

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**August 12, 2014**

Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:00 p.m.

**PRESENT:**

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

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Assessor Cathy Harrell, and 5 interested people.

**Kalamazoo County Update** – County Commissioner Julie Rogers advised the Kalamazoo County Board of Commissioners adopted the Articles of Incorporation for the new county transit authority; the Township will have one member representative, the Board adopted a Tax Increment Financing (TIF) policy which will match Township funds 2 to 1, and work on the 911 central dispatch initiative continues.

Capt. William Timmerman from the Kalamazoo County Sheriff's Department reported on recent activities in the Township.

**Discussion – State Tax Commission Audit** – Assessor Cathy Harrell reviewed a recent audit of the Assessing Department by the State Tax Commission. She advised the audit was conducted county wide. She reviewed six areas found to require corrective action and provided information on how it would be accomplished.

**Discussion – Assessor's Plat – 9<sup>th</sup> Street/Stadium Drive/Chime Street** – Attorney Porter advised information had come to the Township's attention that numerous problems associated with parcel and boundary lines exist in the 9<sup>th</sup> Street/Stadium Drive/Chime Street area, with one property line dispute being litigated by the two property owners. He further noted corrective action for the issue is to establish an Assessor's Plat which would require the entire area to be surveyed. Discussion included the need to meet with all affected property owners; a meeting will be scheduled.

The Board work session adjourned at approximately 6:15 p.m.

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

**PRESENT:**

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

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, and 23 interested people.

**CITIZEN COMMENTS**

Themis Corakis, 6416 Stadium Drive, commented he was disappointed in the condition of the renovations at Flesher Field in light of the upcoming Oshtemo Fun Day on August 16<sup>th</sup>.

**CONSENT AGENDA**

Items on the consent agenda were:

- a) Minutes of the July 8<sup>th</sup> regular meeting.
- b) Receipts & Disbursements Report.

Motion by Larson, second by Farmer to approve the consent agenda. Carried 6-0.

### **EMPLOYEE SERVICE RECOGNITIONS**

The following employees were recognized for their years of service:

Fire Dept. Captain Chip Everett – 15 years

Firefighter Josh Brady – 10 years

Assistant Assessor Claudia Stirton – 10 years

### **PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS EL INKA, LLC & KZOO GAMES, LLC**

Attorney Porter advised two applications had been received for the remaining liquor license available to be granted by the Board.

Erin and Silvia Kane, representing El Inka advised their restaurant serving Peruvian food located on Drake Road is attracting a lot of customers; they would like to be able to serve beer with their food; they have been open since February. In response to Board members questions, they advised they try to use local food sources and they are open six days a week.

Laura Keeler, representing Kzoo Games provided a projected budget for 2015, advised they plan to open a pool hall on South 9<sup>th</sup> Street in September with commitments from 94 leagues. In response to Board members questions, she advised the liquor license held by Playtime Billards, which recently closed, was not available nor is the license held by the current location owner, they will have a sports bar theme, hours would be seven days a week, open noon to 2:00 a.m. they have invested \$422,000, and she felt they would not be successful without a liquor license.

Public Comment –

Themi Corakis, 6416 Stadium Drive, inquired if the pool hall would serve food. Ms. Keeler advised they would have a full menu.

Grant Taylor, 2928 Sunset Road, Secretary of the DDA, commented he would ask the Board to consider that Kzoo Games is located in the DDA which would benefit from the revenue.

In response to Board members questions, Attorney Porter advised both applicants have the alternative to apply to the State through a new program that makes them available for a \$20,000 to applicants located in a Corridor Improvement Authority which would apply to El Inka, or a Downtown Development Authority which would apply to Kzoo Games; he noted there is a \$20,000 fee for a license. He further advised the Board can choose to take no action on either application.

Board member comments included considering the standards referred to in Township's Liquor License Ordinance a reluctance to issue the remaining license since other options are available, the DDA has not taken a position on the application of Kzoo Games, a business should not be planned around a license that is not guaranteed; it is a difficult position.

Motion by Bushouse, second by Farmer to take no action on issuing the license. Carried 6-0.

### **CONSUMERS ENERGY FRANCHISE ORDINANCE – FIRST READING**

Attorney Porter advised under the State Constitution, utilities wishing to conduct business must have a franchise agreement with the local unit of government. He further advised the current franchise with Consumers Energy, granted in 1984 for 30 years, has expired, therefore, an ordinance to grant a franchise is before the Board for consideration.

Dennis Berkebile, Area Manager for Consumers Energy advised they are seeking a 30 year renewal and will pay publishing costs of the required notices.

Motion by Heiny-Cogswell, second by Carr to accept the franchise ordinance for First Reading. Carried 6-0.

### **PUBLIC HEARING TO ESTABLISH NORTH DRAKE ROAD SIDEWALK SPECIAL ASSESSMENT DISTRICT NO. 2014-1**

As discussed at the July 8<sup>th</sup> meeting, a resolution to establish a sidewalk special assessment district on North Drake Road from West Main to approximately 430 feet north of Beech Street was before the Board.

There was no public comment.

Supervisor Heiny-Cogswell advised the property owners had been notified and invited to a previous discussion, one attended and supported the plan.

Motion by Heiny-Cogswell, second by Larson to adopt the resolution to the approve the North Drake Road Sidewalk Special Assessment District 2014-1 and set a public hearing on the assessment roll for August 26<sup>th</sup>. Roll call showed Carr-yes, Everett-yes, Farmer-yes, Heiny-Cogswell-yes, Larson-yes, Bushouse-yes.

#### **NON-MOTORIZED DESIGN STUDY – KL AVENUE & NORTH 10<sup>TH</sup> STREET**

Engineer Elliott presented a recommendation to authorize the Supervisor to enter into a contract with Viridis Design Group for schematic design of non-motorized facilities for North 10<sup>th</sup> Street and KL Avenue to coordinate with the planned North 10<sup>th</sup> Street sewer project and KCRC upcoming project for KL Avenue. He noted KCRC's new non-motorized policy requires application, therefore, design work needs to be accomplished. He further advised the total fee would be \$9,000 which includes a \$500.00 application fee per project.

Motion by Everett, second by Farmer to authorize the Supervisor to enter into the contract with Viridis Design Group and amend the budget accordingly. Carried 6-0.

#### **RESOLUTIONS OF SUPPORT**

Engineer Elliott presented a recommendation to adopt resolutions of support for the following transportation grant applications:

##### **KCRC GRANT APPLICATION – SOUTH DRAKE ROAD**

KCRC will consider applying for approximately \$1 million in Transportation Alternative Program (TAP) funds to complete a shared use path on Drake Road from Stadium Drive to West Main.

##### **CITY OF KALAMAZOO SAFETY PROGRAM GRANT APPLICATION – SOUTH DRAKE ROAD**

The City of Kalamazoo has identified a portion of Drake Road, from West Michigan to Green Meadow, eligible for \$320,800 in Local Safety Program grant funds and is prepared to apply for the grant funding toward the shared use path.

##### **KCRC LOCAL SAFETY PROGRAM GRANT APPLICATION – STADIUM DRIVE**

KCRC is seeking a Local Safety Program grant for Stadium Drive improvements between 4<sup>th</sup> and 6<sup>th</sup> Streets to include a center turn lane, signal upgrades, and intersection modifications to improve visibility.

Motion by Larson, second by Bushouse to adopt the resolutions of support as presented. Roll call showed Everett-yes, Farmer-yes, Heiny-Cogswell-yes, Larson-yes, Bushouse-yes, Carr-yes.

#### **UPDATE – NORTH DRAKE SIDEWALK PROJECTS**

Engineer Elliott advised the trail from H Avenue to Ravine has been paved, sidewalk is under construction between West Main and Beech, from Beech to Grand Prairie, there is an issue with the grade and easements are being sought.

#### **FLESHER FIELD PHASE II CONSTRUCTION**

Parks Administrator Karen High provided an update on Flesher Field Phase I improvements, noting while it is nearing completion, there is disappointment it is not done; some delay was weather related and discovering unexpected quantities of unstable soils.

She advised three bids were received for the Phase II project, Apex Contractors, Inc., Kalleward Group, and Michigan Recreation Construction. She recommended the Board authorize the Supervisor to enter into a contract with Apex Construction in the amount of \$249,868 for work to commence this fall, approve purchase of playground equipment, benches, gazebo and pavilion structures through the State of Michigan purchasing plan, approve a budget amendment to reflect the MNRTF grant in the amount of \$300,000 in revenues and expenditures, and authorize a construction contingency of 10% equaling \$41,390 by a budget amendment from General Fund reserves.

In response to Board member questions, Ms. High advised there were irregularities in the Kalleward Group bid which determined it was non-qualifying, and the 10% contingency is per the Township's purchasing policy.

Themis Corakis, 6416 Stadium Drive, commented he felt Apex Contractors had done a great job on the Township Park and he had observed safety concerns during the current Phase I work at Flesher Field by Kalleward Group.

Motion by Larson, second by Farmer to authorize the Supervisor to enter into a contract with Apex Construction for \$249,868, approve purchase of playground equipment, benches, gazebo and pavilion structures through the State of Michigan purchasing plan, approve a budget amendment to reflect the MNRTF grant in the amount of \$300,000 in revenues and expenditures, and authorize a construction contingency of 10% equaling \$41,390 by a budget amendment from General Fund reserves. Carried 6-0.

#### **BOARD MEMBER COMMENTS**

Supervisor Heiny-Cogswell commented she appreciates staff working hard on behalf of the Township.

There was no further business and the meeting was adjourned at approximately 9:00 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: ELIZABETH HEINY-COGSWELL**  
Supervisor