

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**January 22, 2008**

The Oshtemo Township Board public comment session was held at the Township Hall. Clerk Deb Everett called the meeting to order at 6:00 p.m.

**PRESENT:**

Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Dave Bushouse  
Trustee James Grace  
Trustee Stan Rakowski  
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Interim Fire Chief Paul Karnemaat and 2 interested people.

Motion by Everett, second by Grace to appoint Trustee Bushouse as chairman in the absense of Supervisor VanDyke. Carried.

**Public Comment:** None.

**Township Board Goals** – The Board reviewed progress made on 2007 goals and discussed those to be set for 2008.

**Fire Chief Selection Process** – Fire Commissioner Grace advised the citizen representatives for Fire Chief Selection Committee will be Dick Hertzell and Ron Jacobs and the Fire Department representatives will be Tom Fletcher and Jed Wild.

The public comment session was adjourned at approximately 6:50 p.m.

Trustee Bushouse called the regular meeting to order at 7:00 p.m.

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Interim Fire Chief Paul Karnemaat, Associate Planner Brian VanDenBrand, and approximately 35 interested people.

Motion by Sikora, second by Rakowski to approve the December 11<sup>th</sup> regular, December 18<sup>th</sup> and December 21<sup>st</sup> special meeting minutes. Carried.

Income to the General and Fire Funds of \$75,595.17 and disbursements of \$461,650.69 were reported.

Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS**

Lou Conti, 7652 West C Avenue, commented he felt it was inappropriate for Oshtemo Township to support and fund C-COATS and the recall of the Alamo Township Board; one Township should not go after another.

Jim Sterenberg, 4110 Oak Harbor, co-chair of C-COATS commented they are not supporting nor funding the recall effort against the Alamo Board and have not received any direct financial funding from the Township.

Attorney Porter reiterated that Township funds have not been directed to the recall effort.

**PATTERSON SITE CONDOMINIUM**  
**TENTATIVE AND FINAL APPROVAL OF A PRELIMINARY PLAN**

Associate Planner Brian VanDenBrand presented a request for Tentative and Final Approval of a Preliminary Plan for the Patterson site condominium project consisting of three single family sites on approximately 2.6 acres located on the north side of West H Avenue between Drake Road and US 131. He advised the remainder of the 10 acre parcel will be combined with other parcels in the vicinity to avoid the creation of a land locked parcel, Units 1 and 2 satisfy the dimensional requirements of the ordinance for sites served by public water and sewer, Unit 3 has an existing house and will continue to use the existing well and septic

system and meets the dimensional requirements, a 66 foot access easement to the remainder of the property will be provided along the eastern line of Unit 3, the Master Deed will include language stating the condominium agrees to be part of an assessment district for establishment of a bike path along H Avenue should the Township institute one in the future, stormwater from each site will flow to the low lying area on the northwest corner of Unit 3, Units 1 and 2 will share access to H Avenue and Unit 3 will continue to access H Avenue via the existing driveway with no new roads proposed.

Motion by Sikora, second by Rakowski to grant Tentative and Final Approval of a Preliminary Plan for the Patterson site condominium subject to the conditions of the Planning Commission approval and recording of the redescribed properties. Carried.

**MANSFIELD SITE CONDOMINIUM  
TENTATIVE AND FINAL APPROVAL OF A PRELIMINARY PLAN  
APPROVAL OF FINAL PLAN**

Associate Planner Brian VanDenBrand presented a request for Tentative and Final Approval of a Preliminary Plan and Approval of a Final Plan for the Mansfield site condominium project consisting of two single family sites on approximately 10 acres located on North 2<sup>nd</sup> Street just south of H Avenue which incorporates the existing residence into one of the two proposed condominium units. He advised each site will utilize well and septic systems and stormwater will be retained on each site. He further advised the Master Deed and Bylaws have been submitted and approved.

Motion by Grace, second by Sikora to grant Tentative and Final Approval of a Preliminary Plan and Approval of a Final Plan for the Mansfield site condominium project. Carried.

**REQUEST TO AMEND TRUCK ROUTE ORDINANCE**

Randall Kraker, attorney representing G Avenue Properties LLC presented a request that the Township's Truck Route Ordinance be amended to allow truck traffic on North 10<sup>th</sup> Street between G Avenue and H Avenue upon completion of an upgrade of that portion of 10<sup>th</sup> Street to an all season road which the Kalamazoo County Road Commission has approved. He advised they are willing to participate in providing the raw materials for construction of a bike path on North 10<sup>th</sup> Street from H Avenue to G Avenue.

Board members comments and questions included inquiring if Mr. Kraker's client owns, intends to purchase or has an option to purchase any land to the north of the proposed gravel pit on G Avenue, did the agreement reached with Alamo Township stipulate Aggregate Industries would not use Alamo roads and why did the business plan for the proposed gravel pit not take into account the truck route limitations. It was noted a meeting was requested with Aggregate Industries at the beginning of their application process which they accepted then refused.

Andy Bouma, 5099 North 7<sup>th</sup> Street, inquired if G Avenue Properties LLC has standing to make the request since they are not in the business of hauling gravel. Attorney Porter advised they did.

Jim Sterenberg, 4110 Oak Harbor, commented the truck route ordinance was in place when the developers proposed the gravel pit and should have been considered in their business plan, Alamo Township seems to be receiving all the perks and Oshtemo Township was never invited to the table for discussion. He encouraged the Board to maintain the ordinance.

Bonnie Banghart, 1573 North 10<sup>th</sup> Street, commented she is a 31 year resident, enhancements over the years have been residential in the area and to amend the ordinance would be backtracking.

Joe Gemmill, 3300 North 10<sup>th</sup> Street, provided an audio demonstration of truck traffic at the intersection of North 10<sup>th</sup> Street and West H Avenue and commented implored the Board to stick to the principles guiding the truck ordinance.

Victor Yost, 6370 Saybrook, commented he looked at the area prior to moving and there was no indication of non residential uses.

Jeffrey Ritke, 45551 North 8<sup>th</sup> Street, commented he felt there is too much residential use and traffic in the area; he would not have purchased his property had he known about the proposal gravel pit.

Morris Arnold, 1226 Cadet Lane, commented fully loaded gravel trucks will accelerate road maintenance needs, damage infrastructure, and deteriorate property values.

Allen Webb, 84 Echo Hills, commented he is new to Oshtemo, liked the semi rural atmosphere and encouraged the Board to maintain the ordinance.

John Houts, 2015 Wild Cherry, inquired if the developer of the gravel pit could be required to establish an escrow to be used for future environmental clean up, damages to other properties and lost property values.

Clerk Everett read an e-mail comment received from Lara Meeuwse, 5442 West H Avenue. Her comments included she supported the truck ordinance, residential properties need protection, and she is not against businesses but supports planned growth.

Trustee Sikora commented he would be open to updating the ordinance if circumstances warranted it; based on the information, he sees no reason to change it.

Trustee Grace commented he does not want to the change the ordinance, perhaps the matter should be tabled for further legal review. Trustee Sikora indicated he would vote no on such a motion as he sees no need to postpone the matter.

Motion by Grace, second by Rakowski to postpone action on the request to amend the truck route ordinance for further legal review. Carried with Sikora voting no.

#### **WASTE REDUCTION ORDINANCE INTERGOVERNMENTAL CONTRACT**

Attorney Porter presented a proposed agreement for Kalamazoo County to act as the licensing agent for the recently adopted Waste Reduction Ordinance. He noted this had been discussed and approved by the Supervisors of the townships participating. It was noted the agreement did not reference a time period for the agreement and there was a discrepancy in the exact amount as it is based on the number of units participating.

Motion by Sikora, second by Grace to approve the agreement for one year in the amount of \$1500 divided by the number of units participating. Carried.

#### **POVERTY EXEMPTION GUIDELINES - 2008**

Poverty exemption guidelines for property assessment appeals for 2008 as approved by the Michigan State Tax Commission were before the Board for consideration.

Motion by Grace, second by Rakowski to adopt a resolution establishing the poverty exemption guidelines for 2008. Carried.

#### **FLEX TIME POLICY**

Attorney Porter advised the Personnel Committee had reviewed the flex time policy and recommended some clarifications regarding how it can be earned, and when and how it may be used.

Motion by Rakowski, second by Everett to approve the revisions to the flex time policy. Carried.

#### **OFFICE SAFETY PROCEDURES**

Trustee Grace presented revised office safety procedures updated by the Safety Committee to reflect the current office and building layout. He advised these would replace those currently in the Employee Handbook and he would conduct a staff safety seminar in the near future.

Motion by Grace, second by Rakowski to approve the revised safety procedures. Carried.

#### **FIRE DEPARTMENT EQUIPMENT PURCHASE**

Interim Fire Chief Karnemaat presented a request for purchase in the amount of \$6,480.00 plus shipping not to exceed \$30.00 for replacement of the Personal Alert Safety System (PASS) devices for the department air packs. He advised these would replace current devices not functioning correctly; a total of 48 are needed to upgrade the department's air packs.

Motion by Grace, second by Rakowski to approve the expenditure. Carried.

**OTHER BUSINESS**  
**FIRE DEPARTMENT FEMA GRANT**

Interim Fire Chief Karnemaat advised the Fire Department had received a FEMA grant for replacing radio and equipment and pagers; the total cost of the project is \$163,509 and requires a 10% match from the Township.

Motion by Grace, second by Everett to approve the 10% match in the amount of \$16,351. Carried.

**FIRE DEPARTMENT VEHICLE REPAIR**

Interim Fire Chief Karnemaat advised repairs were necessary to Engine 521 in the amount of \$4996.33 for a piston failure.

Motion by Grace, second by Rakowski to approve the expenditure. Carried.

**BOARD MEMBER COMMENTS**

Trustee Rakowski commented the Michigan Townships Association conference was interesting and informative.

Trustee Sikora commented he is chair of the Oshtemo Historical Society Fund Development Committee and a written policy of responsibilities regarding projects is needed for grant application purposes.

Clerk Everett commented the turnout for the January 15<sup>th</sup> Presidential Primary was 20% for the Township.

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

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: John VanDyke**  
Supervisor