

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
February 14, 2017

The Oshtemo Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:30 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Dusty Farmer
Treasurer Nancy Culp
Trustee Deb Everett
Trustee Zak Ford
Trustee Dave Bushouse
Trustee Ken Hudok

Also present were Township Attorney James Porter, Planning Director Julie Johnston, Public Works Director Marc Elliott, Captain Vandyken, Maintenance Supervisor Rick Everett, and 3 interested individuals.

Public Comment- Jan Gibbs spoke in support of a possible sanitary sewer extension into the Fairlane neighborhood. She also supports the Township application for the USDA Rural Development Grant and Loan program.

Frank Gibbs spoke in support of a sanitary sewer extension and told the Board that there was a time he did not. Sanitary sewer would provide a permanent solution to septic issues.

Kalamazoo County Sheriff's Department- Captain Vandyken presented the January 2017 Oshtemo Police Report. Trustee Hudok shared a negative customer service experience he had when calling dispatch recently. Captain Vandyken will follow up.

Board Retreat Outcomes Discussion- Julie Johnston presented the outcomes from the Board retreat held on January 24th, 2017.

Sanitary Sewer Financing Discussion- Consultants from Fleis & Vandenbrink presented the benefits of applying for a USDA Rural Development Loan for the expansion of sanitary sewer. The loan program allows for 10 additional years of financing beyond a market bond for residents.

The Board work session adjourned at approximately 6:55 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7 PM

PRESENT

Supervisor Libby Heiny-Cogswell

Clerk Dusty Farmer
Treasurer Nancy Culp
Trustee Deb Everett
Trustee Zak Ford
Trustee Dave Bushouse
Trustee Ken Hudok

Also present were Township Attorney James Porter, Public Works Director Marc Elliot, Planning Director Julie Johnston, and approximately 17 interested people.

PUBLIC COMMENTS

Planning Director Julie Johnston shared with the audience that the Planning Commission will host a Rural discussion at the next Planning Commission meeting on February 23rd.

CONSENT AGENDA

Items on the consent agenda:

- a. Minutes: January 10, 2017, Regular Meeting and January 24, 2017, Special Meeting
- b. Receipts & Disbursements Report
- c. KATS Contributed Services Agreement
- d. Property Lot Changes
 - i. Westport #4 Lot Line Reconfiguration
 - ii. Maple Hill Estates Lot Split for Public Water Utility PRS
- e. Sale of Fire Department 2001 Pickup Truck

Motion by Ford, second by Culp to approve the consent agenda as presented. Carried 7-0.

SANITARY SEWER USDA RURAL DEVELOPMENT PRE-APPLICATION

Matt Johnson of Fleis & Vandenbrink presented the Board with an update on proposed neighborhood sewer extensions and the opportunity to apply for a USDA Rural Development Loan. Submitting the pre-application through the USDA would not obligate the Township to any amount of money, but would provide the opportunity to move forward if the Board decides in the future. Bobby Benzinski explained how the monthly rate is calculated. Supervisor opened the discussion to public comment.

Jan Gibbs, 33 year resident, resides in the Fairlane neighborhood and shared her concerns with old septic systems and the affect they have on the ground and public health. She expressed support of the sanitary sewer extension.

Kathryn Steadman, resides in the Westport Plat, and expressed her concern that the cost is too high for her to support the sewer extension.

Linda Boltema, , supports the sanitary sewer extension for environmental and health reasons.

Nalini Quraeshi, a resident since 1982, expressed that she is concerned that she does not have any more room on her property to place another dry well and she supports the sanitary sewer extension. She asked about the annual debt service fee and how that was calculated.

Jan Gibbs asked if she sells her home if there will be an assessment or if it would follow her. Attorney Porter explained that most banks will not give a mortgage if there is a lean on the home, but the Township has always been willing to subordinate it's claim to the bank so that the debt can be transferred.

Trustee Hudok asked how this will impact residents moving forward. Attorney Porter responded that we have a flexible policy that allows for 15 years for the useful life of a septic system. Only then will people be notified and must connect within 2 years.

Dick Wolthuis, asked if a resident has a good system, can they wait 15 years? Porter, no, if it is older than 15 years the resident will have 2 years to connect.

Luanne Przytakoski expressed support of the sanitary sewer expansion, wanted clarification on the start of construction. Supervisor Heiny-Cogswell responded that the earliest start would be late 2018 or early 2019, depending on the application and Board decision.

Frank Gibbs said that he sees that there is an amount paid over 40 years, and the amount for the immediate hookup. Is there an estimation for that cost? Public Works Director Marc Elliot responded that location will make a difference, but the estimate is about \$2,000. Mr. Gibbs expressed his support of the expansion.

Supervisor Heiny-Cogswell shared multiple emails in support of the expansion. Residents Jad and Joyce Haywood, Linda Kozacki, Roger and Stacy Caudhill, Mike and Kelly Dewitt, Kevin and Cheryl Tenbrink, George and Sylvia Angelitas, Carolyn and Brent Kreiger, all emailed in support of the sewer expansion.

Trustee Hudok asked when storm drain issues are addressed. Marc Elliot replied that the drain issues are addressed when the roads are rebuilt.

Trustee Hukok asked if we can make sure staff helps residents understand all options for paying the costs. Marc Elliot replied yes, we make every attempt to contact individual homeowners for input and to minimize local homeowner cost.

Motion by Farmer to authorize the Supervisor to sign and submit the Sanitary Sewer USDA Rural Development Pre-Application to apply for a USDA Rural Development Loan, support by Everett. Motion carries 7-0

TOWNSHIP BOARD VISION

Planning Director Julie Johnston shared the ideas generated by the Board at the Special Meeting on January 24th and during the work session at 5:30 PM. She shared the visioning framework that moved the Board through the process of writing Core Values, Mission Statement, Vision Statement, and Goals and

Objectives. The Planning Director shared that there will be a staff retreat on March 24th to create objectives and work plans for the Township Board to review in April. Motion by Everett, support by Ford. Motion carries 7-0.

CONDITIONAL REZONING 3000 S. 11TH ST - SECOND READING

Planning Director Julie Johnston presented the information for the conditional rezoning as it had been presented for first reading on January 10th, 2017.

Supervisor Heiny-Cogswell asked about the property to the north and the conditional rezoning that resulted in a larger sq. footage. Could this property owner receive a variance from the ZBA? Julie Johnson replied that this is not likely as they would have to prove a hardship.

No public comment.

Motion by Culp, support by Ford. Motion carried 5-2, Heiny-Cogswell and Bushouse voting NO.

RESOLUTIONS OF NECESSITY TO ACQUIRE EASEMENTS FOR S. DRAKE RD PATHWAY PHASE 1

Attorney Porter explained that all easements for the Drake path have been secured except for 3. He presented three resolutions to acquire easements for the South Drake Rd. pathway, reiterating for the public that this is the area where a woman slipped into the road in front of a bus.

Supervisor Heiny-Cogswell commented that the Township is in jeopardy of losing MDOT Safety Grants without these easements.

Attorney Porter and Supervisor Heiny-Cogswell clarified that there have been many discussions between the parties without agreement and that the Township is still open to discussion until the filing date.

Supervisor Heiny-Cogswell called for initial public comment, and there was none.

Nottingham property: Supervisor Heiny-Cogswell called for public comment, and there was none. Motion by Everett, second by Hudok. Resolution adopted 7-0.

Harley Properties: Supervisor Heiny-Cogswell called for public comment, and there was none. Motion by Heiny-Cogswell, second by Farmer. Resolution adopted 7-0.

Audrey Homes property: Attorney Porter explained that there was extensive discussion and a proposal to take a larger area, but due to the cost of that improvement and the requests of the property owners, no agreement was reached.

Trustee Hudok asked if the Township proposed to improve property. Attorney Porter confirmed that a large retaining wall would be replaced, and this would be a substantial improvement to the property.

Public Comment: Kirsten Rhymes with Audrey Homes commented that they are not trying to be obstructionists. They are in agreement with proposed compensation as well as the pathway layout, but they have concerns about the steep slope, future maintenance, clarity in the agreement, ADA and Fair Housing compliance, electrical easement agreement, fence design, and the timeline from the Township. We request that we be allowed to continue negotiations.

Supervisor Heiny-Cogswell asked for further public comment, seeing none, allowed response from Attorney Porter.

Attorney Porter responded that the easement offers have been withdrawn. The Township is moving forward with condemnation. The Township has always been consistent. His recommendation is to proceed with the condemnation but that does not rule out further conversation.

Tom Wheatley with Manifold Services commented that the second set of plans were received on Jan 24th. They asked for time to review and were told condemnation was being considered.

Supervisor Heiny-Cogswell shared that they have been discussing since May of 2016. It took so long because we had to hire consultants to redraw the pathway. That took time. She learned the day before that Land Matters was meeting with Audrey. She attended part of the meeting and it became clear that there was no agreement.

Motion by Ford, second by Farmer. Resolution adopted 7-0

Attorney Porter reiterated that if anyone from Audrey Homes would like to contact him, he would continue the discussion.

RESOLUTION IN SUPPORT OF 911 CONSOLIDATION

Chief Barnes shared that this is the furthest we have ever gotten in this process, and he encourages the Board to pass the resolution.

Motion by Heiny-Cogswell, second by Ford. Resolution is adopted 7-0

OTHER BUSINESS

Fire Chief Mark Barnes provided a summary of the 9-1-1 Consolidated Dispatch

BOARD MEMBER COMMENTS

Trustee Hudok thanked Chief Barnes for his presentation.

Trustee Bushouse asked for the name of the third party negotiator regarding the South Drake easements. Supervisor Heiny-Cogswell replied that it was Land Matters from Grand Rapids and it was on the list from MDOT.

There was no further business and the meeting was adjourned at approximately 9:10 PM

Dusty Farmer

Attested: **Elizabeth Heiny-Cogswell**

Township Clerk

Supervisor