

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 12-12-18

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

Pledge of Allegiance: Yes

Roll Call: Present: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse

Absent: None

Approval of the Agenda as presented by Village Manager, Michael Greene. Moved: Capiak Supported: Graziano Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: Audience member, Darlene Heemstra will comment on Agenda Item #9; Debbie Drier-Weber and Ryan Layman will comment on Agenda Item #9A and Hank Binswanger will comment on Agenda Item #9D.

Approval of the Consent Agenda to include: Approval of Minutes of the Regular Council Meeting held on 11-14-18. Acceptance of the 11-05-18 Parks & Recreation Minutes, the 11-13-18 Planning Commission Minutes, and the 11-07-18 DDA Minutes. Approval of Planning Commission Bylaws and the DDA Bylaws. Approval of the Treasurer’s Report and the Police Department’s Report. Approval of the Resolution to sign and Submit the Rural Development Application. Approval of Invoices to be paid (\$103,113.78), Approval of Disbursements made from November 1 through November 30, 2018 (\$132,888.25) and Approval of Prepays, and Payroll as paid (\$60,791.63). A Motion was made to approve the Consent Agenda as presented by Village Manager, Michael Greene. Moved: Newquist Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **COUNCIL RULES of PROCEDURE:** The Village Council Rules of Procedure should be reviewed and approved after each election to ensure that they are kept up-to-date. These rules will govern how the Village will conduct its meetings over the next (2) two years. It was recommended that Section A-2(ii) should be revised to read as follows: “for a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the Village office **and on the Village website.** (words in bold were added). Council Member, Colleen Newquist commented that she felt the number of excused and unexcused absences from Council meetings was too lenient. She asked if a resignation could be requested if a Council member exceeded a (pre-determined) number of “no-show / no-call” absences. Village President, David Grosse replied that it has not been a problem or an issue in the past (10) ten years and felt that if it did become an issue than adjustments could be made at that time. **A Motion was made to adopt the Council Rules of Procedure with the addition of the words “and on the Village website” to Section A-2(ii).** Moved: Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain 0 **MOTION CARRIED.**
- **ORDINANCE #214 – OPEN BURNING (AMENDED ORDINANCE #112):** It was recommended that Ordinance #112 be revised to allow “covered outdoor wood burning pits within the Village of Three Oaks.” Attorney Hilmer finalized the amendment, which is now Ordinance #214. **A Motion was made to adopt Ordinance #214 – Open Burning (an amendment of ordinance #112) which now allows covered outdoor wood burning pits within the Village of Three Oaks.** Moved: Graziano Supported: Zebell Aye: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None **MOTION CARRIED.**
- **ORDINANCE #215 – SHORT TERM RENTALS (AMENDED ORDINANCE #210):** It was recommended that Article VII-C of Ordinance #210 be amended to include the following: “(i) in addition, the Village specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance”. Council member, Becky Thomas asked how the ordinance can actually be enforced. **A Motion was made to adopt Ordinance #215 – Short Term Rentals (an amendment of ordinance #210) to include the wording as detailed above.** Moved: Zebell Supported: Pappa Aye: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None **MOTION CARRIED.**
- **ORDINANCE #157 – SIDEWALKS - DISCUSSION:** The responsibilities of homeowners vs. businesses in the residential areas vs. the downtown areas needs to be considered and further discussed. Currently the responsibility lies with the resident to keep sidewalks in good repair at their expense. This will be tabled until the January, 2019 meeting.

- **ORDINANCE #212 – SEWER RATES - DISCUSSION:** The MDEQ is currently reviewing the proposal for the upgrading of the Sewer system as it relates to approval of a bond request. Per the bond attorney, it is essential to raise sewer rates now in order to raise enough money for the first bond payment which would be due late summer/early fall. Council member, John Pappa asked if the Village needs to make all of the proposed upgrades to the system. He stated that the preliminary test results for the fall discharge are coming in OK. This shows that the lagoons are repairing themselves since Journeyman Distillery stopped discharging into the sewer system beginning in mid-summer. Based on this, he asked if it was necessary to make such expensive, extensive repairs requiring a large increase to the residents? Village President, David Grosse responded that in order to proceed with the lagoon upgrade and the maintenance and equipment upgrades, it is necessary to begin assessing and collecting the additional revenue as soon as possible in order to cover the upcoming new bond payments and the additional operating expenses. He said that if the project is not as extensive/expensive as originally projected, then the rates could be adjusted and decreased in the future. There were several options presented to consider for determining the new sewer rates. There will be a Public Hearing scheduled prior to the Council meeting on January 9, 2019 and a recommendation will be made at that time. It is anticipated that the rate increase will take effect on February 1, 2019. Further discussion was tabled until the January, 2019 council meeting.
- **PUBLIC COMMENTS on AGENDA ITEM #9 – APPOINTMENTS TO VILLAGE COUNCIL AND BOARDS and COMMITTEES:** Audience Member and Planning Commission member, **Darlene Heemstra** stated that the precedent is to “re-appoint” board members when their term is expiring if the member has indicated their desire to remain on the committee/board. The board is an advisory board that has worked together for the past year on the updating of the Master Plan. This update is a mandated requirement every five (5) years. She stated that it would be disruptive to the Planning Commission and a disadvantage/set-back to not have the current two (2) members, Hank Binswanger and Brendan Wagner re-appointed to the board. It would be detrimental and time-consuming to bring two (2) new members “up to speed” on the Master Plan and would delay the completion date. Hank and Brendan have been good, contributing members to the Commission that will be missed if not re-appointed. Audience Member, **Ryan Layman** spoke about his desire and his qualifications to serve on the Village Council. He is a long-term resident, previous member of the Village’s police department, and he and his wife and four children are very active in the community. He understands budgets, how council meetings run and is greatly invested in the community. He said that he would like to “give back to the town”. Audience member, **Debbie Drier-Weber** spoke on behalf of Ryan Layman by greatly encouraging the Council to appoint him as the new Council member. He is a current Police Chief in a neighboring community, knows many of the residents and is “out and about” daily with his family in town. He would be a great attribute for code enforcement in the Village and he makes rational decisions. Planning Commission member, **Hank Binswanger** spoke about his desire to remain on the Planning Commission and stated his interest in being reappointed saying that he has worked diligently on the Master Plan and was an integral part of getting the survey out to area residents and businesses in order to solicit as much input as possible while working on the Master Plan.
- **VILLAGE COUNCIL MEMBER AS A LIASON to the PARKS & RECREATION BOARD: A Motion was made to appoint Becky Thomas as the liaison to the Parks & Recreation Board. Moved: Graziano Supported: Newquist Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **VILLAGE COUNCIL MEMBER AS A LIASON to the PLANNING COMMISSION: A Motion was made to appoint Colleen Newquist as the liaison to the Planning Commission. Moved: Graziano Supported: Capiak 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **APPOINTMENT to the ZBA (ZONING BOARD of APPEALS):** Village President, David Grosse recommended that Kim Weber be appointed to the ZBA (Zoning Board of Appeals). **A Motion was made to appoint Kim Weber to the ZBA (Zoning Board of Appeals). Moved: Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **APPOINTMENT to the PLANNING COMMISSION:** Village President, David Grosse recommended that Robert Woerdehoff and Jose Hernandez be appointed to the two (2) expiring

terms of Henry Binswanger and Brandon Wagner on the Planning Commission. Council Member, Colleen Newquist stated that she does not understand why the two (2) current board members would not be re-appointed. David Grosse replied that there were several good candidates and that the best qualified candidates should be considered. Comments from the audience were taken into consideration. **A Motion was made to appoint Robert Woerdehoff and Jose Hernandez to the Planning Commission for three (3) year terms. Moved: Graziano Supported: Capiak Aye: Capiak, Graziano, Pappa, Zebell, Grosse Nay: Thomas, Newquist MOTION CARRIED.**

- **APPOINTMENT to the PARKS & RECREATION BOARD** – Joan Brown’s term (the appointee from Three Oaks Township) has expired and there is an additional opening due to Debbie Drier-Weber’s resignation from the Parks & Recreation Board. **A Motion was made to re-appoint Joan Brown for a three (3) year term, and to appoint Lisa Vollman-Hernandez to a three (3) year term on the Parks & Recreation Board Moved: Graziano Supported: Capiak Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **APPOINTMENT to the DDA BOARD:** An opening on the DDA Board was created due to the election of Colleen Newquist to the Village Council. **A Motion was made to appoint Colleen Froehlich to the DDA Board to fill the remaining term of Colleen Newquist until April, 2021. Moved: Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **APPOINTMENT to the VILLAGE COUNCIL:** An opening on the Village Council was created due to the resignation of Cheryl Capiak. There were several letters of interest submitted for the opening. Comments from the audience were taken under consideration. It was noted that former Council member, John Kramer, had received the next highest number of votes for trustee in the November election and had served over 32 years on the board. **A Motion was made to appoint John Kramer to the Village Council to fill the remaining term of Cheryl Capiak until November, 2020. Moved: Graziano Supported: Zebell Aye: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **ORDINANCE #216 – AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN the BOUNDARIES of the VILLAGE of THREE OAKS:** It was discussed that the Village can opt-in or opt-out of allowing marijuana businesses within the Village’s boundaries. Many other surrounding communities have opted out until LARA (Licensing & Regulatory Affairs for the State of Michigan) finalizes the state rules which will take approximately a year. **A Motion was made to adopt Ordinance #216, an Ordinance to Prohibit Marihuana Establishments within the boundaries of the Village of Three Oaks. Moved: Capiak Supported: Graziano Aye: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **MICHIGAN RURAL WATER ASSOCIATION – CONTRACT AMENDMENT FOR THE WATER RELIABILITY STUDY:** Council member, John Pappa did some research and found that the Michigan Rural Water Association (MRWA), a non-profit, federally funded organization, provides free (or charges a small fee) for their technical assistance to small water/wastewater utilities throughout the State of Michigan. Speaking on behalf of MRWA, Matt Lumbert addressed questions about the organization and the services they can provide. He stated that he had just finished up a wastewater study for Chikaming Township. A significant amount of money could be saved by MRWA conducting the required Water Reliability Study, preparing the asset management plan and conducting a water rate analysis for the Village. It was discussed that the water reliability study portion should remain with Moore & Bruggink so that the Village stays on target with the MDEQ deadline. Council authorized Village Manager, Michael Greene to remove the Management Asset Plan from the Moore & Bruggink contract, saving the Village approximately \$17,000.00.

- **LAGOON SYSTEM UPGRADE – ENGINEERING PROPOSAL:** Village Manager, Michael Greene, submitted a proposal from Moore & Bruggink for the preliminary and construction engineering costs for the proposed lagoon system “moderate” upgrade at a cost of \$205,795.00. This proposal is considered an “Eligible Program” per Paul Bristol, the area’s USDA Rural Development specialist, meaning that this full amount would be included in the loan/grant money authorized by the USDA. Council members will further review this information and will table this until the January, 2019 meeting.
- **DREDGING CONTRACT EXTENSION WITH NUTRIGRO ENVIRONMENTAL SOLUTIONS, INC:** Per Village Manager, Michael Greene, the sewer pond dredging was unable to be completed again this fall due to heavy rain and the concern of farmers in accepting the dredged material while the ground was so wet, causing potential damage to their fields. It was discussed that perhaps another company could be contracted with to carry out the dredging if Nutrigro is unable to fulfill its contract. The dredging must be completed before any of the sewer lagoon upgrades can be done. It was proposed that Nutrigro Environmental Solutions, Inc. be given an extension for their contract which expires 12-15-18. **A Motion was made to extend the sewer lagoon dredging contract with Nutrigro Environmental Solutions, Inc. until May 31, 2019. Moved: Capiak Supported: Pappa Aye: Capiak, Graziano, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: MOTION CARRIED.**
- **BANK ACCOUNT TRANSFERS for the WATER and SEWER FUND ACCOUNTS:** Village Manager, Michael Greene reported that the Sewer Repair & Improvement fund has had major expenses this past year due to engineering studies, a new access road and replacement equipment due to equipment failures. The Water Repair & Improvement fund has also incurred numerous expenses due primarily to equipment repairs and meter head purchases. He recommended that a transfer be made for the Sewer and Water funds. **A Motion was made that a transfer of \$100,000.00 be made from the Sewer R & I (C.D.) to the Sewer R & M account at New Buffalo Savings and a transfer of \$65,000.00 be made from the Water R & I (C.D.) to the Water R & M account at New Buffalo Savings. Moved: Capiak Supported: Newquist Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **CHRISTMAS BONUSES for FULL and PART-TIME EMPLOYEES and all BOARD MEMBERS:** A Motion was made to award Christmas Bonuses in the form of a pre-paid Visa card in the amount of \$50.00 for each part-time employee and each member of the Parks & Recreation Board, the Planning Commission, the DDA Board, and the Zoning Board of Appeals, and a \$100.00 pre-paid Visa card to each full-time employee and the Clerk and Treasurer. **Moved: Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **PARKS & RECREATION BOARD:** The minutes from the December 03, 2018 meeting were not yet available. The next meeting is scheduled for Monday, January 7, 2019 at 7:00 pm.
- **PLANNING COMMISSION:** The minutes from the December 04, 2018 meeting were not yet available. The next meeting is scheduled for 7:00 pm on Tuesday, January 8, 2019.
- **DDA BOARD:** The minutes from the December 05, 2018 meeting were not yet available. The next meeting is scheduled for 5:30 pm on Wednesday, January 9, 2019.

- **VILLAGE MANAGER'S UPDATES:** Mike Greene, Village Manager, reported that the fall wastewater discharge has been completed, but the dredging of the sewer lagoons has not been completed due to weather conditions similar to last year. He further reported that Moore & Bruggink has begun the GIS portion of the Water Reliability Study, and that Attorney Hilmer has reached out to Journeyman Distillery regarding the easement situation.
- **COUNCIL MEMBER, Steve Graziano**, speaking on behalf of the Council, thanked Cheryl Capiak for her past 10 years of service to the Village. She and her financial expertise (especially) will be missed. She is moving out of the Village.
- **AUDIENCE MEMBER and PLANNING COMMISSION CHAIRMAN, Gene Svebakken** thanked Hank Binswanger and Brandon Wagner for the time they spent serving on the Planning Commission and the help they provided with the Master Plan update project. He also welcomed the two (2) new members, Rob Woerdehoff and Jose Hernandez to their positions on the Planning Commission.
- **VILLAGE PRESIDENT'S UPDATES:** Dave Grosse, Village President, thanked everyone who expressed their interest in applying for the positions open on the various boards and committees. He was very pleased with the response the Village received from their residents.
- **MEETING ADJOURNED AT: 8:24 pm**

Submitted by:

Cynthia E. Moynihan,
Three Oaks Village Clerk
Minutes for the 12-12-18 Council Meeting
Were **APPROVED** at the 01-09-19 Council Meeting