

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 01-12-22**

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:00 PM. This meeting was held at Village Hall at 21 N. Elm Street.

Pledge of Allegiance: Yes

Roll Call: Present: Kramer, Thomas, Hinman, Newquist, Ream, Smith

Absent: Graziano

A Motion was made to approve the agenda with one change. Agenda Items #15, 16, 17 & 18 will be moved to after Agenda item #23. This moves the “closed session” to the end of the agenda after the public comments. Moved: Newquist Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

**PUBLIC COMMENT:** Audience member, Tom Pauly asked to speak on Item #14.

**CORRESPONDENCE:** No correspondence per Village Manager, Dan Faulkner.

**Approval of the Consent Agenda to include:** Approval of the Minutes of the Special Council Meetings held on 10-19-21, 10-20-21, 10-27-21 and the Regular Council Meeting held on 11-10-21, the Special Council Meetings held on 11-11-21 and 12-02-21 and the minutes of the Regular Council meeting held on 12-08-21. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$102,772.03). Approval of Disbursements made in December, 2021 (\$102,664.79) and Approval of Payroll as paid for December, 2021 (\$43,379.99). Per Council Member, Newquist, a name correction needs to be made in the previous minutes to change “Meg Cullen” to “Peg Cullen”. A Motion was made to approve the Consent Agenda with one name correction as noted above. Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **APPROVAL of SOUTHWEST MICHIGAN TOURIST COUNCIL’s INVOICE for \$110.00:** A Motion was made to approve (for payment) the \$110.00 invoice from the Southwest Michigan Tourist Council for the DDA’s annual membership dues. Moved: Newquist Supported: Hinman Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.
- **APPROVAL of HARBOR COUNTRY CHAMBER of COMMERCE’s INVOICE for \$100.00** A Motion was made to approve (for payment) the \$100.00 invoice from the Harbor Country Chamber of Commerce for the DDA’s annual membership dues. Moved Hinman Supported: Thomas Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.
- **APPROVAL of the VILLAGE FIRE PROTECTION AGREEMENT with THREE OAKS TOWNSHIP:** After discussions with Three Oaks Township, (since the Township now has a millage in place for fire protections services), they have decided to amend the contract with the Village for these services, thereby no longer requiring quarterly payments from the Village. A Motion was made to accept the new Village Fire Protection Agreement with Three Oaks Township. This agreement will continue to provide fire protection services to the Village with no additional charge beyond the millage that is collected from property taxes. Moved: Newquist Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **PRESENTATION of BRDGE INSPECTION REPORT by SUZANNAH DENEAU from WIGHTMAN:** Suzanne Deneau, engineer with Wightman presented the inspection report for the Hickory Street bridge. This bridge was built in 1980. In 2012, the bridge deck was redone, but because of extensive deterioration due to a significant amount of water getting into the expansion joints, it was recommended that a full superstructure replacement be considered. Because of this deterioration, new load rating restrictions may need to be placed on the bridge until repairs are made. She reported that there will be “critical bridge”

grants available in 2025. This application needs to be submitted by April 1<sup>st</sup>. The application will be submitted in consortium with Niles, Baroda & Watervliet. MDOT will provide 95% of the cost and the Village will provide 5%. To do a complete super-structure replacement, the cost would be \$1.5 million. Removing the bridge would cost about \$500,000. The City of Niles has agreed to take the lead on the construction project for the consortium. **Council Member, Newquist** asked if the Village could have done anything differently to prevent this much deterioration. **Audience member, Tom Pauly** asked if a sidewalk could be installed on the bridge in 2025 when it is reconstructed. **A Motion was made to allow Village Manager, Faulkner to move ahead with further investigation of the bridge repairs and to begin working with the other municipalities in order to submit the grant application by April 1, 2022. Moved: Ream Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **PRESENTATION, REVIEW and DISCUSSION of the FEASIBILITY STUDY of the SEWER LAGOONS by MARY NYKAMP of WIGHTMAN:** Mary Nykamp of Wightman recommends that Option B, “Lagoon Improvements” be adopted by the Village in order to meet the requirements of EGLE (State of MI). The alternative is tying into the GRSD system, but at a cost of over \$11 million dollars, it is cost prohibitive for the Village. **Council Member, Newquist** stated that she wished that tying into GRSD was a feasible option. **Council Member, Ream** stated that capacity-wise, the lagoons are ok, but that future industrial users will have to meet the standards and that an IPP needs to be put in place. **Village Manager, Faulkner** said that there is a \$3.5 million-dollar economic grant available for connecting to GRSD, but that still leaves over \$7.5 million of cost for the Village to absorb. The lagoon improvements will include an aeration system, new blowers, and a new building. For at least the 1<sup>st</sup> year, the Village would need to contract with a management firm to run the IPP program at an estimated cost of about \$50,000.00. There will be an additional \$800 to \$1,000 monthly electric costs to run the blowers. If the Village were to run the IPP program “in-house”, the new employee would be required to have a L2 license to operate it. **A Motion was made to pursue Option B, Lagoon Improvements in order to update the sewer lagoon system and meet the requirements and mandates of EGLE (State of MI). Moved: Kramer Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **APPROVAL of QUOTE from ARNT ASPHALT for RE-STRIPING of PARKING LOT at DEWEY CANNON PARK for \$975.00:** It was recommended that the parking at Dewey Cannon Park be changed to “vertical” parking (from angle parking) and that (4) handicap spots be added. **A Motion was made to approve the quote of \$975.00 from Arnt Asphalt for the re-striping of the parking lot at Dewey Cannon Park. Moved: Newquist Supported: Ream Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **ADMINISTRATIVE ASSISTANT/UTILITY BILLING CLERK POSITION:** **Village Manager, Faulkner** stated that the newly created position of “Administrative Assistant/Utility Billing Clerk” needs to be filled. The position would be part-time, Monday thru Friday, 8:00 am to 2:00 pm. He is seeking permission to begin advertising for it. **A Motion was made to approve the placement of an ad for the Administrative Assistant/Utility Billing Clerk position. Moved: Thomas Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **COVID-19 PAY POLICY:** **Village Manager, Faulkner** asked that this be tabled until the February Council Meeting.
- **ACQUISITION of 21 N. ELM STREET BUILDING from BERRIEN COUNTY:** **Village Manager, Faulkner** asked Council to consider whether the Village wants to take on this building. **Audience member, Tom Pauly**, said that if the Village acquires the building, then perhaps the Village Hall and the police station could be moved to the Elementary school location (once it becomes available). He then suggested that the police station could be remodeled and used as a public restroom. **Village President, Smith** stated that a careful assessment needs to be done to determine what changes/upgrades and the associated costs need to be done to this building. **Council Member, Ream** asked if there was any urgency to the decision. After further discussion, Council decided there is an interest in acquiring the building but that further details will need to be gathered before making a decision.
- **PLANNING COMMISSION UPDATES:** **Council Member, Newquist** said that there was no meeting held in January.
- **PARKS & RECREATION BOARD:** **Council Member, Ream** said that the Parks & Rec Master Plan needs to be updated, and that there have been requests to light the “big” Christmas tree for next Christmas.
- **DDA BOARD:** **Council Member, Hinman** reported that that the progress on the Farmer’s Market will be addressed at the February meeting; that they are working on assessing the downtown signage and will propose changes and solutions if needed; they are reviewing the downtown “tree” plan, and discussed a social media/website part-time position for the DDA.
- **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** said that there was no meeting held in January.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** said that they are beginning to migrate content to the new website, and are gathering photos.
- **GATEWAY COMMITTEE:** One (1) of the new welcome signs has been completed by Eric Derucki, but none have been installed yet.
- **VILLAGE MANAGER’S REPORT:** **Village Manager, Faulkner** reported that there was a hearing held today for the marijuana lawsuit that had been filed against the Village by LUME, that the report from Wightman had been received regarding the sewer lagoons and feasibility study that was conducted. He thanked **Council Member, Thomas** for her help in writing up the new job description for the Administrative Assistant/Utility Billing clerk position.
- **VILLAGE PRESIDENT’S REPORT:** **Village President, Smith** said that 2022 started out with a “bang”. There is already lots going on and lots coming up for this year – it will be busy!
- **COUNCIL REMARKS:** None
- **PUBLIC COMMENTS:** **Audience Member, John Balich** thanked Council for moving the “Closed” Session to the end of the meeting.
- **CLOSE the REGULAR COUNCIL MEETING AND ENTER INTO A CLOSED SESSION:** **A Motion was made to close the regular Council meeting at 8:05 pm and enter into a closed session with marijuana lawyer, Matthew Derby for discussion of the litigation of the LUME lawsuit against the Village. MOVED: Thomas Supported: Newquist Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**

- **CLOSE the CLOSED SESSION and RE-ENTER into the REGULAR COUNCIL MEETING:** A Motion was made to close the closed session at 8:32 pm and re-enter into the regular Council meeting. Moved: Kramer Supported: Hinman Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None **MOTION CARRIED.**
- **APPROVAL of WAIVER of ATTORNEY-CLIENT PRIVILEGE LETTER:** Attorney Matt Derby is representing the Village of Three Oaks in a litigation suit filed against the Village by LUME. Exclusive Healing is a part of that litigation. Attorney Derby's firm is representing Exclusive Healing in a separate case and he is required to notify the Village that there may be a potential conflict of interest. **A Motion was made to approve the waiver of an attorney-client privilege (potential conflict) letter regarding Exclusive Healing, Inc. v. Joint Endeavors, Inc. and Attitude Wellness, LLC (LUME) v. Village of Three Oaks.** Moved: Hinman Supported Kramer Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None **MOTION CARRIED.**
- **MEETING ADJOURNED AT: 8:34 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 01-12-22 Council Meeting  
Were **APPROVED** at the 03-09-22 Council Meeting