

**KEELER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN
OFFICE OF THE CLERK
64151 TERRITORIAL RD. W.
HARTFORD, MI 49057**

MINUTES OF THE TOWNSHIP BOARD MEETING HELD ON TUESDAY, NOVEMBER 8, 2023

The Keeler Township Board Meeting called to order by Supervisor, Don Blackmond at 7:00 p.m.

The Pledge of Allegiance was recited.

Roll call of members present: Supervisor Don Blackmond, Treasurer Sharon Clupper, Trustee Matthew Sexton, Clerk Angie Sexton, and Trustee Jerry Morin. Five members were present constituting a quorum.

Jerry Morin moved to approve the agenda as presented. Matt Sexton seconded, and all were in favor.

Public comment opened at 7:01 p.m. Public comments closed at 7:02 p.m. upon hearing no public comments.

Jerry Morin moved to approve the October 3, 2023, Regular Meeting minutes as written. Matthew Sexton seconded, and all were in favor.

Guest of Board:

Tina Leary, Van Buren County Commissioner. The MSU Extension is hosting a Veterans' Day Garden Gathering. Attendees need to pre-register for the BBQ lunch. Still waiting to hear anything on ARPA Funds. The county is still sitting on a large amount of ARPA Funds, and they are looking to digitize files to gain needed space in the building for different departments and security of important paperwork. The estimate to digitalize the files is to have an approximate cost of \$500,000. The county has continued their contract with DCS for the broadband project, but they have heard nothing currently as to the status of ROBIN Grants.

Ric Boze, Van Buren County Road Commission. The Road Commission finished up chip and fog seal and the county subcontractor are currently doing stripping throughout the county. The commission is replacing the roofs at the Lawrence and Bloomingdale salt barns as they are well over 30 years old. The board members received Plow Route Maps. There are two plows for the township as well as a couple of subcontractors that plow the Fairview Ave. and Lakeview Court subdivision roads that are not on the map. Ric Boze's will find out who the subcontractor is. Trustee Morin asked why the subcontractor could not have plowed Madison Avenue? Ric Boze said they could not plow it because the road is not certified, and they can use any ACT 51 Funds on a noncertified road, or the county can lose all ACT 51 funding. For a road to become certified, the township will need to pass a resolution asking for MDOT to certify the road. A resident informed Boze that the subcontractor for Fairview has pushed the utility hole cover off in recent years. Ric Boze asked the resident to please report the issue on SeeClickFix on the Van Buren County Road Commission website. There is also a SeeClickFix app where a township

resident can notify the road commission of any issues.

Sheriff's Deputy John Horton reported that there were 58 calls for service in the month of October consisting of 22 traffic stops, 8 alarm responses, two fraud claims, three general assists, six thefts, one welfare check, one domestic, two property damage crashes, one abandoned vehicle, one animal problem, one assist to another agency, three threats, four assaults, and two suspicious activities. Thefts have been rising in the townships around Keeler but, Keeler Township thefts have been low. Deputy Horton asked residents to remain aware and report any suspicious activity and keep houses, vehicles and items locked up. A resident mentioned a complaint of a vehicle parked on the roadway consistently.

Fire & Ambulance reports

Sister Lakes Fire had three calls, two calls in Keeler and one in Bainbridge, with an average response time of 10 minutes, forty seconds not including disregarded calls, with ten responders on average per call.

Keeler Fire, Rich Hutchinson spoke on behalf of the fire department. Fourteen EMS calls, and one fire call. The department's medical training for the month consisted of Suicidal and Mental Health calls and awareness. Fire training consisted of Search and Rescue. For equipment, the gas monitor needed repaired and is back in service. 1620 and 1635 had pump testing done. Both trucks passed but 1620 does have an issue, there is water on the vacuum side of the truck and Chief Don Bogart is going to schedule it for repair service in April if it continues to work as good as it has been. The fire department obtained a quote to fix the station floor drain. The board asked the department to attempt to get more quotes for repair to discuss at the next scheduled meeting.

Treasurer's report- The beginning balance in the general fund for the month was \$291,521.37, deposits of \$52548.70, interest of \$64.76, bills paid in the amount of \$42,935.73 ending balance of \$301,199.10. Matthew Sexton moved to pay the bills as presented. Jerry Morin seconded and a roll call vote of Jerry Morin- support, Sharon Clupper- support, Matt Sexton- support, Don Blackmond- support, Angie Sexton- support. Sharon Clupper went through her findings for transferring some funding into short term CDs from Huntington Bank, Honor Credit Union, and Flagstar Bank. Trustee Matthew Sexton motioned to move \$100,000 from the General Fund, \$90,000 from the Farm Fund, \$100,000 Future Fire Truck Fund, and \$100,000 from the Corridor Improvement Authority into a 6-7-month short term CDs at the highest yielding bank available in the area. Sharon Clupper seconded the motion, and a roll call vote taken. Sharon Clupper- support, Jerry Morin- support, Matt Sexton- support, Angie Sexton- support, Don Blackmond- support.

Zoning Administrator Allyn Anthony was not feeling well and not present.

Trustee Jerry Morin reported that there was one Site Plan before the Planning Commission for a new flower shop and the commission is still reviewing the township current zoning ordinances. Trustee Matt Sexton informed the board that the Michigan House of Representatives voted to strip local municipalities of standard zoning approval over large wind and solar projects and give

the Michigan Public Service Commission (MPSC) permitting authority. Supervisor Blackmond has already received email correspondence requesting the township investigate land available for a solar project and even lakes if for a floating project if land is not available.

Trustee Matt Sexton informed that there was nothing to report as the Zoning Board of Appeals did not have a meeting.

Legal update:

Lake Court- No update on Lake Ct. re-platting. The neighborhood is having further disagreements.

Old business

Inventory & Maintenance Policy for Township properties is still on hold.

There has been no movement on the Lakeshore Drive drainage issue and Supervisor Blackmond has not heard an update from the Van Buren County Road Commission.

ARPA Funding and Project Use- Still waiting for Grant Application finalization on the ARPA Funding and Project Use.

Escrow fee agreement- Counsel suggested the easiest way to provide compensation to the township treasurer acting as the escrow agent to monitor the escrow funds and handle reporting of the funds would be to provide a flat fee of \$100. The township attorney suggested starting with a flat fee and reviewing the number of hours that each agreement entails in the future. Counsel also revised the Escrow agreement for the township. Supervisor Blackmond read the revised Resolution Establishing Planning Commission and Zoning Board of Appeals Fees and Escrow Policy agreement and the Resolution Establishing Administration. Jerry Morin moved to adopt the Resolution Establishing Planning Commission and Zoning Board of Appeals Fees and Escrow Policy as presented. Matt Sexton seconded, and a roll call vote taken of Angie Sexton- Support, Jerry Morin- support, Sharon Clupper- support, Matthew Sexton- support, Don Blackmond- support. The motion carried. Jerry Morin moved to adopt the Resolution Establishing Administration as presented. Matt Sexton seconded, and a roll call vote taken of Don Blackmond- support, Matthew Sexton- support, Sharon Clupper- support, Jerry Morin- support, Angie Sexton- Support. The motion carried.

New Business

Heritage Farms Preservation of Farm Application- We received the correspondence from the Van Buren County Conservation District and the County Planning Commission of their approval and support of the application from Heritage farms to place a total parcel size of 80.23 acres in a Farm Preservation for 10 years. Angie Sexton moved to approve the PA 116 application from Heritage Farms. Don Blackmond seconded, a roll call vote taken of Sharon Clupper- support, Jerry Morin- support, Matthew Sexton- support, Don Blackmond- support, Angie Sexton- support.

Voter Drop Box- The drop box that the township currently has does not meet the requirements from the state. The State of Michigan is currently reimbursing for a drop box and the cost of

installation. Don Blackmond moved to purchase the Drop Box Model 400. Matthew Sexton seconded, and a roll call vote taken. Sharon Clupper- support, Matthew Sexton- support, Don Blackmond- support, Jerry Morin- support, Angie Sexton- Support. The motion carried.

Road Planning 2024- Don Blackmond and Jerry Morin attended the annual road commission meeting. The commission is asking townships to consider putting together a Five-year Road plan. Supervisor Blackmond has requested the commission to add him to the schedule for a tour of the townships roads so the board can put a Five-year plan together. The Van Buren County Road Commission plans to move up the CR 690 project to the Spring/Summer of 2024 due to the funding in place from the township and the Corridor Improvement Authority. Trustee Matthew Sexton motioned to move \$100,000 from the Future Road Fund as well into a Short-Term CD as well. Seconded by Jerry Morin and a roll call of Angie Sexton- Support, Matthew Sexton- support, Don Blackmond- support, Jerry Morin- support, Sharon Clupper- support. The motion carried. Jerry Morin would like to investigate whether brine, Calcium Chloride or Sodium Chloride work better before spring road applications. Don Blackmond moved to give the Supervisor the authority to submit the 2024 Road Planning form to the county road commission for \$5,000 of boom mowing, two applications of dust control, approximately seven miles of seal coat, and three thousand tons of contract gravel. Jerry Morin seconded, and all were in favor and the motion carried.

The floor for Public Comment opened at 8:12 p.m. A resident asked if VBEMS gave an ambulance report. VBEMS did not give a monthly report. Don Blackmond said that we did not receive one, but he will be asking for one after VBEMS settles in to provide for the township. Keeler Township Firefighter Rich Hutchinson stated that VBEMS response time has been faster than the previous provider and they have been happy with the coverage. Hearing no other comments, the floor closed at 8:15 p.m.

Correspondence. Clerk Sexton received an email from a resident asking why the township had not run natural gas to the township residents. Clerk Sexton and Supervisor Blackmond received an inquiry from a marijuana facility asking if the township and its ordinances would be open to a growing and packaging facility within the township. Supervisor Blackmond informed them that the current township ordinances do not allow it and that the township has opted out. The Dowagiac Chamber of Commerce sent correspondence asking if the township would like to become a member of the Dowagiac Chamber of Commerce. The board did not feel that it was necessary. For several years, a home on 95th Ave. has been a blight and is currently abandoned. Supervisor Blackmond has put the home on the dangerous buildings list and is in the process of getting a hearing to obtain a warrant for the house to be documented, sealed, and have a Dangerous Building hearing. If the property owner does not rectify the situation, then the township will then have to raze the property and add the costs to the property owner's tax bill. There is neighborhood discord on Lake Court. Sharon Clupper asked why the township in the past has paid for a \$49.00 Tri-City Record subscription sent to Zoning Administrator Allyn Anthony's home. The board would rather for the subscription sent to the township hall so that it was available to all township board members' review.

Motion by Jerry Morin to adjourn and seconded by Matthew Sexton. All were in favor and the meeting adjourned at 8:24 p.m.

Submitted by,

Angie Sexton, Clerk
November 16, 2023

**KEELER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

**RESOLUTION 11-08-2023 ESTABLISHING PLANNING COMMISSION
AND ZONING BOARD OF APPEALS FEES AND ESCROW POLICY**

Adopted: November 8, 2023

Effective: January 1, 2024

WHEREAS, Township Planning Commission and Zoning Board of Appeals expenses and Township expenses related to the processing of applications under the Township Zoning and Planning Ordinances have increased within the Township; and

WHEREAS the Township has undertaken a cost analysis related to such costs and fees as well as a comparison of fees charged by other municipal units related to such applications and finds that the amounts charged to the applicants is not sufficient to approximate the costs and fees incurred by the Township; and

WHEREAS, such expenses are incurred substantially for the benefit of the applicant for such services; and

WHEREAS, it is appropriate and desirable to pass on most of these expenses to the applicant and thereby eliminate the burden on the public of a majority of such costs and expenses,

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

- A non-refundable application fee shall accompany any application to the Township Planning Commission under the Township Zoning Ordinance payable to the Township of Keeler and in the amount set forth on the attached Exhibit A.
- A non-refundable application fee and escrow deposit shall accompany any application or appeal to the Township Zoning Board of Appeals payable to the Township of Keeler as set forth on the attached Exhibit A.
- The application fee is designed to cover a portion of the Township's preliminary costs of publishing and mailing any required legal notices for any necessary initial public hearing of the Township Planning Commission or Zoning Board of Appeals scheduled pursuant to the application, attorney costs in drafting such notice and affidavits pertinent thereto, Township planner's costs, if any, in reviewing and making a recommendation concerning such application and the per diem meeting costs of members of such Commission or Board and their consultants pertinent to such application.
- ESCROW FEE. Where an application involves rezoning, platting or site condominium, special exception use, home occupation, residential accessory building, planned unit development (PUD), site plan, or text amendment an "escrow" deposit shall accompany the application in such amounts as set forth in the attached Exhibit A "fee and escrow schedule" which shall be held by the Township Treasurer in an escrow account to cover additional costs of the Township incurred in processing the application including, but not limited to the following:
 - Planning Commission special or subcommittee meetings concerning the application resulting from the size, location, infrastructure requirements, environmental impacts, time constraints, traffic implications and other developmental factors.
 - Fees of the Township planner in reviewing and making recommendations concerning those applications established in Paragraph 4, herein due to their more intensive and therefore time-consuming review.
 - Fees of the Township engineer in reviewing and making recommendations on the application.
 - Fees of the Township attorney in ascertaining the legality of the requests, making a recommendation, and drafting any required resolutions or ordinances pertinent thereto, and any required

additional statutory notices.

- The costs of any additional required public hearings or additional required consultants pertinent to the application.
 - The costs of administering the escrow account.
- The foregoing costs, A through F, shall be paid from the escrow account as such costs are incurred and billed to the Township. Should the escrow account be reduced by such payments to 20% or less of the initial escrow account, the applicant shall be required to make additional deposits in increments of \$500, as requested, into the escrow account to cover anticipated future expenses of the Township in processing the application.
- Accurate records shall be maintained by the Township of expenditures from such escrow account and shall be subject to review by the applicant. Should the Township Supervisor, in consultation with the Chairman of the Planning Commission or the Chairman of the Zoning Board of Appeals, determine that any of the charges payable from the escrow account are unreasonable, which decision is supported by the Township Board or by a court of law, the same shall be paid from the general fund of the Township either to the creditor or to the escrow account where such sums have been disbursed from the escrow account.
- Additional processing of the application and any final decision on said application shall be suspended at any time the escrow account falls below 20% of the value of the initial escrow deposit; if the escrowed amount is insufficient to cover the foregoing costs and expenses payable from the escrow account; or if the applicant fails to make additional escrow deposits as requested when the escrow balance falls below 20% of the initial escrow deposit.
- At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated for the payment of such costs and expenses shall be returned to the applicant without interest.
- No final decision or permit pertinent to the application shall be issued before the escrow account is in sufficient amounts to pay all the costs and expenses attributable to the escrow account and application.
- No building permit or final zoning permit or approval shall be issued before the escrow account is in sufficient amount to pay all the foregoing costs and expenses of the Township.

- The “special meeting” fee shall not require any escrow deposit and shall be in addition to the application fee and escrow deposit amount for the specified type of application.
- The Township Board adopts the “Zoning Application and Fees Schedule” attached hereto and approves the form of the Escrow Policy Affidavit, which may be amended from time to time without additional approval, so long as the affidavit is consistent with this resolution and the Zoning Application and Fees Policy adopted herein.

Motion was made by Jerry Morin and seconded by Matthew Sexton , to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye":

Angie Sexton- Support, Angie Sexton- Support, Jerry Morin- support, Sharon Clupper- support, Matthew Sexton- support, Don Blackmond- support

The following voted "nay":

The Supervisor declared the motion carried and the Resolution duly adopted.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Keeler Township Board held at the Township Hall on November 8, 2023 which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

Angie Sexton, Clerk Township of
Keeler

EXHIBIT A

FEE AND ESCROW SCHEDULE

Zoning Board of Appeals:

Basic Application Fee \$1,100.00

Special Meeting Fee \$1,100.00

Planning Commission:

Basic Application Fee \$1,100.00

Special Meeting Fee \$1,100.00

Initial Escrow Fee for a rezoning, a zoning ordinance text amendment, a special exception use, non-residential requests, a multiple use development, subdivision or condominium development, site plan review, telecommunication towers or other special reviews and procedures.....\$ 750.00*

*In accordance with Resolution No. 11-08-2023 adopted November 8, 2023, if the escrow amount is reduced to 20% or less of the initial deposit, additional escrow money (in \$500.00 increments) will be required from the applicant before further action will be taken.

**KEELER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

RESOLUTION REGARDING ESCROW FEE ADMINISTRATION

Adopted: November 8, 2023

Effective: Immediately

WHEREAS, on November 8, 2023, the Keeler Township Board adopted an escrow fee policy and affidavit regarding costs associated with planning and zoning applications as specified therein; and

WHEREAS, the Township Board finds it necessary and appropriate to appoint an escrow fee administrator to handle the escrow fees from intake through disbursement of excess proceeds, if any; and

WHEREAS MCL 15.283(4)(c) allows the Township Board to authorize a public

officer or employee to perform additional responsibilities (commonly known as “extra duties”) with or without compensation; and

WHEREAS, the Township board wishes to assign the responsibility of escrow fee administration to the Township Treasurer and to compensate her for such duties.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT the Township Board assigns the Township Treasurer Sharon K. Clupper the extra duties of escrow fee administrator; names Sharon K. Clupper as escrow fee administrator with all of the duties and responsibilities outlined in the November 8, 2023 escrow fee policy; and approves compensation of \$100 per escrow administered, with each applicant/application counting as single compensable action regardless of replenishment and/or additional effort needed for more complicated matters.

Motion was made by Jerry Morin and seconded by Matthew Sexton , to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye":
Don Blackmond- support, Matthew Sexton- support, Sharon Clupper- support,
Jerry Morin- support, Angie Sexton- Support

The following voted "nay":

The Supervisor declared the motion carried and the Resolution duly adopted.

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