

Village of Lake Isabella

**Village Council Minutes**

Regular Meeting – January 18, 2011

**1010 Clubhouse Drive  
Lake Isabella, MI, 48893**

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Lacca, Grey, Griffin, & Torgerson

**Members Excused:** Kiel, Miller, and Pattison

The agenda was accepted without objection or modification.

A motion was made by Griffin, which was seconded by Lacca, to approve the Consent Agenda as presented, which included the following items: invoices and disbursements, the Balance Sheet, the Investment Report, the Income – Expense Report, minutes of the December 21, 2010 Village Council meeting, and the corrected minutes of the December 14, 2010 Planning Commission meeting. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

**Reports**

- Village Manager Wolff provided a report to the Council. He discussed the progress at the pellet factory, 2010 recycling totals, cost differences between the JCCA and Isabella County for inspections, 2010 website totals, and the winter snow removal budget.
- The 2010 Planning Report was presented to the Council. A motion was made by Grey, seconded by Griffin, to accept the report and thank the Planning Commission and Zoning Board of Appeals for their service. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

**Public Hearings:**

1. Proposed Ordinance 2011-01: Michigan Building Code

Torgerson opened a public hearing for Proposed Ordinance 2011-01 at 7:11 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:12 PM.

A motion was made by Grey, seconded by Lacca, to adopt proposed ordinance 2011-01. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

2. Proposed Ordinance 2011-02: Michigan Electrical Code

Torgerson opened a public hearing for Proposed Ordinance 2011-02 at 7:13 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:14 PM.

A motion was made by Lacca, seconded by Griffin, to adopt proposed ordinance 2011-02. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

3. Proposed Ordinance 2011-03: Michigan Mechanical Code

Torgerson opened a public hearing for Proposed Ordinance 2011-03 at 7:15 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:16 PM.

A motion was made by Grey, seconded by Griffin, to adopt proposed ordinance 2011-03. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

4. Proposed Ordinance 2011-01: Michigan Plumbing Code

Torgerson opened a public hearing for Proposed Ordinance 2011-01 at 7:17 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:18 PM.

A motion was made by Grey, seconded by Lacca, to adopt proposed ordinance 2011-04. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

5. Proposed Ordinance 2011-05: Private Roads, Easements, and Joint Drives

Torgerson opened a public hearing for Proposed Ordinance 2011-01 at 7:19 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:20 PM.

Lacca questioned how this ordinance and proposed resolution 2011-01 worked. Wolff replied that if the Council adopts proposed ordinance 2011-05 it allows the Council to then set private road design and construction standards via resolution. Resolution 2011-01 adopts the standards recommended by the Village's engineering firm.

A motion was made by Grey, seconded by Griffin, to adopt proposed ordinance 2011-05. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

**Public Comments:** None

**Existing Business**

1. Proposed Ordinance 2009-04: Fences

Proposed ordinance 2009-04 was reintroduced to the Village Council upon the recommendation of the Planning Commission for adoption. There was discussion regarding the draft and the changes that were made by the Planning Commission. After discussion a public hearing was scheduled for the March 15<sup>th</sup> meeting, and the ordinance renumbered to 2011-09.

**New Business**

1. Proposed Resolution 2011-01

A motion was made by Lacca, seconded by Griffin, to adopt Resolution 2011-01. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

2. Proposed Resolution 2011-02

A motion was made by Grey, seconded by Lacca, to adopt Resolution 2011-02. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

3. Proposed Resolution 2011-03

A motion was made by Grey, seconded by Griffin, to adopt Resolution 2011-03. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

4. Proposed Resolution 2011-04

A motion was made by Grey, seconded by Lacca, to adopt Resolution 2011-04. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

5. Proposed Resolution 2011-05

There was discussion over a proposed resolution to formalize the Village's blight enforcement policy. The Council asked the Village Manager how the resolution differs from current Code Enforcement practice. Wolff replied that over the years the Village had adopted an informal policy that placed compliance as the goal. He stated the direction from previous Village Councils was to work with residents and avoid issuing citations except as a last resort. He stated the proposed resolution would move a handful of flagrant offending locations to a ticket first approach.

There was discussion over threats made to Code Enforcement staff in the previous two years. Specifically, several physical threats made against Village staff. The Council discussed ways to address this problem and also the larger topic of public safety.

Wolff was requested to review options for creating a public safety department and report back to the Council in the near future.

Action on proposed resolution 2011-05 was tabled until the Village Manager submits a report detailing the establishment of a public safety department without objection.

6. Introduction of Proposed Ordinance 2011-06

Upon the recommendation of the Planning Commission, proposed ordinance 2011-06 was introduced and a public hearing set for the March 15<sup>th</sup> meeting.

7. Introduction of Proposed Ordinance 2011-08

Upon the recommendation of the Planning Commission, proposed ordinance 2011-08 was introduced and a public hearing set for the March 15<sup>th</sup> meeting.

**Public Comments:** None

With no further business, the Village Council adjourned at 8:07 PM.

x\  
Jeffrey P. Grey, Village Clerk

x\  
Dave Torgerson, Village President

Village of Lake Isabella

**Village Council Minutes**

Regular Meeting – March 15, 2011

**1010 Clubhouse Drive  
Lake Isabella, MI, 48893**

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Lacca, Grey, Miller, & Torgerson

**Members Excused:** Kiel, Griffin, and Pattison

The agenda was accepted without objection or modification.

A motion was made by Miller, which was seconded by Lacca, to approve the Consent Agenda as presented, which included the following items: invoices and disbursements, the Balance Sheet, the Investment Report, the Income – Expense Report, certificate of disposal of closed session minutes, minutes of the January 18, 2011 Village Council meeting, and the minutes of the January 18, 2011 Planning Commission meeting. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

**Reports**

- Village Manager Wolff provided a report to the Council. He discussed the winter snow removal budget. He reported that as of March 1<sup>st</sup> the Village had used less than 60% of budgeted funds for the winter. He also presented year to date code enforcement totals to the Council, a monthly report from Isabella County Central Dispatch on calls for service, the monthly recycling tonnage, and updated the Council on his conversation with the Chair of the Sherman Township Library Board regarding all Lake Isabella residents having access to the library.
- The LIPOA report was given by Larry Hiither. He reported that dock sign-up day is planned for April 5th.

**Public Hearings:**

1. Proposed Ordinance 2011-06

Torgerson opened a public hearing for proposed ordinance 2011-06 at 7:08 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:09 PM.

A motion was made by Miller, seconded by Grey, to adopt proposed ordinance 2011-06. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

2. Proposed Ordinance 2011-08

Torgerson opened a public hearing for proposed ordinance 2011-08 at 7:10 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:11 PM.

A motion was made by Lacca, seconded by Miller, to adopt proposed ordinance 2011-08. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

### 3. Proposed Ordinance 2011-09

Torgerson opened a public hearing for proposed ordinance 2011-09 at 7:12 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:13 PM.

Miller questioned whether the Village had the ability, or the resident's desire, to enforce the ordinance.

Grey stated that he feels it should be adopted and enforced.

Lacca noted that there are several changes over the existing regulations which should be adopted.

Torgerson questioned what would be grandfathered. Wolff replied that once the notice of adoption is published the changes will go into effect 7 days later. Anything existing or permitted on that date is legally grandfathered in.

Miller asked Larry Hiither if the proposed changes are more in line with the LIPOA's regulations. Hiither replied that the changes were, and it would benefit the community by having similar and not conflicting regulations.

A motion was made by Lacca, seconded by Grey, to adopt proposed ordinance 2011-09. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

**Public Comments:** None

### Existing Business

#### 1. Membership and Service Agreement: Joint Construction Code Authority

Wolff presented a draft agreement for membership and services to be provided by the JCCA to the Council. Wolff detailed the discussions he had with the representative of the JCCA and changes made from the original submission. A motion was made by Grey, seconded by Miller, to approve the agreement with the JCCA. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0)

#### 2. Lake Isabella JCCA Representative

Torgerson nominated Village Manager Wolff to be the Village's representative to the JCCA. There was no objection from the Council members present, and as such the nomination approved.

#### 3. Unbuildable Lots: USDA Funding Application

Steve Clark from Rowe PSC was present and briefed the Council on the status of the funding application. He reported that they will be ready to submit it to the USDA by the end of the month. He also gave the Council an overview on how the process works, and how the USDA is funded. He noted that all applications are being held up due to the lack of a federal budget. He countered that by noting that the USDA would give the Village and its residents the best rate and longest term on the project. Wolff also reported to the Council research that he has done regarding the building and use restrictions for Lake Isabella South and Lake Isabella Golf Estates II.

**New Business**1. **National Flood Insurance Program**

The Council discussed joining the NFIP. There was consensus that it would be in the best interest of the Village's residents for the Village to join. As such, proposed ordinance 2011-07 was introduced without objection and a public hearing set for the April meeting.

2. **Proposed Resolution 2011-06**

A motion was made by Grey, seconded by Miller, to adopt Resolution 2011-06, which is the first of two resolutions to renew the Broomfield Township Special Assessment Fire Protection District. ROLL CALL VOTE; YEAS: Lacca, Grey, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

3. **P.A. 198 Tax Abatement**

A public hearing was set for the April meeting to receive an application for an abatement in the Village's Industrial Development District as requested by Isabella Pellet.

4. **Village Charter Amendment**

There was discussion over amending the Village Charter to allow the Village to collect the interest in delinquent taxes that are settled with Isabella County. The Council directed Wolff to proceed with presenting the amendment at a future meeting.

5. **Fiscal Transparency**

Wolff presented a spreadsheet developed by the Snyder Administration to provide a uniform means of displaying the financial health of local communities. The Council directed Wolff to complete the spreadsheet and post it online.

6. **2% Applications**

The Council requested that Wolff submit 2% requests to the Saginaw Chippewa Indian Tribe for bike paths, paving of Baseline Road, and funding for the airport.

**Public Comments:** Dave McGrath of Queens Way discussed the 2% process.

With no further business, the Village Council adjourned at 8:04 PM.

x\  
\_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\  
\_\_\_\_\_  
Dave Torgerson, Village President

Village of Lake Isabella

**Village Council Minutes**

Regular Meeting – April 19, 2011

**1010 Clubhouse Drive  
Lake Isabella, MI, 48893**

The Meeting was called to order at 7:01 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Lacca, Griffin, Miller, & Torgerson

**Members Absent:** Grey\* (Councilman Grey arrived at 7:04 PM)

**Members Excused:** Kiel, and Pattison

The agenda was accepted without objection or modification.

A motion was made by Miller, which was seconded by Griffin, to approve the Consent Agenda as presented, which included the following items: invoices and disbursements, the Balance Sheet, the Investment Report, the Income – Expense Report, minutes of the March 15, 2011 Village Council meeting, minutes of the March 28, 2011 Zoning Board of Appeals meeting, and the minutes of the April 12, 2011 Planning Commission meeting. ROLL CALL VOTE; YEAS: Lacca, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (4-0-0).

**Reports**

- Village Manager Wolff provided a report to the Council. He discussed the winter snow removal budget. He reported that as of April 1<sup>st</sup> the Village had used less than 65% of budgeted funds for the winter. He also presented year to date code enforcement totals to the Council, updated the Council on upcoming hearing dates in the Village's lawsuit regarding the illegal pole barn on Par Drive, and informed the Council that the State approved the Village's application to change inspectors. He reported that the first day of operation for the JCCA would be April 25, 2011.
- The LIPOA report was given by Larry Hiither. He reported that the Easter Egg hunt was planned for April 23<sup>rd</sup>.
- President Torgerson thanked Wolff for the report he compiled for the Council's review regarding public safety options.

**Public Hearings:**

1. Proposed Resolution 2011-07

Torgerson opened a public hearing for proposed resolution 2011-07 at 7:09 PM.

**Public Comments:** None

Torgerson closed the public hearing at 7:10 PM.

A motion was made by Grey, seconded by Griffin, to adopt proposed resolution 2011-07 which amends the district boundaries to include Isabella Pellet's entire parcel in the Lake Isabella Industrial Development District #1. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

## 2. Proposed Resolution 2011-08

Torgerson opened a public hearing for proposed resolution 2011-08 at 7:10 PM.

**Public Comments:** Sherman Township Assessor Brad Beach asked how the breakdown on the 1.48 million in improvements was calculated.

Wolff also shared concerns voiced by the Planning Commission regarding the appearance of the site, and noted that a provision was included in the abatement agreement to require Isabella Pellet to submit an updated site plan by the end of the year. He also shared concerns voiced by Pat Johnson of Lakeside Kennels and Rafael Dominguez regarding noise and dust from the site.

Torgerson closed the public hearing at 7:22 PM.

A motion was made by Grey, seconded by Miller, to adopt proposed resolution 2011-08 which grants an Industrial Facilities Tax Exemption Certificate to Isabella Pellet for a period of 12 years. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

A motion was made by Lacca, seconded by Griffin, to approve the proposed Tax Abatement Agreement between the Village of Lake Isabella and Isabella Pellet. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

## 3. Proposed Resolution 2011-09

Torgerson opened a public hearing for proposed resolution 2011-09 at 7:26 PM.

**Public Comments:** None

Prior to the Public Hearing, letters of objection were received by the following:

- Lisa Wincent
- Ralph Becker

Torgerson closed the public hearing at 7:27 PM.

A motion was made by Lacca, seconded by Grey, to adopt proposed resolution 2011-09 which renews the Broomfield Township Fire Protection Special Assessment District. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

## 4. Proposed Ordinance 2011-07

Torgerson opened a public hearing for proposed ordinance 2011-07 at 7:28 PM.

**Public Comments:** None

Lacca asked for clarification on what the ordinance's purpose was. Wolff detailed that it was required as part of the Village's application to the National Flood Insurance Program.

Torgerson closed the public hearing at 7:31 PM.

A motion was made by Grey, seconded by Miller, to adopt proposed ordinance 2011-07. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)



**Public Comments:** Elmer Ledbetter of Red Fox Court: Complained that from his seat in rear of the audience he was unable to hear the discussion and would like for the Village to install microphones and speakers in the Council chambers.

### **Existing Business**

1. **Proposed Resolution 2011-10: Cable & Internet Improvement Request**

A motion was made by Miller, seconded by Grey, to adopt proposed resolution 2011-10 which request that Frontier Communications and Charter Communications improve their service package to the community. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

2. **Proposed Resolution 2011-11: NFIP**

A motion was made by Grey, seconded by Miller, to adopt proposed resolution 2011-11 which states the Village of Lake Isabella's desire to participate in the National Flood Insurance Program. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

3. **Proposed Resolution 2011-12: 2011 Charter Amendment #1**

A motion was made by Lacca, seconded by Grey, to propose an amendment to section 10.06 of the Village Charter. If amended, the section would read:

***Section 10.06. Taxes; Debt to Village; Collection.***

*Any tax levied or owed to the Village shall be due on July 1<sup>st</sup> of the year when levied. All taxes paid on or before August 31<sup>st</sup> shall be collected by the Village Treasurer without penalty. An additional charge of one percent (1%) shall be added to all unpaid Village taxes starting on September 1<sup>st</sup> and an additional charge of one percent (1%) shall be added to all delinquent unpaid taxes on the first day of each month thereafter until the taxes are paid. This added penalty shall belong to the Village and shall also constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added. If August 31<sup>st</sup> falls on a Sunday or legal holiday, taxes shall be collected without penalty on the next business day.*

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

4. **Proposed Resolution 2011-13: 2011 Charter Amendment #2**

A motion was made by Miller, seconded by Grey, to propose an amendment to section 10.08 of the Village Charter. If amended, the section would read:

***Section 10.08 Delinquent Tax Poll to County Treasurer.***

*Any taxes on the Village tax roll which remain unpaid on March 1<sup>st</sup> following the date when the roll was received by the Village Treasurer shall be returned to the County Treasurer in the same manner and with like effect as returns by township treasurers of Township, school and county taxes. These returns shall be made upon a delinquent tax roll to be prepared by the Village Treasurer and shall include all the additional charges and fees hereinbefore provided. These charges and fees shall, in these returns be added to the*

*amount assessed on the tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer, and shall remain a lien upon the assessed lands until paid.*

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

5. Liaison Committee Meeting Agenda Items

There was discussion regarding items for the April Liaison Committee meeting. Wolff informed the Council that the LIPOA had no agenda items. Grey discussed offering assistance to the LIPOA for their election in June. Wolff stated he would extend the offer to the LIPOA.

**New Business**

1. 2011-2012 Nottawa Sherman Fire Contract

A motion was made by Grey, seconded by Lacca, to approve the service contract with the Nottawa-Sherman Township Fire Department for 2011-2012. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

2. Lake Isabella North Lot 293

A motion was made by Griffin, seconded by Grey, to acquire Lake Isabella North, lot 293 for public purpose as allowed under state law, as the lot is slated for foreclosure by Isabella County for delinquent property taxes; to authorize the Village Manager to secure the purchase of the lot on behalf of the Village, and to cover outstanding lake maintenance fees owed to the LIPOA. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

3. ZBA Membership Update

Wolff updated the Council on George Colby's passing.

4. Road Maintenance Equipment

Wolff updated the Council on a few equipment items recently purchased to help with grading gravel roads and road cleaning.

5. Gilmore Park

The Council discussed the April 6, 2011 Morning Sun article regarding Isabella County's review of their operations. The article detailed that the County was considering options for funding their parks.

6. Traffic Control Order 2011-01

A motion was made by Grey, seconded by Miller, to adopt proposed traffic control 2011-01 which approves the placement of a Yield Sign at Torcido and Queens Way. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

7. Resolution 2011-14: 2011 Le Tour de Mount Pleasant

A motion was made by Miller, seconded by Lacca, to adopt proposed resolution 2011-11 which states the Village's support for the 2011 Le Tour de Mount Pleasant. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

**8. Resolution 2011-15: Statutory Revenue Sharing**

A motion was made by Lacca, seconded by Miller, to adopt proposed resolution 2011-15 which states the Village of Lake Isabella's opposition to the Governor's proposal to amend Statutory Revenue Sharing, and requests the Representative Kevin Cotter and Senator Judy Emmons oppose the plan. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Miller, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

**Public Comments:**

- Jim Wertz of Clubhouse Drive: Stated that he was in favor of the Village acquiring Gilmore Park.
- Richard Schmidt of School Road: Discussed the history of Gilmore Park and how the existing county road ends were originally supposed to be public access sites.

With no further business, the Village Council adjourned at 8:17 PM.

x\  
Jeffrey P. Grey, Village Clerk

x\  
Dave Torgerson, Village President

## Village of Lake Isabella

### Village Council Minutes

Regular Meeting – May 17, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

Grey was excused without objection. Deputy Clerk Wolff called the roll.

**Members Present:** Lacca, Kiel, Miller, Pattison & Torgerson

**Members Excused:** Grey and Griffin

The agenda was accepted without objection or modification.

A motion was made by Miller, which was seconded by Kiel, to approve the Consent Agenda as presented, which included the following items: invoices and disbursements, the Balance Sheet, the Investment Report, the Income – Expense Report, minutes of the April 19, 2011 Village Council meeting, minutes of the May 10, 2011 Planning Commission meeting, and the financial report from the April JCCA meeting. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

### Reports

- Village Manager Wolff presented his monthly report to the Council. He discussed the ICMA's annual conference in Milwaukee, Code Enforcement totals, permit totals, and bills reviewed by the MML Committee he chairs.
- LIPOA Vice-President Hiither was present, but had no report.
- Isabella County Undersheriff John Tellis was present to discuss a possible COPS grant through the United States Justice Department. The grant would cover the base salary and benefits for a deputy for three years, with an obligation for the local unit to fund the position for a fourth year. In addition to the final year's wages and benefits the local unit would be responsible for all equipment costs.

Kiel asked the Undersheriff about how many hours per month a deputy is currently in the Village. Tellis replied that with current staffing at most the county usually has 2 cars on duty to service the county, as such the amount of time in the Village is minimal unless responding to calls.

Pattison asked if the department had different compensation for various shifts. Tellis replied that there is a small increase in shift pay for weekends and nights.

Lacca asked when the grant was announced. Wolff replied that the information he viewed on-line showed that it was announced on May 8<sup>th</sup>, and applications were due on May 25<sup>th</sup>.

Lacca also asked what the total cost to the Village would be for the agreement. Wolff replied that the proposed agreement has a price of \$149,000 for the four years. That would cover the final year wages and benefits, overtime, and equipment.

Torgerson asked if it would be a set schedule for a single deputy, or just total hours for the entire department. Tellis replied that the proposal for the Village under New

Business would create a town deputy under the management of the village and department. But, that it would be one individual assigned to the community.

Kiel asked if the deputy could also perform lake patrol. Tellis replied that he or she could.

Miller asked what benefit the grant might be to the department. Tellis replied that it would add another staff member, which would allow them to improve the level of service they provide.

### **Public Hearings:**

- None

### **Public Comments:** None

### **Existing Business**

#### 1. Resolution 2011-16

A motion was made Kiel, seconded by Pattison, to adopt resolution 2011-16 which declares the Village's intent to purchase, for public purpose, Lake Isabella North, lot 293 from the Isabella County Treasurer. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

#### 2. Resolution 2011-17

A motion was made Lacca, seconded by Pattison, to adopt resolution 2011-17 which declares the Village's support for Complete Streets, and the incorporation of such in the next update of the Master Plan. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

#### 3. Updated Employee Handbook

A meeting of the Personnel Committee was discussed and set for June 7<sup>th</sup> to review proposed changes to the Village's Employee Handbook.

### **New Business**

#### 1. 2011 Fireworks Contract

A motion was made by Miller, seconded by Kiel, to approve a contract with Freedom Fireworks of Mount Pleasant to perform the pyrotechnical show on Independence Day weekend, with a show set for dusk on July 2<sup>nd</sup>, in the amount of \$6,500. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

#### 2. Blighted Structures Program

Wolff discussed a program he presented to the Planning Commission earlier this month, and will propose funding for in the budget. In summary, the plan would call for the Village to sell about 2 acres of land on Coldwater Road to funding a revolving account that would allow the village to purchase single-wide mobile scheduled for sale at the Isabella County tax auction. Once they owned the property, the Village would demo the single-wide and then sell the vacant property.

3. Proposed 4 year Coverage Agreement, Isabella County Sheriff's Department

The Council discussed the proposal from the Sheriff's Department. Members expressed a desire to partner with the Sheriff's Department, but voiced concerns over the proposed cost, and need for 40 hours per week of coverage.

A motion was made by Kiel, seconded by Lacca, to table action on the proposed agreement, and to direct the Village Manager to make an alternate proposal to the Sheriff's Department before the May 25<sup>th</sup> deadline. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

**Public Comments**

- Dave McGrath of Queens Way: Stated that he feels the agreement with the Sheriff's Department should be considered, and that if the deputy would be able in enforce the Village's ordinances it would help assist code enforcement efforts..

With no further business, the Village Council stood in adjournment at 8:29 PM.

x\ Jeffrey P. Grey  
Jeffrey P. Grey, Village Clerk

x\ David K. Torgerson  
Dave Torgerson, Village President

Village of Lake Isabella  
Village Council Minutes  
Work Session – June 14, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The work session was called to order at 9:00 AM by Village President Dave Torgerson.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, Pattison & Torgerson

**Members Absent:** None

**Public Comments:** None

**Business:**

Public Safety Options

The Council met and discussed the recently proposed COPS grant proposal from the Sheriff's Department. The Council discussed several items relating to public safety. Specifically whether or not there is a need for additional services in Lake Isabella, and what options the Village has if it wanted to pursue additional service.

The Council discussed funding for additional service, including doing so as a ballot proposal at an upcoming election, or funding the measure through a special assessment.

Village President Torgerson left at 9:54 AM.

The Council discussed various public safety concerns with former Michigan State Police Trooper John Terry who does Code Enforcement for the Village and also works part-time for the Village Barryton Police Department.

With no further business, the Village Council stood in adjournment at 10:35 AM.

x1 Jeffrey P. Grey  
Jeffrey P. Grey, Village Clerk

x1 David K. Torgerson  
Dave Torgerson, Village President

## Village of Lake Isabella

### Village Council Minutes

Regular Meeting – June 14, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:05 PM by Village President Pro-Tempore Dan Pattison and the pledge of allegiance was recited.

Torgerson was excused without objection.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, & Pattison

**Members Excused:** Torgerson

The agenda was accepted without objection or modification.

A motion was made by Lacca, which was seconded by Griffin, to approve the Consent Agenda as presented, which included the following items: invoices and disbursements, the Balance Sheet, the Investment Report, the Income – Expense Report, minutes of the May Village Council meeting, and minutes of the June 7<sup>th</sup> Personnel Committee meeting. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

### Reports

- Village Manager Wolff presented his monthly report to the Council. He discussed the 2011 Fireworks, Code Enforcement, zoning permits, and the upcoming newsletter.
- LIPOA Vice-President Hiither was present, and reported on the LIPOA Annual Meeting of June 11th
- Representatives from Frontier Communications were present and discussed the company's plans for DSL service to Lake Isabella. The Council was informed that Frontier has Lake Isabella scheduled for the 4<sup>th</sup> quarter of this year for DSL service.

### Public Hearings:

1. Resolution 2011-18: 2011-2012 Budget, Capital Improvement Plan & Final 2010-2011 Budget Amendments

Pattison opened the public hearing at 7:26 PM.

Village Manager Wolff summarized the budget. He noted that due to reductions in gas tax revenue and the decline in the real estate market, he projects the Village will see nearly \$350,000 in reduced revenue over the next 6 years. To help better manage the Village's finances, Wolff presented a two-year budget with funds proposed for 2011-2012 and funds projected for 2012-2013. Wolff also discussed the need for the Village to pursue a Special Assessment project to repave sections of Clubhouse, El Camino Grande, and Birdie Drive around 2014.

**Public Comment:** None

Pattison closed the public hearing at 7:42 PM.

A motion was made by Kiel, seconded by Lacca, to adopt resolution 2011-18. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0)



**Public Comments:** None

**Existing Business**

1. Resolution 2011-19: Employee Handbook

A motion was made by Griffin, seconded by Kiel, to adopt the proposed Employee Handbook via resolution 2011-19. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

2. 2011 Fireworks Permit

A motion was made by Kiel, seconded by Miller, to approve the 2011 Fireworks Permit for Freedom Fireworks. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

3. Resolution 2011-20: Duquesa Road

A motion was made by Lacca, seconded by Miller, to adopt resolution 2011-20. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

**New Business**

1. Resolution 2011-05: Blight Reduction Program

A motion was made by Grey, seconded by Griffin, to adopt resolution 2011-05. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

2. Resolution 2011-12: Charter Amendment 2011-01

A motion was made by Kiel, seconded by Grey, to adopt resolution 2011-12. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

3. Resolution 2011-12: Charter Amendment 2011-02

A motion was made by Kiel, seconded by Grey, to adopt resolution 2011-13. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

4. Lake Isabella North, Lot 256

Wolff presented a request by the owner of Lake Isabella North, lots 257-258 to sell the Village owned lot 256 to him. Wolff reported on the status of this lot in the proposed lot swapping plan for the Lake Isabella. The Council directed Wolff to schedule a public hearing for the July meeting.

5. Committee Appointments

The following people were appointed to boards and committees without objection.

Planning Commission, 3-year terms ending on June 30, 2014: Jim Kenney & Carol Shannon

Zoning Board of Appeals, 3-year terms ending on June 30, 2014: Arvil King & Larry Hiither

Airport Advisory Board, 3-year term ending on June 30, 2014: Jack Gildea

**Public Comments**

- None

With no further business, the Village Council stood in adjournment at 8:09 PM.

x\ Jeffrey P. Gray  
Jeffrey P. Grey, Village Clerk

x\ Dan W. Pattison  
Dan Pattison, Village President Pro-Tempore

Village of Lake Isabella  
**Village Council Minutes**  
Special Meeting – July 11, 2011

**1010 Clubhouse Drive**  
**Lake Isabella, MI, 48893**

The Meeting was called to order at 9:00 AM by Village Clerk Grey and the pledge of allegiance was recited.

**Members Present:** Lacca, Griffin, Kiel, & Grey

**Members Absent:** Miller, Torgerson, & Pattison\* (*Pattison arrived at 9:02 AM*)

**Business**

1. Resolution 2011-21: MDOT Runway Painting Contract

Airport Manager Tom Courser was present and discussed the proposed 50/50 cost split with MDOT on repainting the runway. He also discussed contacting MDOT to see if the threshold lines could be moved since the trees were removed at the east end of the runway.

Wolff discussed the contract, specifically it being a 50/50 cost split up to \$5,000 to have the runway painted.

A motion was made by Lacca, seconded by Kiel, to adopt proposed resolution 2011-21 which grants Council approve to the MDOT contract and authorizes Village Manager Tim Wolff to sign on behalf of the village to execute the contract.. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0)

**Public Comments:** None

With no further business, the Village Council adjourned at 9:05 AM.

x\ \_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\ \_\_\_\_\_  
Dan Pattison, Village President Pro-Tempore

# Village of Lake Isabella

## Village Council Minutes

Regular Meeting – July 19, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, Pattison, & Torgerson

**Members Absent:** None

The agenda was accepted without objection or modification.

A motion was made by Kiel, which was seconded by Grey, to approve the Consent Agenda as presented, which included the following items;

- Invoices and disbursements
- The Balance Sheet
- The Investment Report
- The Income – Expense Report
- The June JCCA Report
- Minutes of the June 14<sup>th</sup> Village Council work session
- Minutes of the June 14<sup>th</sup> Village Council meeting
- Minutes of the June 28<sup>th</sup> Zoning Board of Appeals Meeting
- Minutes of the June 28<sup>th</sup> Planning Commission Meeting
- Minutes of the July 11<sup>th</sup> Village Council Meeting

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson;  
NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

### Reports

- Village Manager Wolff presented his monthly report to the Council. He highlighted the year-to-date permit activity, noting that the Village has approved 16 zoning permits this year. 2 of those 16 have been for new homes. He also reported that the Village has handled 123 code violations so far in 2011. He discussed the 2011 Village Council election and listed the people that are being asked to submit an application to be election inspectors. He noted that all inspectors living in the Village would be invited to apply, as well as Sherman Township Clerk Livermore and Fremont Township Clerk Shimmelman. Lastly he discussed work on an ordinance that would address the “50% Rule” for non-conforming structures in the zoning code. He discussed how the draft he is working on would give a person that owns a non-conforming home the ability to rebuild to the non-conformity if certain conditions were met. Lastly he discussed enforcement of the fence ordinance. He stated that the Code Enforcement Department is finalizing a list of locations that have fences in violation of the ordinance and would be contacting the owners of those parcels about the situation. He stated that the letters would explain the ordinance requirements and allow the garden fences in violation to remain until the end of September but ask that next year any fencing meet the standards of the ordinance.

Grey asked if there may be issues with the septic tank being left at 1064 Fairway Drive now that the owner has elected not to rebuild. Wolff stated that he did not believe there would be an issue, but would check with the Health Department.

Griffin stated that he was not in favor of amending the 50% Rule presently in the ordinance, and that the ZBA acted properly in denying the variance request heard in June.

- LIPOA District 7 Representative Dave McGrath was present and gave an update to the Council. He discussed the annual picnic, upcoming lake spraying, and efforts for the LIPOA to be more transparent with its members.

Lacca asked if the LIPOA was considering moving the fence at Termino Park to allow for more parking. McGrath stated that it had been discussed, but no action taken as of yet.

- Village President Torgerson thanked everyone for the cards and well wishes that were shared with the recent passing of his mother.

### **Public Hearings:**

1. Resolution 2011-23: Sale of Lake Isabella North, lot 256

Torgerson opened the public hearing at 7:19 PM.

**Public Comment:** John Boyd of Bundy Drive asked if \$1,500 was the appraised value of the lot. Wolff replied that this was one of the lots acquired by the Village from the State of Michigan for \$20 each for “public purpose,” and that the Village has to sell at “fair market value” once it is determined that it is no longer needed for a public purpose. He stated that he looked at the assessing records of several vacant lots in the area, consulted with two real estate agents and arrived at the \$1,500 price.

Torgerson closed the public hearing at 7:42 PM.

A motion was made by Pattison, seconded by Miller, to adopt resolution 2011-23. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

**Public Comments:** None

### **Existing Business**

1. USDA Letter of Funding Eligibility for Southern Lake Isabella Wastewater Collection & Treatment System

The Council discussed the letter from the USDA detailing that the proposed wastewater collection and treatment system designed by Rowe PSC is eligible for \$8,283,000 in loans from the federal government at the intermediate rate. Wolff discussed that of the three funding options possible for the project the USDA has the lowest rate and the longest term. He also reported that since the project was not the result of a state or federal mandate that grant funds would be very difficult to obtain from either state or federal agencies.

He recommended that the Village work with the other stakeholders and send a newsletter to the property owners in the impacted area detailing the status and cost scenario based on the projected costs and financing. This mailing would also contain a postcard that if

the property wanted to support the project and have the Village begin the special assessment process they would need to endorse and send back. He also discussed holding workshops or coffee discussions with property owners in the impacted area before the cards would be due back so they can answer any questions which might arise.

The Council endorsed this approach and discussed the possibility that due to the poor economy that people may be in favor of the system, but may be more in favor of it at a later date in time when the economy is better.

### **New Business**

1. Resolution 2011-22: Single Parcel Special Assessment Districts 2011-01, 02, & 03.

A motion was made by Kiel, seconded by Lacca, to adopt resolution 2011-22. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

2. Ethics Ordinance

The Council discussed incorporating an ethics section into the update of Article II of the Codified Ordinances. Wolff discussed that some of the general ethics items are contained in the Council's rules of procedure, but that an ordinance would be easier to enforce and would apply in a uniform manner to all boards and commissions of the Village.

3. Resolution 2011-24: Petty Cash Increase to \$200

A motion was made by Kiel, seconded by Griffin, to adopt resolution 2011-24. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

4. Refuse Service Concerns

Wolff shared several emails from Sue Stromik about refuse service in the Village. The Council reviewed the comments and asked Wolff to reply by informing her that the Council does not feel compelled to act as a majority of residents are pleased with the current refuse options, and that the Village would prefer to not interject itself into a matter that the private sector is willing and able to provide to the residents.

5. Proposed Ordinance 2011-10

Proposed Ordinance 2011-10 was introduced and a public hearing set for the August meeting.

6. Noise Ordinance

Wolff presented a draft of an update to the Village's noise ordinance for the Council's review. He stated that he is close to having it ready to send to the Village's attorney but wanted feedback before finalizing it.

7. Legislative Concerns

Wolff discussed two issues that the Village has encountered recently and asked for the Council's feedback on whether they were worth addressing with Rep. Cotter's office. He discussed the state's arbitrary deadline that nominating petitions for elections are due at 4:00 PM. This can cause confusion for places that have normal business hours after the state's deadline. He suggested that the law be amended to give local units the flexibility to have a later deadline if they so wish.

He also discussed golf carts and ORVs on Village streets. Under the Motor Vehicle Code these are not legal to operate on streets in the Village. He stated that the governing statute has an arbitrary list that deems certain counties and local units of government in those eligible counties with the right to create ORV routes. He noted that Clare, Lake, Gratiot and Montcalm counties are all eligible counties while Isabella, Midland, and Mecosta are not.

He noted that having Isabella County added to the eligible counties would allow the Village to be permissive with the use of golf carts and ORVs while also giving residents legal protection from being automatically at fault in an accident if they are driving a golf cart or ORV on a public street.

### **Public Comments**

- Larry Hiither of Queens Way asked how noise on the lake from loud engines and loud music would cover in the noise ordinance.
- John Boyd of Bundy Drive noted that the building and use restrictions for both Lake Isabella South and Lake Isabella Golf Estates II require property owners to vote in favor of a proposed special assessment district for either a water or sewer system. He stated that the LIPOA should contact those owners to highlight this requirement when the Village does the mailing for the wastewater system.

With no further business, the Village Council stood in adjournment at 8:04 PM.

x\ \_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\ \_\_\_\_\_  
Dave Torgerson, Village President

Village of Lake Isabella

**Village Council Minutes**

Regular Meeting – August 16, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Pro-Tempore Dan Pattison and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, Kiel, & Pattison

**Members Excused:** Miller & Torgerson

The agenda was accepted without objection or modification.

A motion was made by Kiel, which was seconded by Grey, to approve the Consent Agenda as presented, which included the following items;

- Invoices and disbursements
- The Balance Sheet
- The Investment Report
- The Income – Expense Report
- The June JCCA Report
- Minutes of the July 19th Village Council meeting
- Minutes of the July 26<sup>th</sup> Zoning Board of Appeals Meeting

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

**Reports**

- Village Manager Wolff presented his monthly report to the Council. He discussed the 2011 Village Council election and who the Election Commission had selected to work the polls. There was discussion over a meet the candidates event. Wolff stated that he had attempted to organize one but only heard back from 2 of the 6 candidates. He also stated that as the Village official conducting the election he would like to refrain from scheduling the event without knowing that a date and time worked for all candidates, his concern being that he did not want to give any appearance of favoritism to any of the candidates.

**Public Hearings:**

1. Resolution 2011-25: SPSAD 11-1 Confirmation of Special Assessment Roll

Pattison opened the public hearing at 7:06 PM.

**Public Comment:** None

Pattison closed the public hearing at 7:07 PM.

A motion was made by Kiel, seconded by Griffin, to adopt resolution 2011-25. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

2. Resolution 2011-26: SPSAD 11-2 Confirmation of Special Assessment Roll

Pattison opened the public hearing at 7:08 PM.



**Public Comment:** None

Pattison closed the public hearing at 7:09 PM.

A motion was made by Kiel, seconded by Lacca, to adopt resolution 2011-26. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

3. Resolution 2011-27: SPSAD 11-3 Confirmation of Special Assessment Roll

Pattison opened the public hearing at 7:10 PM.

**Public Comment:** None

Pattison closed the public hearing at 7:11 PM.

A motion was made by Kiel, seconded by Grey, to adopt resolution 2011-27. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

4. Resolution 2011-28: MSSA Roll Amendment

Pattison opened the public hearing at 7:12 PM.

**Public Comment:** None

Pattison closed the public hearing at 7:13 PM.

A motion was made by Kiel, seconded by Lacca, to adopt resolution 2011-28. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

5. Ordinance 2011-10: Zoning Moratoriums

Pattison opened the public hearing at 7:14 PM.

**Public Comment:** None

Pattison closed the public hearing at 7:15 PM.

A motion was made by Kiel, seconded by Grey, to adopt ordinance 2011-10. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

**Public Comments:** None**Existing Business**1. Ordinance 2011-11

The Council discussed the draft of the proposed amendment to the noise ordinance. There was discussion over the use of PA Systems and Loudspeakers in residential districts. A public hearing was set for the September 27<sup>th</sup> meeting.

2. Introduction of Proposed Ordinance 2011-13

Ordinance 2011-13 was introduced and a public hearing set for the September 27<sup>th</sup> meeting.

3. September Village Council Meeting Date

The September Village Council meeting date was changed to the 27<sup>th</sup>.

4. Water Testing: Lake Isabella North

A motion was made by Kiel, seconded by Griffin, to accept the proposal from Rowe PSC in the amount of \$7,500 to conduct water quality testing in Lake Isabella North. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

**New Business**1. Resolution 2011-29: SPSAD 11-4

A motion was made by Kiel, seconded by Grey, to adopt resolution 2011-29. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

2. Consumers Natural Gas Franchise

The Council discussed the inability of Consumers Energy to provide natural gas service to all of southern Lake Isabella. No additional action was taken other than to support the Village Manager's efforts to get DTE/MichCon involved to help remedy the situation.

3. Lake Isabella South, lot 81

A motion was made by Lacca, seconded by Kiel, to approval the waiver of a deed restriction for Lake Isabella South, lot 81. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

4. Village Welcome Sign

The Council discussed sign options for the DPW property on Coldwater Road. After discussion it was agreed to have a sign similar to the one at the Village Hall made and installed at the property.

5. Traffic Control Order 2011-02

A motion was made by Grey, seconded by Kiel, to adopt Traffic Control Order 2011-02 which establishes no parking zones at the intersection of Fairway Drive and Clubhouse Drive. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Pattison; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

**Public Comments**

- Mike Scherba of Lincoln Drive: Questioned the reasoning behind expanding the list of defined public improvements in the special assessment section of ordinance 2011-13.

With no further business, the Village Council stood in adjournment at 8:31 PM.

x1 Jeffrey P. Grey  
Jeffrey P. Grey, Village Clerk

x1 David K. Torgerson  
Dave Torgerson, Village President

## Village of Lake Isabella

### Village Council Minutes

Regular Meeting – September 27, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, Pattison, and Torgerson

**Members Excused:** None

The agenda was accepted without objection or modification.

A motion was made by Miller, which was seconded by Lacca, to approve the Consent Agenda as presented, which included the following items;

- Invoices and disbursements
- The Balance Sheet
- The Investment Report
- The Income – Expense Report
- The June JCCA Report
- Minutes of the August 16<sup>th</sup> Village Council meeting
- Results of the September 13<sup>th</sup> Village General Election

ROLL CALL VOTE; YEAS: Grey, Griffin, Lacca, Kiel, Miller, Pattison, and Torgerson;  
NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

### Reports

- Village Manager Wolff presented his monthly report to the Council. He discussed traffic to the Village's website, noting that there have been over 43,000 visitors to the Village's site this year. He also discussed the October Planning Commission meeting, and the ZBA meeting from earlier in the day. He also discussed the water testing as part of the plat review for Lake Isabella North.
- Steve Clark from Rowe Professional Services Company was present and discussed the status of the Village's funding status with the USDA. Mr. Clark informed the Council of the conditions being asked by the USDA with respect to connections, funding both the phase 1 infrastructure and phase 2 on-site costs. He discussed that there are 4 requirements which have to be met to move forward with the funding. Those are; a full application is submitted, an environment report is completed, an engineering agreement is executed, and a public hearing is conducted.

Mr. Clark noted that the Village is not obligated to take the funding until the Village actually closes on the loan. The loan amount has a rate of 3.375% over 40 years. He then discussed the issues encountered with the USDA since the original letter of funding eligibility was received. The issue being faced by the Village is that the USDA is treating the entire project as vital public infrastructure. This means that both the phase 1 infrastructure placed in the right-of-way and the phase 2 components of the on-site tanks and pumps are required to be included in the funding.

Wolff and Clark discussed how this was never the intent of the Village and that it is very unrealistic to treat the project this way.

Other funding options were discussed; specifically commercial credit which the Village's bond counsel has deemed is not a viable source to consider and SRF funding from the DEQ. The SRF funding has a shorter term, higher interest rate, more costly to apply for, and takes longer to fund than the USDA.

There was discussion on how to proceed. After discussion the it was agreed to take the following steps:

1. Send a newsletter to property owners in the impacted area updating them on our status and direction being taken.
2. Attempt to meet with the State Director of the USDA to lobby for changes in their rules to be more permissive and flexible with STEP systems.

### **Public Hearings:**

1. Resolution 2011-30: SPSAD 11-4 Confirmation of the Roll

Pattison opened the public hearing at 7:45 PM.

**Public Comment:** None

Pattison closed the public hearing at 7:46 PM.

A motion was made by Kiel, seconded by Grey, to adopt resolution 2011-30 which creates a single parcel special assessment district for 1061 Fairway Drive in the amount of \$84.<sup>38</sup>. ROLL CALL VOTE; YEAS: Grey, Griffin, Lacca, Kiel, Miller, Pattison, and Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

2. Ordinance 2011-11: Proposed Noise Ordinance Amendment

Pattison opened the public hearing at 7:47 PM.

**Public Comment:**

- Audra Buchanan of Circle Drive questioned how the allowed dbA table was established and that it seemed the industrial noise level was too permissive. She also asked how the ordinance would be enforced. Wolff replied that the table was set up to be based on the receiving land use, not the sending source. According to him the source of the noise is not relevant to the table, simply where the sound is being received. He also stated that the Village would be the enforcing unit if complaints were received.
- Steve Schumacher of Castle questioned how reasonable exceptions would be handled such as installing a seawall. Torgerson noted that the ordinance has a provision to allow temporary exceptions.

Pattison closed the public hearing at 7:55 PM.

The Council discussed the need to keep generic quiet hours in the ordinance and that they would like to see such a requirement carried over from the old ordinance to the new one.

A motion was made by Grey, seconded by Kiel, to table action on proposed ordinance 2011-11 until the October 18<sup>th</sup> meeting. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

3. Ordinance 2011-13: Article II Re-codification

Pattison opened the public hearing at 7:59 PM.

**Public Comment:** None

Pattison closed the public hearing at 8:00 PM.

A motion was made by Kiel, seconded by Lacca, to adopt proposed ordinance 2011-13. ROLL CALL VOTE; YEAS: Grey, Griffin, Lacca, Kiel, Miller, Pattison, and Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

**Public Comments:**

- Audra Buchanan of Circle Drive asked about the odor coming from the Pellet Factory and how the requirement to have Baseline Road paved was being handled. Wolff replied that the DEQ is the regulatory authority with respect to air quality and in June they issued a permit to the pellet factory. He has forwarded all complaints to them regarding the odor and has yet to hear back from them. With respect to Baseline Road, the Village extended the deadline to the end of the year. He said if it, or any other requirement of the Site Plan or approval process isn't honored the he would make such known to the Village Council who could seek legal action to force the factory to stop operations until the conditions are honored.
- Bill Dunham of Fairway Drive discussed the sewer project and the requirement in the building and use restrictions that people are required to support a proposed special assessment district and that they are required to connect.

**Existing Business**

1. Purchase Agreement: 1009 Vallado Drive

The Council reviewed the proposed purchase agreement between the Village and The Turtle Clan, LLC. Pattison voiced concern over the future use of any of the parcels allowing them to be residential rentals and asked that the agreement be modified to include a restriction to limit such use. Miller voiced concern over the price and 2 lots proposed to be included as the Village's purchasing price. Kiel voiced objection to the entire agreement and stated that he feels this is a bailout to the property owner and that the Village should simply enforce their blight ordinance regardless of the possible legal expenses. After further discussion, a motion was made by Kiel, which was seconded by Griffin, to reject the proposed agreement. VOICE VOTE: YEAS: Grey, Griffin, Lacca, Kiel, & Miller; NAYS: Pattison & Torgerson; MOTION TO REJECT CARRIED (5-2-0).

2. Sale of Coldwater Road Parcel

The Council discussed the possible sale of a 1.57 acre parcel owned by the Village on Coldwater Road. There was discussion regarding the best means to market the property, mainly using MMDC. The Council also discussed future membership in MMDC as well as taking a lower purchase price if there was some guarantee of development on the parcel.

### 3. Peddler Ordinance

The Council discussed recent resident concerns over door-to-door sales people. It was requested of Wolff to have an ordinance drafted to examine at a future meeting.

### New Business

#### 1. 2012 Fireworks Date

The 4<sup>th</sup> of July falls on a Wednesday in 2012. As such, the Council discussed options for the date of the 2012. Keeping with the Village's tradition of hosting the event on a Saturday, the Council selected June 30<sup>th</sup> as the date.

#### 2. Online Forum Software

The Council discussed having a demo done of a software product called MindMixer. Wolff said he would get a demo date set and invite members to attend.

#### 3. Planning Commission Appointment

Village President Torgerson appointed Robert Laraway to the vacancy on the Planning Commission caused by Jim Kenney's resignation. There was no objection from the Village Council to the appointment.

### Public Comments

- Mrs. Kuhn of Marietta Drive questioned how long it would take to have the situation at 1009 Vallado resolved if the Village took the owner to court. Wolff stated that it could take anywhere from a couple of months to a couple of years depending on the judge and attorneys involved.
- Mrs. Rosebrough of Vallado stated that she wants the situation at 1009 Vallado resolved.
- John Boyd of Bundy Drive stated that he felt the Council made a good choice with the appointment of Mr. Laraway.
- Audra Buchanan of Circle Drive stated she favored having the Village regulate peddlers.

With no further business, the Village Council stood in adjournment at 9:17 PM.

x1 Jeffrey P. Grey  
Jeffrey P. Grey, Village Clerk

x1 Dave K. Torgerson  
Dave Torgerson, Village President

Village of Lake Isabella  
Village Council Minutes  
Special Meeting – October 11, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 9:00 AM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Lacca, Kiel, Miller, Pattison, & Torgerson

**Members Absent:** Griffin

**Public Comments:** None

**Business**

1. Crack Sealing

The Village Council discussed the proposal from GT Contracting to do one days worth of crack sealing for a cost of \$5,500. Wolff stated that he felt this was a good price as last year when they crack sealed the airport and a handful of streets they were here for about 6 hours and billed the Village \$4,500. He also noted that this was not the same company that the Village had problems with on the Crown Point project.

A motion was made by Kiel, seconded by Pattison, to approve the quote from GT Contracting in the amount of \$5,500. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0)

2. Receipt of Legal Opinion

A motion was made by Grey, seconded by Lacca, to enter into closed session at 9:04 AM as allowed under MCL 15.268(h). ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0)

A motion was made by Lacca, seconded by Miller, to exist the closed session at 10:09 AM. ROLL CALL VOTE; YEAS: Lacca, Grey, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0)

3. Police Coverage RFP

Wolff presented a draft of a Request for Proposals for dedicated police presence in the Village. The Council reviewed the draft and increased the requested liability coverage from \$2,000,000 to \$10,000,000. The Council asked that the RFP be sent to the Sherman Township Marshal, Isabella County Sheriff, and Michigan State Police.

**Public Comments:** None

With no further business, the Village Council stood in adjournment at 10:12 PM.

x\ \_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\ \_\_\_\_\_  
Dave Torgerson, Village President

# Village of Lake Isabella

## Village Council Minutes

Regular Meeting – October 18, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, Pattison, & Torgerson

**Members Absent:** None

The agenda was accepted without objection or modification.

A motion was made by Miller, which was seconded by Lacca, to approve the Consent Agenda as presented, which included the following items;

- Invoices & Disbursements (Bills to be Paid)
- Balance Sheets
- Investment Reports
- Income/Expenditure Reports
- Minutes of the September 27, Village Council Meeting
- Minutes of the October 11, Planning Commission Meeting
- Minutes of the October 11, Village Council Meeting
- Minutes of the October 11, Village Council Closed Session

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson;  
NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

### **Reports**

- Village Manager Wolff presented his monthly report to the Council. In addition to information on permits, code enforcement activity, and calls for service to Central Dispatch he discussed the RFP that was sent out for police coverage.
- LIPOA District 7 Representative Dave McGrath was present and gave an update to the Council. He discussed the vote by the Board of Directors by a 7-1 margin to conduct a draw down of Lake Isabella this winter of up to four feet if permitted by the DEQ.

**Public Hearings:** None

**Public Comments:** None

### **Existing Business**

#### 1. Proposed Ordinance 2011-11: Noise Regulation

A motion was made by Grey, seconded by Lacca, to adopt proposed ordinance 2011-11 with a maximum allowed distance of 1 mile in 622.11(2), the allowed dBA chart from the September meeting, and request the Planning Commission review the attorney's proposed Noise Site Plan proposal. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)



2. Proposed Ordinance 2011-15: Regulation of Peddlers

The Village Council reviewed the draft of the proposed ordinance to regulate peddlers and solicitation in the Village. Concerns were voiced that the draft was too far reaching and needed to be scaled down.

A motion was made by Kiel, seconded by Pattison, to table further action on proposed ordinance 2011-15 until the first regular meeting in 2012. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

3. 1009 Vallado Drive

A motion was made by Griffin, seconded by Kiel, to authorize the Village Manager to seek corrective action in the Isabella County District Court to compel the owner of 1009 Vallado to address the outstanding blight code violation for keeping an uninhabitable dwelling. This action to take place one week after being sent a final notice that demands action be taken to address the blight code violation or face legal action from the Village. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

4. Baseline Road Paving

The Village Council received a request from Isabella Pellet to delay paving on Baseline Road until the spring of 2012. Representatives from the factory offered to use the funds planned for that to address the noise and odor complaints received by the Village in return for extending the paving requirement timeline.

A motion was made by Kiel, seconded by Miller, to extend the paving requirement deadline of Baseline Road until Memorial Day of 2012, and to have the Village Manager draft and execute documents to that effect between the Village and Isabella Pellet. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

**New Business**

1. Proposed Ordinance 2011-12: Backyard Chickens

Proposed ordinance 2011-12 was introduced and a public hearing set for the December meeting.

2. Proposed Ordinance 2011-14: Cook Property Rezoning

Proposed ordinance 2011-14 was introduced and a public hearing set for the December meeting.

3. Resolution 2011-31: Village Council Rules Amendment

Grey questioned how proposed rule 9.4 would work. It was explained to him that the rule would limit contact by individual council members to vendors and professional service providers unless authorized by the Village Council. For example an individual Council member could not contact the Village attorney for a legal opinion on behalf of the Village without the approval of the Council.

A motion was made by Kiel, seconded by Lacca, to adopt Resolution 2011-31. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

4. Resolution 2011-32: Street Construction Standards

A motion was made by Miller, seconded by Griffin, to adopt Resolution 2011-32. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

5. Resolution 2011-33: Village Organizational Chart

A motion was made by Grey, seconded by Kiel, to adopt Resolution 2011-33. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

**Public Comments**

- Mike Scherba of Isabella Vista thanked the Village for crack sealing his street, and discussed the need to gravel several road shoulders.

A motion was made by Grey, seconded by Miller, to enter into closed session at 8:17 PM as allowed under MCL 15.268(h). ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

A motion was made by Pattison, seconded by Kiel, to exit the closed session at 8:55 PM. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

A motion was made by Pattison, seconded by Griffin, to amend the Agenda to include action of proposed Resolution 2011-34 before the adjournment of the meeting. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

Resolution 2011-34: Lake Isabella Dam

There was discussion among all members of the Council that based on the information reviewed, concerns regarding the use of the emergency sluice gate need to be brought to the attention of the LIPOA and that the MDEQ should not issue a permit without first conducting a public hearing. Members discussed that the Village Charter requires the Council to ensure the public’s safety and well being for the entire community, and all expressed their desire for the Village to work with the LIPOA to address the concerns relating to the condition and operation of the emergency sluice gate and review process used by the MDEQ.

A motion was made by Pattison, seconded by Kiel, to adopt Resolution 2011-34. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

With no further business, the Village Council stood in adjournment at 8:57 PM.

x\ \_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\ \_\_\_\_\_  
Dave Torgerson, Village President

**Village Council Minutes**

Special Meeting – November 3, 2011

The Meeting was called to order at 9:00 AM by Village President Dave Torgerson.

**Members Present:** Grey, Griffin, Lacca, and Torgerson

**Members Absent:** Kiel, Miller, and Pattison

**Public Comments:** None

**Business**

1. Purchase Agreement: 1009 Vallado Drive

The Village Council discussed the offer from the owner of 1009 Vallado to deed the property to the Village in exchange for not pressing charges for the blight code violations of record. A motion was made by Lacca, seconded by Griffin, to accept the offer for the owner to donate the property to the Village and to have the Village raze the property. ROLL CALL VOTE; YEAS: Grey, Griffin, Lacca, and Torgerson; NAYS: None. MOTION CARRIED 4-0-0.

2. MDEQ Permits 11-37-0017-P & 11-37-0019-P

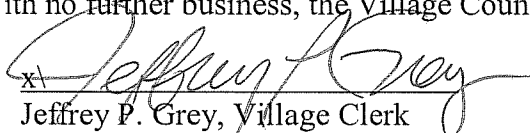
The Council reviewed permit 11-37-0017-P and 11-37-0019-P issued by the MDEQ. All members present indicated that they were not opposed to conducting a drawdown of Lake Isabella, and were supportive of working with the LIPOA if a large project is needed to repair the dam or dredging. Members did voice concerns over the process followed to obtain the permit and also concerns over the use of the emergency sluice gate to conduct a partial drawdown, thereby leaving it exposed for the winter.

Due to the stated concerns of members of the Village Council, the Village Manager was directed to approach the LIPOA about having a weir gate or other engineered mechanism constructed for future draw-downs which would not compromise the existing emergency sluice gate.

The Village Council agreed that per adopted Resolution 2011-34 the Village engineer should review the plans and permit 11-37-0019-P for repairs to the intake pipe on the dam and forward any concerns to the Village Manager. Likewise, per Resolution 2011-34, the Village Manager was further instructed to submit a petition for a contested hearing to the MDEQ with respect permit 11-37-0017-P and request that prior to any work being conducted, the MDEQ hold a public hearing as required for non-minor permits. Lastly, the manager was also directed to inquire with MDNR to ensure that if required, a Cultural or Scientific Collector's Permit per the Stranded Freshwater Mussel Survey Protocol as detailed on permit 11-37-0017-P had been obtained by either the LIPOA or Isabella County Drain Commissioner.

**Public Comments:** None

With no further business, the Village Council stood in adjournment at 9:47 AM.

  
x1 Jeffrey P. Grey, Village Clerk

  
x1 Dave Torgerson, Village President

# Village of Lake Isabella

## Village Council Minutes

Special Meeting – November 11, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 9:00 AM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, and Torgerson

**Members Absent:** Kiel, Miller, and Pattison

**Public Comments:** None

### **Business**

#### 1. MDEQ Permit 11-37-0017-P

The Village Council met to discuss legal options regarding the permit issued by the MDEQ authorizing a winter drawdown of Lake Isabella for the next 5 winters as requested by Isabella County Drain Commissioner who requested that if the Village desired to halt the drawdown the Village Council would need to file a Temporary Restraining Order. During the meeting the Council discussed this with Village Attorney Cliff Bloom. Mr. Bloom advised the Council on the various options available to the Village if legal action is desired. Specifically he discussed the process entailed with filing a Temporary Restraining Order and Preliminary Injunction which would stop the pending drawdown of Lake Isabella. He also discussed the 1982 Court Order noting several inconsistencies with how it has been applied by the Drain Commissioner in the current situation. Mr. Bloom advised the Council that existing court order is inconsistent with current state laws as it pre-dates Public Act 451 of 1994. He noted that it should be reviewed by the court to reflect current laws, yet doing so would not force the Drain Commissioner to stop the current drawdown.

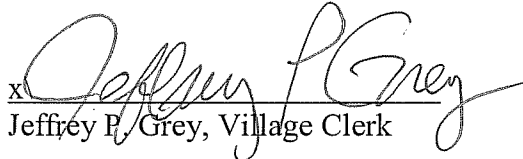

Concerns were discussed regarding how any action may be viewed by the LIPOA and public at-large. It was noted that the Village has not received any official communication or response from the LIPOA since adopting Resolution 2011-34 at the October meeting. It was discussed and agreed to by all present members of the Council that the concerns of the Village could be adequately addressed without filing for a TRO which would halt the pending drawdown. Rather, by having the Court Order amended to reflect current law and clarified on the procedural requirements, future draw-downs could be done in a clearer process which reflects current laws.

All members present expressed their desire, both personally and for the Village, to not be contrarian or antagonistic; yet protect the due process rights of the Village and residents in the Village that are outside the jurisdiction of the LIPOA with respect to riparian rights and liability exposure. Members of the Council again expressed their support for the Village to work in partnership with the LIPOA on large scale lake management projects and also projects concerning the dam as the Village is better able to raise funds for these projects and that the Village encompasses all of the waterfront community and not just the plats which make-up the LIPOA.

After further discussion, a motion was made by Lacca, seconded by Griffin, to take legal action to have the 1982 Court Order amended and further clarified by the Circuit Court. ROLL CALL VOTE; YEAS: Grey, Griffin, Lacca, and Torgerson; NAYS: None. MOTION CARRIED 4-0-0.

**Public Comments: None**

With no further business, the Village Council stood in adjournment at 9:40 AM.

x\  x\   
Jeffrey P. Grey, Village Clerk      Dave Torgerson, Village President

# Village of Lake Isabella

## Village Council Minutes

Special Meeting – December 8, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 9:00 AM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Kiel, Pattison<sup>1</sup>, & Torgerson

**Members Absent:** Lacca<sup>2</sup> and Miller

**Public Comments:** None

### **Business**

#### 1. Receipt of Legal Opinion

A motion was made by Grey, seconded by Kiel, to enter into closed session at 8:03 AM as allowed under MCL 15.268(h). ROLL CALL VOTE; YEAS: Grey, Griffin, Kiel, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

A motion was made by Kiel, seconded by Lacca, to exit the closed session at 9:27 AM. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (6-0-0).

A motion was made by Kiel, seconded by Lacca to take the following action with respect to the appeal of the MDEQ as authorized by the Village Council on November 3<sup>rd</sup>:

To authorize the Village Manager to withdraw the appeal provided that:

1. The LIPOA agree to seek an immediate amendment to MDEQ Permit 11-37-0017-P to bring the refill date of the permit into compliance with the 1982 Court Order.
2. LIPOA agree to include the following items as amendments to the 1982 Court Order:
  - A. That the list of adjacent/impacted properties required on all permits include all waterfront parcels located inside the Village of Lake Isabella which are outside of the recorded plats of the LIPOA.
  - B. When required to provide notification as required on MDEQ permits, such notice to be provided for via first-class mail to all property owners within the Village of Lake Isabella.
  - C. That the MDEQ reserves the right to require a public hearing on all permits if the application falls outside of the projects classified as a minor project per their adopted rules and guidelines.

Or, if the LIPOA is not agreeable to those provisos, or has not responded to the Village by Friday, December 16<sup>th</sup> to have the Village Manager file a status report as required by December 21<sup>st</sup> requesting that the state hold the matter in abeyance to allow the Village

---

<sup>1</sup> Councilman Pattison left the meeting at 9:29 AM.

<sup>2</sup> Councilman Lacca arrived at the meeting at 8:22 AM.

and LIPOA to work together per the items discussed by the managers and Presidents at their meeting on November 30<sup>th</sup>.

And regardless of the direction taken on the appeal of MDEQ permit 11-37-0017-P to respectfully request that if the LIPOA has documents pertaining to the dam which may lead to a contrary opinion regarding the use of the emergency sluice gate as stated in the Village's correspondence of October 19, 2011 to provide them so that they can be reviewed by the Village's engineer in light of the stated concerns of October 19<sup>th</sup>.

There was a brief discussion as to what impact withdrawing the appeal would have. It was discussed that the desire would be a clear signal to the LIPOA that the Village is serious about working together as partners as was discussed by the managers and Presidents on November 30<sup>th</sup>. It was also noted that the MDEQ confirmed that the motion for a stay was not permissible under the Administrative Procedures Act and that nothing done on the part of the Village was preventing the LIPOA or the Isabella County Drain Commissioner from carrying out the activity authorized under MDEQ permit 11-37-0017-P.

ROLL CALL VOTE; YEAS: Griffin, Lacca, Kiel, Pattison & Torgerson; NAYS: Grey; MOTION CARRIED (5-1-0).

President Torgerson asked for a 10 minute recess, which was taken without objection.

## 2. Village Manager Annual Performance Evaluation

A motion was made by Grey, seconded by Kiel, to enter into closed session at 9:39 AM as allowed under MCL 15.268(a). ROLL CALL VOTE; YEAS: Grey, Griffin, Kiel, Lacca & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

A motion was made by Kiel, seconded by Lacca, to exit the closed session at 9:59 AM. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

A motion was made by Kiel, seconded by Lacca, to have an amended contract prepared for consideration at the Village Council's regular meeting of December 20<sup>th</sup> per the discussion held in the closed session. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

**Public Comments:** None

With no further business, the Village Council stood in adjournment at 10:03 AM.

x\ \_\_\_\_\_  
Jeffrey P. Grey, Village Clerk

x\ \_\_\_\_\_  
Dave Torgerson, Village President

# Village of Lake Isabella

## Village Council Minutes

Regular Meeting – December 20, 2011

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 7:00 PM by Village President Dave Torgerson and the pledge of allegiance was recited.

**Members Present:** Grey, Griffin, Lacca, Kiel, Miller, Pattison, & Torgerson

**Members Absent:** None

The agenda was accepted without objection or modification.

A motion was made by Grey, which was seconded by Miller, to approve the Consent Agenda as presented, which included the following items;

- Invoices & Disbursements (Bills to be Paid)
- Balance Sheets
- Investment Reports
- Income/Expenditure Reports
- Joint Construction Code Authority Report
- Minutes of the October 18<sup>th</sup> Village Council Meeting
- Minutes of the October 18<sup>th</sup> Village Council Closed Session
- Minutes of the November 3<sup>rd</sup> Village Council Meeting
- Minutes of the November 11<sup>th</sup> Village Council Meeting
- Minutes of the December 8<sup>th</sup> Village Council Meeting
- Minutes of the December 8<sup>th</sup> Closed Sessions

ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson;  
NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

### **Reports:**

- Jana Chotivkova from Yeo & Yeo of Midland was present to give the Council the Fiscal Year 2010-2011 Audit Report. She reported that the Village had once again received the best possible opinion and that the Village's financial management practices were fully in compliance with the adopted policies and procedures of the Village. She noted that the Village was able to off-set 7.7% reduction in revenue by reducing expenses by 11% over the fiscal year.

Kiel thanked her for her work, and thanked the Village staff for their knowledge and hard work managing the Village's finances.

- Village Manager Wolff provided a monthly update to the Village Council. He discussed work being done to replace all of the street signs in the Village over the next 5 years. He also discussed the January Planning Commission meeting where the updated Site Plan from Isabella Pellet will be considered.
- The LIPOA Report was given by District 5 Representative Shoemaker. He discussed meeting with Spicer Engineering on the toe drains for the dam. He stated that Spicer would like to fully inspect them during a full drawdown of the lake, and not a partial one as has been permitted by the MDEQ.



**Public Hearings:**1. Proposed Ordinance 2011-12: Backyard Chickens

Village President Torgerson opened a public hearing for Proposed Ordinance 2011-12 at 7:13 PM.

Public Comments:

- Dave Shoemaker of Isabella Vista: Asked if the proposed ordinance limited the number of chickens that a person could raise or keep.
- Scott Voight of Fairway Drive: Questioned the ordinance's legality in light of the Right to Farm Act. He also asked what the penalty would be for failing to comply with the ordinance.
- Mike Scherba of Isabella Vista: Commented that to his knowledge the building and use restrictions in the LIPOA plats prohibit the keeping of chickens and livestock.

Council Comments:

- Kiel asked if the Village Manager could contact the MML and other municipalities that have dealt with this issue to see how they are handling the Right to Farm issue.
- Grey asked what definitions the Right to Farm Act sets for chickens. Wolff replies that the Act doesn't, but rather defaults to the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMP) as to whether or not the activity is protected via Right to Farm.
- Griffin discussed that his son who lives in Palo Alto is allowed to raise chickens. He noted that the regulations being considered by the Village were stricter than what his son has to comply with in California.

President Torgerson closed the public hearing at 7:23 PM.

A motion was made by Kiel, seconded by Pattison, to table action on the proposed ordinance to allow the Village Manager to contact the MML and other municipalities to discuss how they handle Right to Farm. VOICE VOTE; MOTION CARRIED UNANIMOUSLY (7-0-0).

2. Proposed Ordinance 2011-14: Cook Property Rezoning

Village President Torgerson opened a public hearing for Proposed Ordinance 2011-14 at 7:25 PM.

Public Comments: None

Council Comments:

- Grey asked if the issue regarding Village residents encroaching on the field behind their lots on Circle Drive into the field had been resolved. Wolff stated that the gentleman that made the complaint at the Planning Commission meeting had never followed-up on the matter.

President Torgerson closed the public hearing at 7:27 PM.

A motion was made by Lacca, seconded by Miller, to adopt Ordinance 2011-14 which rezones 35 +/- acres of land on Coldwater Road from LR-1 to Agricultural. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

**Public Comments:**

- John Berry of Queens Way: Thanked the Village for sending out the mailing regarding the public safety proposal. He stated that he did not feel a major need for the Village to spend the money on the proposal. He stated that Union Township had yet to start paying for public safety services, and didn't see why the Village should.
- Howard Slasor of Fairway Drive: Asked to know what the results were of the mailing on the public safety proposal.
- Geoff Elias of Clubhouse Drive: Asked why police coverage was being considered since it was voted down in 2007.
- Dave Shoemaker of Isabella Vista: Asked to know what the count was on the mailing.
- Dave Schleick of Clubhouse Drive: Stated that he did not receive a mailing regarding the proposed police coverage.

**Existing Business:****1. Proposed Dedicated Patrol Contract: Isabella County Sheriff's Department**

Wolff provided a summary to the Village Council on the results from the mailing. He stated that the Village mailed to every household in the Village. This was a mailing of just under 1,000 newsletters. He noted that the Village received 170 replies in favor, 170 against, and 26 that had no opinion.

A motion was made by Griffin, seconded by Grey, to decline the proposal from the Isabella County Sheriff's Department.

Kiel discussed that the Village had roughly 360 responses from the postcard mailing, and that the results were an equal number in favor as opposed to the proposal. He discussed the possible need for additional patrols on the lake during the summer months and suggested that the Village consider exploring that with the LIPOA.

Griffin noted that past survey's had also not been supportive of additional law enforcement services in the community.

Lacca noted that with a 50/50 reply there clearly wasn't a mandate, but with each request for feedback from the community the percentage that supports additional police presence increases. He stated that he feels this is not the best time to increase the service level, but it should be looked at periodically to ensure that the needs of the community are being met by the level of service provided.

Grey discussed Neighborhood Watch, and hoped that the Village could try again to develop a program for the community.

ROLL CALL VOTE TO DECLINE THE PROPOSAL; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

**2. Village Manager Contract Renewal**

A motion was made by Pattison, seconded by Miller, to approve the renewal agreement for the Village Manager's employment contract. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

3. Resolution 2011-38: Wall of Honor

A motion was made by Kiel, seconded by Lacca, to adopt proposed Resolution 2011-38 which would create a “Wall of Honor” at the Village Hall to honor members of the community. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

4. 1009 Vallado Drive Status

Dave Shoemaker of The Turtle Clan, LLC was present to discuss the status of blighted single-wide mobile home at 1009 Vallado. He requested that the deed contain the phrase “Quit Claim Deed in Lieu of Condemnation.” There were no objections from the Council to including this phrase and asked to have the matter resolved as soon as possible.

**New Business:**

1. January Organizational Meeting

The Council discussed the time for the regular organizational meeting in January. Grey suggested that 9:00 AM would work for him, or holding it in the evening. After further discussion the Council set the meeting time as 7:00 PM on Tuesday, January 3, 2012 without objection.

2. Requests to be Excused, 1<sup>st</sup> Quarter of 2012

The received, and accepted without objection requests to be excused for the following meetings in the 1<sup>st</sup> quarter of 2012:

Village President Pro-Temp Pattison requested to be excused from all regular meetings in January, February, and March.

Village Treasurer Kiel requested to be excused from all regular meetings in January, February, and March.

Councilman Griffin requested to be excused from all regular meetings in January, February, and March.

Councilman Lacca requested to be excused from January and February meetings.

3. Resolution 2011-35: Council Rule #8 Amendment

A motion was made by Grey, seconded by Pattison, to adopt Resolution 2011-35 as presented, which amends Rule #8 of the Village Council’s rules to reflect Robert’s Rules. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

4. Resolution 2011-36: Public Act 152

A motion was made by Miller, seconded by Kiel, to adopt Resolution 2011-36 as presented, which formally states the Village’s position of non-compliance with Public Act 152 due to the State of Michigan’s continued refusal to make the Village eligible for payments under the former Statutory Revenue Sharing program and the current Economic Vitality Incentive Program. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

5. Resolution 2011-37: TSI Committee

A motion was made by Grey, seconded by Lacca, to adopt Resolution 2011-37 as presented, which immediately ends the TSI Committee of the Village. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

6. Resolution 2011-39: Website & Social Media Policy

A motion was made by Grey, seconded by Kiel, to adopt Resolution 2011-39 which creates a formal policy for the Village's social media outlets.

Miller stated that she would like to see Section 1.1 of the policy removed.

A motion was made by Grey, seconded by Griffin, to remove section 1.1 of the proposed policy. VOICE VOTE; MOTION CARRIED UNANIMOUSLY (7-0-0).

A motion was made by Pattison, seconded by Miller, to amend the proposed policy to include clarify that the term "User" includes Village Council members, Board and Committee Members, and Village Staff. VOICE VOTE; MOTION CARRIED UNANIMOUSLY (7-0-0).

ROLL CALL VOTE TO ADOPT THE RESOLUTION WITH THE AMENDED POLICY; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

**Public Comments:**

- Dave Shoemaker of Isabella Vista: Stated that he had recently had a meeting with the Spicer Group regarding the dam and would like to begin applying for dredging permits in the near future. He stated that the Village needed to withdraw its appeal of the drawdown permit as he believes it would prevent the LIPOA from ever getting a permit for anything in the future. He also asked for the reasons behind including the notification requirements in the motion to amend the 1982 Court Order as he feels that they are redundant.
- Larry Russell of Fairway Drive: Stated that despite what he had been told by Mr. Kiel and Mr. Wolff the members of the Village Council should be proud of their actions and take credit for stopping the drawdown and not deny it.
- Larry Hiither of Queens Way: Thanked the Village for helping with the Neighborhood Watch program in his area of the Village.
- Dave McGrath of Queens Way: Congratulated the Village on a good audit, and asked if there was any news on Frontier bring in DSL or Charter upgrading their system. He also thanked the Village for having the tables back in the Council Chambers and noted that it makes it easier for the public at meetings.
- Mike Scherba of Isabella Vista: Thanked Councilwoman Miller for her service on the Council.

**Receipt of Legal Opinions:**

A motion was made by Kiel, seconded by Grey, to enter into closed session at 8:29 PM as allowed under MCL 15.268(h). ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0)

A motion was made by Miller, seconded by Grey, to exit the closed session at 9:39 PM. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

A motion was made by Grey, seconded by Griffin, to approve the public disclosure of the legal opinion received by the Village dated December 8, 2011 from Clifford Bloom of Law Weathers, and December 15<sup>th</sup> from Roger Swets of Clark Hill regarding Special Assessment powers of the Village of Lake Isabella. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

A motion was made by Grey, seconded by Lacca, to direct the Village President and Village Manager to meet in good faith with the manager and president of the LIPOA to review the proposed motion to clarify and amend the 1982 court order to address any concerns that the LIPOA may have with the motion. It was further moved to direct Law Weathers to file the motion by February 1<sup>st</sup> once the managers and presidents have held their discussions and made any amendments agreed to by the managers and presidents. The Village manager was also directed to update the Isabella County Drain Commissioner on the filing status of the motion and the pending withdrawal of the appeal of the MDEQ permit once the Village and LIPOA have reached a mutual agreement on the conditions outlined by the Village Council at their special meeting of December 8<sup>th</sup>. ROLL CALL VOTE; YEAS: Lacca, Grey, Griffin, Kiel, Miller, Pattison & Torgerson; NAYS: None; MOTION CARRIED UNANIMOUSLY (7-0-0).

Kiel thanked Councilwoman Miller for her service on the Council and to the community. Wolff also thanked Miller for her service during the previous 4 years.

With no further business, the Village Council stood in adjournment at 9:45 PM.

x\  
Jeffrey P. Grey, Village Clerk

x\  
Dave Torgerson, Village President