

THE CHARTER TOWNSHIP OF OSHTEMO  
Township Board Meeting  
February 28, 2017

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

PRESENT:

Supervisor Libby Heiny-Cogswell  
Clerk Dusty Farmer  
Treasurer Nancy Culp  
Trustee Deb Everett  
Trustee Zak Ford  
Trustee Dave Bushouse  
Trustee Ken Hudok

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Lt. Troy Faulk, Maintenance Supervisor Rick Everett, Steve Bryer and 1 interested individual. There was no public comment.

**Discussion on Township Finances-**

- a. **Strategic Financial Planning-** Supervisor Heiny-Cogswell presented the revenue and expenditure summary tables from the 2017-2022 Capital improvement Plan. The Board discussed each fund (Parks, Police, Fire, Sewer, Water, Downtown Development Authority [DDA], South Drake Road Corridor Improvement Authority [SoDa], and General Fund). The Parks fund is solvent until 2022 with the use of grants and the capital campaign for the Drake Farmstead. The Supervisor also noted that rental revenue has nearly quadrupled in the last 8 years. The Police fund is solvent until 2022 with no increase to police force. The Fire fund is underfunded by 2019. The Sewer fund is solvent through 2022 with the inclusion of a Rural Development Loan. The Water fund is solvent until 2022. The number will be recalculated to include a reimbursement from the KLA Group. The Board discussed having an update from the Regional Water and Wastewater Commission at the March meeting. The DDA fund could be affected by losing the Library Millage revenue, but there are ongoing discussions between the Township and Library about this matter. Some projects over the next 5 years are still being planned, but the DDA has their own TIF to help keep the fund solvent. The SoDa fund also has their own TIF to keep the fund solvent. The SoDa area is also directly affected by the Michigan Tax Tribunal decisions in favor of big box stores in what has come to be known as Dark Store Assessing. Attorney Porter discussed a resolution supporting a Supreme Court Amicus Brief regarding Dark Stores. The item will be presented at the regular meeting. The General Fund will have a deficit by 2019, mainly because of non-motorized pathways. The Board discussed continuing to persuade the Road Commission of Kalamazoo County to change their stance on complete streets and non-motorized pathways.

The Board discussed methods of funding services and projects in the future, mostly centered around Police and Fire. Options include a millage and special assessments. The benefit of using a special assessment is that it can be reviewed and renewed each year, but a millage will continue through the duration of the proposal, which can be up to 20 years. The Board agreed that before planning to increase funding, a recommendation for Police service from Lt. Faulk is necessary. He and the Supervisor will meet to determine a timeline to present the Board with a recommendation.

**b. KABA Asset Settlement/Review of KABA Financial Statement (Steve Bryer)-**

Steve Bryer of Siegfried and Crandall explained the total assets and liabilities from the Oshtemo Township and Cooper Township separation from the Kalamazoo Area Building Authority (KABA). The schedule of distributions required by the separation agreement is 38.2% (\$275,020) to Oshtemo, and 13% (\$93,593) to Cooper. Oshtemo received the check in December, 2016.

The Board work session adjourned at approximately 6:59 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:08 p.m.

**PRESENT**

Supervisor Libby Heiny-Cogswell  
Clerk Dusty Farmer  
Treasurer Nancy Culp  
Trustee Deb Everett  
Trustee Zak Ford  
Trustee Dave Bushouse  
Trustee Ken Hudok

Also present were Township Attorney James Porter, Public Works Director Marc Elliot, Lt. Troy Faulk, Maintenance Supervisor Rick Everett, Attorney Jim Straub, and 1 interested person.

There was no public comment.

**CONSENT AGENDA**

Items on the consent agenda:

- a. Minutes: February 14, 2017 Regular meeting, and February 21, 2017 Joint Meeting
- b. Receipts & Disbursements Report
- c. Employee Handbook Amendments
- d. 2017 Road maintenance Project List Adjustments

Motion by Ford, second by Everett to approve the consent agenda as presented. Carried 7-0.

**CONSIDERATION OF AMENDMENTS TO TOWNSHIP'S 401(a) AND 457(b) PLANS**

Attorney James Porter presented a revised plan and asked the Board to authorize the Supervisor to execute the 2012 required amendment to the 457(b) plan and adopt the revised 401(a) plan, and to furnish the same to Greenleaf Trust for acknowledgement and acceptance. There was no public comment.

Motion by Culp, second by Everett. Motion passed 7-0

**CONSIDERATION OF INDUSTRIAL DEVELOPMENT DISTRICT (IDD) FOR STADIUM  
PARK WAY PROPERTY**

Attorney Porter presented a resolution to create an Industrial Development District for the Stadium Park Way property located in the 3400 block of Stadium Park Way to allow Selected Properties, Ltd. To apply for an Industrial Facilities Exemption Certificate per the Township Board's policy of February 23, 1993. There was no public comment.

Motion by Ford, second by Farmer. Resolution adopted 7-0.

**OTHER BUSINESS**

**Resolution Extending a Moratorium on Subdivision/Site Condominium Development Within the "RR" Rural Residential District-**

Attorney Porter presented a resolution to establish a four-month moratorium on subdivision/site condominium development in the Rural Residential Zoning District to provide additional time to complete the Ordinance revisions. There was no public comment.

Motion by Culp, second by Ford. Resolution is adopted 7-0.

**Expedited Project Clearing** – Public Works Director Marc Elliot presented project to authorize the Township Supervisor, with guidance of the Township Attorney and Public Works Director, for an amount not to exceed \$165,000, to bid and contract for seasonally appropriate and expeditious tree clearing work associated with the proposed 2017 KLA Group public water extension into Maple Hills Estates and adjoining lands for the purpose of protecting the Northern Long-Eared Bat habitat during the nesting and pup-rearing season. There was no public comment.

Motion by Everett, second by Ford. Motion carried 7-0.

**Resolution Supporting the Supreme Court Amicus Brief Regarding Dark Stores-**

Attorney Porter presented the opportunity for the Township to submit an Amicus Curie Brief to the Michigan Supreme Court in support of the City of Escanaba and its fight against the Dark Store Theory and to contribute up to \$1000 toward the submittal of the amicus brief. There was no public comment.

Motion by Ford, second by Farmer. Resolution adopted 7-0.

**Budget Report-** A year-to-date report presentation of departmental budget revenues and expenditures presented by Clerk Farmer.

**Fund Balances-** A year-to-date presentation of the Township fund balances presented by Treasurer Culp.

**IT Committee-** Trustee Ford would like to begin discussing the next meeting, and specifically community outreach.

**BOARD MEMBER COMMENTS**

Trustee Hudok thanked Treasurer Culp and Clerk Farmer for presenting the budget and fund information. Supervisor Heiny-Cogswell shared that the Parks Department received a \$100,000 Enbridge Grant. She also shared that assessing notices were sent out for 2017 and the office is taking calls. The Board of Review is meeting from March 13-16.

Clerk Farmer shared that the Rural Preservation Workshop was a huge success, and all thanks go to Julie Johnston.

**REQUEST TO ENTER CLOSED SESSION TO DISCUSS MYSTIC HEIGHTS LITIGATION**

Motion by Ford, second by Everett. Resolution adopted 7-0.

**REQUEST TO EXIT CLOSED SESSION**

Motion by Ford, second by Bushouse. Resolution adopted 6-0.

The Supervisor adjourned the meeting at approximately 8:45 p.m.

**Dusty Farmer**  
Township Clerk

Attested: **Elizabeth Heiny-Cogswell**  
Supervisor