



## CHARTER TOWNSHIP OF TEXAS BOARD MEETING, SEPTEMBER 25, 2023

### COMMITTEE OF THE WHOLE:

Supervisor Loeks commenced the Committee of the Whole at 5:00 p.m. The following Board members were present: Trustee Don Boven, Trustee Linda Kerr, Trustee Michelle O'Neill, Treasurer Trish Roberts, Supervisor Nick Loeks. Clerk Emily Buetel and Trustee Barb Hammon were absent. Also attending were Superintendent Erik Wilson, Deputy Superintendent Brooke Hovenkamp, Building Coordinator Jennie Miller, and Deputy Clerk Melissa Somers.

#### Review Compensation for Fire Suppression Plan Review/Inspections

Board members discussed compensation for Interim Building Official John Stubbs, who is currently acting as Fire Marshal and also performing fire suppression plan review and inspections. This item will be voted upon during the regular meeting.

#### Review Proposed Amendments to ClearZoning Ordinance Sections 36-2.2, 36-3.4, 36-4.1, and 36-5.1 (Continued Discussion from July 10, 2023 Meeting)

Board members continued their discussion on deck setback requirements in different zoning districts, as several residents have requested reducing the setback to 25 or 30 feet instead of 50. Board members also discussed sport courts and accessory building in front yards and side yards, including distance requirements to lot lines and no plat restrictions. They discussed approval in certain districts, depending on lot size. Based on the conversation and desire for more clarity, Board members agreed to send these amendments back to the Planning Commission for re-organization.

The Committee of the Whole adjourned at approximately 5:57 p.m.

### CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Supervisor Loeks called the meeting to order at 6:00 p.m. and asked everyone to join Trustee Boven in the Pledge of Allegiance.

In Clerk Beutel's absence, Supervisor Loeks made a motion to appoint Trustee Kerr as the acting Clerk for tonight's meeting, seconded by Boven. Motion carried 5-0.

### ROLL CALL

Acting Clerk Kerr called the roll, and the following board members were present: Trustee Don Boven, Trustee Linda Kerr, Trustee Michelle O'Neill, Supervisor Nick Loeks, Treasurer Trish Roberts. Clerk Emily Buetel and Trustee Barb Hammon were absent. Also attending were Superintendent Erik Wilson, Deputy Superintendent Brooke Hovenkamp, Deputy Clerk Melissa Somers, Deputy Treasurer Emily Meinema, Attorney Michael Homier, and approximately seven members of the public.

### PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Al DiGennaro, resident and veteran of the United States Navy, asked Board members and residents to support the Veteran Millage that is on the ballot for November 7, 2023. Nearly 13,000 veterans live in Kalamazoo County, and more funding is needed for adequate support for them.

### PRESENTATION / PUBLIC HEARINGS / COUNTY COMMISSIONER

There were none.

### SUPERINTENDENT REPORT

Superintendent Wilson updated the Board on township activities, highlighting the Maple Hill Splash Pad Signage, Assessing roll and Practice Audit, and Fire Department grant funding received for turnout gear.

### ADOPTION OF MEETING AGENDA

Motion by O'Neill, seconded by Boven, to adopt the meeting agenda as presented. Motion carried, 5-0.

### APPROVAL OF GENERAL CONSENT AGENDA



Motion by Kerr, seconded by O'Neill, to approve the General Consent Agenda as presented, consisting of:

- Approval of September 11, 2023 Regular Meeting Minutes
- Approval of Bills for \$1,597,258.10
- Payroll of \$73,621.02
- Report – 2023 Michigan State Tax Commission Assessment Audit Results
- New Township Hall Change Order #020
- August 2023 Building Report

Motion carried, 5-0.

## **BUSINESS**

### ***Tabled***

There was no tabled business.

### ***New***

#### Eagle Lake SAD #2 Resolution #23-09 Notice of Intent to Reinitiate District (Resolution 1 of 4

The Eagle Lake Special Assessment District (SAD) #2 was established in 2016 to support the Eagle Lake Texas Association's aeration project. The term of the SAD was five years, but due to the flooding, this project was delayed, and the aeration equipment only ran two full seasons in 2018 and 2022. The Eagle Lake Texas Association has asked the Township Board to consider reinitiating Eagle Lake SAD #2 for 3 years (2024-2026) to provide funding to treat the lake with bio-augmentation and continue running the aeration system.

Motion by Roberts, seconded by Kerr, to approve Resolution #23-09, the Resolution of Intent to Make Certain Public Improvements; the Tentative Designation of Special Assessment District; and to publish the Notice of Public Hearing, establishing a public hearing for Eagle Lake SAD #2 on October 9, 2023. Motion carried 5-0.

#### Rose Arbor #4 Sidewalk Deferment Extension Request

Board members discussed a sidewalk deferment extension request for Rose Arbor #4, which has been unable to fulfill the deferments granted by the Texas Township Board in multiple years required by their Step 3 approval issued 11/28/2016. Of 14 home sites, 10 homes are complete, three are anticipated to be constructed in 2024, and one remains unsold.

Motion by Loeks, seconded by Boven to approve a sidewalk extension for the Rose Arbor #4 site condominium for a period of 15-months ending 10/11/2024, which is contingent upon a surety bond 1.5 times the cost of the undeveloped sidewalks. Motion carried 5-0

#### Lake Cove Sidewalk and Street Tree Deferment Extension Request

Lake Cove is unable to fulfill the deferments granted by the Texas Township Board in multiple years that was required by their Step 3 approval issued 5/6/2019. Of 20 home sites, 15 homes are complete, two are in progress, and three are vacant. A Surety Bond/Letter of Credit has been provided but additional funds are required to cover the cost of completing the deferred items, including sidewalks and street trees.

The Township's Site Condominium ordinance allows for one two-year deferment at the time of Step 3 approval. The Township Board has historically allowed for additional one-year deferments to allow a developer to complete their project. The township administration suggests that soon, an amendment be made to the ordinance to allow for these additional deferments with a cap at five years after the end of the first two-year deferment.

Motion by O'Neill, seconded by Loeks, to approve a sidewalk extension and street tree installation for the Lake Cove site condominium for a period of 18-months ending 5/6/2024, which is contingent upon a surety bond 1.5 times the cost of the undeveloped sidewalks and trees. Motion carried 5-0.



### Resolution #23-10 - FY23 Budget Amendments

Deputy Superintendent Hovenkamp asked the Board to consider several budget amendments to ensure a balanced budget for 2023. Many of the amendments are for items that were either not originally proposed or the total cost was unknown at the time of budget adoption.

Motion by Boven, seconded by O'Neill, to approve Resolution #23-10 authorizing the 2023 budget amendments. Motion carried 5-0.

Roll Call Vote: Ayes – Boven, Kerr, Loeks, O'Neill, and Roberts. Nays – None. Absent – Beutel, Hammon.

### New Township Hall Signage – LED Display Upgrade

Staff asked the Board to consider upgrading the new township hall messaging sign to a higher resolution LED message panel to be consistent with current signage standards. The upgrade will increase the total cost to \$65,390. Staff proposed a few other signage changes across the site to offset the upgrade and reduce the total cost.

Motion by Kerr, seconded by Boven to authorize the revised signage proposal from SignArt for a NTE amount of \$63,685. Motion carried 5-0.

### Select Contractor for Asbestos Abatement

The Township received five submittals for asbestos abatement for the fire hall renovation project, with Taplin Group LLC being the lowest responsible bidder. The work is scheduled for the week of November 13-17, after the election.

Motion by O'Neill, Seconded by Boven, to accept the proposal from Taplin Group LLC for asbestos abatement in the amount of \$4,388. Motion Carried 5-0.

### Sewer Installation Financing Requests

The Treasurer's Department stated that eleven individuals applied to take advantage of the Township Board's sewer installation financing agreements, and no one applicant exceeds the \$15,000 Threshold after review. Included with the list of financing applicants was an update on the individuals who applied for waivers or deferments and their status. There were seven applications for hardship deferments; one topography; and three unoccupied structures. Five late applications are awaiting review.

Treasurer Roberts and Deputy Treasurer Meinema asked the Board to review and voice any objections to the committee's determination.

Motion by Kerr, seconded by Boven to approve 11 applications for residential sewer installation financing and authorize Supervisor Loeks and Clerk Beutel to execute on behalf of the Township. I further move to approve waivers and deferments as presented by the Review Committee. Motion Carried 5-0.

### Authorize Increase in Leaf Drop-Off Collection Rate

The Township partners with Kalamazoo Landscape Supplies to offer leaf drop-off services to residents each fall. This year, the collection rate will increase from \$6.00/cubic yard to \$8.00/cubic yard. Deputy Superintendent Hovenkamp asked the Board to consider the increased rate and offer the service from October 21 through December 1, 2023.

Motion by Loeks, seconded by Roberts to authorize a continued partnership with Kalamazoo Landscape Supplies for 2023 Fall Leaf Drop-Off and approve the collection rate of \$8.00 per cubic yard. Motion Carried 5-0.

### Fire Department Captain Pay Rate

With the recent establishment of the Fire Department Lieutenant pay scale, the Captain pay scale also needs to be adjusted. Board members discussed steps to allow for upward movement at that rank.

Motion by Boven, seconded by Kerr to approve the Captain pay scale at \$32.30 per hour. Motion Carried 5-0.

### Fire Marshal Position Description



Fire Chief Tackett presented an updated position description for the Fire Marshal, which is an appointed position and will hold the pay grade of Fire Captain but does not hold a command rank unless dealing with items listed in the job description. Having this position as a rank of Captain is consistent with the current structure.

Motion by O'Neill, seconded by Boven to approve the Fire Marshal position descriptions for the Fire Department. Motion Carried 5-0.

#### Interim Building Official Compensation Package

Motion by Loeks, seconded by Boven, to compensate Interim Building Official John Stubbs a stipend of \$250/week, \$50 per hour for commercial plan review, and \$50 per commercial building inspection performed. Motion Carried 5-0.

#### Kalamazoo Public Library Service Contract

Superintendent Wilson presented a draft agreement with the Kalamazoo Public Library to continue offering library services to residents of Texas Township in the Mattawan and Schoolcraft school districts. This agreement allows those residents to have basic library services for no fee and the option to purchase digital services for one-half the cost of a non-resident library card.

Motion by Loeks, seconded by Boven, to approve the Kalamazoo Public Library Service Agreement, contingent upon final review from the Township Attorney review. Motion Carried 5-0.

### **ZONING / BOARD / COMMITTEE REPORTS / RECOMMENDATIONS**

#### Fire Department Report

Chief Tackett gave an overview of September Fire Department responses and activities and invited Board members and residents to attend the October 7, 2023 Fire Prevention Open House.

### **BRIEF PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were none.

### **ATTORNEY'S REPORT**

Attorney Michael Homier updated the Board on upcoming presentations at MTA retreats. He also discussed the series of legislation introduced that would strip away local control of townships, including sand and gravel mining operations, short-term rentals, and renewable energy. He will keep the Board updated on how this legislation progresses and how it impacts townships.

### **BOARD MEMBER COMMENTS**

Trustee O'Neill looks forward to the new township hall grand opening and asked for Board consideration to increase bulk trash pickup from annually to biannually.

Treasurer Roberts discussed Oshtemo's Master Plan and invited Board members, as well as Engineer Tom Wheat, to review it.

Supervisor Loeks updated the Board on progress of the new township hall, anticipating opening in early November.

### **ADJOURNMENT**

Motion by Trustee Boven, seconded by Trustee Roberts, to adjourn the meeting. The meeting adjourned at approximately 7:15 p.m. Motion carried 5-0.

**SUBMITTED:** October 5, 2023  
Deputy Clerk: Melissa Somers  
Attested: Supervisor Nick Loeks

**APPROVED:** October 9, 2023, as submitted