

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 07-08-20

Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:00 PM via Zoom.

Pledge of Allegiance: Yes

Roll Call: Present: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse

Absent: Graziano

Approval of the Agenda as presented by Village President, David Grosse with one addition to the agenda. Insert under agenda item #5 – Sidewalks discussion. Moved: Thomas Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.

Public Comment on the Agenda: None.

Approval of the Consent Agenda to include: Approval of Minutes of the (virtual) Public Hearing to set the 2020 Millage Tax Rate held on 06-03-20; Approval of Minutes of the (virtual) Public Hearing to discuss Recycling Service Options held on 06-03-20; approval of Minutes of the (virtual) Special Council Meeting held on 06-03-20 and approval of the (virtual) Regular Council Meeting held on 06-10-20. Approval of the Police Department's Report. Approval of Invoices to be paid (\$108,341.65). Approval of A/P Disbursements (including prepaids) made from June 1 through June 30, 2020 (\$72,021.79) and Approval of Payroll from June 1 through June 30, 2020 as paid (\$54,328.08). Council Member, John Pappa questioned the cost of the mulch on an invoice from Small's Garden Center. Village Manager, Dan Faulkner said that he would check with DPW Dept. supervisor, Clay Ackerman. Dan said that a lot of mulch was used in the downtown area and at the Parks this year. Moved: Thomas Supported: Pappa Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.

- **PRESENTATION by BERRIEN COUNTY DRAIN COMMISSIONER, CHRIS QUATTRIN:**
Berrien County Drain Assessor, Chris Quattrin presented some options for getting the county-owned property in the Schwark drain assessment area back onto the tax rolls. Originally when the Schwark drain assessment began a proposed housing development was in the works and was expected to help pay a large portion of the cost. However, the property ended up being forfeited to the county for non-payment of taxes and the surrounding property owners, including the Village and the Township had additional taxes levied to absorb the costs. The bond that was taken out for the Schwark drain has been refinanced for a lower interest rate and the county is in the 3rd year of the 12-year note. It will go back on the assessment rolls in (10) years. Chris feels that the best option is to sell the county-owned land to a developer, but in order to get a selling price high enough to cover the costs, the property would be more marketable and valuable to a developer if it was designated as a wooded wetland with wetland mitigation credits available. The mitigation credits would enhance and increase the value of the property. The County Drain Commissioner is seeking a commitment from the Village to explore this option which would include asking the Village to consider contributing its adjacent parcel of approximately 11 acres in order to make the parcel large enough to appeal to a developer. Council stated that the Village parcel was donated by Mr. Hoadley (after which Hoadley Trail is named) and the Village would have to see if that was even a legal option. Council asked Attorney Hilmer to research the deed and see what restrictions there may be, to research rules covering the Village giving away land and to explore issues that may be related to public access to the current trails through an easement. After further research is done, this will be brought back before Council, perhaps at the August meeting.

- PLANNING COMMISSION UPDATES:** Council Member, Colleen Newquist reported that the Marijuana Ordinance Committee consisting of Colleen, Steve Graziano and Rob Woerdehoff did not meet last month. While reviewing and discussing the contract with the law firm of Kreis, Ende, Hudgins & Bosos, PLC, Council suggested that a moratorium of at least 90 to 180 days be added to the contract to prohibit the law firm from representing any marijuana-oriented business clients that are pursuing licensing to operate a marijuana establishment in the Village in order to avoid a conflict of interest. This clause would prohibit the law firm from representing any marijuana-oriented business seeking to do business in the Village for six months after any ordinance is adopted. If they are working with a client seeking a license at the same time they are working for the Village to draft an ordinance a moratorium would avoid any semblance of a conflict of interest with the law firm. **A Motion was made to approve the contract with the law firm of Kreis, Enderle, Hudgins & Bosos, P.C. to prepare a draft marijuana ordinance. A clause will prohibit the firm from representing any marijuana-oriented business in the Village for (6) six months after any marijuana ordinance is enacted. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.** At the Planning Commission's meeting on July 7, 2020 they approved a Zoning Ordinance Amendment to add an escrow requirement to the Schedule of Fees and agreed to send it to Council for their approval. **A Motion was made to accept the recommendation of the Planning Commission to approve the Zoning Ordinance Amendment to add an escrow requirement and set and establish new fees to be added to the Schedule of Fees. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- PARKS & RECREATION BOARD:** Council Member, Becky Thomas reported that there was very little on the agenda for the Parks & Recreation Committee meeting on July 6, 2020. Village Manager, Dan Faulkner reported that the Village was working on determining the location of the three (3) plaques that had been removed from Chamberlain Path at the time the upgrade project was started.
- DDA BOARD:** Village President, Dave Grosse reported that the DDA had further discussion about the Façade program for the downtown merchants.
- ZONING BOARD of APPEALS:** No Meeting was held.
- PUBLIC SERVICE COMMITTEE MEETING:** This meeting was held on June 19, 2020. Discussion was held regarding the US12 lift station pumps; writing an ordinance to monitor marijuana businesses; further smoke testing was suggested, and televising of the old sewer lines. It was also brought up that there still continues to be complaints regarding smelly water and the concerns that the State presented after reviewing our water asset management plan with questions about the methodology used to calculate how the rates being charged for current water billings was arrived at. Council Member, John Pappa, a member of the committee, highly recommends that smoke testing be done in order to determine where the infiltration is coming from. He said that we need to go into businesses and identify the problem areas in order to get a handle on the issue. Michigan Rural Water Association will be available at the end of August/early September to assist the Village with this project. Water/Sewer Supervisor, Quentin Clark, also is seeking to purchase a flow meter. Because of the high estimated cost for one, bids will need to be solicited. It was also noted that the lagoons should have 3-phase electric service available and that quotes should be obtained for installing this service. Village Manager, Dan Faulkner continued by saying that the scope of the sewer lagoon upgrade project has drastically changed. He proposed

that 3 or 4 engineers be invited to review the project and solicit their opinions and ideas to carry out the plan in incremental stages. The Village could then choose which engineering firm would best benefit the Village. **Council Member, Becky Thomas** asked how long this process would take if this idea was pursued. **A Motion was made to authorize Quentin Clark to solicit bids for a flow meter and make a purchase of one to not exceed the cost of \$18,000.00. Moved: Pappa Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**

- **DPW VEHICLE – TRADE in the 2017 FORD F-250 TRUCK and PURCHASE a NEW 2020 FORD F-250 TRUCK:** **Village Manager, Dan Faulkner** reported that the government program thru the State of Michigan is very beneficial if municipalities trade in their vehicles every 2 to 3 years, because the outlay of cash for a brand-new vehicle would be minimal. He got a quote of \$22,000.00 from Three Oaks Ford for the trade-in value of the 2017 Ford F-250 truck that the DPW department is currently using. After purchasing a new 2020 Ford F-250 Truck and trading in the 2017 one, the balance due would be \$4,839.96. The plow and strobe light could be re-used on the new vehicle, but there would be an additional \$915.00 for the addition of power equipment to the package along with costs to add lettering/decals to the truck. **A Motion was made to authorize the purchase of a new 2020 Ford F-250 truck from Three Oaks Ford and trade in the current 2017 Ford F-250 truck to them at a total cost not to exceed \$6,900.00. This will include the power equipment package and the cost (to an outside company) for the lettering of the truck. Moved: Pappa Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **SET PUBLIC HEARING DATE for PRESENTING the 2020-2021 BUDGET:** **Village Manager, Dan Faulkner** said that he gave copies of the detailed 2020-2021 budget to council members so that they can begin their review of it. He will continue to update it over the next couple of months prior to final approval in September. A Public Hearing date was set for 7:00 pm on Wednesday, September 9th, 2020 (prior to the regular Council meeting).
- **COUNCIL REMARKS:** **Council Member, Colleen Newquist** has received complaints from residents about the spraying of weeds by DPW staff without prior notification to the residents. She asked Village Manager, Dan Faulkner to direct DPW to notify residents in advance of when they would be doing spraying in their area. She also expressed a need for more timely communications from the Village to residents and offered to establish a committee to work on this with Dan. Colleen asked that the Village consider preparing newsletters and "welcome packets" for new people and businesses that are moving into the Village.
- **VILLAGE MANAGER's REPORT:** **Village Manager, Dan Faulkner** reported that there was a complaint about smelly water and after discussion with Water/Sewer Superintendent, Quentin Clark he said that the (dead-end) hydrants have been flushed and that the rest of the hydrants will be flushed in the fall, and a program will be established for flushing them twice a year which should significantly help to decrease this type of complaint. Dan also reported that he and Quentin went to Newago, MI to view their sewer lagoons; that there has been lots of activity generated by Mis-Dig; that the cylinder/boom was leaking on the John Deere back-hoe and it is now in for repair and that further research has been done on the requirements for the façade improvement program which would benefit the downtown area businesses. He said that Police Officers, Carl Krause and George Knoll have already completed some Police One online training classes; that the flag pole will be replaced soon and that concerns expressed by EGLE on the Water Asset Management Plan and Sewer

lagoons will be addressed. He also will be working with Abonmarche to put a plan together for sidewalk replacements. Dan also reported that the DDA authorized the allocation of money to their budget to develop the website.

- **PRESIDENT'S REMARKS:** None.
- **Audience Member, Karrie Lintner, Owner of Nelson's Saloon,** would like to be able to sell "to-go" liquor and asked for direction on how to facilitate this request with the State. **Village Manager, Dan Faulkner** said that it would require a designated district with posted signs and that establishments would need to clearly mark their containers. **Audience Member, Tyler Ream** asked where the digital speed sign went. He would like to see it brought back to the Village since it is a great visual reminder to drivers to slow down. **Audience Member, Joe Hinman** said that the 50th anniversary of the death of Randy Carver, (for whom Carver Park is named) is this year. He asked for permission and offered to buy and plant flowers at the memorial obelisk at Carver Park in Randy's memory.

- **MEETING ADJOURNED AT: 8:48 pm**

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan,
Three Oaks Village Clerk
Minutes for the 07-08-20 Council Meeting
Were **APPROVED** at the 08-12-20 Council Meeting