



Village of Lake Isabella

Village Council
July 16, 2019
Regular Meeting
1010 Clubhouse Drive
Lake Isabella, MI 48893

Village President David Torgerson called the meeting to order at 7 PM. The Pledge of Allegiance was recited by those present.

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

Members Absent: None

Agenda Approval:

Wolff reported that the proposed resolution listed on the Agenda as "New Business #1" could be removed as the property owner has addressed the blight violation that was prompting the need for the resolution.

Keil asked if there could be a discussion regarding the future of the fireworks as part of the meeting. Wolff stated that he was planning on discussing fireworks during his report. Torgerson suggested that be used as the starting point for a discussion.

Without objection, the Agenda was accepted as amended.

Consent Agenda:

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

Reports:

- **Village President:** Discussed David Ochander, who had unfortunately recently passed away, and recognized his years of service to the community through both the LIPOA and Village.
- **Village Manager:** Wolff discussed the final costs on the Queens Way resurfacing project, he stated that the project was under budget. He also discussed crack sealing and the Birdie Drive resurfacing project for 2020. He also discussed looking at purchasing a flail mower for mowing shoulders and asked to have members of the Council review this option.

Wolff also informed the Council that during the past month, the Village was contacted on several occasions inquiring about short-term rentals, and also marijuana businesses.

Wolff also discussed the final fundraising total for fireworks, which was just under seven thousand dollars. He stated that the Village spent twelve thousand dollars for the day.

Keil asked the other members of the Council if there were thoughts on changing the show in the future.

Cueny stated that he heard only positive feedback on the event. Grey said that he feels for a small community; our show is very good.

Wolff stated that he feels confident that the Village can raise between six and seven thousand dollars for the show and that contributing five to six thousand dollars is currently feasible based on the Village's finances.

After further discussion, the Council did not ask for any changes toward the 2020 show based on finances.

- **LIPOA:** Grey discussed the events of the most recent LIPOA meeting. He stated that the LIPOA was planning to install a bench in memory of Dave Ochander. He also discussed the plans for the LIPOA picnic on July 20th.

Public Hearings:

1. Proposed Ordinance 2019-04; Small Cell Wireless Equipment & Facilities:
Torgerson opened the public hearing at 7:22 PM.

Public Comments:

- Brent Peavey of Lincoln Drive spoke in favor of 5G technology and stated that he hopes the Village's regulations would not slow the development of this new technology to the community.

Griffin stated that he did not like the idea of allowing telephone poles in the Village's right-of-way. He said that since the Village owns the right-of-way, we should have the authority to regulate what is placed in it.

Wolff stated that the State of Michigan had preempted local regulation on this subject as they view that the right-of-way is for the good and benefit of the public, which trumps local control.

All members spoke against allowing poles in the right-of-way, and there was agreement that allowing such would have a significant impact on the aesthetics and character of the community.

Torgerson stated that while there is substantial agreement on prohibiting poles in the right-of-way, he feels it is essential to adopt these regulations to give the Village the strongest ability to influence the future placement of these type of devices.

Torgerson closed the public hearing at 7:41 PM.

Cueny made a motion, which was seconded by Eberhart, to adopt Ordinance 2019-04. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Griffin, Keil, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 7-0-0.

2. Proposed Resolution 2019-11; Single Parcel Special Assessment District 2019-01 – Confirmation of Special Assessment:

Torgerson opened the public hearing at 7:47 PM.

Public Comments: None

Torgerson closed the public hearing at 7:48 PM.

Keil made a motion, which was seconded by Griffin, to adopt Resolution 2019-11. ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Griffin, Keil, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 7-0-0.

Public Comments: None

Existing Business:

1. Draft Ordinance 2019-03; Violations and Penalties:

Proposed Ordinance 2019-03 was introduced by Torgerson, and a public hearing set for the August 20, 2019, meeting without objection.

2. Draft Ordinance 2019-05; Regulation of Fireworks:

Proposed Ordinance 2019-05 was introduced by Torgerson, and a public hearing set for the August 20, 2019, meeting without objection.

3. Vision & Mission Frame Document:

Wolff presented a finalized draft of the Vision Frame and Mission Statement document that was reviewed as part of the Village Council and Planning Commission Joint Meeting.

Eberhart made a motion, which was seconded by Keil, to adopt the document. VOICE VOTE: MOTION CARRIED 7-0-0.

New Business:

1. Military Absence Open Meetings Act Policy:

The Village Council received a draft of a policy to comply with an amendment to the Open Meetings Act which was introduced and adopted in December 2018. The change to the law requires that public bodies make accommodation for military members to participate and vote on matters if they are absent due to their service.

Concerns were discussed that the amendment to the law appears to allow for voting and participation without requiring that the absent member participates through some type of two-way communication. This essentially would allow a person to vote via written communication prior to a meeting, without considering the discussion of the other members or the input of the public.

There was also a discussion regarding amending the Village Council rules to allow for telephonic or video participation. Wolff stated that would appear State Law now clearly allows for long-distance participation, and with the struggle, the Village faced during the winter of 2018-19 to schedule a meeting to adopt a resolution required as part of a grant application this may be something worth further discussion.

Wolff was directed to send the draft policy to the Village's attorney and report back before further action is taken.

2. Right-of-Way Ordinance Discussion:

Wolff presented a draft ordinance to create regulations for small cell wireless equipment and facilities which would be located in the Village's rights-of-way. He asked if the Council wished to pursue this as a standalone project, or as part of a larger update to the Village's right-of-way regulations.

Cueny stated that he would prefer to get these regulations in place, then work on a future amendment to update the general right-of-way regulations.

Cueny introduced the draft, which is considered Proposed Ordinance 2019-06, and a public hearing was scheduled for the August meeting without objection.

3. Draft Code Enforcement Procedures:

Wolff presented a draft of updated procedures for Code Enforcement operations. Cueny suggested one minor change to the section discussing field visits. Wolff stated that he would like to submit the amended draft to the Village's liability insurance carrier for review. Once that review is conducted, he would present the finalized document to the Council for review and adoption.

4. 6900 Baseline Road Clean-up Discussion:

The Village Council discussed the status of the clean-up at 6900 Baseline Road, the former site of Isabella Pellet. Wolff shared with the Council an e-mail from Gary Glawe the owner of the property that stated he plans to have the clean-up finished in about sixty days.

Wolff stated that based on the amount of sawdust and finished product still remaining on-site, he thinks sixty days is very optimistic. He also noted that the fire at the facility happened on October 26, 2018, and that he feels there should be significant progress and a clear path to completion achieved by the end of October. He stated that giving the company a full year from the time of the fire to have the site mostly cleaned-up is reasonable.

The Council discussed the site and the time frame of events. Concerns were voiced over what measures could be taken to compel the property owner to cleaned-up and restore the property since it is owned by an LLC.

There was also discussion regarding any help that could be offered from the State of Michigan to help get the site cleaned up.

Grey made a motion, which was seconded by Shoemaker, to contact the State of Michigan regarding clean-up at the site, and to also contact the property owner of 6900 Baseline Road to request that the clean-up be completed by the end of October 2019, and also extend an invitation for him to attend the October 2019, Village Council meeting in the event that the clean-up will not be completed by the end of October. VOICE VOTE: MOTION CARRIED 7-0-0.

5. Village Hall Painting Proposals:

The Village Council received proposals to refinish the exterior of the Village Hall. Bids were received from Percha Painting, Extremely Clean, and JJ Solutions. Hon Painting and Bill Hauck Painting were also contacted about the project but did not bid due to their respective schedules being full for 2019.

Wolff stated he spoke to Percha Painting and was informed that they also would be unlikely to do the project in 2019, but recommended JJ Solutions as an alternative company to contact. Keil stated he also spoke with Percha and was comfortable with JJ Solutions.

Keil made a motion, which was seconded by Eberhart, to award the project to JJ Solutions of Shepherd to refinish the exterior of the Village Hall at an amount not to exceed six thousand dollars (\$6,000). ROLL CALL VOTE: YEAS: Cueny, Eberhart, Grey, Griffin, Keil, Shoemaker, & Torgerson; NAYS: None. MOTION CARRIED 7-0-0.

Public Comments: None

Torgerson announced that he would not be at the August meeting, and requested to be excused.

Adjournment:

With no further business to conduct, Torgerson adjourned the meeting at 8:39 PM.

Jeffrey P. Grey

Jeffrey P. Grey, Village Clerk

David K. Torgerson

David K. Torgerson, Village President