



**CHARTER TOWNSHIP OF TEXAS BOARD MEETING, February 13, 2023**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Due to the absence of Clerk Beutel, a motion was made by Loeks, seconded by Boven, motion carried, to appoint Trustee Kerr as acting secretary. Trustee Kerr called the roll and the following Board Members were present: Trustee Don Boven, Trustee Barbara Hammon, Trustee Linda Kerr, Trustee Michelle O'Neill, Treasurer Trish Roberts, and Supervisor Nick Loeks. Clerk Emily Beutel was absent. Also present were Deputy Superintendent Brooke Hovenkamp, Zoning Administrator John Lovely, Fire Captain Mike Miller, and approximately 43 members of the public in person and 9 members virtually.

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

Robin Ross, resident, stressed that she lives on N Ave and was concerned about communication with residents about the residential rezoning. She felt that the 300 feet required by the Michigan Planning Enabling Act did not provide enough notification. She expressed concerns about the rental rates for the proposed development, as well as traffic safety on N Ave.

Randy Lankford, resident, explained that a past rezoning request to R-5 for the N Ave area was denied and encouraged the current board to uphold that decision. He felt R-3 zoning would be more appropriate.

Lisa Thompson, resident, explained that the speed on N Ave is too fast and was concerned about safety. She felt a step down to R-4 or R-3 residential would be more appropriate.

Libby Kiino, resident, also expressed concerns over traffic safety on N Ave with the proposed development. She felt residents were being pushed out of the community.

Warner Darwin, resident, stated that traffic is a big issue. He did not receive notification concerning the first rezoning, as he doesn't live within 300 feet of the parcel, and doesn't feel residents are being heard.

Maria Smell, resident, questioned when the Board would make a decision concerning sewer connections.

Marianne Mead, resident, has lived in the township for 47 years and witnessed a lot of change. She said she is not opposed to growth, but the traffic has increased with residential and commercial use and will only increase more with the two large complexes being proposed.

John Brack, resident, thanked the Board for the sewer extension that is on the agenda but felt the Board wasn't listening to residents. He said that septic systems can last a long time, and he is willing to pay the connection fee but should be able to connect when his septic system fails.

Paulette Brack, resident, thanked Treasurer Roberts for providing her information from the January 23 meeting and Committee of the Whole discussion on sewer connections. She questioned why Texas Township is mandating sewer connections when other municipalities are not doing so. She felt it was a very high cost to connect.

Tom Burns, resident, stated he would like to connect to sewer but felt it should be on his own terms.

Lisa Kerchenfaut, Oshtemo resident, stated she lives on N Ave, and the proposed development and increased traffic will also affect her. She and others have experienced property damage to cars, mailboxes and garbage receptacles due to the traffic.

**PRESENTATION/PUBLIC HEARINGS/COUNTY COMMISSIONER**

There were none.

**SUPERINTENDENT REPORT**

Deputy Superintendent Hovenkamp shared the Superintendent Report, which highlighted the following items:

*Administration*

- 54 • Concert in the Corners sponsorship opportunities have been announced, and several local
- 55 businesses have already committed to sponsoring this year's events.
- 56 • The February eNewsletter will replace the traditionally mailed newsletter in January and will go
- 57 out this week with an announcement about the Superintendent.
- 58 • The Township received \$1,344.47 as part of the national opioid settlement.
- 59 • Staff is discussing sponsor signage for the Maple Hill Splash Pad and for the new township hall.
- 60 • The 2023 audit has been scheduled for the week of May 15.

#### 61 *Parks*

- 62 • The township did not qualify for funding part of the Round 1 SPARK grant program. There were
- 63 over 460 applications submitted requesting over \$280 million in funds. Dates have not been
- 64 solidified for Rounds 2 or 3 at this time, although both have been reported to be within 2023. The
- 65 Township will receive more information in March about the scoring outcome.
- 66 • The County has issued the well permit for the Maple Hill Splash Pad, which is a type III well and
- 67 requires annual testing.
- 68 • She and Tim Britain of VIRIDIS Group are assembling an amenity package for the Splash Pad
- 69 with input received by the Parks & Trails Committee.
- 70 • JAM Sports, an adult recreation league, is planning to rent 6<sup>th</sup> Street Fields this spring and
- 71 summer. It will be exciting to see these fields being utilized!

#### 72 *DDA*

- 73 • The DDA will meet Thursday, February 23, and Kathy Schulz from Metro will attend to share
- 74 information and answer questions about the viability of bringing public transportation to Texas
- 75 Corners.
- 76 • Jeff Mejeur will be upgrading eight streetlights around the township hall parking lot/Phase I
- 77 trailway to LED. The cost will be approximately \$100 per light, and the DDA has agreed to share
- 78 in the cost.

#### 79 *Township Hall Project*

- 80 • The Road Commission is requiring the township to extend the left-hand turn lane on Q Avenue
- 81 from the Fire Department to the drive for the new township hall with a 300' taper to the West.
- 82 Staff is working with Progressive AE on cost estimates for this and to evaluate feasibility to
- 83 complete this work within our current timeline.
- 84 • The Township was notified that the HVAC equipment is delayed and will not arrive until
- 85 September, which would push occupancy to October.

#### 86 *Flooding*

- 87 • The Township is hosting a listening session on the riparian ordinance update on
- 88 Wednesday, February 15 starting at 5:00 p.m., which will be available in-person and streamed via
- 89 Zoom, as well as recorded.
- 90 • The long-term project is currently out for bid, and bids are due March 1. There is a pre-bid
- 91 meeting at the Township Hall on February 15 at 10:00 a.m.

### 93 **ADOPTION OF MEETING AGENDA**

- 94 Supervisor Loeks asked to add Item L – 2023 Road Contracts under New Business.
- 95 Motion by Boven, seconded by O'Neill, motion carried, to adopt the meeting agenda as amended.
- 96

### 97 **APPROVAL OF GENERAL CONSENT AGENDA**

- 98 Motion by Boven, seconded by O'Neill, motion carried, to approve the General Consent Agenda as
- 99 presented, consisting of:

- 100 • Approval of January 16, 2023 Special Meeting Minutes, January 23, 2023 Regular Meeting
- 101 Minutes and January 30, 2023 Special Meeting Minutes
- 102 • Approval of Bills for \$763,374.99
- 103 • Payroll \$69,972.03
- 104 • Financial Reports-Dec 2022 Cash By Bank & Fund; 2022 4Q Investment Report
- 105 • Township Hall Project-Change Order #006



- 106 • 2022 Sewer Connection Fee Transmittal-City of Portage South Contract
- 107 • 2022 4Q HHW Reporter

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**BUSINESS**  
***Tabled***

***New***  
**Superintendent Employment Agreement with Erik Wilson**

The Board reviewed the contract for Erik Wilson and asked for clarification regarding the 10% retirement contribution, as the language seemed to also include deferred compensation. Additionally, Board members asked for the severance pay to be commensurate with length of employment and also for language to be included regarding death or disability.

Motion by Loeks, seconded by O'Neill, motion carried, to postpone the contract with Erick Wilson to meet with the Attorney, Applicant, or Frank Walsh to discuss these changes to the contract and hold a special meeting this week to move forward with the contract.

**Approve Hiring Nathan Markus of FT Firefighter/EO**

Fire Chief Mike Miller stated that Nathan has gone through interviews would be an excellent fit for the Full-Time Firefighter/EO position with Texas Fire. He has been a dedicated POC Firefighter since 2019 and will make a great asset to the team.

Motion by Boven, seconded by Kerr, motion carried, to approve the hiring of Nathan Markus as a Full-Time Firefighter/EO for the Texas Township Fire Department.

**2023 Curbside Bulk Item Collection Contract**

Deputy Superintendent Hovenkamp presented the 2023 contract with College Hunks for curbside bulk item collection, which reflects a slight increase in pricing. The Township budgeted \$60,000 for this service in 2023, which is dependent on the amount collected. The spend for 2022, not including mapping and advertising, was \$53,669.50. She also asked for Board input on providing some kind of dumpster event for the apartment complexes and manufactured home communities, which are not included in the bulk pickup.

The Board discussed and will address service to areas not included in the curbside bulk pickup at another time.

Motion by Kerr, seconded by Boven, motion carried, to approve the 2023 contract with College Hunks for curbside bulk item collection service.

**Resolution #23-01 Mandatory Sewer Connection Ordinance Extension**

Treasurer Roberts and Deputy Treasurer Emily Meinema presented a list of recommendations to the Board regarding amendments to the mandatory sewer connection ordinance, based on Board discussion at the January 23 Committee of the Whole Discussion. Because of the limited availability of installers, they recommended extending the connection deadline to the fall, requiring that unconnected parcels subject to mandatory connection pay all township fees and/or execute an agreement for payment by no later than July 1, 2023. Also, due to the current economic conditions and increased prime rate, they asked to change the cap rate within the Township's Sewer Benefit Individual Agreement from 8% to 5.5%, including for 2023 agreements already signed.

Motion by Hammon, seconded by Boven, motion carried, to approve Resolution 23-01 to extend mandatory sewer connection deadline from April 1 to October 1, 2023 with the consideration that parcels affected pay all township fees or finance through the township by July 1, 2023. I move to approve the reduction of the 2023 and subsequent years' interest rate in the Sewer Benefit Individual Agreement from 8% to 5.5% and allow agreements previously signed in 2023 to have their interest rate reduced to 5.5%.

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

158 Sewer Rate Study Request – Bakertilly Contract

159 The Treasurer’s Department stated the 2020 SAW CIP Plan identified three projects that have  
160 significantly increased in projected costs due to market conditions. Additionally, the Portage 12<sup>th</sup> Street  
161 Lift Station, also identified through the SAW CIP, is being designed as a 2024 construction project, of  
162 which the Township will be responsible for 94% of the cost, a current estimate of more than \$1 million.  
163 Another upcoming project could allow extension of the sewer west along PQ Ave from Interlochen at  
164 significant savings if done at the same time. The combined total of these projects could exceed \$4  
165 million, an amount the township would most likely have to bond. The results of the updated study would  
166 revise the Township’s sewer CIP and recommend an increase to current surcharge of 15%.

167 Motion by O’Neill, seconded by Boven, motion carried, approve the 2023 Bakertilly Sewer Rate Study  
168 update and authorize a fee payment in the amount of \$12,500 when invoiced. I further move to  
169 authorize Deputy Superintendent Hovenkamp to sign on behalf of the township.  
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171 Resolution #23-02 Introduction & First Reading of Ordinance 369 Shafer Development Rezoning  
172 Request

173 Zoning Administrator John Lovely explained that the applicants, Steven and Aaron Schafer of  
174 Schafer Development LLC, are requesting a conditional rezone of property on West N Ave from R-2  
175 Residential District, Single Family and to R-5 Residential District, High Density, Multiple-Family. Their  
176 plan is to construct 166 one-story ranch apartment home units on the approximately 25 acres, which the  
177 Planning Commission reviewed and voted to recommend approval to the Township Board. He clarified  
178 that if the development does not happen after 18 months, the property is rezoned to the original R-2  
179 zoning with the conditional rezoning.

180 The subject parcel is within the 9th Street Sub-Area Plan, and the future land use designation is  
181 Mixed-Use, Flexible, and this proposed development would fit within the increased density noted in the  
182 future land use plan. The parcel has access to N Ave, a county primary road, and as a condition of the  
183 rezoning, the developer will extend to Beatrice Drive along the south property line. This proposed  
184 development could serve as a transition between the recently approved higher density attached multi-  
185 family development directly to the west, the existing commercial use along South 9th Street, and the  
186 single-family residences nearby, providing for a step-down in development intensity. Public water and  
187 sewer are available.

188 Mr. Aaron Schafer representing Schafer Development, LLC, provided an overview of the project,  
189 which includes 166 single-story units designed for the 55+ and “Active Adult” demographic. He provided  
190 concept plans and renderings of the units, which include four styles, a clubhouse and pickleball courts.  
191 Based on conversations with nearby property owners, there are also plans for privacy screening or  
192 natural landscaping, as well as making the main entrance on Beatrice Drive to divert traffic from West N  
193 Ave due to traffic concerns.

194 Motion by Boven, seconded by Roberts, motion carried, to adopt Resolution 23-02, which  
195 introduces Ordinance No. 369, sets the adoption meeting for February 27, 2023, and  
196 directs the Township Clerk to publish the notice of posting.

197 Roll Call Vote: Ayes – Boven, Hammon, Kerr, Loeks, O’Neill, and Roberts. Nays – none. Absent –  
198 Beutel  
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200 Accept Resignation of Natalie Fuller from the DDA

201 Natalie Fuller, the owner of The Cheese Lady, submitted her letter of resignation from the  
202 DDA, as she has sold her business and is no longer be eligible to serve on the DDA.

203 Motion by O’Neill, seconded by Roberts, motion carried, to accept Natalie Fuller’s resignation from  
204 the DDA, with regrets.  
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206 Accept Resignation of Rick Ives from the Public Safety Committee

207 Deputy Superintendent Hovenkamp stated Rick Ives submitted his letter of resignation from the  
208 Public Safety Committee effective February 7, 2023, after serving for the past 16 years.

209 Motion by Roberts, seconded by Boven, motion carried, to accept Rick Ives’ resignation from the  
210 Public Safety Committee, with regrets.

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Credit Card Policy Amendment

Treasurer Roberts asked to make some amendments to the Township’s credit card policy to better reflect purchasing needs of staff.

Motion by Loeks, seconded by O’Neill, motion carried, to approve the addition of the Deputy Superintendent position and Building Official’s position to the list of individuals issued township credit cards. I further Amend page 2 of Credit Card Use Policy to reflect the following monthly credit limits: Treasurer \$2,000; Clerk \$3,000; Superintendent \$4,000; Deputy Superintendent \$1,500; Fire Chief \$3,000; Deputy Fire Chief \$1,500; and Building Official \$1,000, and to amend Page 2 Item d. to require payment in full by the statement due date.

MDNR Grant Application

Deputy Superintendent Hovenkamp asked if the Board was interested in assembling a grant application for upcoming MDNR grants. She stated that Michigan Natural Resources Trust Fund (MNRTF), Recreation Passport Grant, and Land & Water Conservation Fund had an upcoming grant application deadline of April 1. There is not a definitive timeline for Rounds 2 and 3 of SPARK grant funding at this time, only that the application and determination will be made in 2023. Historically, the Township has had limited success with MDNR grant funding primarily due to the scoring criteria and how it is impacted by median income levels.

Board members discussed and decided not to take action on this item.

Shared Parking Request from VA Medical Center

Deputy Superintendent Hovenkamp was approached by an employee of the Battle Creek VA requesting use the Township Hall parking lot to allow the employee to park their personal vehicle at the Township Hall while on shift and park the VA vehicle at the Township Hall while off shift. Board members discussed this could be difficult during farmers’ market season when parking is limited.

Motion by O’Neill, seconded by Boven, to reject the MOU with the United States Department of Veterans Affairs, Battle Creek VA Medical Center for shared parking services.

2023 Road Projects

Supervisor Loeks stated that the Road Committee had reviewed the list of road projects for 2023 and recommended the following: 1st Street, RS Avenue, 6th Street, Old Q Avenue, R Avenue, and roads in the Crooked Cove and Interlochen neighborhoods. Funding for these projects includes \$150,000 from the Township General Fund, approximately \$812,280 from the Road Special Assessment, and \$299,537 from RCKC Matching PAR Funds.

Motion by Kerr, seconded by Hammon, to approve the above listed road projects for 2023 and authorize Supervisor Loeks to sign the attached contract.

**COMMITTEE REPORTS**

Planner Report

Zoning Administrator John Lovely shared activities in the planning department for the month of January 2023, including several ordinance updates. He encouraged residents to attend the Riparian Ordinance Update Listening Session on February 15 at 5:00 p.m.

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

Kathy Staufer, resident, remarked on Supervisor Loeks comment concerning the shortage of housing, as she owns 48 acres and is approached frequently about development. Supervisor Loeks explained that her property is located in the Resource Conservation District and limits density in the area.

Mike Shugars, resident, explained that he and his wife own 50 acres near the newly proposed development, and they are not planning to sell.

Paulette Brack, resident, thanked the Board and wished them a Happy Valentine’s Day.

**ATTORNEY’S REPORT**



264 There was no attorney present.  
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266 **BOARD MEMBER COMMENTS**

267 Treasurer Roberts stated that February 14th is the last day to pay taxes on time, and on Wednesday  
268 a 3% penalty will be added.

269 Trustee O'Neil reported that she will be attending the Arthur & Mildred Woollam Preserve Master  
270 Plan Input session on Wednesday, February 15, at the Kalamazoo Expo Center from 4:30 to 6:30 p.m.

271 Trustee Hammon thanked Deputy Treasurer Emily Meinema for collecting her tax payment and  
272 issuing a dog license.

273  
274 **ADJOURNMENT**

275 Motion by Roberts, seconded by Boven, motion carried, to adjourn the meeting. The meeting  
276 adjourned at approximately 8:40 p.m.

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278 **SUBMITTED:**  
279 Clerk Emily Beutel  
280 Attested:

**APPROVED:**

DRAFT