

The meeting was called to order at 7:00 PM by Village President Dave Torgerson. The Pledge of Allegiance was recited by those in attendance.

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

Members Absent: Kiel

The Agenda for the meeting was accepted as presented without objection.

A motion was made by Grey, seconded by Eberhart, to approve the Consent Agenda as presented. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Griffin, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 6-0-0.

Reports:

Village President: Torgerson thanked Wolff for all of his efforts over the last year and for the work being done on the Master Plan update.

Village Manager:

Wolff submitted a written report to the Council. He also advised the Council that in his research the Airport Committee was not established as required by law through either a Resolution or Ordinance by the Village Council. He stated that the enabling legislation gives the Village the authority to delegate the oversight to either an officer or board. With the property owners around the airport being better organized, and functioning as their own POA, it makes sense to in his opinion that moving forward the Village adopt a resolution designating the Airport Manager as the individual or board charged with oversight of operations for the airport.

Wolff highlighted that there are 4 seats up for election this year on the Council and 5 seats open for the charter commission. He stated the deadline to apply is in July, and that the office would have materials ready shortly for those interested in running.

Wolff informed the council that May 1st at 9 am was the next liaison meeting and that it was slated to be held at the Village Hall.

Wolff also requested for the finance committee to set a date and meet in regards to budget amendments for the 2017-2018 year and to set up the budget for the 2018-2019 year.

Wolff also asked for feedback about the Lake Patrol contract and the resolution regarding the Airport Committee issue. He was directed to get a proposal from the Sheriff, and to move forward with a resolution for the Airport Manager.

Manager Wolff also requested for a couple of the Council members to volunteer to go with him as he PASER rates the Village's street network. Grey, Cueny, and Eberhart stated they would volunteer to go with Wolff.

LIPOA: President Torgerson read the report that was sent by LIPOA Manager George King.

Public Comments:

Landa Fostich asked the Council for suggestions in regards to the pellet factory and the emissions coming from the facility. She stated she has several photographs of residue and ash covering cars, buildings, and sidewalks at her business which is located just west of the pellet factory. She also stated that she has turned in several complaint forms from customers and employees in regards to respiratory issues.

Grey commented that he would like to see the photographs she has taken.

Eberhart stated that he has received complaints from a neighboring resident to the pellet factory and that he has family members using the child care center near the pellet factory and those members have also made complaints to him.

Existing Business:

1. Proposed Refuse Franchise Ordinance:

Last year the Village Council spent time drafting an ordinance to consider this spring to create a possible franchise situation for refuse service. This topic was also included as a question as part of our Master Plan Survey. Wolff informed the Council that the survey indicated that cost was the 1st concern for our community. Manager Wolff asked if the Council desires to move forward with the ordinance, and if they do he explained options that exist for the Council to explore.

Torgerson stated that as he read the Master Plan survey he noticed that as a whole the community did not place a huge concern on the truck size and feels this is because they do not understand how detrimental the truck size would be on our Village street network.

Grey asked who would handle the payments, to which Manager Wolff replied the refuse company that is granted a franchise.

Griffin asked what company hosted the Sherman Township clean-up day. Manager Wolff replied that it was Dent Refuse who now is no longer in service.

Ike King from Kings Disposal spoke in regards to the different truck sizes and their weights.

Cueny asked how the refuse company knows when their trucks are at capacity for weight. Mr. King responded that drivers know by the feel of the truck while driven and that they get weighed at drop off.

Grey asked if we could go out for bids first as the price will be the number one question from property owners.

Cueny stated he would like to see a seasonal package offered, or the ability to place your service on hold for people who may travel for extended time periods.

Torgerson mentioned that we need to bring in the community but we also need to remind them of our street network situation in regards to refuse companies and the choice of the truck they use.

Cueny would like to see this topic in the upcoming newsletter and would like to have approximately 2 open forums for property owners to come and ask questions or state opinions.

Proposed Single-Hauler Refuse Ordinance was formally introduced by Grey and a public hearing set for the May 2018 meeting.

New Business:

1. 2017 Annual Planning & Zoning Report:
The Michigan Planning Enabling Act (MCL 125.3819(2)) requires that "a planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the

legislative body related to planning and development." The following report was submitted to and approved by the Planning Commission at its meeting in January. Once the report has been accepted by the Council, it will be placed on the Village website.

Council Member Cueny thanked the Planning Commission for all their dedication and hard work over the last year and he recognized the difficult tasks the Planning Commission was faced with.

The Village Council reviewed and accepted the 2017 Annual Planning & Zoning Report without objection.

2. 2017-2018 Fire Protection Contract:

As has been the standing arrangement with the Fire Department, the rate for our agreement is 1 Mill of Taxable Value for the Broomfield Township side of the community. This is the same rate paid by the Sherman Township residents.

A motion was made by Grey, seconded by Griffin, to approve the 2017-2018 Fire Protection Contract as presented. ROLL CALL VOTE: YEAS; Cueny, Eberhart, Grey, Griffin, Shoemaker, & Torgerson: Nays; None. MOTION CARRIED 6-0-0.

3. 2017 Calls for Service – Isabella County 9-1-1 Report:

The Village received a report detailing the total calls for service/dispatched in the Village for 2017. The data the Village has goes back to 2004, and a spreadsheet has been prepared to further break down that data for the Council to review.

Cueny stated he did see in the survey results that the community is shifting in their responses and showing more support for a dedicated patrol agreement. He also stated he would not have an issue with placing it on the ballot as a millage proposal for the community to vote on but would object to the Village trying to fund a dedicated agreement through a Special Assessment.

The Council discussed the fact that there may be too many items on the ballot, and people may end up voting no on all the proposals if there are several statewide questions.

Grey noticed there were a lot of comments in regards to speeding and noise.

Eberhart stated at this point he feels the community wants the protection but not the cost that it will entail.

Cueny stated that many owners have issues with underage children driving golf carts and in addition to that there are owners in the past that have also had animal complaints. He stated that these could be addressed more efficiently with a dedicated police officer.

More discussion ensued with the council on how they wanted to proceed.

Wolff stated that he would recommend that the Village Council cap the request to 1 mil.

The council stated the wish to see Wolff continue to work on this item to present information back to the Council with the possibility of this being on the ballot in November. Wolff was directed to work with legal counsel on the proper wording needed and to negotiate an agreement with Isabella County for the Council to consider.

4. Proposed Fireworks Contract:

The Village received the proposed contract and permit for the 2018 Fireworks show on June 30th. The proposal is the same as last year with a show budget of \$9,000. Manager Wolff would like the Council to consider increasing that amount to \$10,000. Over the past 6 years we have averaged \$8,014 in annual fundraising, with average annual expenses of \$8,817. That results in just above 90% of the Villages costs being covered by fundraising, Manager Wolff thinks moving forward we should try and target fundraising covering 80% of the cost of the event. This would result in a contract this year of \$10,000.

Cueny asked what would happen if we acquired more donations than anticipated. Manager Wolff replied that the Village would increase the budget for the show in the next year.

A motion was made by Cueny, seconded by Grey {Eberhart} to approve the 2018 Fireworks Contract submitted by Freedom Fireworks with the increased show total amount of \$10,000. YEAS; Grey, Griffin, Shoemaker, Cueny, Eberhart, & Torgerson: Nays; None. MOTION CARRIED 6-0-0.

5. Designation of Voting Member: Tri-County Meeting:
The Annual District Meeting for the power company is coming up in May. Due to the meeting being the same evening as the May Council meeting, the Village opted not to send anyone to this event.
6. Proposed Resolution 2018-01 Resolution 1 of 2 for the Annual Renewal Broomfield Twp. Fire Protection Special Assessment District:
The Village Council received the first of the two required resolutions to renew the Special Assessment District for fire protection for our Broomfield Township side of the community. This Resolution sets a Public Hearing for the May 15th meeting for the approval of the Special Assessment Roll and renewal of the district.

A motion was made by Grey, seconded by Eberhart to approve Resolution 2018-01 Annual Renewal Broomfield Twp. Fire Protection Special Assessment District.

YEAS; Griffin, Shoemaker, Cueny, Eberhart, Grey, & Torgerson: Nays; None. MOTION CARRIED 6-0-0.

7. Proposed Ordinance 2018-01; Conditional Rezoning of 565 N. Coldwater Rd:
The Village Council was given a proposed ordinance recommended by the Planning Commission earlier this year. The ordinance would conditionally rezone the property at 565 N. Coldwater Road from Lake Residential 1 to East Coldwater Business. Cueny would like to point out that the Master Plan survey indicated that the majority of survey takers did not want B&B's in Lake Isabella. He feels that if it is allowed for one it should be allowed for all to apply to be a B&B. He stated that this was not a personal objection to the Fiorillo's request, but feels that it should be allowed for everyone or none.

Griffin stated his concerns in regards to traffic due to a hill being right south of the proposed use. He also stated his concerns for the neighbors. Griffin also reminded the Council that the Village has turned down other requests of the same use nature. Griffin then asked how it fit in with the current business district. Wolff stated that it does not fit in with the current business district boundaries, and would be surrounded by property not zoned commercial.

Torgerson asked what the proposal would entail including what has already been approved for that specific piece of land.

The Applicant responded that currently he has an approved woodworking shop and an approved wedding venue. He is asking for additional approval through the rezoning process to add a B&B for short-term lodging.

Griffin asked the applicant if it would be connected to the wedding events held there.

The applicant responded that when a wedding was booked that only the wedding would have the ability to rent at the proposed B&B. He also went on to state that to his knowledge the other B&B proposals were lakefront. He continued his response that he has 5 out of 6 neighbors approval for the wedding venue that was approved and that out of the wedding venue and the B&B, the wedding venue would produce more noise so he feels that his neighbors would not have a noise concern for the proposed B&B. He also addressed the traffic issue stating the limited number of rooms available would result in limited traffic increase.

Eberhart asked the applicant if he thought golfers would use the proposed B&B. The applicant stated he does feel that golfers would use the B&B and that letting them stay there could in theory make them like the area enough to buy land in Lake Isabella.

Proposed Ordinance 2018-01; Conditional Rezoning 565 N. Coldwater Rd was formally introduced by Torgerson and a public hearing set for the May 2018 meeting.

8. Garages Across the Street Discussion:

Earlier this year the Planning Commission discussed the implementation of the Village Accessory Structure Ordinance. The Planning Commission has had three requests this year for Special Land Use garages, including our first approval for a garage across the street from a dwelling. To assist in reviewing applications, a checklist was developed for the applicant to consider when preparing their documents. Wolff included this for the Council to review. Through the review on this section, and work on three different SLU projects, a few areas of concern have come to light that should be reviewed by the Council before a draft of any updates to the code for the Planning Commission to review can be considered.

A few of these issues are:

- Do we need to further clarify what is considered "across the street?"

- Concerns have been voiced about the code not limiting overhead door height, and larger (taller) doors not being harmonious with a residential setting.
- The Planning Commission last month discussed amending the regulations which limit portable/temporary tent sheds.
- There is a need for further refinement of how we use the term “eaves” in the ordinance.
- The condition that the Village requires that any façade facing a right-of-way greater than 30 feet have an offset.

Wolff gave a brief presentation of each topic and why the Planning Commission has been revisiting them. He asked the Council its thoughts on what should be changed or added. Wolff also stated the Planning Commission would like the Council’s input on how to properly enforce this ordinance for cul-de-sacs. Wolff also spoke on the survey he sent to the Village Council, Planning Commission, and staff in regards to what was considered across the street in terms of cul-de-sacs.

Griffin stated that the lots should be 50% or more overlapping. He also asked for support in repealing the garages across the street.

Cueny stated he felt the issue should be determined by street frontage and not in the way the house is situated on a lot.

Wolff asked whether the Council felt the Village should follow the side property lines to a point of intersection or if only one property line extended should be used in determining what is considered across the street.

Eberhart stated that he agreed with Griffin.

Torgerson stated that the Village could consider placing cul-de-sacs in the same section as waterfront lots in this ordinance.

Cueny asked what the consensus of the Planning Commission was. To which it was stated that they agreed they needed further clarification and that is what they are asking for from the Council.

It was concluded that Wolff has enough insight from the Council to take back to the Planning Commission at the next meeting held.

9. Collection of Delinquent Personal Property Taxes:

Earlier this month the Village sent notice to PWGG (AKA "Isabella Pellet") that their 2017 Personal Property Tax Bill to the Village was still unpaid. Also partially unpaid are the 2017 Personal Property Taxes due to Sherman Township.

Also, the Council has received several complaints that the Village Hall has received in the past two weeks on the operations of the factory from neighboring properties. Wolff submitted these complaints to the regional DEQ office in Bay City, and also followed-up with a letter detailing the Village's ordinance. Wolff did review the village ordinance with our attorney, and legal counsel is comfortable with the Village's ability to enforce. It is Manager Wolff's intention to enforce the village ordinance through the Municipal Civil Infraction process. If that avenue does not address the issue the Village Council should be prepared to receive a recommendation for additional enforcement action.

Manager Wolff also requested that the Council approve a motion which authorizes staff to work with Sherman Township as the first course of action, or independently if needed, to collect the delinquent personal property taxes including beginning the asset seizure process to satisfy the unpaid 2017 personal property taxes.

A motion was made by Eberhart, seconded by Griffin the authorization for staff to work with Sherman Township as the first course of action, or independently if they do not plan to attempt to collect their delinquent taxes, to begin the asset seizure process to satisfy the unpaid 2017 personal property taxes.

VOICE VOTE: MOTION CARRIED 6-0-0.

The Council stated they would like Manager Wolff to draft a resolution stating the Village's formal request for the DEQ to action on the violation of their permit issued to the PWGG (AKA "Isabella Pellet").

Without objection, Torgerson recessed the meeting at 9:00 pm for the above resolution to be drafted.

The Village Council resumed the meeting at 9:17 pm.

Resolution 2018-02 requesting formal action to be taken by the DEQ was presented to the Council for review.

A motion was made by Eberhart, seconded by Grey to approve Resolution 2018-02 as presented: YEAS; Shoemaker, Cueny, Eberhart, Grey, Griffin, & Torgerson: Nays; None. MOTION CARRIED 6-0-0.

Public Comments:

Mike Scherba of Isabella Vista –Requested that the Council reconsider the garages across the street portion of the garage ordinance. He also asked if a moratorium could be put in effect until the Council had a resolution to the issues stated above on the topic. He requested that the Council look at the 3 mentioned recent garage approvals.

Announcements:

Wolff stated that the Planning Commission has a public hearing slated for their May 8th meeting.

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

Jeffrey P. Grey
Jeff Grey, Village Clerk

David K. Torgerson
Dave Torgerson, Village President