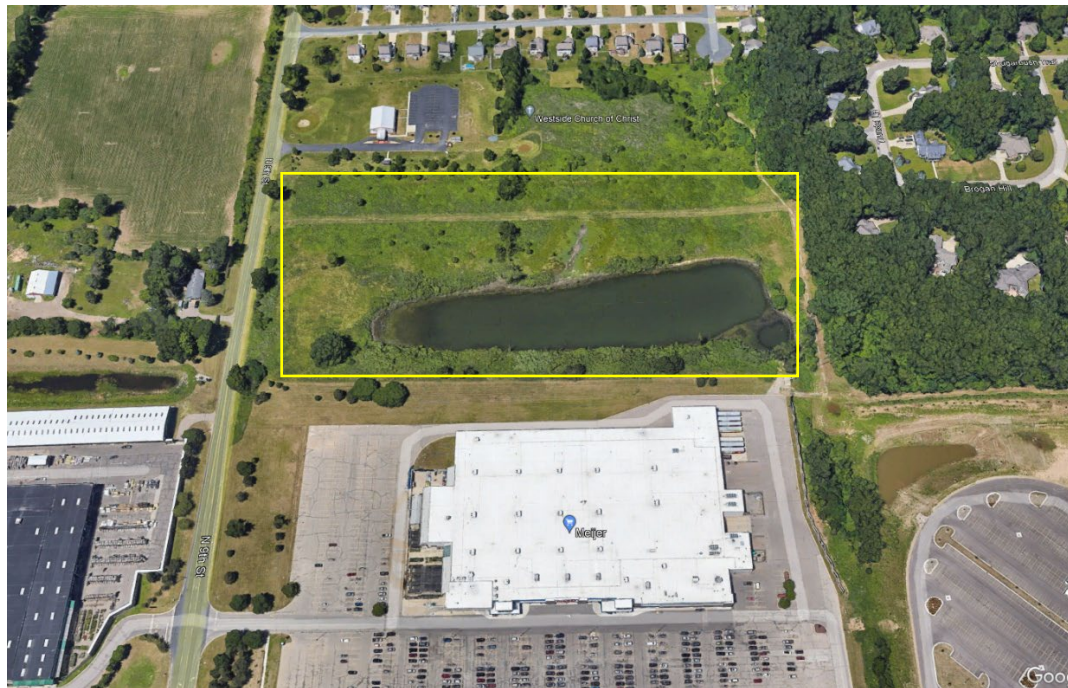
1. **Existing Conditions.** The site is an estimated 20 acres located along the eastern portion of 9<sup>th</sup> Street, north of West Main. The area proposed for rezoning is comprised of a 10-acre vacant/unimproved parcel that consists of natural vegetation and the north most 10 acres of the Meijer property consisting of vacant space and a stormwater detention basin. The subject parcel is part of the 9<sup>th</sup> Street Sub-Area Plan. The current land use, future land use, and existing zoning classifications of the site and surrounding parcels are summarized in the table and figures below:



**Table 1: Zoning and Existing/Planned Use of Site and Area:**

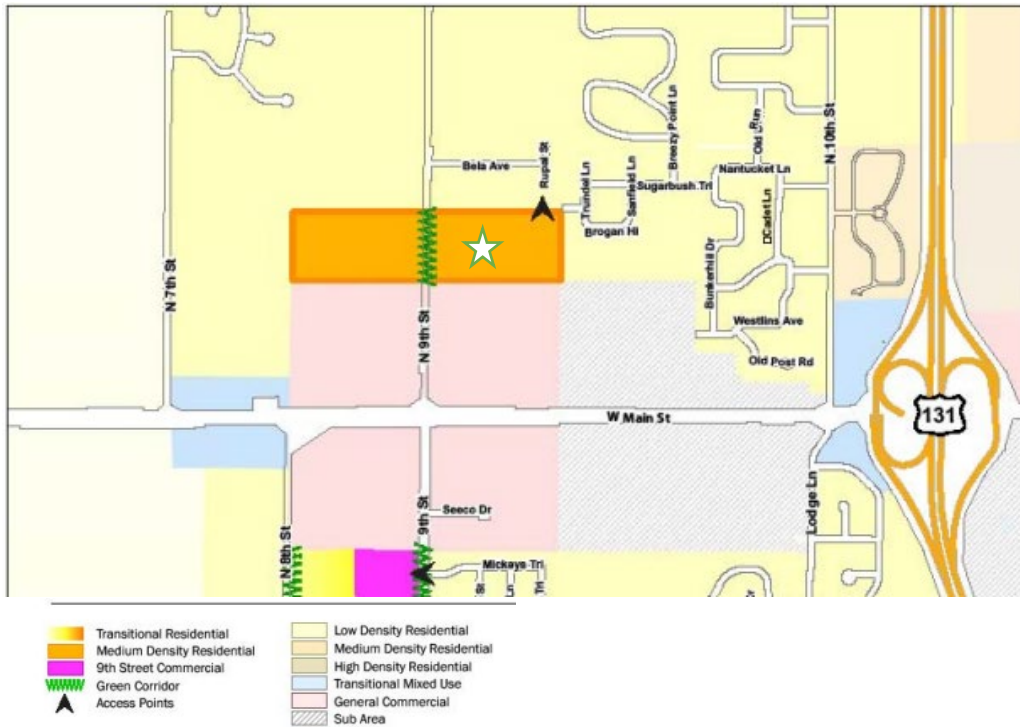
	Existing Land Use	Future Land Use	Existing Zoning
<u>Site</u>	Vacant/Stormwater detention basin	Medium Density Residential	R-2
<u>North</u>	Religious Institution	Low Density Residential	R-2
<u>West</u>	Agricultural Production	Low Density Residential	R-2
<u>South</u>	Commercial	General Commercial	C
<u>East</u>	Residential	Low Density Residential	R-2

**Figure 2: Site Aerial: 9<sup>th</sup> Street (Parcel 05-14-130-017)**



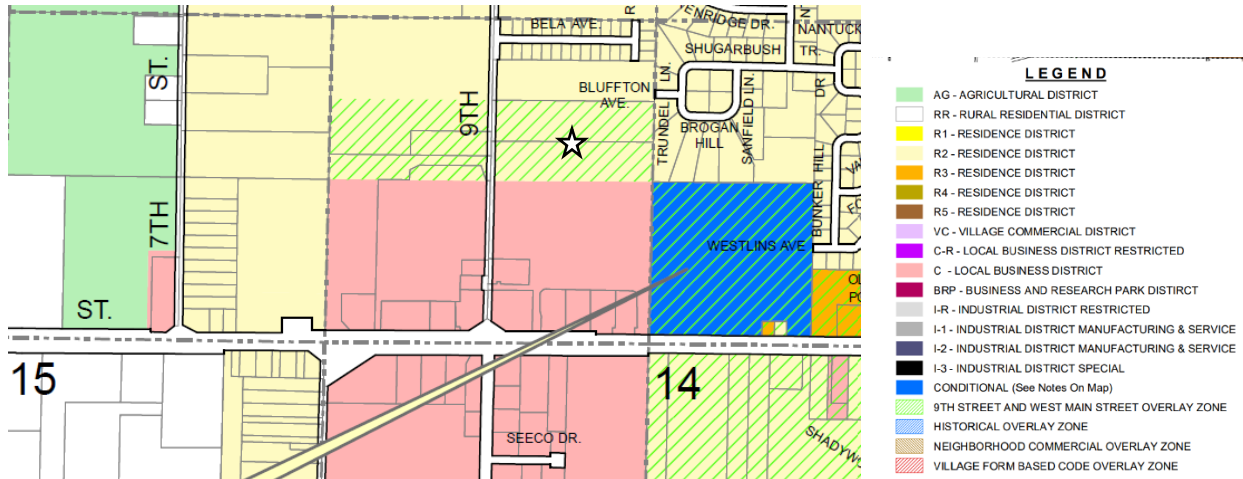


**Figure 3: Future Land Use Map of Area**





**Figure 4: Zoning Map of Area**



**2. Master Plan.** The Future Land Use designation of this area along 9<sup>th</sup> Street, as described in the 9<sup>th</sup> Street Sub-Area Plan, is classified for medium density residential. The subject site is bordered to the east by low-density residential, to the north by low density residential, and to the west by agricultural production land.

Based on the proposed use of the subject site as a medium density residential Planned Unit Development, which appears to align with the intent of the 9<sup>th</sup> Street Sub-Area Plan, we find that the proposal is consistent with the intent of the Oshtemo Township Master Plan and sub-area plan.

**3. Zoning.** The existing zoning district is R-2 and the proposed zoning district is R-4.

Typical permitted uses in the R-2 district include but are not limited to: one-family dwellings, essential services, foster family homes, libraries, religious institutions, and accessory buildings and uses customarily incidental to the foregoing. Article 7 of the Oshtemo Township Zoning Ordinance further details permitted and special land uses for the R-2 Residential District.

Typical permitted uses in the R-4 Residential District include, but are not limited to: permitted uses in the R-2 District, child care centers and adult care centers, funeral homes, accessory buildings, family day care home, adult foster care facilities, nursing facilities. Further, per Section 9.30 – permitted uses with conditions – the R-4 District allows three or four-family dwellings and multiple family dwellings. Article 9 of the Oshtemo Township Zoning Ordinance further details permitted uses and special uses within the R-4 Residential District.

Due to the subject parcel being adjacent to other properties zoned R-2 and C, Commercial, we find that the proposal would permit a residential transition zone of medium density housing, which would buffer the adjacent low-density residential properties from commercial enterprises located along West Main.

**4. Consistency with General Land Use Patterns.** The subject site is currently undeveloped (vacant) and is



located to the immediate north of a commercial development, and west of a low-density residential neighborhood. Further, with the requested conditional rezoning being consistent with the 2017 Future Land Use Plan's 9<sup>th</sup> Street Sub-Area Plan, the proposed rezoning would provide a buffer from the commercial development located immediately to the south and the low-density residential uses to the north and east.

- 5. Utilities & Infrastructure.** The Oshtemo Township online interactive map indicates existing water and sewer mains located adjacent to the subject property. It is anticipated that the future development of the subject property, conditioned on the rezoning approval, would be adequately serviced by existing utilities and infrastructure based near the 9<sup>th</sup> Street and West Main intersection.

Further review of the utilities and infrastructure needs will be conducted once a formal site plan submission has been received by the Township.

- 6. Reasonable Use Under Current Zoning Classification.** The property in review is currently zoned R-2, which would not permit the proposed use of four-unit family dwellings as outlined by the applicant in their application. The applicant seeks conditional rezoning to permit the development of this vacant/undeveloped area for residential townhomes, which would include a maximum of four (4) units per building.
- 7. Effects on Surrounding Properties.** Based on the applicant's description of the proposed use for the property in question, we do not foresee negative impacts on the surrounding area. The development of the vacant parcel would create a buffer between the commercial use, located at 6600 West Main and the religious institution and residential dwellings to the north. Further consideration will be given to the impacts on the surrounding uses and properties during the formal site plan review process. The applicant has submitted a concept plan showing what the development is envisioned to look like and be developed as. Note that this is just a concept, if the proposed conditional rezoning is approved a full review of a Residential PUD would be required.
- 8. Conditional Rezoning (Section 66).** The Township Zoning Ordinance provides general guidance for conditional rezonings, per Article 66. We have reviewed the guidance in Section 66 and find that the applicant meets the provisions as outlined in this section.

## RECOMMENDATION

Based on the information provided by the applicant, and the subsequent review conducted within this memorandum, we find that the Planning Commission could make a positive finding of support to the Oshtemo Township Board for the conditional rezoning of the subject property (parcel ID 05-14-130-017 and a portion of 6660 W Main St, parcel ID 05-14-185-022) from R-2, Residential to R-4, Residential, based on the following findings of fact:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan and 9<sup>th</sup> Street Sub-Area Plan designates the subject property as medium density residential, which aligns with the applicant's proposal to construct four (4) unit townhomes on the site.
2. The subject property would provide a development buffer between the commercial use at 6600 West Main and low-density residential parcels to the north and northeast.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to R-4 would provide a reasonable use of the property.





5. The rezoning request is conditioned on the following:
  - a. The northern portion of the subject site, an approximate 10 acres, will only be developed as a residential PUD with townhomes.
  - b. The maximum unit count per townhome building will be four (4).
  - c. The south half of the property will remain as a stormwater basin as currently is, with a proposed 55-year-old senior living facility to be located in the southwest corner.

We note that full site plan and special land use review and approval will be required of the property developer if the conditional rezoning request is approved.

Respectfully submitted,

**MCKENNA**

Kyle Mucha, AICP  
Senior Planner

Paul Lippens, AICP, NCI  
Vice President

Cc: Iris Lubbert, AICP, Oshtemo Township Planning Director

# OVERALL PARCEL AND RE-ZONING DESCRIPTION

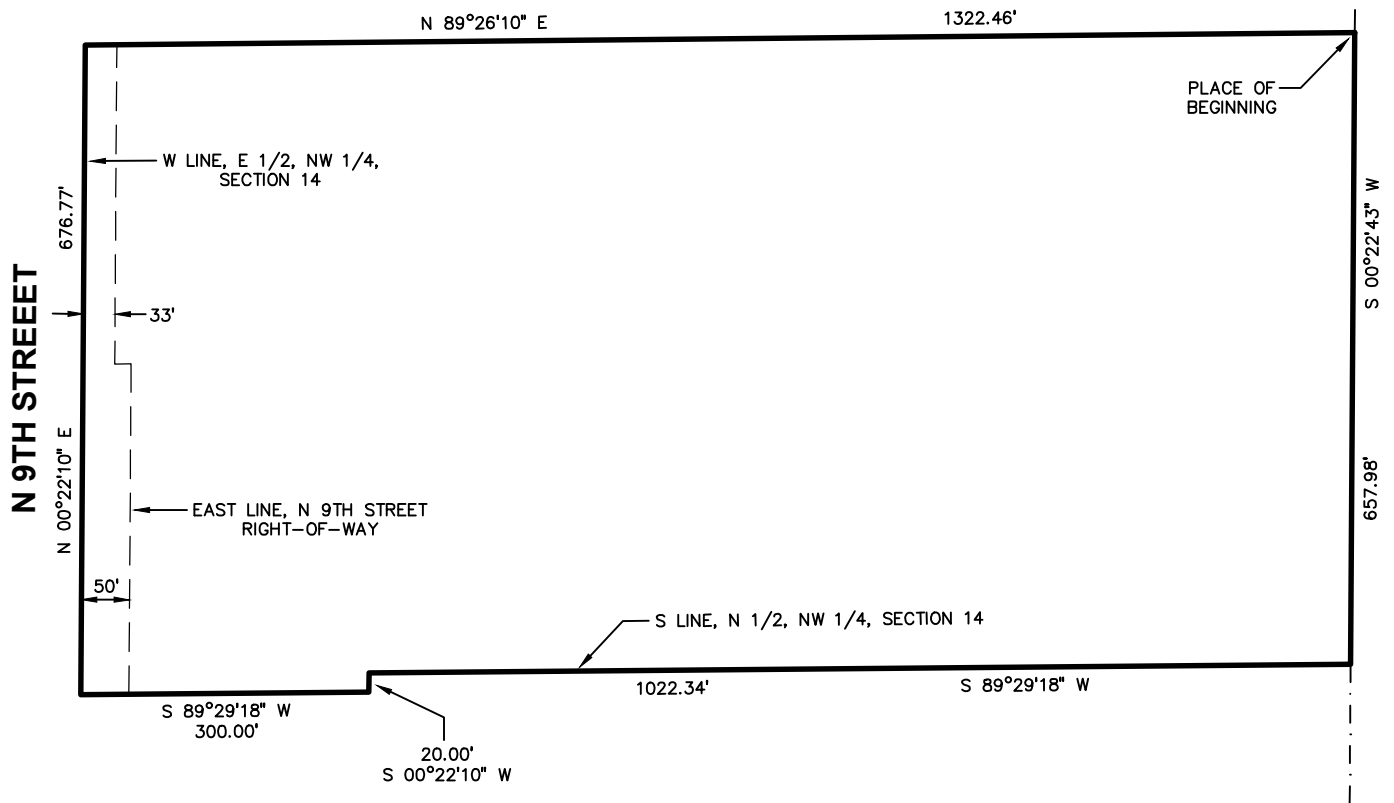
That part of the Northwest one-quarter, Section 14, Town 2 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as; BEGINNING on the North-South one-quarter line of said Section 14 at a point being South 00°22'43" West 660.79 feet from the North one-quarter corner of said section; thence South 00°22'43" West 657.98 feet along said North-South one-quarter line; thence South 89°29'18" West 1022.34 feet along the South line of the North one-half of the Northwest one-quarter of said section; thence South 00°22'10" West 20.00 feet parallel with the West line of the East one-half of the Northwest one-quarter of said section; thence South 89°29'18" West 300.00 feet parallel with the South line of the North one-half of the Northwest one-quarter of said section; thence North 00°22'10" East 676.77 feet along the West line of the East one-half of the Northwest one-quarter of said section; thence North 89°26'10" East 1322.46 feet to the place of beginning.

20.0918 acres including right-of-way



SCALE: 1" = 200'

NORTH 1/4 CORNER, SECTION 14,  
TOWN 2 SOUTH, RANGE 12 WEST,  
OSHTEMO TWP., KALAMAZOO CO., MI.



P:\200251.01 Oshtemo Multi-Family PUD\CAD\DWG\200251.1\_PARCEL COMBINATION.dwg - Description Map - 1/31/2023 1:42:48 PM - Greg Van Der Heide

<b>FIELD CREW / DATE:</b> M+B OFFICE	<b>CHECKED BY:</b> S JG	<b>Prepared By:</b> <b>Moore+Bruggink</b> Consulting Engineers 2020 Monroe Ave. Grand Rapids, MI 49505 (616) 363-9801 mailbox@mbce.com
<b>DRAWN BY:</b> GHV	<b>CONTACT INFO:</b> sgreen@mbce.com	
<b>DATE:</b> JANUARY 31, 2023	<b>PROJECT NO.:</b> 200251.1	

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A MEETING HELD MARCH 23, 2023**

---

**Agenda**

**PUBLIC HEARING - SPECIAL USE AND SITE PLAN – SUNSET POINTE  
CONDOMINIUMS**

Sunset Point Condominiums LLC requested special use and site plan approval of a residential site condominium comprised of 33 duplex buildings (66 units), club house, community pool and associated parking lot on Parcel 05-26-260-021. The property is located at the intersection of Meridian Avenue and Sunset Road.

**PUBLIC HEARING - CONDITIONAL REZONING – HAMPTONS**

Marroll LLC, requested to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 West Main Street, parcel number 05-14-185-022, from its current zoning classification of R-2, Residence, to R-4, Residence. The proposed conditional rezoning was to facilitate the development of the site with townhomes, as part of a Residential PUD and a 55-year-old senior living facility.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – CONSUMERS ENERGY  
REGULATOR STATION**

Consumers Energy requested site plan and special use approval to construct one 3,240 square foot unmanned building and one 120 square foot accessory building to serve as a regulator station.

**PUBLIC HEARING – SPECIAL USE – NATIONAL HEALTH AND NUTRITION  
EXAMINATION SURVEY TEMPORARY OUTDOOR EVENT**

Westat Inc., requested Special Exception Use approval to locate CDC Mobile Exam Center medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S. 11<sup>th</sup> Street, from April 8 to June 10, 2023.

---

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 23, 2023, commencing at approximately 6:03 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS WERE PRESENT:      Anna Versalle, Chair  
   Micki Maxwell, Vice Chair  
   Deb Everett  
   Zak Ford, Township Board Liaison  
   Scot Jefferies  
   Alistair Smith, ZBA Liaison  
   Phil Doorlag

Also present were Iris Lubbert, Planning Director, James Porter, Attorney, Colten Hutson, Zoning Administrator, Martha Coash, Recording Secretary and 16 guests.

**Call to Order and Pledge of Allegiance**

Chairperson Versalle called the meeting to order and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda**

The Chair determined there were no changes to the agenda and let it stand as published.

**Public Comment on Non-Agenda Items**

Mr. Curt Aardema of AVB said he had attended the Planning Commission sessions regarding the Oshtemo housing study and offered to take Commissioners through some of the projects AVB has built at some point if it was felt that would be helpful.

The Chair thanked him for his offer and moved to the next agenda item.

**Approval of the Minutes of the Meeting of March 9, 2023**

Chairperson Versalle asked if there were additions, deletions, or corrections to the Minutes of the Meeting of March 9, 2023.

Hearing none, the Chair asked for a motion to approve the Minutes as presented.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of March 9, 2023 as presented. Mr. Doorlag **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

**PUBLIC HEARING - SPECIAL USE AND SITE PLAN – SUNSET POINTE CONDOMINIUMS**

**SUNSET POINTE CONDOMINIUMS LLC REQUESTED SPECIAL USE AND SITE PLAN APPROVAL OF A RESIDENTIAL SITE CONDOMINIUM COMPRISED OF 33 DUPLEX BUILDINGS (66 UNITS), CLUB HOUSE, COMMUNITY POOL AND ASSOCIATED PARKING LOT ON PARCEL 05-26-260-021. THE PROPERTY IS LOCATED AT THE INTERSECTION OF MERIDIAN AVENUE AND SUNSET ROAD.**

Site Description: On behalf of the Charter Township of Oshtemo Planning Department, Mr. Kyle Mucha, Senior Planner for McKenna, reviewed the site condominium application for a Special Exception Use regarding the proposed 33 duplex buildings (66 unit), club house, community pool and associated parking lot within the residential development located at the intersection of Meridian Avenue & Sunset Road. He offered comments and findings based on McKenna’s review of the application dated April 15, 2022, and the site plan resubmission on February 24, 2023.

He indicated the site is approximately 17.48-acres and has frontage along the north side of Meridian Avenue. The site is predominately wooded with no apparent existing facilities or structures established. The applicant proposes to construct 24 duplex buildings (48 units total) in the first phase, and an additional 9 duplex buildings (18 units total) in the second phase once a secondary road has been constructed. The total unit count is proposed to be 33 duplex buildings (66 units) once the property is fully built out. A club house, pool and associated parking lot are also proposed within the residential development in the first phase.

Review Criteria: Mr. Mucha explained an application for a condominium project must be made in accordance with the procedures for a Special Use set forth in Article 65 and the requirements and presented the following review of 65.30:

**A. Master Plan/Zoning Ordinance.** *The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.* The Oshtemo Township Zoning Ordinance reviews proposed condominium developments in regard to the following categories:

- a. The proposed development will need to meet the intent of the R-2 Residence District, which permits a greater density of residential development than is provided in rural districts of the Township. We find that the intent of the R-2 District is met with this proposal.
- b. The R-2 District permits a residential density of 4 units per acre. 3.77 units per acre are proposed. For reference, the proposed condominium density of the project site averages 0.26 acres per unit, which is slightly less than other residential properties in the adjacent neighborhoods: Wildmere Street, Fairgrove Street, Strathmore Street have parcel sizes of 0.303 acres per dwelling unit.
- c. An interior transportation network must also be provided. The applicant proposes to construct an interior street network of private roadways. We find that this provision is satisfied.
- d. Non-motorized transportation is a development standard that shall be provided for. The applicant has indicated that sidewalks will be installed throughout the project area, which will also connect to internal trail systems that permit non-motorized pedestrian access to the clubhouse/pool. We find this provision has been satisfied.
- e. Open space must also be provided at a rate of 10% of the total condominium project area. The applicant has proposed an open space area of 20%, which exceeds the minimum required and satisfies this provision.
- f. Public utilities, such as sewer and water, must be provided for. The applicant has provided engineering drawings for proposed public water and sewer systems. We find that this provision has been satisfied.

- g. The Master Deed and Bylaws are required to provide language that “common elements are to be properly and adequately maintained”. The applicant continues to work with Township staff to finalize the draft Master Deed/Bylaws, which will address this requirement.
- h. Setback provisions, landscaping, lighting, and parking standards are also provisions with the Township Zoning Ordinance that must be addressed. During our review of the proposed site plan, we found that the applicant has met the provisions for these sections.

Mr. Mucha said, based on the desired development pattern and Future Land Use classifications for this subject site, the proposed 66-unit (33 duplex buildings) aligns with the intent of the Master Plan. The site plans include trail systems (woodchip based), preservation of open space as deeded within the draft Master Deed and the potential to interconnect the proposed development with future residential developments to the north.

**B. Site Plan Review:**

He indicated a separate memorandum was prepared regarding the submitted site plan for consideration by Township staff. The site plan analysis of the criteria of section 64.80 reviews the application for compliance with development standards, setback provisions, landscaping, lighting, parking, utility infrastructure and emergency access.

**C. Impacts:**

Mr. Mucha provided the following analysis of the impacts of the proposed project:

1. *The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.* Properties located to the west, north, and east are predominately residential in nature, and consist of mostly single-family homes. Properties to the south are commercial in nature. Established neighborhoods to the east have a development density of 0.3 acres per residential dwelling unit. The proposed development will consist of a density of 0.26 acres per dwelling unit, which we find aligns with existing development patterns in the area. Further, the development will consist of an interior road network and public water & sewer, which are characteristics of the eastern adjacent neighborhood. The proposed development will consist of attached single-family condominium units in the form of a duplex, which is harmonious with the established neighborhood to the east consisting of single-family dwellings.
2. *Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.* The submitted proposal indicates a tree preservation buffer (35') along the periphery of the development site. Furthermore, the proposed orientation of dwelling units

increases the separation distance from adjacent residential property lines and proposed residential units. Additionally, the building orientation is projected to face internally (towards the interior of the subject property). The building orientation will aid in shielding adjacent property owners from the private street network and vehicular traffic this development will generate. Each condominium site will also have on-premises parking spaces for residents. We find that potentially adverse effects arising from the proposed development have been mitigated by the aforementioned site design details.

3. *The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.* The applicant indicates that the estimated average daily trips (AADT) is at eight (8) per unit. Based on 66 units, the average daily trips generated from this development is estimated to be 528. Because the project proposes 66 dwelling units once fully built out, secondary access will be required. Phase 1 of the project will include the construction of 48 dwelling units, with an estimated daily trip generation of 384. Once Phase 2 is constructed, as previously referenced, secondary access is required, which will help reduce congestion and allow for better traffic flow thus minimizing potential disturbances to the surrounding area.

Furthermore, the construction of 66 residential condominium units is likely to increase the ambient noise of the area due to the proposed residential land use. Currently, the predominately wooded parcel acts as a natural buffer between businesses and non-residential uses along Stadium Drive (located to the south) and existing residential uses in the surrounding vicinity. In order to aid in noise reduction, the applicant has increased the tree buffer along the perimeter to 35 feet. For reference, the R-2 District has a minimum rear yard setback requirement of 15 feet: the applicant has extended this rear yard setback by an additional 20 feet, which will also aid in noise reduction and preservation of naturalized areas. We find that the applicant generally complies with this provision.

- D. *Environment.*** *The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.* The applicant proposes significant alterations to the existing parcel in terms of site grading and clearing. However, we note that the applicant seeks to retain a buffer strip of natural vegetation around the periphery of the subject parcel. This buffer strip of natural features will further protect adjacent residential uses from the more densely proposed residential development.
- E. *Public facilities.*** *Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.* The proposed residential condominium development will have public water and sanitary sewer mains extended into the subject site. The applicant proposes to connect to the existing public water main at the intersection of Meridian Avenue & Sunset Road. A proposed sanitary sewer main will provide service to the new development by use of an easement to connect into the existing sewer along Stadium Drive. Upon evaluation, adequate public and/or private infrastructure and services already exist or would be provided to the site.

**F. Specific Use requirements.** *The Special Use development requirements of Article 49.* Upon review of Article 49, we do not find that any additional provisions are subject to this proposal. Therefore, we find this this requirement is not applicable.

**Recommendations:**

Mr. Mucha reported the applicant was proposing the construction of 66 condominium units (33 duplex buildings) on 17.48 acres of land. McKenna recommended approval of the Special Use, finding that the proposed project aligns with the intent of the Master Plan and Zoning Ordinance, for the following reasons:

1. The 2017 Master Plan Update, Future Land Use, classifies the subject parcel as split between low-density residential and local commercial. Additionally, the Master Plan indicates the low-density residential (LDR) designation as the majority of neighborhoods in the Township and that many LDRs were developed years ago. The Master Plan further states *“new development has occurred around these neighborhoods that is not consistent with single-family development. When this occurs, it is essential that adequate buffers and protection are provided to ensure the neighborhood is insulated from the effects of the adjacent uses”* (page 64, left column). Based on the applicant providing a 35-foot-wide natural vegetation buffer between the proposed development and existing residential uses to the east, we find that adequate buffers and protection have been provided.
2. Details pertaining to adverse impacts, such as loss of natural features and vehicle trip generation, have been considered by the applicant. The increase of a 35-foot-wide natural buffer, from a previous 20 feet, further assists in the mitigation of adverse impacts on adjacent residential uses.
3. The site development plan meets the requirements of the Oshtemo Township Zoning Ordinance as it pertains to Article 42 – Residential Condominium Development Standards.
4. Phase II, consisting of 9 duplex buildings (18 units total), will not be implemented until a secondary access point is created.

**SITE PLAN REVIEW**

Mr. Mucha reported that McKenna reviewed the revised site plan dated February 24, 2023 for a proposed 33 duplex building (66 unit), club house, community pool and associated parking lot within the residential development located at the intersection of Meridian Avenue & Sunset Road. After walking the Commissioners through the findings and comments he made the following recommendation:



Based on the submitted site plans, dated February 24, 2023, we find that the proposed Sunset Pointe Condominium Development can be recommended for approval to the Oshtemo Township Planning Commission, subject to the following conditions:

- a. Landscaping modification (per Section 53.160) is granted to permit the applicant to install two (2) canopy trees per 100 feet of road frontage, where a minimum of one (1) canopy and two (2) understory trees are required.
- b. The Master Deed is amended to include the language outlined in the Township Attorney report, noted in the previous section. In addition, “no on-street parking” language is added to the Master Deed.
- c. A final approval letter is submitted from the Road Commission for the primary entrance into the site.
- d. The intersection at Sunset & Daybreak Ave shall meet the requirements for hammerhead turn-around for fire department access. An additional 25 feet to the north are required. The applicant may accomplish this temporarily with a gravel surface that would support the imposed loads of the fire apparatus. An amended plan showing this turn-around shall be submitted to the Township for administrative approval.
- e. Administrative coordination with Oshtemo Township regarding the sanitary sewer design.
- f. Final watermain design and permitting must be reviewed and approved by all appropriate agencies including but not limited to the City of Kalamazoo – Water Resources Division, Department of Environment, Great Lakes and Energy (EGLE), Oshtemo Township Public Works and Oshtemo Township Fire Department. The final design and approvals will supersede phasing proposed by the Developer and a part of the Planning Commission approval.
- g. Further specifications regarding phase 2 will need to be submitted for review when a secondary road access is constructed for the property.
- h. Building renderings and elevations shall be submitted to the Township for review & approval prior to building permit issuance.

Chairperson VerSalle thanked Mr. Mucha for his presentation and asked whether Commissioners had questions for him.

In answer to a question from Ms. Maxwell, Mr. Mucha indicated the 35 foot buffer would be maintained through Phase II of the project as well.

Mr. Ford asked for clarification regarding the number of parking spaces that would be provided per unit.

Mr. Mucha said each unit would have two space in a garage and an additional two spaces in front of the unit.

Ms. Everett asked about the walking path.

Mr. Mucha said walking paths are located in open spaces toward the east and the south of the development.

Ms. Everett asked if the easement would be acceptable to be made a public road, noting a private road has to meet Road Commission standards in order to be turned over to them for use as a public road.

Ms. Lubbert said there have been a number of discussions on this topic. When the second phase of the development occurs part of the road will become public. The developer has gone beyond the standard for private roads to meet public road standards. The easement as shown is to provide sewer and water to Stadium Drive. In the future a road will go on top of that. Details for the road connection will be worked through at that time.

Mr. Doorlag noted the private roads, if standards are met, can be transferred to the Road Commission.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Dan Lewis, Civil Engineer for the project, noted the open space buffer is more than two times what is required. A five foot wood chip path is the only land disturbed in the open space. He said the developer agrees with all of the conditions set forth for approval in the recommendation.

Ms. Everett asked about the sewer starting further south on Sunset.

Mr. Lewis indicated the only long sewer line needed is for unit No. 1 on the southwest corner of the site. That unit will not be built until a new sewer is built for easy hook-up. Sewers for the rest of the units run from Stadium. Public water connects in two spots. Sidewalks are included along both sides of all roadways.

The Chair asked if the pathways are open to the public.

Mr. Lewis said they are set up to be private, but that would be determined by a condominium association.

Chairperson Versalle asked how on street parking would be monitored.

Mr. Lewis said signs would be installed and parking would be addressed in the master deed. Four spaces per unit should help with compliance. In addition, there will be eight spaces at the clubhouse that can be used if needed.

Hearing no further questions, the Chair opened a public hearing.

Dr. Lisa Augustyniak, 2615 S. 9<sup>th</sup> Street felt she had been heard when she spoke at the last meeting and asked if the area had been evaluated for endangered/protected species of wildlife and plants, especially those specific to Kalamazoo County according to the MSU inventory.

As there were no further public comments, Chairperson Versalle closed the public hearing and moved to Board Deliberations.

Ms. Maxwell asked if the property owners are required to do the survey Dr. Augustyniak mentioned.

Attorney Porter indicated he was not aware of a requirement unless protected species or plant life have been identified in the general area already. We do not have any information that has occurred.

Ms. Maxwell **made a motion** to approve the special use request and site plan as presented to include the eight conditions listed below as recommended, as well as the requested deviation in landscaping from the required one canopy tree and two understory trees to two canopy trees per 100 linear feet.

1. Landscaping modification (per Section 53.160) is granted to permit the applicant to install two (2) canopy trees per 100 feet of road frontage, where a minimum of one (1) canopy and two (2) understory trees are required.
2. The Master Deed is amended to include the language outlined in the Township Attorney report, noted in the previous section. In addition, “no on-street parking” language is added to the Master Deed.
3. A final approval letter is submitted from the Road Commission for the primary entrance into the site.
4. The intersection at Sunset & Daybreak Ave shall meet the requirements for hammerhead turn-around for fire department access. An additional 25 feet to the north are required. The applicant may accomplish this temporarily with a gravel surface that would support the imposed loads of the fire apparatus. An amended plan showing this turn-around shall be submitted to the Township for administrative approval.
5. Administrative coordination with Oshtemo Township regarding the sanitary sewer design.
6. Final watermain design and permitting must be reviewed and approved by all appropriate agencies including but not limited to the City of Kalamazoo – Water Resources Division, Department of Environment, Great Lakes and Energy (EGLE), Oshtemo Township Public Works and Oshtemo Township Fire Department. The final design and approvals will supersede phasing proposed by the Developer and a part of the Planning Commission approval.
7. Further specifications regarding phase 2 will need to be submitted for review when a secondary road access is constructed for the property.
8. Building renderings and elevations shall be submitted to the Township for review and approval prior to building permit insurance.

Mr. Ford **seconded the motion**. The **motion was approved** unanimously.

Chairperson Versalle moved to the next item on the agenda and asked Mr. Mucha for his presentation.

**PUBLIC HEARING - CONDITIONAL REZONING – HAMPTONS**

**Marroll LLC, requested to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 West Main Street, parcel number 05-14-185-022, from its current zoning classification of R-2, Residence, to R-4, Residence. The proposed conditional rezoning was to facilitate the development of the site with townhomes, as part of a Residential PUD and a 55-year-old senior living facility.**

Attorney Porter provided a brief overview of the definition of conditional rezoning, noting that in Michigan a developer can request conditional rezoning with specific limitations. What will be developed in the future will be in accordance with the conditions the developer proposes.

He noted the developer is working with Meijer and the Township regarding how stormwater will be handled. The current basin owned by Meijer may be expanded. However, the Commission will consider only the rezoning request at this meeting.

Mr. Mucha said Marroll LLC, was requesting to conditionally rezone parcel number 05-14-130-017 and a portion of 6660 W Main Street, parcel number 05-14-185-022, from its current zoning of R-2, Residence, to R-4, Residence, in order to facilitate the development of townhomes as part of a Residential PUD and a 55-year-old senior living facility. The total rezoning area is approximately 20 acres in size and is located on the east side of 9<sup>th</sup> Street, north of West Main.

While the Oshtemo Township Zoning Ordinance does not specifically outline requirements for rezonings, he provided the following comments for consideration by the Planning Commission as it reviewed the applicant's request to conditionally rezone the subject property from R-2 to R-4, which would permit a higher intensity of use on the subject site. The applicant submitted the following conditions in conjunction with the rezoning request:

- A. North half of the property will only be developed as a residential PUD (Planned Unit Development) with townhomes.
- B. The maximum unit count per townhome building will be four (4).
- C. The south half of the property will remain as a stormwater basin as is today, with a proposed 55 year old senior living facility to be located in the southwest corner [of the subject property].

Mr. Mucha described the existing conditions, noting the site is an estimated 20 acres located along the eastern portion of 9<sup>th</sup> Street, north of West Main. The area proposed for rezoning is comprised of a 10-acre vacant/unimproved parcel that consists of natural vegetation and the northernmost 10 acres of the Meijer property consisting of vacant space and a stormwater detention basin. The subject parcel is part of the 9<sup>th</sup> Street Sub-Area Plan. The current land use, future land use, and existing zoning classifications of the site and surrounding parcels were summarized

in the table and figures below:

**Table 1: Zoning and Existing/Planned Use of Site and Area:**

	Existing Land Use	Future Land Use	Existing Zoning
<u>Site</u>	Vacant/Stormwater detention basin	Medium Density Residential	R-2
<u>North</u>	Religious Institution	Low Density Residential	R-2
<u>West</u>	Agricultural Production	Low Density Residential	R-2
<u>South</u>	Commercial	General Commercial	C
<u>East</u>	Residential	Low Density Residential	R-2

1. **Master Plan.** The Future Land Use designation of this area along 9<sup>th</sup> Street, as described in the 9<sup>th</sup> Street Sub-Area Plan, is classified for medium density residential. The subject site is bordered to the east by low-density residential, to the north by low density residential, and to the west by agricultural production land.

Based on the proposed use of the subject site as a medium density residential Planned Unit Development, which appears to align with the intent of the 9<sup>th</sup> Street Sub-Area Plan, we find that the proposal is consistent with the intent of the Oshtemo Township Master Plan and sub-area plan.

2. **Zoning.** The existing zoning district is R-2 and the proposed zoning district is R-4.

Typical permitted uses in the R-2 district include but are not limited to one-family dwellings, essential services, foster family homes, libraries, religious institutions, and accessory buildings and uses customarily incidental to the foregoing. Article 7 of the Oshtemo Township Zoning Ordinance further details permitted and special land uses for the R-2 Residential District.

Typical permitted uses in the R-4 Residential District include, but are not limited to permitted uses in the R-2 District, child care centers and adult care centers, funeral homes, accessory buildings, family day care home, adult foster care facilities, nursing facilities. Further, per Section 9.30 – permitted uses with conditions – the R-4 District allows three or four-family dwellings and multiple family dwellings. Article 9 of the Oshtemo Township Zoning Ordinance further details permitted uses and special uses within the R-4 Residential District.

Due to the subject parcel being adjacent to other properties zoned R-2 and C, Commercial, McKenna found the proposal would permit a residential transition zone of medium density housing, which would buffer the adjacent low-density residential properties from commercial enterprises located along West Main.

**3. Consistency with General Land Use Patterns.** The subject site is currently undeveloped (vacant) and is located to the immediate north of a commercial development, and west of a low-density residential neighborhood. Further, with the requested conditional rezoning being consistent with the 2017 Future Land Use Plan's 9<sup>th</sup> Street Sub-Area Plan, the proposed rezoning would provide a buffer from the commercial development located immediately to the south and the low-density residential uses to the north and east.

**4. Utilities & Infrastructure.** The Oshtemo Township online interactive map indicates existing water and sewer mains located adjacent to the subject property. It is anticipated that the future development of the subject property, conditioned on the rezoning approval, would be adequately serviced by existing utilities and infrastructure based near the 9<sup>th</sup> Street and West Main intersection.

Further review of the utilities and infrastructure needs will be conducted once a formal site plan submission has been received by the Township.

**5. Reasonable Use Under Current Zoning Classification.** The property in review is currently zoned R-2, which would not permit the proposed use of four-unit family dwellings as outlined by the applicant in their application. The applicant was seeking conditional rezoning to permit the development of this vacant/undeveloped area for residential townhomes, which would include a maximum of four (4) units per building.

**6. Effects on Surrounding Properties.** Based on the applicant's description of the proposed use for the property in question, he said negative impacts on the surrounding area are not foreseen. The development of the vacant parcel would create a buffer between the commercial use, located at 6600 West Main and the religious institution and residential dwellings to the north. Further consideration will be given to the impacts on the surrounding uses and properties during the formal site plan review process. The applicant submitted a concept plan showing what the development is envisioned to look like and how it would be developed. If the proposed conditional rezoning is approved a full review of a Residential PUD would be required.

**7. Conditional Rezoning (Section 66).** The Township Zoning Ordinance provides general guidance for conditional rezonings, per Article 66. After review with the guidance in Section 66 McKenna found the applicant meets the provisions as outlined in this section.

Recommendation:

Based on the information provided by the applicant, and the subsequent review conducted within this memorandum, McKenna found the Planning Commission could make a positive finding of support to the Oshtemo Township Board for the conditional

rezoning of the subject property (parcel ID 05-14-130-017 and a portion of 6660 W Main St, parcel ID 05-14-185-022) from R-2, Residential to R-4, Residential, based on the following findings of fact:

1. The Oshtemo Township 2017 Master Plan's Future Land Use Plan and 9<sup>th</sup> Street Sub-Area Plan designates the subject property as medium density residential, which aligns with the applicant's proposal to construct four (4) unit townhomes on the site.
2. The subject property would provide a development buffer between the commercial use at 6600 West Main and low-density residential parcels to the north and northeast.
3. No adverse impact on existing utilities nor infrastructure are anticipated by the rezoning request.
4. The rezoning of the subject site to R-4 would provide a reasonable use of the property.
5. The rezoning request is conditioned on the following:
  - a. The northern portion of the subject site, an approximate 10 acres, will only be developed as a residential PUD with townhomes.
  - b. The maximum unit count per townhome building will be four (4).
  - c. The south half of the property will remain as a stormwater basin as currently is, with a proposed 55-year-old senior living facility to be located in the southwest corner.

Mr. Mucha noted a full site plan and special land use review and approval will be required of the property developer if the conditional rezoning request is approved.

Chairperson VerSalle asked if there were any questions from Commissioners.

Ms. Everett asked if the four-unit buildings would be more than one story.

Ms. Lubbert indicated that is not known at this time.

Attorney Porter noted the Commission cannot attach conditions to the request.

Ms. Lubbert explained the project is located within the optional 9<sup>th</sup> Street overlay zone which has design criteria if the developer wishes to utilize it. In addition, if the rezoning is approved, the Planning Commission will review further details about a proposal, including height, during the site plan review process which has checks and balances for building. The developer will be legally bound to the conditions of the rezoning if approved. If the site is sold later, the new owner would also be bound by the conditions. If the project does not commence within one year, the conditional zoning expires.

Mr. Ford said he is generally in favor of the increased density, but wanted to be sure the water runoff can be handled and wondered who will be responsible.

Attorney Porter said the property developer is responsible and noted the Township Engineer establishes the requirements and determines whether they are met.

Ms. Everett asked what the reason was for establishing a residential PUD?

Ms. Lubbert explained an assisted living facility is considered a non-residential

use and the PUD makes the property most flexible for the project's development.

Mr. Ford commented that if they change what they want to construct they would have to return to the Commission to request a rezoning.

Hearing nothing further, Chairperson VerSalle asked if the applicant wished to speak.

Mr. Justin Longstreth, Engineer, noted this is the first step in what they hope will be a successful multi-step project. They plan to provide 12 buildings with 48 units during the first phase. The rest will be built when secondary connections are made. The senior living phase will be down the road. They hope to work out a solution to the basin issue with Meijer. If the conditional rezoning is approved, he said they would likely be back within a month or two with a site plan application.

Chairperson Versalle thanked Mr. Longstreth for his comments, determined no one from the public wished to speak, and moved to Board Deliberations.

As it was the consensus that the request made a lot of sense, the Chair asked for a motion and a roll call vote.

Mr. Ford **made a motion** to recommend the conditional zoning request as presented to the Township Board for approval with the following conditions as recommended by the applicant:

- a. The northern portion of the subject site, an approximate 10 acres, will only be developed as a residential PUD with townhomes.
- b. The maximum unit count per townhome building will be four (4).
- c. The south half of the property will remain as a stormwater basin as currently is, with a proposed 55-year-old senior living facility to be located in the southwest corner.

Chairperson Versalle **seconded the motion**. The **motion was approved 7-0 by Roll Call Vote**.

Chairperson Versalle moved to the next agenda item and asked Mr. Hutson for his presentation.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – CONSUMERS ENERGY  
REGULATOR STATION**

**CONSUMERS ENERGY REQUESTED SITE PLAN AND SPECIAL USE APPROVAL TO CONSTRUCT ONE 3,240 SQUARE FOOT UNMANNED BUILDING AND ONE 120 SQUARE FOOT ACCESSORY BUILDING TO SERVE AS A REGULATOR STATION AND ALSO A SPECIAL USE APPROVAL TO INSTALL A SECURITY FENCE THAT INCLUDES 12 INCHES OF BARBED WIRE FOR A TOTAL HEIGHT OF EIGHT FEET. (UNADDRESSED PARCEL NOS. 05-25-355-010 AND 05-26-490-031.**

Mr. Hutson reported Consumers Energy was requesting site plan and special use approval to construct one 3,240 SF unmanned building and one 120 SF accessory building to serve as a regulator station. The applicant is also requesting special use



approval to install a security fence at said site that includes 12 inches of barbed wire for a total height of 8 feet. Currently serving as a natural gas regulator station for Consumers Energy, the applicant is seeking to upgrade the property through a complete reconstruction of the site in order to improve the distribution of natural gas to surrounding neighborhoods in a more efficient manner as well as incorporating a new remote telemetry system. The approximate 4-acre site is located on two unaddressed parcels on the north side of Parkview Avenue between Atlantic Avenue and S 11th Street.

The subject project site falls within the R-4: Residence District zoning designation. Buildings and regulator stations for essential services are considered a special exception use within the R-4: Residence District. Any proposed special exception use is subject to review and approval from the Oshtemo Township Planning Commission.

Mr. Hutson noted there are three sets of criteria that need to be considered: the general special use review criteria outlined in Section 65.30, the general site plan review criteria outlined in Section 64, and the requirements for fences outlined in Section 57.60.A.5. Overall, most of the requirements of Section 65.30, Section 64, and Section 57.60.A.5 have been met.

#### Section 64: Site Plan Review

Mr. Hutson said all general zoning requirements have been met.

#### Access and Circulation:

The number of access points to the site will not change. The subject property currently possesses two access points adjacent to Parkview Avenue, one on the west end of the site and the other on the east end of the site. Part of the request is to upgrade both driveway aprons to Hot Mixed Asphalt (HMA) from the existing gravel material. Both drives into the site are secured by a swing and bar gate, in which the Oshtemo Fire Department will be able to access through a Knox box. The primary drive aisles are proposed to be made of 6" MDOT 21AA Crushed Limestone. All other drive areas will consist of 6" MDOT 6AA Crushed Limestone.

Most of the drive aisle widths are proposed to be 20 Ft wide, which is the minimum width required under Section 52.50 of the Zoning Ordinance. However, several drive aisle widths are also proposed to be 14 Ft wide, which is 6 Ft less than the required 20 Ft minimum. The applicant was requesting a deviation from the minimum width requirements for drive aisles. The applicant has provided rationale as to why they believe the subject deviation should be granted. Highlights from the provided rationale include:

1. "The main circulation route provides two points of access and wide turning radii that will allow emergency vehicle access as well as a suitable circulation path for maintenance vehicles and delivery trucks."

2. "In the event an emergency vehicle needs to traverse the 14' secondary aisles, the adjacent limestone material will still support the vehicles if they leave the designated drive."
3. "Increasing the width of the secondary aisles extends the drive width closer to the building, the remote telemetry units and valve operators in these areas. The intent is to keep vehicles in the center of the aisle away from such site amenities."
4. "As an essential services site, this site will receive very minimal traffic. The site is routinely visited by staff approximately once a week to verify the site is operating properly. The new remote telemetry equipment allows remote monitoring further reducing trips to the site."

Mr. Hutson noted Per Section 52.50.C of the Zoning Ordinance, the reviewing body may grant, upon request, reduced widths for circulation aisles. The reviewing body will consider the following before deciding if drive aisles may be reduced:

1. Overall site circulation
2. Access to public rights-of-way
3. Public safety
4. Volume of traffic
5. Visibility
6. Location of nonmotorized traffic
7. Grade and slope of the drive
8. Other site considerations which may impact general circulation.

In addition to considering the above, the Oshtemo Fire Department provided a letter supporting the deviation for a reduced drive aisle width. Oshtemo's Fire Marshal reviewed the proposed layout and had no concerns in terms of access and circulation. With the Oshtemo Fire Department's support, and since the proposed use will not be open to the public and will experience minimal traffic, **staff recommended the Planning Commission grant the requested deviation to permit the applicant with 14 Ft drive aisle widths, where illustrated on the proposed site plan.**

**Parking requirements:** Mr. Hutson noted these are not applicable.

**Easements:** A 15 Ft wide easement to accommodate the required non-motorized facility is shown. All existing easements have also been illustrated on the proposed site plan.

**Shared Use Path:** The Township's Non-motorized Transportation Plan does identify a shared use path adjacent to the subject site on the north side of Parkview Avenue. A 10 Ft wide HMA path on the north side of Parkview Avenue is currently proposed on the site plan and will be required to be installed prior to releasing a certificate of occupancy. The 10 Ft wide HMA path is proposed to be located within a 15 Ft wide easement to avoid conflicts with utilities. Said easement will be dedicated to

Oshtemo Township and recorded at the Kalamazoo County Register of Deeds Office as a **condition of approval**.

**Lot Dimensions:** The overall project site is about 4 acres in size and has approximately 230 Ft of road frontage adjacent to Parkview Avenue. The project site consists of two unplatted parcels, Parcel number 05-26-490-031 possesses 1.4 acres and 100 Ft of road frontage. Parcel number 05-25-355-010 possesses 2.6 acres and 132 Ft of road frontage. The two parcels in question each exceed the minimum property area requirement (50,000 SF min.) for unplatted parcels located within the R-4: Residence District; however, both parcels fail to meet the minimum frontage requirement (200 Ft min.) for unplatted parcels located within the R-4: Residence District per Section 50.10.A. With that being said, Section 50.10.F of the Zoning Ordinance states that "Frontage, width, and area requirements in Section 50.10.A shall not apply to any parcel, lot or building site with buildings or regulator stations for essential services". Since the regulator station occupies both parcels and operates as an essential service, the minimum frontage, width, and area requirements are therefore waived. With both parcels operating as one site, and with both parcels sharing same ownership, **staff recommended the two parcels be combined as a condition of approval**.

**Setbacks:** All minimum setback requirements have been met.

**Fencing:** Addressed under Section 57.60

**Lighting:** A photometric plan was provided; however, many of the lighting requirements from Section 54 of the Zoning Ordinance were not met. With the subject site being unmanned, and consequently, site lighting will not be regularly on, staff was confident a revised lighting plan can be reviewed and approved administratively and recommended the Planning Commission include such as a condition of approval.

**Signs:** No changes to current on-site signage proposed. This portion is not applicable.

**Landscaping:** All applicable landscaping requirements outlined in Section 53 of the Zoning Ordinance have been met.

**Engineering:** Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that all engineering concerns have been addressed and are satisfied with the proposed site plan.

**Fire Department:** The Fire Marshal has reviewed the site plan and is overall happy with the proposal. The Fire Marshal expressed that the on-site circulation for fire apparatus has overwhelmingly been improved with the proposal.

Mr. Hutson reviewed **Section 65.30: Special Use Review Criteria** and found the request was consistent with all requirements.

### **Section 57.60.A.5: Fences**

Mr. Hutson indicate the applicant was proposing an 8 Ft tall, barbed wire chain link fence along the north, south, and east property lines. The subject property is located within the R-4: Residence District. Installing security fences with barbed wire not located within industrial-zoned districts requires special exception use approval from the Planning Commission. The applicant requested this type of fence for security reasons, stating “Barbed wire is necessary to provide TSA recommended security measures and is required by Consumers Energy security protocols. The proposed fence detail includes three strands of barbed wire above the seven-foot chain link fabric. The barbed wire will slant inward toward the property”. The applicant also states that “The intent is to prevent entry by unauthorized personnel. While the facility is secure, there is potential for malicious tampering with valves / equipment that could result in gas service disruptions to the surrounding neighborhoods as well as personally injury”. It is standard for essential services of this nature to have security fences in place with barbed wire. The applicant is replacing the existing fencing with new. Staff found this request reasonable. The Planning Commission was requested to grant special use approval to allow the proposed 8 Ft tall, barbed wire security fence at this site as proposed.

### **RECOMMENDATION:**

#### **DRIVE AISLE WIDTH DEVIATION:**

Mr. Hutson said the Planning Commission would need to review this request from the applicant and grant or deny the deviation from Section 52.50.C. If approved, the drive aisles illustrated as being 14 Ft wide on the proposed site plan shall remain.

If the deviation is denied by the Planning Commission the site plan will need to be amended and resubmitted for review and approval as it will impact the site layout. If the deviation is approved by the Planning Commission, staff recommended the Planning Commission approve the proposed special use and site plan for the natural gas regulator station for Consumers Energy with the following conditions.

- 1) The Planning Commission grant special use approval to allow an 8 Ft tall, barbed wire security fence on-site as proposed.
- 2) A land combination application be submitted to the Township for review and approval prior to building permit issuance.
- 3) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner’s Office will be required prior to building permit issuance.
- 4) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
- 5) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.

- 6) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer.
- 7) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 8) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.

Chairperson Versalle thanked Mr. Hutson for his presentation and asked if there were any questions or comments from Commissioners.

Mr. Jefferies said Consumers have been a good neighbor and are making provisions to be a good neighbor in the future.

The Chair asked if the applicant wished to speak.

Mr. Doug Scott, Professional Service Co. thanked Mr. Hutson for his assistance with this project and indicated it has been the long term plan to upgrade facilities and it is time to improve the service in this location. Everything will be remotely monitored. Systems will close for safety if the pressure drops. As far as the land combination request, Consumers does own both parcels, however they are handled differently with one being for electric and one for gas, and asked that the land combination condition (#3) be removed from the list of conditions for approval as they are only improving the driveway that is shared by both parcels and a combination will prove challenging to them.

The Chair thanked Mr. Scott for his comments, determined there were no members of the public present who wished to speak and moved to Board Deliberations.

Mr. Jefferies said he understood the need for barbed wire, but hoped in the future essential services would blend in with the neighborhood.

Ms. Everett **made a motion** to 1) grant site plan approval to construct one 3,240 square foot unmanned building and one 120 square foot accessory building to serve as a regulator station, 2) grant special use approval to install a security fence that includes 12 inches of barbed wire for a total height of eight feet, 3) grant the road width deviation as requested, and 4) remove the condition to combine the two parcels, contingent on the remaining six conditions listed below as recommended by staff:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.

- 3) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 4) Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer.
- 5) Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 6) All non-motorized facilities on the approved site plan shall be installed prior to issuing a certificate of occupancy.

Chairperson Versalle **seconded the motion.** The **motion was approved unanimously.**

The Chair moved to the next agenda item and asked Ms. Lubbert for her presentation.

**PUBLIC HEARING – SPECIAL USE – NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY TEMPORARY OUTDOOR EVENT**

**Westat Inc., requested Special Exception Use approval to locate CDC Mobile Exam Center medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S. 11<sup>th</sup> Street, from April 8 to June 10, 2023.**

Ms. Lubbert said Westat Inc, was requesting Special Exception Use approval to locate CDC Mobile Exam Center (MEC) medical trailers in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11<sup>th</sup> Street, from April 8<sup>th</sup> to June 10, 2023.

She indicated the Delta Hotel by Marriott is a commercial development located just west of US-131 off of Holiday Terrace, south east of the Stadium Drive and 11<sup>th</sup> Street intersection. The site is zoned C: Local Business District. The temporary setup for the MEC medical trailers is proposed to be in the drive aisle and parking area directly adjacent to the northeast corner of the conference building onsite. The MEC trailers will be used to conduct a congressionally mandated national health and nutrition examination survey (NHANES) for Kalamazoo County from April 8<sup>th</sup> to June 10<sup>th</sup>, 2023. In summary, data for the NHANES will be collected through health interviews followed by standardized medical examinations conducted in the proposed MEC trailers.

The subject property is zoned C: Local Business District. Uses permitted in the C: Local Business District are outlined in Section 18 of the Township's Zoning Ordinance. Temporary outdoor events which last more than one day are identified as a Special Exception Use within said code section. When reviewing a Special Exception Use, there are two sets of criteria that need to be considered: 1) the general Special

Use review criteria outlined in Section 65.30, and 2) the specific requirements for the use in question outlined under Section 49.260.

She noted the proposal is consistent with both the Master Plan and Zoning Ordinance. Staff has reviewed the proposed layout and have no concerns.

Likewise, staff had no concerns about the impact, determined the environment is not applicable, public utilities are adequate, and all Special Use development requirements met.

### **RECOMMENDATION:**

Planning Department staff recommended approval of the proposed Special Use for the temporary outdoor event lasting more than one day with the following conditions.

1. The CDC Mobile Exam Center (MEC) medical trailers will be set up in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11<sup>th</sup> Street, as shown on the submitted site plan.
2. Necessary permits, such as plumbing and electrical, from Southwest Michigan Building Authority are required.
3. The event will occur from April 8<sup>th</sup> to June 10, 2023.
4. Building official and Fire Marshall to walk through the site once set up.

As Chairperson Versalle determined there were no comments from Commissioners, no one from the public wished to comment, and no deliberations were forthcoming, she asked for a motion.

Mr. Ford **made a motion** to approve the special use request with the four conditions as recommended by staff:

1. The CDC Mobile Exam Center (MEC) medical trailers will be set up in the Delta Marriot Kalamazoo parking lot, located at 2747 S 11<sup>th</sup> Street, as shown on the submitted site plan.
2. Necessary permits, such as plumbing and electrical, from Southwest Michigan Building Authority are required.
3. The event will occur from April 8<sup>th</sup> to June 10, 2023.
4. Building official and Fire Marshall to walk through the site once set up.

Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

### **PUBLIC COMMENT**

There were no public comments.

### **OTHER UPDATES AND BUSINESS**

Ms. Lubbert informed the group there would be interviews for Township Supervisor candidates at the Township Board special meeting on April 4.

**ADJOURNMENT**

With there being no further business to consider, Chairperson Versalle adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:  
March 25, 2023

Minutes approved:  
\_\_\_\_\_, 2023

DRAFT



**Budget Amendment Requests**

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Approved Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
4/11/2023	Legal	General Fund	101-250-80800	Contracted Legal Counsel	\$20,000	101-001-40100	Carryover	\$20,000.00		Required amendments to 401a and 457b plans to comply with Township practices	No	No
				<b>Total</b>	\$ 20,000.00		<b>Total</b>	\$ 20,000.00				
4/18/2023	Maintenance	Fire	211-344-98100	Capital	\$ 70,000.00	211-001-40100	Carryover	\$ 70,000.00		Replacement generators for Fire Stations 1 & 2 were ordered but not delivered in 2022 & remain on order. (PO 14711, 2/17/22, for \$33,061 apiece, total \$66,122 was cancelled). Given ongoing delay, Maintenance Director will work with supplier to further assess existing generators, increasing PO to \$70K in 2023 for this assessment.	Yes	No
				<b>Total</b>	\$ 70,000.00		<b>Total</b>	\$ 70,000.00				
4/18/2023	Parks	Parks	107-756-97400	Capital Outlay/Imp	\$3,500	107-751-40100	Carryover	\$3,500		Obtain permit and widen asphalt driveway apron to Drake Farmstead Park. Project was in 2022 budget at \$1,200 but was not completed.	Yes	No
				<b>Total</b>	\$ 3,500.00		<b>Total</b>	\$ 3,500.00				
4/18/2023	Parks	Parks	107-756-97400	Capital Outlay/Imp	\$1,000	107-751-40100	Carryover	\$1,000		Short term safety improvements (signs) for Fruit Belt Rail Corridor. In 2022 budget at \$1,000 but work was not completed.	Yes	No
				<b>Total</b>	\$ 1,000.00		<b>Total</b>	\$ 1,000.00				
4/18/2023	Parks	Parks	107-756-97400	Capital Outlay/Imp	\$8,200	107-751-40100	Carryover	\$8,200		Two pole lights for Drake Farmstead Park. Budgeted and ordered in 2022, delayed due to production timeline.	Yes	No
				<b>Total</b>	\$ 8,200.00		<b>Total</b>	\$ 8,200.00				
4/19/2023	Clerk	General	101-191-73000	Election Postage	\$ 6,000.00	101-001-40100	Carryover	\$ 6,000.00		Postage costs are much higher at this time because we are pre-paying for both sent and return postage for applications and ballots. These dollars will be reimbursed by both KRESA and the State of Michigan	Yes	No
				<b>Total</b>	\$ 6,000.00		<b>Total</b>	\$ 6,000.00				
4/19/2023	Feister	Fire	206-336-72850	Food Allowance	400	206-001-40100	Carryover	\$ 400.00		Monies needed to cover part of the expense for two additional full time firefighters to receive the contracted food allowance reimbursement.	Yes	No
				<b>Total</b>	\$ 400.00		<b>Total</b>	\$ 400.00				
4/20/2023	Horner	General	101-506-97600	Capital Outlay	\$ 4,000.00				Yes	Allocation of funds not detailed in blue-line for non-motorized maintenance and repair to extend ADA compliant access onto Oshetero Township parcel located on Stadium Park Way in coordination with adjacent development.	No	Yes
				<b>Total</b>	\$ 4,000.00		<b>Total</b>	\$ -				
4/21/2023	Horner	Sewer	490-000-96400.SAWSRV	Construction Costs	\$ 53,000.00					Per purchasing policy, this sanitary sewer SAW work is detailed in blue-line budget however combination is over \$50,000 and an update to Board is required. This includes \$48,000 for Taplin to complete the sewer Cleaning and Televising of annual 25% of existing sanitary sewer and \$5,000 for P&N admin.	Yes	Yes
				<b>Total</b>	\$ 53,000.00		<b>Total</b>	\$ -				
4/21/2023	Horner	Sewer & General	490-000-95400.SANPRK	Sanitary Sewer Parkview	\$65,000	490-000-40100	Carryover	\$ 65,000.00		Additional construction funds for as bid prices, 7% over estimate for NM and 9% over estimate for sewer, increase in HRC construction engineering fees and increase in RCKC admin OH rate. See memo for more detail.	Yes	No
			101-506-97600.NMPRKV	Vienna to 131 Bridge	\$ 130,000.00	101-001-40100	Carryover	\$130,000.00				
				<b>Total</b>	\$ 195,000.00		<b>Total</b>	\$ 195,000.00				

Grand Total	\$	361,100.00
Total Added to Budget	\$	304,100.00
Total budgeted but not completed in 2022	\$	82,700.00
Authorization Only	\$	4,000.00
Total Not Previously Discussed with TB	\$	24,000.00

REVIEW DATE 4/21/2023

SIGNATURE



**Budget Amendment Requests**

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Approved Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
4/24/2023	High	Parks	107-756-93100	Maintenance Services	\$ 3,450.00	107-751-40100	Carryover	\$ 3,450.00		Prescribed burn of Flesher Field rain gardens. Included in 2022 budget but project was delayed due to weather.	Y	N
			<b>Total</b>		\$ 3,450.00	<b>Total</b>	\$ 3,450.00					

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Approved Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
4/24/2023	High	Parks	107-756-93100	Maintenance Services	\$ 1,600.00	107-751-40100	Carryover	\$ 1,600.00		Planet Award grant funds for chipping brush in highly visible area of Fruit Belt Rail Corridor, adjacent to Flesher Field.	Y	N
			<b>Total</b>		\$ 1,600.00	<b>Total</b>	\$ 1,600.00					

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Approved Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
	Horner	General	101-506-97600.NMKLAV	Non Motorized Facility KL Ave	\$ 76,620	101-001-69920	Transfer ARPA	\$ 125,000		Costs for easements on 3 parcels for KL Ave Phase 1 based on appraisal values completed in Dec 2022. This cost includes permanent and grading easements for path construction. 1 parcel also includes personal property costs (replacement value of landscaping, sign and decorative pillars). Request to transfer remaining County ARPA funds, to expend first.	Y	N
						297-001-40100	ARPA Fund Carryover	\$ 125,000				
			<b>Total</b>		\$ 76,620.00	<b>Total</b>	\$ 125,000					

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Approved Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
	Heiny-Cogswell	General	101-249-80800	Contracted Services	\$ 5,000.00	101-001-40100	Carryover	\$ 5,000		Request for \$5k additional budget via amendment for 2023 community survey, for a total not to exceed \$20k. The Supervisor can then work with Cobalt and Deb Everett on final details and options. This follows good Board meeting discussion, Everett follow up work, and requested revisions sent to Cobalt. Final version & quote expected within a week.	Yes	No
			<b>Total</b>		\$ 5,000.00	<b>Total</b>	\$ 5,000					

Grand Total	\$	86,670.00
Total Added to Budget	\$	135,050.00
Authorization Only		NA
Total Not Previously Discussed with TB	\$	-

REVIEW DATE

4/25/2023

SIGNATURE



# Memorandum



**Date:** April 20, 2023  
**To:** Township Board  
**From:** Anna Horner, P.E., Public Works Director  
**Subject:** Parkview Ave Sewer and Non-motorized Project Budget Amendment

---

## Objective

MOTION: Approval of construction costs, construction observation, and RCKC OH costs for Parkview Ave project.

## Background

The Township Board is aware of the project on Parkview Ave from Vienna St to the US-131 bridge that RCKC was awarded safety funds for two (2) roundabouts at 11<sup>th</sup> St and 12<sup>th</sup> St and that in following best practices, the Township attempted to complete a non-motorized path on the north side of Parkview Ave per the GO! Green Plan and installation of sanitary sewer for a comprehensive project.

The sanitary sewer has been installed and condemnation process for four (4) remaining easements for the path is still underway. The project includes any work up to final paving for the path for the parcels in which easements were executed and new pavement markings over the bridge to Drake Road to facilitate when the new path is constructed.

The Township utilized RCKC's consultant, HRC, also to recognize efficiencies in cost savings and communication. HRC provided preliminary professional services estimates and construction costs estimates to aid in 2023 budgeting. Since the project was bid in February 2023, the construction costs have been updated based on final design and final contract award. The path portion of the project was 7% over the engineer's estimate and the sewer portion 9% over the engineer's estimate.

HRC also provided an updated contract amount to RCKC for construction observation. Oshtemo intends to review this with RCKC and HRC and negotiate what is fair and reasonable for the modified (decreased) scope of work considering the original approval. **The original construction engineering fees for both NM and sewer were \$18,247.00 and the current proposed are \$75,770.10.**

Both the construction budget and construction oversight costs are what RCKC bases their administrative OH costs on at 9.54% for 2023 (was 7.92% in 2022) so that has also increased. This was \$53,513.30 based off 2022 engineers' estimates, HRC proposal, and OH rate, and now is \$72,952.38 in 2023. **(Please note this is a "pass through contract" with Oshtemo paying all expenses for professionals and construction. The overhead rate of the Road Commission is viewed as excessive, and not in compliance with federal standards for 'pass through' costs in Oshtemo's perspective and analysis).**

## Attachments

HRC Proposal Original Breakdown  
HRC Proposal New Breakdown

# HRC Proposal Original Breakdown – Jan 18, 2022

Road Commission of Kalamazoo County  
 Parkview Avenue at 11th 12th Streets  
 Updated Design Engineering Hours Costs - Hubbell, Roth Clark, Inc  
 January 18, 2022

## ATTACHMENT C

Task Description	Project Manager	Graduate Engineer	CADD Tech.	Survey Manager	Sr. Survey Office Tech.	Total By Task
Billable Rate	\$ 132.00	\$ 105.00	\$ 56.70	\$ 124.80	\$ 110.10	
<b>Oshemo Township Design Engineering</b>						
Meetings & Coordination	8	8				16
Utility Coordination		4				4
Shared Path Design	3	48	20			71
Sanitary Sewer Design	6	96	44			146
Permits	2	12	4			18
Detail Grading & ADA Ramps		6	4			10
QA/QC	4	8				12
Preliminary Plan Development	2	8	10			20
Final Plan Development	2	10	12			24
Bid Assistance		4				4
<b>Total Hours Design</b>	<b>27</b>	<b>204</b>	<b>94</b>	<b>0</b>	<b>0</b>	<b>325</b>
<b>Cost per Classification</b>	<b>\$ 3,564.00</b>	<b>\$ 21,420.00</b>	<b>\$ 5,329.80</b>	<b>\$ -</b>	<b>\$ -</b>	
						<b>Total HRC Costs \$ 30,313.80</b>
						<b>Total Costs SME \$ 4,850.00</b>
						<b>Total Costs Design Engineering \$ 35,163.80</b>

Task Description	Project Manager	Graduate Engineer	Total By Task
Billable Rate	\$ 132.00	\$ 105.00	
<b>Consumers Energy Coordination</b>			
Coordination	1	8	9
<b>Cost per Classification</b>	<b>\$ 132.00</b>	<b>\$ 840.00</b>	
			<b>Total HRC Costs \$ 972.00</b>

Task Description	Project Manager	Graduate Engineer	Survey Manager	Sr. Survey Office Tech.	Total By Task
Billable Rate	\$ 132.00	\$ 105.00	\$ 124.80	\$ 110.10	
<b>Oshemo Township ROW Acquisition</b>					
ROW Needs Final Identification	1	6			7
ROW Documentation			20	20	40
<b>Total Hours Design</b>	<b>1</b>	<b>6</b>	<b>20</b>	<b>20</b>	<b>47</b>
<b>Cost per Classification</b>	<b>\$ 132.00</b>	<b>\$ 630.00</b>	<b>\$ 2,496.00</b>	<b>\$ 2,202.00</b>	
					<b>Total HRC Costs \$ 5,460.00</b>
					<b>Total Costs Commonwealth \$ 36,000.00</b>
					<b>Total Costs Design Engineering \$ 41,460.00</b>

Task Description	Project Manager	Graduate Engineer, II	Construction Observer II	Office Technician	Survey Manager	Sr. Survey Office Tech.	Survey Party Chief	Survey Field Tech.	Total By Task
Billable Rate	\$ 132.00	\$ 105.00	\$ 69.00	\$ 78.00	\$ 124.80	\$ 110.10	\$ 118.80	\$ 63.00	
<b>Oshemo Township Construction Engineering</b>									
Meetings	7	8							15
Construction Layout					2	4	16	16	38
Observation			55						55
Start Up & Close Out			13	5					18
Management	6	8							14
Office Management				15					15
<b>Total Hours Construction Engr.</b>	<b>13</b>	<b>16</b>	<b>68</b>	<b>20</b>	<b>2</b>	<b>4</b>	<b>16</b>	<b>16</b>	<b>155</b>
<b>Cost per Classification</b>	<b>\$ 1,716.00</b>	<b>\$ 1,680.00</b>	<b>\$ 4,692.00</b>	<b>\$ 1,560.00</b>	<b>\$ 249.60</b>	<b>\$ 440.40</b>	<b>\$ 1,900.80</b>	<b>\$ 1,008.00</b>	
									<b>Total HRC Costs \$ 13,246.80</b>
									<b>Total SME Costs \$ 5,000.00</b>
									<b>Total Costs Construction Engineering \$ 18,246.80</b>

F:\2022\09\2022\09\2022\_Proposal\Final\Financial\Updated\_Design\_Eng\20220118\_Parkview\_Eng\_Constr.xlsx

**HRC Proposal New Breakdown – March 17, 2023**

**ATTACHMENT B  
Road Commission of Kalamazoo County  
Hours / Costs for Construction Engineering Services - March 17, 2023  
Parkview Avenue Roundabouts at 11th and 12th Street - Sanitary Sewer**

	Hours	Direct Hourly Cost	Billable (3.0)	Direct Cost
Construction Engineer (E. Lipon)	36	\$ 38.90	\$ 116.70	\$ 4,201.20
Construction Inspector (S. Wadas)	192	\$ 28.00	\$ 84.00	\$ 16,128.00
Construction Office Technician (A. Blower)	21	\$ 29.00	\$ 87.00	\$ 1,827.00
	249		HRC Construction Engineering Subtotal	\$ 22,156.20
SME				\$ 7,000.00
Overtime Adjustment for Observer	17 days at 3 OT hours/day = 26 additional regular hours			\$ 2,184.00
Construction Layout				\$ 1,500.00
			<b>Total Sanitary Sewer CE Costs</b>	<b>\$ <u>32,840.20</u></b>

**ATTACHMENT C  
Road Commission of Kalamazoo County  
Hours / Costs for Construction Engineering Services - March 17, 2023  
Parkview Avenue Roundabouts at 11th and 12th Street - Non-Motorized**

	Hours	Direct Hourly Cost	Billable (3.0)	Direct Cost
Construction Engineer (E. Lipon)	37	\$ 38.90	\$ 116.70	\$ 4,317.90
Construction Inspector (S. Wadas)	232	\$ 28.00	\$ 84.00	\$ 19,488.00
Construction Office Technician (A. Blower)	28	\$ 29.00	\$ 87.00	\$ 2,436.00
	297		HRC Construction Engineering Subtotal	\$ 26,241.90
SME				\$ 5,000.00
Overtime Adjustment for Observer	21 days at 3 OT hours = 32 additional regular hours			\$ 2,688.00
Construction Layout				\$ 9,000.00
			<b>Total Non-Motorized CE Costs</b>	<b>\$ <u>42,929.90</u></b>

# Memorandum

**Date:** 8 March 2023  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor  
**Subject:** Single Financial Audit – FY 2023

---



## **Objectives**

MOTION: To approve SeberTans, PLC as part of consent agenda, to perform a single financial audit, not to exceed a total fee of \$6,500, for Oshtemo Charter Township financial activities during fiscal/ calendar year 2023.

## **Background**

SeberTans, PLC conducts an independent financial audit annually.

There are two major programs, ARPA federal funding and the USDA sewer bond federal funding, that now require the completion of a single audit. The amount to conduct the single audit is increased since previous discussions about the single audit were brought to the Board. The reasons are two-fold, with the main reason being the scope of work increased to two single audit focus areas instead of one. The other reason is due to annual cost increases.

A budget amendment is not required. Per Clerk sufficient funds remain in the accounting/auditing budget.

SeberTans, PLC, will prepare all single audit schedules and provide supporting documentation to the Township.

## **Core Values**

Integrity, Fiscal Stewardship

# Memorandum



**Date:** 19 April 2023  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor, &  
Sara Feister, Human Resources Director  
**Subject:** Parks Director Appointment

---

## **Objective**

MOTION: Board appoint Vanessa Street as the Parks Department Head for Oshtemo Township.

## **Background**

HR, HR Board Work Group, and Supervisor worked in April to interview and hire the next Parks Director for Oshtemo Township. Consensus decision was to hire Vanessa Street, with years of successful experience working for Comstock Township parks, including experience with Natural Resource Trust Fund grant applications.

Vanessa will start at the Township May 1st, 2023 working 32 hours per week, full time.

## **Core Values**

Sustainability, Innovation

# Memorandum



**Date:** 4 April 2023  
**To:** Township Board  
**From:** Iris Lubbert, Planning Director  
**Subject:** **Consultant List Update**

---

## **Objectives**

MOTION: Board approval to appoint primary and secondary landscape architect consultants to the Township consultant list.

## **Background & Information Provided**

A major responsibility of the Planning Department is the review of site plans for compliance with the zoning ordinance. Currently Karen High, Parks Director, reviews and provides the Planning Department comments on landscaping plans throughout the development review process as she has the technical skills to ensure compliance with the Township's Landscaping Ordinance. With Karen High leaving and the new Parks Director's specific skill set, there will be a gap of expertise for the review of submitted landscaping plans. To fill this gap, it is requested that both OCBA and Prein & Newhof be added as Landscape Architecture consultants to the Township's consultant list. It should be noted that two consultants are needed in case there is a conflict of interest in a submittal. Costs associated with landscaping reviews will be paid through the applicant's planning escrow funds. No additional costs will be incurred by the Township.

Note that the list is amended so that the consultant specialties are alphabetical, but there are no other changes to consultants the Board approved Fall 2022 during annual considerations.

## **Information Provided**

2023 Consultants Revised

## **Core Values**

Public Service  
Professionalism  
Fiscal Stewardship



**APPOINTMENT  
OF ACCOUNTING, AUDITING,  
CEMETERY SEXTANT  
SERVICES, CIVIL  
ENGINEERING, LANDSCAPE  
ARCHITURE, LEGAL, &  
TRAFFIC ENGINEERING  
CONSULTANTS**

**2023**

*(Revised 4.25.2023)*

**Accounting**

Siegfried, Crandall P.C. (Primary)  
Vredeveld Haefner LLC (Special Projects)

**Auditing**

SeberTans, PLC

**Cemetery Sextant**

RI Excavating

**Civil Engineering**

Prein & Newhof (Primary)  
Williams & Works (Secondary)\*

**Landscape Architecture**

OCBA, Inc. (Primary)  
Prein & Newhof (Secondary)

**Legal**

Fahey & Schultz (Litigation)  
Randall L. Brown & Assoc PLC (HR)  
Warner Norcross (Labor)

**Traffic Engineering**

Prein & Newhof (Scott Tezak, PE) (Primary)  
Midwestern Consulting LLC (James Valenta, PE) (Secondary)

*\*For any Township review effort or project, the engineering consultant for any applicant or outside government entity shall be a different engineering company than the township civil engineering consultant.*

# Memorandum

**Date:** April 20, 2023  
**To:** Township Board  
**From:** Anna Horner, P.E., Public Works Director  
**Subject:** USDA Neighborhood Sanitary Sewer Expansion Phase 1 Contract Award



---

## **Objective**

MOTION: Approval of resolution for conditional award of Contract A, including Alternate #1 and #2, and Contract B to Lounsbury Excavating, Inc. for the USDA Neighborhood Sanitary Sewer Expansion.

## **Background**

On March 9, 2023, a public bid opening was held for the USDA Neighborhood Expansion Project Phase I. This included Contract A: Skyridge Plat with Alternates #1: West Main and 7<sup>th</sup> Street Sanitary Sewer and Alternate #2: West Main Street Water Main and Contract B: Beech Ave, Meridian Ave/Sunset Rd, Wildemere St/Fairgrove St/Strathmore St/Mansfield St, and Castleton Ln/Lamplighter Ln/Whitegate Ln/Powderhorn Dr.

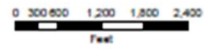
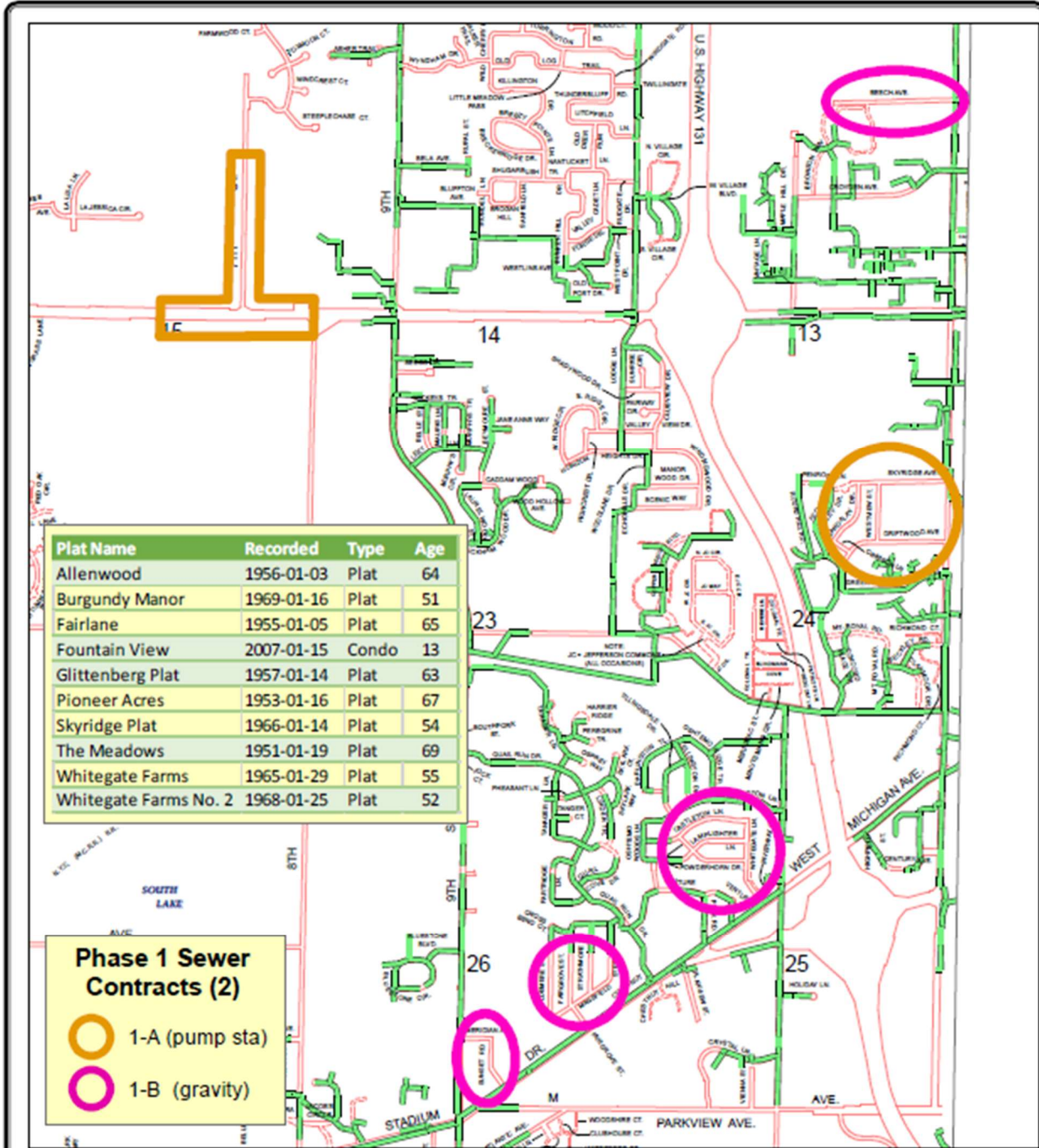
See attached recommendation of award letters attached from Consulting Civil Engineers, Flies & Vandenbrink.

## **Attachments**

Phase 1 Map  
Recommendation of Award Letters with bid summaries  
Resolution of Conditional Award for Construction Contracts

## **Core Values**

Integrity, Fiscal Stewardship



## Phase 1 Sewer Extensions Charter Township of Oshtemo Kalamazoo Co., Michigan

This map is for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Any conclusions or information derived from this map are at the users sole risk.

Date: 4/17/2020

T:\Oshtemo\_GIS\Projects\MandMandatoryConnect\Plat1Plats Wk.mxd

**RECOMMENDATION OF AWARD**

April 3, 2023

Libby Heiny-Cogswell, Supervisor  
Oshtemo Township  
7275 W. Main Street  
Kalamazoo, MI 49009

**RE: Neighborhood Sewer Extension Phase 1-Contract A**

Dear Libby,

We have reviewed the bids received on March 9, 2023, for the above referenced project. Two bids were received, and the bid summary is attached.

The low bidder is Lounsbury Excavating, Inc of Paw Paw, Michigan with a bid amount of \$5,806,900. Lounsbury's bid is \$3,112,574.50 on the base bid, \$2,510,305.50 on Alternate #1 for West Main and 7<sup>th</sup> Street Sanitary Sewer, and \$184,020.00 on Alternate #2 for West Main Street Water Main.

Lounsbury's bid was under the Engineer's Opinion of Construction Cost of \$6,18,266.50.

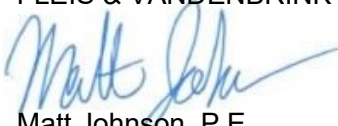
The Township is planning on using cash on hand to cover any cost above the USDA funding. The Township is currently working with Bendzinki & Co. to confirm the required fees and rates to fund the construction.

I have reviewed the bids and all required bidding documents were submitted. Lounsbury is a qualified firm and has the capacity to complete the project. Based on the above information we recommend award of the Neighborhood Sewer Extension Phase 1- Contract A to Lounsbury Construction of Paw Paw, Michigan with a bid amount of \$5,806,900.00.

Please feel free to call with any questions.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.



Matt Johnson, P.E.  
Regional Manager

Enclosure

**Oshtemo Charter Township**

**Neighborhood Sewer Extension Phase 1 Contract A**

**F&V Project No.: 833250**

**BID SUMMARY**

**BID OPENING: THURSDAY, MARCH 10 AT 2:00 PM**

Base Bid Skyridge Neighborhood Sanitary Sewer

<b>Bidder</b> (listed below from low to high)	<b>Bid Amount</b>
Lounsbury Excavating, Inc.	\$3,112,574.50
Dunigan Bros. Inc.	\$5,549,652.80

Alternate Bid West Main and 7<sup>th</sup> Street Sanitary Sewer

<b>Bidder</b> (listed below from low to high)	<b>Bid Amount</b>
Lounsbury Excavating, Inc.	<b>\$2,510,305.50</b> (\$2,573,305.50 as read)
Dunigan Bros. Inc.	\$4,589,017.20

Add Alternate #2 Non-USDA Eligible West Main Street Water Main

<b>Bidder</b> (listed below from low to high)	<b>Bid Amount</b>
Lounsbury Excavating, Inc.	\$184,020.00
Dunigan Bros. Inc.	\$322,756.90

Cumulative Total

<b>Bidder</b> (listed below from low to high)	<b>Bid Amount</b>
Lounsbury Excavating, Inc.	\$5,806,900.00
Dunigan Bros. Inc.	\$10,461,426,.90

**RECOMMENDATION OF AWARD**

April 3, 2023

Libby Heiny-Cogswell, Supervisor  
Oshtemo Township  
7275 W. Main Street  
Kalamazoo, MI 49009

**RE: Neighborhood Sewer Extension Phase 1-Contract B**

Dear Libby,

We have reviewed the bids received on March 9, 2023, for the above referenced project. Four bids were received, and the bid summary is attached.

The low bidder is Lounsbury Excavating, Inc of Paw Paw, Michigan with a bid amount of \$4,660,725.00. Lounsbury's bid was under the Engineer's Opinion of Construction Cost of \$5,728,554.00

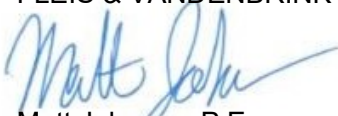
The Township is planning on using cash on hand to cover any cost above the USDA funding. The Township is currently working with Bendzinki & Co. to confirm the required fees and rates to fund the construction.

I have reviewed the bids and all required bidding documents were submitted. Lounsbury is a qualified firm and has the capacity to complete the project. Based on the above information we recommend award of the Neighborhood Sewer Extension Phase 1- Contract B to Lounsbury Construction of Paw Paw, Michigan with a bid amount of \$4,660,725.00.

Please feel free to call with any questions.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.



Matt Johnson, P.E.  
Regional Manager

Enclosure



**Oshtemo Charter Township**

**Neighborhood Sewer Extension Phase 1 Contract B**

**F&V Project No.: 833250**

**BID SUMMARY**

**BID OPENING: THURSDAY, MARCH 10 AT 2:00 PM**

<b>Bidder</b> (listed below from low to high)	<b>Bid Amount</b>
1. Lounsbury Excavating, Inc.	<b>\$4,660,725.00</b> (\$4,660,650.00 as read)
2. USA Earthworks	\$5,271,406.20
3. Balkema Excavating, Inc	\$6,780,232.00
4. Kamminga and Roodvoets Inc.	\$7,572,415.00

2960 Lucerne Drive SE  
Grand Rapids, MI 49546  
P: 616.977.1000  
F: 616.977.1005  
www.fveng.com

**CHARTER TOWNSHIP OF OSHTEMO**  
**COUNTY OF KALAMAZOO, MICHIGAN**

Minutes of a special meeting of the Township Board of the Charter Township of Oshtemo, held at the Township Hall, Kalamazoo, Michigan, on the 25th day of April 2023, at 6:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_:

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION TO MAKE CONDITIONAL AWARD OF  
CONSTRUCTION CONTRACT FOR PHASE 1 SEWER PROJECT**

WHEREAS, the Township Board of the Charter Township of Oshtemo (the “Township”) previously determined that it is necessary and in the best interest of the Township and its residents to acquire and construct improvements to and extensions of the Township’s sanitary sewer system and related road improvements including, without limitation, extensions in Westport, Meadowbrook, Frie & Gibbs, County Club, Whitegate Farms, Fairlane, and Skyridge Plat including Meriden Street (in entirety), Sunset Street (in entirety), 11th Street (Parkview Avenue to N Avenue) KL Avenue (8th Street to Autumn Way Boulevard), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with related improvements and appurtenances including, but not limited to, sidewalk and shared paths installation, necessary easements, rights-of-way and interests in land, and the expenses of Township engineering, legal and financial consultants (together, the “Project”) and to fund all or part of the cost of the Project by the issuance of capital improvement bonds in one or more series in the maximum principal amount of



\$30,000,000 pursuant to Section 517(1) of Act 34 of the Public Acts of Michigan of 2001, as amended; and

WHEREAS, the proposed Bonds will be issued by the Township to evidence a long-term loan from the U.S. Department of Agriculture's Rural Development agency ("Rural Development"); and

WHEREAS, the Township prepared contract specifications for the first phase of the Project, which includes extensions in Whitegate Farms, Fairlane, and Skyridge Plat including Meriden Street (in entirety), Sunset Street (in entirety), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with related improvements and appurtenances including, but not limited to, sidewalks (collectively, the "Phase 1 Project") to be included in Contract A with alternatives and Contract B (the "Contract Documents"), and the Township invited, received, and opened bids for the construction of the Phase 1 Project; and

WHEREAS, the construction bids have been reviewed by the engineers for the Project, Fleis & VandenBrink (the "Project Engineer"); and

WHEREAS, the Project Engineer has recommended to the Township Board that the construction contract for Contract A for the Phase 1 Project be awarded to Lounsbury Excavating, Inc. in the amount of \$5,806,900 (including Alternative #1 and Alternative #2) and that the construction contract for Contract B of the Phase 1 Project be awarded to Lounsbury Excavating, Inc. in the amount of \$4,660,725 (all as summarized in the bid tabulation and bid recommendation letters prepared by the Project Engineer, dated April 3, 2023, and on file with the Township), subject to the terms of this resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Contract Documents are hereby approved.

2. Based upon the bids received and the recommendation of the Project Engineer, the Township Board hereby determines that it is in the best interest of the residents and taxpayers of the Township to award, and the Township Board does hereby award, the construction contract for Contract A including Alternatives #1 and #2 for the Phase 1 Project to Lounsbury Excavating, Inc. in the amount of \$5,806,900, and the construction contract for Contract B for the Phase 1 Project to Lounsbury Excavating, Inc. (the “Contractor”) in the amount of \$4,660,725 (all as summarized in the bid tabulation prepared by the Project Engineer and on file with the Township), subject to the successful sale and delivery of the Bonds for the Phase 1 Project to Rural Development.

3. The Township Supervisor and Clerk are authorized and directed to execute and deliver to the Contractor a notice of award for both Contract A and Contract B, provided that the notice sets forth the same conditions for award of the contract as stated in paragraph 2 of this resolution.

4. The Township Supervisor and the Clerk are authorized and directed to execute and deliver to the Contractor the construction contracts for Contract A and Contract B.

5. The Township Supervisor and Clerk are hereby authorized and directed to execute any other necessary notices or documents (as may be revised and as described herein) on behalf of the Township with respect to the Phase 1 Project.

6. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

AYES: Members: \_\_\_\_\_

NAYS: Members: \_\_\_\_\_

ABSTAIN: Members: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Charter Township of Oshtemo

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF KALAMAZOO     )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Oshtemo, Kalamazoo County, Michigan (the “Township”), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a special meeting on the 25th day of April 2023, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 25th day of April 2023.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Charter Township of Oshtemo

# Memorandum



**Date:** April 20, 2023  
**To:** Township Board  
**From:** Anna Horner, P.E., Public Works Director  
**Subject:** Sewer Main Connection Fees and Rates

---

## Objectives

MOTION 1: Approval of Amended and Restated Sewer Main Connection Charges.

MOTION 2: Approval of Resolution Establishing Sanitary Sewer Fees & Rates.

## Background

A requirement of USDA financing is updating current policies to ensure connection fees and rates meet bond repayment proposal.

The previous formula for connection fees (public portion of fees) was parcel fee + front foot fee + benefit unit fee. As part of feedback from residents, it was simplified to a uniform amount for residential/single-family homes as well as lowered from an average \$11,500 total connection fee (again, for the public portion). The Township Board worked to provide multiple revenue sources for bond repayment. This includes road millage contribution, general fund contribution, surcharge on all sewer customers, and connection fees for new customers.

Ultimately, the connection fee for all single-family residents in USDA Phase 1 will have a total connection fee of \$7,500, comprised of a \$5,500 parcel fee and \$2,000 benefit unit fee. A benefit unit is based on usage and for a single-family home is 1 benefit unit. These two parts are still needed to cover commercial properties of which the usage varies based on type of use or occupancy.

Another revenue source for the USDA loan repayment is the surcharge. Currently the surcharge is 16% which was proposed in 2021 following in depth, grant funded study commonly referred to SAW grant. This is to cover capital maintenance of the *existing* sanitary sewer system.

The surcharge is variable each year per the cash flows provided by municipal finance advisors, Bendzinski & Co. The average over 40-year term of bonds is 7.6% but varies considerably over that time period. The proposed rate for the first years is 14%. This is in addition to the existing surcharge, so we continue to save and maintain the existing system as well. The total surcharge would be 30% on *sewer portion only* of the bill resident receive quarterly from the City of Kalamazoo (which contains water and sewer charges). This surcharge is applied to any sewer customer, those currently connected or to be connected in the USDA neighborhoods. Below are other neighboring Township's current surcharges:

**Township & Out City Surcharges - Sewer**  
 Oshtemo – 16%  
 Comstock – 25%  
 Kalamazoo – 18% (4/1/2021)  
 Parchment – 155% (10/1/2021)  
 Texas – 15% (1/1/2021)  
 Pavilion – 20% (12/1/2021)

An example of residents’ current bill that received public water and sewer is below:

2/7/2023	Bill Calculated	10/31/22-01/26/23	0.00	0.00	\$242.29	\$242.29
Item Name			Billed Usage	Amount		
OSH-SURCHARGE-SEWER			0	\$15.94		
OSH-SURCHARGE-WATER			0	\$3.09		
SEWER - LINKED			59	\$75.46		
SEWER OMR QT OS 1"			0	\$24.17		
WATER - METERED			59	\$51.98		
WATER OMR QT OS 1"			0	\$71.65		

In this example, with the increase of wastewater surcharge from 16% to to 30%, the OSH-SURCHARGE-SEWER would increase from \$15.94 per quarter to \$29.89. This is an increase of **\$4.65 per month** (this is quarterly bill). In other words, the above actual sewer and water bill, for a family of five in this instance, is \$242.20 per quarter, or **\$80.76 per month**. With the 14% increase to the sewer surcharge, the bill for the quarter would change to \$256.15, or **\$85.38 per month**.

The sewer fund and the surcharge will have detailed and frequent review moving forward to meet USDA requirements and public accounting standards. All the proposed estimates and financials are conservative. As the project progresses, we will continue to monitor revenues, make early and additional payments on the debt as able, and adjust surcharge if appropriate.

The Township plans to complete a comprehensive review of the sewer ordinance, connection fees, sanitary system master plan, and fees in 2023 and 2024 with APRA funds to ensure we are staying current and fair with which has been proven as such to date in recent court litigation.

**Core Values**

Public Service, Sustainability, Integrity, Fiscal Stewardship

**CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN**

**MOTION TO APPROVE  
AMENDED AND RESTATED SEWER MAIN CONNECTION CHARGES**

**April 25, 2023**

WHEREAS, the Charter Township of Oshtemo has heretofore adopted the Wastewater Service Ordinance, being Ordinance No. 208, and as thereafter amended, and

WHEREAS, pursuant to Section 7 of said Ordinance, the Township Board is required to establish appropriate charges for sewer main connection and to make changes from time to time to reflect the changes in costs, and

WHEREAS, it is the desire of the Township Board to treat all persons similarly benefited and similarly situated in an equitable manner with respect to sewer connection charges and to amend and restate the Sewer Main Connection Charges.

NOW, THEREFORE, until further modification by the Township Board, the Sewer Main Connection Charges are hereby amended and restated, and the following fees shall be payable at the time of connection to public sanitary sewer.

Motion made by \_\_\_\_\_ seconded by \_\_\_\_\_, to adopt the foregoing Amended and Restated Sewer Connection Fees.

Upon roll-call vote, the following voted Aye:

The following voted Nay:

The following abstained:

The following members were absent:

The Supervisor declared the motion carried, and the Sewer Main Connection Charges duly adopted.

---

Dusty Farmer, Township Clerk  
Oshtemo Charter Township

\*\*\*\*\*

CERTIFICATE

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, hereby certify that the foregoing Motion to Approve Amended and Restated Sewer Main Connection Charges was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on April 25, 2023, at which meeting a quorum was present, and the Motion was approved and ordered to take effect on April 25, 2023.

---

Dusty Farmer, Township Clerk  
Oshtemo Charter Township

**CHARTER TOWNSHIP OF OSHTEMO**

**KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED SEWER MAIN CONNECTION CHARGES**

**EFFECTIVE: April 25, 2023**

**I.**

**CONNECTION FEE - BENEFIT FEE**

1. All property connecting to a public sewer shall pay a fee at time of connection.
2. Charges for connection to public sanitary sewers shall be as follows:
  - A.) FOR PROPERTIES ABUTTING SEWER MAINS PAID FOR BY THE TOWNSHIP PRIOR TO 12-31-2022 NOT OTHERWISE UNDER NOTICE TO CONNECT.
    - i. \$50.00 per front foot of sewer in the road right-of-way\*.
    - ii. \$105.00 per lineal foot of interior sewer main not within a road right-of-way (measured along the center line of main).
    - iii. \$10,000 per parcel, or lot, or building site. \*
    - iv. \$2,000 per benefit unit. (See Section IV).

\* Per parcel fee is not applicable for case I.2.B., interior sewer main.

Assessable front foot charges for private single and two-family residential properties with only one residential building thereon shall only be charged for the first 200 feet of assessable frontage. All other commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.



The assessable front foot connection charge shall apply when a property borders the sewer main road right-of-way, and the lineal foot connection charges shall apply when the sewer main is located in the interior of the parcel within a public sanitary sewer easement.

New parcels, lots or building sites which are split from property already connected to the public sewer system shall pay the fees as set forth above, except to the extent a portion of the new lot, parcel or building site frontage was part of the first 200 feet for which the front foot charge has already been levied and paid.

**B.) FOR PROPERTIES ABUTTING SEWER MAINS PAID FOR BY THE TOWNSHIP AFTER 1-1-2023**

- i. \$5,500.00 per parcel, or lot, or building site.\*
- ii. \$2,000.00 per benefit unit. (see Section IV).

New parcels, lots or building sites, which are split from property already connected to the public sewer system, shall pay the fees as set forth above.

**C.) LOTS, BUILDING SITES, AND PARCELS WITHIN AN APPROVED DEVELOPMENT BOUNDARIES WHERE THE DEVELOPER PAID FOR THE SEWER INSTALLATION**

- i. \$2,000 per benefit unit (See Section IV).

- 3. When an additional lead to the sewer mains is requested to service a property where a lead already exists, the actual cost incurred by the Township in providing said additional lead shall be the responsibility of the requesting party.
- 4. Generally, Installment Payment Agreements shall not exceed 20 years. Except as set forth herein, such Agreements shall be charged a rate of interest equal to the home mortgage rate set by Fannie Mae on January 1 of each year based upon the Loan Level Price Adjustment (LLPA) matrix table 1 for all eligible mortgages, using an average credit score of 660-679, and a loan to value range of 80-85%, plus .5%, not to exceed the maximum rate allowed by law. For sanitary sewer extension projects funded by state or federal loans, the Installment Payment Agreement shall not exceed the term, or remaining term, of the state or federally funded loan, figured from the date the Installment Payment Agreement is executed, and such Agreements shall be charged a rate of interest equal to the loan or bond rate for such project plus 1%, not to exceed the maximum rate allowed by law.

5. If the property has been part of a special assessment district, the subject property shall be entitled to a credit for one Benefit Fee; only the remaining portions of the front foot charge and parcel, lot or building site fee, if any, shall be due as well as any additional Benefit Unit Charges owed under Section IV, Paragraph 1, in accordance with the Benefit Unit Schedule set forth therein. See Section IV.

## II.

### **DEVELOPER CONSTRUCTION CONTRACT / SEWER MAIN EXTENSION AGREEMENT**

1. A developer may contract with the Township to extend a public sewer main to and through a property subject to the following requirements:
  - A. All costs, including construction, engineering, legal and administrative expenses, shall be paid by the developer.
  - B. The design and construction of the sewer main extension, including all service leads, manholes, pumping stations, roadway borings, topsoil and service restoration shall be in accordance with the current Township standards and approved by the Township Engineer.
  - C. Generally, construction will be undertaken by or under the control of the Township. However, pursuant to Township approval and authorization, sewer construction may be undertaken by the developer, and the following shall also generally apply:
    - (1) All sewer construction must be inspected by the Township Engineer at the developer's full cost. However, pursuant to written Township approval, inspection of sewer construction for the purpose of permit certification may be performed by the developer's engineer of record.
    - (2) Sanitary sewer testing requirements must be witnessed by the Township or its designated representative.
    - (3) The developer must provide full, complete and reliable documentation of sewer construction costs in order to receive full benefit of the cost recovery provisions of paragraph E below.
    - (4) Acceptance of the sewer addition for any use, including sewerage flow, shall require prior approval by the Township Engineer.

CI. The developer shall furnish the Township a hard copy and digital copy plan and profile set of as-constructed drawings, prepared to scale where one inch (1") equals forty feet (40') horizontal and four feet (4') vertical. Digital copies shall be provided in Autocad (.dwg) or (.dxf) format. **The Township Engineer will collect Global Positioning System (GPS) data for inclusion in the Township's Geographic Information System (GIS).**

CII. The Township shall collect from property owners for all properties connecting to the sewer main extension constructed by the developer, other than parcels, lots and building sites within the approved development boundaries, the appropriate fees and charges and, pursuant to a written agreement with the developer, will refund to the developer 80% of the parcel, lot or building site and front foot fees (if any) collected during the ten-year period following completion of construction. The amount of the refund, however, shall in no case exceed the total construction cost for that portion of sewer mains serving properties outside the approved development boundaries.

2. All sewer main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property. All sewer leads shall be extended to the easement or roadway right-of-way line.

**III.**

**USER / DEBT SERVICE FEES**

1. Monthly or quarterly use and/or debt service charges shall be billed to each customer connected to the public sewer system by the City of Kalamazoo in conjunction with the customer's water bill as metered at the customer's private water supply in accordance with the Sanitary Sewage Disposal Agreement between the Charter Township of Oshtemo and the City of Kalamazoo dated October 8, 1984. Such charges to be established by resolution of the Township Board.

**IV.**

**BENEFIT FEE**

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service area
Auto Repair/Collision	1.00	Same as above

Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area
Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per 500 square feet
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet
Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar

Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered sewage flow (see paragraphs 4 and 5 of this Section)
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule
Multiple-family residence		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit
Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area

Park, recreation facilities, campground		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet
Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels

Warehouse and storage	0.2	Per 1,000 square feet
-----------------------	-----	-----------------------

2. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.
3. In no event shall a connected use or activity be charged less than one (1) benefit unit.
4. Connection of property used or proposed to be used for industrial purposes shall be charged a connection charge based upon the sewage treatment demand of the industry, and including the quantity and quality of effluent as determined by the Township Engineer in consultation with the industry and the Supervisor or his or her designee prior to connection to the public sewer. As a guide in the foregoing determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable where unusual pollutants are not involved shall constitute one (1) benefit unit.
5. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
6. All prior resolutions are hereby repealed.

**V.**

**ANNUAL REVIEW**

These fees are to be reviewed annually.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION ESTABLISHING SANITARY SEWER FEES  
AND USER RATES**

Adopted: April 25, 2023

Effective: April 25, 2023

WHEREAS, the Charter Township of Oshtemo has heretofore adopted the Wastewater Service Ordinance, being Ordinance number 208, and as thereafter amended; and

WHEREAS, pursuant to Section 21 and 22 of said Ordinance the Township Board is required to establish appropriate service charges and user rates for each wastewater user and to make changes from time to time to reflect the changes in cost and sewer needs; and

WHEREAS, the Township has begun a major Sanitary Sewer Expansion funded, in part, through low interest USDA Rural Development Bonds; and

WHEREAS, the Township has authorized the contract to begin Phase I of the Sanitary Sewer Expansion; and

WHEREAS, the Township, in order to provide reasonable connection fees to its residents, has determined to use (in addition to other funding sources) a portion of its sanitary sewer user surcharge to fund the USDA sanitary sewer projects, including Phase I of its Sanitary Sewer Expansion; and

WHEREAS, the Township must also continue with the necessary repairs and maintenance, of its Sanitary Sewer System pursuant to the Townships' Sanitary Sewer Asset Management Plan; and

WHEREAS, in order to fund the Sanitary Sewer Expansion, as well the repairs and maintenance of the Township Sanitary Sewer System, it is necessary to increase the sanitary sewer surcharge.

NOW THEREFORE, until further modification by resolution of the Township Board, the sanitary sewer sanitary service charges and user rates are hereby adopted, and the following fees shall be payable for all sanitary sewer users of the Township at the time of connection.

**Sewer Fees and User Rates.**

Monthly or quarterly use charges shall be billed to each user connected to the public sewer system by the City of Kalamazoo in conjunction with the user's water bill as metered at the user's private water supply, in accordance with the Sanitary Sewage Disposal Agreement between the Charter Township of Oshtemo and the City of Kalamazoo.

In addition to the user charges as established by the City of Kalamazoo, each sanitary sewer user will be charged a surcharge for this service of 30%, to be added to each user's monthly or quarterly billing, for repair and maintenance of the Oshtemo Charter Township Sanitary Sewer System.



Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing resolution.

Upon roll call vote,

The following voted "Aye":

The following voted "Nay":

The following abstained or were absent:

The Supervisor declared the motion carried in the resolution duly adopted.

\_\_\_\_\_  
DUSTY FARMER, Clerk  
Oshtemo Charter Township

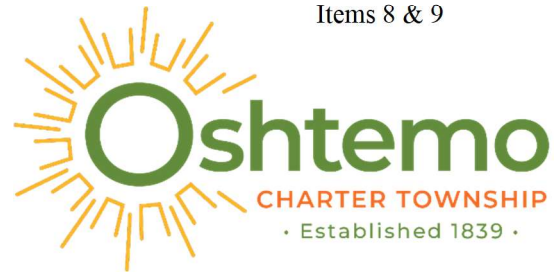
\*\*\*\*\*

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a regular meeting of the Oshtemo Charter Township Board, held on April 25, 2023, at which meeting \_\_\_\_\_members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
DUSTY FARMER, Clerk  
Oshtemo Charter Township

# Memorandum



**Date:** 19 April 2023  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor  
**Subject:** Bond Authorizing Resolution for Series 2023A and 2023B Capital Improvement Bonds for Phase 1 Sewer Project

---

## **Objectives**

MOTION 1: To adopt Resolution to authorize issuance of Capital Improvement Bonds, General Obligation Limited Tax, Series 2023A for the Phase 1 sewer project, for consideration by the Township Board at the April 25, 2023, Regular Township Board meeting.

MOTION 2: To adopt Resolution to authorize issuance of Capital Improvement Bonds, General Obligation Limited Tax, Series 2023B for the Phase 1 sewer project, for consideration by the Township Board at the April 25, 2023, Regular Township Board meeting.

## **Background**

Attorney Mark Nettleton of Mika Meyers, PLC, will attend the Tuesday evening meeting. He conveys that the Bonds will bear interest at the lower of either the rate of interest contained in Rural Development's letter of conditions or the rate of interest at the time of closing.

For the Series 2023A Bonds, the letter of conditions provided an interest rate of 2.375% (poverty rate); for the Series 2023B Bonds, the letter of conditions provided an interest rate of 1.375% (poverty rate).

Since the current poverty rate interest offered by Rural Development is 2.25% until June 30, and assuming we close and deliver the Bonds prior to June 30 (closing is targeted toward end of May), the Series 2023A Bonds will bear interest at 2.25% and the Series 2023B Bonds will bear interest at 1.375%.

The Supervisor and Treasurer are authorized to approve the final terms of the Bonds prior to closing, to reflect the lowest interest rate available from Rural Development.

The total principal amount of the Bonds to be issued is \$9,210,000 (aggregate of the two series of bonds) and will be outstanding for a maximum term of 40 years.

The Series 2023A Bonds will be issued in the not to exceed principal amount of \$8,346,000; the Series 2023B Bonds will be issued in the not to exceed principal amount of \$864,000.

## **Core Values**

Public Service, Fiscal Stewardship

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE \_\_\_\_\_

OF THE \_\_\_\_\_  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the \_\_\_\_\_

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

\_\_\_\_\_ ; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as \_\_\_\_\_ of the \_\_\_\_\_  
hereby certify that the \_\_\_\_\_ of such Association is composed of  
\_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_ ,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

Title \_\_\_\_\_

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE \_\_\_\_\_

OF THE \_\_\_\_\_  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the \_\_\_\_\_

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

\_\_\_\_\_ ; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as \_\_\_\_\_ of the \_\_\_\_\_  
hereby certify that the \_\_\_\_\_ of such Association is composed of  
\_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_ ,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

Title \_\_\_\_\_



**CHARTER TOWNSHIP OF OSHTEMO**  
**COUNTY OF KALAMAZOO, MICHIGAN**

Minutes of a special meeting of the Township Board of the Charter Township of Oshtemo, held at the Township Hall, Kalamazoo, Michigan, on the 25th day of April 2023, at 6:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_:

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO AUTHORIZE ISSUANCE OF CAPITAL IMPROVEMENT BONDS,  
GENERAL OBLIGATION LIMITED TAX, SERIES 2023A and 2023B**

WHEREAS, on October 9, 2018, the Township Board of the Charter Township of Oshtemo (the “Township”) adopted a resolution of intent (the “Resolution of Intent”) to acquire and construct improvements to and extensions of the Township’s sanitary sewer system and related road improvements including, without limitation, extensions in Westport, Meadowbrook, Frie & Gibbs, County Club, Whitegate Farms, Fairlane, and Skyridge Plat including Meriden Street (in entirety), Sunset Street (in entirety), 11th Street (Parkview Avenue to N Avenue) KL Avenue (8th Street to Autumn Way Boulevard), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with related improvements and appurtenances including, but not limited to, sidewalk and shared paths installation, necessary easements, rights-of-way and interests in land, and the expenses of Township engineering, legal and financial consultants (together, the “Project”) and to fund all or part of the cost of the Project by the issuance of capital improvement bonds in

one or more series in the maximum principal amount of \$30,000,000 pursuant to Section 517(1) of Act 34 of the Public Acts of Michigan of 2001, as amended (“Act 34”); and

WHEREAS, a Notice of Intent to Issue Bonds was published pursuant to Section 517(2) of Act 34 and no petitions for referendum upon the question of issuing the bonds were filed with the Township during the 45-day period which commenced with the date of such publication; and

WHEREAS, the Township intends to pay for the costs of the Project using the proceeds of the Bonds, interest earnings on the Bonds, and Township funds on hand; and

WHEREAS, to finance the cost of the phase 1 of the Project, which consists of first phase of the Project, which includes extensions in Whitegate Farms, Fairlane, and Skyridge Plat including Meriden Street (in entirety), Sunset Street (in entirety), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with related improvements and appurtenances including, but not limited to, sidewalks (collectively, the “Phase 1 Project”), the Township Board deems it necessary to borrow the aggregate sum of Nine Million Two Hundred Ten Thousand Dollars (\$9,210,000) and to issue its capital improvement bonds therefore in two series, the Series 2023A Bonds in the principal amount of \$8,346,000 (the “Series 2023A Bonds”) and the Series 2023B Bonds in the principal amount of \$864,000 (the “Series 2023B Bonds”) (collectively the Series 2023A Bonds and Series 2023B Bonds are referred to herein as the “Bonds”), in accordance with Act 34.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Necessity; Findings.** It is necessary for the public health, safety and welfare of the Township to undertake the Phase 1 Project and issue the Series 2023A Bonds and the Series 2023B

Bonds of the Township therefore pursuant to Act 34. The Township Board makes the following findings:

a. The period of usefulness of the capital improvement items which comprise the Phase 1 Project is hereby determined to be not less than forty (40) years.

b. The Phase 1 Project is comprised of capital improvement items within the meaning of Act 34.

c. Based upon the Township's estimated 2023 state equalized value of \$1,285,562,900, the Township's debt limit for bonds issued in accordance with Section 517(1) of Act 34 is \$64,278,148, and the Township further determines that the aggregate of the Series 2023A Bonds and Series 2023B Bonds authorized for the Phase 1 Project in the amount of \$9,210,000, after taking into account that the Township has no bonds currently outstanding that were issued under Section 517(1) of Act 34, may be issued by the Township within the aforestated debt limit.

d. The principal and interest on the bonds proposed for the Phase 1 Project shall be paid from the Township Sewer Fund, Township General Fund, proceeds of the Township's road millage, and other legally available funds (or a combination thereof), and accordingly, together with debt service charges and connection fees, are expected to be sufficient to pay the principal and interest on the proposed Series 2023A Bonds and Series 2023B Bonds, as the same become due, and accordingly, the Township Board does not expect that it will be necessary to levy any taxes to pay the principal and interest on the proposed Bonds, and in no event will any taxes necessary to pay the principal of and interest on the Bonds, together with taxes levied for the same year, exceed the limits authorized by law.

2. **Authorization of Bonds; Security.** The Township shall borrow money and issue bonds in two series known as CAPITAL IMPROVEMENT BONDS (GENERAL OBLIGATION

LIMITED TAX), SERIES 2023A and CAPITAL IMPROVEMENT BONDS (GENERAL OBLIGATION LIMITED TAX), SERIES 2023B in the aggregate principal sum of Nine Million Two Hundred Ten Thousand Dollars (\$9,210,000) pursuant to the provisions of Act 34 for the purpose of defraying the cost of the Phase 1 Project. The Bonds shall be a general obligation of the Township secured by the Township’s full faith and credit and limited tax pledge, within applicable charter, statutory and constitutional tax limitations applicable to the Township. The Township shall not have the authority to levy additional taxes to pay the principal of and interest on the Bonds over presently existing township millage limits without a vote of Township electors.

3. **Terms of Bonds.** The Bonds shall be dated as of the date of delivery to the United States of America (the “Government”), shall bear interest at the rate(s) of interest per annum set forth below, payable on October 1, 2023, and semi-annually thereafter on each April 1 and October 1 until payment of the principal hereof has been made or duly provided for. The Bonds shall be issued in substantially the form and tenor as set forth in Exhibit A attached hereto, shall be in denominations of \$1,000 or any multiple thereof up to the amount of a single maturity and shall be due and payable on April 1 each year and in the amounts as follows:

**Series 2023A Bonds**

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>
2024	\$ 20,000	2.375%	2044	\$219,000	2.375%
2025	\$ 20,000	2.375%	2045	\$224,000	2.375%
2026	\$136,000	2.375%	2046	\$229,000	2.375%
2027	\$139,000	2.375%	2047	\$233,000	2.375%
2028	\$143,000	2.375%	2048	\$238,000	2.375%
2029	\$146,000	2.375%	2049	\$243,000	2.375%
2030	\$149,000	2.375%	2050	\$249,000	2.375%
2031	\$152,000	2.375%	2051	\$254,000	2.375%
2032	\$156,000	2.375%	2052	\$259,000	2.375%
2033	\$159,000	2.375%	2053	\$265,000	2.375%
2034	\$163,000	2.375%	2054	\$270,000	2.375%
2035	\$167,000	2.375%	2055	\$276,000	2.375%
2036	\$170,000	2.375%	2056	\$282,000	2.375%
2037	\$174,000	2.375%	2057	\$288,000	2.375%

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>
2038	\$178,000	2.375%	2058	\$292,000	2.375%
2039	\$182,000	2.375%	2059	\$284,000	2.375%
2040	\$186,000	2.375%	2060	\$290,000	2.375%
2041	\$190,000	2.375%	2061	\$297,000	2.375%
2042	\$195,000	2.375%	2062	\$304,000	2.375%
2043	\$215,000	2.375%	2063	\$310,000	2.375%

**Series 2023B Bonds**

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest</u>
2024	\$ 2,000	1.375%	2044	\$22,000	1.375%
2025	\$ 2,000	1.375%	2045	\$23,000	1.375%
2026	\$17,000	1.375%	2046	\$23,000	1.375%
2027	\$17,000	1.375%	2047	\$23,000	1.375%
2028	\$17,000	1.375%	2048	\$24,000	1.375%
2029	\$17,000	1.375%	2049	\$24,000	1.375%
2030	\$18,000	1.375%	2050	\$24,000	1.375%
2031	\$18,000	1.375%	2051	\$25,000	1.375%
2032	\$18,000	1.375%	2052	\$25,000	1.375%
2033	\$19,000	1.375%	2053	\$25,000	1.375%
2034	\$20,000	1.375%	2054	\$26,000	1.375%
2035	\$20,000	1.375%	2055	\$26,000	1.375%
2036	\$20,000	1.375%	2056	\$26,000	1.375%
2037	\$20,000	1.375%	2057	\$27,000	1.375%
2038	\$21,000	1.375%	2058	\$27,000	1.375%
2039	\$21,000	1.375%	2059	\$27,000	1.375%
2040	\$21,000	1.375%	2060	\$28,000	1.375%
2041	\$22,000	1.375%	2061	\$28,000	1.375%
2042	\$22,000	1.375%	2062	\$28,000	1.375%
2043	\$22,000	1.375%	2063	\$29,000	1.375%

In the alternative, a single bond for the Series 2023A Bonds and a single bond for the Series 2023B Bonds may be issued incorporating all maturities of such Bonds. The Bonds shall be sold for 100% of par value, without premium or discount.

Notwithstanding the foregoing or any other provision of this resolution, the Township Supervisor and Treasurer are authorized to approve the final terms of the Bonds in accordance with Paragraph 17.

4. **Payment of Principal and Interest.** The Bonds and the interest thereon shall be paid in lawful money of the United States of America by the Township Treasurer, acting as paying

agent, transfer agent and bond registrar for the Bonds (the “Bond Registrar”). Interest shall be paid when due by check or draft drawn on the Bond Registrar and mailed by first class mail or other acceptable method to the registered owners of record as of each March 15 with respect to payments due and payable on the immediately succeeding April 1, and as of each September 15 with respect to payments due and payable on the immediately succeeding October 1. Principal shall be payable at the principal office of the Bond Registrar upon presentation and surrender of the corresponding bond certificate.

5. **Redemption of Bonds Prior to Maturity.** Bonds maturing in the years 2024 to 2063, both inclusive, shall be subject to redemption prior to maturity, at the option of the Township, in whole or in part in increments of \$1,000 in direct order of maturity as the Township may determine and within any maturity by lot on any date on or after October 1, 2023, at par and accrued interest to the date fixed for redemption, without premium.

Notice of the call of any Bonds for redemption shall be given by first-class mail by the Bond Registrar, no less than thirty (30) days prior to the date fixed for redemption, to the registered owners of record at the registered addresses shown on the registration books kept by the Bond Registrar. Bonds shall be called for redemption in multiples of \$1,000 and Bonds of denominations of greater than \$1,000 shall be treated as representing the number of Bonds obtained by dividing the denomination of the Bond by \$1,000 and such Bonds may be redeemed in part. The notice of redemption for Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered owner thereof. No further interest payment on the Bonds or portions of the Bonds called for redemption shall accrue after the date

fixed for redemption, whether or not the Bond is presented for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

6. **Registration.** The Bonds shall be registered both as to principal and interest in substantially the form and tenor as set forth in Exhibit A attached hereto. Any individual bond shall be transferable on the bond register maintained with respect to the Bonds upon the surrender of the individual bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees. Any individual bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond being exchanged. Such exchange shall be effected by surrender of the individual bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the individual bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of an individual bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney. A transfer, exchange and registration of Bonds shall be without expense or service charge to the registered holder except for any tax or other governmental charge required to be paid with respect to such transfer, exchange or registration. The Bond Registrar shall not be required to transfer or exchange Bonds or parts of Bonds which have been selected for redemption.

7. **Duties of Bond Registrar.** The Bond Registrar shall, upon receipt of sufficient funds from the Township, make timely payments of principal and interest on the Bonds,

authenticate the Bonds upon their initial issuance and subsequent transfer to successive holders, act as registrar of the Bonds including the preparation and maintenance of a current register of registered owners of the Bonds, coordinate the transfer of individual bonds between successive holders, including printing and transferring new certificates, and all other duties set forth in this Resolution or otherwise normally performed by paying, registration and transfer agents. All reasonable fees and expenses of the Bond Registrar shall be paid by the Township. The Township reserves the right to designate an alternate financial institution to act as Bond Registrar for the Bonds and in such event the Township shall mail notice to all registered owners of the Bonds not less than 60 days prior to the effective date of said change in Bond Registrar.

8. **Replacement of Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, or satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Bond Registrar may pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the Township in connection therewith. Any bond delivered pursuant to the provisions of this Paragraph 8 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.



9. **Debt Service Fund.** There shall be established and maintained on the books of the Township Treasurer a fund to be designated “SERIES 2023 CAPITAL IMPROVEMENT BOND – DEBT SERVICE FUND” (the “Debt Service Fund”). Within such fund, the Treasurer shall establish two subaccounts: one for the Series 2023A Bonds and the other for the Series 2023B Bonds. Into such subaccounts, there shall be placed (i) the accrued interest, if any, from the date of each series of the Bonds to the date of delivery thereof; (ii) capitalized interest for each series of the Bonds, if any, from the date of delivery of each series of the Bonds, and (iii) premium, if any, received at the time of delivery of either or both series of the Bonds. As part of the subaccounts within the Debt Service Fund, there shall be established and maintained such additional subaccounts as are deemed necessary and appropriate for the proper administration of the Debt Service Fund and compliance with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The principal of, premium, if any, and interest on each series of the Bonds together with the Registrar’s fee and the cost of continuing disclosure, if any, for the term of each series of the Bonds, when due shall be paid directly out of the subaccounts of the Debt Service Fund for each series of the Bonds. All amounts hereby pledged to the prompt payment of the principal of and interest on the Bonds shall be kept and maintained in the Debt Service Fund so long as there are any of the Bonds, or interest thereon, outstanding and unpaid. After payment in full of the Bonds and the interest thereon, or after provision has been made for the payment in full of the Bonds and the interest thereon by investment of pledged amounts in the Debt Service Fund in direct obligations of the United States of America in amounts and with maturities sufficient to pay all principal and interest on the Bonds when due, the surplus remaining in the Debt Service Fund shall be used for such purposes as required or permitted by law.

10. **Construction Fund.** Prior to delivery and sale of the Bonds, there shall be established and maintained on the books of the Township Treasurer a separate account designated “SERIES 2023 CAPITAL IMPROVEMENT BOND – CONSTRUCTION FUND” (the “Construction Fund”). Within such fund, the Treasurer shall establish and maintain two subaccounts: one for the Series 2023A Bonds and the other for the Series 2023B Bonds. Into such subaccounts, after deducting a sum equal to the amount of any (i) accrued interest from the date of each series of the Bonds to the date of delivery thereof; (ii) capitalized interest on each series of the Bonds, if any, from the date of delivery of each series of the Bonds; and (iii) premium, which sums shall be deposited in the Debt Service Fund, the balance of the proceeds of each series of the Bonds shall be deposited into the respective subaccounts of the Construction Fund for each series of the Bonds. The monies on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the Bonds were issued. No proceeds of the Bonds shall be used to pay any cost not related to the Project as described in the Resolution of Intent. Any unexpended balance shall be used for such purposes as required or permitted by law including, without limitation, transfer to the Debt Service Fund for payment of principal, premium, if any, and interest on the Bonds at maturity or by redemption. After completion of the Project and disposition of remaining Bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

11. **Bond Reserve Account.** Prior to delivery and sale of the Bonds, there shall be established and maintained on the books of the Township Treasurer a separate account designated “SERIES 2023 CAPITAL IMPROVEMENT BOND – BOND RESERVE FUND” (the “Bond Reserve Fund”). Within such account, the Treasurer shall establish and maintain two subaccounts: one for the Series 2023A Bonds and the other for the Series 2023B Bonds. Into such subaccounts,

there shall be aside, annually commencing December 1, 2023, the amount of one-tenth of the Bond Reserve Requirement for the Series 2023A Bonds and the Series 2023B Bonds until an amount equal to the Bond Reserve Requirement for each series of the Bonds has been accumulated. For purposes of this paragraph, the Bond Reserve Requirement for the Series 2023A Bonds means an amount equal to the lesser of (i) 10% of the aggregate principal amount of the Series 2023A Bonds, (ii) an amount equal to the maximum annual principal and interest requirements on the Series 2023A Bonds, (iii) 125 percent (125%) of the average annual principal and interest requirements on the Series 2023A Bonds, or (iv) \$273,000; and, with respect to the Series 2023B Bonds, an amount equal to the lesser of (i) 10% of the aggregate principal amount of the Series 2023B Bonds, (ii) an amount equal to the maximum annual principal and interest requirements on the Series 2023B Bonds, (iii) 125 percent (125%) of the average annual principal and interest requirements on the Series 2023B Bonds, or (iv) \$29,000. All investment earnings in a Bond Reserve Account Subaccount shall be maintained for the respective series of bonds for payment of current principal and interest thereon. Moneys credited to a subaccount of the Bond Reserve Account may be used for the payment of principal and interest on a series of Bonds or unanticipated emergency repairs; if at any time it shall be necessary to use moneys credited to a subaccount of the Bond Reserve Account for such purposes, then the moneys so used shall be replaced over a period of not more than five (5) years from Township funds on hand, which are not required for current principal and interest requirements on the Bonds. If at any time there is any excess in a subaccount of the Bond Reserve Account over the Bond Reserve Requirement for a particular series of Bonds, such excess may be transferred to such fund or account as the Township Board shall direct. No proceeds of the Bonds shall be used to fund the Bond Reserve Account.

12. **Investment of Funds.** The Township Treasurer shall keep full and complete records of all deposits to and withdrawals from the Debt Service Fund and the Construction Fund and of all investments of monies in such accounts and other transactions relating thereto. The Treasurer is authorized to invest the monies in said accounts in any one or more lawful investments authorized for townships by law and consistent with the Township investment policy.

13. **Covenant Regarding Tax Exempt Status of the Bonds.** The Township covenants to comply with all requirements of the Code necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income taxation (as opposed to alternative minimum or other indirect taxation). The Township has not designated the Bonds as “qualified tax exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b)(3) of the Code, it being reasonably anticipated that the aggregate amount of tax exempt obligations which will be issued by the Township and all subordinate entities to the Township may exceed \$10,000,000 during calendar year 2023. The Township hereby covenants that the Township will make no use of the proceeds of the Bonds, which if such use had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the Code. In addition, the Township covenants to comply with all applicable provisions of the Code that must be satisfied subsequent to the issuance of the Bonds in order that the interest on the Bonds be excluded (or continue to be excluded) from gross income within the meaning of Section 103(a) of the Code.

14. **Duties of Township Treasurer.** The Township Treasurer shall keep full and complete records of all deposits to and withdrawals from the Debt Service Fund and the Construction Fund and of all investments of monies in such accounts and other transactions relating thereto. The Treasurer is authorized to invest the monies in said accounts in any one or

more lawful investments authorized by law for Townships and consistent with the Township investment policy. So long as the Government is a registered owner of Bonds, the Township Treasurer and all other persons responsible for the handling of the monies on deposit from time to time in the Debt Service Fund and the Construction Fund shall execute a fidelity bond in the amount required by the Government with a surety company approved by the Government, which names the Township and the Government as co-obligees and the amount thereof shall not be reduced without the prior written consent of the Government.

15. **Revised Municipal Finance Act.** The Township currently meets the requirements of qualified status under Section 303(3) of Act 34, and shall comply with all applicable requirements of Act 34, including the filing of a security report and the payment of the filing fee required by Section 319 of Act 34.

16. **Negotiated Sale of Bonds.** The Bonds shall be sold to the Government (the “Purchaser”) at par at a negotiated sale in accordance with the Loan Resolution adopted by the Township Board for each series of the Bonds. Pursuant to Section 309(1) of Act 34, the Township elects to sell the Bonds by negotiated sale instead of by competitive sale in order to evidence the favorable loan terms offered by the Government, e.g. a 40-year term at a fixed interest rate of 2.375% per annum for the Series 2023A Bonds and 1.375% for the Series 2023B Bonds, and unlimited right to optionally redeem the principal of the Bonds without premium on any date commencing October 1, 2023, and to avoid the additional cost of a public sale, which are not reasonably expected to be available to the Township by means of a conventional open market public sale.

17. **Approval of Final Terms of Bonds; Execution and Delivery of Bonds.** The Township Supervisor and Treasurer are hereby authorized and directed in accordance with Section

315(1)(d) of Act 34 to approve the final terms of the Bonds including, if necessary, increasing or reducing the principal amount of the Bonds, revising the amount of any principal maturity, approving the rate or rates of interest payable on the Bonds (including reducing the interest rate according to the rates in effect at the time of closing on the Bonds with Rural Development), approving revisions in the terms of redemption of the Bonds, approving revisions in the principal and interest payment dates, approving the designation of separate series of bonds, approving a revision in the dated date of the Bonds, and revising the form of the Bonds and Schedule I in accordance with the foregoing. Notwithstanding the foregoing, the authority of the Supervisor and Treasurer is subject to the following limitations: (a) the aggregate principal amount of the Bonds shall not exceed \$9,210,000; (b) the final maturity of the Bonds shall not be later than April 1, 2063; and (c) the rate of interest payable on the Series 2023A Bonds shall not exceed 2.375% and the rate of interest payable on the Series 2023B Bonds shall not exceed 1.375%.

The Township Supervisor and Township Clerk are authorized and directed to execute the Bonds in substantially the form approved with such necessary variations, omissions, corrections and insertions as they deem appropriate and are required for and on behalf of the Township, manually or by facsimile signature for and on behalf of the Township, and, if the Township has a seal, to place thereon the Township Seal or a facsimile thereof; provided that the Bonds shall be executed by the facsimile signatures of the said Supervisor and Township Clerk only if the bonds are thereafter manually authenticated by the Bond Registrar. The Township Supervisor, Clerk and Treasurer are authorized and directed to execute and deliver on behalf of the Township such other certificates, affidavits, investment agreements or other documents or other instruments, including applications for ratings or municipal bond insurance, as may be required by the Purchaser of the Bonds or Bond Counsel or convenient to effectuate the execution and delivery of the Bonds. Upon

execution of the Bonds, the Township Treasurer is hereby authorized and directed to deliver or cause to be delivered the Bonds to the Purchaser, upon receipt of the purchase price therefor less any discount and plus any premium and accrued interest, if any, to the date of delivery. It is understood that the Government may take delivery of and/or pay for the Bonds in one or more installments. The Township shall furnish the Bonds ready for execution without expense to the Purchaser. The Township shall also furnish without expense to the Purchaser at the time of delivery of the Bonds, the approving opinion of Mika Meyers PLC, Attorneys, Grand Rapids, Michigan, approving the legality of the Bonds. The Bonds will be delivered at the expense of the Township in such place as agreed upon with the Purchaser. The proceeds of the Bonds shall be deposited into the Debt Service Fund and the Construction Fund, as provided in Paragraphs 9 and 10, above.

18. **Reservation of Rights.** The Township reserves the right to refund the Bonds, in whole or in part, prior to maturity, subject to the requirements of the Code and Act 34.

19. **Defeasance of Bonds; No Defeasance.** In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or such earlier date, if any, as the Bonds are subject to redemption in full, the principal of and interest on the Bonds, shall have been deposited in trust, this Bond Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein. So long as the Government is the Registered Owner of the Bonds, the Bonds shall not be subject to defeasance.

20. **Absence or Disability.** In the absence or disability of the Township Supervisor, the Deputy Supervisor (if any) shall act hereunder in his or her stead. In the absence or disability of the Clerk, the Deputy Clerk (if any) shall act hereunder in his or her stead. In the absence or disability of the Treasurer, the Deputy Treasurer (if any) shall act hereunder in his or her stead.

21. **Conflicts.** All resolutions and parts of resolutions inconsistent with the foregoing are hereby rescinded.

YEAS: Members: \_\_\_\_\_

NAYS: Members: \_\_\_\_\_

ABSTAIN: Members: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED

\_\_\_\_\_  
Dusty Farmer, Clerk  
Charter Township of Oshtemo

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF KALAMAZOO        )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Oshtemo, Kalamazoo County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a special meeting on the 25th day of April 2023, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 25th day of April 2023.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Charter Township of Oshtemo



**EXHIBIT A**

REGISTERED

UNITED STATES OF AMERICA

REGISTERED

STATE OF MICHIGAN

COUNTY OF KALAMAZOO

CHARTER TOWNSHIP OF OSHTEMO

CAPITAL IMPROVEMENT BONDS

(GENERAL OBLIGATION LIMITED TAX), SERIES 2023\_\_

No. R-1

REGISTERED OWNER: United States of America

PRINCIPAL AMOUNT: \$\_\_\_\_\_

INTEREST RATE: \_\_\_\_\_ percent (\_\_\_\_%) per annum

DATE OF ORIGINAL ISSUE AND REGISTRATION: \_\_\_\_\_, with interest accruing on this Bond from the date each installment portion of the Principal Amount was delivered to the Registered Owner as set forth on the Certificate of Authentication and Registration.

The Charter Township of Oshtemo, County of Kalamazoo, State of Michigan (the “Township”), for value received, hereby promises to pay the Principal Amount shown above to the Registered Owner specified above in installments in the amounts and on the dates as set forth in Schedule I, attached hereto and made a part hereof, with interest thereon from the Date of Original Issue and Registration specified above until paid at the Interest Rate per annum specified above, payable on October 1, 2023, and semi-annually on each April 1 and October 1 thereafter from the April 1 or October 1 next preceding, unless interest on this bond has not been paid in full or duly provided for, in which case from the date to which interest has been paid in full, or if no interest has been paid on this bond, from the Date of Original Issue and Registration specified above, until payment of the Principal Amount has been made or duly provided for. The final installment of principal of this bond is payable at the principal office of the Oshtemo Township Treasurer, Kalamazoo, Michigan (the “Bond Registrar”), or such other location as the Township may hereinafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Payment of principal (except for the final installment) and interest shall be paid to the registered owner hereof by the Bond Registrar by first class mail or electronic transfer. The date of record shall be each March 15 and September 15 with respect to the payments due on each April 1 and October 1, respectively. The principal of and interest on this Bond shall be payable in lawful money of the United States.

This bond is one of a series of bonds of like date and tenor except as to date of maturity and rate of interest aggregating the principal sum of \$\_\_\_\_\_ (the “Bonds”) issued by the Township, under and pursuant to and in full conformity with the Constitution and statutes of

Michigan (especially Act 34 of the Public Acts of Michigan of 2001, as amended), and a bond authorizing resolution adopted by the Township Board (the “Bond Authorizing Resolution”) for the purpose of defraying all or part of the cost of the acquisition and construction of improvements to and extensions of the Township’s sanitary sewer collection, and related site work, improvements and appurtenances (the “Project”).

Bonds maturing in the years 2024 through 2063, both inclusive, shall be subject to redemption prior to maturity, at the option of the Township, in whole or in part in increments of \$1,000 in direct order of maturity and within any maturity by lot on any date on or after October 1, 2023, at par and accrued interest to the date fixed for redemption, without premium.

Notice of the call of any Bonds for redemption shall be given by first-class mail by the Bond Registrar, no less than thirty (30) days prior to the date fixed for redemption, to the registered owners of record at the registered addresses shown on the registration books kept by the Bond Registrar. Bonds shall be called for redemption in multiples of \$1,000 and Bonds of denominations of greater than \$1,000 shall be treated as representing the number of Bonds obtained by dividing the denomination of the Bond by \$1,000 and such Bonds may be redeemed in part. The notice of redemption for Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered owner thereof. No further interest payment on the Bonds or portions of the Bonds called for redemption shall accrue after the date fixed for redemption, whether or not the Bond is presented for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

The bonds of this series are a general obligation of the Township secured by the Township’s full faith and credit, which shall include the Township’s limited tax obligation, within applicable constitutional and statutory limits, and its general funds. Taxes levied by the Township to pay the principal of and interest on the bonds of this series are subject to constitutional, charter and statutory limitations.

This Bond has not been designated as a “qualified tax exemption obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This bond is transferable as provided in the Bond Authorizing Resolution, on the bond registration books of the Bond Registrar upon surrender of this bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon such transfer, one or more fully registered bonds with denominations of \$1,000 or such larger denomination in the same aggregate principal amount and the same maturity and interest rate, will be issued to the designated transferee or transferees.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of the Bonds have been done, exist and have happened in due time and form as required by law, and that the total indebtedness of the Township, including the series of bonds of which this bond is one, does not exceed any constitutional, statutory or charter limitations.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Authorizing Resolution until the Certification of Registration and Authentication hereon shall have been manually signed by the Bond Registrar.

IN WITNESS WHEREOF, the Charter Township of Oshtemo, Michigan, by its Township Board, has caused this bond to be executed in its name by the manual or facsimile signature of its Township Supervisor and its Township Clerk, to be sealed in its name manually by the Township Clerk or by facsimile and to be authenticated by the Bond Registrar as the Township's duly appointed authenticating agent for the Bonds.

CHARTER TOWNSHIP OF OSHTEMO

[SEAL]

By: \_\_\_\_\_  
\_\_\_\_\_, Supervisor

By: \_\_\_\_\_  
\_\_\_\_\_, Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

NOTHING TO BE WRITTEN HEREON EXCEPT  
BY THE BOND REGISTRAR

Date of Registration	Name of Registered Owner	Principal Installment Delivered	Signature of Bond Registrar
_____, 2023	United States of America	\$ _____	

SCHEDULE 1 – CHARTER TOWNSHIP OF OSHTEMO  
PRINCIPAL AND INTEREST PAYMENTS

INTEREST RATE: \_\_\_\_\_ %  
PRINCIPAL AMOUNT: \$ \_\_\_\_\_

<b><u>Payment Date</u></b>	<b><u>Principal Payment</u></b>	<b><u>Interest Payment</u></b>
October 1, 2023		Accrued Interest
April 1, 2024		Accrued Interest
October 1, 2024		Accrued Interest
April 1, 2025		Accrued Interest
October 1, 2025		Accrued Interest
April 1, 2026		Accrued Interest
October 1, 2026		Accrued Interest
April 1, 2027		Accrued Interest
October 1, 2027		Accrued Interest
April 1, 2028		Accrued Interest
October 1, 2028		Accrued Interest
April 1, 2029		Accrued Interest
October 1, 2029		Accrued Interest
April 1, 2030		Accrued Interest
October 1, 2030		Accrued Interest
April 1, 2031		Accrued Interest
October 1, 2031		Accrued Interest
April 1, 2032		Accrued Interest
October 1, 2032		Accrued Interest
April 1, 2033		Accrued Interest
October 1, 2033		Accrued Interest
April 1, 2034		Accrued Interest
October 1, 2034		Accrued Interest
April 1, 2035		Accrued Interest
October 1, 2035		Accrued Interest
April 1, 2036		Accrued Interest
October 1, 2036		Accrued Interest
April 1, 2037		Accrued Interest
October 1, 2037		Accrued Interest
April 1, 2038		Accrued Interest
October 1, 2038		Accrued Interest
April 1, 2039		Accrued Interest
October 1, 2039		Accrued Interest
April 1, 2040		Accrued Interest
October 1, 2040		Accrued Interest
April 1, 2041		Accrued Interest
October 1, 2041		Accrued Interest
April 1, 2042		Accrued Interest
October 1, 2042		Accrued Interest
April 1, 2043		Accrued Interest
October 1, 2043		Accrued Interest
April 1, 2044		Accrued Interest
October 1, 2044		Accrued Interest

<u>Payment Date</u>	<u>Principal Payment</u>	<u>Interest Payment</u>
April 1, 2045		Accrued Interest
October 1, 2045		Accrued Interest
April 1, 2046		Accrued Interest
October 1, 2046		Accrued Interest
April 1, 2047		Accrued Interest
October 1, 2047		Accrued Interest
April 1, 2048		Accrued Interest
October 1, 2048		Accrued Interest
April 1, 2049		Accrued Interest
October 1, 2049		Accrued Interest
April 1, 2050		Accrued Interest
October 1, 2050		Accrued Interest
April 1, 2051		Accrued Interest
October 1, 2051		Accrued Interest
April 1, 2052		Accrued Interest
October 1, 2052		Accrued Interest
April 1, 2053		Accrued Interest
October 1, 2053		Accrued Interest
April 1, 2054		Accrued Interest
October 1, 2054		Accrued Interest
April 1, 2055		Accrued Interest
October 1, 2055		Accrued Interest
April 1, 2056		Accrued Interest
October 1, 2056		Accrued Interest
April 1, 2057		Accrued Interest
October 1, 2057		Accrued Interest
April 1, 2058		Accrued Interest
October 1, 2058		Accrued Interest
April 1, 2059		Accrued Interest
October 1, 2059		Accrued Interest
April 1, 2060		Accrued Interest
October 1, 2060		Accrued Interest
April 1, 2061		Accrued Interest
October 1, 2061		Accrued Interest
April 1, 2062		Accrued Interest
October 1, 2062		Accrued Interest
April 1, 2063		Accrued Interest
<b>Total Payments</b>	<b>\$</b>	