

## **PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010**

### **CALL TO ORDER**

Supervisor Healy called the meeting to order at 7:00 p.m. The following Board members were present: Trustee Steven Bosch, Trustee Donald Boven, Trustee Erin Hoogendyk, Trustee Joyce Neubauer, Treasurer Paul Cutting, Supervisor Dave Healy, and Clerk Linda Kerr. Also present was Attorney Roxanne Seeber, Engineer Tom Wheat, Kalamazoo County Road Commissioners' Dennis Berkebile, Ken McCauley, Daniel Moyle, and Ken Oscarson and approximately 65 interested persons. Supervisor Healy gave a presentation illustrating how road maintenance is funded, the Paser Rating System (Pavement Surface Evaluation and Rating), the rating of roads within the township utilizing that system, and the Township's budget. The goal of the Board is to inventory all local roads and streets, periodically evaluate the condition of all pavements, and use these evaluations to set priorities for projects and select alternative treatments to keep all roads in the township in good condition.

Supervisor Healy opened the public hearing at 7:40 p.m. asking those wishing to speak to step to the podium provide their name and address and limit comments to 3 minutes, in an effort to allow everyone for a chance to speak.

#### **George Whitaker 5560 S 1<sup>st</sup> St.**

Mr. Whitaker felt the public notice letter was vague and did not indicate that there was any cap on the request. He is concerned that at the end-of-day the assessment can increase by any amount and will continue in perpetuity. He also questioned what is a parcel? He proposed that road frontage might be a better way to evaluate/assesses costs or perhaps a millage. The current proposal has some paying too much and others paying too little. He iterated that the notice was vague on what the cost will be and somewhat arbitrary.

#### **Rusty Stafford 10574 W "PQ" Ave.**

Mr. Stafford stated the proposed plans shows extremely high expenditures and untried maintenance systems that are only temporary. He has reviewed the costs per mile for cape seal and HMA overlay; this proposal asks a lot of folks to spend monies on a system that could be done for half the cost. The bids indicate \$4.00 to \$5.00 per sq yard for a seal system that could last approximately three to four years. He felt residents had not been supplied with significant research into how much it would cost to fix roads. Some of the proposed maintenance might not be appropriate. The plan should provide a lot more information and be presented in a way that is beneficial to residents. Does the \$5 million include the KCRC matching funds? Residents are asking questions dollar wise and treatment wise. Does the special assessment plans dictate what and when roads will be done; i.e. is the Township bound by what is in the proposal. He suggested the Board question the math and utilize a much more proven remedy. Asphalt can be purchased for a lot less.

Attorney Seeber explained that the special assessment district is what the Board is defining tonight, which must include plans and estimates. The notice describes all the roads in township as a district (project) excepting those roads specifically listed. If the plans state a chip seal in 2010, it may not necessarily be in 2010 but it will be a chip seal.

## PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010

### **Joe Kuiper 10461 Paw Paw Lake Dr.**

Mr. Kuiper advised that he is pleased with the work done by the KCRC in maintaining roads for the last 30 years. He feels that whatever is decided, it should be up to a vote of the residents. One of the primary uses of the roads that damage roads is large heavy trucks; one large gravel mine uses the roads on a fairly regular bases. They should be on primary roads; however, they are using secondary roads. Gravel mines are limited to where their trucks can travel; however, they sell to secondary companies that use these roads. The township had the opportunity a year ago to put a surcharge on gravel, and the township passed on that opportunity. The Best thing the Board can do is nothing.

### **John Powers 7780 S. 8<sup>th</sup> St.**

Mr. Powers asked if primary roads are being assessed the same as other properties. He has lived in the township for 40 years and at one time, he knew every road and all the people; now there are streets he has never heard of and fewer people he knows. With 6,000 parcels, thousand of residents will not benefit. He disagrees with the special assessment district and feels that if a person can afford to buy a \$1 million dollar home they should be able to afford to pay a street assessment. He and many of his neighbors are on a fixed income. Although he believes that everyone should have a safe streets he felt that they should pay for their own.

### **Bill Saunders 9550 West O Avenue**

Mr. Saunders relayed that most of the Board knows his feelings on this issue. There are two things that have put us in the position; increased costs and pillage of the roads due to plats and subdivisions. Plats are roads to nowhere the only people that utilize them are the individuals living in the subdivision; other roads, take you somewhere. At times, you can't even get across the road (O Ave) because it has become a main thorough fare by residents in Mystic Trails, Mystic Estates, etc. as they travel to get to Mattawan. Conversely, if there is an accident on I-94, the traffic goes down O Avenue including semi-trucks. People in sub-divisions don't have to put up with all that traffic. He sees no problem with being part of the solution for those that live on primary and secondary roads; it is necessary for safety, police, and fire to get from point A to point B. He has had a farm for 47 years and accumulated land that he has kept on three separate parcels. This was done deliberately, to avoid the land from being developed in less than 10 acre parcels. The current proposal would charge him three times and he doesn't want to be charged three times.

### **Dan Batts 6359 West Q Avenue**

Mr. Batts stated the notice of hearing is very confusing. Some of presentation dealt with his questions but there are still a number of unknowns and so it is hard to formulate a position for or against the proposal. He provided the Board with a list of four questions and/or concerns. He quoted the estimated cost of \$5,500,000 and asked if that was above what the township would spend out of revenue sharing dollars or is it the plan to spend all revenue sharing elsewhere and fund roads strictly with a special assessment. He said until his issues are clarified and he is provided with satisfactory answers, he objects to the proposed special assessment, at this time.

### **Tom Bauman 5780 West S Avenue**

Mr. Bauman stated he originally wasn't sure what clarified as a parcel and asked if two properties meant two parcels. There is a lot of vagueness in the proposal. He personally doesn't utilize plat roads and as such doesn't think assessing in rural area for plat roads is fair. If he wants to get a gas line to his house, he expects to pay for it. Let neighborhood roads pay for themselves. He is perfectly pleased with the way it is now. Let the people vote on the issue.

## PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010

### **Barbara Huber 10049 West R Avenue**

Ms Huber appreciated the Board wrestling with the road problem and resulting funding. Her basic feeling was that she lives on a rural road that gets a lot of traffic. . She is in favor of an assessment but not clear on costs. She also speaks for her husband; they would like all roads in township passable and safe for public vehicles and they are willing to do it.

### **Beth Gibson 5981 Wood Valley Road**

Ms Gibson relayed that she already pays for upkeep on the roads in her community. She doesn't have any problem with sharing the costs on the public roads; however, she would like clarification of how private roads would be treated and iterated that the condominium owners will pay more than their fair share. She has concerns over increased taxation because there are too many unknowns.

### **Dan Balkema 1500 River Street**

Mr. Balkema's family farm has 24 parcels with only one residence and the majority of the parcels have no road frontage. He disagrees with the method of assessment. One comparison he would use is the strip mall with several businesses's which brings in hundreds of customers on one parcel and will be charged one fee. Conversely, his property doesn't generate any additional traffic and will be charged twenty-four times as much.

### **Harlow Bailey 9641 S. 8<sup>th</sup> Street**

Mr. Bailey voiced concerns over the recent impacts from the economy. He is unhappy about taxing the parcels that are contiguous and feels road frontage should be used as the standard. He has corn on his property and that crop does not put a significant impact on the roads. It should go to a vote of the residents. He cannot support the current proposal.

### **Ted Ryder 9622 West R Avenue**

Mr. Ryder advised that the presentation answered most of his questions. He agrees with a lot of folks as this is affecting every property owner in the township. The question should come to a vote. If the proposal is left open ended, several properties could pay over \$5,000 in taxes. He raised the question as to who will determine where the money is spent. He iterated that the bottom line is with the notice and it not having enough detail to answer questions. He asked board members to take a step back and bring it up at another meeting. He knows approximately two dozen people that wanted to be here but couldn't make it. Approximately 12 years ago the KCRC wanted to special assess residents and take away the beauty of their road by removing trees and hills. Residents fought for over a year and were finally able to work with the KCRC and limit the scale of work. They were able to correct the deficiencies in road but worked with residents.

### **Karen Kopolces 10553 West S Avenue**

Ms. Kopolces questioned how it is determined which roads need repair and at what specific time. She agrees with most folks and feels the special assessment is being shoved down their throats. Residents deserve more input or at least vote on the issue. Special assessment can be renewed so it could last 20 years or more.

### **John Powers 7710 S 8<sup>th</sup> Street**

Mr. Powers asked about the legal timelines for petitions to stop the process.

### **Kevin Kavanaugh 6760 Annandale Drive**

Mr. Kavanaugh stated he did not see his street listed in the plan. With the extension of Annandale and AEG's plan to build several more homes he is concerned over the impact on his street. The new pavement has become a drag strip. He questioned the feasibility of speed bumps to help slow traffic. He also requested stop signs at each of the streets, speed limit signs, and a street light at Texas Drive and Annandale.

## **PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010**

### **CB Batts 41 North Crooked Lake Drive,**

Mr. Batts stated he is an accountant by trade. He is here tonight more on the general principal of the assessment. If you create enough line items it comes across as just \$50 here and \$60 there, it seems to be pattern. He is currently being assessed for lake maintenance to keep the lake level high. His sump pump is now cycling every three minutes to pump the lake out of his basement. If the township needs to raise additional funds, a millage request dedicated to roads is more appropriate. He felt the assessment would last forever and does not support it.

### **Ken Oscarman – Kalamazoo County Road Commission**

Kalamazoo County Road Commissioner Ken Oscarman thanked the Board for having the foresight to address local road problems. Two questions or thoughts to for the Board to consider; first is that the Paser rating system is just a snap shot in time and is done by the County every three years. The Board cannot extrapolate what the condition of a road will be in ten years. He explained that the degradation of roads is not based on time but is due to several factors, i.e. traffic patterns and how they change, the underlying road bed, etc. He stressed that the Board does not want to end up with a projected maintenance choice based on a system that may no longer be recommended. A major development may call for a chip seal today; however, because of addition of new development lanes it may need to be widened and a HMA overlay may provide a better solution.

Attorney Seeber explained that the specific of tonight's meeting is to outline the parameters of the district, which encompasses all parcels in the townships except those excluded in the public notice.

Supervisor Healy questioned if new technology is developed, can the Board pursue maintenance using those means. He feels the assessment should generally define maintenance, repair improvements, and upgrades. Perhaps when look at estimates the amount listed on the spreadsheet is the lowest amount the township will spend for that particular project.

### **Ray Isakson 8430 S 2nd Street**

Mr. Isakson stated that being a technical person he has two questions. With over 700 heavy trucks traveling the roads every year such as garbage trucks; what effect does that have on the deterioration of our roads? He asked how it might work with garbage companies to have one truck in an area.

### **Dan Moyle 9562 West S Avenue**

Kalamazoo County Road Commissioner Dan Moyle applauded the efforts of the board; however, he questioned why, as money is becoming tighter and tighter, the Township is spending money for Cadillac maintenance in plats i.e. Sámi seal, which is double the cost of a chip seal. He understands that roads need preservation; however, if the Board is trying to be conscious about costs they should utilize the chip seal.

### **Ron Foster 9445 West O Avenue,**

Mr. Foster seconded using the chip seal. He didn't feel that his grandchildren should have to ride bicycles etc on chip seal when plats will receive a higher treatment with the Sámi seal. All the roads should all be done in same way, or else charge those who receive the upgraded seal.

### **George Whitaker 5560 S. 1<sup>st</sup> Street**

Mr. Whitaker stated he doesn't understand assessments as well as some and questioned why the Board picked this venue over other funding methods. Supervisor Healy said the board is trying to look at the "least unfair" method to fund roads and what makes the

## PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010

most sense. What residents are paying for is access to a good road system. He stressed that in general everyone has a couple of cars and uses the road similarly; so likewise, it is less unfair to pay the same amount. If the question is put to a ballot, the amount would be based on property value, so does a higher value home use the roads more frequently than a lesser value home? The board has been discussing this issue for a very long time. The same method would not be applicable for fire and police protection because typically if you have more value, you have more to protect. Mr. Whitaker iterated his concerned that the assessment will continue on in perpetuity.

Mr. Saunders felt the Board had a displacement of priorities and values. According to the plan, the residential streets receive a higher treatment and are only used by those residents and garbage trucks. Secondary roads have more traffic with higher speeds and are receiver a lesser treatment.

### **John Polderman 10405 South 2<sup>nd</sup> Street.**

Mr. Polderman explained that some of private roads have not been taken over by county because they are substandard or constructed by a private developer so owners must maintain the road. The fact that these roads are substandard, do they now have to bring them up to standard. The problem with assessing by parcels is that he will have to pay four times as much as his neighbor. He could live with one charge, if the land is contiguous.

Supervisor Healy clarified that assuming the Board goes forward with a special assessment, another first class mailing will be made, which requires a second public hearing on the tax roll (computer document) indicating what each parcel will be charged.

### **Jim Roberts 1213 E Crooked Lake Drive,**

Mr. Roberts reported that it helped having the process explained at the beginning of the meeting. He has two contiguous parcels would like to see it as one. As he understands industrial roads will be paid 100% by the parcel owners.

Mr. Bill Saunders stated that he has three contiguous parcels and tried to have all three put on same tax bill; however, he could not combine them because one parcel is across the street.

Mr. CB Batts explained that if contiguous parcels are assessed as one parcel, the initial amount of \$65.00 that the Board initially hoped to recoup must be refugured. His employer owns 24 parcels in the township, if a corporation is treated as an individual the number of parcels will shrink and his employer should only get one.

Mr. Joe Kuiper reiterated, that the best thing the Board can do is "nothing." The roads in township are no worse than any other township; it is a federal and state problem. He asked the Board not to approve a special assessment and to quick talking about it.

### **Trish Roberts 1213 E Crooked Lake Dr**

Ms. Roberts asked if a street is not on the list, is it a primary road and handled by the road commission. Supervisor Healy stated there is an error on the spread sheet and E Crooked Lake Dr is within the proposed district.

Clerk Kerr read into the minutes the letters of written objection to the district:

1. Edward Kluk , 6647 S 5<sup>th</sup> Street
2. Richard Colby, 8621 Plover Street
3. Sue Vandlen, 8188 W. R Avenue
4. Gary Vandlen, 8188 W. R Avenue
5. Shirley Lemoire, 8392 S 2<sup>nd</sup> Street

## PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010

6. Mike Balkema, 8153 & 8111 W. S Avenue
7. Cindy & George Whitaker 5560 S. 1<sup>st</sup> Street
8. Jack and Jessica Routley 9960 S. 6<sup>th</sup> Street
9. Richard Stark, 915 E. Eagle Lake Drive
10. Joan Yost 5757 Wood Valley Road
11. Matt Heintzkill, 1324 N. Eagle Lake Drive
12. Dan Balkema – President Bex Farms, Inc 5300 Miller Road
13. John and Diane Coghlin, 10433 W. R Avenue
14. Mark and Penny Boven, 27772 C.R. 358
15. Rodney Whitcomb,
16. David Rice, Huron Development
17. Bruce and Kim Blok, 9866 S. 6<sup>th</sup> Street & W. S Avenue
18. Robert Bouw, 91054 W. RS Avenue

Trustee Bosch stated that nineteen people spoke against the creation of a district and those that spoke reside primarily in the rural area or on secondary roads. The public hearing offered a very lopsided representation of the township.

Due to no further public comment Supervisor Healy closed the public hearing at 9:07 p.m.

Trustee Boven questioned whether a Sámí seal or chip seal is better. He was informed that a chip seal usually lasts 5-7 years based on initial condition of roads. It is not necessary for a HMA until the road is rated a 4 to 3.

Road Commissioner Dan Moyle stated the purpose of cape seal is to seal the surface and prevent stones from flying. He expressed his concerns that the neighborhood roads are receiving the “Cadillac,” which is twice the money and he agrees that it is more pleasant to be around.

Responding to a question, Supervisor Healy advised he doesn’t know exactly how adding another layer of treatment on the road and extra layer will extend the life of the road. Not an exact science.

Trustee Bosch remarked that the Board is looking for input, “is this the smart thing to do?” Going over the budget and needs, the township simply cannot keep up. The current policy only addresses work for secondary roads. Primary roads are maintained by the KCRC and the township budgets approximately \$240,000 annually for road maintenance. In neighborhood or plat roads the township pays 25%, the KCRC 25%, and owners pay 50%. Is that system broken? It feels like we are falling behind. What is going to happen in future if we do nothing? A lot of neighborhood roads have had nothing done to them for a long time and because of this, a lot of roads need to be addressed. If another demographic was present tonight, they would be upset that their roads have not been maintained for a long time.

Supervisor Healy asked the Board what they wanted to do. He feels, based on what he heard tonight that many of the concerns will be addressed at the second public hearing, He hasn’t heard that a special assessment is the wrong way but the way the assessment is allocated.

Trustee Boven iterated that the Board is responsible for the road system. Everyone likes a smooth road. The Township has over 5,800 parcels and everyone should be included in the assessment.

## PUBLIC HEARING FOR ROADS SPECIAL ASSESSMENT JULY 12, 2010

Trustee Neubauer questioned the double cost for SÁmi-seal and thought the plan should just list the roads designated to be treated. Sounds like the plan locks the township into a particular treatment.

Trustee Bosch explained that there are more roads to maintain than money. The question becomes how we get it done, with a special assessment or millage. If voters stay no, than the Township must go along with \$240,000 annually, the best we can.

Treasurer Cutting commented that many of the rural roads have parcels with over 1,000 feet of road frontage. The Board is suggesting that each parcel, regardless of frontage pay the same amount, so neighborhood roads will be subsidizing rural roads.

Trustee Hoogendyk responded that aside from all the objections and even if everyone did agree, every road should be designated as a chip seal. Additionally, the contiguous parcel situation must be figured out before the Board can make an intelligent decision.

Clerk Kerr expressed her concern about the length of time for the special assessment and that they tend to end up being in perpetuity. Based on input from tonight's meeting she had issues with the special assessment and felt it should go to a vote of the residents.

Motion by **Boven**, seconded by **Cutting**, to table setting the special district until the next scheduled meeting. July 26<sup>th</sup> 2009. Motion failed. Roll Call Vote: Ayes - Neubauer, Cutting, and Boven. Nays – Bosch, Hoogendyk, Kerr, and Healy. Absent - None

Motion by **Boven** to establish the special assessment district as defined in the notice  
Motion failed for lack of support.

Motion by **Boven**, seconded by **Bosch**, **motion carried to** adopt the resolution supporting the creation of a Road Special Assessment District as stated in the public notice. Roll Call Vote: Ayes – Bosch, Boven, Cutting, Neubauer, and Healy. Nays – Kerr and Hoogendyk. Absent – None.

The township board will clarify questions regarding contiguous parcels, etc. at the July 26<sup>th</sup> regular meeting.

### ADJOURNMENT

Due to no further public comment to come before the Board, the meeting was adjourned at approximately 10: 20 p.m.

Submitted:

Approved:

Linda M. Kerr, CMC, MPA

Attested: Supervisor Dave Healy