

CALL TO ORDER

The regular meeting of the Michiana Village Council was called to order at 7:00 pm EST by Village President Sheila Stein.

ROLL CALL

Members Present: Sheila Stein, President; Beverly Bruesch, President Pro Tem; Hillary Herbst, Councilmember; and George Hermelink, Councilmember.

Members Absent: Patricia Carpenter, Councilmember.

Motion by Herbst, second by Bruesch, to excuse Councilmember Patricia Carpenter from this evenings meeting. Voice vote showed unanimous approval, motion carried (4-0).

Others Present: Two residents, eight staff, and no members of the press.

APPROVAL OF MINUTES

The minutes of the December 8, 2008, December 29, 2008, January 12, 2009, and January 26, 2009 were approved as presented.

President Stein then requested that item 1 (Hiring Treasurer Amy Hemphill) under new business be moved up on the agenda.

Hiring Amy Hemphill as Village Treasurer

In light of the resignation of Village Treasurer Beatrice Carr, President Stein has secured a replacement.

Motion by Hermelink, second by Bruesch, to approve the hiring of Amy Hemphill as the Michiana Village Treasurer effective February 3, 2009. Voice vote showed unanimous approval, motion carried (4-0).

CORRESPONDENCE

Berrien County 4-H Leaders Association 4-H Spring Fundraiser

The Berrien County 4-H Leaders Association is holding a spring fundraiser to raise funds for the 4-H Alumni Scholarship. From March 30 through April 22, 2009, the 4-H groups of Berrien County will be selling plants from Dickerson's Greenhouse in Gobles, Michigan. Profits of the sale will benefit local 4-H clubs and the Berrien County 4-H Alumni Scholarship Fund, which helps Berrien County 4-H alumni continue with their college or trade school goals each year.

In accordance with Ordinance No. 1990-022, door-to-door sales are prohibited; however, the Village is willing to post notice on the community bulletin board.

REPORTS

Finance Report and Committee Minutes – January 23, 2009; February 12, 2009

Finance report and committee minutes were presented for meetings held on January 23, 2009 and February 12, 2009.

REPORTS (continued)

Finance Committee - Policy regarding payment of bills

After much discussion in reference to the policy regarding the payment of bills, the general consensus is that the Finance Committee will meet with the Village Clerk on the second and fourth Mondays of each month to approve the bills to be paid. A report will then be compiled and is to be signed by the Finance Committee membership. The Village Clerk will then present a report of paid bills to the Council at the next monthly meeting for affirmation. The following motion was then made.

Motion by Herbst, second by Hermelink, to approve the policy regarding the payment of bills as discussed. Voice vote showed unanimous approval, motion carried (4-0).

Treasurer Report

Hemphill presented the Treasurer's Report with the following balances as of February 28, 2009:

General Fund	\$106,887.84
Major Street Fund	\$ 58,231.66
Local Street Fund	\$ 43,103.37
Water Authority Fund	\$108,902.35
Building Inspector Fund	\$ 4,272.67
Capital Projects Fund	\$ 41,432.67
Tax Fund	\$ 41,262.30

Fifth/Third Account Changes

Hemphill advised that she and President Pro Tem Bruesch had met with Fifth Third Bank representatives and they proposed changing the account types to public funds small business accounts on the following sub-accounts: Local Street Fund, Major Street Fund, Building Inspector Fund, Capital Projects Fund, and Tax Fund. By making the change, the aforementioned accounts would earn interest and there would be no fees on the day-to-day transactions which would result in the fees per month being lowered by approximately \$80.

Motion by Herbst, second by Hermelink, to change the Fifth Third Bank account types to public funds small business accounts on the following sub-accounts: Local Street Fund, Major Street Fund, Building Inspector Fund, Capital Projects Fund, and Tax Fund provided that there are neither fees nor exposures to the Village for the changing of said accounts. Roll call vote showed unanimous approval, motion carried (4-0).

Discussion ensued in reference to possibly putting out an RFP for Banking Services to Chemical Bank, Horizon Bank, and Fifth Third Bank. This item was then placed on the table for further investigation.

Hemphill stated that she hopes to be finished with her Three Oaks employment by the end of April and at that time will be working in the Village two (2) days per week.

Human Resource Committee Report

Motion by Herbst, second by Bruesch, to place the Human Resource Manual Update as well as the Human Resource Police Policy Update on the table at this time. Voice vote showed unanimous approval, motion carried (4-0).

REPORTS (continued)

Clerk Report

Monthly Bills Review

Motion by Hermelink, second by Bruesch, to approve check # 26959 to and including check # 27011 totaling \$42,805.27 from the General Fund. Roll call vote showed unanimous approval, motion carried (4-0).

Motion by Herbst, second by Bruesch, to approve check # 1158 totaling \$7,111.66 from the Building Inspector Fund. Roll call vote showed unanimous approval, motion carried (4-0).

Motion by Bruesch, second by Herbst, to approve check # 5332 to and including check # 5345 totaling \$26,339.60 from the Water Authority Fund. Roll call vote showed unanimous approval, motion carried (4-0).

Ganus advised that the MS4 Permit fee of \$500 has not yet been remitted to the State of Michigan. This is the fee assessed annually by the Michigan Department of Environmental Quality in reference to the NPDES.

Motion by Herbst, second by Bruesch, to remit \$500 to the Michigan Department of Environmental Quality for the Village's annual MS4 Permit. Roll call vote showed unanimous approval, motion carried (4-0).

Homeland Security Equipment (Vests)

Ganus advised that as a part of the 2006 Homeland Security Grant Program, the Fifth District Regional Homeland Security Board has approved the purchase of public safety vests. On February 27, 2009, the Village received forty (40) vests. These vests were disseminated to the Police Department, Public Works Department, and the Michiana Shores Volunteer Fire Department for use when working in or around the streets within the Village.

Resident Parking Sticker Fee

Ganus advised that she was unsure as to the policy regarding the issuance of resident parking stickers and their associated fees. Ganus was advised that the stickers were only necessary on Lake Shore Drive and the blue stickers are for stop 41 only (Dr. Harris). The red stickers are ~~\$1.00 each~~ **for everyone else. Both stickers are available for sale for \$1.00 each.**

BS & A Software – Fund Accounting & Utility Billing

Ganus presented the proposal received by BS & A Software for a suite of products in reference to fund accounting. Those programs include general ledger, accounts payable, payroll, and utility billing. The total cost for same (including training and data conversions) is proposed to be \$10,580; however, there were a few questions that needed clarification. The first year support is free; thereafter, total support costs (for year 2 and 3) were a total of \$850. This matter was placed on the table for further investigation.

Police Report – Chief Lyn Papke

Chief Lyn Papke presented the monthly police report for the months of January and February, 2009. Item number three under Old Business (Sale of Old Police Vehicle Update) was moved up at this time as well.

Papke requested that an ad be placed in the newspaper to accept bids for the old police car. He stated that the radio, lights, spotlights, and any additional police equipment will be removed prior to the sale of the vehicle.

REPORTS (continued)

Police Report – Chief Lyn Papke (continued)

Motion by Bruesch, second by Herbst, to advertise for the sale of the old police car in the *News Dispatch* for a two-week period with costs for the advertisement not to exceed one hundred dollars (\$100). Voice vote showed unanimous approval, motion carried (4-0).

Part-time Police Officer – Police Shift Coverage

Papke advised that the Department currently has eight (8) part-time officers and there has been great difficulty finding officers to fill shifts.

Patrolling of Village Beaches

Stein advised that she received information that a neighboring community pays one hundred twenty-five dollars (\$125) a day on Saturdays and Sundays for a certified police officer to patrol the beaches on an ATV. After much discussion, this item was placed on the table until May, 2009.

Papke was advised to check with Grand Beach Village in reference to beach patrols within the Grand Beach Village limits.

Public Works / Water Authority Report – Superintendent Rick Reitz

Superintendent Rick Reitz presented the monthly superintendent's report for the months of January and February, 2009. A copy of the minutes of the March 3, 2009 meeting of the Michiana Water Authority Commission was also submitted to the Council for their review.

Reitz also submitted the water turn on / shut off request form for Council review and approval. He also advised that in investigating the utility billing system for water billings, it was found that the \$2 hydrant fees were not being assessed. Ganus was able to contact the vendor and this issue was rectified for future billings.

Authorization of payment for services rendered to Southwest Transport and Merritt Engineering

Reitz advised that he has obtained final figures in relation to the Lake Shore Drive Watermain project. Merritt Engineering is owed \$13,885 and Southwest Transport Company is owed \$24,773.50. Reitz advised that approximately \$10,000 in concrete can be taken out of the Major Streets Fund since the street was reconstructed as a part of the project. Approximately \$2,000 was absorbed by Southwest Transport Company because there was nothing in the contract in reference to the overage.

Motion by Herbst, second by Hermelink, to approve the payment of \$13,885 to Merritt Engineering for the final payment of the Lake Shore Drive Watermain Project. Roll call vote showed unanimous approval, motion carried (4-0).

Motion by Herbst, second by Hermelink, to approve the payment of \$24,773.50 to Southwest Transport Company for the final payment of the Lake Shore Drive Watermain Project. Roll call vote showed unanimous approval, motion carried (4-0).

Oselka Construction Beach Restoration

Reitz stated that Oselka Construction is in the process of bidding for the installation of a sea wall between stops 41 ½ and 43 and would like to use the Village's right-of-ways to gain ingress and egress to the beach area. After discussion, it was determined that if a letter from Oselka Construction was obtained in reference to clean-up and restoration of the area and if Oselka obtained the proper permits, the Council could see no problems with granting the request.

REPORTS (continued)

Building Inspector Report – Bill Owens

Bill Owens submitted the monthly building inspector's report for the month of March, 2009.

Michiana Shores Volunteer Fire Department Fire Report – Chief James Imes

Chief Imes provide the Council with the fire department activity for the months of January and February, 2009.

Chief Imes noted that the Michiana Shores Volunteer Fire Department will be holding their Spring Pancake Fundraiser Breakfast on April 26, 2009 from 7 am to 12 pm CST.

Tree Inspector Report – Kris Wulff

Kris Wulff provided an update on tree inspections and permits. Council advised that a resident had marked trees with their own paint in an attempt to have the trees removed. Wulff was advised of this and he will follow up with the homeowner.

Motion by Hermelink, second by Herbst, to accept all reports as presented. Voice vote showed all in favor, motion carried (4-0).

OLD BUSINESS

Sentencing Update – People vs. Mary Jo Nallenweg

Stein advised that former Village of Michiana Clerk Mary Jo Nallenweg has been sentenced in reference to her embezzlement of Village funds. Nallenweg received sixty (60) days in jail and three years' probation as well as restitution in an amount yet to be determined.

Grant for Police Vests Update

Nothing was reported on this item.

Pokagon Fund Update

Reitz advised that he has obtained quotes on several items for submission to the Pokagon Fund for grant monies. He then went over a list of the items currently awaiting pricing.

New Meter Loan Update

Nothing new was reported on this item.

Review of Village Telephone / Internet Services

Ganus provided the Council with an overview of the monthly telecommunications services paid by the Village. Total charges for telecommunications for the last quarter of 2008 totaled \$2,142.10.

Ganus obtained a quotation from both A T & T and Comcast for local calling, long distance calling, and hi-speed internet. Comcast came in at \$254.65 per month and A T & T came in at \$213.85 per month. It should be noted that currently the Village maintains six telephone lines that are charged separately. The quotations obtained calls for all accounts to be combined under one account.

OLD BUSINESS (continued)

Review of Village Telephone / Internet Services (continued)

Motion by Herbst, second by Hermelink, to accept the Comcast proposal for telecommunication services for the Village of Michiana for a two-year contract period at a cost of \$254.65 per month. Voice vote showed unanimous approval, motion carried (4-0).

Status of On-line Banking

This item was placed on the table.

NEW BUSINESS

Village Hall Rental Requests / Contract

Ganus advised that she has received requests from the following people in reference to Village Hall reservations:

Stephanie Jervis	Graduation Party	April 26, 2009
William Atkinson	50 th Birthday Party	June 13, 2009
Tracy Martin	Bar Mitzvah Party	May 29, 2010 or June 12, 2010

Ganus also inquired as to the fee for rental as well as the deposit required. Council advised that the fee to rent the Hall is \$250 with a \$300 deposit being applied. If the Hall is returned in the same condition it was rented, the \$300 deposit shall be returned.

The above requests were approved by general consensus. It should be noted that in order to rent the Hall, subjects must own property within the Village of Michiana.

Reitz received a request by Mrs. Alan Jourdan in reference to having pictures taken on the beach of her daughter and the wedding party on June 20, 2009. Mrs. Jourdan advised that they would like to have their dog on the beach for the pictures. General consensus of the Council is that the Village beaches are open to any village resident at any time but the Village currently adheres to the leash laws as per the State of Michigan and dogs must be on a leash at all times. Bruesch volunteered to draft a letter to Mrs. Jourdan advising of the Council's decision.

Able Disposal Contract

Stein advised that there have been many issues in relation to the Able Disposal contract regarding lack of response to Village inquiries, lack of rubbish pickup, etc. This item was placed on the table to allow for further investigation into a resolution of the issues.

Michiana Women's Club Day Camp Contract

The Michiana Women's Club Day Camp contract has not been submitted by the Michiana Women's Club at this time. This item will be placed on the table until such time as a draft contract is received. Stein also inquired as to whom on the Council would be interested in being the Michiana Women's Club Day Camp Liaison. There were no volunteers at this time.

Freedom of Information Act Request forms / fees

Ganus presented the Council with Freedom of Information Act (FOIA) forms for requesting Village documents under the Freedom of Information Act. A listing of fees for requests was also attached as well as a notice of denial of a FOIA request and a notice to extend the response time for a FOIA request.

NEW BUSINESS (continued)

Freedom of Information Act Request forms / fees (continued)

Motion by Herbst, second by Bruesch, to approve the FOIA forms as presented. Voice vote showed unanimous approval, motion carried (4-0).

Appointment of FOIA Coordinator

Motion by Herbst, second by Hermelink, to appoint Cathy Ganus as the Freedom of Information Act Coordinator for the Village of Michiana. Voice vote showed unanimous approval, motion carried (4-0).

Requirements for changing the Village Council meeting time

Stein advised that the subject of changing the meeting time and/or day the Village Council meets has come up. Ganus advised that she had checked the Open Meetings Act (PA 267 of 1976, as amended) and the only provision is that if changes are made to the meetings, the changes must be posted within three (3) days after the meeting at which the change is made. This item was tabled for further investigation.

Resolution # 2009-01 A Resolution of Participation in the Berrien County Hazard Mitigation Plan

The Berrien County Office of Emergency Preparedness has developed a Hazard Mitigation Plan that satisfies the requirements of the Disaster Mitigation Act of 2000 and 44CFR 201.6. This plan will identify, analyze, and prioritize significant hazards in the County. The plan will also outline strategies to effectively lessen the impacts of hazards (mitigation strategies).

In order to receive funding for hazard mitigation projects from the Hazard Mitigation Grant Program, local units of government are required (by the Federal Emergency Management Agency – FEMA) to create or participate in the creation of an approved local hazard mitigation plan satisfying the requirements of the Disaster Mitigation Act of 2000.

Motion by Hermelink, second by Herbst, to approve Resolution # 2009-01 regarding participation in the Berrien County Hazard Mitigation Plan as presented. Roll call vote showed unanimous approval, motion carried (4-0).

Michiana Water Authority Commission Re-Appointment of Members – 2 Year Term

Carol Shepherd's term on the Michiana Water Authority Commission has expired effective January 1, 2009.

Motion by Herbst, second by Bruesch, to re-appoint Carol Shepherd to the Michiana Water Authority Commission for a two-year term expiring March 9, 2011. Voice vote showed unanimous approval, motion carried (4-0).

Amendment to Ordinance 14 – An Ordinance To Amend Ordinance 14 To Establish Commissioners and Terms of Office

The Michiana Water Authority Commission has requested that the aforementioned ordinance be amended to require quarterly meetings instead of monthly meetings and quarterly reports instead of monthly reports as there is no need to meet that frequently.

Motion by Herbst, second by Bruesch, to amend Ordinance # 14 allowing the Michiana Water Authority Commission to meet on a quarterly basis and provide quarterly reports as opposed to a monthly basis at a time of their choosing. Voice vote showed unanimous approval, motion carried (4-0).

ANNOUNCEMENTS

The next Local Revenue Sharing Board meeting will be held on Tuesday, March 10, 2009 at 1:00 pm EST at the New Buffalo City Hall.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:30 pm EST.

Cathy A. Ganus
Michiana Village Clerk