



Village of
Lake Isabella

Village Council
May 21, 2019
Regular Meeting Minutes
1010 Clubhouse Drive
Lake Isabella, MI 48893

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

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

Members Excused: Griffin

Agenda Approval:

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

Consent Agenda:

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

Reports:

- Village President: Torgerson discussed the Joint Meeting with the Planning Commission from earlier in the day. He thanked the staff for their work in organizing the meeting and stated that he felt it was an excellent discussion between the two boards.
- Village Manager: Wolff reported on the brine date for gravel roads. He discussed the ZBA meeting planned for May 28. He informed the Council that the FAA has determined that the proposed wind farm is not a hazard to airspace. The Council was told that the Village did not get funding through Category B. He also discussed a request from a resident on Lincoln Drive that will be presented during Public Comments.
- LIPOA: None

Public Hearings:

1. Proposed Resolution 2019-06; Resolution 2 of 2 for Annual Renewal of Broomfield Twp. Fire Protection Special Assessment District: Confirmation of Roll and Creation of Special Assessment Lien;

Wolff read a synopsis of the Resolution. He stated that before the meeting, objections were received from Richard Timms and Pete & Sue Stromik. Copies of their objections and the reply sent were provided to the Council at the meeting.

Torgerson opened the public hearing at 7:08 PM.

Public Comment: None

Torgerson closed the public hearing at 7:09 PM.

A motion was made by Kiel, which was seconded by Grey, to adopt Resolution 2019-06 as presented which renews the one mill special assessment district for fire protection in the Broomfield Township portion of the Village. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Kiel, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 6-0-0.

2. Proposed Resolution 2019-07; Sale of Village Lots;

Wolff read a synopsis of the Resolution.

Torgerson opened the public hearing at 7:10 PM.

Public Comments: None

Torgerson closed the public hearing at 7:11 PM.

Kiel asked if adjacent owners were already notified, or if that was planned. Wolff stated that past practice has involved notifying adjacent owners prior to the sale date, and allowing them the first option to buy. He said that they would begin the notification process after the Resolution is adopted as that sets the terms and conditions for the lot sale.

Eberhart made a motion, which was seconded by Kiel, to adopt Resolution 2019-07 as presented which offers various Village-owned lots for sale beginning in July. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Kiel, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 6-0-0

Public Comments:

- Brent Peavey of Lincoln Drive addressed the Council. He requested that the Council permit him to directionally bore under Lincoln Drive to install a private irrigation line between his home and vacant lakefront lot. He stated that he is having issues with irrigating his lawn as his well is only thirty-nine feet deep. He said that he reviewed the proposed work, and had hired CMS Internet to bore under the street and did not think he would be compromising anything in the right-of-way.

Wolff stated that as the Street Administrator, he would not approve a permit for a private line under a Village street. He noted several past requests to install water and/or septic lines under the Village's streets that have been denied by the Village.

Torgerson discussed the size of the right-of-way and all of the items which are located there since there are no above-ground wires in the community.

Grey stated that he is sympathetic to Mr. Peavey, but does not support allowing a private encroachment into the Village's right-of-way.

Cueny discussed his private sector experience working in right-of-way areas and stated that the directional drilling process is not always exact.

Eberhart stated that he shares Jeff's feelings, but would not support allowing a private line to be installed in the Village's right-of-way.

Existing Business: None

New Business:

1. Proposed Ordinance 2019-01; Amendment to Conditional Rezoning Agreement 565 N. Coldwater Road & Zoning Map Amendment;

Cueny stated that he is opposed to the proposed ordinances. He said that he prefers to leave the entire parcel residential, or rezone all of it to commercial.

Kiel stated that he likes the concept and business idea being pursued, but agrees with Cueny that a Conditional Rezoning may not be the best way to address this situation.

Grey stated that he disagrees and feels that the Conditional Rezoning is the best approach as it limits what commercial uses can go on the property.

Cueny discussed concerns about allowing the parking to be grandfathered.

Torgerson asked why this was being pursued as a Conditional Rezoning.

Wolff stated that in 2018, the Village conditionally rezoned Mr. Fiorillio's property to allow him to pursue the Bed & Breakfast use permitted in the East Coldwater Business District. In doing so, the threshold of doing a permanent Wedding Venue increased to three acres per the Village's ordinance. To meet this requirement, Mr. Fiorillo has to purchase the property from his parent's parcel. This Conditional Rezoning only addresses the new land recently purchased by Mr. Fiorillo from his parents.

Wolff discussed that a Wedding Venue is an allowed use in both the LR-1 and ECB districts and that if the Conditional Rezoning were to terminate, the only use that would be impacted would be the Bed & Breakfast use.

Kiel thanked Wolff for the explanation and stated that he would support moving the ordinance on to a public hearing.

Proposed Ordinance 2019-01 was introduced by Grey and a public hearing scheduled as part of the June 18, 2019, Regular Village Council meeting.

2. Proposed Ordinance 2019-02; Termination of Conditional Rezoning Agreement and Zoning Map Amendment;

Cueny introduced Proposed Ordinance 2019-02 and a public hearing scheduled as part of the June 18, 2019, Regular Village Council meeting. This proposed ordinance terminates Conditional Rezoning Agreement 2010-02 entered into between PWGG, LLC and the Village of Lake Isabella and also rezones the property formerly occupied by Isabella Pellet from Industrial to ECB.

3. Draft Ordinance 2019-03; Violation & Penalties of Village Ordinances;

Wolff presented a working draft of an update to the Village's ordinances. He is working on an ordinance to replace the violation and penalty section of each section with a single uniform enforcement section.

He reported that he would like to have a final draft ready for the Council to review and hopefully introduce at the June 18, 2019, meeting.

4. Update to Fireworks Law;

Wolff provided an update to the Council on changes that were made to the State's fireworks law in late 2018. He reported that to comply with the amended state law, the Village will need to update its ordinance.

He also brought to the Council's attention that one of the changes made at the state level was to establish a mandatory \$1,000 penalty for violations.

Wolff was asked to bring back a draft ordinance to amend the Village's regulations to comply with the amended state law.

5. Small Cell Wireless Communication Equipment;

Wolff discussed a new Public Act that went into effect earlier this year that grants small cell wireless communication equipment and facilities full access to rights-of-way. He stated that he feels the Village needs to get out in front of this issue and have regulations in place before any requests to use the right-of-way.

Grey asked if there was any way that the Village could prohibit access to those facilities. Wolff stated that his understanding of the new Public Act is that locals cannot deny access to companies looking to place these facilities in the right-of-way.

Torgerson stated that he would also support a total prohibition on granting access to the Village's right-of-way's if that is an available option.

6. Introduction of 2019-20 Budget & Six-year Capital Improvement Plan;

Wolff presented a draft of the proposed 2019-20 budget and six-year Capital Improvement plant.

Cueny asked to have the Village Hall stained more frequently as part of the Capital Improvement Plan.

Kiel stated he agrees with Cueny and would suggest a paint rather than stain.

Torgerson stated that he agrees, and would even be willing to explore siding the building to cut down on long-term costs.

Wolff highlighted the format changes that he included this year in the Budget Narrative and asked if the Council wanted to refer the budget

to the Finance Committee for review before next month's public hearing.

Cueny thanked Wolff for the work done in the budget and stated that he did not have any questions.

The Torgerson stated that he felt a Finance Committee meeting was not needed, and that presenting the budget again next month would be adequate.

Public Comments: Cueny and Eberhart both addressed Mr. Peavey. They thanked him for attending the meeting and encouraged him to become more involved in the community and considering running for Council or the LIPOA Board of Directors in the future.

Adjournment:

With no further business, the Planning Commission adjourned at 8:15 PM.

Jeffrey P. Grey

Jeffrey P. Grey
Village Clerk

David K. Torgerson

David K. Torgerson
Village President