

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 01-09-19

Chair called Village Council Meeting to order at 7:00 PM at Three Oaks Village Hall.

Pledge of Allegiance: Yes

Roll Call: Present: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse

Absent: Graziano

Approval of the Agenda as presented by Village Manager, Michael Greene. Moved: Newquist Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: None

Approval of the Consent Agenda to include: Approval of Minutes of the Regular Council Meeting held on 12-12-18. Acceptance of the 12-03-18 Parks & Recreation Minutes, the 12-04-18 Planning Commission Minutes, and the 12-05-18 DDA Minutes. Approval of the Treasurer's Report and the Police Department's Report. Approval of Invoices to be paid (\$50,311.18), Approval of Disbursements made from December 1 through December 31, 2018 (\$81,916.21) and Approval of Prepays, and Payroll as paid (\$44,436.87). A Motion was made to approve the Consent Agenda as presented by Village Manager, Michael Greene. Moved: Kramer Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

The Regular Council Meeting was closed and the Public Hearing was opened at 7:03 pm. See separate Meeting Minutes for the Public Hearing. The Regular Council Meeting was re-opened at 7:17 pm.

- **ORDINANCE #157 – SIDEWALKS – DISCUSSION:** The Village's current ordinance states that the Village can't fix the sidewalks unless there is construction being done on them. The homeowner is responsible for the maintenance, repair and associated costs. Council feels that this is not reasonable and results in unfair costs to the homeowner and inconsistency of how the sidewalks are maintained from property to property. Attorney Hilmer said that based on results of lawsuits that have been filed over improperly maintained sidewalks, that if there is an injury, the homeowner is the one that gets sued. There needs to be further research into a solution and it was decided to assign this to the Planning Commission to look into and come back to Council with recommendations for updating the Ordinance by the May, 2019 meeting.
- **IPP – INDUSTRIAL PRE-TREATMENT PROGRAM:** A plan was submitted to the State for their approval. **Council Member, John Pappa** stated that our discharge samples are OK now since Journeyman Distillery came out of the system. The lagoons are functioning properly – they are efficient and operating as they are designed to and have sufficient acreage to handle the current volume and additional growth. He acknowledged that approximately \$500,000.00 of upgrades need to be made, but he didn't think that we needed aeration equipment (very costly) or screens or such extensive \$'s needed to be spent for engineering costs. He recommended that the IPP program be revised for a smaller scope of project. **Audience Member, Nick LaFlex** said that Journeyman Distillery has been operating in the Village for almost 10 years – he asked why their growth wasn't being monitored and stopped before it got to this point if there have been ongoing problems at the lagoons. **Audience Member, Janet Schuttler** asked how much of the Sales Tax the Village receives from the State is from/as a result of sales from Journeyman. **Audience Member, (unknown)** asked if the ponds have ever been dredged. **Village President, David Grosse** appointed a committee to work on a resolution between the Village and the MDEQ and Journeyman Distillery to determine the best plan to take for the upgrading of the facilities based on Journeyman's intention in regards to handling their waste. The MDEQ has been accommodating since we are showing progress on the IPP but this needs to be finalized soon. John Pappa, Colleen Newquist and Dave Grosse were appointed and a meeting will be scheduled as soon as possible.
- **ORDINANCE #212 – SEWER RATE CHANGE:** It was decided to table the discussion about the Sewer rate increase until it is determined what the scope and cost is for the sewer lagoon system upgrades.

- **SEWER LAGOON SYSTEM UPGRADE – ENGINEERING PROPOSAL:** It was decided to table the discussion about the lagoon system upgrades and the engineering costs associated with it and the approval of a contract with Moore & Bruggink until further information is received about the options for the project.
- **WATER RELIABILITY STUDY – CONTRACT AMENDMENT:** The original contract with Moore & Bruggink included conducting an Asset Management Program for the Village. However, Michigan Rural Water Association has said that they can conduct the study for considerably less cost since they operate with grant money from the State and are able to assist municipalities with these types of projects. They did recommend that the water reliability study portion remain with Moore & Bruggink. It was recommended that the contract to Moore & Bruggink be amended (decreased) by \$14,400.00 to the new amount of \$36,480.00. **A Motion was made to issue a change order to Moore & Bruggink decreasing the amount of the Water Reliability Study contract to \$36,480.00. Michigan Rural Water Association will handle the Asset Management Program (part of the original contract) for a nominal fee. Moved: Kramer Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **ENFORCEMENT of the PUBLIC UTILITY EASEMENT:** At Journeyman Distillery, a structure was built over the Village's public easement thereby blocking the Village's access to their own sewer system. The Village is unable to gain access if there were a problem at this location and they are unable to test the discharge from the distillery. There have been attempts since last summer to resolve this issue with Journeyman. Their attorney recommended to the Village's attorney, Charles Hilmer that a meeting be set up between the Village Manager, Michael Greene and Journeyman Distillery to resolve this. Village Manager, Michael Greene has attempted to set up meetings with them 1 to no avail. It was recommended that a deadline of January 31st be set to resolve this, otherwise legal action will be taken. Council Member, Becky Thomas asked if this deadline could be extended until February 28th to grant more time. Council felt that enough time had already been extended to them on this issue. **A Motion was made that if no resolution is reached on the public easement issue with Journeyman Distillery by January 31, 2019, then the Village will proceed with legal action. Moved: Pappa Supported: Zebell Aye: Kramer, Pappa, Zebell, Grosse Nay: Thomas, Newquist Absent: Graziano Abstain: None MOTION CARRIED.**
- **2019 HOLIDAY CALENDAR:** The 2019 Holiday Calendar was presented to Council and approved for a total of 9 holidays to be observed by the Village.
- **E.K. WARREN PROCLAMATION:** In cooperation with the Region of Three Oaks Museum, **A Motion was made to adopt the E.K Warren Proclamation in order to observe January 16, 2019 as E.K. Warren Day in the Village of Three Oaks, Michigan. This day honors a prominent merchant, benefactor and philanthropist of the Village and marks the 100th anniversary of E.K. Warren's death. Moved: Kramer Supported: Zebell Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **PLANNING COMMISSION UPDATE:** Council Member, Colleen Newquist said that the Master Plan will not be available until one (1) week before the next Planning Commission meeting. This will not allow enough time to thoroughly review it, so the completion date will be delayed a little more. She stated that the Planning Commission would also be looking into the issue of recreational marijuana sales in the Village and welcomed any input from residents.
- **PARKS & RECREATION BOARD UPDATE:** Council Member, Becky Thomas reported that the Parks & Recreation Board asked if new paths would be affordable and at a reasonable cost for Carver Park and if perhaps there would be grant money available. They also asked about the possibility of moving the Farmer's market to Dewey Cannon Park, and whether new lighting could be installed at Chamberlain Path.
- **PUBLIC COMMENT:** Audience Member, Dennis Wojtcak stated that many of the sidewalks in the Village are not "walkable" and questioned the quality of the sidewalks that are in place. He also asked why there are sidewalks in front of some homes but not others. Audience Member, Laurie Wood asked if perhaps a professional intermediary could be used for discussions with Journeyman Distillery in order to more quickly reach a resolution with the issues.

- **VILLAGE MANAGER'S UPDATES:** Mike Greene, Village Manager, reported that the dredging of the sewer lagoons has not yet been completed due to weather conditions similar to last year. Once the fields either completely dry out or are solidly frozen then the dredging can begin. He reported that there are still more than 200 water meters to be replaced and that thru the warranty process there should be about 150 of them received in 4 to 6 weeks. He will work with the DPW and Police department in order to establish a list of roads that are deemed in greatest need of repair. Once a list is compiled and prioritized, Edgewater Resources can get project estimates for Council's review prior to putting the projects out for bids. The Village was notified that it did not (unfortunately) receive funding from the MDNR for the proposed Watkins Park Trail Project.
- **MEETING ADJOURNED AT: 8:02 pm**

Submitted by:

Cynthia E. Moynihan,
Three Oaks Village Clerk
Minutes for the 01-09-19 Council Meeting
Were **APPROVED** at the 02-13-19 Council Meeting