

## ALAMO TOWNSHIP BOARD

Alamo Township Hall  
7901 North 6<sup>th</sup> Street  
Kalamazoo, MI 49009

December 13, 2010

Present: Supervisor Vlietstra, Clerk Sportel-Bogard, Treasurer Stoneburner, Trustee Feniger, Trustee Potter-Williams, Attorney Soltis and Deputy Supervisor Fisher

Also Present: 22 interested others

Supervisor Vlietstra called the meeting to order at 7:05 p.m. with the Invocation followed by the Pledge of Allegiance.

**MOTION** by Clerk Sportel-Bogard to excuse Trustee Potter-Williams from the meeting, **support** by Treasurer Stoneburner. Carried.

### MINUTES

**MOTION** by Treasurer Stoneburner to approve the minutes of December 6, 2010, as written, **support** by Trustee Feniger. Carried.

### ASSESSING REPORT

Supervisor Vlietstra noted the Board of Review will meet December 14.

### BUILDING DEPARTMENT REPORT

Deputy Supervisor Fisher reported November permits of 1 building, 2 electrical, 2 mechanical. (\$819.50)

### FIRE DEPARTMENT REPORT

Chief Kizer highlighted his written report. The Department responded to 14 incidents in November. He and Jeremy Wilson will be attending Officer III classes in February and March (no cost to the Township). The Fire Fighters' Association held food drives in November and December. Both drives were very successful allowing 6 families to be served for November and 10 for December.

### ORDINANCE ENFORCEMENT REPORT

Deputy Supervisor Fisher provided the report prepared by Ordinance Enforcer Hoffman. Services totaling 2.25 hours were delivered in November.

### PARK BOARD REPORT

Park Board Chair Landon reported the insurance survey was complete, review of the master plan was coming along, planning commenced for the 2011 car show and discussion was started on the C Avenue parkland. A winter event is planned for February 12 with flyers to go to businesses who rent cross country skis. The Park Board agreed to expand trails by one mile and targeted west of 5<sup>th</sup> Street; trails will be groomed for skiing again this year. The pavilion is complete except the roof; Park Board members were notified of cost overruns.

Lou Conti (Park Board) supplemented information he provided on December 6 noting he didn't have a full materials list/invoices at that time. The total cost for the pavilion (including unpaid invoices) is \$9,481.12, not as presented earlier. He explained overages (from the September 7 documents) as ranging from an architect's seal to upgrading to a "Cadillac" inside interior look, stressing timing issues did not permit seeking approval earlier. Figures do not include roofing which he estimates will run between \$1,200 and \$2,600. Picnic tables are being sold as a fund raiser and he has commitments for 10 of the 12 picnic tables planned.

Reference was made to the restricted fund (\$10,400 before inception of the pavilion project). Inquiry was made regarding procedural steps concerning the \$2,500 that originally was earmarked in the restricted account for purposes other than the pavilion.

Citizens (non-Park Board) comments included concerns of a lack of upfront planning, lack of communication, the size of the cost overruns and lack of approvals to proceed in the face of the overruns.

Park Board comments included references to previous experience with projects in the park and the money saved because of the generosity of volunteers, the 40 years of building experience possessed by Mr. Conti and plans to establish a non-profit entity to hold and handle donations for the park.

Over the course of the evening Attorney Soltis clarified that funds held by the Township are Township dollars and the permissibility to establish a fund for a specific purpose; funds to be spent only in support of that purpose. The Park Board is not able to enter in contracts of any nature; the Township Board is responsible for making decisions. Reference was made to the Township Purchasing Ordinance requirements including the provisions for emergency purchases and the Township Board's ability to hold a special meeting when necessary. His sense was the Park Board was acting a general contractor and as such, typically there are allowances for project features and approval is needed to exceed these allowances. He stated for future projects there are expectations of firm plans and costs. He verified if projects will be funded through a non-profit effort, the project itself must be approved in advance by the Township Board (including the picnic tables mentioned earlier). He praised the volunteer efforts while noting, by law, the Township's fiduciary responsibilities.

Mr. Conti clarified he was asking that reimbursement to him be delayed rather than withdrawn (pending presentation of supporting receipts; supporting documentation is required for a cash payment made to a contractor. Attorney Soltis stressed the Treasurer must ensure audit requirements are satisfied.

**MOTION** by Treasurer Stoneburner to pay the additional \$2,291.88 with the understanding that there are no outstanding invoices and no future invoices will be incurred, **support** by Supervisor Vlietstra. Trustee Feniger – yes; Clerk Sportel-Bogard – yes; Treasurer Stoneburner – yes; Supervisor Vlietstra – yes. Carried.

#### **PLANNING COMMISSION REPORT**

Ex-officio member Feniger reported current projects as putting together a wind energy ordinance and reviewing the intensity levels and definition for commercial and industrial zones. Karen DeVries' term ends in December and a new commitment will prevent her from continuing on the Commission. She was thanked for having done an excellent job. The Commission is awaiting information on two site plans. In response to a question, Supervisor Vlietstra stated 3 persons had applied to serve on the Commission.

#### **TREASURER'S REPORT**

(through November 30, 2010)

General Account:	\$151,977.83
Park Fund	\$ 10,419.93 (spent \$7203.53 with bills outstanding)
Fire Truck Account:	\$ 18,303.38
Brokerage Holdings:	\$249,826.40

#### **CLERK'S REPORT**

Clerk Sportel-Bogard reported \$32,093.23 in liabilities for the month of November.

She noted the November 2<sup>nd</sup> election is now considered closed. The handicapped parking sign must be moved to the west and blue paint applied to the pavement.

#### **OLD/NEW BUSINESS**

1. Appointments

**MOTION** by Supervisor Vlietstra to appoint Dick Bennett, Al Wielinga and Marshall Champion to the Board of Review for 2 year terms, **support** by Treasurer Stoneburner. Treasurer Stoneburner – yes; Supervisor Vlietstra – yes; Trustee Feniger – yes; Clerk Sportel-Bogard – yes. Carried.

**MOTION** by Supervisor Vlietstra to appoint Lee Stoneburner as a park ranger, **support** by Trustee Feniger. Supervisor Vlietstra – yes; Trustee Feniger – yes; Treasurer Stoneburner – abstain; Clerk Sportel-Bogard – yes. Carried.

**MOTION** by Supervisor Vlietstra to appoint Barb Fisher and Newt Covault to the Park Board. Motion died for lack of second.

Board members inquired if the Ordinance establishing the Park Board may be changed to set the Board at 5 rather than 7 members. Attorney Soltis advised the Board could instruct him to prepare the documents to accomplish this. In the interim, appointments should be held in abeyance pending authorization to change the Ordinance. Trustee Feniger asked the Park Board to offer comment at the February meeting. Park Board members commented that reducing the Board size would take away free labor and use of equipment. Clerk Sportel-Bogard inquired whether individuals can volunteer without sitting on the Board. Mr. Conti stated Board membership adds to empowerment and feeling important.

**MOTION** by Supervisor Vlietstra to appoint Bruce LaBrie to a three year term on the Planning Commission, **support** by Treasurer Stoneburner. Clerk Sportel-Bogard – yes; Trustee Feniger – yes; Treasurer Stoneburner – yes; Supervisor Vlietstra – yes. Carried.

**MOTION** by Supervisor Vlietstra to appoint Paula Baker to a three year term on the Planning Commission, **support** by Treasurer Stoneburner. Treasurer Stoneburner – yes; Supervisor Vlietstra – yes; Clerk Sportel-Bogard – yes; Trustee Feniger – yes.

2. Eagle Scout Project

Dustin Mitchell summarized his written proposal to renovate the public side of the Township Hall to fulfill requirements for his Eagle Scout project. Supervision will be provided, the Township will not incur any costs (beyond upgrades that the Township may elect to make at the same time). Scout Mitchell will also move the handicapped sign and paint lines on the pavement.

**MOTION** by Trustee Feniger to accept Dustin Mitchell's November 30, 2010 proposal to earn his Eagle Scout with the addition of the modifications/improvements to the handicapped parking area, **support** by Treasurer Stoneburner.

Scout Mitchell pledged to complete the handicapped parking improvements but asked if the improvements could be excluded given the timing of when this may be completed (weather) and his timeframes for earning his Eagle Scout designation.

**MOTION** to amend the previous motion to exclude the handicapped parking sign and painting the pavement from the Eagle Scout project, **support** by Treasurer Stoneburner. Carried.

3. G Avenue Compliance Report

Deputy Supervisor Fisher summarized the 6 items identified by Landes Consulting, LLC, as deviating from the terms and condition appearing in the Consent Judgment. She reported since the inspection was completed, the reclamation bond for G Avenue has been received and the Board addressed reclamation of the Bennett (C Avenue) site. Aggregate Industries is permitted to remove equipment subject to personal property taxes if the property appears on the inventory on which taxes are based. Three items require a decision on the part of the Board. Site plan improvements (#1) and extraction activities (#2) differ from the approved site or phasing plans. A silo included in a demolition permit (#6) has not been removed and debris from the demolished building remains on site.

**MOTION** by Treasurer Stoneburner to accept the compliance report and request a written report from Aggregate Industries addressing the outstanding deviations as noted, **support** by Trustee Feniger. Carried.

4. Household Hazardous Waste (Amendment #3)

The Township's share of the general operating costs for 2011 is \$864.00. Clerk Sportel-Bogard suggested a maximum contract amount of \$2,600.00

**MOTION** by Clerk Sportel-Bogard to approve Amendment #3 with the County for Household Hazardous Waste services with a maximum contract amount of \$2,600.00, **support** by Treasurer Stoneburner. Clerk Sportel-Bogard – yes; Supervisor Vlietstra – yes; Trustee Feniger – yes; Treasurer Stoneburner – yes. Carried.

5. Policies

**MOTION** by Treasurer Stoneburner to adopt the operating procedure for Township Hall Entry Keys (with the addition of the Deputy Clerk, Deputy Treasurer, Sexton and Custodian) and the Assessing Department cabinet keys, **support** by Trustee Feniger. Carried.

After additional discussion the Board chose not to adopt a policy governing cell phone use and reimbursement.

6. Sunday Liquor Sales

Attorney Soltis referenced recent action by the legislature to allow the sale of liquor, beer and wine on Sunday mornings and Christmas Day unless a local body opts out through the adoption of an ordinance or resolution. The Township already permits the sale of spirits on Sunday afternoon; therefore, opting out would prohibit sales Sunday morning and Christmas Day. The Board may submit a letter to the Liquor Control Board requesting no Sunday morning/Christmas Day permits be issued until the matter may be considered by the Township Board.

**MOTION** by Clerk Sportel-Bogard to opt out of Sunday morning and Christmas Day liquor/beer/wine sales and direct the Supervisor to request that the Liquor Control Commission not issue permits for Sunday morning or Christmas Day sales pending the Board's deliberations, such deliberations to be completed and further correspondence sent to the Liquor Control Commission no later than March 15, **support** by Supervisor Vlietstra. Carried.

Impacted business to be notified to allow the Board to take into account their opinions.

7. 2011 Meeting Schedule

Deputy Supervisor Fisher noted both the Planning Commission and Park Board have approved the dates listed for their respective meetings. She highlighted the July and September workgroups are on Tuesday due to holidays falling on a Monday.

**MOTION** by Supervisor Vlietstra to approve the schedule with the July and September workgroups being scheduled for Tuesday, **support** by Trustee Feniger. Carried.

**AUTHORIZATION OF LIABILITIES**

**MOTION** by Clerk Sportel-Bogard to pay the liabilities, **support** by Treasurer Stoneburner. Carried.

**BOARD MEMBER TIME**

Clerk Sportel-Bogard reports receiving literature from an accounting firm and inquired if the Board desires to bid out accounting services this year. Board members declined.

**CITIZEN COMMENT**

P. Fricano (Inquired about placing a temporary directional sign on D Avenue for his restaurant). Attorney Soltis advised his recommendation wouldn't address Mr. Fricano's inquiry for this season; however, a moratorium could be adopted, the ordinance could be revised or a variance could be sought. He noted when infractions come to the Township's attention they must be uniformly enforced. All parties agreed the sign ordinance has room for improvement.

**MOTION** by Supervisor Vlietstra to direct the Planning Commission to get serious about reviewing the sign ordinance, **support** by Trustee Feniger. Carried.

J. Kennedy (Expressed concern about the removal of the 25 mph speed limit signs particularly near the school) Explanation provided, expressions that pre-planning in this area had been employed and that the Board and Fire Chief had wanted the issue left alone; however, others pursued the issue.

K. Linton (Inquired about several facets related to the new Assessor/position)

**ADJOURNMENT**

**MOTION** by Clerk Sportel-Bogard to adjourn, **support** by Treasurer Stoneburner. Carried. The meeting adjourned at 9:50 p.m.

Respectfully Submitted,  
Garilyn Sportel-Bogard, Alamo Township Clerk