

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**March 24, 2009**

The Oshtemo 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  
Treasurer Nancy Culp  
Trustee Grace Borgfjord  
Trustee Dave Bushouse  
Trustee James Grace  
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Assessor Cathy Harrell and 1 interested person.

**Police Protection** - Kalamazoo County Sheriff's Department Captain William Timmerman presented information to the Board regarding February crime statistics for the Township. Supervisor Heiny-Cogswell advised the Police Committee will meet Thursday and is working on a recommendation to the Board for future police protection needs.

**March Board of Review** - Assessor Cathy Harrell provided a report on the 2009 March Board of Review. There was discussion regarding implementing an administration fee on tax bills for purposes of funding tax appeals. It was noted Oshtemo Township is the one of only a few municipalities in the State that does not apply a fee. Assessor Harrell will provide further information on this issue.

**Committee Reports –**

**Building & Grounds** – Bill Sams, Maintenance Department, reviewed a proposal for enlarging the overhead door in the maintenance garage. He advised two bids were received and recommended the bid from Hall Builders in the amount of \$3,685.00 and approval of an additional \$515.00 to add two bollards to the project.

**Parks** – Committee Chair Borgfjord advised the committee will be working on implementing the five year park plan, reviewing the non-alcohol policy for the Grange Hall and Oshtemo Community Center, considering uses for the concession stand at Flesher Field, and advised the second citizen representative for the committee is Michelle Isaacs, 6473 Bayfield.

There was discussion regarding establishing a committee to address sustainability issues. Consensus was already established committees and the upcoming Master Land Use Plan review would be proper venues for such concerns.

The work session was adjourned at approximately 6:00 p.m.

The work session reconvened at approximately 6:10 p.m.

**Discussion with KCRC** - Kalamazoo County Road Commissioners Dennis J. Berkebile, Jeffrie M. Maddox, Kent L. McCauley, Daniel J. Moyle, Kenneth R. Oscarson, Managing Director Johanna Johnson, and General Superintendent Travis Bartholomew were present. Ms. Johnson reviewed past and current projects in the Township and projects they plan to accomplish with expected stimulus funding. In response to Attorney Porter, Commissioner Maddox advised since their funding source is the gasoline tax, he hoped the legislature would be taking a more serious look at funding issues as sale of less gas equals less revenue.

Trustee Grace commented it was his understanding that the KCRC subcommittee regarding the new State law dealing with the issue of townships that have filed objections regarding use of border roads, would not be open to the public.

Dan Thompson, 105 Echo Hills, commented he was concerned the subcommittee meetings would not be open to the public and inquired how citizens can get involved with the truck route issues. Ms. Johnson commented that will be considered during their discussion to define the procedures and noted their regular commission meetings are open to the public. She further advised the subcommittee includes herself and appropriate staff to investigate what the procedures should be.

Commissioner Oscarson commented that there aren't any guidelines in the new State law and what criteria the KCRC would use was only generic at this time. They are not just looking at the three townships currently involved but what criteria is needed to get information and letters had been sent to all three townships currently involved asking what they thought the criteria should be.

Commissioner Maddox commented they want input but the issue is very complicated.

Supervisor Heiny-Cogswell noted the regular meetings of the KCRC are every other Tuesday at 3:30 p.m. with the next meeting being March 31<sup>st</sup>.

In response to Trustee Bushouse, Mr. Bartholomew advised their budget for 2009 includes acquiring some wing plows.

**Board Member Comments –**

Supervisor Heiny-Cogswell advised she has a copy of the 2009-13 Kalamazoo County Park Plan. She also advised the KATS agenda for March 25<sup>th</sup> has scheduled discussion of a proposed 131 business loop.

Supervisor Heiny-Cogswell also provided a report from Kalamazoo County regarding 911 dispatch for the Board's review.

Trustee Grace inquired as to the status of the retention pond at Menards. Supervisor Heiny-Cogswell advised they had been in contact with the Planning Department and Engineer Elliott advised he had spoken their engineer as well.

Mr. Grace also inquired if the Supervisor and Attorney had met with the Chief County Judge regarding parking ticket fees being waived or reduced by the court when appealed; they have not but plan to do so.

In response to a question from Mr. Grace, Treasurer Culp advised recent expenditures for computers were scheduled/budgeted replacements.

Mr. Grace also inquired as to the status of the reclassification of 10<sup>th</sup> Street as discussed at the February 24<sup>th</sup> meeting. Supervisor Heiny-Cogswell advised the issue was on the March 25<sup>th</sup> KATS agenda.

Mr. Grace inquired as to the status of the LaSalle retention pond issue. Supervisor Heiny-Cogswell advised the easement to allow storm water on the property across 8<sup>th</sup> Street had been signed by all parties and delivered to the Drain Commissioner. Mr. Grace commented he hoped a letter would be sent to the residents and work commenced immediately to complete the project. Engineer Elliott advised he and Assistant Drain Commissioner VanBell had walked the area that day.

Trustee Borgfjord inquired as to the status of the retention pond issues with Oshtemo Woods. It was noted the developer will be allowed to finish Phase I but no building permits will be issued for Phase II prior to repair of the pond.

Engineer Elliott reviewed a change order request for the Technology Drive water extension noting the Kalamazoo County Road Commission has granted permission for the cut in the road so the proposed bore and jack under the road will not be necessary, reducing the change order by \$11,700. He advised the easement from B & B Trucking for the extension across their property has not been obtained. Discussion centered on an appropriate amount for reimbursement of the portion of the previous line installed by B & B, consensus was a maximum of \$25,000 based on Mr. Elliott's information.

The work session was adjourned at approximately 6:55 p.m.

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

**PRESENT:**

Supervisor Libby Heiny-Cogswell  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Grace Borgfjord  
Trustee Dave Bushouse  
Trustee James Grace  
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Senior Planner Mary Lynn Bugge, and 8 interested people.

Motion by James Grace, second by Culp to approve the February 24<sup>th</sup> regular meeting minutes. Carried.

Income to the General and Fire Funds of \$14,360.69 and disbursements of \$371,978.48 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

#### **CITIZENS COMMENTS**

Beth Luppe, 6320 Torrington, comments she supports 10<sup>th</sup> Street not being a truck route and inquired what citizens can do. Trustee Grace commented the KCRC process regarding the new State law dealing with the issue of townships that have filed objections regarding use of border roads, would not be open to the public. but their regular meetings allow citizen comments. Attorney Porter advised the KCRC hasn't and can't say what the process will be, the Township is required to pursue mediation and if an agreement is not reached by April 27<sup>th</sup>, the KCRC has 60 days to make a decision.

Jim Sterenberg, 4110 Oakharbor, inquired as to the status of the pending litigation regarding the truck route ordinance. Attorney Porter advised the litigation is on hold until the KCRC process is completed.

#### **RESOLUTION TO ESTABLISH RECEIVING BOARD FOR MAY 5<sup>TH</sup> ELECTION**

Clerk Everett presented a resolution to establish a Receiving Board for the May 5<sup>th</sup> Election.

Motion by James Grace, second by Culp to adopt the resolution. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, McCormick-yes. Carried.

#### **ADMENDMENT TO SEECO COMMERCIAL CONDOMINIUM**

Senior Planner Bugge presented a recommendation from the Planning Commission for approval of Tentative and Final Approval of a Preliminary Plan and Final Approval of a Final Plan for an amendment to the Seeco Commercial Condominium which would expand the boundaries of the condominium by encompassing 0.8 acres of land located to the north of Unit 3 into Unit3. She advised public utilities will serve the site, there are no changes to the existing roads or service drive, dimensional criteria are met, an easement for drainage from the expansion area exists on Unit 4 and any development of the site will be subject to review. She advised any approval should be subject to the condominium document being recorded with the Register of Deeds and filed with the Township, title insurance reviewed by the Township Attorney, and submission of digital and mylar copies of the plan.

Motion by James Grace, second by Everett to approve the site condominium amendment subject to the conditions as presented. Carried.

#### **CHANGE ORDER – TECHNOLOGY DRIVE WATER EXTENSION**

As discussed at the work session, the amount of the change order for the water extension project in Technology Drive was adjusted to \$1,251.16 for the items required for phased construction should the work proceed prior to obtaining the needed easement.

Motion by James Grace, second by Culp to approve the change order in the amount of \$1,251.16 and authorize an expenditure up to \$25,000 for the easement purchase. Carried.

#### **LIQUOR LICENSE – ERBELL'S**

An application for transfer of a liquor license for Erbelli's restaurant 6210 Stadium Drive was before the Board. Attorney Porter advised the application was in order.

Motion by Culp, second by James Grace to adopt a resolution recommending approval of the liquor license transfer. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, McCormick-yes.

#### **MAINTENANCE BUILDING OVER HEAD DOOR REPLACEMENT**

As discussed at the work session two bids were received for enlarging the opening and replacement of the overhead door in the maintenance building. Bill Sams, Maintenance Department, recommended the bid from Hall Builders in the amount of \$3,685.00 and approval of an additional \$515.00 to add two bollards to the project.

Motion by Everett, second by James Grace to accept the bid from Hall Builders or a total project cost of \$4,200.00. Carried.

**BOARD MEMBER COMMENTS**

Supervisor Heiny-Cogswell advised the agenda and packet for the Kalamazoo County Road Commission meetings are available on the Friday prior to their Tuesday meetings.

She also advised a hydrant flushing schedule is available and will be posted on the Township web site.

The Township will be hosting a Community Soup Supper fund raiser for Kalamazoo Loaves & Fishes at the Oshtemo Community Center on Tuesday, March 31<sup>st</sup> from 5:30 to 7:30 p.m.

There was no further business and the meeting was adjourned at approximately 7:35 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COSGWELL**  
Supervisor