

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 04-14-21**

Village Council President, Richard Smith, called the (virtual) Village Council Meeting to order at 7:00 PM via “Zoom”.

Pledge of Allegiance: Yes

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

Absent: None

Approval of the Agenda as presented by Village President, Richard Smith with two (2) changes. Council Member, Newquist requested that the Marihuana Ballot Initiative be added to the agenda and Village Manager, Faulkner asked that the re-surfacing project for Michigan Street be added to the agenda. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith. Nay: None Absent: None Abstain: None MOTION CARRIED.

PUBLIC COMMENT: Devin Loker would like to speak on the Marihuana Ballot Initiative agenda item.

CORRESPONDENCE: None.

Approval of the Consent Agenda to include: Approval of the Regular Council Meeting Minutes from 03-10-21. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$50,744.64), Disbursements made in March, 2021 (\$55,622.29), and Approval of Payroll as paid for March, 2021 (\$48,656.95). Moved: Newquist Supported: Hinman Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

- **AUDIT REPORT for FISCAL YEAR 10-01-19 to 09-30-20 PRESENTED BY STATE AUDITOR, DEREK HALL:** Derek Hall, the State Auditor from the Michigan Department of Treasury presented his findings from the audit he conducted for the fiscal year of 10-01-19 thru 09-30-20. He reported that the Village’s cash balances are doing better than most municipalities of our size. There are healthy cash balances and fund balances. The Street funds are in good shape – there is money available for street projects, however, the healthy balance can be partially attributed to the fact that no street projects were done during 2020 because of the Covid-19 pandemic and the uncertainty regarding funding from the State. The net change in the sewer and water funds are positive amounts. He expressed thanks to the Village staff for efficiently providing the information he needed in order to conduct the audit virtually this year. He gave the Village a grade of an “A-“. **A Motion was made to accept the audit findings from State Auditor, Derek Hall for the fiscal year of 10-01-19 to 09-30-20. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESOLUTION #04-2021-1 – a RESOLUTION CONCERNING RETURN of DELINQUENT PROPERTY TAXES:** This resolution allows the Village to collect property taxes at Village Hall after the due date and to receive the interest and penalties assessed on them as a result of a late payment rather than deferring them to the County for collection **A Motion was made to adopt Resolution #04-2021-1, a resolution concerning the return of delinquent property taxes. Moved: Newquist Supported: Hinman Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **MICHIGAN STREET RESURFACING PROJECT for 2021:** Abonmarche submitted a proposal for the resurfacing project of Michigan Street with an estimated cost of \$208,000.

By removing the reconstruction of the corner of Michigan & Cedar approximately \$10,000 could be removed from the cost. **Council Member, Graziano** would like to add the \$10,000 back into the proposal so that the project is completed entirely. It was discussed that they would see how close to the budgeted amount of \$190,000 the bids come in at and depending upon that perhaps the intersection could be added back into the project. By removing that intersection, the estimated cost is still coming in over the budgeted amount of \$190,000 **A Motion was made to seek bids for the re-surfacing project of Michigan Street (from Cedar to Tulip) without the Cedar Street intersection portion. Moved: Kramer Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **HIRING of FULL-TIME POLICE OFFICER:** Police Chief, Carl Krause conducted an interview with Jacob Klynstra, (a graduate of the police academy at Grand Valley State University) for the open, full-time police officer's position with the Police department. Chief Krause feels that Jacob would be a great fit for the department and would like to extend a job offer to him. **A Motion was made to extend a job offer to Jacob Klynstra for the full-time position of Police officer pending a successful background check and drug screen. Moved: Newquist Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RECOMMENDED PROMOTION of PATRICK MYERS TO SARGEANT:** Police Chief, Carl Krause proposed that officer Patrick Myers be promoted to Sargeant. Chief Krause stated that Officer Myers has stepped up to the plate and has really helped him out over the past 4 months. He said that Pat would be second in charge and serve as back-up to the Police Chief. He proposed a pay rate of \$20.50/hr retroactive to April 5, 2021. **A Motion was made to promote Patrick Myers to the position of Sargeant with a pay rate of \$20.50/hour retroactive to April 5, 2021. Moved Hinman Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **HIRING of FULL-TIME MAINTENANCE OPERATORS POSITION:** Due to the vacancy in the Water/Sewer department an interview was conducted with Lars Wittenberg by Alex Keen and Dan Faulkner for the position. It is recommended that Lars be hired as a full-time employee for the rate of \$12.00/hour. **A Motion was made to approve the hiring of Lars Wittenberg as a full-time Operations Maintenance Specialist in the Water/Sewer department at an hourly rate of \$12.00. This is contingent upon a background investigation and drug screen. Moved: Thomas Supported Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESIDENTIAL LIFT STATION UPGRADE – PROPOSAL FROM BEAUDOIN ELECTRICAL to PURCHASE and INSTALL an AUTO DIALER and a PORTABLE GENERATOR:** In continuing with the upgrades needed for the sewer lift station, Village Manager, Faulkner presented a proposal from Beaudoin Electrical for the purchase and installation of an Auto Dialer and a Portable back-up Generator needed for the Sewer Lift Station. **Council Member, Thomas** noted that the proposal is dated February 25<sup>th</sup> and is good for only 30 days. She asked why an updated proposal wasn't presented, or confirmation that the pricing is still good before Council takes a vote to approve the purchase of the equipment. **A Motion was made to accept the bid from Beaudoin Electrical Construction for the purchase and installation of an AD200 Auto Dialer for \$1,640.00 and a Winco 10kW Portable Generator (to serve as a back-up generator) for \$6,340.00**

for a total purchase of \$7,980.00. This is pending confirmation that the pricing is still in effect. Moved: Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

- **PORTABLE, TRAILER-MOUNTED TRANSFER PUMP:** Village Manager, Faulkner reported that a replacement pump is needed at the Lift Station as the other pump is unable to be repaired. This pump is used to move water from one sewer lagoon to another. He presented a proposal from AIS Equipment in the amount of \$32,150.00. Council Member, Thomas stated that this proposal was dated January 7<sup>th</sup> and is good for only 30 days. She asked why the pricing for this quote was not re-visited and confirmed with the vendor prior to the Council meeting. Council Member, Newquist asked why these purchases are being delayed – why are they not being presented at earlier meetings. It was discussed that if the pricing is still not in effect, then it would have to be brought back to Council to approve the amended price. A Motion was made to approve the purchase of a Godwin CD100S Trailer mounted Dri-Prime Pump with a lift station level regulation system and suction and discharge hose allocation for \$32,150.00 from AIS Equipment. This is pending confirmation that the pricing is still in effect. Moved: Newquist Supported: Kramer Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.
- **SOUTHWEST MICHIGAN ROAD ASSET MANAGEMENT PLAN PROPOSAL:** A proposal was received from Southwest Michigan Planning Commission to develop an Asset Management Plan for the roads within the Village of Three Oaks. This plan will evaluate the condition of the roads from which a multi-year strategy can be developed for the maintenance of them. This plan would have a 20-year time table showing a year-by-year strategy for road maintenance. It will be beneficial the Village to have this report done prior to the fall in order to take advantage of grants that may become available then. A Motion was made to approve and accept the proposal from Southwest Michigan Planning Commission to provide a “Local Road Asset Management Plan” in the amount of \$9,912.00. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.
- **DOWNTOWN DEVELOPMENT AUTHORITY (DDA) APPOINTMENTS:** Two (2) members had their terms on the DDA board expire, Tom Pauly and Colleen Froehlich. Marco Chavarry was recommended to replace DDA member, Angela Reichert. Council members thanked Angela for her many years of service on the DDA board. A Motion was made to reappoint Tom Pauly to a new 4-year term expiring on 04-30-25, and Colleen Froehlich to continue her current term with an expiration date of 04-30-22. Marco Chavarry will be appointed to the DDA board (to replace Angela Reichert) for a 4-year term expiring on 04-30-25. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.
- **DISCRIMINATION ORDINANCE DISCUSSION:** Council President, Smith reported that the State will cover this ballot issue in November of 2022, and that the Village currently has the Title VI Non-Discrimination Plan in place until then. Council Members, Thomas, Newquist and Hinman want the Village to go ahead with their own ordinance, asked why should we wait for the State – why can't the Village be pro-active in creating their own ordinance? They requested that this discussion continue at the May Council meeting.

- **SIDEWALKS:** The topic of how to put a plan into action to determine the needs, the priorities and how to fund the replacement of the Village's sidewalks was further discussed. **Council Member, Ream** said that if the current ordinance gets changed, the Village still needs to figure out how to pay for the replacements. **Council Member, Newquist** stated that residents living on streets that happen to get re-done get their sidewalks done for free – that is not fair to other residents that have to pay for theirs. **Council Member, Kramer** stated that Village employees tear out the old sidewalks at no cost to the residents. **Council Member, Ream** read the top three (3) items listed on the "Sidewalk" report that was prepared by the Sidewalk Committee (Planning Commission) and presented to the Council two (2) years ago. At that time it was proposed that Ordinance #157 should be changed to provide funding, that the Village should conduct a survey and establish an annual priority list, and that a strategy should be developed for the proposed funding of the sidewalk work. He suggested that a survey be conducted to see if residents would agree to help fund new sidewalks (thru a millage). **Council Member, Graziano** said that funds should be budgeted for on an annual basis for sidewalk replacement. **Council Member, Thomas** asked that if a tree planted in front of her house becomes too large, then who is responsible for a tree's roots that start tearing up and lifting up the sidewalk. **Council Member, Newquist** asked if any one knew how much it costs to replace segments of sidewalks – how would we know how much to budget? **Council Member, Kramer** replied that it is about \$25/running foot for a sidewalk. **Derek Sever of Abonmarche** said that a proposal had been submitted last year to the Village to analyze the current conditions of the sidewalks and provide a 10-year plan for replacing them. **Council Member, Thomas** asked if Clay and Nate (from the Street dept.) could walk the Village, grade the conditions of the sidewalks and prioritize the replacement of them. Do they have the time to do this? **Village Manager, Faulkner** replied that at this time of year, because of the extra mowing and upkeep that the Parks require that they would not have time to conduct this project. **Village President, Smith** said that he would like to have Abonmarche prepare a new quote and plan for the Village. **A Motion was made to ask Abonmarche to prepare and submit a bid for creating a sidewalk analysis plan. Moved Ream Supported: Newquist Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: Kramer Absent: None Abstain: None MOTION CARRIED.**
- **FLAG DAY UPDATES:** **Council Member, Ream** provided updates for the activities currently planned for Flag Day weekend – June 11 thru 13, 2021. A softball tournament begins on Friday; on Saturday, a 5k run starts at 9 am at Watkins Park, there is Art in the Park, Flag Day Market at Carver park and live bands under the pavilion at the Legion Hall. On Sunday, Art in the Park and Flag Day Market continue with the Flag Day Parade beginning at 3:00 pm. There will be closures of some streets to allow for staging of the floats and bands that are participating. **Council President, Smith** said that he is hopeful that the Covid-19 numbers will continue to decrease which will allow the Village to hold the "normal" Flag Day activities this year. However, he cautioned that if the State puts new restrictions in place, then the activities may have to be curtailed or cancelled. **Council Member, Thomas** suggested a "mask" and/or a "sanitizer" kiosk to be placed in the downtown area for use during Flag Day weekend.
- **MARIHUANA BALLOT INITIATIVE:** **Council Member, Newquist** stated that the Village passed the marihuana ballot initiative which allows for a greater number of licenses than Ordinance #219 (which the Village passed in October, 2020). She asked if we were following the law in which the ballot initiative allows for two (2) retail licenses vs. the one (1) allowed in the Village's ordinance. Also, the # of grow licenses is different. She asked how

the Village should proceed legally on this issue. **Village Attorney, Charles Hilmer** stated that this should be addressed with our “marihuana” attorney, Joselyn. Discrepancies between the ballot initiative and Ordinance #219 will need interpretation from the lawyer. **Audience Member, Devin Loker** said that to place the ballot initiative on the November ballot, only so many words are allowed which it was why it was not more detailed. The State Board of Canvassers creates and approves the wording that is placed on the ballot.

- **PLANNING COMMISSION UPDATES:** **Council Member, Colleen Newquist** reported that the Planning Commission had approved two (2) Special Land Use permits and tabled the approval for one (1) until further information was received from the applicant.
- **PARKS & RECREATION BOARD:** **Council Member, Tyler Ream** said that pollinator plant guides will be going up in the Village Parks and discussions were continuing about creating pickleball courts which could double as an ice-skating rink in the winter.
- **DDA BOARD:** **Council Member, Joe Hinman** reported that the DDA discussed holding movie nights, and the Randolph Street Market. They also talked about the Café Seating patios, the car charging station agreement (which is now signed); the façade improvement plan for the downtown businesses, and the progress of the communication committee which continues to meet. He said that landscape improvements have been budgeted for and appointments of DDA officers were made.
- **ZONING BOARD of APPEALS:** No Meeting was held this past month, but there is one scheduled for April 19<sup>th</sup> regarding a zoning variance request for the placement of a garage at 302 Tulip Street.
- **PUBLIC SERVICE COMMITTEE:** A Public Service Committee meeting was held on April 9, 2021. **Village Manager, Faulkner** said that discussion included the infiltration along US-12 and an update regarding the raising of the manholes. The spring discharge has been completed; the ACO Consent Order from EGLE (State of Michigan) has been received and requires a response; the water rate study by Michigan Rural Water is being finalized; and the water leak under US12 and Tulip along with three (3) other leaks have been fixed.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** reported that they had 177 surveys returned regarding the website and that a quote had been received from a new company for updating the website.
- **VILLAGE MANAGER’S REPORT:** **Dan Faulkner** reported that budget requests have been sent out to all departments and Boards and Committees in order to start creating the 2021-2022 budget and that work is underway to provide budget amendments for the current fiscal year. He reported that “zoom” meetings are still allowed through June 30, 2021 under an Emergency Resolution passed by the Berrien County Commissioners, and that MDOT conducted a review of our bridge inspection process, in effect, the bridge inspector (Wightman Engineering) was audited by the State.
- **VILLAGE PRESIDENT REMARKS:** **Richard Smith** encouraged everyone to get the vaccine and continue to wear the mask in order to get the pandemic behind us.
- **VILLAGE COUNCIL REMARKS:** **Council Member, Thomas** said that the flag pole that was erected in Dewey Cannon Park needs to be moved and electricity needs to be run to it to allow for the proper lighting of the flag. **Council Member, Newquist** said that the current placement of the flag pole restricts the view in the park. **Council Member, Thomas** said that proper protocol was not followed in determining the initial placement of the flag pole. **A Motion was made to remove the flag pole from Dewey Cannon Park. Moved: Ream Supported: Newquist Aye: Thomas, Hinman, Newquist, Ream, Smith Nay: Graziano, Kramer Absent: None Abstain: None MOTION CARRIED.** **Council Member, Ream** wanted to clarify that no one is against having the flag in Dewey Cannon

Park – just the placement of it. **Council Member, Newquist** welcomed Marco Chavarry to the DDA board.

- **PUBLIC COMMENTS:** **Audience Member, Tom Pauly** who was newly elected as a Library trustee said that a big project encompassing the library's parking lot and new seating areas and landscaping will start soon and take about two (2) months to complete. During this time the parking lot will be unavailable to library patrons and the public. **Audience Member and DDA Chairwoman, Suzanna Bierwirth** said that the Spring Stroll is set for Saturday, May 1<sup>st</sup> and that they are still looking for musicians for the downtown area between 4 to 6 pm. **Audience Member, Angela Reichert** said that she appreciated serving on the DDA. In regards to the marihuana ballot initiative, she said that the items/details were on the petition that was signed by the residents which allowed it to be placed on the November ballot. **Audience member, Kim Pruitt** asked about plans to replace the Bradford pear trees lining both sides of Elm Street. She said that they were a bad selection back in 2005, as they are very invasive and have only a 12-to-15-year life span. They are pushing up the sidewalks in some sections of the downtown area. **Audience member, Angela Reichert** said that the State is offering a buy-back program for the Bradford pear trees. **Audience Member, Mike Kennedy** said that the Bradford pear trees have been banned in many places because they are invasive and have only a 15-to-20-year life span.
- **MEETING ADJOURNED AT: 9:23 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 04-14-21 Council Meeting  
Were **APPROVED** at the 05-12-21 Council Meeting