

CALL TO ORDER

The regular meeting of the Michiana Village Council was called to order at 1:10 pm ET by Village President Beverly Bruesch.

ROLL CALL

Council members Present: President Beverly Bruesch, Council member George Hermelink, Council member Timothy Iverson, and Council member Lyn Stein.

Council members Absent: Council member Hillary Herbst.

Others Present: James Imes, Chief of Michiana Shores, Indiana Volunteer Fire Department and one Town of Michiana Shores, Indiana resident; Public Works Superintendent Rick Reitz, Treasurer Jan Lausch Zilke, Building Inspector Bill Owens, Clerk Cathy Ganus; and resident Harris Rittoff.

Motion by Hermelink, second by Iverson, to excuse Hillary Herbst from the meeting. Voice vote showed unanimous approval, motion carried (4-0).

APPROVAL OF MINUTES

Motion by Iverson, second by Hermelink, to approve the minutes of the August 9, 2010 meeting as presented. Voice vote showed unanimous approval, motion carried (4-0).

REVIEW OF ACTION ITEMS

The action item listing was perused and updated.

ADDITIONS/DELETIONS TO THE AGENDA

Wi-Fi was added under Old Business.

CORRESPONDENCE

Harbor Country Chamber of Commerce Recycling Kiosk

Ganus received correspondence from Marlene Kramer with the Harbor Country Chamber of Commerce requesting that the Village entertain a request from the Chamber to place an outdoor informational kiosk at the Village Hall. The kiosk would contain flyers about local sustainability, environmental, and recycling related activities. Discussion ensued with council members stating they were not interested at this time.

TREASURER'S REPORT

Lausch Zilke presented the July 31, 2010 treasurer's report. The bank statements did not arrive on time; therefore, Lausch Zilke will email the August 31, 2010 treasurer's report sometime this coming week. The balances are as follows:

General Fund	\$214,494.99
Health Reimbursement	\$1,001.15
Major Street Fund	\$118,396.66
Local Street Fund	\$32,427.08
Capital Projects Fund	\$79,080.97
Building Fund	\$31,304.03
Water Authority Fund	\$143,762.17
Water Authority Trust	\$122,450.55

TREASURER'S REPORT (continued)

Lausch Zilke reported that she has received approximately 50% of the tax revenue for the 2010 tax cycle. She advised she had attended a Berrien County Treasurer's Association meeting the week prior and all municipalities are experiencing low tax payments to date. Lausch Zilke went on to report that Berrien County is looking at purchasing the BS & A Software tax module software. This would require all municipalities to utilize this program as well. It has been proposed that the County will purchase the program for all users with little or no cost to the individual municipalities. The Village currently uses the BS & A Software accounting software and this should make receipting taxes much easier.

REPORTS

Building Inspector Report – Bill Owens

Owens reported an increase in building contractors who have not applied for the proper permits prior to the commencement of construction. Village Ordinance # 1990-023 – Construction Code allows for the prosecution of anyone who fails to comply with the building permit requirement; however, general consensus of the Council is that this Ordinance needs to be revisited. Owens advised that the Village of Grand Beach is revisiting the issue at this time and suggested that someone contact them to gather input on how to update our ordinance. Stein to check with the Village of Grand Beach.

Tree Inspector Report – Kris Wulff – No report given.

Ganus advised that Wulff has received a letter from The Tree Mann last week regarding trees that were in need of removal at 3740 Lake Shore Drive (Jules Laser property). Upon investigation, Wulff found the trees to be on Village property and a quotation from The Tree Mann was requested. Reitz stated that Sandcastle Landscaping had submitted a bid for this tree last fall; however, there was no action on the tree removal. This item was placed on the table to allow the receipt of additional quotes.

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

Fire Chief James Imes of the Michiana Shores, Indiana Volunteer Fire Department presented the fire report for the month of August, 2010.

During the month of August, 2010, there were no calls for service within the Village of Michiana. Imes also stated that on September 1, 2010, the MSVFD placed the 'new' 2002 replacement pumper truck in service. On September 4, 2010, the MSVFD held the annual 5K run event with 160 participants entering this year. The event was very successful.

Finance Report – Richard Shepherd – No report given.

A finance committee meeting will be scheduled. Ganus to contact Village resident Phil Bonello to see if he would be interested in serving on this committee.

Water Authority Commission Report

Ganus advised that there have been some concern on the part of the Town of Michiana Shores, Indiana residents regarding the water lease agreement between the Village of Michiana, Michigan and the Town of Michiana Shores, Indiana. Ganus perused the agreement and provided an excerpt of the stipulations. There were questions regarding the Town of Michiana Shores, Indiana receiving a portion of the Michiana Water Authority revenues. The only money to be provided to the Town of Michiana Shores, Indiana is a rental fee in the amount of \$1.00 per year for the term of the agreement (which expires in 2015). Due to the time span of the agreement it is Ganus' opinion that due to the extensive investigation it would take to ascertain whether the rental amount has been paid, it would be more cost effective to remit \$35 to the Town of Michiana Shores, Indiana as it would take hours to investigate and the payment of \$35 is the lesser of the two.

REPORTS (continued)

Water Authority Commission Report (continued)

Motion by Iverson, second by Hermelink, to remit the entire rental fee through 2015 in the amount of \$40 to the Town of Michiana Shores, Indiana per the water lease agreement between the Village of Michiana, Michigan and the Town of Michiana Shores, Indiana. Roll call vote showed unanimous approval, motion carried (4-0).

Another stipulation of the water lease agreement states that the Village of Michiana, Michigan is obliged to maintain and repair but not renew or upgrade any of the water system located in the State of Indiana. The net surplus from the operation of the water system (as determined by the Village's auditor) shall be divided so that there shall be allocated for the benefit of the customers of the Town of Michiana Shores, Indiana a proportion equal to the percentage of gallonage used by Indiana customers relative to the total gallonage used. This amount is to be set aside and used by the Town of Michiana Shores, Indiana for the upgrading of their distribution system subject to approval by the Michiana Water Authority. The Michiana Water Authority shall have sole control over the funds which are to be set aside by paying (upon written direction of the Town of Michiana Shores, Indiana) directly to the contractor who performed the work as directed by the Town of Michiana Shores, Indiana.

Reitz apprised the Council of an incident involving the theft of a public utility (water) from an unmetered fire hydrant. A pool company had hooked into the fire hydrant to fill a pool on Birchmont Trail without permission. A police report was taken by the Michiana Police Department and the incident has been submitted to the Berrien County Prosecutor's Office for review of possible charges for water theft.

Reitz also advised that he will be replacing a broken hydrant on El Portal Drive between Brookside Drive and White Creek Ditch.

Ordinance # 15-41 – An Ordinance to Regulate the Use of Water ...

After contact with Village legal counsel regarding the placement of delinquent water billings on the Michiana Village property taxes, it was necessary to amend the ordinance to reflect appropriate language allowing this to occur. The amended ordinance was introduced to the Council. This shall serve as the first reading – by title only.

Ganus provided council members with a list of ten (10) water customers who are two (2) billing cycles behind. Ganus requested further direction regarding several individual issues. Ganus was advised to follow the policy regarding termination of service for non-payment.

Police Report

Papke provided a written Michiana Village police report for the months of July, 2010 and August, 2010.

During the month of July, 2010 there was one (1) written traffic warning issued, twenty-three (23) written parking warnings issued, two (2) police assists to other departments, one (1) police assist from other departments, five (5) ambulance assists, three (3) fire assists, two (2) sign ordinance citations issued, 595 security inspections were made, and ten (10) alarms were handled.

During the month of August, 2010 there was one (1) written traffic warning issued, seven (7) written parking warnings issued, one (1) parking citation issued, four (4) police assists to other departments, one (1) police assist from other departments, two (2) sign ordinance citations issued, 650 security inspections were made, five (5) alarms were handled, one (1) larceny occurred, and one (1) damage to property occurred.

Hermelink provided the Council with an update regarding the citizens' complaint filed against patrol officer Kenneth Books. Books has provided the requested information to Chief Papke.

REPORTS (continued)

Public Works / Water Authority Report – Superintendent Rick Reitz

Reitz advised that on September 20, 2010, Arnt Asphalt will commence paving per the approved quotation. Ganus to provide notification to residents affected by this paving.

Reitz provided quotations for brush pile removal as follows: Howard's Excavating - \$1,440 per day / approximately three (3) days / \$4,320; Gemini Landscaping, \$4,600; and Sandcastle Landscaping & Tree Care, \$100 per hour / estimated eight (8) hours / \$800.

Motion by Iverson, second by Stein, to accept the bid from Sandcastle Landscaping & Tree Care for the removal of the brush pile and mulch from the baseball area with costs not to exceed \$800. Roll call vote showed unanimous approval, motion carried (4-0).

Reitz was asked to quote a wood chipper with a life span of approximately ten (10) years, which is to be pulled behind the dump truck as well as engine replacement on the current Village-owned leaf vacuum.

Quotations were provided by Sandcastle Landscaping & Tree Care for trimming the oak tree in front of the Village Hall (in the amount of \$250) as well as removing a large branch over the generator at the pump station (in the amount of \$150).

Motion by Iverson, second by Hermelink, to accept the bid from Sandcastle Landscaping & Tree Care for the trimming of the oak tree in front of the Village Hall with costs not to exceed \$250 as well as removing a large branch over the generator at the pump house with costs not to exceed \$150. Roll call vote showed unanimous approval, motion carried (4-0).

The designated leaf pile for fall leaf pickup is the baseball field. Fall leaf pickup shall conclude prior to December 15, 2010 as spring leaf pickup shall conclude prior to May 15, 2011. General consensus of the Council was to hold off on contracting for leaf removal at this time.

Reitz was requested to level the leaves prior to snow fall on the Tahoma Trail Village-owned property for use as a sledding hill. Reitz and Iverson to walk this area in November to remove stumps and debris to minimize Village liability.

A quotation was received from Carey Dotson for re-painting the Village Hall in the amount of \$7,000.

Motion by Bruesch, second by Iverson, to accept the proposal from Carey Dodson for re-painting the Village Hall with costs not to exceed \$7,000 with work to be completed as soon as possible. Roll call vote showed unanimous approval, motion carried (4-0).

A quotation was received from TCM Builders for the repair/replacement of fascia boards and gutter removal on the Village Hall in the amount of \$1,040.

Motion by Hermelink, second by Iverson, to accept the proposal from TCM Builders for the repair/replacement of fascia boards and gutter removal on the Village Hall with costs not to exceed \$1,040. Roll call vote showed unanimous approval, motion carried (4-0).

Clerk's Report – Cathy Ganus

Motion by Iverson, second by Hermelink, to approve the check registers for payroll and accounts payable as presented. Roll call vote showed unanimous approval, motion carried (4-0).

Motion by Iverson, second by Hermelink, to approve the accounts payable requests as presented. Roll call vote showed unanimous approval, motion carried (4-0).

REPORTS (continued)

Motion by Hermelink, second by Iverson, to accept all the reports as presented. Voice vote showed unanimous approval, motion carried (4-0).

OLD BUSINESS

Michiana Village Logo

Hermelink to have trademark/logo ready for presentation at the October, 2010 meeting.

Rehmann Robson Audit FYE 06.30.2008

Iverson has made contact with Stephen Blann of Rehmann Robson regarding the Rehmann Robson auditing of Village finances for fiscal year ending June 30, 2008. It is Iverson's suggestion that the Village cut a check in the amount of \$800 to Rehmann Robson to resolve the issue of the current outstanding balance.

Motion by Iverson, second by Stein, to remit \$800 to Rehmann Robson as final payment for auditing services for fiscal year ending June 30, 2008. Roll call vote showed unanimous approval, motion carried (4-0).

New Village Clerk Search

Stein and Iverson have agreed to review resumes submitted for the soon-to-be vacant clerk's position. It is the Council's intent to hire a new clerk effective November 1, 2010 to allow Ganus to train the incoming clerk. Ganus is leaving the Village's employ to return to Buchanan Township as an elected clerk.

Village Wi-Fi

Iverson has followed up with BTS Telecom and has found that the system is turnkey and will be password protected. Quotations for wireless internet access were provided by BTS Telecom in the amount of \$567.72 and Integration Works in the amount of \$1,989.98.

Motion by Iverson, second by Stein, to accept the proposal from BTS Telecom in the amount of \$567.72 for the installation of wireless internet access at the Village Hall. Roll call vote showed unanimous approval, motion carried (4-0).

NEW BUSINESS

New Desks in Office

This item was placed on the table.

Grant Ideas – The Pokagon Fund

This item was placed on the table.

Sokolow Water Meter Issues

The water meter for 450 Lupine (Sokolow) was tested. The results of the test were that the meter tested 100 percent water usage.

October, 2010 Meeting Quorum

Due to scheduling conflicts, the October, 2010 meeting will be rescheduled to Monday, October 18, 2010 at 1 pm.

NEW BUSINESS (continued)

Appointment of President Pro-Tempore

Iverson has accepted the appointment as president pro tempore for the Village Council. As a side note, Hermelink (who is not seeking re-election) has agreed to remain the Michiana Village Police Commissioner after his term expires in November, 2010.

ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Village resident Harris Rittoff advised the Council that there are issues in regards to rental homes within the Village. Homes are being rented out and there are not enough garbage cans assigned to these homes, which results in refuse spilling over the cans. This also creates a problem with animals going through the refuse.

Rittoff also stated that the previous Village Council changed the Planning Commission's draft zoning ordinance and he feels that all ordinances within the Village are in jeopardy.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 3:20 pm ET.

Cathy A. Ganus
Michiana Village Clerk