

**Village of Lake Isabella**  
**Village Council Minutes**  
Special Meeting – April 17, 2007

**1096 Queens Way**  
**Lake Isabella, MI, 48893**

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The Meeting was called to order at 7:00 PM by President Dunn and the pledge of allegiance was recited.

**Members Present:** Lacca, Grey, Kiel, Torgerson, Griffin, and Dunn

**Members Absent:** Pattison

A motion was made by Kiel, which was seconded, to approve the agenda with the addition of New Business #5 “Election Update.” ROLL CALL VOTE: YEAS: Grey, Lacca, Griffin, Kiel, Torgerson, and Dunn; NAYS: None; MOTION CARRIED UNANIMOUSLY.

A motion was made by Griffin, which was seconded, to approve the Consent Agenda which included the balance sheet, income and expense report, Planning Commission Report, and the Village Council minutes from the April 3, 2007 special meeting. ROLL CALL VOTE: YEAS: Grey, Lacca, Griffin, Kiel, Torgerson, and Dunn; NAYS: None; MOTION CARRIED UNANIMOUSLY.

The Manager’s report was given by Wolff, see attached.

There was no report given by the LIPOA.

There was no report given by the Village President.

**Public Comments:**

The Council received communication in writing or e-mail from the following:

- Al & April Davis of Coldwater Road: Inquiring as to the Village’s desire to purchase their commercial building for office use.
- Joe Beam of Tee Drive: A follow-up letter regarding the local street special assessment paving project.
- Elmer Ledbetter of Red Fox Court: Expressing his concerns regarding building the office building on Clubhouse Drive.

Other public comments:

- Don Clynick of La Cruz: Spoke to the Council regarding people using ORVs on the Village owned lots on La Cruz. He also spoke on behalf of Elmer Ledbetter and the letter he sent to the Council.
- Ron Barnes of Pueblo Pass: He also spoke on behalf of the letter that Elmer Ledbetter submitted to the Council. He also inquired about having a stop sign placed at the intersection of Monterrey Trail and Pueblo Pass.
- Mike Scherba of Lincoln Drive: Expressed his concern over the maintenance of the shoulders of the paved streets.
- Mike Slasor of Fairway Drive: Spoke regarding the new village office building. He asked if there was going to be a vote on this issue and if the plans were open to public inspection.

**Existing Business:**1. Approval of Contract; Local Streets Paving Project Engineering

A motion was made by Kiel, which was seconded, to approve the engineering contract with Rowe Incorporated in the amount of \$29,660 for preliminary plans, engineering, and bidding of the project, and \$88,710 for construction observation for a total contract price of \$118,370. ROLL CALL VOTE: YEAS: Grey, Lacca, Griffin, Kiel, Torgerson, and Dunn; NAYS: None; MOTION CARRIED UNANIMOUSLY.

2. Approval of Contract; Village Office Project

A motion was made by Griffin, which was seconded, to approve the design/build contract with JBS Contracting of Mount Pleasant, pending approval of the Village's legal counsel, for design, construction, and PLM bonds in the amount of \$232,409. ROLL CALL VOTE: YEAS: Grey, Lacca, Griffin, Kiel, Torgerson, and Dunn; NAYS: None; MOTION CARRIED UNANIMOUSLY.

3. Approval of Closing; Lots 147-148 Golf Estates I

A motion was made by Torgerson, which was seconded, to approve closing of lots 147-148 of Lake Isabella Golf Estates I once the Village has successfully entered into a purchase agreement for the acquisition of Lake Isabella Golf Estates I lot 149. ROLL CALL VOTE: YEAS: Grey, Lacca, Griffin, Kiel, Torgerson, and Dunn; NAYS: None; MOTION CARRIED UNANIMOUSLY.

**New Business:**1. Planning Commission Joint Meeting Date

The Village Council reviewed the request from the Planning Commission regarding scheduling a set annual meeting date. After discussion the Village Council directed the Manager to propose to the Planning Commission a set annual meeting date of the fourth Tuesday of September.

2. Introduction of Proposed Ordinance 2007 – 03 “Rezoning”

Proposed ordinance 2007 – 03 was introduced as recommend by the Planning Commission and a public hearing scheduled for the May regular meeting.

3. Golf Carts; ORV Access Routes

The Village Council reviewed the information submitted regarding the ability of the Village to establish ORV access routes via ordinance. After discussion, the Council referred this item to the TSI Committee for research and review.

4. Cable, Telecommunications & Video Service Franchise Coordinator

A motion was made by Torgerson, which was seconded, to appoint the Village Manager as the Cable, Telecommunications, & Video Service Franchise Coordinator. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

5. Election Update

Grey updated the Council on election training for the September 2007 Village Council election.

**Public Comments:**

- Ron Peterson of Tee Drive: Commended the Council for the work they are doing, especially on the local street paving project.
- Ron Barnes of Pueblo Pass: Inquired as to the difference in cost for chip-coated and gravel streets.
- Garl Perleberg of Cantabrian Drive: Expressed his desire to see the local street project include walking/biking lanes.
- Mike Slasor of Fairway Drive: Asked if there were any major reasons for the difference between the high and low bid on the office project.

With no further business before the Council the meeting was adjourned at 8:44 PM

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Jeffrey P. Grey  
Village Clerk

X  
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George Dunn  
Village President

## Village Manager's Report

◆ April 2007 ◆

### **CABLE FRANCHISE & R-O-W ORDINANCE**

Part of this is covered under New Business #4. There have been changes in the law recently regarding local control over right-of-way regulation and telecommunications. Attached are two e-mails (one from each of our legal firms) that summarize this situation better. In speaking with the representative from Charter regarding our cable franchise situation, they informed me that they plan to have the draft to us by the end of this month. Law Weathers is currently reviewing right-of-way ordinances, such as ours, to see how the changes in the law will or might affect us.

### **LAWN HEIGHT ORDINANCE**

I have been working on this little by little over the past couple of weeks. I am working on one change of substance which has prevented me from wrapping this up for this month's meeting. Under Public Act 359 of 1941 "The Noxious Weeds Act," we need to appoint a "noxious weeds commissioner." I am working on incorporating this language into our code enforcement chapter so that by default the Village Manager has this role. I am also working on changing the procedure for violations by allowing the Village to collect fines and not have to send these tickets to the court as we do with our other tickets. If anyone would like to review a copy of "The Noxious Weeds Act" Public Act 359 of 1941, please let me and I will get you a copy.

### **2010 CENSUS**

The first informational meeting for the 2010 census is scheduled for May 4<sup>th</sup>. I plan to attend, it is vital to our state funding levels to have an accurate (and high) census count.

### **LOCAL ZONING IMMUNITY**

As a side note, in the rare chance the ZBA does not approve our variance application on Monday, the office project can still be completed and move forward without issue. Municipalities are immune from their own zoning restrictions<sup>1</sup>; as such the project should start in the next couple of weeks. While it is very nice that we have this immunity, I still feel that it is proper for us to act in same manner as a private developer would have to. At the very least, it helps us better examine our own system to try and see if there are ways to be more "user friendly."

### **SHERIFF'S DEPARTMENT PATROL AGREEMENT**

I spoke with Sheriff Mioduszeski last week and he informed me that there is enough money in our contract for an extra two weeks of patrol. This should carry us up towards the end of this month.

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<sup>1</sup> Morrison et al. v. City of East Lansing; 255 Michigan Court of Appeals, 505 (2003)