

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 12-13-23

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:01 PM. This meeting was held at Village Hall at 21 N. Elm Street.

Pledge of Allegiance: Yes

Roll Call: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Present: 6 Absent: 1

ADDITIONS: Village Manager, Dan Faulkner said that he would like to add the Berrien County Tax Agreement for software services, and that he received a request for a closed session for agenda item #14. Item #14 was moved to the top of Old Business as item #5, and the Tax Agreement was moved to item #6.

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Hinman Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Dennis Wojtczak asked to comment on item #7. **Audience Member, Tom Pauly** asked to comment on item #16.

CORRESPONDENCE: Village Manager, Faulkner stated that he received a letter regarding leaf pickup and contractors. They determined that the leaves are in the Village, and they will be picked up by DPW.

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 11/08/23. Approval of Invoices paid in November 2023 (\$143,200.72), and Approval of Payroll as paid for November, 2023. Approval of prepays for December, 2023 (\$68,762.31). Approval of the Police Department and Building Inspector's Reports. **Council Member, Jones** commented that under #18, she approved a total of \$39,000, not \$30,000. **Jones** asked if the Muffin Monster has been purchased. **Faulkner** said he would have to confirm. **Jones** also questioned the garage doors with DPW, she said that we paid for them upfront and they were \$1,000 more. **Faulkner**, said that Clay had requested that and the doors have been ordered and they will be installed within the next week. **Jones**, also questioned the invoice for Versaw Earthworks. She wanted to know why we were being charged for 4 hours of camera use when we purchased a sewer camera. **Faulkner**, said that Versaw's camera can go much deeper than ours. **Jones**, also questioned the invoice from Versaw for \$4,475 for one water line, where we only charge \$2,200. **Faulkner**, said that when we work with contractors, the price goes up. We are in the process of working on Sewer Tap fees, and next will be Water Tap fees. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Ream Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- 1. MARIJUANA ORDINANCE – ATTORNEY DERBY: Village President, Smith** said we are still waiting to hear back from Attorney Derby, and would like to table until next month.
- 2. SEWER TAP FEE – RESOLUTION #_____:** **Village President, Smith** said we are waiting on the resolution, and would like to table until next month.
- 3. GOLF CART DRAFT ORDINANCE: Village President, Smith** said he would like to table until next month.
- 4. SIDEWALKS: Village President, Smith** said he would like to table until next month.

CLOSE the REGULAR COUNCIL MEETING AND ENTER INTO A CLOSED SESSION: A Motion was made to close the regular Council meeting at 7:12 pm and enter into a closed session regarding Tyler Prenkert – MCOLES. MOVED: Thomas Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

CLOSE the CLOSED SESSION and RE-ENTER into the REGULAR COUNCIL MEETING: A Motion was made to close the closed session at 7:25 pm and re-enter into the regular Council meeting. Moved: Thomas Supported: Niemzyk Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

5. TYLER PRENKERT - MCOLES: A motion was made to terminate Tyler Prenkert's offer and his current employment. Moved: Ream Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

6. TAX AGREEMENT WITH BERRIEN COUNTY: Village Clerk/Treasurer, Schmaltz said that we need to renew our tax agreement with Berrien County for two years for using the tax software. A motion was made to approve the tax agreement with Berrien County. Moved: Jones Supported: Hinman MOTION CARRIED. Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

SRF ENGINEERING, DESIGN, PERMITTING, BIDDING AND CONSTRUCTION/INSPECTION ADMINISTRATION – ANDREW RUDD: Audience Member, Dennis Wojtczak said at the last meeting we did not receive the Grant we applied for, and there were two reasons we did not receive the grant. What were the two reasons? **Audience Member, Rudd** said that we applied for a CWSRF, we scored well, but other communities scored higher than us and used all the grant money before they got to us. **Wojtczak**, said he thought one of the reasons was the quality of our drinking water. **Rudd**, confirmed it was not related to the water quality. **Rudd**, said based off last month's approval, there was a kickoff meeting where they established a milestone schedule. By February 16, 2024 we need to be at 90% completion. The State has 30 days to review and then they will start the bidding process at the end of June 2024, tentative to start July 2024. **Rudd**, did state that we can contribute cash, we have flexibility until we close the bond. **Village Manager, Faulkner** commented since it is a 2% loan, we may want to apply any extra funds that we have to current loan. **Rudd**, said that the proposal formalizes the contract, with a project breakdown. **Council Member, Jones** said that the collection of soil was already done in August of 2020. **Rudd**, said they did boring around the edges of the pond, but need to do deep boring at the location they are replacing the lift station. **Jones**, also mentioned that the design improvements at the wastewater stabilization lagoons. The first three improvements were on the contract they signed in February. **Rudd**, said that with the Lagoon bank restoration they did an analysis and completed the report and submitted to EGLE. It would be a set of plans of what they want it to be. Sludge removal would be specifications within a contract. **Jones**, asked about bidding and negotiating, if we could conduct our own bid opening. **Rudd**, said that Wightman helps with the process, we could do our own ,but contractors may have questions. After bids are open, Wightman makes a recommendation taking into consideration insurance and bonds. **A motion was made to approve the proposal for \$277,000. Moved: Thomas Supported: Hinman Roll Call: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Present: 6 Absent: 1 Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

7. SOUTH ELM ROAD CLOSURE REQUEST – DDA JOE HINMAN: Council Member Hinman, reported that the South side businesses wanted to throw a block party Saturday June 22 and are requesting a street closure from 12pm – 10pm. There will be bands and other activities, with no alcohol permitted. DDA will be helping to fund. **A motion was made to approve the street closure on Saturday June 22 from 12 – 10pm. Moved: Hinman Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

8. APPROVE 2024 EVENT SCHEDULE: Council Member, Jones said that Journeyman asked for a street closure for the Barrel Aged Brewfest, and to add the Summer Solstice.

Motion was made to approve the 2024 Event Schedule. Moved: Thomas Support: Niemzyk MOTION CARRIED.

9. **CHIEF KRAUSE – SENSORY BAGS FOR AUTISM:** Chief Krause, demonstrated the sensory bags. He thanked to Berrien Resa. The bag included fidgets, earmuffs, and other items. We paid for most except for the earmuffs. Berrien Resa did a presentation with the police. **Council Member, Ream** said that he was very happy that Chief Krause worked with RESA to provide a tool. **Audience Member, Tom Pauly** asked if the library could receive bags. **Chief Krause,** said they would have to reach out to Berrien RESA.
10. **TREE REMOVAL AROUND WELL #5:** Village Manager, **Faulkner** said that it has been several years since trees have been removed around well 5. We are asking for help form a company that has a minimum of an 8-10 ft. buffer. PSC picked TreeCore. **Council Member, Jones** asked if we could mow. **Faulkner,** said we need brush mowing. **Council Member, Niemzyk** said he would like to keep the relationship with Dudiak, as they did the lights around the trees and other help with the Village. **A motion was to approve the quote with Dudiak. Moved: Ream Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
11. **DPW – DECAL QUOTES:** Village President, **Smith** said that we received two quotes and DPW does not have a preference. **A motion was made to approve the decal quote from Art & Image. Roll Call: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Moved: Jones Supported: Niemzyk Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
12. **PARKS AND REC. BUILDINGS (ITEMS):** Council Member, **Ream** said an ad was in the paper to claim items at the Parks and Rec. buildings at Watkins Park. They discussed at Parks and Rec. and they felt the Village should go through the building and determine what would be able to use, then go through a bid process. Council recommended the Village Manager take DPW and other Committees to the buildings to remove items.
13. **PARKS AND REC. COMMEMORATIVE TREE AND BENCH:** Council Member, **Ream** said that the Committee approved the tree and bench program, that Lindsey Clements put together. It says that someone can apply to put a commemorative tree or bench in a park. Parks and rec. will have the final say if it gets approved, and if there will be a plaque with writing. **Jones,** asked if it would be a Village expense. **Ream,** said that the expense will be on the applicant once it is approved, and they must have an affiliation with the Village.
14. **PARKS AND REC. – REAPPOINT EDWARD WHITE:** Council Member, **Ream** said Parks and Rec. member Ed White's term ended in November. He recognized Ed as being a great member to the Parks and Rec. board, but attendance is low. He has attended roughly half of the meetings. **Ream** asked if there were more applicants. **Smith,** said when Ira was appointed, two others applied, then backed out. **Ream,** said he has asked to continue, but he needs to reapply. It is tabled until January after Smith reaches out to Ed.
15. **TYLER REAM – RESIGNATION LETTER:** Audience Member, **Tom Pauly** said that it is a sad day that Tyler is leaving. He has added so much to the Village, and he will be missed. **Smith,** said he is saddened by Tyler leaving. He shared personal times with Tyler, and he is a great friend and council member. **Smith,** presented Ream with a thank you gift. **A motion was made to accept the resignation of Tyler Ream. Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

PLANNING COMMISSION UPDATES: Council Member, **Jones** said that planning was cancelled. She questioned the postings in the paper for the public hearings. **Faulkner,** said that once we received the information from Becky, we published in the media.

PARKS & RECREATION BOARD: Council Member, Ream said there is no report.

DDA BOARD: Council Member, Hinman reported that we already discussed DDA with the street closure.

PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner said they discussed tree removal around well 5. Jodie Haughey at 9 and 11 S. Elm believes she is not connected to the sewer main. She would like to know if the Village could verify. Jones, asked if she is being charged RTS fees. Faulkner, said yes based on our records. The rebuilt Muffin Monster will be replaced in two weeks

ZONING BOARD of APPEALS (ZBA): Village President, Smith said there was nothing to report, and that Council Member John Kramer is still recovering.

VILLAGE MANAGER's REPORT: Village Manager, Faulkner 6 Linden St. asked for reimbursement for fees that we charged for rodding. PSC asked to table the payment. We had late fees on the 5/3 credit card, with some penalties and interest. A suggestion was made to contact 5/3 and request a different due date. Water Bond payment is due January 2, and is a wire payment. Public Safety – an RFP was drafted and needs a few adjustments. They will review in January again. Bridge and DWAM Grants will have updates in January. Community Garden – the Township reached out to the Pokagons. Long Term Rentals – Ed Carpenter received a list of questionable LTR that we need to investigate. We are working with Ed to address the list. There was a request from Mike Holfels if there is a difference between long term and short term rentals. We are working with Attorney Hilmer on clarification. A film crew will be making a 90 minute documentary about Flag Day. They are interested in set up, breakdown, bands, flags, The Legion, etc. Watkins Park Community Buildings – would like to utilize the space as a possible day care, community building, etc. Thank you to Tyler Ream.

VILLAGE PRESIDENT's REPORT: Village President, Smith said he would like everyone to celebrate with family and friends. Another thank you to Tyler Ream for his enthusiasm with the Village.

COUNCIL REMARKS: Council Member, Hinman said Tyler talked him into running and the most important lesson he learned was to not take yourself too seriously.

AUDIENCE REMARKS: Audience Member, Holfels asked about the Police and Fire Department merge. Smith, said that the City of New Buffalo, Chickaming Township, and Three Oaks Township are considering combining, but they are focusing just on Police. Niemzyk, said they are struggling with manpower. They are all there for each other and are doing surveys. Audience Member, Wojtczak said DPW is doing an excellent job with leaf pickup, and asked if they could come to Chestnut. Audience Member, Tom Pauly said there are still issues with garbage pickup downtown. Smith, said the businesses need to contact Lakeshore Recycling. Ream, said it was an honor working with everyone, including Village employees. Roughly 3 – 4 years ago he started coming to meetings, then started making public comments. He encouraged everyone to get involved.

MEETING ADJOURNED AT: 8:31 pm Moved: Jones Supported: Hinman

Submitted by:

Theresa Schmaltz

Three Oaks Village Clerk/Treasurer

Minutes for the 11-08-23 Council Meeting Were **APPROVED** at the 12-13-23 Council Meeting