**VILLAGE OF MICHIANA**

**COUNCIL MEETING MINUTES**

**Friday, May 13, 2022 at 1:00 pm Eastern Standard Time**

The meeting was held in person and by virtual Zoom meeting. President Joann Fisher, Kathleen Hogan Morrison, Linda Stein, Mike Mintz and Phil Bonello were present. Also, present Police Chief Ryan Layman, Water & Street Superintendent Rick Reitz. Clerk Anne Heywood, 42 Village residents dialed in to listen and 44 were present.

Joann Fisher opened the meeting by welcoming everyone to the May meeting. Joann said as the Council President I take full responsibility for last month’s council meeting. Joann said moving forward, the council will need to do a better job representing a united focus council. Each of us has been elected by the Village voters. Joann stated we have fiduciary responsibility to hear what they have to say.

**ADDITIONS/DELETIONS TO AGENDA –** Sara Senica Village Attorney was present to give update on the Lawsuit with New Buffalo Township/ Tree Ordinance Repeal.

**Approval of Council Meeting Minutes –** Joann Fisher made a motion to approve the March 11, 2022 minutes; Kathleen Hogan Morrison seconded the motion; motion passed.

**Approval of Council Meeting Minutes –** Joann Fisher made a motion to approve the April 15, 2022 minutes; Phil Bonello wanted to add a few items in the minutes, Kathleen Hogan Morrison seconded the motion; motion passed.

**REPORTS:**

**1. Building Inspector Report –** Bill Lambert was absent – report on file.

**2. Fire Chief Report – Michiana Shores Volunteer Fire Department –** Fire Chief Garry Bendix thanked the residents for attending the pancake breakfast. Chief Bendix thank Rick for working with his department on ISO report. This report determines the Fire Department rating for insurance. They Indiana Insurance look at the Village water pressure, hydrant pressure just to name of few. Chief Bendix said the fire department has been caring a 4 rating which he hopes to continue. Chief Bendix explained the lower the rating helps keep your home insurance cost down.

**3****. Police/Commission Report –** Chief Ryan Layman invited the community to “Coffee with a Cop” on Saturday, May 28th from 11-1 EST at the Village Hall. Chief Layman added It will be a good time for the community to meet our officers and for them to meet some of the new members of the community. Chief Layman stated they will have a police garage sale of items such as; kayaks and other items they have collected over the years.

Chief layman talked briefly about fireworks over Memorial Day. Chief Layman explained they’re allowed 2 days before, which in this case would be Saturday and Sunday before Memorial Day and must be on your private property. No fireworks are allowed on public property which includes the beaches and must end at 11:45 P.M. EST.

**4. Beach Commissioner –** Russel Bruesch said the beaches are open! Rusty said with the help of Rick and Josh he will be cutting up some fallen tree trucks left on the beach and stack it so residents can use it to have bon fires on the beach.

**5. Public Works/Water Authority Report –** Superintendent Rick Reitz said all the drinking fountains at the Stops have been turned on for the season and finished picking up the leaves. Joann mentioned the lack of having a quorum they could not have a Special meeting, which means we lost out on a great quote for street paving. Joann explained that during these difficult times quotes have been only good for 15 days since prices keep changing. Joann said we are going to try for a grant that is from MDOT. The grant is a matching grant for paving and we can ask up to $250,000. The grant is due by June 15, we would find out in August if we are approved, and paving can then take place in the Spring of 2023.

**6. Water Board Report**  Rick Reitz is still waiting on a part so he can finish the Chlorination project. Rick said he is working on checking all the sprinklers in the Village for backflow this is required by EGLE, he also finished his CCR report which can be viewed on the Village website. Rick mentioned that a resident had a water pipe leak under his driveway which was not noticed until meters were read for billing. The resident’s Mr. & Mrs. Ubatuba water bill is over $8,000, the owner asked if the council would take anything off their water bill since this type of breakage was not noticed like most usually are and not covered by insurance. Phil Bonello reminded the residents that is why it is always good idea to have the Village shut off your water at the street during the winter so things like this wouldn’t happen. Phil Bonello made motion to take 20% off the homeowner’s bill; Linda Stein seconded the motion; a roll call vote was taken 5 ayes and 0 nays the motion passed.

**7. Clerk/Treasurer Report –** Anne Heywoodasked for approval of the check register in the amount of $70,324.63; Joann Fisher made a motion to approve the register as submitted; Kathleen Hogan Morrison seconded the motion; motion passed. Anne reported that the total balance for all accounts in April $2,680,092.27 and $33,085 in the Pokagon fund. Anne thanked the following residents Father Joe Stop 38, Kim Hughes Stop 39, Brian and Marta Cassidy Stop 40, Renee Okonek and sisters for Stop 41 and Roxanne Martino Stop 41.5, who volunteered to plant flowers in the blue pots at the beach Stops. Anne and the Council thanked Tim McCarthy for again purchasing of the beautiful hanging baskets on the Village porch. Anne said checks were cut in the amount of $1,796 to the Michiana Women’s Club and to the Michiana Park for the sales of the green and gray hoodie sweatshirts designed by Karen Shoshana and sold in the office. Anne had 30 residents listed for a spot on the kayak racks and she has called to pick up their stickers. There are still spots available if anyone is still interested.

Anne reminded everyone it was not too late to sign up for the golf outing taking place on Monday June 6th at the Pottawattomie Country Club. Call the office for more details.

Anne met with Linda Stein to discuss a rental fee for the new pavilion. Linda Stein made a motion to charge $50 for residents and $75 for non-residents; Phil Bonello Seconded the motion; there was much discussion so Joann Fisher decided to table this item until they had time to look over the contract Attorney Sara Senica put together.

**OLD BUSINESS:**

**1.**  **Park up Date** – Joann Fisher gave a huge thank you to the residents. Joann said 45% of the village financially supported this campaign. What a great job!! The park committee, Lynn Altschul, Rusty Bruesch, Nancy Thill, Berta Beranek, Pam Schutt, Jurate Landwehr and Willa Lang are proud of you all for your support. Joann said we are hoping that the golf outing will raise enough money so we can order the playground equipment for the older children. The Marla Dorf Memorial Musical Garden has been ordered. Hopefully everything will be installed by fall so we can address the final landscaping: growing grass depending on funding we will look into some paths and fencing but for now, the Park Committee wants to acknowledge the community stepping up to the plate and making the park a success. So come down on Sunday, May 29th from 1-3 eastern time Memorial Day Weekend. We will be serving root beer floats as we rededicate the new Forest McCance Park and invited everyone to the park dedication on Sunday, May 29 from 1-4 pm EST and to enjoy a root beer float.

2. **Lawsuit Update with New Buffalo Township –** Attorney Sara Senica stated they were meeting on May 31 at 10:45 with the Judge to listen and could give a written opinion or come to a settlement. If there is no settlement the Village could appeal and go to a trial date set between July 6 and July 15.

**NEW BUSINESS:**

1. **Pickleball Court Update** – Karen Harty reported working with Catherine from ABC Asphalt which is the company that did the work on the courts. ABC Asphalt has given the village a check for $14,000 to repair the courts correctly. Karen is working on getting quotes to have the courts fixed. Once Karen has the quotes, she will submit them to the Council for their approval. They were looking at having the courts repaired sometime this fall. Karen asked if Team Reach could be put on the web site. This is so people can go on and find out news about the courts. Karen asked different communities about the up keep of their courts and it was said they should be maintained every 7 years.

2. **First Summer Band in the Park July 8th** – Steve Dorf spoke about a friend who plays in a 5-piece band that play Jimmy Buffet music. The band is South of Disorder. Mr. Dorf thought it would be great to have a music in the park on Friday, July 8th with a food truck. Steve Dorf said the cost of the band is $1,500 and asked if the Village would fund this event in the park. Mike Mintz made a motion to approve the $1,500 for the band; Linda Stein seconded the motion; motion passed. More details to come.

3. **Band for the Village Party** – Joann said there was talk to change up the music this year. If any residents have any ideas for music for the Village Party on Saturday, August 13th they should call the office, we need to make a decision soon.

4. **Repeal the Tree Ordinance** – Phil Bonello created a tree guideline and would like to repeal the Village tree ordinance. Phil Bonello wanted to have a 10-year tree plan which would give us the inventory of the trees in the Village. The cost would be around $22,000. Phil Bonello made a motion not exceed $19,000 for a tree program; Mike Mintz seconded the motion; there was much discussion from the council and many residents. Joann thanked Phil for his work but felt there were many good ideas and points brought up. Joann tabled the repeal. The Council asked Attorney Sara Senica to explain the protocol when a village tree falls on the right of away who cleans it up. Sara stated when a Village tree falls on Village right of away the Village is responsible to clean and remove the tree. Sara said if a property owner’s tree should fall into the Village right of away the homeowner is responsible to remove the tree from the Village right of away. The Village will remove the fallen tree from the street and over to the right of away but then the homeowner must pay to have it removed.

Council asked if the homeowner refuses to remove it what can the Village do: Sara stated that first the homeowner must be notified, then if nothing is done a certified letter would be sent, with a citation, if not paid the homeowner would have to go to court and if not paid the citation and fees would be applied to their tax bill.

5. **New Proposal for Stop 39 –** Kathleen Hogan Morrison said the proposal she had from last month one of the contractors LandTech was no longer available. So, Kathleen asked North Shore Property Solution if they could redo the proposal and if they could do the job. Kathleen received a new quote from North Shore and she then emailed it to all the council members so they would have time to review. Kathleen read North Shore’s Plan to reestablish access to the beach from the top of the existing landing as follows: installation of sono-tubes filled with concrete, using 4x6 treated post to be used for support. The top landing will be 4x8ft then install 4x6 treated post in sono -tubes approximately 8ft apart from the top of dune to the beach with a 2x12 treated stringer on each side and in the middle of 36in steps. Will install 2x12 treads for steps or double 2x6 builders’ choice riser to be no more than 8’ high on all stringers. Hand rails to be t style 2x4 along all top of post and single 2x4 in middle of stair run. Middle landing to be 3x4ft with same stair system as above and continued to bottom landing. All wood to be treated and fasten with corrosive resistance deck screws. Hand rail height to be no more than 38’. Will then place a 10ft removable aluminum steps from bottom landing and placed over the trap bags. They will truck in sand and move the sand by hand using wheelbarrows and dump over the dune to help support the concrete footings. They will cover the area from the top of the dune down to the backside of the trap bags roughly 10 foot wide. Kathleen said this proposal came in at $37,000, significantly less than the prior proposal from last month’s meeting. This proposal came in cheaper because they would not be using pier helium this new design would use the sono tubes.

North Shore said that they could have the stairs done for Memorial Day weekend. Kathleen made a motion to hire North Shore to install stairs and back fill sand at Stop 39 not to exceed $40,000; Joann Fisher seconded the motion; Mike Mintz wanted read why he was not it favor of Stop 39, he began reading more a personal letter, Joann stopped Mike Mintz and said this had nothing to do with vote that was on the table. Mike Mintz then handed his letter of resignation letter to the clerk and walked out, Phil Bonello then handed his letter of resignation and walked out followed by Linda Stein’s letter of resignation. This then left a motion on the floor. Joann Fisher council president asked Attorney Sara Senica for advice.

Attorney Sara Senica asked to be excused from the meeting for a few minutes so that she could go to the Clerk’s office and get a copy of the Charter. Upon her return, Attorney Senica advised that the Charter specifically allows the remaining Council members to appoint to fill vacancies, and she suggested approving the 3 resignations. A motion was made to approve the resignations, and the motion was unanimously approved, motion passed. Attorney Senica suggested appointing one new Council member today, with the remaining two seats being filled at the June meeting. Sara Senica asked Joann if there was anyone present that she would like to appoint to fill the position; Joann Fisher appointed Tim McCarthy with both Joann and Kathleen voting to approve the appointment, and Tim McCarthy accepted the appointment and advised that he had been keeping up with Village business and had already reviewed the budget. Attorney Sara Senica then told the residents they can now see how government works as Tim McCarthy was asked to come forward and raise his right hand. Anne Heywood Village Clerk went through the Oath of Office and swore in Tim McCarthy, and he took his seat at the Council table. Attorney Sara Senica said that the three Council members can continue with business. Anne stated there was a motion on the floor for the stairs at Stop 39, Joann said all in favor, everyone was in favor; motion passed.

6. **Budget First Reading** – Joann Fisher made a motion to approve the first reading of the budget; Tim McCarthy seconded the motion; Joann stated that Tim McCarthy had reviewed the budget about a month ago. There was no discussion; All were in favor, motion passed. Joann Fisher stated the budget would be available to review in the clerk’s office. Adoption of 2022/2023 budget will be at the June meeting.

**PUBLIC COMMENT /CORRESPONDENCE: T**here were about 32 items of written correspondence regarding Stop 39 all council members received copies of the correspondence.

**Meeting adjourned at 4:09 pm (EST)**

Respectfully submitted,

Anne Heywood/Clerk