

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Minutes
Special Meeting
May 28, 2008

The Oshtemo Township Board held a special meeting at the Oshtemo Township Hall. Supervisor VanDyke called the meeting to order at 7:00 p.m.

PRESENT:

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

Also present was Township Attorney James Porter, Township Engineer Marc Elliott and approximately 125 interested people.

TRUCK ROUTE ORDINANCE AMENDMENTS

Martin Landes, representing Aggregate Industries and Zach Bossenbroek, representing G Avenue Properties were present. Mr. Landes advised site preparation work had begun at the gravel pit site at G Avenue and 10th Street and mining would commence soon and continue for approximately 30 years. He also commented Aggregate Industries has been in business for over 40 years, having acquired various other gravel companies. Mr. Landes also commented that everyone uses gravel; new housing starts are up in Oshtemo Township, each new home accounts for approximately 400 tons of gravel needed and 95% of all gravel used is trucked in. Mr. Landes then commented their site at G Avenue and 10th Street only has two access roads, they plan to have 60 trucks per day or 120 round trips from the site with one half going to their asphalt facility in downtown Kalamazoo and the other half to local projects. He then presented their analysis of the three possible routes from the gravel pit site; 10th Street to M-43, 10th Street to H Avenue to Drake Road, and G Avenue to 6th Street to M-43. He advised they had received permission from Alamo Township and the Kalamazoo County Road Commission to upgrade 10th Street from H Avenue to G Avenue which would cost approximately \$120,000 to \$150,000; it was noted Alamo Township does not have jurisdiction over 10th Street, He advised their analysis was based on street conditions, safety, and impact on adjacent uses/environment with their conclusion being the preferred route of sending half the truck traffic down 10th Street to M-43 and half down 10th Street to H Avenue to Drake Road. Mr. Landes then commented if the proposal is unacceptable, they believe the next best solution is 10th Street to H Avenue with approximately half the truck traffic continuing east to Ravine and the remaining traveling south on Drake to M-43. Mr. Landes commented he believed the Township's concerns with respect to the 10th Street/H Avenue route could be alleviated with the installation of certain bike paths and/or sidewalks and commented Aggregate Industries is willing to contribute to the cost of the bike paths and provide at-cost asphalt, gravel, and sand fill for the designated bike paths if either preferred route is approved. He also commented material alone amounts to about half the cost of the bike paths so the at cost material commitment is significant and contributions of \$150,000 upon commencing use of the route and \$30,000 per year for the life of the gravel mine toward bike paths/sidewalks are available if a speedy resolution can be reached.

In response to Board member questions, Mr. Landes commented the monetary offer would not be sufficient to upgrade G Avenue, economic concerns did enter into their route preference, smaller loads could be hauled on G Avenue when frost laws are in place, and distance measurements included the entire route, not just additional miles. In response to Mr. Landes' suggestion the Township could restrict truck traffic on H Avenue to their trucks only; Attorney Porter advised this could be challenged by other trucking companies.

Trustee Grace commented in response to questions raised at the May 1st meeting, he would express his opinion with regard to the use of G Avenue, however, was not waiving and did reserve his constitutional privilege against discovery as a legislator of Oshtemo Charter Township. He then commented to assume the worst case scenario in comparing the various haul routes, the assumption is made that the ultimate destination of many of the gravel trucks would be U.S. 131; this would allow a direct comparison of a

route from G Avenue to 6th Street to M-43 east to U.S. 131 as compared to 10th Street to H Avenue to Drake then west to U.S. 131, comparing just 10th Street and H Avenue to G Avenue and 6th Street alone would not be a fair comparison because a large number of the trucks leaving the gravel pit will have to reach a major interstate in order to haul gravel to areas outside of the immediate vicinity of the pit. Mr. Grace then offered the following comparisons,

50 private driveways and various agricultural drives on G Avenue to 6th Street to M-43.

63 private driveways, 9 institutional drives, including schools and a senior citizen home, and 7 commercial driveways on 10th Street to H Avenue to Drake to M-43.

The average setback on G Avenue is 132 feet and 141 feet on 6th Street.

The average residential setback on H Avenue is 142 feet and 80 feet on Drake Road.

There are 3 street intersections on G Avenue to 6th Street to M-43.

4 street intersections on H Avenue from 10th Street to Drake and 5 street intersections on Drake Road from H Avenue to M-43.

6th Street to M-43 has recently been completely rebuilt by the County.

Both 10th to H to Drake are two lanes with limited shoulders and multiple traffic signals which will result in slower traffic.

M-43 traveling east from 6th Street is a relatively uncongested area, allowing for a greater movement of traffic.

M-43 west from Drake is an extremely congested area with a very high traffic corner which would require passing through the largest commercial area in the Township.

G Avenue traffic will likely be limited to Aggregate Industries trucks alone and would not generally expose the Township to pressures of additional truck traffic.

10th to H Avenue to Drake would open up an area of the Township which has had, and is likely to have continued pressure for truck traffic – perhaps including all of 10th Street.

Use of G Avenue, which borders Alamo Township, will allow for a shared burden, not only for impact on the residents, but the cost of maintaining G Avenue.

The route of 10th Street to H Avenue to Drake Road would require the Township to shoulder the financial burden, and all of the impact will be on Oshtemo residents.

Mr. Grace then commented for these reasons, he would continue to support the proposed truck route on G Avenue.

Motion by Grace, second by Sikora to adopt the amendments to Section IX of the Truck Route Ordinance to allow deliveries and service calls to properties abutting the Township in adjoining municipalities in accordance with the proposed text, and amend Section V to include G Avenue from 6th Street to 10th Street as a designated east/west truck route.

Trustee Rakowski requested the Board allow him to abstain from voting on this issue due to the fact that he lives on G Avenue, would be personally impacted if the ordinance amendment is approved and could not judge the issue without bias. All members voted aye on Mr. Rakowski's request.

The discussion was then opened for public comment.

Robin Olexa, 3060 North 10th Street, commented she is opposed to changing the ordinance to use 10th Street due to noise and air pollution, increased traffic risks; 10th Street is residential with churches that have many events, and use of the Kal-Haven Trail will be discouraged.

Andy Bouma, 5099 North 7th Street, commented the bike path suggested for 10th Street is not feasible in some locations due to low spots and guard rails; he noted 6th Street is already being used for the gravel pit on C Avenue; the only variable here is G Avenue.

Ken Dickie, 1463 La Lisa Lane, presented petitions on behalf of the Oak Park neighborhood opposing using 6th Street. He commented concerns are site distances, school bus stop, traffic issues at 6th Street and M-43 and negative impact on future residential development.

Dick Hertzell, 2484 Isle Harbor Court, commented the Township Board is to be commended on the research that went into the truck ordinance, G Avenue provides the most minimal fall out and seems appropriate that Alamo shares the traffic; if Oshtemo had been invited to the table from the beginning we might not be here, H Avenue is not the viable route for gravel trains with current and recently approved development.

Justine Hertzell, 2484 Isle Harbor Court, commented the drop offs on 10th Street would hinder installation of a bike path.

Doug Bishop, 3019 North 6th Street, commented he is concerned about safety; his son's girlfriend was killed in an accident pulling out of their driveway and he is aware of three other accidents, and M-43 is very busy with no traffic signal.

Raleigh Bloch, 2033 Wild Cherry Lane, commented he would question the safety statistics provided by Aggregate Industries and felt amounts of traffic on the routes should be considered; going through heavy traffic would provide more chance of accidents, Ravine Road has less traffic, less stop lights and when the Kal-Haven Trail is extended, 10th Street will see more traffic.

Beth Luppe, 6320 Torrington Road, commented this is the fourth meeting she has attended regarding the gravel pit, she hopes the elected officials will listen and will find a way to solve this even though the Township is stuck with the pit. She also commented the effects of a gravel pit can be experienced on Ravine Road, she resented Mr. Landes' cheerfulness, the bottom line is to make money and what is zoning for if it can be over ruled.

Trustee Sikora noted the Township has followed the Zoning Ordinance, Alamo Township did not.

Lisa Adkins, 4551 North 8th Street, commented she is opposed to using G Avenue, is concerned about the G Avenue and 8th Street intersection, school bus stops is angry that Alamo chose to approve the pit without providing access and hoped there would be steep fines if the truck route ordinance is not obeyed.

Gerald Marsh, 6030 Twilingate Lane, commented he felt the setback figures used were not correct, there are a number of intersections on 10th Street with site distance issues and last summer he counted 62 trucks go by on 10th Street in 1-1/2 hours.

Jim Sterenberg, 4110 Oakharbor Street, thanked the Board for approving the first reading of the proposed truck route ordinance amendments and commented that although there is no good route; G Avenue does provide the most direct route to the existing truck route. He was critical of Aggregate Industries sending letters under the guise of being good neighbors to the residents on G Avenue and 6th Street encouraging them to appear and oppose the proposed ordinance amendments. He also commented the berm on G Avenue is a far cry from what was promised by Aggregate Industries as well as the noise control promised. He urged the Board to be careful in agreeing to conditions and have any such agreements in writing specifying enforcement, remedies, and penalties.

Steve Ryan, G Avenue property owner, commented he felt the Board was closed minded, safety was being ignored, there are more limited site distances on G Avenue; there should be more compromise and spread the traffic out.

Richard Patterson, 5270 West H Avenue, commented everyone is looking out for themselves; "not in my back yard", fear is the worst motivator, and urged the Board not to be bullied and do what is in everyone's best interest.

Carolyn Vestal, 3833 North 6th Street, commented she had safety concerns of using G Avenue and 6th Street, has pulled people out of the ditch, there have been accidents at H Avenue and 6th Street and congestion at 6th Street and M-43 which has no signal.

Marie Belleville, 2593 Stone Valley Lane, commented that as a former teacher, she views Aggregate Industries and G Avenue Properties as a new student, not knowing or caring about the rules or others, and Attorney Porter as the social worker. She thanked the Board for trying to solve the problem.

Steve Sickels, 3560 Kelfrey Cove, commented Aggregate Industries is not the only gravel company in Michigan, their parent company is world wide, makes a lot of money, could have bought Alamo Township, Oshtemo Township has not been given a fair shake, no one wants the gravel trucks through the Township, and suggested if they want to be a good neighbor they should build a road north out of the pit.

Mert Frost, 6712 West G Avenue, commented suggested the truck traffic be sent north on 7th Street.

Irene Stec, 1373 South Village Circle, commented the number of residents on 10th Street was incorrect not taking into account the number of residents in the West Point Condominiums. She inquired if Aggregate Industries had contacted the State of Michigan to get help with the least conflicting access.

Pam Verville, 1450 La Lisa Lane, commented she was glad to receive the notice from Aggregate Industries and inquired why not let a judge decide the route.

Tana Jackson, 7989 St. James Avenue, commented she has concerns for her family; her backyard is on 6th Street, the hill at Oak Park is dangerous and there are 110 residents in the neighborhood.

Al Altenbernt, 7690 La Jessica Circle, thanked Aggregate Industries for sending the notice and wished the Township would have done the same. He commented there are 105 houses on G Avenue and 6th Street and 54 on 10th Street and H Avenue and pulling out of Oak Park is dangerous.

Juliana Garner, 7555 La Jessica Circle, commented there is a bus stop at 6th Street and St. James Avenue that is used year round for a special needs child.

MaryAnn Correa, 6544 Hollison Drive, commented one person can make a difference, Aggregate Industries is making a difference, Oshtemo residents were here first, Aggregate Industries wants a shortcut and Oshtemo should get out of the way. She inquired where do the people from Aggregate Industries live; they should have to put up with what they want the residents to.

Allen Tans, 8th Street Alamo Township resident, commented he received no proceeds from Aggregate Industries. He also commented bike traffic and the Kal-Haven Trail crossing should be considered, speed has to be controlled.

Jim Bossenbroek, representative of G Avenue Properties, inquired if the Township had considered hiring a safety and traffic expert to consider the conflicting safety issues; the decision should be based on logic, not emotion.

Linda Shipley, 3975 North 10th Street, commented the preferred route has to do with fuel cost, not safety.

Dave Kelley, 7677 La Jessica Circle, inquired what role the role of County government is in the issue, has the Township thought about suing Alamo Township to throw out their agreement, and who will pay for repairs on G Avenue.

Attorney Porter advised there was no viable cause of action for Oshtemo Township to sue Alamo Township, and the Kalamazoo County Road Commission is responsible for maintaining roads.

Lara Meeuwse, 5422 West H Avenue, commented she felt this is also an environmental issue; some trucks produce more smoke and noise than others; the best option is for the Aggregate Industries site to access US-131 directly and they have not worked with MDOT to see if that is feasible. She also commented Alamo Township wants to remain rural, so does Oshtemo and while she appreciates Aggregate Industries talking to the Board tonight, is disappointed they did not before.

Ann Johnson, 6181 Valley Forge Drive, commented if the trucks go to Drake Road, the mileage is less, they would already be half way downtown, they are being short sighted about current and future development, and should consider all affects in all neighborhoods.

Chuck Thiele, 3026 Harborview Court, commented the data presented was from 2006, the area he lives in will have 200 homes; the good neighbor letter was sent to a select few.

Terry Mishler, 2475 Ramblewood Drive, commented there are 70 plus exits on 10th Street, five churches, and all will be severely impacted.

Jerry Stirton, 1082 Wickford Drive, commented there is a problem with safety, they counted houses, not population and cars can't use a bike path.

Joseph Belonax, 6216 Old Log Trail, commented the weight restrictions are violated every day and implored the Board to vote to respect all residents.

John Houts, 2015 Wild Cherry Lane, commented he would support a ballot initiative for a legal fund.

Eleanor Durock, 6113 Thunderbluff Road, commented she doesn't wish to see a gravel pit in any residential area, 10th Street is the only eastern outlet for the West Port neighborhood, there are offices, condominiums and churches on 10th Street, the intersection at M-43 is dangerous, property values will be affected, and what entitles Aggregate Industries to sue two townships.

Rick Rakowski, 1919 North 2nd Street, inquired how much dirt can remain on the roads before they are required to be cleaned.

Clerk Everett commented this is a hard situation, we didn't create the problem or want the problem and any decision will impact some residents.

Trustee Sikora commented it was unfortunate the proposal from G Avenue Properties to talk to the Township or conduct a safety study was not brought forth prior to them suing the Township.

Trustee Grace commented the Board must act, however, any action taken does not have to be permanent; the Township is not out of options or looking for a solution.

After public comment, a roll call vote showed Sikora-yes, Bushouse-yes, Everett-yes, VanDyke-yes, Culp-yes, Grace-yes, Rakowski-abstain.

There was no further business and the meeting was adjourned at approximately 9:20 p.m.

DEBORAH L. EVERETT
TOWNSHIP CLERK

Attested: JOHN VANDYKE
SUPERVISOR