

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

**April 27<sup>th</sup>, 2021**

Refer to [www.oshtemo.org](http://www.oshtemo.org) home page for Virtual Meeting Information

**REGULAR MEETING  
6:00 P.M.  
AGENDA**

1. Call to Order
2. Roll Call & Remote Location Identification
3. Pledge of Allegiance
4. Public Comment on Non-Regular Session Items

**WORK SESSION ITEMS**

5. Discussion on Sewer Hardship Financing or Deferment Ordinance and Update on HARC Committee Inaugural Meetings
6. Other Updates & Business

**BREAK (Time Permitting) – 7:05 P.M.**

**REGULAR SESSION ITEMS – 7:15 P.M.**

7. Consent Agenda
  - a. Approve Minutes – 4/13/2021 & 4/20/2021
  - b. Receipts & Disbursements Report
  - c. Fire Department Lexipol Policies (Continued)
  - d. HARC Recommendations
8. Consideration of Friends of the Parks Request to be Recognized as a Local Civic Organization for Purposes of Charitable Gaming License
9. Consideration of Amendment to Ord. 620 - Public Sanitary Sewer Hardship Financing or Deferment Ordinance – First Reading
10. Discussion on Road Long Term Plan & Needs (Continued)
11. Consideration of Property Acquisition
12. Other Township Business & Question Updates
13. Public Comment
14. Board Member Comments
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](mailto: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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

| Oshtemo Township<br>Board of Trustees |          |  |
|---------------------------------------|----------|--|
| <b><u>Supervisor</u></b>              |          |  |
| Libby Heiny-Cogswell                  | 216-5220 | <a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>     |
| <b><u>Clerk</u></b>                   |          |  |
| Dusty Farmer                          | 216-5224 | <a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>     |
| <b><u>Treasurer</u></b>               |          |  |
| Clare Buszka                          | 216-5260 | <a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>     |
| <b><u>Trustees</u></b>                |          |  |
| Cheri L. Bell                         | 372-2275 | <a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>         |
| Kristin Cole                          | 375-4260 | <a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>         |
| Zak Ford                              | 271-5513 | <a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>         |
| Kizzy Bradford                        | 375-4260 | <a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a> |

| <b>Township Department Information</b> |          |  |
|--|----------|--|
| <b><u>Assessor:</u></b>                |          |  |
| Kristine Biddle                        | 216-5225 | <a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>   |
| <b><u>Fire Chief:</u></b>              |          |  |
| Mark Barnes                            | 375-0487 | <a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>     |
| <b><u>Ordinance Enf:</u></b>           |          |  |
| Rick Suwarsky                          | 216-5227 | <a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a> |
| <b><u>Parks Director:</u></b>          |          |  |
| Karen High                             | 216-5233 | <a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>         |
| Rental Info                            | 216-5224 | <a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>     |
| <b><u>Planning Director:</u></b>       |          |  |
| Iris Lubbert                           | 216-5223 | <a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>   |
| <b><u>Public Works:</u></b>            |          |  |
| Marc Elliott                           | 216-5236 | <a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>   |

## 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: 838 5767 5790**

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: **838 5767 5790#**

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



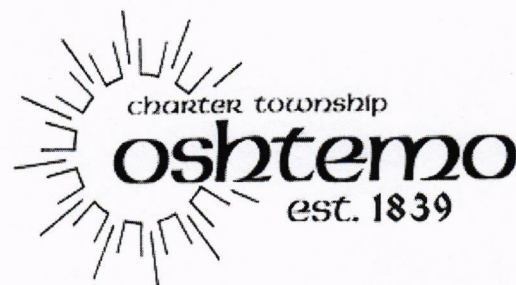
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- 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.**

# Memo



**To:** Oshtemo Charter Township Board  
**From:** James W. Porter *JWP*  
**Date:** April 22, 2021  
**Subject:** Proposed Amendment to Ord. 620 - Public Sanitary Sewer Hardship Financing or Deferment Ordinance - Section IV

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## **OBJECTIVE**

To amend HARC Ordinance No. 620, based upon the experience of the HARC Committee during the processing of first round of applications.

## **BACKGROUND**

The Board passed the HARC Ordinance on April 28, 2020, and amended by Ordinance No. 631 on January 12, 2021. The first round of applications were considered by the HARC Committee on March 18, 2021. Based upon review of the applications and implementation of the Ordinance, the HARC Committee and the staff implementing the Ordinance have recommended certain changes to better implement the spirit and intent of the Ordinance.

## **INFORMATION PROVIDED**

Attached to find the redline version showing the proposed text amendments to the ordinance.

## **STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE**

Asking the Board to approve the proposed Ordinance Amendment for first reading and set for second reading .

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2021

Effective: \_\_\_\_\_, 2021

An Ordinance to amend the Oshtemo Charter Township Public Sanitary Sewer Hardship Financing or Deferment Ordinance No. 620, Section IV Qualifying Standards for Hardship Financing or Hardship Deferment, to remove the reference to a discontinued State Program, to expand the income limitations for hardship financing, reduce the income limitations for hardship deferrals and extend extraordinary circumstances to include hardship financing.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. QUALIFYING STANDARDS FOR HARDSHIP FINANCING OR HARDSHIP DEFERMENT. The standards for qualifying for hardship financing or hardship deferment shall be as follows:

- A. Application Limitations. Before submitting an application for hardship financing or deferment, each Property Owner(s) must demonstrate that they do not qualify for assistance ~~from the State of Michigan under the Deferment of Special Assessments on Homesteads Act at 225 of 1976~~ or under the USDA 504 Home Repair Program or the USDA 502 Home Repair Program. Any assistance received under the above-listed Programs will not count toward the asset limitations of the Township Hardship Programs or prohibit a Property Owner who otherwise qualifies for the Township Programs from access to the hardship financing or hardship deferment as set forth below.

B. Hardship Financing. Property Owner(s) in Oshtemo Charter Township may enter into a Sewer Connection Installment Payment Agreement to finance their connection fees as provided in the Wastewater Services Ordinance, No. 208. In addition to the Property Owner(s)' right to enter into a Sewer Connection Installment Payment Agreement under Ordinance No. 208, the following individuals may request that the Private Plumbing Expenses be paid for by the Township and added to the Sewer Connection Installment Payment Agreement and be financed upon the same terms and the same interest rate offered under Ordinance No. 208, provided the Property Owner(s) meet the following income and assets limitations:

1. Income Limitation. Property Owner(s) whose family income is at or below ~~\$34,999.00~~ \$49,999.00 for the year at issue.
2. Asset Limitation. In addition to the Income Limitations requirements, an asset test considering all assets owned by the applicant, other than the applicant's house, vehicle, and household goods, will be used in determining whether relief should be granted. Property Owner(s) with assets in excess of \$20,000 may not be eligible for hardship financing.

C. Hardship Deferments. Property Owner(s) who enter into a Sewer Connection Installment Payment Agreement, pursuant to Ordinance No. 208, may qualify for a Deferment provided they meet the following Income and Asset limitations set forth below.

1. Income Limitation. Property Owner(s) whose family income is at or below ~~\$49,999.00~~ \$34,999, for the year at issue.
2. Asset Limitation. In addition, to the Income Limitations requirements, an asset test considering all assets owned by the applicant, other than the applicant's house, vehicle, and household goods, will be used in determining whether relief should be granted. Property Owner(s) with assets in excess of \$20,000 may not be eligible for a hardship deferment.

- D. Extraordinary Circumstances Warranting Hardship Financing, Deferment or Delay in Connection. Those Property Owner(s) who do not qualify under the above provisions may request consideration, based upon extraordinary circumstances, for **hardship financing**, deferment or delay in the connection to the public sanitary sewer system. The extraordinary circumstances which would be considered by the Hardship Advisory Review Committee would be items such as or similar to the following: death of a spouse; extraordinary medical expenses; recent home purchase (less than two years); bankruptcy; extreme debt impacting household disposable income, extreme difficulty in connecting to the public sanitary sewer system; etc. Those Property Owner(s) who believe they might qualify under the standards set forth herein may file an application as set forth in Section V below.
- E. Funding Limitation. The granting of hardship financing or deferment under this Ordinance is subject to availability of funds in the hardship revolving fund as set forth in Sec. IX below.

SECTION II.

EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP

## Reporting for Duty

### 1009.1 PURPOSE AND SCOPE

This policy describes the department's expectations of its employees when reporting for duty, to ensure that all members are fully capable of functioning in their capacity.

### 1009.2 POLICY

It is the policy of this department to identify the expectations required of its members when reporting for duty in order to provide efficient and quality services to the community and to provide for the safety of its members.

### 1009.3 PUNCTUALITY

All members shall be punctual and be ready to immediately perform their duties at the assigned time.

### 1009.4 RELIEF

Upon entering the station, it is the member's responsibility to contact the member being relieved and receive a briefing.

All personnel shall remain on-duty until change-of-crew unless they are relieved or otherwise directed by a Chief Officer. If change of crew fails to arrive in a timely manner, the firefighter on duty shall contact a Chief Officer.

### 1009.5 READINESS FOR DUTY

Upon reporting for duty, all members shall prepare themselves and their gear to be immediately available to respond to calls for service.

### 1009.6 PERSONAL APPEARANCE

All members shall don the appropriate uniform prior to the start of their work assignments and be properly attired at all times when representing the Department. Each member should wear the appropriate uniform or protective equipment that has been approved for the activity being performed.

### 1009.7 CLEANLINESS

All members shall keep their persons, uniforms, desks, beds and lockers in a neat and clean condition. If a persistent problem is noticed, the member should be notified immediately.

### 1009.8 INABILITY TO REPORT FOR DUTY

Members should notify their Captain at their duty assignment location as soon as practicable of any inability to report for duty at the time required. If members are unable to make contact with the Captain at the duty station, members should notify a Chief Officer.



# Oshtemo Fire and Rescue Department

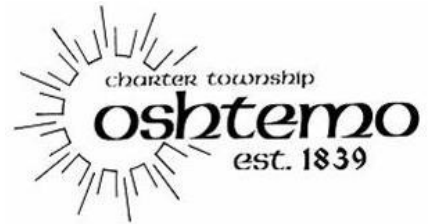
Policy Manual

## *Reporting for Duty*

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### **1009.9 RELIEVED FROM DUTY FOR VIOLATIONS**

Any ranking firefighter may relieve a member under their command from duty, when, in the ranking firefighter's judgment, an alleged offense committed is sufficiently serious to warrant immediate action. A report of such action shall be immediately made to the Fire Chief or in their absence, the Deputy Fire Chief, followed by written charges and documentation in accordance with Township policy or procedures.



# Memorandum

**Date:** April 22, 2021  
**To:** Township Board  
**From:** Anna Horner, P.E., Deputy Director of Public Works  
**Subject:** 2021 HARC Application Recommendations

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## **OBJECTIVE**

Township Ordinance 620 *Public Sanitary Sewer Hardship Financing or Deferment* provides means and procedures for parcel owners to seek hardship financing or deferment of expenses related to sanitary sewer system connection costs. In accordance with Section VI.C. of the Ordinance, the Township Board shall consider acceptance of the recommendations of the Hardship Advisory Review Committee (HARC). Any recommendation of hardship not rejected by the Township Board within thirty (30) days, shall be deemed accepted.

## **BACKGROUND**

In 2020, resident feedback was given to the Township Board about the financial burden of mandatory connection to the public sanitary sewer. One of the initiatives to support these concerns was the creation of Ordinance 620 and associated Hardship Assistance Review Committee Policy. The HARC has been established and its membership appointed by the Township Board. The inaugural meeting of the HARC was held on March 18, 2021 and a supplemental meeting was held on April 1, 2021. A total of three (3) applications were received in 2021.

## **INFORMATION PROVIDED**

HARC recommendations for completed applications are attached.

## **STATEMENT OF REQUESTED BOARD ACTION**

Acceptance of HARC Recommendations as presented.

OSHTEMO CHARTER TOWNSHIP  
COUNTY OF KALAMAZOO, MICHIGAN

HARDSHIP ADVISORY REVIEW COMMITTEE - RECOMMENDATION

Recommendation of the Oshtemo Charter Township Hardship Advisory Review Committee resulting from a public hearing conducted on April 1, 2021.

The Hardship Advisory Review Committee, after reviewing the application regarding parcel number 3905- 34 - 480 - 033 recommends:

X Approval    \_\_\_ Denial

of the application for

X Hardship Financing for private connection costs

\_\_\_ Deferment of public connection fees

This recommendation is made after due consideration and investigation of the application of the property owner (or their legal representative).

The Hardship Advisory Review Committee finds that the applicant

X meets    \_\_\_ does not meet

the qualification standards for hardship and/or deferment under Section IV of Oshtemo Charter Township Ordinance No. 620.

For approved applications:

X The property owner (or their legal representative) has agreed to enter into an installment payment agreement for the subject property.

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By: Neil Sikora Date: 4/23/2021  
Neil Sikora, Chairperson  
Oshtemo Charter Township  
Hardship Advisory Review Committee

OSHTEMO CHARTER TOWNSHIP  
COUNTY OF KALAMAZOO, MICHIGAN

HARDSHIP ADVISORY REVIEW COMMITTEE - RECOMMENDATION

Recommendation of the Oshtemo Charter Township Hardship Advisory Review Committee resulting from a public hearing conducted on April 1, 2021.

The Hardship Advisory Review Committee, after reviewing the application regarding parcel number 3905- 26 - 136 - 040 recommends:

X Approval    \_\_\_ Denial

of the application for

X Hardship Financing for private connection costs

\_\_\_ Deferment of public connection fees

This recommendation is made after due consideration and investigation of the application of the property owner (or their legal representative).

The Hardship Advisory Review Committee finds that the applicant

X meets    \_\_\_ does not meet

the qualification standards for hardship and/or deferment under Section IV of Oshtemo Charter Township Ordinance No. 620.

For approved applications:

X The property owner (or their legal representative) has agreed to enter into an installment payment agreement for the subject property.

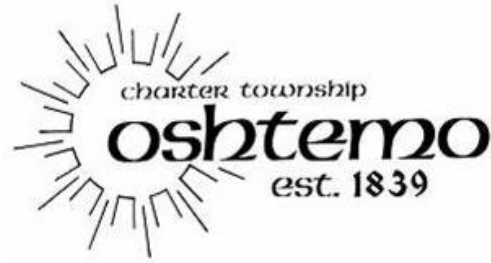
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By: Neil Sikora, Chairperson

Date: 4/23/2021

Oshtemo Charter Township  
Hardship Advisory Review Committee

# Memorandum



**Date:** April 20, 2021

**To:** Township Board

**From:** Karen High, Parks Director

**Subject:** Consideration of Friends of the Parks' Request to be Recognized as a Local Civic Organization for Purposes of Charitable Gaming License

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## **OBJECTIVE**

Township Board consideration of Friends of the Parks' request to be recognized as a local civic organization.

## **BACKGROUND**

Oshtemo Friends of the Parks is proposing a raffle of restaurant gift cards at their "Music in the Park" outdoor concerts this summer. Funds to purchase the restaurant gift cards were donated by the Downtown Development Authority (DDA). A gift card from each of the nine restaurants in the DDA area will be raffled. Proceeds will support Oshtemo park programs and improvements. The raffle is also an opportunity to promote our local restaurants.

The raffle is considered an 'exempt raffle' in the Michigan Charitable Gaming Division's Raffle Guide. A license is not required. However, any organization holding an exempt raffle must be 'qualified' by the Charitable Gaming Division. One of the qualification requirements is that the local government pass a resolution stating the organization is a recognized nonprofit organization in the community. A resolution form is attached for your consideration.

## **Core Values Recognized:**

- **Public Service** (the value to our Township and residents.)
- **Sustainability** (Meet the needs of the present without compromising future generations.)
- **Integrity** (Decisions are made logically through the collection of evidence, facts, and public input. Transparent governmental practices are of the highest priority.)



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL.432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_,  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_.  
APPROVAL/DISAPPROVAL

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

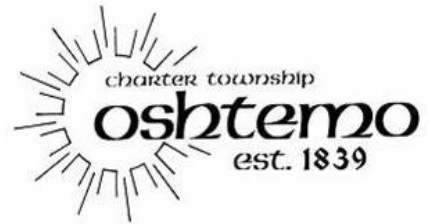
meeting held on \_\_\_\_\_.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)



# Memorandum

**Date:** April 23, 2021  
**To:** Township Board  
**From:** Marc Elliott, P.E., Director of Public Works  
**Subject:** Discussion on Road Long Term Plan & Needs (Continued)

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## **OBJECTIVE**

Further Board discussion on achieving goals for roadway long-term management. Policy considerations and revenue source comparisons, as reviewed and recommended by the Capital Improvements Committee (CIC), will be presented by Township staff and RCKC representatives.

## **BACKGROUND**

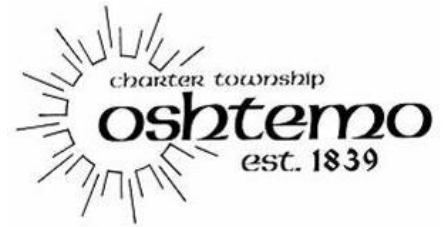
As previously presented, portions of the local road network in Oshtemo has aged beyond the useful life of asphalt pavement. It is also anticipated several subdivisions will be facing pavement age-out in the future. The Township staff, Board and RCKC identified at the prior meeting that these long-term needs are insufficiently funded to meet desired roadway asset management goals. While Oshtemo has above average roadway ratings among the County's Townships, 20% of our roads are classed as poor. There is a significant need for capital road reconstruction projects. These current and anticipated pavement reconstruction needs are an additional cost to the Township's ongoing preventative maintenance program. The need for proactive planning and sustainable funding are pivotal for moving forward to protect and prolong our public roadway investments.

## **INFORMATION PROVIDED**

The Public Works Staff (in partnership with RCKC staff) will lead a presentation to Board Members and the General Public on road funding policies, methods, and appropriations. The focus will be on comparison between community wide special assessment district (SAD) and road millage either by MCL 247.670 or public vote.

## **STATEMENT OF REQUESTED BOARD ACTION**

Community Engagement & Discussion (No formal action is requested).



# Memorandum

**Date:** 22 April 2021  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor  
**Subject:** Acquisition of Parcel 05-01-180-005

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## **Objective**

Oshtemo Township Board consideration of acquisition of parcel 05-01-180-005.

## **Background**

The Treasurer received notice from the County that a property is available for Township acquisition through first right of refusal.

Public Works makes the recommendation to the Board to acquire the parcel for future transportation purposes.

The Township will be responsible for paying the County the unpaid taxes, in the amount of \$3063.34

## **Information Provided**

Aerial map of the subject parcel.



