

**VILLAGE OF MICHIANA
COUNCIL MEETING MINUTES
Friday, October 8, 2021**

The meeting was held in person and by virtual Zoom meeting. Kathleen Hogan Morrison took roll call for Anne Heywood due to connection problem - Mike Mintz, Kathleen Hogan Morrison, Phil Bonello, Linda Stein and Joann Fisher were present, as well Police Chief Ryan Layman, Water & Street Superintendent Rick Reitz, Clerk Anne Heywood was finally able to connect, 10 Village residents dialed in to listen and 8 were present.

ADDITIONS/DELETIONS TO AGENDA – McKenna Letter

Approval of Council Meeting Minutes for September 10, 2021 – Linda Stein made a motion to approve the minutes from September 10, 2021; Joann Fisher seconded the motion; motion passed.

REPORTS:

- 1. Building Inspector Report** – Bill Lambert reported there are 42 permits to date. Bill said there were some concerns that the lots on Choctaw and Creek were cleared but no work was being done. Bill said he spoke with the homeowner who said he was having problems with the contractor he hired months ago. The homeowner found another contractor and the work is now being done. The homeowner on Creek is talking with the contractor doing Choctaw since he is having a similar problem. Bill said the contractor might be doing both lots so they can complete the foundations.
- 2. Tree Inspector Report** – Kris Wulff submitted a few tree permits. He said this is the time of year for trimming oaks to begin. Kris has been in contact with the homeowner that will be putting in a new home on Ponchartrain. Linda Stein asked how they decide which trees are to be removed for new construction. Bill said he will be working closely with Kris and emphasized there must be room for the septic and the size of lots so more trees might have to be removed. Phil Bonello stated that he received a letter from Joan Jareo about some of these issues and that he will put forth her concerns while working on the tree ordinance. Phil said they hope to have the ordinance ready by the March meeting for council to review. Maureen Shekleton asked about the oak tree disease going around in Illinois; Kris said he has seen it in the area around us but not in Michiana.
- 3. Fire Chief Report – Michiana Shores Volunteer Fire Department** – Fire Chief Garry Bendix said things were quieting down. He reminded everyone about the annual pancake breakfast on Sunday, October 10 and said they will also be doing carry out.
- 4. Police/Commission Report** – Chief Ryan Layman reported 44 complaints and 7 citations for the month of September. Ryan commended Officer Brewster who arrested a 30-year-old male who was under the influence of drugs and drove off the road and into someone's yard. Ryan said they are seeing more of this in Michigan since Marijuana is legal in the State. Linda Stein asked how they test for marijuana. Ryan said it is a very long process, there are only 5 officers in the county that are drug recognition experts who can do this type of testing (they take a blood pressure reading and do another hour of testing, then they need a search warrant from the judge to take them to the hospital to have blood work done).

5. Beach Commissioner – Russel Bruesch reminded everyone to remove kayaks off the beach by October 15. Russel said as a safety precaution he feels they should remove the temporary stairs at Stops 38 and 42 sometime this month.

6. Public Works/Water Authority Report – Superintendent Rick Reitz said they have been cleaning up around the Village and the tires are finally gone. He said they will start leaf pick-up November 1st and suggested residents check the web page for the schedule.

7. Water Board Report – Rick Reitz said they will be flushing hydrants next week. Kathleen Hogan Morrison announced there will be a water board meeting Monday, October 11th, 10am EST. Kathleen asked about the issue Maureen Shekleton brought up about the road near the bridge on Cherokee. Maureen said it was fixed with cold patching and thanked Rick. Linda Stein asked if residents should call the Village office to schedule water shut offs. Rick said yes, he would like residents to call in advance. Joann Fisher asked about how many residents call to have their water turned off; Rick said about 35 to 40 residents. The chlorination project is on-going. A new rep from the EPA was here from Kalamazoo and would like to work with Rick on this project. Holly Duran asked about a drywell near her home; Rick said that after the meeting he and Mike Mintz will stop over to discuss the problem in that area.

8. Clerk/Treasurer Report – Anne Heywood asked for approval of the register in the amount of \$75,322.17. Phil Bonello made a motion to approve the register as submitted; Mike Mintz seconded the motion; all approved. Anne reported that the balance for all accounts is \$3,068,394.85, and no new balance for the Pokagon fund to report.

OLD BUSINESS:

- 1. Park Update** – Joann Fisher made a motion to have a policy in place when serving food at the Village Hall that masks and plastic gloves must be worn by the servers during these uncertain times. Joann has checked with the Village Attorney, and she is in agreement. Joann asked for discussion, there was none. Phil Bonello seconded the motion; roll call vote was taken; all voted in favor. Joann stated most of the split rail fence has been installed with one section left with a larger opening to be used for the future delivery of the larger playground equipment. Rick and Josh have made additional parking along Cherokee on the opposite side of the park. This will be the new designated area for parking. Joann said she is meeting with the playground company to discuss location of equipment. Phase one of the smaller playground equipment will be delivered in a couple of weeks; she hopes to have some of the equipment installed by November with the help of some of our officers, employees and residents. Joann thanked Michiana for stepping up with fundraising for the Park project and that it has been phenomenal turnout so far. Joann reminded everyone that the first Village Oktoberfest will take place on October 9. She thanked Rusty Bruesch, Nancy Thill, Berta Beranek and Pam Schutt for putting this Oktoberfest together.
- 2. Lake Shore Drive Drywell** - Mike Mintz said after meeting with Woodruff again they realized that they needed to fix the dip on Lake Shore Drive where the new drywell was installed, at no additional cost to the Village. Rick said Woodruff had a crew there today fixing the issue on Lake Shore Drive and will be finished by the time the meeting is over.

OLD BUSINESS:

- 1. Stop 39 Update** - Kathleen Hogan Morrison said she was still waiting for Woodruff's opinion that she requested 2 months ago. She said realizes that Woodruff is probably working on getting his information from other sources which takes time. Kathleen had also asked residents to submit their viewpoints by emailing the office with their thoughts on the project. There were some who favor the more expensive way using boulders. The other response was looking at a more temporary fix. Kathleen noted no matter what is done, there is no permanent solution. There was also the discussion of using sandbags and this way you can tear the bags open to replenish the beach with the sand. This is more of a natural way to save the dune. Kathleen is hoping to receive an opinion from Woodruff on how they would stabilize the dune. Mike Mintz said to reach out to Save the Shore for a quote, as they have done sand bagging in Michiana already.
- 2. Right of Way Application to be part of Building Permits for Heavy Trucks** – Mike Mintz would like to move forward with this right of way permit application given to us from the Village Attorney Sara Senica. Mike said that large trucks should be responsible for the cost of any damage they may cause to Village roads. Mike made a motion to approve the heavy truck permit which consists of the contractor to sketch a plan or route they will be taking into the village, a certificate of liability insurance with the Village as certificate holder, 150% of construction cost (minimum of \$5,000), license and permit bond or cashiers-check/cash in lieu of bond. Kathleen Hogan Morrison seconded the motion; roll call vote was taken; motion passed. Council would like this to be part of all building applications moving forward.

NEW BUSINESS:

- 1. Stop 43 Revetment Work** - Mike Mintz made a motion to amend the Major Fund in the amount of \$2,000; Joann Fisher seconded the motion; roll call vote was taken; motion passed.
- 2. Removal of Large Tires from the Park** - Mike Mintz made a motion to amend the General Fund in the amount of \$2,800; Joann Fisher seconded the motion; roll call vote was taken; motion passed.
- 3. Letter to McKenna** – Mike Mintz made a motion to approve the letter from the Village Attorney to be sent to Steve McKenna. Kathleen Hogan Morrison explained this letter was pertaining to Mr. McKenna's requesting to change his address from Lake Shore Drive to East Court so that his property would then fall into code with the Village current setbacks. Kathleen said the Council had the Village Attorney explain why his address change wouldn't change his current setbacks and he would still need to apply for a variance. Kathleen Hogan Morrison second the motion; a roll call vote was taken; motion passed.

PUBLIC COMMENT /CORRESPONDENCE:

Joel Denenberger asked if anyone received a letter from tax tribunal regarding the law suit with New Buffalo Township and if the Village Attorney had any input what should the residents do. Mike Mintz told Joel that Anne recently received a letter of explanation from the Village Attorney. Mike asked Anne to email it to Joel and to any other residents who were interested.

Phil Bonello wanted it noted in the minutes regarding an issue that came up at the last meeting about changing the name of street sign back the way it was. Phil said this process is much more complex than one might think. There are different departments that are involved; local police, the fire department, the Township, County, State. The office will look into this. Phil said the comparison of last year's finances to this year shows the council has done an outstanding job keeping the Village in great financial standing.

Pam Schutt mentioned the erosion along the creek where large trees have fallen and are blocking water from passing through. Rick Reitz said he had the inmates clear some of those trees down the middle of the creek four years ago. Rick said he will contact someone to look at this issue.

Marcia Kanarek thanked Kathleen Hogan Morrison for her due diligence looking into Stop 39 and wanted to know once we hear from Woodruff if this project take place before winter. Kathleen said she needs to have the cost and their opinion, but will ask when they could start the project.

Joan Jareo's letter was addressed earlier and Phill Bonello is aware of her concerns and will keep them in mind while working on the Tree Ordinance.

Anne Heywood stated that Nancy Bernstein, Dan Bernstein, and Lisa Zirpolo were meeting with ABC Asphalt about repairing the cracks in the pickle ball court. Nothing had been decided yet they felt there should be no cost to the Village since the cracks were not fixed properly in the beginning. The committee will keep the Council posted.

Kathleen Hogan Morrison would like a final request from the Kayak committee; Anne Heywood said she would have a report with their final ideas for the next month's meeting.

Next Council meeting will be November 12, 2021

Mike Mintz adjourned the meeting at 2:00pm EST.

Respectfully submitted,

Anne Heywood/Clerk