**VILLAGE OF MICHIANA**

**MICHIANA COUNCIL MEETING**

**Friday, September 11, 2020**

The meeting was held by Virtual “Go To Meeting”. Mike Mintz, Linda Stein, Phil Bonello, Joann Fisher and Kathleen Hogan Morrison were present on the call, as well as Police Chief Ryan Layman, Water & Street Superintendent Rick Reitz, Clerk Anne Heywood, Karen Szyp who was covering for the Clerk in the office and Village residents dialed in to listen and participate.

**Addition to Agenda – N/A**

**Approval of Special Meeting Minutes from August 5, 2020 -** Mike Mintz asked for motion to approve the August 5, 2020 Special minutes, Phil Bonello made amotion to approved the minutes; Linda Stein seconded the motion; motion passes.

**Approval of Regular Council Meeting Minutes from August 14, 2020** Mike Mintz asked for motion to approve the August 5, 2020 Special minutes, Phil Bonello made amotion to approved the minutes; Linda Stein seconded the motion; motion passes.

**REPORTS**

**1. Building Inspector Report** - Bill Lambert said there are 24 permits to date and that Anne Heywood has a few additional ones to file. They are mostly for roofs and are all paid. He stated that he went to the Martino residence build site and all the windows are in at the lumber yard. When the roof is finished, the windows and siding will be installed, mostly likely sometime next week.

**2. Treasurer’s Report –** Cheryl Cook (Absent).Karen Szyp stated there is $2,077,345.42 for total funds, and the Pokagon fund has $26.252.00. Phil Bonello asked if we can modify the report to show month to month and quarterly comps from the previous year, especially now to see if COVID has had an effect with no revenue coming in for use of the Village facility, etc. Mike Mintz agreed and said he would talk with Cheryl and arrange a new format. Anne Heywood asked Phil Bonello if he received the report, he requested Cheryl to do from the last meeting. Phil’s response was no. Anne will have Cheryl send it over again and convey Phil’s new request. Mike asked if Phil is using MS Outlook. Phil said no. Mike said it would be easier to track emails if everyone was using Outlook. Phil said he would set that up for himself today.

**3. Tree Inspector Report –** Kris Wulff was not in attendance. Mike Mintz said this was the fourth month Kris was not at the council meetings. Anne Heywood said due to phone reception issues, he had planned to be at the village or in on the call with Rick Reitz for today’s meeting. Mike will speak to him.

**4. Fire Chief Report** – Chief Gary Bendix was not in attendance.

**5. Police Commissioner Report** – Russell Bruesch said there is a new part-time police officer moving into full-time. This is our first female officer her name is Courtney Severn.

**6. Police Report –** Chief Ryan Layman said Grand Beach was the hiring agency for Courtney Severn. She started in July as part-time at Grand Beach and started working full-time on Tuesday, September 8. She had prior commitments in New Buffalo that prevented her from initially starting full-time. Patrick Myers resigned over the July 4th weekend, Courtney is replacing him, so the number of officers remains the same. Chief Layman said August was a very busy month with an uptick in calls regarding general disputes between people at the beach and between neighbors. He thought this may be a result of people feeling cooped up due to COVID restrictions. Regarding the nature of police calls in August, he said one incident involved items being taken from a home. It was not a break-in and is believed to be contractors who were working there. He advised caution in giving out alarm codes and to hide house keys well. Many items were taken from the home and they are still investigating. The new police car is finished and on the road. It is dark blue and white.

Kathleen Hogan Morrison reminded everyone that Michigan law states that dogs must be on leashes in public. Michiana code says dogs must be on leashes when near a public building, and on a road or beach. Our code states that animals are not permitted in village parks. Renters sign off on an agreement that includes beach rules that state dogs are required to be on leashes at the beach. There are dogs on the beach off leash all the time. Dogs also wander around the village without leashes. If you own a dog, keep it on a leash, including at the beach. She requested that officers enforce the law. She said we could repeal our code but it would have to go to the state level. She asked officers to ticket offenders. Chief Layman said he issued about six tickets and advised it is best to do so at a state level and not to utilize the local ordinance. Phil Bonello asked what are the restrictions Kathleen referred to. Chief Layman said dogs can’t be outside the owner’s control off their property, they must be on a leash. He said signed complaints go through a criminal process and would have to take the citations to St. Joe. He said the law states fines are not less than $10 and not more than $100 or 90 days in jail. He said most often the dog complaints are issued at the beach during and after restricted hours. Mike Mintz asked if Chief Layman is the only one who can issue a citation for dogs or can anyone sign a citation. Chief Layman said yes, all Officers can issue citations for dog complaints. Chief Layman said it helps to have evidence, such as a photo, but he would prefer people call the police to avoid conflict from taking photos. If someone signs a complaint, they have to testify in court.

Phil Bonello asked Chief Layman to explain items on the police call log entitled “Suspicious Situation”. He said one incident was that a homeowner had people on their property. Another was when a resident on Lake Shore Drive was harassed by two to five people in a group, telling her they will give her COVID and that she has too much money, and that this was a recurring situation. Another incident was when a resident on Ponchartrain said they received a call from an unknown male saying he was going to bring him a large sum of money. Another incident was when a resident, who was not at their home, saw remotely via a security camera that a person walking around the resident’s property. There was no one there when Chief Layman responded.

**7. Beach Commissioner Report** – Russell Bruesch reminded everyone that watercrafts (kayaks, boards, boats) and other items must be removed from the rack and beach by October 31. The portable stairs at Stop 42 will be removed for the season on October 15, possibly sooner if storms are bad. There is a plan to improve the stairs at Stop 41.5 and replace them with composite material and make them wider. Russell said there is a significant amount of composite material left over from the other stops. Joanne Fisher asked how many kayaks have been used this summer. Russell said probably not all but can’t be sure. Anne Heywood said the ordinance says October 15 is the deadline for removing watercraft from the beach. Russell said the website says October 31 Anne said she would have the web page corrected. Mike Mintz asked if we are planning to re-do Stop 41.5 in total, mentioning trash receptacles and fencing. He said the Martino’s want to help financially. Russell mentioned there is a beautification plan that Roxanne Martino had discussed with the village. Mike will ask her if she has an extra set of plans. Kathleen Hogan Morrison asked what is the plan for Stop 41.5, an overall design or piecemeal? Mike said he thought we were going to do an overall design and asked who did the plans for the other beach stops. Bill Lambert said he thinks he has some of the old plans. Mike said we can try to contact the architect from the other stops and talk with Roxanne.

**8. Public Works/Water Authority Report** – Rick Reitz said he and Josh have been cleaning brush at the parking area at Stop 41, patching potholes, and removing fallen branches. Josh power washed the deck, will wash and seal the handicapped and police deck next. Rick got bids for a salt spreader for the back of the pickup truck. If it works well, he would like to get another one and sell the yellow truck which is falling apart, is not 4WD, difficult to get up and down hills, and requires a double pass. The salt spreader will solve those issues. He hopes to get about $15,000 for the truck and will put out bids. He went with Northern Equipment at $4561.51 which includes shipping. Grainger came in at $4630 without shipping. This item is budgeted under Equipment Purchase. Phil Bonello suggested fixing up the yellow truck now. Council approved the purchase and selling of yellow truck. Linda Stein asked about the new roof for the water storage shed. Rick said R & L should commence that project at the end of September or early October. He has a meeting with Woodruff about the chlorine project. Rick said he is meeting with Lakeshore on getting a dumpster to clean up around Village Hall and park. He will work with Anne Heywood on the leaf schedule and Anne will arrange to get it up on the website. Linda asked if he and Josh can remove old brush before fall leaf pickup. Phil asked what is the untitled undated report on page 19, the highlighted cells. Rick said those indicate the highest and lowest pump-age for the month, and the average and total.

**9. Water Board Report - No Report**

**10. Clerk Report** – Anne Heywood asked for a motion to approve the check register for $49,975.75. Mike Mintz made a motion to approve the check register for August in the amount of $49.975.75; Kathleen Hogan Morrison seconded the motion; motion passed.

**OLD BUSINESS – N/A**

**NEW BUSINESS:**

**1. Edgewater Resources Recommendations for Stops 38, 39 & 43 Shoreline Protection -** The Village of Michiana contracted with Edgewater to do a survey, mainly at stops 38, 39 and 43. Mike Mintz will discuss the report with Ben Zimont of EGLE and Barb Anderson of Army Corps of Engineers (South Bend). An area of concern is near Stop 38 where a large home has some revetment and a severely eroded bluff. Scott Stiffle, who owns the lot between this house and village property (about 40 feet), plans to install sandbags which is less expensive and doesn’t require a permit. The village should consider installing some sandbags as well. They run about $350/linear foot, so about $14,000. Mike will talk to Stiffle. The Army Corps of Engineers was pleased with the wave breakers at Stop 38 and believe they saved the beach there; they recommend to keep them in place.

At Stop 43 there is heavy equipment clearing off the beach near the Forsyth and Ginther properties. They are using the old concrete from the collapsed Lake Shore Drive roadway, it’s about 6 feet high. Contractors were willing to reposition the concrete at Stop 43 to prevent sand from seeping out the side. A partial area may be left without sandbags. McKenna, who is north of Stop 43, may want to do something there. Mike will call them again. Mike mentioned that two more homes beyond McKenna want to do revetment. Regarding the access road in front of 43, we don’t need to do anything this winter as it will have protection from what Ginthers are doing and what we’ve worked out together. Barb Anderson from Army Corps of Engineers in South Bend says the lake level has receded. Linda Stein asked if the sandbags to go in at Stop 38 can be done before October storms and how do they get them down there? No heavy equipment is needed for sandbags as they are filled at the beach level. A caller mentioned using trap bags instead of standard sandbags. Mike requested more info. Edgewater reports issues at Stop 39 regarding wave height and runoff from Pokagon Trail, and suggested stone revetment at $2,500/linear foot. A caller expressed concern about the narrow strip of land from the top of the bluff to the road at Stop 39. Mike said he is trying to see if the Army Corps of Engineers can help.

**2. Playground Update** – Joanne Fisher said the committee has met once. The survey went to 140 people, we received 135 replies. Two thirds of people use the park monthly or seasonally. Two thirds of people like the pickle ball courts. More than 2/3 use the playground monthly or seasonally. For further improvements, we need a topographical survey if applying for a grant. A motion was made to approve the topographical survey for $4,495.00. Roll call was taken, 5 ayes – 0 nays; motion passed. Another motion was made to amend the budget for the topographical survey. Roll call was taken, 5 ayes – 0 nays; motion passed. The topic of people parking on the grassy area across from the park was discussed. Paving that area was briefly discussed and dismissed. For now people should use the main parking area and preserve the grassy area. Chief Layman recommended an email to Lisa or Nancy to tell them where pickle ball court users should park.

**3. Spring/Summer Composting through Lakeshore** – Council agreed they would like to get rid of the piles of yard waste in the back of the park. Joann Fisher suggested the village no longer pickup yard waste through the summer. Her reason was if we are improving the park right now it looks like a landfill and many people responding to the survey felt the same way. She said we have leaf pick up in the fall and once the leaves are removed in the park, we shouldn’t have to look at more brush pile up all Spring and Summer. Joann contacted Lakeshore who has a program for composting. Lakeshore would pick up yard waste once a week and homeowners would have to purchase brown recyclable bags or purchase another toter from Lakeshore. There would then be a charge added for this service and put on the quarterly water bills. Joann asked the rest of council their feelings on this issue. Linda Stein said New Buffalo residents contract directly with Lakeshore and that it should be a choice, not mandatory. Kathleen Hogan Morrison asked if council needed to make a decision today. Mike Mintz asked to know all the options. Kathleen said we should know the pros and cons of each option, and discuss enforcement. Phil Bonello asked if improving Rick and Josh’s productivity could result in their time being used elsewhere, and suggested if not, random pickup benefits the village by having eyes on the community. He said if they have the hours available to them, let them pick up yard waste randomly, and doesn’t see the need to charge residents. Mike said he doesn’t want the park to be a dumping ground and would like to use that area for park improvements. He believes the dump negatively impacts the park visually. Linda, Kathleen and Phil agreed they want to get the landfill out of Michiana. The Council will look more into this situation and will report back.

**Rick’s Project List** – Rick Reitz said he will call for our queue in line for the new roof.

Janice, a Michiana resident, expressed concern about the dredging up of old roadway at Stop 43 and said it is very dangerous. Mike Mintz said a permit is required to remove or move it, and that it was once covered by sand. The concrete in front of Gerber property is being removed by Donkersloot, and is being pushed back for sandbags. Concrete can only be used under revetment, and has to stay in the water. The concrete on the beach will be removed. Janice asked why the Martino’s couldn’t use sandbags. Mike said it is their right to choose. Stone is more permanent.

Chief Layman asked how we can put the Edgewater report on the website. Mike said he would arrange for that.

Mike Mintz adjourned the meeting at 3:00pm EST.

Respectfully submitted,

Anne Heywood

Karen Szyp