

## CALL TO ORDER

The regular meeting of the Michiana Village Council was called to order at 1PM EST. by Village President Beverly Bruesch.

## ROLL CALL

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

**Council members Absent:** Hillary Herbst, Council Member

**Motion to excuse the absence of Hillary Herbst: motioned by Sheila Stein, seconded by George Hermelink. Roll call vote showed unanimous approval, motion carried (4-0).**

**Others Present:** Chief of Police Lyn Papke, Public Works Superintendent Rick Reitz, Clerk Pro-Tem Robin Johnson and Carol Shepherd, Chairperson of the Michiana Water Authority Commission

**Audience:** Cynthia Michalak

## APPROVAL OF MINUTES

June 8, Page 4. reword.

Could possibly misconstrue that the state had taken control of the villages finances

June 18. page 4 Whom is responsible instead of who is

**Motion to accept the minutes with corrections as made by Sheila Stein, seconded by George Hermelink. Roll call vote showed unanimous approval, motion carried (4-0).**

## CORRESPONDENCE:

**Anne Kator Harris-**

Beverly Bruesch: requested to cover this issue under new business # 4, seconded by Shelia Stein.

### **Email from CYNTHIA MICHALAK, 19559 Oak Drive, New Buffalo, MI 49117**

Ms. Michalak is concern about the chemical spraying of the Village to kill mosquitoes. She states she no longer hears any crickets or frogs. She wrote a letter to John Smith, region 5 Michigan Dept. of Agriculture looking into the ill effects of Malathion Rick Reitz, Superintendent of Public Works stated that he spoke with her recently in regards to her concerns. Her property is between Grand Beach and Michiana. She states that the spray drifts over to her house. Grand Beach also sprays for mosquitoes and she would like to know if the sprayings overlap. She would like us to coordinate with Grand Beach and also find out what they are using and investigate the interaction of the chemicals. We use Malathion mixed with H2O. Rick Reitz stated that he dilutes within 2 oz. and this concentration is approved to be safe. He will investigate what regulating body regards it as safe. (Stein) "I suggested that we find out from Grand Beach what they are using and if there are interactions." Rick Reitz stated that he will find out what chemicals Grand Beach uses. Russ Ramage stated that he would look into the chemical interactions as he is going to Interface in LaGrange, GA where he has contacts in the field. Cynthia is concerned that diluting the mixture can make the mosquitoes more resistant while killing other beneficial species. Shelia Stein suggested that Rick Reitz bring concentration to the recommended amount. Mrs. Michalak is also concerned about the spray running off into the creeks and the water system. Rick Reitz stated that he turns the injection off when going down Creek Drive and Lake Shore Drive.

Beverly Bruesch stated that most of the contacts to us about spraying are inquiries as to when we are going to spray? Many residents are concerned about the West Nile virus that the mosquitoes carry. Stein stated that we have only sprayed once this summer.

George Hermelink received an email late last night from Dr. and Mrs. David Lubell concerning the following issues:

1. Q) "With the new set-up of a Clerk and Treasurer is there a professional accountant that will check their accounts on a fairly regular basis?" A. (Bruesch) We are required to do an audit every other year. Our last audit was in the fall of 2008 for fiscal year 08. We are in process of scheduling another one for fiscal year 09.

2. Q) "Can there be another approach to New Buffalo powers that be to try to provide us with better cell reception?" A. (Stein) Individuals would have to contact their carriers via a phone or write in campaign and ask that their carrier lease space at a local tower. The closest tower to the Village is at the Michiana fire station.

3. Q) "When walking to the side of our house to do some gardening a deer was coming up the stairs in front of me and this frightened me. I have young grandchildren and I feel the population of deer in the community is excessive. Not only is there a problem of sudden confrontation, which children cannot be expected to handle but here is the ominous threat of Lyme disease which is increasingly viable. It may be possible to stop the reproduction which seems overwhelming by inoculating them to be infertile. Something has to be done!"

A) (Bruesch) Beverly Shores looked into sterilizing which was costly. (Stein) Hunting has its own issues. There is an overpopulation problem that is county wide. Shelia Stein will contact DNR and the township to find out information.

4. Q) Our beaches have problems with occasional pollution and it is our hope that signs will be promptly posted when and if the police have that information in hand. A.) (Rick Reitz) Superintendent Rick Reitz is faxed a report every morning from the LaPorte County Health Department or E.Coli bacteria levels. When the level of bacteria reaches 235 colony forming units per 100 milliliters of water and advisory sign will be posted.

George Hermelink will respond to the Lubell's email.

## REPORTS

### *Treasurer's Report - Amy Hemphill*

Amy is on vacation this week and absent from meeting. She attached a letter to her report. Also attached is a report from the State of Mi Dept of Treasury

### **Shelia motioned for Treasurer's Report to be accepted with attachments.**

**Roll Call Vote: Yes: President Beverly Bruesch, Yes: President Pro-Tem Sheila Stein, Yes: Council member George Hermelink, and Yes: Council member Russ Ramage.**

**Motion Accepted**

### *Fire Report - Michiana Shores Volunteer Fire Department - Chief James Imes*

*Report attached.* Bruesch stated there isn't a maximum occupancy on our current Hall Rental contract. Russ Ramage suggested contacting our Insurance Co Melissa Swims to get a definitive number for occupancy.

### *Tree Inspector Report - Kris Wulff-absent from meeting*

*No report*

### *Building Inspector Report - Bill Owens-absent from meeting*

*No report*

### *Finance Report - Richard Shepherd-absent from meeting*

*No report*

*Human Resource Committee Report – Kathleen Roberts-absent from meeting  
No report*

*Police Report – Chief Lyn Papke*

Sheila Stein addressed last weeks' minutes regarding parking issues. Chief Papke stated that the issues have been resolved and there are currently no outstanding parking issues. The Wolf Brothers advertising truck is parked in the Village Parking lot. Beverly Bruesch requested that Chief Papke call the Wolf brothers and ask them to move their truck as there is no advertising is allowed in the Village.

Chief Papke stated that he is having a problem with Comcast internet. He recalled that there were two separate bills and he lost his connection when they were combined to one. George Hermelink suggested a wireless router. Robin Johnson s stated that she would call Comcast to see what was going on.

Beverly Bruesch stated that there was a Pop-up-camper in Village over the 4<sup>th</sup> of July weekend. Bruesch stated "Lyn, tell them that it's not allowed. There are two more now; one on the corner of Ponchartrain and Seminole and the other on Ponchartrain. No one is allowed to live in a mobile home the village." Shelia Stein suggested that a written warning be given right away to the property owner. She also stated that council would like to know the addresses on the police report.

*Public Works / Water Authority Report – Superintendent Rick Reitz  
Superintendent's report attached.*

Rick Reitz (attached) proposed to refinance the current water meter loan which is currently at 6%. The new loan proposes 4.2% for 10 years, no penalty to prepay. Bruesch stated that we could pay the loan off earlier with the surplus.

**Sheila Stein: motion to accept the proposal for refinancing. Russ Ramage seconded the motion. Discussion" Shelia Stein suggested Carol Shepherd, Chairperson of the Michiana Water Authority Commission give her input. Carol agreed with the new loan arrangement. Roll call vote unanimous. Motion passed.**

Water billing issues discussed: (Reitz) We've already paid for the water from leaks, so we can't get a break. (Johnson) We could educate our water users in the next newsletter. George Hermelink suggested educating users in regards to rain detectors and toilet usage. Carol Shepherd stated we charge \$3.00 per 1K gallons, Three Oaks charges \$11.00 per 1K gal.

Last month's public works issues were revisited:

Brush pile discussed: George Hermelink stated that the brush pile is in the way of baseball diamond. Bruesch stated it is costly to hire someone to pull the leaves out. Stein stated that we should look into contracting with someone for leaf pick up considering all the man hours we put into it. Bruesch stated she would look into it. We need to know where they are taking it because the village is still liable. As the mulch pile is free, we could add this information to the newsletter.

Russ Ramage updated the council on the -Citizens Advisory Committee for the White Creek Cleanup. We could publicize thru High Schools and newspaper and look into how Michiana Shores did theirs with the paths along the creek. We also have the horse trails, not a walking path because of horse refuge. There have been complaints about the smell. Horse stable is supposed to clean up the horse refuge. Russ will research.

Rick Reitz stated he needs to order a new faucet for park as the knobs are torn off.

*Clerk's Report – Cathy Ganus (on medical leave)*  
*Clerks Report attached*

**Stein: motion to approve the checks 27167-27244 in the general fund totaling \$66, 013.29, George Hermelink seconded. Roll call vote showed unanimous approval, motion carried (4-0).**

**Stein: motioned to approve check 1101 for the Major Streets Fund of \$30.97, George Hermelink seconded. Roll call vote showed unanimous approval, motion carried (4-0).**

**Stein: motioned to approve the checks 27196-27207 and 27245-27247 in the Water Auth Fund totaling \$38,134.33, Russ Ramage seconded. Roll call vote showed unanimous approval, motion carried (4-0).**

Day camp has a sign at the end of El Portal on the Michigan side. (Johnson) Cathy stated before she left that she had notified the Day Camp of their need for a permit to post a sign.

#### **OLD BUSINESS**

1. Auditing Services – FYE 06.30.2009

Discussion: (Stein) I am concerned that we are hiring new auditors and before we complete payment to our last auditor. (Bruesch) We were done with [Rehmann Robson](#) as of June 30. 2009, however, the bill has not been paid. There are outstanding issues regarding overcharging. This year is not the year we must have an audit. Amy does not feel the books are sound and therefore she is requesting another audit before she is comfortable moving into this fiscal year. It would be advantageous not to wait too long to look at the numbers and get on the new auditor's schedule.

Stein: I am concerned that we are hiring new auditors and I am not sure if there would be any ramifications with [Rehmann Robson](#). We need our audit reports before we change auditors. If we feel we've been overcharged, we have to take another look at the contract.

**Stein: motion to approve the proposal from the state of MI. which was the one proposal returned to us, seconded by Russ Ramage. Roll call vote showed unanimous approval, motion carried (4-0). The state is now our new auditor.**

2. RFP for Banking Services  
Chemical Bank  
Fifth Third Bank  
Horizon Bank

(Stein) I was not impressed with 5/3 Bank's proposal. There wasn't enough information there. The proposal was vague. The Village had an issue with Horizon in the past. Chemical was most detailed.

(Bruesch) I hate to leave someplace the Village has been doing business with. 5/3 was instrumental in recognizing the problem with the last clerk. I will support Amy's recommendation for Chemical Bank. They don't have fees and have a convenient location for Amy and Cathy.

(Reitz) We are out of water authority checks. We've been paying out of the General Fund and reimbursing.

**George motion to accept Chemical Bank's proposal for Banking Services: Russ Ramage seconds the motion. Roll call vote showed unanimous approval, motion carried (4-0).**

3. McCause Park:

(Bruesch) We spoke with Bill Owens/Crismar to create the plaque. Council gave him direction a few months ago. No plaque yet. George is following up. Russ Ramage needs a name plate also.

4. Landwehr Trees

The proposal is seven white pines at \$22916.00. The lawyer suggests looking into additional bids. The liability of village for tree permits was discussed. McCormick building site: (Bruesch) "They overhung the house from the original building footprint on the first floor. The sand from their property slopes onto the foundation to the other property. Stein stated: this may be a violation of building ordinance as it was built on the footprint and then overhung. It can overhang from the second not the first floor. Bruesch stated she is concerned about the dune erosion. Should we get the DEQ involved? "

5 HR manual update- no update. Bruesch is to revisit this in August. The Clerk Pro-Tem is to memo Rick and Public Works, Lyn and the Police Office regarding job descriptions. Cathy and Amy are to work together in reviewing existing job descriptions and make revisions as they see fit. Have ready by the August 10<sup>th</sup> meeting.

**NEW BUSINESS**

1. Water Ordinance Amendments (Village Ordinances 40, 41, 42, 43)

Carol Shepherd, Chairperson of the Michiana Water Authority Commission  
Special 24 pending approval from our attorneys. Stein, amended date approved

**(Bruesch) Motion to amend ordinances as read. Roll call vote showed unanimous approval, motion carried (4-0).**

The village council shall appoint a liaison to be one of the commissioners of the water authority

**(Bruesch) Motion to appoint Rick Reitz as council appointed liaison between the water authority and council. . Roll call vote showed unanimous approval, motion carried (4-0).**

2. Water shut off/on fees

**(Ramage) Motion to instate a fee of \$25.00 for Water shut on and 25.00 for shut off during regular hours, \$50.00 on Weekends, Holidays and emergencies. Roll call vote showed unanimous approval, motion carried (4-0).**

This increase is to be put in the next newsletter mailed with the water bill in August. It will explain security reasons as to why residents can't shut their water on or off themselves. It will be effective October 1, 2009. The residents can pay the fees when they fill out the on/off requests. If they pay for both at the same time they'll need to give a turn on date.

3. Pokagon Fund & Meeting

(Bruesch) The Pokagon's are having a dinner meeting 23<sup>rd</sup> of July and would like 2 of our council members to be there from 4:30-7pm. George & Sheila. stated they would go.

4. Recycling Pick-ups/Garbage Control

(Bruesch) There were a number of streets that didn't get garbage pick-up. Some villagers would like larger recycling receptacles (blue ones) and their recycling picked up weekly (Ann Kator Harris letter). (Stein) "We can call Able and find out when we will be getting the blue ones. Let's ask for the blue containers. They were offered to us with a Wed pickup. Wednesday garbage and recycling pickup is not an option." Bruesch "A committee from the village could be formed on how to circumvent the unsightly garbage containers. Perhaps a block beautification club with block captain. We would much rather see this than to impose fines.

We could also put a reminder in the newsletter for public appeal to move their cans."

(Stein) There is an old motion on the table for supplying beach front phones. Proposal from AT&T for emergency phone hook ups. George stated he was concerned that having the phones would open us up to more liability. All council members were concerned about vandalism. **(Ramage) Motion to rescind the motion that was passed to provide emergency beach front phones, seconded by Hermelink. Roll call vote showed unanimous approval, motion carried (4-0).**

#### **ANNOUNCEMENTS**

The next regular meeting is scheduled at 1pm on Aug. 10<sup>th</sup>2009.

#### **PUBLIC COMMENTS**

none

#### **ADJOURNMENT 4:13 pm**

There being no further business before the Council, the meeting was adjourned at 4:15 EST.

Robin Johnson  
Michiana Village Clerk-Pro-Tem