

**VILLAGE OF MATTAWAN
REGULAR COUNCIL MEETING**

JUNE 27, 2016

MINUTES

1. CALL TO ORDER @ 7:00
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE Ashbaugh, Beck, Daly, Markle, Rossman, Smith
ABSENT: Kirklin

Motion by Rossman, supported by Smith to excuse Kirklin. All members voted in favor. Motion carried.

4. WELCOME TO PUBLIC
5. ANNOUNCEMENT OF MEETING BEING RECORDED

6. ADDITIONS TO AGENDA
President Markle added Old Business B, Old Business C, New Business C, New Business D,

7. APPROVAL OF THE AGENDA
Motion by Smith, supported by Beck to approve the agenda as amended. All members voted in favor. Motion carried.

8. APPROVAL OF THE MINUTES OF JUNE 13, 2016
Motion by Smith, supported by Daly to approve the minutes of June 13 as corrected. Roll call vote taken. 5 members voted in favor, Beck abstained. Motion carried.

9. BILLS TO BE APPROVED IN THE AMOUNT OF **\$22,594.08**
Motion by Smith, supported by Rossman to pay the bills in the amount of 22,594.08. Roll call vote taken. All members voted in favor. Motion carried.

10. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM

11. BOARD AND COMMITTEE REPORTS

A. PLANNING COMMISSION-*Liaison Daly reported that there were no agenda items for the Planning Commission.*

STAFF REPORTS

- A. MATTAWAN POLICE DEPARTMENT-*Sergeant Mansfield reported that they had 6 calls for service at the school, 63 citations, 79 charges and 181 complaints. The new police vehicle should be here after the 4th*

- B. ATTORNEY'S REPORT- *Attorney Graham noted that the FAA released new rules regarding un-maned aircraft. If there are any conflicts with the Village's rules we are to follow the FAA rules. He emailed the representative of the collection bin that is at Bruce's GHI and sent him notice of our new ordinance. The Combs Civil Rights Claim is ready to be dismissed. The Village needs to designate a representative that can agree to dismiss the case.*

Motion by Daly supported by Beck to authorize Terri as the representative for the Village. Roll call vote taken. All members voted in favor. Motion carried.

Council member Daly asked Attorney Graham about the canceling of the ZBA. She felt the Council should have been the ones to cancel or postpone it. Attorney Graham explained that he was looking out for the best interest of the Village when the decision to cancel was made. He explained that things could be far worse than inconveniencing those who wish to speak when we have 4 or 5 members present and a request gets denied when we have a 7-member board and we require 5 votes to pass. He explained that if the Council/ZBA does not want the meetings canceled ahead of time then the council needs to give instruction and make a motion that any scheduled hearing not be cancelled or adjourned without Council approval.

Motion by Daly that no hearing be cancelled or adjourned without Council approval. Motion died due to a lack of support.

- C. ENGINEER'S REPORT- NONE

12. OLD BUSINESS

- A. WHITE PINES UPDATE *Attorney Graham explained that the Circuit Court ordered White Pines to provide water to their residents through a legal source. We have continued service in hopes of getting payment. The Court has indicated that White Pine is not in contempt because there is still water being provided. White Pine has hired a new attorney who has indicated that they would like to enter into negotiations. White Pine is concerned that the penalties may be excessive, but at this time the penalties are \$7,525 and actual usage is \$66,059. White Pine may now file for action to force the Village to turn the water back on if it is turned off. At the last meeting Council voted to turn the water off and this should be done tomorrow.*

- B. *WELLHEAD PROTECTION ORDINANCE- Superintendent Anthony explained that the Wellhead Committee has reviewed and made changes to the Ordinance. Engineer Woodhams has also reviewed it. Attorney Graham is also going to review it. He is asking that the Council send the Ordinance to the Planning Commission for review at the July meeting so that a Public Hearing could be conducted in August.*

Motion by Smith, supported by Beck to send the Ordinance to the Planning Commission for review and Public Hearing. Roll call vote taken. All members voted in favor. Motion carried

- C. *RESOLUTION FOR STREET ADDITION- This was previously done but the State wants the roads individually listed and would like it based on the center line of the as builds that were provided to them. The resolution presented is the exact wording they are looking for.*

Motion by Smith, supported by Ashbaugh to adopt the Resolution. Roll call vote taken. All members voted in favor. Motion carried.

13. *NEW BUSINESS*

- A. *FENCE AT SOUTHEAST CORNER OF PARK- Per Tom this was a budgeted item.*

Motion by Smith, supported by Rossman to approve the fence from Farm & Garden for an amount not to exceed \$4,205. Roll call vote taken. All members voted in favor. Motion carried.

- B. *RADIO PROPOSAL – Sergeant Mansfield presented a memo from Chief Herbert and pricing on radios.*

Motion by Smith, supported by Daly to send to Law Enforcement Committee. After a lengthy discussion Smith rescinded his motion.

Motion by Beck, supported by Ashbaugh to approve the request for radios for an amount not to exceed \$28,341 to come out of this fiscal year's budget. Roll call vote taken. 4 members voted in favor. Smith and Daly voted no. Motion fails.

Motion by Ashbaugh, supported by Daly to send to committee. Roll call vote taken. 5 members voted in favor. Smith voted no. Motion carried.

- C. *Wellhead Purchases- Committee would like to purchase a new Water Model and other Community Promotional items for an amount of \$8,000*

Motion by Smith, supported by Daly to approve the request. Roll call vote taken. All members voted in favor. Motion carried.

D. BUDGET ADJUSTMENTS NEED TO BE MADE TO THE FOLLOWING ACCOUNTS

101-172	ADMINISTRATION	\$20,000
101-380	BUILDING INSPECTION	\$13,000
101751	PARKS	\$1,800
250-000	PROJECT FUND	\$20,000

Motion by Smith, supported by Daly to approve the Budget Amendments. Roll call vote taken. All members voted in favor. Motion carried.

14. COMMUNICATIONS

Local Officials Meeting being held with State Representative Aric Nesbitt

15. COMMENTS FROM VISITORS

Larry Hummel from the Van Buren County Road commission is here just reminding everyone of the renewal of the road millage coming up on August 2nd and offered to answer any questions regarding the millage dedicated to improvements. Will also be touching base with the Village regarding KATS.

16. COMMENTS FROM COUNCIL

Member Daly would like to see a new desk for Terri. Inquired about Bankruptcies when it comes to water bills and asked that the Village consider some sort of disclaimer for the website due to the incomplete and outdated Ordinances

Motion by Daly, supported by Smith to ask the Communications Committee to come up with some language for a disclaimer for the website regarding Ordinances.

17. ADJOURNMENT @ 8:17