



Leroy Township

BOARD OF TRUSTEE MEETING November 7, 2024

Called to order at 9:32 a.m.

Present: Supervisor Laveta Hardish, Clerk Nicole Hardish, Treasurer Mark Christoff and Trustees Jon Bolton & Michael VanHouten.

Guests: 6

Citizens: 7

Recessed Special Board Meeting and called to order the Glenmoor Village Wastewater Special Assessment Public Hearing #2 at 9:36 a.m.

Supervisor Hardish reiterated that the purpose for today's hearing is to focus on and discuss the special assessment district designated as Wastewater Special Assessment District No. 1 and its costs. Though the Board appreciates the residents in the audience and welcomes their comments, this Public Hearing is meant to be a discussion between Caribbean MHC Owner, LLC (owner of Glenmoor Village), their legal representative, and Leroy Township board members.

Public Comments:

- Zach Voogt, Moore+Bruggink Consulting Engineers – asked why the City of Battle Creek only sought one bid. What was the rush? If there were other bidders interested, why did they deny the project? He thinks that information should be provided to the public. He also asked if the Township was going to apply any of their ARPA funding to the project costs.
 - Response from Kurt Tribbett, City of Battle Creek Utilities Dept. representative – The City didn't seek only one bid, it is that only one bid was received. To save cost increases that could happen if the post-covid bidding were to happen again, the City of Battle Creek accepted the bid and started to move forward with the improvement project. Two other companies considered submitting bids but decided to deny the project due to the workload and the urgency of the project.
- John Kohler, Glenmoor Village manager – asked if the residents and businesses within the City of Battle Creek will be receiving the same kind of charge as the property owner of Glenmoor Village (i.e. a special assessment district tax). He also wanted to know if the project was completed.
 - Response from Supervisor Hardish – the City of Battle Creek (as well as the other contributing jurisdictions) charges a readiness to serve fee on their utility bills. It is the

understanding of this Board that those fees are what those jurisdictions will be using to cover the improvement costs. Leroy Township does not charge a readiness to serve fee and that is why a special assessment district is needed.

- Response from Mr. Tribbett – the project is expected to be completed by December 2024, they are just waiting on a few more items and energy hook up by Consumers.*
- Ronald VanHouten, 3971 Capital Ave SW, Lot 381 (a Glenmoor Village resident) – stated that he did not think it fair or proportionate that Glenmoor Village be responsible for 29% of the payback costs.*
 - Response from Mr. Tribbett – the City of Battle Creek Utilities Department ran an algorithm to determine the costs based on the amount of flow each area uses and that is how they came up with the 29%. Leroy Township (which consists entirely of the 2 properties owned and operated by Caribbean MHC Owner) is responsible for 16% of the 29% and Emmett Township is responsible for the remaining 13%.*
- Steven Evans, 3971 Capital Ave SW, Lot 360 (a Glenmoor Village resident) – stated that he does not agree with the City’s flow percentage. He does not think that it is a fair representation of the water use by Glenmoor Village residents and that they do not put that much wear and tear on the lift station, unlike the large commercial businesses within the City of Battle Creek and Emmett Township (he assumes).*
- Dave Keeton, 3971 Capital Ave SW, Lot 361 (a Glenmoor Village resident) – asked if there should have been a vote put to the residents of Glenmoor or the Township proper since it affects their taxes?*
 - Response from Supervisor Hardish – this kind of situation is not one where it is appropriate to place language on a ballot to be voted. If the residents want to have a say, that is a discussion they should be having with Caribbean MHC Owner.*
- Beth Ford, 3971 Capital Ave SW, Lot 368 (a Glenmoor Village resident) – asked if there was any vacant land within the Township that could benefit in the future from this newly improved lift station?*
 - Response from Supervisor Hardish – there is no more vacant land within the Township that would benefit from the lift station, not currently or on the Future Use Master Plan.*
- Ben Bayram of Dykema Gossett, PLLC, legal representative for Caribbean MHC Owner – stated that his client objects to the special assessment district roll because the assessment is not proportionate to the value of the 2 properties involved. He stated that the cost per property within Glenmoor Village is more than their annual rent fees. His clients feel that the proposed capacity of the project is exaggerated and should be altered to a smaller scope. They feel that Glenmoor Village only uses a small fraction of the system, and the increased charges would hinder the community’s growth, subtracting from the property’s value instead of improving it.*
- Kara Dougherty, Leroy Township Assessor – shared that she has been reviewing the property assessment and found that these 2 properties have been severely under taxed with the previous assessor’s low assessment which, she stated, benefits the property owners and the residents of Glenmoor Village. She also stated that it should be kept in mind the amount of kitchen, bathroom and laundry facility usage that is done in a residential home versus a commercial store that has one to two bathroom facilities.*
- Kenneth Bronson, 3971 Capital Ave SW, Lot 382 (a Glenmoor Village resident) – asked why the capacity of the lift station was increased so much and if the new station could have been left at the existing capacity or if the increase was necessary.*

- *Response from Mr. Tribbett – the capacity was increased to help increase the response time in the event of an emergency with the lift station. With the current system, the response time before something devastating happens is 10 minutes (which is not enough time for the Utilities Department to respond). With the new capacity, the response time will increase to 40 +/- minutes.*
- *Aaron Davenport, Senior Vice President of Jones & Henry Engineers – shared that the capacity increase is determined by their engineering firm with the following formula: “flow metering” + “flow data” + “some community growth in the service area”. They don’t design systems to be too large for the service area because that can cause just as much of a disservice as a system that is too small, but they aim to hit that “sweet spot” where the system will be able to operate efficiently for the life of the system even with some community growth.*

Special Assessment Public Hearing was closed, and the Special Board Meeting reconvened at 10:43 a.m.

A motion to adopt Resolution 2024-11-01 to confirm the special assessment roll for the special assessment district designated as Wastewater Special Assessment District No. 1 was made by Clerk Hardish and supported by Trustee Bolton. Unanimous roll call vote. Motion carried unanimously.

Next Regular Board meeting is set for November 21st at 9:30 a.m. Meeting adjourned at 11:00 a.m.

Respectfully,

Clerk Nicole Hardish