

CALL TO ORDER

The regular June 8, 2009 meeting of the Michiana Village Council was called to order at 10:40 am EST by Village President Beverly Bruesch.

ROLL CALL

Council members Present: President Beverly Bruesch, President Pro-Tem Sheila Stein, and Council member Russ Ramage.

Council members Absent: Council member Hillary Herbst and Council member George Hermelink,

Motion by Stein, second by Ramage to excuse Council member Hillary Herbst from the meeting. Voice vote showed unanimous approval, motion carried (3-0).

Motion by Ramage, second by Stein to excuse Council member George Hermelink from the meeting. Voice vote showed unanimous approval, motion carried (3-0).

Others Present: Treasurer Amy Hemphill, Michiana Shores Volunteer Fire Department Chief James Imes, Public Works Superintendent Rick Reitz, two Village residents, Michiana Women's Club Liaison Heidi Jaffee, and Clerk Cathy Ganus.

APPROVAL OF MINUTES

Motion by Stein, second by Ramage, to approve the minutes of the May 11, 2009 and May 28, 2009 meetings as presented. Voice vote showed unanimous approval, motion carried (3-0).

CORRESPONDENCE

Dr. Allen Kahn Correspondence

Stein advised she had received correspondence from Dr. Allen Kahn in reference to a sand problem regarding construction taking place near his residence. Kahn stated that the construction has caused the sand to erode onto his property and now the sand has nearly buried the plantings in addition to the vehicles trampling other plantings in the area. Kahn went on to state that he had contacted Ganus in reference to this issue and there has not been a resolution as of this date. Ganus advised that she had contacted Building Inspector Bill Owens in reference to this issue and he had advised that he would call the contractor (Brian Kissel) and ask him to remove the sand. Ganus was uncertain as to the status of the sand issue at this time. Resident Kathy Roberts questioned why the police department has not been issuing citations as this is a clear violation of Village ordinance.

Motion by Stein, second by Ramage to schedule a special Council meeting to discuss zoning violations and the issuance of citations for violations with the police chief and building inspector prior to the next Council meeting. Voice vote showed unanimous approval, motion carried (3-0).

REPORTS

Treasurer's Report – Amy Hemphill

Hemphill provided the following balances as of May 31, 2009:

General Fund	27,755.87	Major Street Fund	41,978.61
Local Street Fund	37,771.58	Water Authority Fund	48,422.74
Building Fund	5,856.72	Capital Projects Fund	41,440.38
Tax Account Fund	20,456.66	Water Authority Trust	120,205.03

REPORTS (continued)

Treasurer's Report – Amy Hemphill (continued)

Hemphill noted that the General Fund and Water Authority Trust Fund show unreconciled balances as the statements for same have not been received.

Hemphill stated she had made contact with the Michigan Municipal League unemployment group and they advised that the Village pays dollar for dollar regarding unemployment benefits.

Since the Village does not have any current special tax assessments, Hemphill suggested that the Tax Fund account be closed and the monies be transferred to the General Fund as having a Tax Fund for the collection of taxes is not mandatory under State law. Once the tax season is complete, the monies in the Tax Fund are transferred to the General Fund.

Motion by Stein, second by Ramage to close the Tax Fund account and transfer all remaining monies to the General Fund. Voice vote showed unanimous approval, motion carried (3-0).

[At this time Hemphill was excused from the meeting].

Fire Report – Michiana Shores Volunteer Fire Department – Chief James Imes

Imes provided the Michiana Shores Volunteer Fire Department activity report for the month of May, 2009. During that time, the MSVFD handled two (2) first responder calls within the Village.

Police Report – Chief Lyn Papke

Papke presented the police report for the month of May, 2009. During that time, six hundred five (605) man hours were dedicated to the protection of the citizens of the Village of Michiana. The following citations were issued: one (1) parking, one (1) traffic, one (1) sign ordinance, and one (1) misdemeanor. During that time, three (3) arrests were made and there were seven (7) assists to other departments as well as four (4) assists from other departments. Seven hundred ninety-nine (799) security inspections were conducted and six (6) alarms calls were received.

There were questions in reference to alarm calls at 4222 Hillside Trail. Papke advised that it was the alarm company's error and it took them four (4) calls to correct the problem. Papke was advised that the Village has an alarm ordinance wherein the homeowner receives a citation in the event of multiple false alarms calls. Papke advised he would send the homeowner a letter in reference to this occurrence.

The Council also questioned Papke on a vehicle trailer near stop 38 or 39 that has been in the same location for approximately one (1) year. Ramage provided background on the trailer and advised that the contractor who has been retained by the homeowner owns the trailer.

Public Works / Water Authority Report – Superintendent Rick Reitz

Reitz advised that the drinking fountains have been turned on and the beach swim buoys have been installed. He went on to state that the leaf pile needs to be at least one hundred (100) feet from the creek but he has no other place within the Village to begin a compost pile. Council suggested checking with other communities to see how they handle composting issues.

Reitz went on to state that the water storage tank was inspected by Sea Brex Marine and there appears to be a lot of sludge within the tank. This will need to be cleaned and the funds have been budgeted for the next year.

Citizen's Advisory Committee (White Creek Clean-Up) – Russ Ramage

Ramage advised that he will address this issue by the end of the month.

REPORTS (continued)

Clerk's Report – Cathy Ganus

Motion by Stein, second by Ramage to approve General Fund check # 27125 to and including check # 27166 totaling \$37,157.07. Roll call vote showed unanimous approval, motion carried (3-0).

Motion by Stein, second by Ramage to approve Water Authority Fund check # 5380 to and including check # 5383 totaling \$158.94. Roll call vote showed unanimous approval, motion carried (3-0).

Motion by Ramage, second by Stein to accept all reports as presented. Voice vote showed unanimous approval, motion carried (3-0).

OLD BUSINESS

*NPDES MS4 Permit – Amendment of Application to Include Post Construction Controls
Zoning Ordinance Chapter 14 Amendment – THIRD READING*

The amendment was presented to the Council for a third reading to amend the zoning ordinance, section 14.3, paragraph a, 1, in regards to site plan review in reference to post-construction controls for water runoff. The wording to be inserted is as follows: *“Before the building permit can be issued, the contract must show plans as to the disposition of runoff of water. No water runoff that erodes the property and/or flows into White Creek or Lake Michigan will be allowed.”*

Audit FYE 06.30.2008 Financial Statement Update

In regards to audit firm Rehmann Robson's presentation of the FYE 06.30.2008 financial statements (audit report), Ganus has been advised that Stephen Blann (auditor from Rehmann Robson) is available to present the financial statements for fiscal year ending 06.30.2008 on the following three (3) dates: June 11, June 18, or June 23. Blann's first choice would be June 18th as he will be in the New Buffalo area earlier in the day. Discussion ensued and the Council would prefer June 18. Ganus will contact Rehmann Robson and secure the date.

Michiana Women's Club Day Camp Contract / Heidi Jaffee

Jaffee had previously been advised of the changes to the Day Camp contract. She expressed concern with the Council's request that the Women's Club increase insurance amounts for the Day Camp as the Women's Club already expends five thousand dollars (\$5,000) for insurance needs. She also went on to state that she felt that two hundred fifty dollars (\$250) for each outside event hosted by the Women's Club is a little restrictive for them. Bruesch explained the reasoning behind the amendments to the contract for outside events.

Motion by Stein, second by Ramage to charge the Michiana Women's Club the regular rental rate of two hundred fifty dollars (\$250) for the rental of the Village Hall for the Friday, July 17th event and Saturday, August 1st event as well as waive the rental fees on the remaining four (4) evening events for this year. Voice vote showed unanimous approval, motion carried (3-0).

It should be noted that the Council has made the decision to waive the security deposit for the rental of the Village Hall by the Michiana Women's Club for all events.

Ice Cream Vendor – Special Use Permit for Solicitation Within the Village

At the Village Council meeting on May 11, 2009, Mr. Robert Cowan of the Summer Song Ice Cream Company requested that the Village allow him to sell ice cream from his ice cream van on the weekends throughout the summer. According to the Michiana Penal Code, vendors are required to obtain a special permit from the Village to do so. This item was placed on the table for further investigation. Upon further investigation, the Council made the following motion.

OLD BUSINESS (continued)

Ice Cream Vendor – Special Use Permit for Solicitation Within the Village (continued)

Motion by Stein, second by Ramage to deny the request of Robert Cowan of the Summer Song Ice Cream Company to sell ice cream from his vehicle within the Village of Michiana. Voice vote showed unanimous approval, motion carried (3-0).

Human Resources Manual Update

The Council went over the current draft of the Village of Michiana Human Resources Manual. Several additional changes were requested. Ganus will update and disseminate the updated version.

NEW BUSINESS

Clerk Surgery

Ganus advised that she is schedule for partial knee replacement surgery on Monday, July 6, 2009. The recovery time is approximately three (3) to six (6) weeks. Stein suggested securing a temporary office assistant to assist with the day-to-day operation of the Village Hall in Ganus' absence. Bruesch to check into temporary services.

RFP's for Auditing Services

Ganus advised that the following auditing firms were sent requests for proposal for auditing services for the Village for fiscal year ending 06.30.2009: Siegfried Crandall (Kalamazoo); Schaffer & Layher (St. Joseph); Rehmann Robson (Saginaw); Gerber & Company (St. Joseph); Plante & Moran (St. Joseph), and Stephen Ross (Stevensville); however, the Village did not receive any quotes.

Hemphill had previously suggested that the Village contact the State of Michigan to obtain an RFP for auditing the Village's finances as the State has their own division of auditors who compete with other auditors in the public sector. Hemphill went on to state that the State conducts approximately thirty-five (35) to forty (40) audits per year. Concern was expressed in regards to hiring the State of Michigan to conduct an audit as village residents could possibly misconstrue that the State had taken control of the Village's finances.

Hemphill has contacted the State and provided information in regards to the Village. The State estimates the Village audit should entail approximately seventy (70) hours of testing at a cost of eighty-eight dollars (\$88) per hour for a total of six thousand, one hundred sixty dollars (\$6,160). If foreseeable additions in hours are found, the State will notify the Village in a timely manner. It should be noted that the State does not charge for their drive time to and from the Village Hall.

This item was placed on the table for further investigation.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 12:55 pm EST.

Cathy A. Ganus
Michiana Village Clerk