



CHARTER TOWNSHIP OF TEXAS BOARD MEETING, JULY 25, 2022

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 Barbara Hammon, Trustee Linda Kerr, Trustee Wendy Mazer, Treasurer Trish Roberts, Supervisor Nick Loeks, and Clerk Emily Beutel. Also attending were Superintendent Julie VanderWiere, Deputy Superintendent Brooke Hovenkamp, and Interim Planner Julie Johnston.

Discuss Brand Identity

Deputy Superintendent Hovenkamp recently received a preliminary proposal for a brand identity redesign for the Township logo and asked Township Board members if they were interested in renewing the Township's brand identity. The last logo design was more than 20 years ago, and with the recent website redesign and upcoming Township Hall project, now would be an appropriate time to begin the conversation before construction begins. Board members discussed, and while opinions on the topic were mixed, members were generally in support of pursuing a brand refresh.

Review Corners Business District (CBD) Ordinance Text Amendments

Interim Planner Julie Johnston presented the draft CBD ordinance amendments and reviewed sections with Board members. Much of the dialogue centered on furniture, such as benches and bike racks, and how the ordinance should be written to be consistent and equitable for all parcels while taking into consideration different parcel sizes, locations, and road frontage. After much discussion, Board members agreed it would be most beneficial to schedule a joint meeting with the Planning Commission to discuss the ordinance amendments together.

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.

ROLL CALL

Clerk Beutel called the roll, and the following board members were present: Trustee Don Boven, Trustee Barbara Hammon, Trustee Linda Kerr, Trustee Wendy Mazer, Treasurer Trish Roberts, Supervisor Nick Loeks, and Clerk Emily Beutel. Also attending were Superintendent Julie VanderWiere, and approximately 12 members of the public in-person and two virtually.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Amy Coon, township resident, introduced herself as the Eagle Lake Texas Association (ELTA) Board President. She thanked the Board for all of its support with flooding over the past several years and offered to answer any questions when the Board discussed the ELTA Special Assessment District (SAD) I reactivation.

Russell Walters, township resident, introduced himself as the Crooked Lake Texas Association (CLTA) Board President and stated he was also available to answer any questions about his organization's SADs as well.

Ken Barnard, Oshtemo township, introduced himself and announced that he is running for 9th Circuit Court judge. He shared his experience in the judicial process and asked everyone to vote in the August 2nd Primary Election on Tuesday.

PRESENTATION/PUBLIC HEARINGS/COUNTY COMMISSIONER

There were none.

SUPERINTENDENT REPORT

Julie VanderWiere reviewed the Superintendent Report, which highlighted the following items:
Administration

- Deputy Clerk Kerrie Douglas will be starting full-time this week.



Information

- A water main break closed Q Avenue between 5th Street and W. Crooked Lake Drive for approximately four days until the City of Kalamazoo could repair the main and roadway.
- The Texas Township Firefighters Association will be hosting the 8th Annual Ice Cream Social and Carnival on Sunday, August 7 from 12:00 – 3:00 p.m. at the Farmers' Market Pavilion in conjunction with Great Lakes Burn Camp.
- Zoning Administrator interviews for two candidates were held Thursday, July 21, and the interview committee will be recommending moving forward with one of the candidates.
- Three submissions from planning firms were received in response to the RFQ for planning services, and the selection process will move forward after the zoning administrator position has been filled.
- Attorney Homier has been working with Mr. Callander's legal team on the Q Corners LLC Road agreement.
- The Fiscal Year 2023 budget process is beginning this week with a meeting with department heads; the target is first review of the budget with the Board in October.

Flood Mitigation

- Prein & Newhof submitted the permit for flood mitigation to EGLE for review and asked EGLE to preemptively schedule a Public Hearing once the permit is considered administratively complete.
- The next Flood Task Force meeting is scheduled for August 29, 2022 at 10:30 a.m. via Zoom.

ADOPTION OF MEETING AGENDA

Supervisor Loeks asked to remove Item 5A - AEP Franchise Public Hearing from the agenda.

Motion by Beutel, seconded by Hammon, motion carried, to adopt the meeting agenda as amended with the removal of Item 5A.

APPROVAL OF GENERAL CONSENT AGENDA

Motion by Hammon, seconded by Mazer, motion carried, to approve the General Consent Agenda as presented, consisting of:

- Approval of July 6, 2022 Special Meeting Minutes and July 11, 2022 Regular Meeting Minutes
- Approval of Bills for \$132,749.13
- Payroll of \$54,855.62
- Correspondence: Letter from RCKC RE: Eagle Lake Drive Road Project; ELTA SAD II Update
- June 2022 Building Report

BUSINESS

Tabled

There was none.

New

Lake Cove Sidewalk Deferment

Interim Planner Julie Johnston stated that the Lake Cove development connects to neighboring neighborhood, Inverness, which does not have sidewalks currently. The developer is asking for lot 3 to record a deed restriction to install the sidewalk on Vail Drive at whatever point in the future sidewalks are installed in Inverness. It was asked who signs the agreement, as the developer may be long out of the picture by the time, and who pays for it at that time, whether it be the Lake Cove Association, the developer, or the future homeowner of that lot. Alternatively, or in addition, the Planning Commission could do a site plan amendment to remove the sidewalks from Vail Drive.

Motion by Roberts, seconded by Boven, motion carried, to a motion to approve a sidewalk deferment for units 3 and 4 of Lake Cove to include a recorded deed restriction that requires the sidewalk along Vail Drive to be built when required by the Township as well as to ask the Planning Commission to initiate a site plan amendment removing the Vail sidewalks from units 3 and 4 of Lake Cove.



Resolution #22-13 Second Reading & Adoption of Planned Unit Development (PUD) Ordinance #367

Interim Planner Johnston recapped the PUD ordinance amendments, which have been reviewed and discussed at several previous Board meeting.

Motion by Kerr, seconded by Mazer, motion carried, to approve Resolution #22-13, which adopts Ordinance No. 367, and directs the Township Clerk to publish the notice of adoption.

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

Reactivation of ELTA SAD I

Treasurer Roberts explained that the Crooked and Eagle Lake SADs for augmentation were suspended during the flooding, as augmentation was not required at that time with the elevated water levels. However, with the permanent solution in progress, ELTA would like to reactivate SAD I for augmentation to start collecting for Winter 2022 taxes. It would also like to increase by 9.99%, not more than 10%, as allowed by the assessment.

Amy Coon, ELTA President, thanked Treasurer Roberts for her explanation. She stated the Association does expect weed treatment and other costs to increase and hopes to be able to keep away some funds for maintenance and repairs or replacement for the augmentation well in the future. She explained the 10% is a \$32 increase for lakefront owners and \$8 for owners with access. Weed treatment regulations by the state were also explained in response to questions about current weed issues.

Motion by Loeks, seconded by Beutel, to move that the Texas Township Board reactivate Eagle Lake Texas SAD#1 in 2022 for the purpose of weed control and operation, repairs, maintenance of the augmentation well and pump. I move to approve the assessment of \$90,180 and direct the Township Treasurer to add the assessment to Winter 2022 roll and to spread a full assessment equally to all Eagle Lake riparian parcels and a quarter assessment equally to all Eagle Lake access parcels.

Reactivation of CLTA SAD I

Treasurer Roberts began by disclosing that she owns a parcel on Crooked Lake. She stated this SAD is similar to the ELTA SAD I but stated that CLTA has asked for an increase of 20% of project cost, which translates to a 15% increase per resident cost going into 2022. CLTA did not ask for the language to be changed regarding purpose, though she stated it would significantly help with administration of the SAD. All residents will receive a notice of the public hearing, because the increase is more than 10%.

Russ Walters stated the Township suspended SAD I due to the flooding, and that request was not initiated by the Association. The public notice will cost roughly \$1,500 at their expense and delay the process by a month. He asked for clarification about whether the 10% was annually or 10% as often. He said the need for the public notice was because of the Township's decision. The Association will essentially run out of SAD I funds by the end of the year if they don't increase above 10%, and they will not have reserves in case of pump repairs or replacement.

It was clarified that the 10% rule is specified in Public Act 180. Alternatively, 100% of owners could waive the public notice requirement.

Motion by Kerr, seconded by Boven, to that the Texas Township Board reactivate the Crooked Lake Texas SAD #1 in 2022 for the purpose of weed control, lake level and quality management and related professional services as well as operation, repairs, maintenance of the augmentation well and pump and directedly related legal, engineering, and administrative fees incurred by the Township, and to set a public hearing on the redetermination of the estimate of costs of the project requested for August 22, 2022, and if the Board moves the project forward following a public hearing, direct the Township Treasurer to add the assessment to Winter 2022 tax bills and to spread the assessment equally to all Crooked Lake riparian owners of record.

Consider Renewal and Redetermination of CLTA SAD II by Board Action



Superintendent VanderWiere explained that the CLTA Board has requested that the Texas Township Board initiate the continued operation of the Crooked Lake Texas SAD II aeration project for three years, beginning 2023 and shared a letter and budget submitted by the CLTA Board on the subject. The original CLT SAD II assessed record owners from 2014-2020.

The statute doesn't allow for an extension of a SAD, so this request would be to redetermine SAD II. CLTA members asked the Township Board to consider taking Board action rather than the Association collecting petition signatures. Russ Walters and the CLTA Board of Directors explained the impact of the flooding, which worked against the efforts of the aeration to control muck.

Treasurer Roberts explained that their contractor came back to extend his time without additional cost because of the flooding, so they have funds to continue this year and into next. The assessment will begin Winter 2023. After the Board initiates the process, the public noticing requirements for the SAD will be in effect.

Motion by Loeks, seconded by Hammon, that the Texas Township Board will initiate the 3-year continued operation of Crooked Lake Texas SAD#2 beginning in 2023. All appropriate noticing and public hearings for a newly created district under P.A. 188 will be adhered to with a goal to have the process completed by October 1, 2023. The CLT SAD#2 district will pay all legal and administrative costs to create the three-year district.

Consider Renewal and Redetermination of Treasure Island Road SAD I

Treasurer Roberts explained that Treasure Island Road SAD I is a road maintenance district that has been in effect for roughly 30 years. The homeowners would like to continue the assessment district but would like to address more than snow removal and tackle some major maintenance, as well as running the pumps. Jason Vroegindewey of Treasure Island Drive explained how the residents managed the road maintenance and pumping during the flooding crisis, funded at their own expense. They'd like new language to allow for pump replacement, pump maintenance, drain cleaning, and overall maintenance of the road.

Motion by Roberts, seconded by Boven, that the Texas Township Board take action to create Treasure Island Dr – Private Road Maintenance for the ten-year term 2022-2031. The purpose is to collect funds to cover yearly road maintenance and improvements, snow removal, equipment, and supplies to maintain road pumps and drainage; drainage pipe and structure cleaning and repairs; as well as the cost of installation of the electric service by Consumers Energy and usage charges when operated to clear road of water during significant rain events including any legal and administrative fees incurred by the Township directly related to this District. I move to set a public hearing on the redetermination of the estimate of costs of the project requested for August 22, 2022, requested to be \$7,200 spread equally to all parcels adjacent to the private portion of Treasure Island Drive. If the Board moves the project forward following a public hearing, direct the Township Treasurer to add the assessment to Winter 2022 tax bills and to spread the assessment equally to all Crooked Lake riparian owners of record.

Authorize Hiring of Zoning Administrator

Superintendent VanderWiere stated that on July 21, the Planner & Zoning Administrator Hiring Committee interviewed two candidates for the Zoning Administrator position. One candidate in particular, Mr. John Lovely, has substantial experience in engineering, site plan review, and planning processes. As a township resident, he is also familiar with many of the development projects happening here, as well as working with the planning department and Planning Commission. She also stated that, due to his experience, she anticipates him taking on some higher-level planning tasks and recommends a salary of \$75,000.

Mr. John Lovely introduced himself and expressed that he is looking forward to being a part of the positive momentum in the community.



Motion by Kerr, seconded by Mazer, to authorize the hiring of John Lovely as Zoning Administrator, contingent upon a successful and approved background investigation.

Approve RFP for Lawn Maintenance & Snow Removal Services

Deputy Superintendent Hovenkamp shared that the Township's contract for snow removal has expired, and the current contract for lawn maintenance expires at the end of September. Earlier this year, the Township discussed these two contracts supported combining these services under one contract for continuity of service. She presented an RFP for lawn maintenance, snow removal, and salt application for all existing areas for service, including DDA and connecting sidewalks, as well as a continuation of the snow removal/salt application for the walking paths and designated parking areas at Texas Drive Park and 6th Street.

Supervisor Loeks asked that the DDA map be updated to include the Vineyard Parkway roundabout.

Motion by Loeks, seconded by Hammon, to approve the RFP for lawn maintenance and snow removal services, and authorize Administration to solicit bids.

Approve RFP for Lawn Maintenance & Snow Removal Services

Deputy Superintendent Hovenkamp explained that the Township's franchise agreement with Indiana Michigan Power expires on January 11, 2023 and shared Resolution #22-14 introducing Ordinance #368 for first reading. This agreement and draft ordinance have been reviewed by Indiana Michigan Power, as well as Attorney Genovich.

This is a standard franchise agreement allowing for the right of AEP to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Charter Township of Texas, lines and appurtenant equipment for the transmission and distribution of electric energy to the Charter Township of Texas, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across the Township. The agreement is for a period of (10) years from the adoption of the Ordinance, but revocable at the will of the Township Board.

Motion by Kerr, seconded by Boven, to adopt resolution #22-14 Introducing Ordinance #368 for First Reading.

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

Authorize Application for 2023 Michigan Arts Council Mini Grant

Deputy Superintendent Hovenkamp requested authorization to apply for a Michigan Arts and Culture Council (MACC) Minigrant to provide future funding for the "Concert in the Corners" event piloted this year. The MACC – Arts Projects Minigrant program is a competitive grant program that provides support for production, presentation and creation of arts and culture that promotes public engagement, diverse and excellent art, lifelong learning in the arts, and the strengthening or livability of communities through locally developed arts and culture. The grant offers a maximum award of \$4,000 with a required 1:1 match.

Motion by Beutel, seconded by Kerr, to authorize Administration to submit an application for a 2023 Michigan Arts and Culture Council Arts Project Minigrant of up to \$4,000 with a required 1:1 match from the Township.

Fire Department Rescue Boat Replacement

Fire Chief Tackett presented a proposal to replace the current, decommissioned rescue boat. As the Fire Department responds to calls for the 11 lakes within the Township, as well as responding in neighboring jurisdictions, this is a necessary purchase. He presented the Board with two rescue boat options and explained the options included in each. The anticipated lifespan of this rescue boat is 20-25 years.



Motion by Loeks, seconded by Boven, to approve the purchase of the RescueOne boat listed in the proposal, not to exceed \$40,000, and dispose of its replacement.

COMMITTEE REPORTS

Fire Department Report

Fire Chief Tackett shared his report the month of June 2022, which included responded to 89 total incidents – 51 EMS and 38 Fire. Board members stated they were excited for the Ice Cream Social & Carnival to return this year after several years on hiatus due to COVID-19.

BRIEF PUBLIC COMMENTS ON NON-AGENDA ITEMS

Kathy Staufer, township residents, asked if she and other property owners could deny or remove the placement of yard signs on their private property. She was assured that she could remove signs placed on her property without permission.

ATTORNEY'S REPORT

The attorney was not present.

BOARD MEMBER COMMENTS

Trustee Mazer said the "Concert in the Corners" was amazing and was thrilled with the event and hoping to see more such events in the future. She was also glad to see members of the public at the Public Accuracy Test for the August election learning more about the elections process and security measures taken.

Trustee Hammon echoed Trustee Mazer's comments.

Clerk Beutel reminded everyone to vote next week in the August 2 State Primary Election.

Trustee Boven said he was bothered by the splash pad bid approval at the previous meeting with the high bid estimate cost.

Supervisor Loeks attended the Supervisors Meeting last week and met the new County Administrator, Kevin **Catlin**, who was very informative and very helpful. Southwest Michigan First gave a presentation as well with their new president. He also noted he'd be sending out Superintendent Evaluation forms soon.

ADJOURNMENT

Motion by Loeks, seconded by Beutel, motion carried, to adjourn the meeting. The meeting adjourned at approximately 7:40 p.m.

SUBMITTED: August 4, 2022

Clerk Emily Beutel

Attested: Supervisor Nicholas Loeks

APPROVED: August 8, 2022, as amended