

**OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260**

July 23, 2019

BOARD MEETING

**BUDGET DISCUSSION
&
OTHER BUSINESS**

**6:00 p.m.
AGENDA**

1. Call to Order
2. Public Comment on Non-Agenda Items
3. Update from Kalamazoo County
4. Consent Agenda
 - a. Approve Minutes – June 9, 2019 Regular Meeting
 - b. Receipts & Disbursements Report
 - c. Proposed Fireworks Ordinance – Second Reading
 - d. Computer Cloud Server Migration Budget Amendment
 - e. CCTA Board Appointment
5. Consideration of Adoption of Resolution to Establish the West Main Corridor Improvement Authority and Boundaries
6. Consideration of Appointments to the West Main CIA Board
7. Discussion on USDA Phase II Scope of Work in Primary Roads
8. Consideration of Elks Plat Drain Petition
9. Consideration of Charter Millage and Road Funding
10. Other Township Business
11. Public Comment
12. Board Member Comments
13. Request to Enter into Closed Session to Discuss Pending Litigation & Sale of Property
14. Discussion on 2020 Budget –Third Budget Meeting
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.

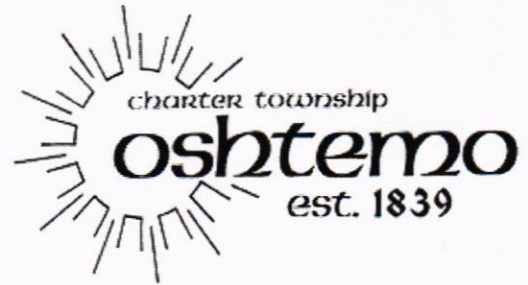
(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

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 8:00 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, 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>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Memo



To: Oshtemo Charter Township Board
From: James W. Porter
Date: July 11, 2019
Subject: New Fireworks Ordinance

OBJECTIVE

To adopt a Fireworks Ordinance in order to limit fireworks in the Township to only those days specifically permitted under state law.

BACKGROUND

The State of Michigan enacted a state statute, Public Act 256 of 2011, which limits municipalities from prohibiting fireworks on certain days but allows municipalities to adopt ordinances which would prohibit fireworks on any days other than those days permitted under state law.

INFORMATION PROVIDED

Attached is a copy of the proposed Ordinance.

STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE

Accept the Fireworks Ordinance for final reading and adoption.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2019

Effective: _____, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to protect the health, safety and general welfare of Oshtemo Charter Township through the regulation of use of fireworks, as provided in PA 256 of 2011 and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. NAME

This Ordinance shall be known and cited as the Oshtemo Charter Township Fireworks Ordinance.

SECTION II. PURPOSE

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Oshtemo Charter Township residents, Oshtemo Charter Township hereby provides for the regulation and use of fireworks in Oshtemo Charter Township, as provided in PA 256 of 2011, as may be amended, (MCL 28.451, et seq) and repeals all Ordinances or parts of Ordinances in conflict herewith.

SECTION III. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

1. *Articles pyrotechnic*: pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
2. *APA*: American Pyrotechnics Association.

3. *Consumer fireworks*: fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. Consumer fireworks does not include low-impact fireworks.
4. *Department*: Department of Licensing and Regulatory Affairs (LARA), State of Michigan.
5. *Display fireworks*: large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.
6. *Firework or fireworks*: any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.
7. *Low-impact fireworks* means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. *Minor*: individual who is less than 18 years old.
9. *National holiday*: A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
10. *NFPA*: National Fire Protection Association.
11. *Novelties*: as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5. and all of the following:
 - a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.
 - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
 - c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
12. *Person*: individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

13. *Special effects*: a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as in integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

SECTION IV. NOVELTIES

This Ordinance does not apply to and does not regulate the use of Novelties in Oshtemo Charter Township.

SECTION V. CONSUMER FIREWORKS

Consumer fireworks may be used in Oshtemo Charter Township on the following days beginning at 11 a.m. and ending as set forth below.

- a. December 31 until 1 a.m. on January 1.
- b. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- c. June 29 to July 4 until 11:45 p.m. on each of those days.
- d. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- e. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- f. Consumer fireworks shall not be used if a burn ban is in effect.
- g. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.
- h. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.
- i. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

SECTION VI. ARTICLES PYROTECHNIC AND DISPLAY FIREWORKS

1. The Township Board may permit articles pyrotechnic, display fireworks and special effect fireworks in Oshtemo Charter Township, pursuant to the provisions of MCL 28.451, *et seq* and this Ordinance.
2. Any person wishing to conduct an articles pyrotechnic, display fireworks or special effects display shall, at least 45 days prior to any display, submit an application on a form furnished by the Township, pay the required fee and shall secure permission from the Township Board prior to any such fireworks display.

3. The site plan of the area where the articles pyrotechnic, display fireworks or special effects display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and within the discharge site fallout area. The site plan shall furthermore set forth the distance separating any fireworks and any spectator viewing areas. All site plans shall be forwarded to the Fire Chief and/or his designated alternate for approval, including any recommended conditions, prior to coming before the Township Board for its approval.
4. A copy of any required state or federal permit for the fireworks display shall be submitted with the application.
5. Proof of insurance conforming the requirements of this Ordinance and PA 256 of 2011, as amended, shall be submitted with the application.
6. The application shall include information as to the competency and qualifications of the fireworks display operators, as required by NFPA 1123.
7. The Township Board shall approve an application for an articles pyrotechnic, display fireworks or special effects display if it finds that all of the following standards are satisfied:
 - a. The application and accompanying documentation are complete and conforms to the requirements of this Ordinance.
 - b. The operator of the fireworks display is competent and qualified to conduct the fireworks display, per NFPA 1123.
 - c. The Fire Chief or his/her designated alternate has approved the application and site plan.
 - d. The fireworks display will not have an adverse effect upon public safety.
 - e. The time, duration, location of the fireworks or special effects display will not, due to noise and other factors, unreasonably disturb the peace of persons residing within the vicinity or otherwise violate the Township's Nuisance Abatement Ordinance.
 - f. The Township Board, in approving an application hereunder, shall have the authority to impose such conditions as it determines in its sole reasonable discretion are necessary to assure that the fireworks display will satisfy the above standards.
8. Requirements and Restrictions
 - a. The person conducting the fireworks display shall follow NFPA 1123 for fireworks display and/or the Township requirements set forth herein, whichever are more restrictive.
 - b. A minimum safe area of 250 feet radius, plus an additional 70 feet radius for each inch by which the fireworks shell exceeds 3 inches in diameter shall be required. The Township Board shall have the authority to grant a variance from this requirement where it determines in its sole reasonable discretion that, given 1) the nature of the subject site, 2) the nature of the surrounding area and/or 3) the nature of the proposed fireworks display, that a variance will

not have a material adverse impact on public safety. In no event, however, shall the applicant fail to comply with the minimum requirements of NFPA 1123.

- c. The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The Township shall be named as an additional insured on the insurance policy.
- d. The Township Board shall not issue a permit to a nonresident person until the person has appointed in writing a member of the state bar or a resident agent to be the person's legal representative upon whom all process in an action or proceeding against the person may be served.
- e. The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.
- f. The consumption of alcohol immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited.
- g. A fireworks display conducted hereunder shall conform with all specifications set forth in the approved application and site plan, as well as with any conditions imposed by the Township Board in granting such approval.
- h. The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the fireworks display has ended.
- i. A permit is not transferable and shall not be granted to a minor.

SECTION VII. SANCTIONS

Any person that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and fined \$1,000.00 for each violation with \$500.00 of the fine being paid to local law enforcement responsible for enforcing the Ordinance.

In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

SECTION VIII. SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION IX. REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION X. EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following its adoption.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 07/23/2019

Department Head Name: Taylor

Fund Name: 101 General

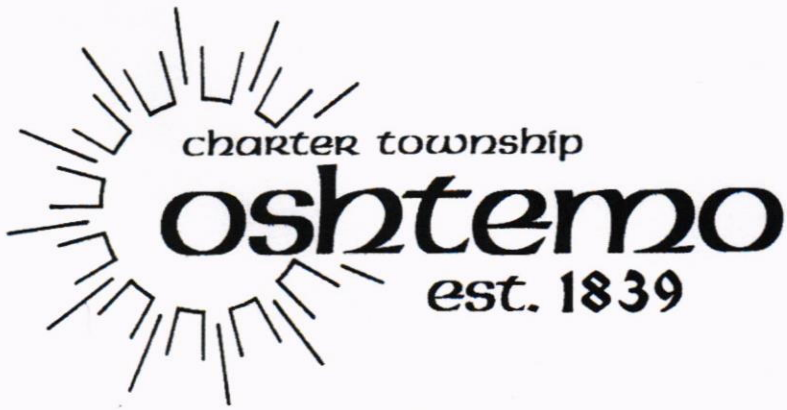
		Amount
Additional Funds Request for: (description and GL number)	<u>101-201-80500</u>	<u>Computer Support</u> \$ 50,000.00
	_____	_____
	_____	\$ 50,000.00
Funds requested from: (description and GL number)	<u>101-201-97000</u>	<u>Capital Outlay</u> \$ 50,000.00
	_____	_____
	_____	_____
	_____	_____
	_____	\$ 50,000.00

Explanation of request:

This amount was used on cloud migration in place of server replacement.

Supervisor Review: N/A
(pending or date reviewed)

Board Authorization: _____
(pending or date authorized)



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

July 23, 2019

Kalamazoo County Board of Commissioners
Dina Sutton, Administrator's Executive Coordinator
201 West Kalamazoo Avenue
Kalamazoo, MI 49007-3777

Dear Ms. Sutton:

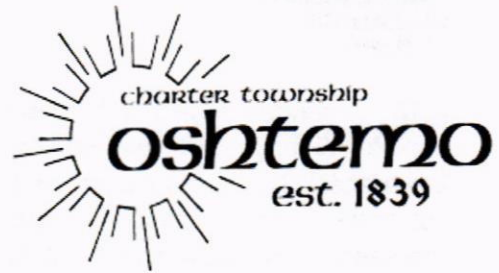
Oshtemo Township recommends the appointment of Clerk Dusty Farmer to the three year term on the CCTA Board.

Please refer to Oshtemo Board minutes for July 23, 2019

Thank you,

Libby Heiny-Cogswell
Supervisor, Oshtemo Township

Memo



To: Oshtemo Charter Township Board
From: Julie Johnston, AICP
Planning Director
Date: July 17, 2019
Mtg Date: July 23, 2019
Subject: West Main Corridor Improvement Authority Resolution to Establish

OBJECTIVE

1. Consideration of a Resolution to establish a Corridor Improvement Authority along West Main Street from Drake Road west to the Township Hall.
2. Consideration of appointments to the West Main Corridor Improvement Authority board.

BACKGROUND

Overview

The Corridor Improvement Authority (CIA), Public Act 57 of 2018, is designed to assist communities with funding improvements in commercial corridors outside of their main downtown areas. The Act allows the use of tax increment financing (TIF) to make capital improvements within an established commercial district. It permits communities that already have Downtown Development Authorities (DDAs) to extend similar benefits to aging commercial corridors outside the DDA district.

Specifically, this Act utilizes TIF for commercial and economic growth in commercial districts. The Township can use taxes arising from increased property values through TIF to pay for improvements within the established Authority boundaries. This powerful tool is one of the only options for Townships to make target public improvements within an area. Michigan planning laws do not allow the Township to levy impact fees or development exactions, which help to pay for off-site public improvements that benefit the new development. Utilizing TIF funds within the possible Authority area would allow the Township to address specific public improvements needed within this area that would not likely be funded by other means.

The first step in this process was the Resolution of Support, which was approved by the Township Board on March 26, 2019. The Resolution allowed staff to begin the process of reaching out to impacted property owners, discussing the project with the taxing jurisdictions (County, Library, Kalamazoo Valley Community College), and scheduling public hearings. Next, an open house was held on April 29th to provide an opportunity for property owners to discuss the project directly with staff. After the open house, the first

public hearing was held on the West Main CIA, which took place on May 14, 2019 and was further opportunity for property owners and effected taxing jurisdictions to weigh in on the proposed Authority boundaries. This public hearing began the required 60-day time period for public comments. This public comment period has come to a close, allowing the Township Board to hold a public hearing and consider the Resolution to establish the Authority and its boundaries.

During this same timeframe, staff has been working with our consultant, Wade Trim, and the West Main CIA work group to develop the draft Development Plan and TIF Plan. It is anticipated that the Township Board will hold a public hearing on August 13th to take comment on the draft Plan and begin that 60-day public comment period. The following schedule is anticipated:

- July 23 – Township Board considers/adopts Resolution to establish the Authority and its boundaries.
- July 23 – Township Board considers appointments to the West Main CIA.
- Aug 13 – Public hearing on the draft Development and TIF Plan. 60-day comment period begins.
- Aug 13 – Township Board considers West Main CIA By-Laws.
- Oct 12 – Deadline for taxing authorities to submit a resolution to the Township Clerk requesting its taxes not be subject to capture.
- Oct 22 – Township Board considers/adopts the Development and TIF Plan. West Main CIA project is complete.

INFORMATION PROVIDED

- Resolution to Establish West Main CIA
- West Main CIA Map and Property List
- West Main CIA recommended Board Appointments

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

Resolution Establishing the West Main Corridor Improvement Authority
By The Charter Township of Oshtemo

July 23, 2019

WHEREAS, the State of Michigan Recodified Tax Increment Financing Act, Public Act 57 of 2018, as amended, authorizes municipalities to establish a Corridor Improvement Authority (CIA) with responsibility for the promotion of economic growth and implementation of development plans within its commercial corridors.

WHEREAS, in the best interests of the public to redevelop its commercial corridors and to spur economic growth, the Oshtemo Township Board, per Section 606 of the Recodified Tax Increment Financing Act, Public Act 57 of 2018, passed a resolution of intent to establish the West Main Corridor Improvement Authority within the Township on Tuesday March 26, 2019; and

WHEREAS, the Township Board of Trustees for the Charter Township of Oshtemo held a public hearing to garner public input relative the establishment of the West Main Corridor Improvement Authority and proposed boundaries of the West Main Corridor Improvement Authority Development Area on May 14, 2019; and

WHEREAS, the boundaries of the West Main Corridor Improvement Authority Development Area are delineated on the map attached to and made part of this resolution;

NOW THEREFORE BE IT RESOLVED:

1. That the proposed West Main Corridor Improvement Authority Development Area meets the criteria of Section 605 of the Act.
2. That the Charter Township of Oshtemo agrees to all of the following per the requirements of Public Act 57 of 2018:
 - a. To expedite the local permitting and inspection process in the Development Area; and
 - b. To ensure that its Master Plan provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Development Area.
3. That the Charter Township of Oshtemo Board of Trustees adopts a resolution establishing the West Main Corridor Improvement Authority with the Development Area boundaries delineated in the map attached to and made part of this resolution.

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 "Abstained":

The Supervisor declared that the Resolution has been adopted.

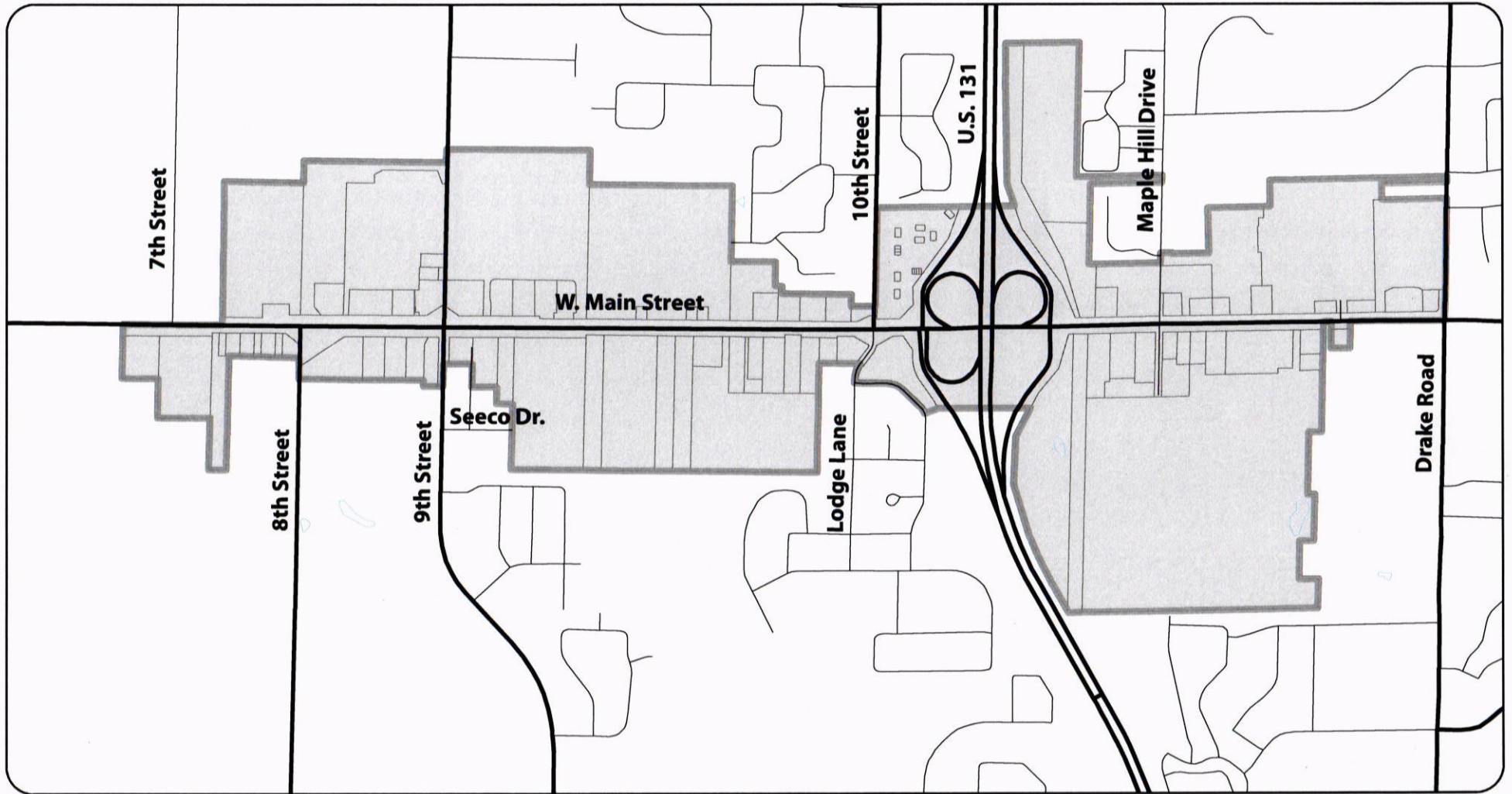
Dusty Farmer, Clerk
Oshtemo Charter Township

ATTACHMENT: West Main Corridor Improvement Authority Development Area Map

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on July 23, 2019, 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



**West Main Corridor Improvement Authority
Development Area Limits**

Charter Township of Oshtemo
Kalamazoo County, MI

 Development Area Limits



**Property Listing by Tax Identification Number and Address
West Main CIA Development Area, Charter Township of Oshtemo, Kalamazoo County**

Property ID #	Property Address
05-13-280-055	5020 W MAIN ST
05-13-280-051	5030 W MAIN ST 5022
05-14-185-039	6550 W MAIN ST
05-13-160-011	890 N 10TH ST
05-13-160-010	940 N 10TH ST
05-13-160-009	1040 N 10TH ST C
05-13-160-008	1040 N 10TH ST B
05-13-160-007	1040 N 10TH ST A
05-13-160-006	1090 N 10TH ST
05-13-160-004	1050 N 10TH ST
05-13-160-003	1080 N 10TH ST
05-13-160-002	1060 N 10TH ST
05-13-160-001	1070 N 10TH ST
05-13-160-012	N 10TH ST
05-14-332-004	6619 W MAIN ST
05-13-280-062	5018 W MAIN ST
05-13-280-030	5080 W MAIN ST
05-13-280-010	5160 W MAIN ST
05-13-280-022	5050 W MAIN ST
05-13-255-071	5350 W MAIN ST
05-13-255-050	5394 W MAIN ST
05-13-255-040	5474 W MAIN ST
05-13-255-060	5370 W MAIN ST
05-13-255-030	5490 W MAIN ST
05-13-180-035	5622 W MAIN ST
05-13-255-079	5330 W MAIN ST
05-13-430-020	5171 W MAIN ST
05-13-405-031	5303 W MAIN ST
05-13-405-028	5349 W MAIN ST
05-13-405-021	5371 W MAIN ST
05-13-180-029	5650 W MAIN ST
05-13-180-010	W MAIN ST
05-13-130-021	MAPLE HILL DR
05-13-330-020	W MAIN ST
05-13-330-010	W MAIN ST
05-13-180-040	5658 W MAIN ST
05-13-401-030	5481 W MAIN ST
05-13-401-020	5455 W MAIN ST
05-13-401-092	5609 W MAIN ST
05-13-401-070	5519 W MAIN ST
05-13-401-082	5601 W MAIN ST
05-13-401-102	618 MAPLE HILL DR
05-13-401-010	5431 W MAIN ST
05-13-403-010	626 MAPLE HILL DR
05-14-430-071	6075 W MAIN ST
05-14-435-030	6025 W MAIN ST
05-14-435-011	5945 W MAIN ST 5937
05-14-288-072	6070 W MAIN ST
05-14-282-090	6024 W MAIN ST
05-14-288-041	6146 W MAIN ST
05-14-288-021	6170 W MAIN ST
05-14-255-090	6294 W MAIN ST
05-14-255-010	W MAIN ST

Property ID #	Property Address
05-14-430-061	6101 W MAIN ST
05-14-430-040	6169 W MAIN ST
05-14-430-050	6139 W MAIN ST
05-14-430-010	6221 W MAIN ST
05-14-430-030	6211 W MAIN ST
05-14-430-020	W MAIN ST
05-14-405-030	W MAIN ST
05-14-405-040	6377 W MAIN ST
05-14-405-020	W MAIN ST
05-14-405-010	6479 W MAIN ST
05-14-330-020	6565 W MAIN ST 6563
05-14-155-066	987 N 9TH ST
05-14-185-040	6700 W MAIN ST
05-14-155-072	6780 W MAIN ST
05-14-155-050	6820 W MAIN ST
05-14-155-019	6984 W MAIN ST
05-14-330-012	6699 W MAIN ST
05-14-303-011	6831 W MAIN ST
05-14-303-012	6857 W MAIN ST
05-15-430-101	7021 W MAIN ST
05-15-430-111	745 N 8TH ST
05-15-285-010	7110 W MAIN ST
05-15-430-090	7039 W MAIN ST
05-15-430-070	7085 W MAIN ST
05-15-430-080	7041 W MAIN ST
05-15-430-055	7121 W MAIN ST
05-15-430-040	7125 W MAIN ST
05-15-405-020	7275 W MAIN ST
05-14-305-015	6883 W MAIN ST
05-14-305-025	6779 W MAIN ST
05-14-155-015	6958 W MAIN ST
05-13-160-013	950 N 10TH ST
05-13-160-014	950 N 10TH ST
05-13-160-015	950 N 10TH ST
05-13-160-016	950 N 10TH ST
05-14-155-029	6800 W MAIN ST
05-14-288-011	6220 W MAIN ST
05-15-430-010	7265 W MAIN ST
05-15-430-030	7141 W MAIN ST
05-14-185-036	W MAIN ST
05-14-185-033	6600 W MAIN ST
05-14-185-031	6622 W MAIN ST
05-14-185-022	6660 W MAIN ST
05-14-310-001	6775 W MAIN ST
05-14-155-035	6880 W MAIN ST
05-14-160-010	6790 W MAIN ST
05-14-288-062	6080 W MAIN ST
05-14-405-054	6297 W MAIN ST
05-14-430-062	6101 W MAIN ST
05-13-430-013	5299 W MAIN ST
05-13-430-012	5299 W MAIN ST
05-14-330-016	6649 W MAIN ST
05-14-255-080	6312 W MAIN ST

**West Main Corridor Improvement Authority Board
Appointment Recommendations**

Requirements:

- 5 to 9 members
- Chief Executive Officer of municipality
- Majority with ownership/interest in the corridor
- 1 resident within 1/2 mile of the boundary

Recommended Appointments:

- 1) Libby Heiny-Cogswell, CEO
- 2) Grant Taylor, At Large
- 3) Curt Aardema, Ownership/Interest
- 4) Jim VandenBerg, Ownership/Interest
- 5) Gregory Milliken, Ownership/Interest
- 6) KPL Position, Ownership/Interest
- 7) Kalamazoo County Commissioner Position
- 8) Anna Versalle, Resident
- 9) Marty Hodges, Ownership/Interest

TITLE	# / Mtgs.	Members	Dates	Term/End Date
		Jim Porter (Staff Attorney)		
		Marc Elliott, Public Utilities Dir.		
Zoning Board of Appeals	24	Fred Antosz (Alternate)	4th Tues @ 3 pm	12.31.2019
Three Year Terms		Jim Sterenberg	As needed	12.31.2019
		Anita Smith (To Complete MS's Term)		12.31.2020
		Micki Maxwell (PC Liason)		NA
		Neil Sikora		
		Fred Gould (Alternate)		12.31.2021
		Cheri (TB Liason)		1st Term
		Julie Johnston (Staff)		NA
		Jim Porter (Attorney)		
KCCDA (911 Consolidated Dispatch)		Mark Barnes	Board (Rep from County Fire Chiefs)	
West Main CIA Work Group		Anna Versalle, Resident		
		Curt Aardema, Ownership/Interest		
		Grant Taylor, At Large		
		Greg Miliken, Ownership/Interest		
		Jim Vandenberg, Ownership/Interest		
		Libby Heiny-Cogswell, CEO		
		Marty Hodges, Ownership/Interest		
		Kalamazoo County Commissioner Position		
		KPL Position, Ownership/Interest		



Memorandum

Date: July 18, 2019
To: Township Board
From: Marc Elliott, P.E., Director of Public Works
Subject: Discussion of USDA Scope of Work in Primary Roads (Phase 2 design)

OBJECTIVE

Board discussion and guidance will be sought regarding the **design goals & standards** for primary roadway reconstruction within the Phase 2 – Sewer Extensions Project. Fleis & Vandenbrink representatives will be available to review Oshtemo’s competing goals and the costs which may be anticipated to include non-motorized enhancements.

BACKGROUND

Preliminary designs suggest the depth of the sewer in the primary roads (KL & 11th) may require tree removals in some locations (if the project is limited to simply replacing the existing pavement). Roadway or shoulder improvements for non-motorized use, however, are likely to require removals the full extent of the ROW.

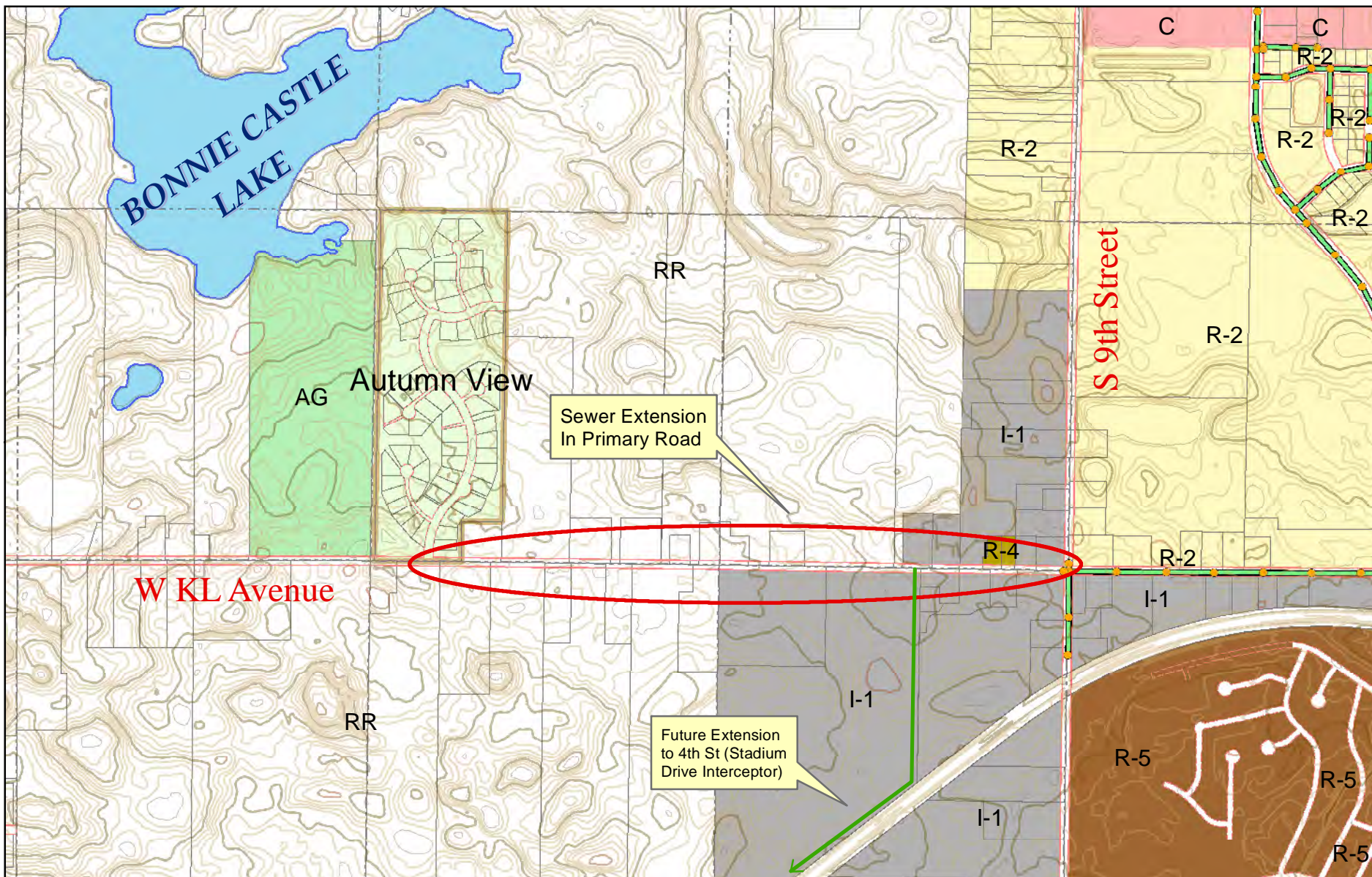
DISCUSSION

Oshtemo’s Complete Streets Plan identifies desired non-motorized facilities. The plan intent, (if funds are available) is that non-motorized facilities should be part of the project. KL Ave. and 11th St. are generally 12-ft lanes without shoulder and without drainage. We believe RC’s current design standard for primary roads are 12-ft lanes, with 3-ft paved and 3-ft gravel shoulders. A 4-ft paved and 2-ft gravel shoulder would likely satisfy the goals of both RC and Oshtemo within the cross-section extent defined by RC for new roads.

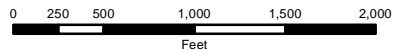
Detailed designs for new and extensive pavement reconstruction should include stormwater engineering. We would anticipate ditch drainage for both roadways. A design acceptable to RC is likely to include check dams and possibly require acquisition of easement areas for stormwater disposal where runoff is anticipated to spill outside the ROW limits.

ATTACHMENT

1. West KL Avenue Sanitary Sewer Project Extent
2. South 11th St Sanitary Sewer Project Extent



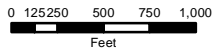
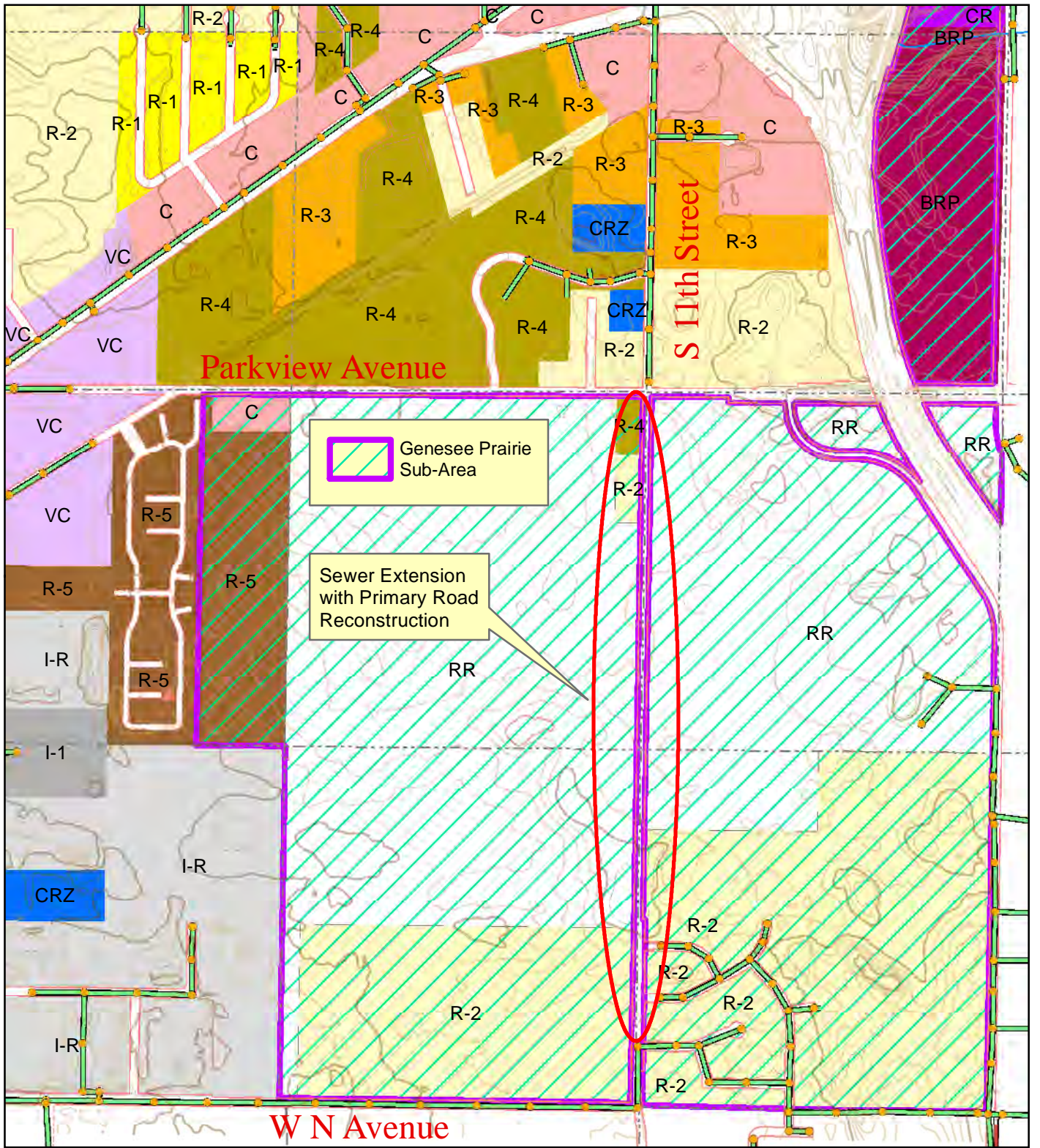
This map is for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Any conclusions or information derived from this map are at the users sole risk.



W KL Avenue Sanitary Sewer Extension Phase 2 - USDA Rual Development Financing

Charter Township of Oshtemo
Kalamazoo Co., Michigan

Date: 7/18/2019



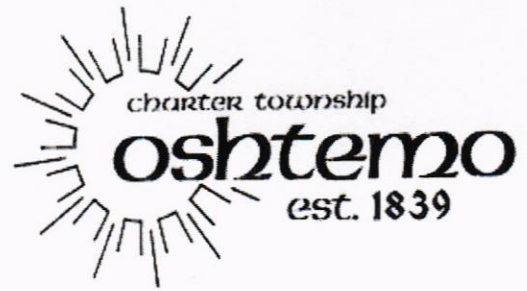
S 11th Sewer Extension Phase 2 - USDA Rural Development Financing

Charter Township of Oshtemo
Kalamazoo Co., Michigan

Date: 7/18/2019

This map is for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Any conclusions or information derived from this map are at the users sole risk.

Memo



To: Oshtemo Charter Township Board
From: James W. Porter *[Signature]*
Date: July 19, 2019
Subject: Elks Plat Drain Petition

OBJECTIVE

To execute the Petition for Locating, Establishing and Constructing the Elks Plat Drain #330.

BACKGROUND

You will recall that in June of 2018, the Township filed an Application for Laying Out and Designating a Drainage District for the Elks Plat Drain with the Drain Commissioner's office. In response to that, the Drain Commissioner issued an Order Laying Out and Designating a Drainage District – Elks Plat Drain #330 dated 6/19/19.

INFORMATION PROVIDED

I have enclosed a copy of our Application, the Order for Laying Out and Designating a Drainage District with Exhibits A and B, as well as a Petition for Locating, Establishing and Constructing a Drain – Elks Plat Drain #330.

STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE

To approve the Petition for Locating, Establishing and Constructing a Drain for Elks Plat Drain #330. Once the Petition is filed with the Drain Commissioner's Office, the Drain Commissioner's Office will convene a Board of Determination to establish necessity. If the project is deemed necessary, then the Drain Commissioner's Office will apportion the benefit and assessments and hold a hearing to receive bids and review apportionment.



KALAMAZOO COUNTY GOVERNMENT

in the Pursuit of Extraordinary Governance

OSHTEMO CHARTER TOWNSHIP

APPLICATION FOR LAYING OUT AND DESIGNATING A DRAINAGE DISTRICT

Elks Plat DRAIN (#328)

To the Kalamazoo County Drain Commissioner:

The undersigned is Oshtemo Township, Kalamazoo County, Michigan. This application has been duly authorized by the governing body of Oshtemo Township and requests that the Elks Plat Drain Drainage District be laid out and designated under the provisions of Chapter 3 of Public Act 40 of 1956, as amended.

The proposed drain is necessary for the public health, convenience or welfare and is further necessary for the protection of the public health of Oshtemo Township.

Oshtemo Township will be liable for an assessment at large against it for a percentage of the cost of the proposed Elks Plat Drain.

The tentative location of the proposed Elks Plat Drain is as follows:

SEE ATTACHED LEGAL DESCRIPTION AND MAP

Dated: June 26, 2018

By: Elizabeth Heiny-Cogswell
Its: Supervisor

By: Dusty Farmer
Its: Clerk

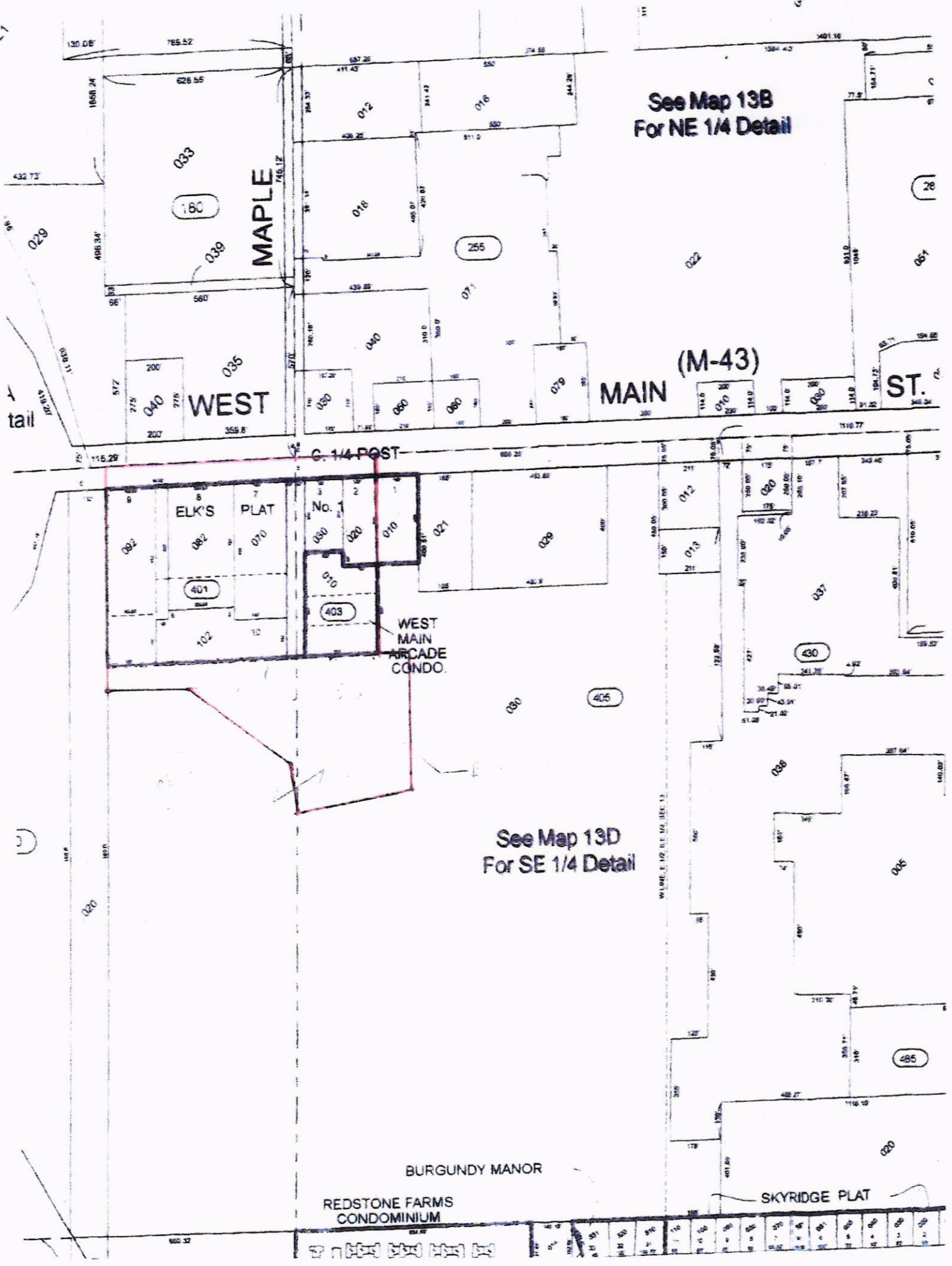
ATTACHMENT

APPLICATION FOR LAYING OUT AND DESIGNATING

A DRAINAGE DISTRICT

ELKS PLAT DRAIN (#328)

A parcel of land located in Section 13, Oshtemo Township, Kalamazoo County, Michigan, more particularly described as follows: Beginning at the center 1/4 post of Section 13, T. 2 s., R 12 w.; thence North 88°06'14" East along the East and West 1/4 line of said Section, 288.03 feet; thence South 00°11'15" West, 675.06 feet; thence North 88°06'14" East, 100.00 feet; thence South 00°19'00" West, 475.00 feet; thence South 79°03'00" West, 420.0 feet; thence North 15°42'00" West, 180.0 feet; thence North 48°58'03" West, 429.94 feet; thence South 88°02'24" West, 260.0 feet to a Southerly extension of the West line of the Elks Plat Number 1, recorded in Liber 31, Page 48; thence North 00°15'55" East along the West line of said Plat, 80.0 feet to the Southwest corner of said Plat; thence continuing North 00°15'55" East, 675.06 feet to the East and West 1/4 line of said Section; thence North 88°02'24" East, 658.86 feet to the place of beginning.



See Map 13B
For NE 1/4 Detail

See Map 13D
For SE 1/4 Detail

MAPLE

MAIN (M-43)
ST.

C. 1/4 POST

WEST

ELK'S PLAT

No. 1

WEST MAIN
ARCADE
CONDO.

BURGUNDY MANOR

REDSTONE FARMS
CONDOMINIUM

SKYRIDGE PLAT

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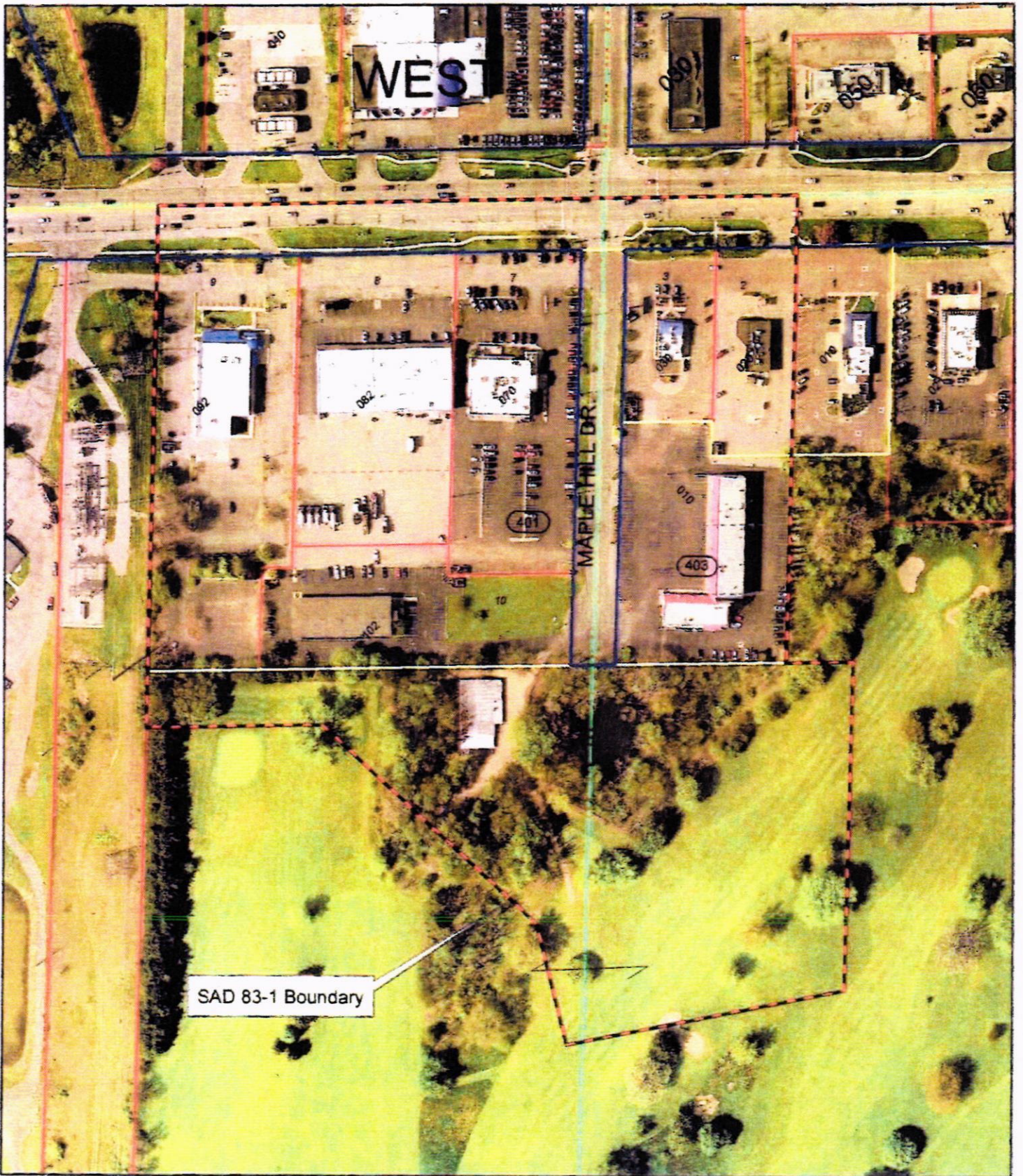
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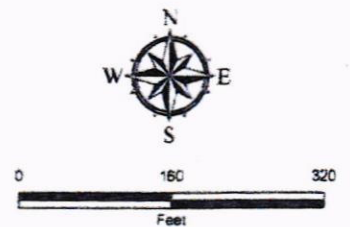
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Oshtemo Township
Kalamazoo County, Michigan
Elks Plat No. 1
Special Assessment District 83-1

Date Printed: 6/20/2018



Price & Newbold



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance

KALAMAZOO COUNTY DRAIN COMMISSIONER

ORDER FOR LAYING OUT AND DESIGNATING A DRAINAGE DISTRICT

Elks Plat DRAIN (# 330)

WHEREAS, an application, dated June 26th 2018, has been made and filed with me, the Kalamazoo County Drain Commissioner, for the Laying Out and Designating of a Drainage District; and

WHEREAS, said application was made by Oshtemo Township and approved by their governing board on June 26th 2018.

WHEREAS, the County Treasurer has provided a statement that less than 33 1/3% of the lands in the proposed drainage district owe taxes and special assessments over the preceding three years; and

WHEREAS, I retained Prein& Newhof to perform a survey of the proposed drain and drainage district.

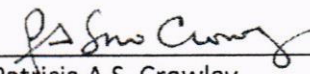
NOW, THEREFORE, I do hereby determine:

1. The name of the drain is the Elks Plat Drain # 330.
2. The Drainage District boundaries are as described in the attached **Exhibit A**.
3. The following public corporations liable for an assessment are as follows:

Kalamazoo County, Oshtemo Township, Road Commission of Kalamazoo County, and MDOT

4. A description of the proposed drain as provided in MCL 280.54, including the type of construction and estimated cost of construction is attached as **Exhibit B**

Dated: 6/19/19



Patricia A.S. Crowley
Kalamazoo County Drain Commissioner

EXHIBIT A

**APPLICATION FOR LAYING OUT AND DESIGNATING
A DRAINAGE DISTRICT**

ELKS PLAT DRAIN (#330)

A parcel of land located in Section 13, Oshtemo Township, Kalamazoo County, Michigan, more particularly described as follows: Beginning at the center 1/4 post of Section 13, T. 2 s.7 R 12 w.; thence North 88°06'14" East along the East and West 1/4 line of said Section, 288.03 feet; thence South 0°01'15" West, 675.06 feet; thence North 88°06'14" East, 100.00 feet; thence South 0°01'15" West, 475.00 feet; thence South 79°03'00" West, 420.0 feet; thence North 15°42'00" West, 180.0 feet; thence North 48°58'03" West, 429.94 feet; thence South 88°02'24" West, 260.0 feet to a Southerly extension of the West line of the Elks Plat Number 1, recorded in Liber 31, Page 48; thence North 0°01'55" East along the West line of said Plat, 80.0 feet to the Southwest corner of said Plat; thence continuing North 0°01'55" East, 675.06 feet to the East and West 1/4 line of said Section; thence North 88°02'24" East, 658.86 feet to the place of beginning.

EXHIBIT B

Elks Plat Drain #330

An enclosed (piped) system draining the parking lots, roof drains and surface water from the businesses in the district boundaries. This piped system feeds into a storm water pump station that that outlets in a storm water pond. Proposed costs include upgrades and cleanup of the pond and panel replacement to the pump station at a cost of approximately \$70,000.00.



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

Oshtemo TOWNSHIP

PETITION FOR LOCATING, ESTABLISHING AND CONSTRUCTING A DRAIN

Elks Plat DRAIN (# 330)

To the Kalamazoo County Drain Commissioner:

The undersigned is Oshtemo Township, Kalamazoo County, Michigan. This petition has been duly authorized by the governing body of Oshtemo Township and requests that the Elks Plat Drain be located, established and constructed under the provisions of Chapter 4 of Public Act 40 of 1956, as amended, to alleviate drainage issues in the Drainage District.

The proposed drain is located in Oshtemo Township, Kalamazoo County, Michigan.

The proposed drain is necessary for the public health, convenience or welfare and is further necessary for the protection of the public health in Oshtemo Township.

Oshtemo Township understands that it will be liable for an assessment at large against it for a percentage of the cost of the proposed drain.

The tentative location of the proposed Elks Plat Drain is as described in the Order Laying Out and Designating the Elks Plat Drain Drainage District dated June 19th 2019.

Dated: _____

By:

Its:

By:

Its:

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

RESOLUTION
REQUESTING THE RIGHT TO LEVY
CHARTER MILLAGE AND ROAD MILLAGE

WHEREAS, the Charter Township of Oshtemo recognizes the following:

Oshtemo Charter Township has seen tremendous growth over the last three decades. The Township's population is nearly four times larger than when Oshtemo became a charter township in 1978. Housing units within the Township have increased 320% since the late 1970s. By population, Oshtemo Charter Township is the 3rd largest governmental unit in Kalamazoo County. Attempting to operate a community of nearly 24,000 on less than 1 mill of general revenue is untenable.

Oshtemo Charter Township operates through a patchwork quilt of state revenue sharing, general millage, special assessments and grants. State revenue sharing has not kept pace with inflation, has been cut, or in some cases eliminated altogether. The Township's general levy has remained at or below 1 mill since 1978. While growth has been substantial and has resulted in an increase in revenues, the limits based on the general millage because of Proposal A and dark store tax appeals have severely limited the Township's general revenues. Limited general revenues have resulted in the Township depending disproportionately on special assessments to maintain its public services and such funds are restricted funds limiting the Township's flexibility to respond to the needs of its residents. As of 2019, the Township's general levy has been reduced by more than 17 percent due to Proposal A.

Because of the limited general revenue, the Township's infrastructure and public services have not kept pace with private development within the Township, including the need for road improvements, sewer and water expansion, non-motorized path development, as well as park and recreational facilities for the residents.

When Oshtemo became a Charter Township, it was authorized by law to levy up to 5 mills without approval of a majority of the qualified electors pursuant to the Michigan Charter Township Act because the 5 mills were a tax authorized by law at the time the Headlee Amendment was ratified. MCL 247.670 predates the Headlee Amendment allowing townships to levy up to 3 mills for road improvements without approval of a majority of the qualified electors of the Township.

THEREFORE, Oshtemo Charter Township respectfully requests the Kalamazoo County Board of Commissioners, pursuant to MCL 211.36, approve the Township's levy of up to 5 charter mills pursuant to MCL 42.27, and/or up to 3 mills for road improvements pursuant to MCL 247.670.

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 "Abstained":

The following member 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 _____ of the Oshtemo Charter Township Board, held on _____, 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