

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, Kiel, Shoemaker, & Torgerson

**Members Absent:** None

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

A motion was made by Kiel, seconded by Eberhart, to approve the Consent Agenda as presented. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Griffin, Kiel, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 7-0-0.

**Reports:**

Village President: No Report

Village Manager:

Wolff submitted a written report to the Council. Wolff informed the Council that he had reached out to the Isabella County Sheriff's Department to begin the process of a formal proposal on a dedicated contract and to the Village's attorney regarding funding the proposal through a millage approved as a Charter Amendment at the November election.

Wolff told the Council that dust control brine was applied on May 5<sup>th</sup>.

Wolff informed the Council that the Isabella Pellet Factory is now current on all taxes owing to the Village.

LIPOA: No Report

**Public Hearing(s):**

1. Proposed Resolution 2018-02; Resolution 2 of 2 for the Annual Renewal of the Broomfield Twp. Fire Protection Special Assessment

Torgerson opened the public hearing at 7:04 PM.

Public Comments: None

Council Comments: None

Torgerson closed the public hearing at 7:05 PM.

A motion was made by Eberhart, seconded by Kiel, to accept proposed Resolution 2018-02; Resolution 2 of 2 for the Annual Renewal of the Broomfield Twp. Fire Protection Special Assessment. ROLL CALL VOTE; YEAS: Eberhart, Grey, Griffin, Shoemaker, Cueny & Torgerson NAYS: None; MOTION CARRIED (7-0-0).

2. Proposed Resolution 2018-03; Sale of Village Lots

Torgerson opened the public hearing at 7:07 PM.

Public Comments: None

Council Comments:

- Shoemaker stated that he is bothered by non-adjacent owners purchasing the lots at the prices offered by the Village as he feels it is undercutting realtors and brokers who are also trying to sell vacant property in the community.

Torgerson closed the public hearing at 7:10 PM.

A motion was made by Kiel, seconded by Grey, to accept proposed Resolution 2018-03; Sale of Village Lots. ROLL CALL VOTE; YEAS: Grey, Griffin, Cueny, Eberhart & Torgerson NAYS: Shoemaker; MOTION CARRIED (6-1-0).

3. Proposed Ordinance 2018-01; Conditional Rezoning of 565 N. Coldwater Road.

Torgerson opened the public hearing at 7:11 PM.

Public Comments:

- Ed Bayless of Essex Dr asked how the Village interprets the required 300 ft. mailing area? *Wolff stated that the Village has always gone by the property line of the parcel.*
- Scott Wager of Crown Point stated the property in question is unique to other property situated in the Village and a Bed & Breakfast on that piece of property would add character and peak potential landowners interest. He fully supports this endeavor.
- Debby Sopha of Putter Drive asked if there is going to be another structure built and where is the parking lot and road going to be located. *Mike Fiorillo (Applicant) stated that he has no plans at this time for building another structure. He also stated that the parking lot will be on the northeast side of his property right off Coldwater Rd.* Sopha stated that based on Mr. Fiorillo's answer she also supports this conditional rezoning.

- Jan Wyant of the Barn Door spoke in favor of this proposal stating that it fills a need in the community as the nearest lodging for Lake Isabella is Mt. Pleasant. She stated not only will it help the residents here with guest overflow but will also be a bonus to the local businesses in the area.

Council Comments:

- Kiel asked if the property/business could be used for anything other than what is being presented tonight and if this conditional rezoning runs with the land. Wolff stated that as part of the conditional rezoning it would stay a B&B and that a conditional rezoning runs with the land unless the use is abated.
- Cueny stated that this would fall under hotel/motel and that he feels that the lodging definition should have been kept in the ordinance because a B&B better fits under lodging and there was more control under the lodging portion than there is under the current hotel/motel.
- Eberhart asked what the Village's definition of short-term rental is. Wolff stated there is not a definition of short-term rental in the current zoning ordinance. The Village's rental code however restricts rentals to a minimum of 28 days.
- Eberhart asked how well the Village could control the noise and if the short-term rental could be used for an actual rental. Grey stated that the Village has a current noise ordinance in place that could control the noise if necessary.
- Eberhart stated that he agrees with the public comment in reference to the need for a B&B for friends and family of property owners.
- Cueny stated that he is in favor of B&B's but not for just one owner to have.
- Kiel stated that he thought we had a request for this in the past and it was his understanding the only reason it was denied was because it was on the water and that raised concerns regarding lake access and overcrowding on the lake.
- Griffin stated that Kiel was correct and that this conditional rezoning is more in line with the zoning around it plus it is on Coldwater Rd. Also, it is not located on the water.
- Cueny stated that Griffin brought up a good point and that the neighbors seem to all be in agreement as there were no negative comments regarding the conditional rezoning. He asked if customers would be able to access the lake as guests during their

stay at Mr. Fiorillo's. Fiorillo responded to Cueny and stated that he is not a member of the Lake Isabella Property Owners' Association therefore his customers would not be allowed to use the lake currently. Wolff also brought up that this piece of property is unplatted and not under any building and use restrictions so per the Lake Isabella Property Owners' Association it would Fiorillo would be considered a special member if he ever joined.

- Kiel asked what stops someone else from applying for a B&B? Wolff stated unless the property was located in a district where that use was permitted any property wishing to do a B&B would have to also do a rezoning
- Eberhart asked once this is adopted if the Planning Commission, at their next meeting, could review and revise the timeframe for short-term rentals.
- Cueny stated that even if they did this property would be grandfathered in.
- Kiel asked if the conditional rezoning could be done on a trial basis? Wolff stated that could not happen with the conditional rezoning before the council tonight as only the applicant can make changes to the document and if changes were made the entire process would have to start over.
- Kiel asked how many proposed people will be able to use the B&B? Fiorillo stated he is starting with room for 10 with the potential for up to 14.

Torgerson closed the public hearing at 7:37 PM.

A motion was made by Eberhart, seconded by Grey, to accept Proposed Ordinance 2018-01; Conditional Rezoning of 565 N. Coldwater Road.

ROLL CALL VOTE; YEAS: Griffin, Kiel, Shoemaker, Eberhart & Grey  
NAYS: Cueny and Torgerson; MOTION CARRIED (5-2-0).

#### 4. Proposed Ordinance 2018-04; Refuse Hauler Licensing

Torgerson opened the public hearing at 7:39 PM.

##### Public Comments:

- Scott Voight of Fairway Drive stated that if this proposed ordinance was for the people than it should remain open for competition as competition produces better prices. He also asked who actually owns the roads in the Village of Lake Isabella, whether it was the

Village or the people. Voight also stated he feels that this is just a money grab for the Village.

- Ed Bayless of Essex Drive stated that economy of scale comes into play in this situation which should produce the best price. He stated that at his home in his former township there were many more benefits to having a single hauler.
- Mike Scherba of Isabella Vista asked if dumpsters and only companies offering only dumpsters would fall under this ordinance.
- Kathy Bayless -Essex- Bayless asked if this would include recycling and yard waste?

Council Comments:

- Cueny stated that the property owners within Lake Isabella own the roads however they have entrusted the council to do what is best for the Village of Lake Isabella and that entails making sure the Village street system is looked after.
- Eberhart stated that no money would come to the Village of Lake Isabella.
- Wolff stated that this would not be a contract it would be a franchise agreement.
- Cueny agreed with Eberhart and added that all billing would be handled by the company that is chosen.
- Grey asked if there was anything stopping people from not purchasing a service from the company chosen.
- Cueny stated that already happens now and there would be no penalty unless it became blight.
- Wolff stated that it would be the property owners right however they would not be allowed to contract with any other company to remove their refuse from within the Village. If they personally took it someplace else, they could have it collected and disposed of as they wish.
- Torgerson stated that the Village already has recycling every other week through an agreement with Isabella County, and that this does not impact that service.
- Wolff stated that yard waste was included as an option in the RFP. Wolff also stated that dumpsters would not fall under the same

category as waste haulers and those individual companies would still be allowed to operate within the Village of Lake Isabella.

Torgerson closed the public hearing at 7:54 PM.

A motion was made by Kiel, seconded by Griffin, to accept proposed Ordinance 2018-04; Refuse Hauler Licensing.

ROLL CALL VOTE; YEAS: Kiel, Shoemaker, Cueny, Eberhart, Grey, Griffin & Torgerson NAYS: None; MOTION CARRIED (7-0-0).

**Public Comments:** None

**Existing Business:** None

**New Business:**

1. Homeworks Tri-County Franchise:

The Council received a proposed Franchise Ordinance from Homeworks Tri-County for electric service in the Village. Wolff stated that the offer from Homeworks was not in a form that the Council could approve as it is not in compliance with the Village Charter. Wolff also stated that the proposed franchise would be in conflict with the Village's adopted Right-of-Way ordinance. He supplied the Council with a counter agreement that he would like to submit to Homeworks.

Several Council members stated that they were concerned about Homeworks offer which included permission in the future to construct above ground poles and wires. Comments were made by individual members that they could not support an agreement with that condition included, and having the utility wires underground is key characteristic of the community.

After discussion Wolff was authorized to submit the draft prepared by him and the Village Attorney to Homeworks for consideration.

2. Proposed Ordinance 2017-02; Land Use Site Conditions & Approval Criteria:

A motion was made by Grey, seconded by Cueny, to hold a Work Session to address Proposed Ordinances 2017-02, 2018-02, and 2018-03 on Monday, May 21, 2018 at 9am. ROLL CALL VOTE; YEAS: Shoemaker, Cueny, Eberhart, Grey, Griffin, Kiel & Torgerson NAYS: None; MOTION CARRIED (7-0-0).

3. Proposed Ordinance 2018-02; Airport Hazard Overlay Ordinance:

See motion made in New Business #2.

4. Proposed Ordinance 2018-03; Lake Isabella Zoning Map Amendment:

See motion made in New Business #2.

5. Proposed Agreement: Isabella County 2018 Lake Patrols:

Isabella County Sheriff Main submitted three options for the Village to consider for the number of lake patrol dates this summer. The first option is for 2 days, the second option is for 3 days, and the last option is for 4 days. These days are in addition to the Fireworks on June 30<sup>th</sup>.

Wolff's recommendation would be to authorize the Clerk and President sign an agreement at the 4 days rate of \$2,993.12.

Cueny asked if the proposed agreement still pertained to the grant money the Sheriff receives for such patrols. Wolff stated that it was.

Eberhart asked if the Village was aware of the specific dates that would be utilized. Wolff stated that the Village does not receive notification pertaining to specific dates, but that weekends are when the service is performed.

A motion was made by Kiel, seconded by Grey, to accept the Proposed Lake Patrol Agreement with the Isabella County Sheriff Department for the 4 days at a rate of \$2,993.12. ROLL CALL VOTE; YEAS: Cueny, Eberhart, Grey, Griffin, Kiel, Shoemaker & Torgerson NAYS: None; MOTION CARRIED (7-0-0).

6. 2018-2019 Proposed Budget:

A draft of the Line Item Budget and Executive Summary of the Capital Improvement Plan that will be presented to the Finance Committee was received by the Council. In addition to needing to present the budget to the Finance Committee, Wolff stated that the 2017-18 Budget Amendments also needed to be presented for their review. Wolff asked that a Finance Committee meeting is scheduled for some time between the May Council meeting and the end of May. This will allow Wolff to have the final budget document on the website well in advance of the June Village Council meeting for the public to inspect.

Cueny inquired about the new way the budget was displayed.

Wolff responded that the document does look different than in recent years, as the Village needed to make changes this winter to its Chart of Accounts to comply with the State of Michigan.

Cueny asked what the new account in Public Works was for.

Wolff stated that it was for brine for Rolland Rd. which by statute cannot be taken out of the Village Major/Local street funds.

Cueny asked where the funds would come from in regards to the 2021/2022 budget year and the issuance of the 10-year performance bonds. Wolff stated that it would come out of the Major Street Fund. He also stated that this would not be a proposed tax hike and would be contingent upon what happens at the state level in regards to funding to the Village.

Cueny asked about the truck purchase for 2018/2019. Wolff stated this was in regards to the same purchase that was not made this past fiscal year.

Cueny asked about the used loader and why it was needed. Wolff stated that currently we are at a point where we need a bigger piece of equipment to handle the brush pile. He stated that during the past 5 years the Village has paid over \$17,000 to rent a similar item to simply load salt for winter maintenance.

A finance committee meeting will be set.

7. Proposed Resolution 2018-04:

Proposed Resolution 2018-04 updates the Organizational Chart of the Village. The proposed chart reflects the various funds/departments in the budget by their number. It also is very close to the division of expenses in the Village audit. The exception being the Sewer and Airport are treated as Enterprise (Business Type) Funds. Those functions typically are associated with a revenue stream directly connected to the operation of the fund. That is not the case with Lake Isabella as both of those functions are non-revenue generating.

A motion was made by Cueny, seconded by Kiel, to accept Proposed Resolution 2018-04. ROLL CALL VOTE; YEAS: Eberhart, Grey, Griffin, Kiel, Shoemaker, Cueny & Torgerson NAYS: None; MOTION CARRIED (7-0-0).

Eberhart would like to thank Wolff for all his time and effort in generating all of these documents for the Village.

**Public Comments:**

Scott Voight of Fairway Dr. expressed his apologies in regards to the money grab comment he made earlier and was happy that the Council cleared that up for him. He also asked that the Council take a look at the logistics of the fireworks display due to his negative experience last year.

Brandon Wegener of Bonanza Lane asked if the work session is open to the public and if the planning commission would be there as well.

Mike Scherba of Isabella Vista thanked Tim for being diligent in overseeing the franchise agreement with Homeworks Tri-County Electric as he is also opposed to above-ground utility lines.

**Announcements:**

Grey stated that he would be attending training in June to allow him to help Sherman township with their election.

With no further business, the Council was adjourned at 8:34 pm.

*Jeffrey P. Grey*  
Jeff Grey, Village Clerk

*David K. Torgerson*  
Dave Torgerson, Village President