

ALAMO TOWNSHIP NEWSLETTER

News for Alamo Township Residents

WINTER 2007

www.alamotownship.com



OFFICE HOURS

BOB VLIETSTRA,
TOWNSHIP SUPERVISOR
GARILYN SPORTEL-BOGARD,
TOWNSHIP CLERK

Township Hall
7901 North 6th Street

Tuesdays: 9:00 a.m. – noon

“G” AVENUE GRAVEL PIT

It has been a full year and the gravel pit story has yet to reach its conclusion. The Alamo Township Zoning Board's charge to determine whether to issue a special exception use permit was difficult given the complexity of the subject matter and due to the intensity of the response it elicited from a number of residents from Alamo and Oshtemo Townships. Almost exclusively, the work of the Zoning Board involves zoning related decisions using prescribed rules and guidelines. While considering issues from a perspective of zoning is correct most of the time; the courts have created case law specific to the mining of gravel. Commonly cited portions include the following:

- Sand and gravel are important natural resources and must be mined where they are found.
- Their utilization should be permitted in a manner compatible with the present use of adjacent lands.
- To deny sand and gravel mining requires evidence of very serious consequences.

Alamo joins a number of townships in our area to have initially denied mining requests. With one exception, all have settled, some after spending hundreds of thousands of dollars in attorney fees.

In June, the Zoning Board voted to deny the applicants' request for a permit to mine at 10th and G Avenue. The applicants responded by filing suit against the Township.

Knowing that the Court would order the Township to engage in procedures for the purpose of settlement and believing that a settlement with the right terms could be in the best interests of the Township, this option was explored.

The Township Board, as the elected body of this Township, has the obligation and the responsibility to act in the best interests of the 4,000 residents who make Alamo Township their home. Settling the lawsuit when it did proactively preserved environmental safeguards, concessions, guarantees and benefits offered by the applicants over the course of the deliberations plus added Township requested protections and safeguards while the Township was in the strongest position to bargain. The decision to settle also avoided a costly lawsuit with an uncertain future. Following a legally-noticed open meeting, the Township Board voted unanimously to accept the settlement (Consent Judgment) as worked out by the attorneys. The Circuit Court approved the settlement on September 19th. Within days, C-COATS (Concerned Citizens of Oshtemo and Alamo Townships) sued both the Township and the applicants. C-COATS' motions to stop and/or overturn the settlement were denied on October 12th and again on November 19th. Judge Lipsey, in his ruling on November 19th, observed that this case had the appearance of a group of citizens having a dispute with elected officials over a decision made by the officials rather than the motion representing a legal issue. C-COATS responded by filing an appeal with the Michigan Court of Appeals. On December 21st, the Appellate Court denied the motion for immediate reversal of the Circuit Court's decision(s). The case will go through the full appeal process; a process likely to take many months. In the interim, the mining operation has court approved authority to move forward.

The Board of Trustees did not make the decision to enter into a settlement lightly. Considerations included the following.

Local Wells. According to the Kalamazoo County Health and Community Services and the Michigan Department of Environmental Quality, not one well has failed as a result of a gravel mining operation in Kalamazoo County. Should Alamo Township make county history, the Michigan Department of Environmental Quality operates a well-protection program. The court approved settlement addresses safeguards for identified well-owners.

Noise. Several persons toured the C Avenue gravel operation when active mining was in evidence. This included bulldozing walls of aggregate, use of conveyors and the operation of two different types of crushers. While it is clearly recognized that each of us perceives our environment in different ways, the persons visiting the site found that the operation was almost indiscernible from the road and neighboring properties. Normal conversation was possible in the pit itself. White noise beepers eliminated the aggravating “beep beep” warning signals. Buffers between the operation and any remaining property owners plus berms will be constructed prior to mining at the G Avenue location to provide visual and auditory barriers to the operation. Trees will be planted as the berms are constructed to promote aesthetics. The white noise warning signals, berms, setbacks and plantings are part of the settlement.

Property Values. Individuals have expressed concern that the gravel mining operation will create dramatic decreases in property values. Homes are regularly built in close proximity to existing gravel mines in this county. One has only to look to the recently built home (valued at more than 1 million dollars) off Drake Road within one-half mile from a gravel mine on Ravine Road. Renee Laws, Alamo Township Assessor, has stated there is no evidence that gravel mining causes property values to fall. Ms. Laws is a Level 3 Assessor with relevant and first hand experience in assessing properties in the vicinity of active and inactive gravel operations in this and other townships.

Truck Traffic. An average of 60 trucks per day will travel into and out of the mine. Truck traffic is expected to travel south on 10th to West Main or east on H Avenue to Ravine (and downtown from there). Truck travel west on G Avenue (except for an occasional local delivery) is prohibited by the settlement. Truck traffic regularly travels on 10th Street at present. Under the settlement, the access drive to the mine will be paved to promote dust

suppression and minimize dirt being tracked on to G Avenue or 10th Street. Residents and those using 10th Street are far more likely to be impacted by the traffic generated by the soon to be constructed community center.

The settlement also contains the following terms:

- Mining is restricted to weekdays between the hours of 7:00 a.m. – 6:00 p.m. and excludes Saturday, Sunday and Holidays.
- Limits active mining to 25 acres at any time.
- Requires reclamation of mined out sites within one year. A bond for each acre of disturbed land will be purchased by the operator to guarantee reclamation.
- Following commencement of mining activities on G Avenue, 20 acres of park land will be donated to the Township from the operator’s holdings on C Avenue.
- Following cessation of mining activities on G Avenue, 40 acres of park land will be donated to the township from the operator’s holdings on G Avenue.
- Funding of \$10,000 annually will be provided to the Township for park(s) enhancement.
- The operator will sell and lay asphalt for any township road at its cost.
- Property subject to personal property taxes will be left on-site through December 31 of each year to maximize tax revenue to the Township.
- Annual compliance reports will be submitted by the operator to the Township plus the operator will contribute \$2,500 annually to permit the Township to purchase independent compliance reviews.
- The applicants will cover 90% of costs resulting in 3rd party challenges to the settlement.

Periodically, Township officials have been asked to hold an advisory vote to determine the entire Township’s feeling on the gravel pit. Counsel has advised that a vote of this type is not permitted. Permitting a gravel mining operation must be based on the law.

Recently two township officials attended an issues forum designed for township supervisors. One of the presentations outlined the lengths that communities and Southwest Michigan 1st are employing to secure jobs, commerce and an increased and diversified tax base in our area. Tax abatements and incentives are standard and encouraged business practices to entice business to locate in a particular area. Although the

township in no way sought out a gravel mining operation nor requested incentives, the benefits offered by the companies to operate in our township cannot be overlooked. At the same forum the Road Commission noted that while the Road Commission has funding for road improvements, many townships do not have the matching funds needed to initiate improvements. Because of the negotiated settlement, Alamo is in a unique position to have the means to improve the conditions of its failing roads.

The Township Board listened to concerns as well as assurances presented to it and determined that it was in the best interests of the township to negotiate a strong settlement to best protect and safeguard the township as a whole. We will keep you up-to-date as this story continues to unfold. The Board thanks you for your understanding, if not for your support. A complete copy of the settlement is posted on the township website.

JANUARY ELECTION

You've probably been following the debate on the January 15th Michigan Presidential Primary vote. As of this writing, the primary election will be held.

Voters must declare a party in order to receive a ballot for this election. Because of a court ruling, each Michigan voter who offers to vote in the polls must comply with the ruling by showing picture ID or signing an affidavit attesting that he or she is not in possession of picture ID. Voters can satisfy the picture ID requirement by showing a Michigan driver's license or Michigan personal identification card. Voters who do not possess either may show any of the following forms of ID (if current).

- Current driver's license or personal ID card issued by another state
- Federal or state government-issued photo ID
- U.S. Passport
- Military ID card with photo
- Student ID with photo from a high school or an accredited institution of higher learning
- Tribal ID card with photo

Michigan law anticipates that not all voters will have picture ID. Voters who do not bring a picture ID to the polls or do not possess picture ID can vote like any other voter by signing an affidavit. Please call Garilyn Sportel-Bogard at 382-3366 with questions.

This election will cost the Township approximately \$3,000.

FIRE DEPARTMENT

Thank you to the Alamo Fire Department for, once again, providing a candy check on Halloween. This year the Department secured a Fire Prevention trailer from the Kalamazoo Department of Public Safety and youngsters went through the trailer to learn about fire safety. New turnout gear has arrived that provides all volunteers with state of the art equipment for use in responding to township emergencies. The Department reminds residents that applications to serve the Township as a volunteer firefighter are being accepted.

UPDATES FROM THE TREASURER

Winter taxes were mailed on December 1st. Property owners will notice an increase in taxes as a result of the addition of the Kalamazoo County Juvenile Home and the increase in the Otsego Library millage. The increase for the Kalamazoo County transportation millage was added to the summer taxes. Taxes are due, without penalty, by February 15, 2008. After February 15, a 1% penalty is added.

PARKS DEPARTMENT

The Parks Department honored the Stoneburner family on October 1st by dedicating the North Trail within the DE Avenue Park as the Stoneburner Trail. The Stoneburner Trail joins one of two dedicated trails in the park. The Rector Nature Trail was dedicated in 2006. Parking and access to the park when the gates are closed are available at the west gate.

RECYCLING

December 8th marked the last regular recycling for 2007. Thank you to all the volunteers that allow the Township to offer this service free of charge to residents. Recycling services are not available in January or February but will resume March 8th from 9:00 a.m. – 1:00 p.m. Please contact Ron Feniger to volunteer for recycling dates in 2008. Thank you for your generosity.

MUSEUM

The museum is closed for the year. Thank you to all of the volunteers who staff the museum and preserve the Township's history.

