

THE CHARTER TOWNSHIP OF OSHTEMO  
Board Work Session  
December 10, 2019  
6:00 PM

The Oshtemo Township Board Work Session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at approximately 6:00 PM.

**PRESENT:**

Supervisor Libby Heiny-Cogswell  
Clerk Dusty Farmer  
Treasurer Grant Taylor  
Trustee Cheri Bell  
Trustee Deb Everett  
Trustee Ken Hudok  
Trustee Zak Ford

Also present was Township Attorney Jim Porter, Public Works Director Marc Elliott, Planning Director Iris Lubbert, Fire Chief Mark Barnes, Assistant to Supervisor Josh Owens, and approximately 5 interested people.

**Public Comment**

Supervisor Heiny-Cogswell opened public comment. One person spoke.

**Kalamazoo County Update**

Sgt. Johnston provided the October and November Oshtemo Police Reports.

**Village Theme Development Plan**

Planning Consultant Julie Johnston presented the Planning Commission recommended changes for the Village Theme Development Plan.

**Fire Department Policy Updates**

Fire Chief Mark Barnes presented the proposed policy updates to the Board. Attorney Porter informed the Board that he still has some more work to do to determine the interaction between state law and NFPA.

**2020 Water and Sewer Connection Fees**

To be discussed during the Regular Meeting.

THE CHARTER TOWNSHIP OF OSHTEMO  
Board Regular Meeting  
December 10, 2019  
7:15 PM

The Oshtemo Township Board Work Session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at approximately 7:25 PM.

**PRESENT:**

Supervisor Libby Heiny-Cogswell  
Clerk Dusty Farmer  
Treasurer Grant Taylor  
Trustee Cheri Bell

Trustee Deb Everett  
Trustee Ken Hudok  
Trustee Zak Ford

Also present was Township Attorney Jim Porter, Public Works Director Marc Elliott, Assistant to Supervisor Josh Owens, approximately 4 interested people.

#### **Public Comment**

Supervisor Heiny-Cogswell opened public comment. No public comment.

#### **Consent Agenda**

- a) Approve Minutes- November 12, 2019 and November 26, 2019
- b) Receipts & Disbursements Report
- c) 2020 Property & Liability Insurance Renewal
- d) Board & Committee Appointments
- e) Frie & Gibbs Plat Lot Divisions
- f) 2020 Sewer & Water Rate Schedule
- g) Consideration of ZBA By-laws
- h) RCKC PAR Carryover Contract
- i) Employee Holiday Bonus

Motion by Ford, second by Taylor to approve the consent agenda with items i and f removed, to be discussed at the end of the meeting. Motion carried 7-0.

#### **Consideration of 2020 Police Protection Contract**

Supervisor Heiny-Cogswell opened public comment. No public comment.

Motion by Ford, second by Farmer to approve the 2020 Police Protection Contract and authorize the Supervisor to enter into agreement with the Kalamazoo County Sheriff's Department. Motion carried 7-0.

#### **Consideration of Budget Amendments**

- a. FY 2019 4th Quarter with Revenue/Expenditure Report

Supervisor Heiny-Cogswell opened public comment. No public comment.

Motion by Taylor, second by Farmer to approve the presented 2019 4<sup>th</sup> quarter budget amendments, and include the two additional 2019 budget amendments included by the Supervisor. Motion carried 7-0.

- b. FY 2020

Supervisor Heiny-Cogswell opened public comment. No public comment.

Motion by Taylor, second by Bell to approve the 2020 Police Contract budget amendment. Motion carried 7-0.

#### **Request to Enter Closed Session to Discuss Pending Litigation**

Motion by Ford, second by Taylor to adopt a resolution to enter closed session regarding trial and/or settlement strategy in connection to specific pending litigation identified by case name and number as follows:

*Kellison Woods Development Co., LLC v. Bradley S. Solarek and Karen L. Solarek*, Ninth Circuit Court for the County of Kalamazoo, Case No. 15-0446-CH;

*Kellison Woods Development Co., LLC v. Bradley S. Solarek and Karen L. (Kurncz) Solarek*, Ninth Circuit Court for the County of Kalamazoo, Case No. 15-0446-CH; Court of Appeals Case No. 350067;

*Bradley S. Solarek, Karen L. Solarek and Forever Undeveloped, LLC v. Kellison Woods Condominium Association, Michael Doerr, Karin Doerr, Braddock Cummins, Melissa Remillard, Ashley Lavanway, and Allan Kinney*, Ninth Circuit Court for the County of Kalamazoo, Case No. 2019-0338-CZ; and

*Bradley S. Solarek and Karen L. Solarek v. Oshtemo Charter Township, et al*, Ninth Circuit Court for the County of Kalamazoo, Case No. 2019-0473-CZ.

Roll call. Resolution adopted 7-0.

Motion by Farmer, second by Taylor to exit closed session. Motion carried 7-0.

Motion by Farmer, second by Ford to adopt a resolution granting its Township attorney and Township litigation attorney authority to proceed as each recommended during the closed session with reference to the various lawsuits identified below. The multiple lawsuits referenced in this Motion are identified as follows:

*Kellison Woods Development Co., LLC v. Bradley S. Solarek and Karen L. Solarek*, Ninth Circuit Court for the County of Kalamazoo, Case No. 15-0446-CH;

*Kellison Woods Development Co., LLC v. Bradley S. Solarek and Karen L. (Kurncz) Solarek*, Ninth Circuit Court for the County of Kalamazoo, Case No. 15-0446-CH; Court of Appeals Case No. 350067;

*Bradley S. Solarek, Karen L. Solarek and Forever Undeveloped, LLC v. Kellison Woods Condominium Association, Michael Doerr, Karin Doerr, Braddock Cummins, Melissa Remillard, Ashley Lavanway, and Allan Kinney*, Ninth Circuit Court for the County of Kalamazoo, Case No. 2019-0338-CZ; and

*Bradley S. Solarek and Karen L. Solarek v. Oshtemo Charter Township, et al*, Ninth Circuit Court for the County of Kalamazoo, Case No. 2019-0473-CZ.

Roll call. Resolution adopted 7-0.

#### **Consideration of Election Precincts 5 and 6 Relocation**

Motion by Taylor, second by Everett to approve the relocation of Precincts 5 and 6 to the locations provided in the memo from the Clerk. Motion carried 7-0.

#### **Consideration of Unsold Property from County Treasurer**

Supervisor Heiny-Cogswell opened public comment. No public comment.

By not acting, the properties described in the memo from Attorney Porter will be acquired by the Township.

**Consideration of Continued Oshtemo Refugee Resettlement Support**

Supervisor Heiny-Cogswell opened public comment. No public comment.

Motion by Hudok, second by Taylor to adopt a resolution of support for refugee settlements in Oshtemo, and a letter of support to include alignment with the Board Core Values and Mission Statement. Roll call. Resolution adopted 7-0.

**Update on South 8th Street Closure/Flooding (Informational)**

**Other Township Business**

2020 Sewer and Water Connection Fees discussion.

Supervisor Heiny-Cogswell opened public comment. One person spoke.

Motion by Heiny-Cogswell, second by Ford to adopt a resolution to approve amended and restated sewer main charges. Roll call. Resolution adopted 4-3, with Hudok, Taylor, and Everett voting No.

Motion by Ford, second by Farmer to adopt a resolution to approve amended and restated water connection fees. Roll call. Resolution adopted 4-3, with Hudok, Taylor, and Everett voting No.

Employee Holiday Bonus discussion.

Supervisor Heiny-Cogswell opened public comment. One person spoke.

Motion by Ford, second by Taylor to approve a budget amendment from carryover to include \$100 per staff member for a holiday bonus. Motion failed 3-4.

Motion by Heiny-Cogswell, second by Farmer to approve a budget amendment to include \$50 per staff member for a holiday bonus. Motion carried 6-1.

**Public Comment**

Supervisor Heiny-Cogswell opened public comment. No public comment.

**Board Member Comments**

Supervisor Heiny-Cogswell adjourned the Regular Meeting at approximately 10:14 PM.

Prepared by: Dusty Farmer  
Township Clerk

Attested: Libby Heiny-Cogswell  
Township Supervisor