

**OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260**

July 28, 2020

BOARD MEETING

**BUDGET DISCUSSION
&
OTHER BUSINESS**

**6:00 p.m.
AGENDA**

1. Call to Order
2. Public Comment
3. Consent Agenda
 - a. Approve Minutes - July 14, 2020
 - b. Budget Amendment Elections Tabulator
4. Rezoning West G Ave – Second Reading
5. Consideration of South 8th Street Flooding Remedy
6. Other Updates & Business
7. Discussion on 2021 Budget
8. 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), 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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at 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 and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

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](#) on any browser and entering this **Meeting ID: 818 5656 9561**

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 toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **818 5656 9561#**

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.

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 07/23/2020

Department Head Name: Dusty Farmer, Clerk

Fund Name: 101 General

		Amount	
Additional Funds Request for:	<u>101-191-97000</u>	Capital Outlay - Equipment	\$ 3,324.50
(description and GL number)	_____		

	_____		\$ 3,324.50
Funds requested from:	<u>101-001-40100</u>	Carryover	\$ 3,324.50
(description and GL number)	_____		

	_____		\$ 3,324.50

Explanation of request:

EMERGENCY EXPENDITURE: The Township was able to participate in an opportunity to utilize CARES Act funding to purchase 50% of the cost of an additional tabulator for elections. This is especially important since we have had over a 50% increase in absentee ballots and made the decision to create another absentee counting board, bringing the total to 3. This leaves the Township without a backup tabulator, which is a risky position to be in during large elections. This opportunity to utilize federal funds for this expenditure is timely, although short notice.

Supervisor Review: n/a
(pending or date reviewed)

Board Authorization: pending
(pending or date authorized)

July 17th, 2020



Meeting Date: July 28th, 2020

To: Oshtemo Charter Township Board

From: Ben Clark, Zoning Administrator
Iris Lubbert, Planning Director

Applicant: James & Marilyn Endres Trust

Owner: James & Marilyn Endres Trust

Property: Portions of 9037 West G Avenue, parcel number 05-05-230-011

Zoning: AG: Agricultural

Request: Rezoning to RR: Rural Residential – Second Reading

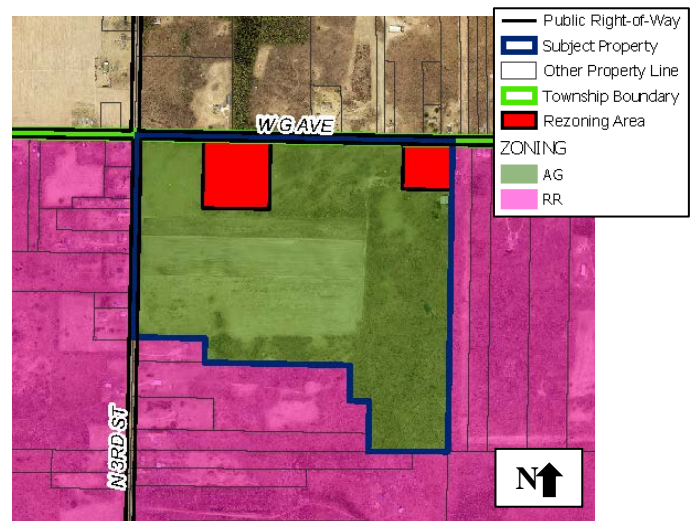
Section(s): Article 4—AG: Agricultural District
Article 5—RR: Rural Residential District

OBJECTIVE

Consideration to rezone approximately 11.6 acres of the property at 9037 West G Avenue from the “AG” Agricultural District to the “R-R” Rural Residence District for second reading and adoption. First reading of the proposed rezoning occurred on July 14, 2020 at which the Township Board approved the first reading and moved for second reading unanimously.

OVERVIEW

The applicant owns approximately 123 acres of farmland southeast of the intersection of W G Avenue and N 3rd Street and from it would like to create an approximately 7.7-acre parcel 558 east of N 3rd Street and another new parcel 3.9 acres in size at the parent parcel’s northeast corner. Both proposed divisions would have frontage on W G Avenue, see map to the right. The applicant had initially pursued a simple land division to create the new properties, but with the parent tract being currently zoned AG, Agricultural the minimum size for a new parcel in this district is 40 acres—far more than the applicant would like to split off. In order to facilitate the desired land divisions, the two aforementioned portions of the subject property must be rezoned to Rural Residential *before* the land division can be approved by Township staff.



SUBJECT PROPERTY

Currently zoned as AG, Agricultural and actively farmed, the existing parcel has approximately 1,700 feet of frontage on N 3rd Street and almost 2,700 feet of frontage on W G Avenue. Surrounding the property are numerous large to medium-sized RR, Rural Residential zoned parcels accommodating single family homes. None of the adjacent properties are zoned for agricultural use, although there do remain a handful of large, isolated AG zoned parcels nearby, similarly surrounded by residential properties.

ZONING ORDINANCE

While the intended use of the subject property—accommodating a single-family home—is a permitted use in both AG, Agricultural and RR, Rural Residential zoning districts, the dimensional requirements of the AG zoning classification mean that the desired land split could not be completed as proposed. The AG zoning district dictates that any new parcels created therein be not less than 40 acres in area. Parcels zoned as RR, Rural Residential have a minimum size of 1.5 acres, allowing for the creation of the two proposed parcels. Rezoning this property from AG to RR also means that any new farming activities of a commercial nature would not be allowed on the subject property, although existing agricultural use can continue, being considered nonconforming following rezoning.

The first area subject to the rezoning request is approximately 558 feet east of N 3rd Street, with the proposed dimensions of 557.5 feet in width and 600 feet in depth. The second area is in the northeast extreme corner of the parent parcel, with a proposed width and depth of 410 feet. If rezoned and eventually divided from the existing parcel, the two new properties will meet the necessary minimum road frontage value of 200 feet, the minimum parcel area of 1.5 acres, and will not violate the Township's 4:1 depth to width ratio. Of the two areas subject to this request, the larger section is currently vacant, while the second, smaller piece of land accommodates a single-family home. The applicant has stated that they intend to continue farming the large remainder of the parent parcel for the time being.

CONSIDERATIONS

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

Attached to this memo is an excerpt from Oshtemo's Master Plan as well as the Future Land Use Map that pertains to this part of the Township. As illustrated on the Future Land Use Map, the subject property is within an area that is intended to transition to Rural Residential. As described in the Master Plan, Rural Residential includes developments such as low-density housing on scattered sites.

2. Consistency of the Zoning Classification in the General Area

Once a predominately agricultural area, Oshtemo has for a number of years been encouraging property owners in the western two thirds of the Township to rezone farmland to the Rural Residential zoning classification to facilitate the construction of single-family homes on parcels larger than what is typically found in other residential zoning districts to the east. The Township has adopted a Future Land Use Plan whereby farmland gives way to houses while maintaining the rural character of the area.

In this quadrant of the Township, the Future Land Use Plan has largely been fulfilled, and most parcels here are zoned Rural Residential. Of the nearly 1,000 properties in this area, only 14 remain zoned for agricultural use. Recommending approval of the requested rezoning would be consistent with prevailing zoning of the general area.

3. Consistency and Compatibility with General Land Use Patterns in the Area

One of the areas subject to the rezoning request currently accommodates a single-family home. The applicant has indicated that the other portion of land, currently vacant, would also be used residentially. This is both consistent and compatible with land use patterns in the area.

4. Utilities and Infrastructure

Neither public water nor sewer are present along N 3rd Street or W G Avenue in this part of the Township, and the extension of such is not planned at any point in the foreseeable future. Given the anticipated residential use for the two areas subject to this rezoning request, with one presumably already served by a well and septic system, the absence of utilities here should in no way impede reasonable land use.

Similarly, although the nearby transit network is made up of country roads and unsignalized intersections, the requested rezoning and expected subsequent land divisions will not add undue burden to the existing infrastructure.

5. Reasonable Use under Current Zoning Classification

Zoned for agricultural use, the existing subject parcel is actively farmed and can continue to be used for such. Given the amount of road frontage and acreage present it can also accommodate numerous homes without being divided (one house for every 200 feet of frontage and three acres of land—a provision unique to the AG zoning district), so some reasonable use is possible. However, given the Township’s minimum 40-acre size for agriculturally zoned parcels, land division opportunities are limited. The applicant could create three parcels under the current zoning, but they have stated that they wish to keep the majority of the parent parcel for now.

6. Effects on Surrounding Property

The 7.7-acre portion subject to the rezoning request would be surrounded on three sides by the parent parcel, and essentially no impact to neighboring properties is anticipated. Likewise, the 3.9-acre area in the northeast corner already accommodates a single-family home, and no change in land use is being proposed there at this time—the neighboring residential property to the east will likely experience no effects as a result of the rezoning.

RECOMMENDATION

The Planning Commission held their public hearing for this request on July 9, 2020. One resident provided feedback during the public hearing. She noted that she was not against the rezoning but was sad to see the transition of this property from AG to RR. The Planning Commission made a unanimous motion to recommend approval of this rezoning request to the Township Board. The recommendation was based on the following factors:

1. The proposed rezoning is in accordance with the Township’s Future Land Use Plan.
2. The requested rezoning is compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can accommodate the expected future residential land use.

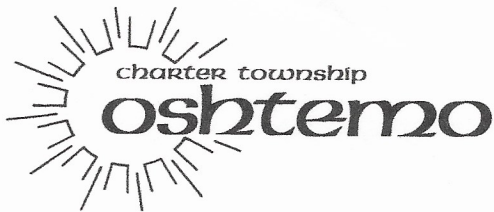
4. Township staff anticipate practically no effects on surrounding properties as a result of the rezoning.

Respectfully submitted,



Ben Clark,
Zoning Administrator

Attachments: Application, Zoning Map, Future Land Use Map, Future Land Use Plan Excerpt



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Endres James + Marilyn Trust

PLANNING & ZONING APPLICATION

Applicant Name: James Endres - trustee

Company _____

Address 888D West G Avenue
Kalamazoo MI 49009

E-mail jendres1956@gmail.com

Telephone 269-370-4701 Fax _____

Interest in Property Equitable Interest + trustee

OWNER*: Endres James + Marilyn Trust

Name James Endres - trustee

Address 9037 West G Avenue
Kalamazoo, MI 49009

Email jendres1956@gmail.com

Phone & Fax 269-370 4701

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: _____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Please
take property indicated from Agricultural
to Rural Residential.
see attachment - 1

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

attached 2

PARCEL NUMBER: 3905- 05 230 011

ADDRESS OF PROPERTY: 9037 West 6 Avenue

PRESENT USE OF THE PROPERTY: Farming - Agriculture

PRESENT ZONING Agriculture **SIZE OF PROPERTY** 122 Acres ±

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

See Attached 3

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

James Endres

Owner's Signature (* If different from Applicant)

5-17-2020

Date

James Endres

Applicant's Signature

5-17-2020

Date

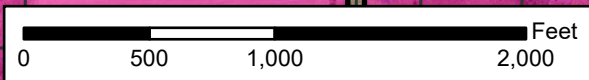
- | | |
|-------------------------------|---|
| Copies to: | |
| Planning -1 | 1 |
| Applicant -1 | |
| Clerk -1 | |
| Deputy Clerk -1 | |
| Attorney-1 | |
| Assessor -1 | |
| Planning Secretary - Original | |

PLEASE ATTACH ALL REQUIRED DOCUMENTS

CURRENT ZONING

WG AVE

N 3RD ST



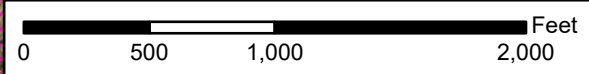
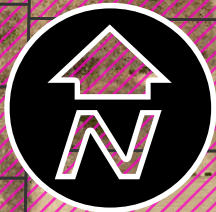
The information included on this map is for illustrative purposes only. No warranty on behalf of Oshtemo Charter Township, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information.

	Public Right-of-Way
	Subject Property
	Other Property Line
	Township Boundary
	Rezoning Area
ZONING	
	AG
	RR

FUTURE LAND USE

WG AVE

N 3RD ST



The information included on this map is for illustrative purposes only. No warranty on behalf of Oshtemo Charter Township, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information.

- Public Right-of-Way
- Subject Property
- Other Property Line
- Township Boundary
- Rezoning Area

FUTURE LAND USE

- Rural Residential

Future Land Use Designations

Thirteen future land use categories have been created to designate the desired land use pattern for the Township. Each of the districts is described in more detail in the Plan, and are summarized in the following Future Land Use Matrix. The Future Land Use Matrix compares each of the designations based on several criteria of concern to this Plan.

Rural Residential (14,467 acres)

Development Intensity: Low

The Rural Residential land use designation is the largest designation in the Township. In many ways, it is also the most diverse and the most important.

The current land use pattern within the Rural Residential designation includes residential, agricultural, and some limited commercial land uses. Low density subdivision / neighborhood development is permitted and is encouraged to utilize open space cluster development practices in order to protect and preserve the natural features in this area and the rural character it defines. Other residential uses consist of scattered-site development at low density. Units typically are served by private wells and septic systems. (Although public utilities have been extended west into portions of the Rural Residential area, this was done to address environmental concerns and not to facilitate development.)

Rural Residential Desired Future Development Pattern

- Low density residential development
- Utilization of Rural Character Preservation Strategies, such as:
 - Utilization of conservation / open space subdivisions to protect sensitive landscapes
 - Utilization of programs available – purchase of development rights, transfer of development rights, conservation easements – to protect natural features
 - Setback from natural features (surface waters, wetlands)
 - Building pad site selection based on minimal disturbance to natural features
 - Tree lines and other vegetation along road frontages selectively cleared if at all to minimize impact on rural character along County Roads

Small agricultural uses are scattered throughout this area and are an important part of the rural character of the community. These include family farms, orchards, fruit farms, and other similar operations. Because the Township does not have many significantly sized parcels and due to the value of the land, agriculture will not expand significantly in the future. However, it is an important part of the Township's history and rural character, and pre-existing farms are encouraged to continue. In addition, supporting the rural character through the allowance of agri-businesses and agri-tainment uses should be considered.



Low density residential development sensitive to natural features may occur in the rural residential designation.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2020

Effective: _____, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the rezoning of two portions of land in Land Section 05 from "AG" Agricultural District to "RR" Rural Residence District of the Oshtemo Charter Township Zoning Ordinance. The subject property is located at 9037 West G Avenue. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I.

AMENDMENT OF LAND SECTION 05. The Oshtemo Charter Township Zoning Ordinance is hereby amended to rezone two portions of land, the first having approximately 7.7 acres in the northern half of the subject parcel, 558 feet east of N. 3rd Street, and the second, having approximately 3.9 acres in the northeast corner of Parcel No. 3905-05-230-011 from "AG" Agricultural District to "RR" Rural Residence District of the Oshtemo Charter Township Zoning Ordinance, more particularly described as follows:

9037 W G Ave – Rezoning

7.66-acre parcel:

Part of the Northeast one-quarter of Section 05, Town 02 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as follows:

COMMENCING at the North one-quarter corner of said Section 5; thence S 88°53'10" E 556.00 feet along the North line of said section to the POINT OF BEGINNING; thence continuing S 88°53'10" E 556.0 feet along the North line of said section; thence S 01°07'23" W 600.00 feet; thence N 88°53'10" W 556.04 feet parallel with the North line of said section; thence N 01°07'36" E 600.00 feet to the point of beginning. Parcel contains 7.66 acres including road right of way.

3.86-acre parcel:

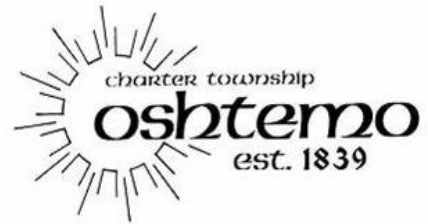
Part of the Northeast one-quarter of Section 05, Town 02 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as follows:

BEGINNING at the Northeast corner of said Section 5; thence S 01°06'55" W 410.00 feet along the East line of said section; thence N 88°53'10" W 410.00 feet parallel with the North line of said section; thence N 01°06'55" E 410.00 feet parallel with the East line of said section to a point on the North line of said section; thence S 88°53'10" E 410.00 feet along the North line of said section to the point of beginning. Parcel contains 3.86 acres including road right of way.

SECTION II.

EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP



Memorandum

Date: July 23, 2020
To: Township Board
From: Marc Elliott, P.E., Director of Public Works
Subject: South 8th St., Temporary Road Grade Lift

OBJECTIVE

Consideration of a Road Commission of Kalamazoo County (RCKC) Work Order Proposal to “lift” the flooded section of roadway so that the pavement can be repaired, and the road reopened to traffic. A proposed budget amendment is included to fund this work.

BACKGROUND

Several years of above average rainfall have resulted in many local and regional lakes to be near or above record levels. South 8th Street between ML and KL Avenues became submerged over a year ago where the roadway crosses a wetland area of exposed groundwater. This is the first time in memory that the road has flooded. Water levels have been observed ever since for evidence that it may recede to normal levels. At this time, the collective opinion of Staff, RCKC, and consulting engineers of RCKC is to recommend the roadway be lifted about 3-ft to remove it from the water. The first option explored was a full rebuild to current standards, which is estimated to cost \$1.8 million. RCKC subsequently suggested a temporary grade lift like what they did in Texas Township (photos attached) for an estimated cost of \$251,231.

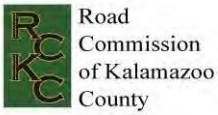
The lower cost option is being recommend to the Board. RCKC has proposed the placing of aggregate fill over and within the existing roadway footprint by constraining the fill within a “box” supported by the existing roadway guardrails. The resulting pavement width is consequently narrowed, because new guardrails will be installed into the lift. The expected longevity of this solution is hard to predict. However, we believe it is a judicious and cost-effective solution. With normal maintenance, the work may last until traffic counts and safety concerns justify replacing the narrowed roadway with lane and shoulder widths appropriate for the increased traffic. Another advantage is that the low-cost solution can be completed this year. In contrast, the more expensive option will require a state permit to place fill into a regulated wetland. The Michigan EGLE permitting process will take several months, and is likely to require replacement wetlands be constructed at a 2 to 1 ration. The Township would need to locate and acquire the lands needed to replace the lost wetlands.

The enclosed budget amendment moves \$200,000 in construction funds from the KL Avenue non-motorized facility over to the 8th St roadway project. The KL non-motorized project budget anticipated

entering into an agreement with MDOT to build a retaining wall and trailway surface as a contributing Oshtemo expense for MDOT's planned replacement US131 bridge over KL Avenue and Amtrak. We have been advised that MDOT and Amtrak are still negotiating. Oshtemo's expenditures are therefore not anticipated for 2020. The remainder of the 8th St roadway cost is expected to be covered by use of unexpended PAR dollars. We are currently working with RCKC to reallocate the PAR dollars presently assigned to roadway improvements associated with Oshtemo's Phase 1 sewer project. 2020 PAR dollars are available because of delays in the start of the sewer project. We anticipate the RCKC PAR reallocation may approach \$100,000. Any remaining/unused Oshtemo funds associated with the enclosed work order shall be returned to General Fund Carryover.

INFORMATION PROVIDED

- RCKC Work Order & Cost Estimate, 8th Street Temporary Road Grade Lift
- Local Road Contract, 8th Street Temporary Road Grade Lift
- Public Works Budget Amendment
- Texas S Avenue Temporary Road Grade Lift (photo exhibits)



Date Prepared: 6/15/20
 Township: Oshtemo
 Location: 8th Street - 250' North of ML Avenue to 750' North of ML Avenue
 Project Description: Temporary Road Grade Lift
 Estimator: Bill Oxx
 Length: 0.09 Miles

Total Area	Length	Width	Conv Factor
1,444	500	26	9
	0	0	
	0	0	
	0	0	

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Culvert Replacement		1	lump		10,000	no charge - 18"x60' CMP
Used Guard Rail		800	feet	4.00	3,200	place under existing rail
Erosion Control		1	lump	5000.00	5,000	
Cold Milling		200	sq yd	8.00	1,600.00	butt joints for HMA surface
9A Aggregate		1500	ton	22.00	33,000.00	varies 0-24"
21AA Aggregate		350	ton	18.50	6,475.00	6" thickness
Rip Rap Stone 8" +		1000	ton	70.00	70,000.00	
Non-woven Geotextile Fabric		3	each	1,000.00	3,000.00	12' x 360' rolls
36A Modified HMA Base Course		180	ton	69.50	12,510.00	
36A Modified HMA Wearing Course		180	ton	69.50	12,510.00	
Pavement Marking		1	lump	500.00	500.00	
RCKC Equipment		400.00	hour	82.33	32,932.00	
RCKC Labor/Fringe		400.00	hour	34.00	13,600.00	
New Guardrail		1.00	lump	35,000.00	35,000.00	includes bolting adjacent post together
Project Restoration		1	lump	2,500.00	2,500.00	
Estimated Total Cost					\$231,827	
Overhead Costs				8.37%	\$19,404	
Total Estimated Project Cost					\$251,231	



LOCAL ROAD CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 2020, by and between the Board of County Road Commissioners of the County of Kalamazoo, hereinafter referred to as the "RCKC" and the **Township of Oshtemo**, Kalamazoo County, Michigan, hereinafter referred to as the "Township" for the purpose of fixing the rights and obligations of the parties and agreeing to the design/construction engineering and/or construction of certain improvements on county roads within the Township, hereinafter referred to as "Project".

WITNESSETH: WHEREAS, Section 20 of Act 51 of the Public Acts of 1951, as amended, authorizes Township Boards to appropriate general fund monies and to pay the same into the county road fund of the county for the maintenance and/or improvement of county roads within the Township, pursuant to an agreement between the Township and the RCKC; and

WHEREAS, it is mutually agreed between the RCKC and the Township that certain improvements are necessary on the county road system within the Township.

NOW, THEREFORE, IN CONSIDERATION of the promises and mutual undertakings of the parties in conformity with the applicable state laws, it is agreed:

1. The RCKC and Township agree that the scope of the work to be performed for the Project(s) identified is based on cost estimates and contingent upon how unexpected field issues are addressed. **The RCKC and Township understand this is a temporary improvement to allow the road to be opened for public access. Due to continued high water levels there is no guarantee the Project will not experience additional flooding which will cause the temporary Project to be incomplete and the road closed. The RCKC and Township entered into an agreement January 21, 2020 for the Flooding Repair, Engineering Services to seek a longer-term solution for this portion of 8th Street estimated at \$85,721.00.** The RCKC, shall administer the Local Road Contract. The RCKC shall oversee design/construction engineering and/or construct or cause to be constructed the following road improvements:

8th Street - 250' North of ML Avenue to 750' North of ML Avenue; *Temporary Road Grade Lift*

Project Estimate: \$251,231 Work Order # _____
(to be assigned)

- 2. The detailed estimate(s) of the cost of the Project(s) is attached hereto and incorporated herein.
- 3. The terms and provisions of the RCKC policies, including those provided in the annual RCKC local road information packet, are deemed to be a part of and included in this Local Road Contract as though fully set forth herein.
- 4. The RCKC shall provide progress billing and shall make available the accounting to the Township in accordance with the following schedule of the LOCAL ROAD CONTRACT:

Total Project Estimate(s)	\$251,231
2019 Participation Funds (2019 Local Township Sewer/Water Related Project <u>Carryover</u> Contract)	\$86,344.93
2020 Participation Funds (to extent available)	\$18,255
Total Township Share	\$146,631.07

- 5. General Provisions:
 - A. This Local Road Contract contains all of the terms and conditions of the contractual relationship between the parties relating to the Project(s), and no amendments or additions to this Local Road Contract shall be binding unless they are in writing and signed by both parties. This Agreement, including all attachments, supersedes all prior oral and written and all contemporaneous oral negotiations, commitments and understandings of the parties.
 - B. This Local Road Contract shall be binding on the parties, their legal representatives, successors, and assigns.

- C. The headings of this Local Road Contract are for convenience only and in no way define, limit, or describe the scope or intent of this Local Road Contract or any of its sections, nor do they in any way affect this Local Road Contract.
 - D. Any notice required or permitted to be given under this Local Road Contract shall be sufficient if it is in writing and if it is sent by email, or registered mail or certified mail, and return receipt requested to the **Township of Oshtemo** mailing address.
 - E. This Local Road Contract shall be governed by, construed, and enforced in accordance with the laws of the State of Michigan.
 - F. The invalidity of all or any part of any sections, subsections, or paragraphs of this Local Road Contract shall not invalidate the remainder of this Local Road Contract or the remainder of any paragraph or section not invalidated unless the elimination of such subsections, sections, or paragraphs shall substantially defeat the intents and purposes of the parties.
6. This Local Road Contract shall become binding on the parties hereto and be of full force and effect upon the signing thereof by the duly authorized officials of the Township and of the RCKC.
 7. The Township will be notified and agrees to authorize the Board to proceed with the award of the bids to the lowest responsive and responsible bidder unless advised in writing (by the appropriate township official by no later than the day before the Board meeting) that due to the cost of the project(s) with overhead, the cost exceeds the local road contract and therefore the township requests not to make the award to the bidder.
 8. The maximum cost to the township for the Project(s) is the amount itemized as the estimated project(s) cost on the Local Road Contract.
 9. The estimated Project(s) cost shall include all labor, materials, equipment and contractor costs anticipated to be incurred in the project(s) by the Board. These items shall, in turn, include all indirect and administrative costs chargeable to the Project(s).
 10. The parties hereto agree that, when and where applicable, they will comply with Executive Order 11246, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 503 of the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (all of the foregoing as amended) and the applicable portions of the Michigan Elliott-Larsen Civil Rights Act and Michigan Persons with Disabilities Civil Rights Act, as well as any implementing rules and regulations. Specifically, contractors and sub-contractors are required not to discriminate against any employee or applicant for employment with respect to such person's hire, tenure, terms, conditions or privileges of employment because of such person's race, color, religion, national origin, age, sex, sexual orientation, gender identity, disability, or protected veteran status. Breach of this provision may be regarded as a material breach of the contract or purchasing agreement and handled accordingly. Further, any violation of this provision may be separately addressed in accordance with the foregoing laws.
 11. The Board shall upon reasonable notification make available in their office to representatives of the Township all records concerning the project(s) for review.

IN WITNESS WHEREOF, the parties hereto have caused this Local Road Contract to be executed on the day and year first above written.

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF KALAMAZOO

TOWNSHIP OF OSHTEMO

By _____
Chair

By _____
Township Official

Date _____

Date _____

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: _____

Department Head Name: _____

Fund Name: _____

Amount

Additional Funds Request for: _____
(description and GL number) _____

Funds requested from: _____
(description and GL number) _____

Explanation of request:

Supervisor Review:
(pending or date reviewed)



Board Authorization:
(pending or date authorized)

