

Lake Isabella Village Council
Regular Meeting Minutes
August 15, 2017

1010 Clubhouse Drive
Lake Isabella, MI 48893
989.644.8654

The meeting was called to order at 7:00 PM by Village President Pro Temp John Eberhart. The Pledge of Allegiance was recited by those in attendance.

Members Present: Cueny, Kiel, Griffin, Grey, Eberhart, & Shoemaker
Members Excused: Torgerson

Agenda Approval:

A motion was made by Cueny seconded by Grey to accept the agenda as presented. VOICE VOTE: MOTION CARRIED 6-0-0

Consent Agenda:

A motion to accept the Consent Agenda as presented was made by Kiel, seconded by Cueny, which included the following items:

1. June – Investment Report
2. July – Investment Report
3. July – Invoices & Bills Paid
4. July – Balance Sheet
5. July – Income & Expenditure Report
6. Draft Minutes, July 18, Village Council Meeting
7. Draft Minutes, July 18, Village Council Work Session
8. Draft Minutes, August 8, Planning Commission Meeting

ROLL CALL VOTE: YEAS: Cueny, Kiel, Griffin, Grey, Eberhart, & Shoemaker NAYS: None; MOTION CARRIED (6-0-0).

Reports:

1. Village President: None
2. Village Manager: Tim Wolff met with Sheriff Main to look into possible coverage operations. Main stated only over time coverage would be available.

Trimming of brush along the shoulders of several streets has been done so far via a private contractor working four days, 3-4 more days will be needed this fall, crack sealing is done, and pavement markings should be done by the end of the month.

Baseline Septic Criteria had only one major change and a few minor changes that needed to be done. The requested changes were made, and an updated document was submitted.

Dog license sweep produced 34 total residences with dogs and roughly of those 20 did not have a license in Isabella County. Letters will mail out tomorrow depending on tonight's outcome of proposed Ordinance 2017-04.

E. Coli Testing is available on our website and Facebook. No issues so far this summer. We have one more test for this summer coming up.

The new Village Website is up and running. Manager Wolff gave a brief presentation of the website.

LIPQA: No report was given

Public Hearings:

Ordinance 2017-04; Article VI Comprehensive Update

Council Discussion on Prepared Draft:

Cueny stated he is in agreement for four dogs. Also, Cueny would like to keep the fencing portion in the ordinance for swimming pools due to the fact the building code changed in regards to swimming pools.

Grey asked if the temporary inflatable pools would require fences around them. Wolff stated no.

Griffin stated that all inground pools should have a fence around them.

Grey asked if only inground pools require fencing and not above ground correct. Wolff stated that appeared to be correct.

Council talked about looking into later putting fencing stipulations on above ground pools.

A motion made by Cueny seconded by Griffin to include the amended draft of Chapter 662 in the draft Ordinance. VOICE VOTE: MOTION CARRIED 6-0-0.

The Village Council discussed the proposed change to Chapter 602 which would delete the Village's limit on two adult dogs over the age of six-months. Wolff stated that he checked with Mt. Pleasant, and they limit properties to a total of four dogs/cats unless it is a kennel. He submitted language to put that regulation into the Ordinance as 602.07(B).

A motion was made by Kiel seconded by Cueny to amend section 602.07 as Wolff presented. VOICE VOTE: MOTION CARRIED 6-0-0.

Public Hearing:

President Pro Temp Eberhart opened the public hearing at 7:36 PM

- Public Comments:

- A letter was submitted by Jason and Carolyn Galla requesting that the Village keep a limit of two-dogs on properties.
- Bernita Corbitt submitted several emails in advance of the meeting requesting that the Village keep a two-dog limit.
- Bernita Corbitt spoke to the Council; she believes it should be limited to two dogs especially in her area. She says the barking around her house is horrible. She was accosted by three dogs. Luckily, she didn't fall or have a heart attack. People don't take care of what they have. She has dogs that bark all around her. She has only been back a year, and she is not happy, and she has put in more complaints than anywhere she's been at. She thinks two dogs is enough because people don't take care of them.
- Ed Drumm agrees with the two-dog limit. If we had bigger lots, he feels it would be different. Unless it is service dogs. But two dogs are enough in the close proximity we have. Pit bulls are nice, but if you have three of them, it is not safe. If you have more than three you have no way of controlling the dogs.
- Mike Scherba is in agreement with the two-dog limit and he believes the Building and Use Restriction has a two dog limit. He thinks it is where we should keep it. We would be better off limiting it.
- Brian Roberts is in disagreement with the four dogs. He is okay with two dogs two cats but not four dogs. He sent an email to Tim last night regarding a dog on Queens Way that strayed out of its yard. He asked why add more dogs if we can't control the dogs we have now. He appreciates all the work that has gone into this ordinance.
- Larry Hiither was not sure why we are even considering increasing the dog limit. He thinks two dogs is plenty for any household here. He also thinks we need to leave it at the two-dog limit.
- Dave McGrath is on board with two dogs. It just seems too much to go more than that. Why is there such an issue with barking dogs? He is favor with no more than two.

- Council Comments:

- Cueny gave a brief explanation of his stance.
- Eberhart is on board with the two dogs but would like to see where the four dogs' ordinance goes. He stated his is not carved in stone.

- Grey is okay with the number being 4. If you have two dogs that mate and have puppies you can at least keep two. It doesn't matter the number of dogs when it comes to the barking or dogs coming off their lots. Those are the issues that we need to deal with not the number but the issues at hand like barking and straying off their property. I am not convinced the County will work with us. So, whether we take on more or we buckle down on the county to do more stuff.
- Eberhart that is positive no one on the board wants anyone to feel unsafe walking in their neighborhood. He stated that he feels everyone on the Council is on the same side as the audience. Trying to make it the best for everybody and in a short period of time that could change.
- Griffin stated that his wife was attacked by a German Shephard and had a nephew that was bitten in the face and still carries the scars. Personally, he can't see himself owning more than one dog however some people need more than one pet. We need to address the behavior not the number. We have tightened down on some things for the behavior with this ordinance if you have all these rules on behavior, but you need someone to enforce them. He is not sure it is fair to give Manager Wolff another hat to wear as he wears many as it is. The community has to realize and they haven't yet that we need a little more help meaning we need more money. If people want more things then they have to be willing to put forth a little more money. We operate this village on 1mil for the last 20 years. name another community that has done that and giving the services, we give for 1 mil. The people turned down the at the last election to even allow us to ask for more. We will do our best and personally, it is not the number of dogs it is the behavior of dogs. We will do our very best on helping you take care of the behavior of those dogs but as neighbors you also have to work together.
- Kiel thinks a lot of us love to get out and go for walks. He suggests to take a neighbor with you now you have a witness. take your cell phone record it. As for barking not sure what we can do about that. Sheriff won't come out for that at 3 in the morning.
- Shoemaker is in favor of the two-dog rule.
- Cueny wanted to point out that it is the owners' reasonability and the owners are the problem, not the dogs.

President Pro Temp Eberhart closed the public hearing at 7:47 PM.

A motion was made by Kiel seconded by Cueny to adopt proposed

Ordinance 2017-04 as amended; Article VI Comprehensive Update. ROLL CALL VOTE; YEAS: Griffin, Kiel, Eberhart, Grey, Cueny NAYS: Shoemaker MOTION CARRIED (5-1-0).

Public Comments:

- Ed Drumm of Essex Drive asked if the Council set the number of dogs at four or two. He stated four dogs is a pack and was not happy with the action of the Council.
- Bernita Corbitt of Essex Drive asked how many people came tonight who said no to four dogs, but the Council ignored those comments.
- Brian Roberts of Essex Drive stated he Feels the council just increased the issue by allowing four animals. It is not just elderly that has issues with dogs leaving yards. He stated that he feels that he is leaving here feeling defeated after all the work done to clarify items in the Animal Control Chapter. He asked Kiel if he would like to walk with him. Kiel stated to call him and he absolutely would. Roberts stated to say we can change it now and change it later is not a good answer. How many incidents have to happen? He appreciates all the work that has done and all the good things that were changed but it blew his mind that we would allow four dogs. He stated 5 or 6 people came to speak against it and the council chose to ignore that.
- Larry Hiither of Queens Way is a little perplexed on the decision of the council. He and Shoemaker do not always see eye to eye but wanted to compliment him for sticking to his opinion.
- Mike Scherba of Isabella Vista has the same sediment with what Brian said if we are having trouble enforcing the two-dog number then we just doubled our problem. For a number of reasons, I think two dogs is plenty.

Existing Business:

1. Resolution 2017-12; Council Rules and Amendment:

The proposed Resolution would update the adopted rules and procedures for the village council.

Councilman Cueny stated that on page 149 of the packet that the whole section was struck out. Councilman Cueny would like only to strike the last two sentences and keep the first three sentences. Then where it says talks about roll call where it says president speaks last, he would like it to state the presiding officer.

There was discussion regarding recognizing the Village Manager to speak as addressed on page 12 of 21. No change was made.

President Pro Temp Eberhart asked if any of the council members have any issues with the changes made here tonight. No concerns were voiced.

Manager Wolff stated that right now I am not following rules because your rules say that members must use a digital copy and right now one member gets a printed packet.

Manager Wolff gave the council wording that would make the staff compliant with the council rules.

A motion was made by Cueny and seconded by Grey to adopt Resolution 2017-12; Council Rules and Amendment as modified

ROLL CALL: YEAS: Kiel, Shoemaker, Cueny, Eberhart, Grey, Griffin;
NAYS: None. MOTION CARRIED (6-0-0).

2. Traffic Control Order 2017-01

If approved, TCO (Traffic Control Order) 2017-01 would create a temporary three way stop at Cordoba and Madrid at the north end. This was requested by property owners. The TCO requires that the Village Council revisit the matter to make it permanent in 60-90 days.

A motion was made by Cueny and seconded by Kiel to approve Traffic Control Order 2017-01 and revisit it in 60 to 90 days.

ROLL CALL VOTE; YEAS: Shoemaker, Cueny, Grey, Griffin, Keil; NAYS: Eberhart; MOTION CARRIED (5-1-0)

3. Committee Appointments

ZBA: Lee Prince was appointed to a three-year term.

Ethics: Bernie Baldwin was appointed to a three-year term.

Airport Board: Jack Gildea was appointed to a three-year term.

4. Single Hauler Refuse RFP/Ordinance

This item is a discussion regarding the possibility of enacting an ordinance that would allow the village to create and exclusively license for refuse collection in the community. Wolff put together a rough illustration of how you would do this. Our next step is engaging the community. Manager Wolff wants to give the polished ordinance to our attorney to make sure it is legally complete before moving forward with engagement. Councilman Cueny wants it to be polished up and engage the community as discussed. Clerk Grey asked how do we want to get this out to the residents. Manager Wolff stated that we do a hard copy mailing with the polished version. Clerk Grey asked if this would only go to homes not vacant lot owners. Manager Wolff stated

he will get with legal and get a polished version to the council next week.

New Business:

1. Set Personnel Committee Meeting

The council needs to set a meeting of the personnel committee to discuss the Village Manager's annual review and also to update the employee handbook.

Council agreed to 4 PM on September 19 2017.

Council asked Manager Wolff to obtain food for the 4 PM meeting.

2. MML Annual Convention

The Michigan Municipal League Annual Convention is planned for September 13 through September 15 in Holland. Wolff saw nothing urgent that was being discussed and the price is also higher than when it was in previous years. Unless directed to by the Council, Wolff stated he is not planning on attending. There were no objections from the Council to him not attending. No members of the Council expressed an interest in attending.

3. Street Project/Equipment Purchase

The estimate came in today from Central Asphalt to do the repair work on Parkview at a price of \$13,129. Staff recommends delaying pot hole patcher purchase and covering the rest from our fund balance.

This is a unique circumstance due to timing of flood and that Central Asphalt has a HMA curb machine and Manager Wolff stated that the council needed to recognize that due to the uniqueness of the situation they did not follow the purchasing policy.

Cueny stated the he thinks we should not only go with the central asphalt bid but also spend the extra resources and purchase the pot hole patcher.

A motion was made by Cueny seconded by Kiel to approve the Central Asphalt bid under the exception allowed in §244.05(3), purchase a pothole patcher in the amount of \$7,500, and place the gravel project on hold for Northview and Channel. ROLL CALL VOTE; YEAS: Cueny, Grey, Griffin, Kiel, Shoemaker, Eberhart; NAYS: None; MOTION CARRIED (6-0-0)

4. Liaison Committee Meeting Date and Agenda Items

The next Liaison Committee Meeting is August 30, 2017 at 9 AM at the LIPOA office building.

Councilman Cueny stated he might not be able to make that meeting.

President Pro Temp Eberhart would like weeds in lake to be discussed

Public Comments: None

Announcements: None

With no further business, the Council was adjourned at 9:30 PM.

[Approved 9-19-2017] *Jeffrey P. Grey*
Jeffrey P. Grey, Village Clerk

John Eberhart
John Eberhart, Village President Pro-Tempore