

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**April 23, 2013**

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 p.m.

**PRESENT:**

Supervisor Libby Heiny-Cogswell  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Dave Bushouse  
Trustee Nancy Carr  
Trustee Dusty Farmer  
Trustee Lee Larson

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, and 2 interested people.

**Update – Ad Hoc Citizen Police Protection Sub-Committee** - Supervisor Heiny-Cogswell advised all the information needed to continue the discussion regarding funding was not available in time for the meeting; discussion will continue at the May 14<sup>th</sup> work session. To clarify for the record Board members comments at the March 12<sup>th</sup> work session, the minutes stated there was consensus to accept the ad-hoc committee's recommendation regarding level of service needed, Clerk Everett advised her notes from that meeting indicated she, Supervisor Heiny-Cogswell, Treasurer Culp, and Trustees Bushouse and Farmer were in favor, Trustee Carr was not.

**Committee Updates –**

Buildings & Grounds – working on SOP's for facilities, equipment maintenance.  
Capital Improvements – working on overall capital improvement plan for water and sewer.  
Council of Governments – last presentation was on contracted assessing. Meeting location has been changed to the Kalamazoo County Road Commission offices.  
DDA – working on details of purchasing Citgo property, access roadway and updating banners.  
Friends of the Parks – sponsored children's activities at the Sunburst Run.  
Kalamazoo Regional Water & Wastewater Commission – continuing with FOIA litigation to obtain rate setting models from City of Kalamazoo.  
Parks Committee – initiating work on Flesher Field, Phase I improvements.  
Board/Staff Retreat – held April 16<sup>th</sup>, a summary of the day long discussion was distributed.

**Discussion – Meeting Protocol** – The Board discussed current policy for public comment at meetings and during agenda items. Consensus was to ask those who wish to speak to come to the podium to facilitate being heard and not require their name and/or address unless they want their comment to part of the official record. The policy will printed on the back of the meeting agenda, posted in the meeting room, and outlined in the June newsletter.

**Other Business – KABA Single Database**

Ed Hellwege, Executive Director advised KABA is seeking approval from its member jurisdictions to utilize a single database rather than keeping each member jurisdiction separate. He noted the original discussions when forming KABA was each member's data would stand alone, however, in implementing the program, it has been determined a single database is needed. He further noted if a member chooses to leave KABA their data will be able to be extracted and given to them. Attorney Porter noted since the single database is a significant fundamental change from the original discussions, each member jurisdiction should be asked to approve the change.

Motion by Larson, second by Farmer to approve the single database for KABA. Carried.

The public comment session was adjourned at approximately 7:10 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:20 p.m.

**PRESENT:**

Supervisor Libby Heiny-Cogswell  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Dave Bushouse  
Trustee Nancy Carr  
Trustee Dusty Farmer  
Trustee Lee Larson

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, Deputy Fire Chief Rick Griffin, and 3 interested people.

Motion by Larson, second by Farmer to approve the April 9<sup>th</sup> regular and April 16<sup>th</sup> special meeting minutes. Carried.

Income to the General, Building, Fire, and Sewer & Water Funds of \$10,904.71 and disbursements of \$132,077.46 were reported. Motion by Farmer, second by Larson to accept the receipts and disbursements report. Carried.

**CITIZEN COMMENTS**

None.

**KL AVENUE HYDRANT PROJECT**

Engineer Elliott advised six bids were received to install fifteen hydrants along KL Avenue from 8<sup>th</sup> Street to just west of 4<sup>th</sup> Street and on 4<sup>th</sup> Street just north of KL Avenue. He noted the low bidder was Pajay, Inc. and recommended their bid in the amount of \$69,614 be accepted along with the contract proposal from the City of Kalamazoo in the amount of \$22,204 for their portion of the work required. He also recommended a small contingency be included should any adjustments be encountered during the project, recommending a total amount of \$73,000 be approved.

Motion by Heiny-Cogswell, second by Larson to amend the budget for use of funds from the water fund up to \$73,000 for the Pajay, Inc. and City of Kalamazoo contracts. Carried.

**FIRE DEPARTMENT REQUEST – PURCHASE SERVICE TOOLS**

Deputy Chief Rick Griffin presented a request from the Fire Department to purchase tools for an amount not to exceed \$5,000 for in house servicing of the department's hydraulic extrication equipment. He noted two personnel have been trained; conducting the service in house will be a cost savings. It was noted this needs Board approval since it was not specifically budgeted.

Motion by Everett, second by Culp to amend the Fire Department budget and approve the expenditure not to exceed \$5,000. Carried.

**ZONING ORDINANCE AMENDMENT – FENCES – FIRST READING**

Planning Director Greg Milliken presented a recommendation from the Planning Commission for approval of a Zoning Ordinance amendment regarding fences. He noted the amendment would allow for taller fences in the R-4 and R-5 zoning districts up to eight feet and if located in the building setback area shall be decorative in appearance with a maximum 50% opacity. It would also allow for multi-family and non-residential developments undergoing site plan review to request a taller fence in the side and rear yards; the reviewing body may approve fence height up to the maximum building height subject to clear vision areas, impact on neighboring properties and unique site related issues.

Trustee Bushouse commented there might be instances where 100% solid would be desirable. Supervisor Heiny-Cogswell commented the increased height allowance should be used judiciously.

Motion by Everett, second by Larson to accept the ordinance amendment for First Reading and set Second Reading for May 14<sup>th</sup>. Carried.

**DRAKE ROAD NON MOTORIZED FACILITY DESIGN REQUEST**

Supervisor Heiny-Cogswell presented a draft letter to the Kalamazoo County Road Commission requesting they include non-motorized facility design for the 2014 planned improvements on Drake Road between West Main and Ravine Road.

Trustee Carr inquired how a project would be funded. Ms. Heiny-Cogswell noted that has not been determined, there could be opportunity to work with other agencies or seek grants.

Motion by Larson, second by Culp to authorize the Supervisor to send the letter of request. Carried.

**KALAMAZOO AREA TRANSPORTATION AUTHORITY (KATS)  
CONTRIBUTED SERVICES AGREEMENT**

A request from the Kalamazoo Area Transportation Study to approve the Township's participation as a third party in kind contributor was before the Board. It was noted KATS counts the Township's costs for planning and engineering toward their required local match to receive Federal transportation funds. The Township's share of the area local match is \$3,850 which will consist of planning and engineering staff hours on road and non-motorized facilities and other related issues and while the agreement calls for a cash contribution if the amount is not met with in kind services, due to the amount of work by the Planning Department and Township Engineer, consensus was it is a comfortable goal.

Motion by Farmer, second by Everett to approve the KATS Contributed Services Agreement. Carried.

**OTHER BUSINESS  
RESOLUTION TO ESTABLISH RECEIVING BOARD**

Clerk Everett presented a resolution to establish a receiving board for the May 7, 2013 election noting that State law requires Township Board action to do so.

Motion by Heiny-Cogswell, second by Larson to adopt a resolution authorizing the establishment of a receiving board for the May 7, 2013 election. Carried.

**BOARD MEMBER COMMENTS**

Supervisor Heiny-Cogswell advised bids for the survey work for Flesher Field Phase I improvements were received and project awarded to Prein & Newhof.

Trustee Farmer inquired if the Township accountant and auditor were from the same firm. It was noted the same people are not involved in the day to day activity who conduct the audit and they do not provide financial advice.

Clerk Everett urged all to vote on May 7<sup>th</sup>.

**CLOSED SESSION**

Motion by Larson, second by Everett to adjourn to closed session to discuss pending litigation because doing so in open meeting would have a detrimental effect upon the Township's position and could disclose matters protected by attorney-client privilege.

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

The Board adjourned to closed session at approximately 8:05 p.m.

Motion by Everett, second by Culp to return to open session at approximately 8:50 p.m.

Supervisor Heiny-Cogswell advised the truck route litigation will be before the Court of Appeals on May 8<sup>th</sup>. She further advised no decision has been received by the Administrative Judge regarding the ITC matter.

There was no further business and the meeting was adjourned at approximately 8:55 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COSGWELL**  
Supervisor