

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009

March 26, 2024

Refer to page 3 for Virtual Meeting Information

REGULAR MEETING
5:30 P.M.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Remote Location Identification (for remote attendance when permitted by statute)
4. Township Mission/Vision/Core Values
 - Township Vision: A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.*
5. Public Comment on Non-Regular Session Items
6. Public Official Updates
 - a. Presentation MDOT - Kerry DenBraber, PE Projects & Contracts Administration Engineer
7. Consent Agenda
 - a. Minutes of Regular Meeting March 12, 2024 [[Minutes Regular Board Meeting, March 12, 2024](#)]
 - b. Planning Department Transcriptionist Job Description
 - c. MERS New Hire Waiting Period Amendment
 - d. Budget Amendments
 - i. Public Education
 - ii. Maintenance Equipment
8. First Reading: Text Amendments to Floodplain Management Ordinance No. 510, Section 273.003: Designation of Regulated Flood Prone Hazard Areas
9. Resolution re Intergovernmental Agreement to Manage Floodplain Development
10. Discussion Lawsuit Update and Sanitary Sewer Funding Strategy
11. Closed Session Resolution to Discuss Written Opinion of Counsel re West KL Landfill Annual Cost Accounting
12. Public Comment
13. Board Member Comments & Committee Updates
14. Other Updates & Business
15. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Vacant	375-4260	planning@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this Meeting ID: **818 2435 4562**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **818 2435 4562#**

Participant controls in the lower-left corner of the Zoom screen:



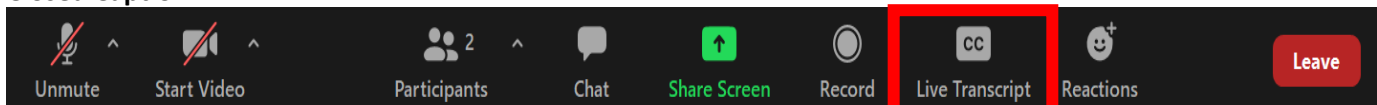
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

Mission:

To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.

Vision:

A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.

Core Values:

PUBLIC SERVICE

- Fair treatment to all people.
 - Each customer is welcomed and that their input is wanted.
 - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

SUSTAINABILITY

- Meet the needs of the present without compromising future generations.
 - Consider the environment through practices that reduce impacts.
 - Value conscious decision making.
 - Committing to quality Fire and Police protection.

INNOVATION

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

PROFESSIONALISM

- Hire staff with strong core competencies within their given profession.
- Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

INTEGRITY

- Decisions are made logically through the collection of evidence, facts, and public input.
 - When promises are made, we follow through.
 - We do not obfuscate – we say what we mean and do what we say.
 - Transparent governmental practices are of the highest priority.

FISCAL STEWARDSHIP

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.

Memorandum

Date: 26 March 2023
To: Township Board
From: Sara Feister, Human Resources Director
Subject: Planning Department Transcriptionist Job Description



Objective

Requesting Board approval of the proposed Planning Department Transcriptionist Job Description.

Proposed Motion

“I approve the Planning Department Transcriptionist Job Description.”

Background

The Planning Department has utilized a transcriptionist for the PC, ZBA, & DDA meetings for several years. The individual that was contracted to complete this task has since retired and therefore we are looking to fill this role. This job description was drafted based on duties associated with the transcriptionist role to clearly line out the responsibilities.

Information Provided

1. Planning Department Transcriptionist Job Description

Core Values

Public Service, Professionalism

**CHARTER TOWNSHIP OF OSHTEMO
POSITION DESCRIPTION**

Position Title: **PLANNING DEPARTMENT TRANSCRIPTIONIST**

General Summary:

Under the direct supervision of the Planning Director, this position is responsible for transcribing meeting minutes for the Planning Commission (PC), Zoning Board of Appeals (ZBA), & the Downtown Development Authority (DDA).

Essential Job Functions:

The physical requirements described herein are representative of those requirements which must be met by an individual to successfully perform the essential job functions of this job. Reasonable accommodation may be made upon request to enable an individual with a disability to perform these essential job functions.

The individual must be able to use word processing programs such as Microsoft Office and correspond via email. The individual must be able to communicate in English.

The individual must attend all PC, ZBA, & DDA meetings. There are two (2) regularly scheduled PC meetings per month, one (1) ZBA meeting per month, and one (1) DDA meeting every other month. Infrequently, special meetings are required, but the average number of meetings per year is 30-35.

Typical Responsibilities:

1. Plan and prep for each meeting by reading over the packet materials.
2. Produce the meeting minutes for public distribution.

Employment Qualifications:

EDUCATION: High School graduate or equivalent.

EXPERIENCE: Must be able to meet prescribed typing and computer standards in effect at the time of hire.

Strong interpersonal communication skills, both oral and written.

These qualifications represent guidelines; alternative qualification may be substituted if sufficient to perform the duties required by this position.

Effective Date: 03/26/24

Memorandum



Date: 26 March 2023
To: Township Board
From: Sara Feister, Human Resources Director
Subject: MERS Retiree Health Care Savings Plan Amendment

Objective

Requesting Board approval to revise the MERS Retiree Health Care Savings Plan to include a new hire waiting period for eligibility on the first of the month following hire.

Proposed Motion

“I approve the proposed amendment to the MERS Retiree Health Care Savings Plan to include a new hire waiting period for eligibility on the first of the month following hire.”

Background

The HR Board Work Group met to discuss adding a new hire waiting period to MERS eligibility to align with the Greenleaf Trust retirement plan eligibility, which is the first of the month following hire. The HR Board Work Group suggests revising the MERS Plan to add this new hire waiting period.

Information Provided

1. MERS Plan Amendment

Core Values

Professionalism

MERS Health Care Savings Program Participation Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9707

www.mersofmich.com

The Employer, a participating municipality or court within the state of Michigan, hereby agrees to adopt and administer the MERS Health Care Savings Program provided by the Municipal Employees' Retirement System of Michigan, in accordance with the [MERS Health Care Savings Program Plan Document](#), subject to the terms and conditions herein.

I. PARTICIPATING EMPLOYER

Employer Name: _____
(Name of municipality or court)

Municipality Number: _____ **Division Number:** _____

II. EFFECTIVE DATE

1. If this is the initial Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of the program here adopted shall be the 1st day of _____, 20____.
(Month) (Year)
2. If this is an amendment and restatement of an existing Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of this amendment and restatement shall be **effective the 1st day of** _____ **APRIL** _____, 20__24__.
(Month) (Year)

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

III. COVERED EMPLOYEE GROUPS

A participating Employer may cover all of its employee groups, bargaining units, or personnel/employee classifications ("Covered Group") in the same Health Care Savings Program plan. **Contributions shall be made on the same basis within each Covered Group according to the associated [HCSP Contribution Addendum](#), remitted as directed by MERS.** This agreement encompasses the following group(s):

(Name/s of HCSP covered group/s)

Note: To maintain the tax-favored status of the employer's Health Care Savings Program and to comply with federal law, the Employer may not provide coverage or benefit levels to highly-compensated employees that are not provided to non highly-compensated employees.

IV. ELIGIBLE EMPLOYEES

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement.

Probationary Periods (select one):

- Contributions will begin after the probationary period has been satisfied. Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, contributions will not be reported and service toward vesting will begin when probationary period has ended.

The probationary period will be _____ month(s). *Eligibility begins the 1st of the month following hire date

- No probationary period.

MERS Health Care Savings Program Participation Agreement

V. EMPLOYER CONTRIBUTIONS

The Participating Employer hereby elects to make contributions to the Plan. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the employer, to be credited to the individual accounts of Eligible Employees according to the associated [Contribution Addendum](#).

Frequency:

Contributions will be remitted according to Employer's "Payroll Period" which represents the actual period amounts are withheld from participant paychecks, or within the month during which amounts are withheld. Contributions will be submitted (check one):

- Weekly
- Bi-Weekly (every other week)
- Semi-Monthly (twice each month)
- Monthly

Vesting Cycle For Basic Employer Contributions Only. The employer contributions identified in this Participation Agreement are subject to the following vesting cycle (where vesting is different, separate participation agreement must be completed).

- Immediate Vesting upon Participation
- Cliff Vesting: The participant is 100% vested upon _____ year(s).
(Stated years)
- Graded Vesting Percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service:

Years of Service	Percent Vested
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	100%

FORFEITURE PROVISION. Upon separation from service with the Employer prior to meeting the required vesting schedule set out above or in the event a Participant dies without Dependent(s) and/or a named Beneficiary, a Participant's account assets shall (where forfeiture is different, separate participation agreement must be completed):

Check only one:

- Remain in the HCSP sub-trust to be reallocated among all Plan participants equally
- Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- Be transferred to the Retiree Health Funding Vehicle ("RHFV")

MERS Health Care Savings Program Participation Agreement

VI. MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Plan Document have been implemented.

VII. APPOINTING MERS AS THE PROGRAM ADMINISTRATOR

The Employer hereby agrees to the provisions of the [MERS Health Care Savings Program Plan Document](#) ("Plan Document"). The Employer also agrees that in the event of any conflict between the Plan Document and this Participation Agreement, the Plan Document controls.

VIII. FEES AND EXPENSES

Employer acknowledges that investment selection and associated participant fees and operating expenses are established and charged by MERS as set forth in the Investment Fund and Fee Summary sheets available at www.mersofmich.com and may be amended by MERS.

IX. STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

X. TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Plan Document.

XI. ENFORCEMENT

1. This Participation Agreement may be terminated only in accordance with the [MERS Health Care Savings Program Plan Document](#).
2. The Employer hereby agrees to the provisions of the [MERS Health Care Savings Program Plan Document](#).
3. The employer hereby acknowledges it understands that failure to properly fill out this Participation Agreement may result in the ineligibility of the program.

XII. EXECUTION

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Participation Agreement is hereby approved by _____
on _____ (Name of Approving Employer)
(MM/DD/YYYY)

Authorized signature: _____

Name (printed): _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)

Memorandum & Request



Date: March 19, 2024
To: Township Board
From: Kyle Gibson, Media & Communications Manager
Subject: Public Education Budget Amendment Request

Objective

That the Board would approve a budget amendment to account for unexpected costs incurred in this fiscal year.

From: GL 101-000-40000 General Fund Carryover
To: GL 101-249-76100 Public Education

Proposed Motion: Motion to approve a budget amendment in the amount of \$10,000.00 to cover the cost of the 2023 4th quarter newsletter which was incurred in the 2024 fiscal year.

Background

In partnership with LKF Marketing, the Township introduced a new format for its quarterly newsletter. The 2023 4th quarter newsletter was the first to utilize the new format, and its implementation led to substantial and unexpected delays as Township staff and LKF worked with the printer to ensure that quality expectations were met. As a result, the 4th quarter newsletter was not delivered until January 2024, meaning that it was incurred as a 2024 expense. This “extra” newsletter was not budgeted for. To be able to continue with all the quarterly newsletters this year as intended in the 2024 budget, \$10,000.00 is requested from Carryover.

Core Values

Public Service, Integrity, Fiscal Stewardship

Memorandum & Request



Date: 5 March 2024
To: Township Board
From: Greg Fountain, Maintenance Director
Subject: Maintenance Equipment Budget Amendment

Objective

MOTION: For the Board to approve an unexpected purchase of failed equipment from a balance leftover from a 2024 planned maintenance equipment purchase.

The planned purchase for maintenance equipment came under cost. Would like to use the remainder of that allocation to replace the backpack blower that recently failed.

Background

The 2024 budget included \$4,600 for purchase of a chipper/shredder attachment for the Township John Deere 2025 Tractor. The line item was split between the following departments.

- 101-567-97400 \$800.00
- 107-756-97700 \$3000.00
- 206-338-75300 \$800.00

The chipper/shredder was purchased for a total of \$3938.19 and delivered to the Township on 2/5/24.

After many years of service, the Townships Stihl Backpack blower failed beyond repair in November of 2023. Replacement cost for the Blower is 439.99

Requesting to use the remaining funds for the Shredder/Chipper to purchase the Backpack Blower. Funds for purchasing the backpack blower would be split between the following funds:

60% Parks GL# 107-756-97700: \$264.00
20% Fire GL# 206-338-75300: \$88.00
20% CBG GL# 101-567-97400: \$88.00

Core Values

Public Service, Sustainability, Fiscal Stewardship



MEMORANDUM

Date: March 13, 2024

To: Township Board

From: James Porter *JWP*

Subject: Text Amendments to Floodplain Management Ordinance No. 510, Section 273.003: Designation of Regulated Flood Prone Hazard Areas.

Objectives

MOTION: I make the motion to approve the proposed Text Amendments to the Floodplain Management Ordinance No. 510, Section 273.003: Designation of Regulated Flood Prone Hazard Areas.

Background

The Federal Emergency Management Agency (FEMA) has completed New Flood Insurance Rate Maps (FIRMs) for Kalamazoo County. The FIRMs are scheduled to go into effect on July 31, 2024.

The Text Amendments reflect the change to the panel number on the Flood Insurance Rate Map(s) (FIRMS) and the effective date of July 31, 2024.

If the documents are not effective prior to July 31, 2024, or have not been approved by FEMA prior to the effective date of the FIRM, Oshtemo Township will be suspended from the NFIP- suspension will result in flood insurance no longer being available in the community.

Information Provided

I have attached the correspondence from the Department of Environment, Great Lakes, and Energy (EGLE) requesting the changes and the proposed Ordinance Text Amendments for your review.

Core Values

Sustainability



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

February 14, 2024

VIA EMAIL

Cheri Bell
Supervisor
Charter Township of Oshtemo
7275 West Main Street
Kalamazoo, Michigan 49009

Dear Cheri Bell:

SUBJECT: New Flood Insurance Rate Maps for Kalamazoo County

The Federal Emergency Management Agency (FEMA) has completed New Flood Insurance Rate Maps (FIRMs) for Kalamazoo County. The FIRMs are scheduled to go into effect on July 31, 2024. Your community should have recently received an official FEMA letter of notice that this is the case.

Your community currently participates in the National Flood Insurance Program (NFIP). As a member of the NFIP, your community must adopt the new maps by revising its current floodplain ordinance or adopting a new floodplain ordinance, prior to the effective FIRM date of July 31, 2024.

Attached is a sample ordinance which can be very helpful and easily filled out. I will be contacting your office again in the next week to answer any questions.

Note that federal NFIP minimum requirements and the Michigan Construction Codes with Appendix G, regulate all development within the floodplain. Development is defined as any man-made change, and includes activities such as filling, grading, septic systems, and agricultural buildings. If your community needs additional information on the requirements or training, please contact me.

The completed ordinance or ordinance amendment documents should be submitted to my attention. After our office has reviewed them, I will send them to FEMA for final approval. If the documents are not effective prior to July 31, 2024, or have not been approved by FEMA prior to the effective date of the FIRM, your community will be suspended from the NFIP. Suspension will result in flood insurance no longer being available in the community. This means for federally backed mortgages in the floodplain, the lenders will require people to seek private insurance (through Lloyds of London for example) at extremely high rates. Some forms of Federal disaster assistance are also not available in suspended communities.

Please submit draft documents to me **no later than April 1, 2024**, and before they are voted on or approved by community officials to ensure they will meet FEMA's requirements.

The following needs to be listed in your ordinance: The Flood Insurance Study(-ies) for Kalamazoo County, Michigan, all jurisdictions, effective July 31, 2024, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) included on index panel, 26077CIND0B, effective July 31, 2024.

Please allow time for any required publications in your local papers. If applicable, the intergovernmental agreement with the county building official will also need to be updated, so they are aware of the upcoming changes. Again, draft samples of both the ordinance and the intergovernmental agreement are attached.

If you have questions, please contact me at CervelliD@Michigan.gov, or at 517-243-6951. It is preferred that documents are emailed to me at the above address.

Sincerely,



Donna Cervelli, PE
Floodplain Engineer
Water Resources Division

Attachments

cc: Anna Horner, Public Works Director
Brian Killen, FEMA Region V, Chicago
John Bayha, Department of Environment, Great Lakes, and Energy

DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO.

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township General Floodplain Management Ordinance, Section 273.003: Designation of Regulated Flood Prone Hazard Areas. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF THE GENERAL FLOODPLAIN MANAGEMENT ORDINANCE COMPILED SECTION 273.003: DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS; is hereby amended to read as follows:

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Kalamazoo County, Michigan, all jurisdictions, effective July 31, 2024, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s), included on index panel numbers (s), 26077CIND0B, are adopted by reference for the administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL

AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT

FOR THE NATIONAL FLOOD INSURANCE PROGRAM

Oshtemo Charter Township, Community A (*NFIP community*), **Oshtemo Charter Township,**

Community/Entity B (*enforcing agency*)

WHEREAS, Oshtemo Charter Township, Community A

(*check the appropriate following box statement*) currently participates desires to participate

in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and

its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A's political boundaries, and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, Oshtemo Charter Township's Building Department, be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
 - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION REGARDING
CLOSED SESSION OF MARCH 26, 2024**

WHEREAS, it is necessary for the Township Board to meet and consult with its Attorney for purposes of discussing the Written Opinion of Counsel regarding the West KL Landfill Annual Cost Accounting and to do so in an open meeting would have a detrimental effect upon the Township's position and could disclose matters protected by attorney-client privilege; and

WHEREAS, Section 8 of the Open Meetings Act, 1976 PA 267, as amended, permits a public body to meet in closed session to consult with its attorney regarding material exempt from discussion and disclosure as set forth above.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with the Open Meetings Act, the Oshtemo Charter Township Board hereby determines to meet in closed session this 26th day of March, 2024, to consult with its Attorney regarding the discussion of the Written Opinion of Counsel regarding the West KL Landfill Annual Cost Accounting and to consider material exempt from discussion or disclosure by state law.

A motion was made by _____, seconded by _____, to adopt the foregoing Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following was absent:

The Supervisor declared that the Resolution has been adopted by at least 2/3 of the members of the Board.

DUSTY FARMER, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a regular meeting of the Oshtemo Charter Township Board, held on March 26, 2024, at which meeting ___ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk