

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
May 23, 2006

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

PRESENT:

Supervisor John VanDyke
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee Neil Sikora
Trustee Stan Rakowski

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Mary Lynn Bugge, Planner and 1 interested person.

Sidewalk Ordinance – The proposed sidewalk ordinance was reviewed and a public information meeting scheduled for 6:00 p.m. at the June 13th meeting.

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

Supervisor VanDyke called the regular meeting to order at 7:00 p.m.

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Planner Mary Lynn Bugge, Fire Chief Ken Howe, and 5 interested people.

Motion by Sikora, second by Rakowski to approve the May 9th regular and May 16th joint meeting minutes. Carried.

Income to the General and Fire Funds of \$60,087.08 and disbursements of \$329,209.59 were reported. Motion by Culp, second by Rakowski to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Richard Bommersbach, 710 South 4th Street, advised he had purchased property in the Springwood Hills Plat, would be building a home and inquired why the agreement for installation of water in the plat due to contamination provided free connections to existing homes did not apply to new construction. Supervisor VanDyke will review the issue with legal counsel.

SUBDIVISION/SITE CONDOMINIUM ORDINANCE – FIRST READING

It was noted the work group formed to discuss this issue had not completed their review of the proposed ordinance.

Motion by Everett, second by Culp to table the item to the June 13th meeting. Carried.

COMMUNITY ACCESS CENTER – ENTITY AGREEMENT

Attorney Porter advised a request had been received from Community Access Center Executive Director Hap Haasch requesting the item be tabled for a revision to the agreement.

Trustee Borgfjord commented there will be public hearings held in Lansing on May 24th regarding the proposed cable legislation.

Motion by Culp, second by Sikora to table the item to the June 13th meeting. Carried.

TENTATIVE APPROVAL OF A PRELIMINARY PLAT – COLLEGE PARK

Planner Bugge presented the plat of College Park for tentative approval of a preliminary plat. She advised the proposed plat consists of 39 single family lots on 28 acres located on the northwest corner of West Main and North 5th Street, public water will be provided, density and width requirements are met and provisions for sidewalks and street lights are indicated. She further advised the street layout consists of four cul-de-sacs, three permanent and one for future extension to the north, designed based on existing site constraints including topography, and location abutting West Main. Ms. Bugge noted the Kalamazoo County Road Commission's new policy will permit cul-de-sacs when endorsed by the Planning Commission and Township Board. She also advised the developer is requesting a variance to permit the length of Road "A" to exceed the permitted length by 350 feet and permitted cul-de-sac length by 700 feet, as measured from 5th Street, noting the street length would conform if Road "C" is extended north though the cul-de-sac will still exceed the 660 foot length permitted by 60 feet.

Planner Bugge advised the Planning Commission recommended approval with the conditions that deed restrictions stating Lot 39 is prohibited from directly accessing North 5th Street and Lots 5, 6, 14, and 15 are prohibited from accessing West Main are required, all streets are public and shall be approved by the Kalamazoo County Road Commission, street names shall be submitted to and approved by the Kalamazoo County Planning Department, street layout, including the proposed cul-de-sacs is appropriate due to constraints including topography within and adjacent to the site and adjacency to West Main, all lots are subject to Kalamazoo County Human Services Department finding them adequate for individual septic systems, and a deviation be granted to eliminate the sidewalk on the south side of Road "A" from 5th Street to Road "B".

Trustee Bushouse commented the proposed development was not much different than the development that was the subject of recent controversy, to be proactive and protect the environment dry sewer should be required.

Trustee Rakowski commented he has concerns about future development and if it should be determined by utilities.

Pat Flannigan, engineer for the project commented he was present with developers Mike McCormick and James Fulton. He further commented the Kalamazoo County Human Services Department reviews projects for septic systems and he felt it would not be appropriate to single out certain projects to require dry sewer.

Motion by Rakowski, second by Sikora to grant tentative approval of a preliminary plat to College Park subject to the conditions of the Planning Commission approval, grant the requested variance for the length of Road "A" and cul-de-sac on Road "C", and approve the street layout including the four cul-de-sacs. Carried.

LASALLE STORM WATER DISTRICT

Supervisor VanDyke advised more information needed to be provided to the Board and area residents that would be affected by a storm water assessment district proposed by the Kalamazoo County Drain Commissioner. Attorney Porter commented the Drain Commissioner has no authority to authorize engineering prior to establishing a district; however, the Township could authorize the work with an agreement for reimbursement from the Drain Commissioner.

Trustee Bushouse commented this has been a long time problem and accurate information is needed before proceeding.

Motion by Bushouse, second by Rakowski to authorize the Township Attorney to prepare an agreement with the Kalamazoo County Drain Commissioner to work with the Township Engineer to compile the needed data for proposing corrective action to the LaSalle Plat storm water pond. Carried.

TEXT AMENDMENT – VILLAGE THEME DESIGN TEXT – FIRST READING

A recommendation from the Planning Commission to revise the introductory paragraph of Section 33.400 of the Zoning Ordinance pertaining to Site Development Standards in the Village Commercial District to facilitate consideration of the design suggestions in the Village Theme Development Plan adopted for the DDA District when development proposals are formulated was before the Board for First Reading.

Motion by Culp, second by Sikora to accept First Reading and set Second Reading for June 13th. Carried.

GUIDELINES REGARDING EMPLOYEE MISCONDUCT

Trustee Bushouse presented a recommendation from the Personnel Committee to adopt guidelines regarding employee misconduct; these would be added to the Employee Handbook as Appendix K. Attorney Porter commented while the guidelines do not override the discharge provisions of the handbook, they provide direction for addressing discipline issues.

Motion by Bushouse, second by Culp to adopt Appendix K – Guidelines Regarding Employee Misconduct to the Employee Handbook. Carried.

OTHER BUSINESS

FIRE DEPARTMENT COPIER PURCHASE

Fire Chief Ken Howe presented a request for purchase of a copy machine for Fire House No. 1 in the amount of \$10,560.

Motion by Culp, second by Rakowski to approve an expenditure in the amount of \$10,560 for purchase of the copier. Carried.

PINEHURST SANITARY SEWER

Engineer Elliott presented the bid tabulations for the proposed Pinehurst Townhomes sanitary sewer pump station and Stadium Drive pump station standby generator. He noted two bids were received; Langshaw Farms in the amount of \$150,650 and Balkema Excavating, Inc. in the amount of \$189,450. He advised an error was found in the bid from Langshaw Farms; they bid \$4,200 for the generator while Balkema’s price was \$45,750 which is more in line with what would be expected. He further advised he had spoken with Mr. Langshaw who advised there was a typographical error in their bid. Mr. Elliott advised standard procedure when such an error occurs is to give the contractor the opportunity to withdraw the bid without penalty. He advised he had spoken with Mr. Langshaw, given him the opportunity to withdraw the incorrect bid, however, Langshaw Farms wishes to honor the bid.

Trustee Bushouse commented he would not vote in favor of awarding the bid to Langshaw Farms unless the error was acknowledged and the corrected amount approved.

There were other concerns expressed regarding accepting the bid; it was noted the contractor chose not to withdraw the bid.

Motion by Culp, second by Sikora to accept the bid from Langshaw Farms in the amount of \$150,650 for construction of the Pinehurst Townhomes sanitary sewer pump station and Stadium Drive pump station standby generator installation. Carried with Bushouse voting no.

BOARD MEMBER COMMENTS

Trustee Rakowski commented on the lawn maintenance inquiring if it was satisfactory. Concerns were expressed that specifications of the contract were not being met.

Motion by Bushouse, second by Rakowski to authorize the Supervisor to terminate the lawn maintenance contract with Wolverine, assess any damages against the final billing and contact Niewoonder & Sons regarding assuming the contract for 2006.

Trustee Bushouse commented a blue spruce tree had been planted at Flesher Field and the Lions Club has been working on the area behind the community center.

Trustee Borgfjord commented she attended the last DDA meeting and has also been invited to serve on the design committee for the new Chime School.

There was no further business and the meeting was adjourned at approximately 8:25 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: John VanDyke
Supervisor
