

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING - DATE: 12/08/2010**

**Chair called Village Council Meeting to order at 7:18 PM at the Three Oaks Village Hall.**

**Closed Council Meeting at 7:34 PM in order to open Public Hearing regarding the water improvement project and the rate increase for the Water Ready-To-Serve (R-T-S) Fees.**

**Re-opened the Regular Council Meeting at 7:53 PM**

**Pledge of Allegiance**

**Roll Call: Present: Graziano, Kramer, Pappa, Heemstra, Whittaker, Grosse. Absent: Capiak**

**A Motion was made to delete the "Update on Living Oaks" item from the agenda and then approve the agenda with that deletion. Moved: Graziano Supported: Heemstra Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

**Public Comments on the Agenda: None**

**Approval of the Consent Agenda, to include: Approval of minutes from the 11-10-10 and the 11-29-10 meeting, Approval of Invoices to be paid (\$20,373.83), Approval of Disbursements made from November 1 thru November 30, 2010 (\$63,941.74), Acceptance of Prepays, and Payroll as paid (\$42,113.11) and Acceptance of Treasurer's Report. Moved: Heemstra Supported: Graziano Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **RESOLUTION to ESTABLISH an INDUSTRIAL DEVELOPMENT DISTRICT for JOURNEYMAN DISTILLERY.** It was recommended by the Village Manager and Village President that this Industrial Development District be established. A Motion was made to pass a Resolution which establishes an Industrial Development District at 109 Generations Drive, Three Oaks, MI for Journeyman Distillery. Moved: Kramer Supported: Heemstra Aye: Graziano, Kramer, Pappa, Whittaker, Heemstra, Grosse Nay: None Absent: Capiak Abstain: None MOTION CARRIED.
- **RESOLUTION to GRANT an INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE for JOURNEYMAN DISTILLERY:** It was recommended by the Village Manager and Village President that this tax exemption be granted. A Motion was made to pass a Resolution which grants an Industrial Facilities Exemption certificate for Journeyman Distillery, located at 109 Generations Drive, Three Oaks, MI. Moved: Graziano Supported: Pappa Aye: Graziano, Kramer, Pappa, Whittaker, Heemstra, Grosse Nay: None Absent: Capiak Abstain: None MOTION CARRIED.
- **AMEND WATER SYSTEM and RATE ORDINANCE #179:** Discussion was held regarding the amount that the Water R-T-S (Ready to Serve) rate needs to be increased in order to cover the costs of the new bond for the Water System Upgrade Project. A Motion was made to amend the Water System and Rate Ordinance #179 (new Ordinance #190) by increasing the Water R-T-S rate to \$30.00 a month effective on January 1, 2011. Moved: Kramer Supported: Pappa Aye: Graziano, Kramer, Pappa, Whittaker, Heemstra, Grosse Nay: None Absent: Capiak Abstain: None MOTION CARRIED.
- **REVIEW and ACCEPT WATER IMPROVEMENT PROJECT BIDS:** Village President, Dave Grosse reported that in accordance with published advertisements, that sealed bids for the proposed water system improvement project were received, opened and read aloud on Tuesday, December 7, 2010 at 10:00 a.m. A total of 13 bids were received for the Water System Upgrade project. All bids were accepted with the exception of three (3) bidders for Contract A which did not submit the data sheets and detailed specifications for the meter reading system and meters as required by Addendum No #1, and therefore are considered non-responsive bids. A Motion was made to accept the bids as presented with the exception of three (3) which were rejected as non-responsive bids. The non-responsive bids were from B & Z Company, Balkema Excavating, and Pamar Enterprises. Moved: Graziano Supported: Kramer Aye: 6 Nay: None Absent: 1 Abstain: None MOTION CARRIED.
- **AWARD CONTRACTS for the WATER SYSTEM UPGRADE PROJECT:** Based on the tabulation of the bids by Wightman & Associates, it was determined that Kalin Construction Company, Pearson Construction Company and L.C. United Painting were the 3 low bidders (respectively) for Contracts A, B and C. The contracts to be awarded are recommended by Wightman and Associates and by the Village's DPW committee. A Motion was made to award Contract #A (Water Main and Appurtenance) in the

amount of \$3,410,997.96 to Kalin Construction, to award Contract #B (Production Well No. #3) in the amount of \$363,965.00 to Pearson Construction Company and to award Contract #C (Water Tower Repainting) in the amount of \$133,000.00 to L.C. United Painting, subject to satisfactory completion of the necessary financial arrangements and upon approval of Attorney Charles Hilmer. Moved: Graziano Supported: Kramer Roll Call: Aye: Graziano, Kramer, Pappa, Whittaker, Heemstra, Grosse Nay: None Absent: Capiak Abstain: None MOTION CARRIED.

- **AUTHORIZE VILLAGE PRESIDENT, VILLAGE CLERK and VILLAGE TREASURER To SIGN WATER SYSTEM UPGRADE PROJECT DOCUMENTS:** A Motion was made to authorize the Village President, David Grosse, the Village Clerk, Cynthia Moynihan and the Village Treasurer, Amy Hemphill to sign all necessary documents related to the Water System Upgrade Project Documents. Moved: Graziano Supported: Heemstra Aye: 6 Nay: None Absent: 1 Abstain: None MOTION CARRIED.
- **APPOINT DEPUTY CLERK and DEPUTY TREASURER:** A Motion was made to appoint Amy Hemphill as the Deputy Clerk and Cynthia Moynihan as the Deputy Treasurer. Moved: Graziano Supported: Heemstra Aye: 6 Nay: None Absent: 1 Abstain: None MOTION CARRIED.
- **RESOLUTION APPROVING \$100.00 per YEAR for PLANNING COMMISSION MEMBERS:** A Motion was made to approve a Resolution to pay the Planning Commission Members \$100.00 per year. Moved: Graziano Supported: Kramer Aye: 6 Nay: None Absent: 1 Abstain: None MOTION CARRIED.
- **AMENDMENTS to the 2010-2011 BUDGET:** A Motion was made to accept the Budget amendments for the 2010-2011 budget as presented by the Village President. Moved: Kramer Supported: Heemstra Roll Call: Aye: Graziano, Kramer, Pappa, Whittaker, Heemstra, Grosse Nay: None Absent: Capiak Abstain: None MOTION CARRIED.
- **PRESIDENT'S COMMENTS:** Dave Grosse thanked the Water Department for the long hours they put in to quickly repair the water main break. On behalf of the Village Council, he welcomed the new Family Dollar Store and Journeyman Distillery to the Village.
- **VILLAGE MANAGER'S UPDATES:** Pat Yoder reported that he is having discussions with Amtrak regarding easements they are requesting, that he has met with an area hospital regarding the possible location of an urgent care facility in Three Oaks, that the Village has been awarded a \$107,000 grant from the Pokagon Fund for the Walkability Program, (of which all work under this grant must be completed by October 31, 2011), and that Attorney Hilmer is reviewing the proposed, revised Police contract and the Peterson Parking lot issue.
- **ITEMS FOR DISCUSSION:** It was discussed that Jack Erwin contributed considerable hours of his time and put many miles on his vehicle in overseeing the project of replanting approximately 65 trees within the Village due to the tree cutting by AEP in late 2009. A Motion was made to pay Jack Erwin the sum of \$294.50 to cover the cost of mileage incurred in overseeing the tree replanting project for the Village of Three Oaks. Moved: Graziano Supported: Kramer Roll Call: Aye: Graziano, Kramer, Heemstra, Grosse Nay: Pappa, Whittaker, Absent: Capiak Abstain: None MOTION CARRIED. Bill Whittaker unexpectedly submitted his resignation to the Council prior to the start of the meeting. A Motion was made to accept the resignation of Bill Whittaker effective December 31, 2010. This motion was made with regret and with thanks to Bill for his service to the Village Council. Moved: Graziano Supported: Kramer Aye: 6 Nay: 1 Absent: 1 Abstain: None MOTION CARRIED
- **PUBLIC COMMENT:** Jon Vollman expressed concern about the water rate increase, but understands the need for the extensive project.
- **Meeting adjourned at 8:17 pm**  
Submitted by:

Cynthia E. Moynihan  
Village Clerk  
(Proposed Minutes)