**VILLAGE OF MICHIANA**

**MICHIANA COUNCIL MEETING**

**Friday, October 9, 2020**

The meeting was held by Virtual “Go to Meeting”. Mike Mintz, Linda Stein, Joann Fisher and Kathleen Hogan Morrison were present on the call, as well as Police Chief Ryan Layman, Water & Street Superintendent Rick Reitz, Bill Lambert and Clerk Anne Heywood, and 28 Village residents dialed in to listen and participate. Phil Bonello was absent from the call. Mike Mintz made a motion to excuse Phil Bonello from the meeting; Joann Fisher seconded the motion; motion approved.

**Addition to Agenda – N/A**

**Approval of Regular Council Meeting Minutes from September 11, 2020**

Mike Mintz made a motion to approve the council meeting minutes from September 11, 2020; Kathleen Hogan Morrison seconded the motion; motion approved.

**REPORTS**

**1. Building Inspector Report** - Bill Lambert said 32 permits have been issued today. All projects are going smoothly and there have been no complaints.

**2. Treasurer’s Report –** Cheryl Cook (Absent). Anne Heywood stated there is $2,594,235.94 in total funds, and as of September 30, 2020 the Pokagon fund has $28,066.00. Mike Mintz made a motion to approve the Treasurer’s Report; Linda Stein seconded; motion approved.

**3. Tree Inspector Report –** Kris Wulff said he has received lots of calls about dead trees on personal and village property and that the tree crews have been very busy. He said he and Rick Reitz have been getting tree bids. They just came across more trees to address in the future. They are working on cleaning up some of the trees for the park. Mike Mintz asked about the caterpillar problem. Kris said they have been defoliating the leaves on the tops of some trees with this problem; it won’t kill the trees. He said it was a problem this year with the heat and it has resolved with the recent colder weather.

**4. Fire Chief Report** – Chief Gary Bendix was not in attendance. Kris Wulff said they received 117 calls, the most they have had in a while. There were no big fires, the calls were mostly medical calls. He said there will be no pancake breakfast or fundraiser events this year and is hoping to hold them next year. Mike Mintz asked if they keep statistics on whether the calls are generated by residents or renters. Kris said they do not keep statistics reports but that this June, July and August there were lots of calls from renters. After August the calls slowed down and were mainly from residents. He said many calls this summer were about fire alarms because renters are not familiar with the houses, and that there were lots of injuries with renters. He also said there were more people here than usual since March, even in homes that are usually vacant much of the time.

**5. Police Commissioner Report** – Russell Bruesch mentioned the email that went out recently regarding the millage renewal on this November’s ballot. He wanted to make sure everyone knows this is an existing millage that is up for renewal for a five year extension. This millage is to support the Michiana/Grand Beach police departments and the Michiana Shores fire department with whom the Village of Michiana contracts for services.

**6. Police Report –** Chief Ryan Layman said emergency information sheets were sent out in the last water bills. He encourages everyone to fill them out and turn them in, as they are critical for emergencies especially if no one is home. Chief Layman said the Michigan Supreme Court struck down the Michigan Governor’s state of emergency order regarding virtual meetings, which is in effect for another 21 days. The Governor has appealed the Supreme Court decision on virtual meetings, asking for an extension. Chief Layman introduced our new police officer, Courtney Severn. Courtney briefly introduced herself, said she has been with the Grand Beach/Michiana police department since early July and is happy to be here and has enjoyed meeting everyone. She invited residents to stop her to say hello so she can get to know everyone.

**7. Beach Commissioner Report** – Russell Bruesch said the stairs at Stop 42 will be removed around October 15 unless a storm comes through requiring them to be removed sooner. He said the village will keep watching the stops during the winter and will be working on cleaning up Stop 41.5 which has been in need of repair. Fencing will be replaced along the existing stairs to the Martino’s, and painted white to match the new plan for the stairs. The beautification plan will have space for wagons, strollers and bikes. The Martino’s have been helpful in participating with this plan. The beaches at Stops 37, 38 and 39 look better than last year, but currently have no beach access. Russell said he is optimistic about being able to place stairs at Stop 39 next year, and possibly Stop 38, barring unforeseen problems that may occur this winter.

**8. Public Works/Water Authority Report** – Rick Reitz said the leaf vac is ready to go. All leaves have been removed from the park area; and he and Josh planted grass seed. The Village Hall deck has been power washed. He said that he & Josh are going to haul the leaves across the street. Regarding water, Rick said he submitted copper and lead testing to the State on one of the homeowners in the Village who had high lead reads. Rick stated the high reads were coming from the homeowner’ faucet and it should be run for 30 seconds first before using. Regarding the chlorination project, he said he is waiting for the bids from the electrician. Rick said the roof on the water storage shed was completed last week. Linda Stein asked how were they going to notify residents about removing kayaks from the beach. Anne Heywood said she just sent out an email this morning stating all kayaks must be removed by October 15.

**9. Water Board Report –** Rick Reitz said he addressed the water report in the Public Works and Water Report (see Section 8 above).

**10. Clerk Report** – Anne Heywood asked for a motion to approve the check register for $92,387.94. Linda Stein made a motion to approve the check register for August in the amount of $92,387.94; Mike Mintz seconded the motion; motion passed. Mike Mintz mentioned that all the Village of Michiana bank accounts are now at Horizon Bank.

Rick Reitz forgot to mention in his report he got two bids for the removal of two trees; one on Hillside and one on Ponchartrain. The bids were for $550 and $2,040, which expire in 30 days. Mike Mintz asked if it was the huge tree they had discussed? Rick said, no, it is a different one. Rick said he and Kris Wulff will have a meeting regarding that big tree. Mike requested a roll call to approve the $550.00 bid from Sandcastle Landscaping. Anne took a roll call vote 4 ayes and 0 “nays” the bid was awarded to Sandcastle. Chief Layman asked Rick to make sure the contractor is registered with the Village.

**OLD BUSINESS:**

**1. Update on Playground Meeting –** Joann Fisher said the playground committee has met once and will meet again a week from today. Joann said the topographical survey is almost done and the committee will have it Monday. Rick Reitz said he and Josh removed the leaves from the park and planted grass seed. Joann said Spring leaf pickup will be the last 2 weeks in March. The Village is looking into a contract with Lakeshore from April 1 – October 31 to pick up yard waste which must be placed either in totes or in paper bags. Joann said leaf pickup by the Village of Michiana will be November and December of this year and will be done by sections. Linda Stein asked whether it was correct that when the Village switches to Lakeshore the village would not pick up large brush. Joann Fisher said that was correct as the large brush must be placed in bins or bags for pick up by Lakeshore. Mike said the cost to residents will be nominal. The Village is still working on finalizing the contract. Joann Fisher said the Village will have all of the information when the Village receives the contract next month from Lakeshore.

**NEW BUSINESS:**

**1. Lexipol Police Policy and Procedures –** Chief Ryan Layman said Lexipol is a risk management company that reviews law enforcement and public safety policies, and writes procedure manuals. Contracting with Lexipol will protect the Village of Michiana from liabilities such as incidents involving use of force and handicapped policies, among others. Chief Layman said it is difficult for him to keep current with nearly 150 policies; he wants to give the company a try. He said he has discussed Lexipol with the Grand Beach police commissioner and president and they both support it. Chief Laymen believes this is a good idea with the current climate regarding police and law enforcement. He said the Lexipol system documents when each officer has taken the training and will make it easy for him to track. There is a year by year contract, but no discount is given and updates are not provided. With a five year auto-renew contract, the Village receives a discount. Total cost with discount is $3,700.00 per year, and splitting the cost with Grand Beach makes it $1,853.25. Mike Mintz said the system standardizes training. He said hundreds of departments in Illinois use it, and it is very popular across the country. He said it evaluates new laws created by the state of Michigan, provides interpretation of risk and is all-encompassing. Mike and Chief Layman said they are very optimistic about the program. Anne Heywood took roll call to approve the cost of $1,853.25, there were 4 ayes and 0 nays; motion approved. She asked if she could get a motion to amend the budget for $1,853.25 since this was not budgeted item. Mike Mintz made a motion to amend the budget; Joann Fisher seconded; motion approved.

**2. A Resolution to Support Recreational Fee BH 6161 Excise Tax of 5% for rentals less than 30 days.** Mike Mintz said this resolution enables municipalities to collect tax between 1 and 5% for rentals less than 30 days. He said this reduces the burden created by renters on the Village of Michiana. He said the proceeds can only go toward Parks and Recreation and the Village needs that support. It would also help with the improvements to be made at the park. He said the Village should support this resolution. Mike made a motion to take roll call vote to support the resolution. Anne Heywood took roll call 4 ayes and 0 nays; motion approved. Linda Stein asked what kind of revenue the Village would receive from this? Mike asked Anne to look at rentals for the past year to get an idea of revenue, and said the Village would have to figure out how to enforce it. He said he believes that rental companies such as Airbnb and VRBO can collect this tax and pass it through to the Village.

**3. Phase One Stop 41.5 Plans for Garbage Containers and Fence –** Mike Mintz said Russell Bruesch explained this earlier in the Beach Commission Report. Mike said the Martino’s are being very generous in helping with Phase One. Their house overlooks the containers; they have three, the Village has five. Mike said the Martino’s will provide funding for materials to enclose the trash bins. He said the Martino’s have a fence that is grandfathered in, and that it will keep people from wandering onto their property and prevent people from taking shortcuts onto the village property. The fencing will match the Village fencing. Mike said that planters, about 3-4 feet high, will be placed to allow bikes and wagons to enter, but not golf carts or vehicle parking. He said the planters will be maintained and watered by the Martino’s. The planters will be moveable in case equipment needs to get through. He said the Village will discuss Phase Two at future meetings. Linda Stein asked if the Martino’s grandfathered fence will be in accordance to the Village height restrictions. Mike said yes. Mike requested a roll call to approve the construction of trash bin containers on the Village right-of-way. Anne Heywood took roll call 4 ayes and 0 nays; motion approved.

**PUBLIC COMMENT**

Pam Schutt, 4045 Creek Drive, expressed concern regarding erosion and water damming created by fallen trees in the creek. She said she talked with Tim about this four years ago. She said she spoke with someone at the Michigan Tree Commission to find out what could be done; she was told her it was the responsibility of the Village of Michiana. She said there are two properties with water flowing through. Mike Mintz said the topographical survey was done of the whole area (parklands and creek). He said this year the Village had planned to take care of the brush using Berrien County inmates. He said once the Village receives the survey, the Village can clean all the areas within our park, which includes the creek. Pam Schutt said the erosion is getting closer to the road and she would like the council to look at the situation. Mike said the Village would do so.

Joel Denenberg, 4149 Creek Drive, asked about beach access at Stop 41.5 during construction. Russell Bruesch said he will discuss ideas for alternative beach access during construction if needed. Joel asked if there were any updates on the water reliability study. He said he changed his filters recently and they are already turning orange. Mike Mintz said that there were errors on the water report and they had to send it back to the State of Michigan to review again. Rick Reitz said there were billing mistakes and it is being re-done now. He said he approved the rough copy and is giving one to EGLE water department. Joel asked to please be kept in the loop as he has to change his filters every month; it is very frustrating for him. Mike Mintz asked if the report mentioned iron. Rick said the mains are old and that the Village would have to replace the main or do heavy flushing. He said the Village will do a large flush the week of October 19. Joel said he will try to coordinate a new filter with that so please keep him updated. Rick said there are no standards with regard to iron. Mike said he would like to get the report and take it from there.

Pam Schutt, 4045 Creek Drive, asked if there are rules to keep yards mowed and weeds down, etc. She said there are several absent residents who don’t maintain their yards. Chief Layman said he will follow property maintenance code and will reach out to those property owners.

Mike Mintz made a motion to end the meeting; Kathleen Hogan Morrison seconded; motion passed.

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

Respectfully submitted

Anne Heywood

Michiana Clerk