

**The Village of Lexington Common Council held a Regular Council Meeting Monday, October 25, 2021 in the Council Chambers at 7227 Huron Avenue, Lexington, MI 48450**

**Call to order the Regular Council Meeting at 7:01 p.m.** by President Kristen Kaatz  
Kaatz recognized and thanked Ed Jarosz and Amos Williams for securing the deed to the property at 7227 Huron Ave., Lexington, Michigan.

**Pledge of Allegiance** led by President Kristen Kaatz

**Roll call taken by** Clerk Vicki Scott

**Present:** Klaas, Adams, Muoio, Fulton, Jarosz, Kaatz

**Absent:** – Decoster

**Others present:** Amos Williams, Chris Heiden, and 11 citizens

**Public Comment –**

- Randy Schultz (7200 Simons) – asked about the trees on Simons Street and why they have red marks on them.

**APPROVAL OF AGENDA** – Motion by Jarosz, seconded by Fulton, to approve the agenda as amended adding under Mobil Home Park Item H.2 MHP Ad-Hoc Committee.

All ayes

Motion carried

## **BUSINESS**

### **ADMINISTRATION**

**A. BILL SARKELLA, COUNTY COMMISSIONER** – Commented on the Veteran’s Department new brochure. The Worth Township sewer project is officially closed. The County agreed to have a consultant which will guide them with utilizing federal funds coming in. Check the county website to learn more information. With the wind turbine litigation, I mentioned before, DTE has come back with a counter proposal. The MAC organization has a proposal going to the state to leverage some funding. Hopefully this will be put into grant form for the townships, cities, villages, and counties to utilize.

**B. MINUTES** – Motion by Adams, seconded by Fulton, to approve the minutes of the Regular Council Meeting of September 27, 2021 as presented.

All ayes

Motion carried

**C. INVOICE – KELLY LAW FIRM** - Motion by Jarosz, seconded by Muoio, to approve the payment of \$714.00 to Kelly Law firm, \$35.00 to be paid from DDA, \$679.00 to be paid from the general fund.

Discussion

Roll Call

Ayes- Jarosz, Muoio, Fulton, Adams, Klaas, Kaatz

Nays- None

Motion carried

**D. INVOICE – MARTIN CONCRETE CONTRACTING** – Motion by Muoio, seconded by Jarosz, to approve the payment of \$12,707.50 to Martin Concrete Contracting for a new concrete pad on Lot #64.

Discussion on our current policy and different options for these pads.

Roll Call

Ayes- Muoio, Jarosz, Fulton, Adams, Klaas, Kaatz

Nays- None

Motion carried

**E. RESOLUTION 2021-08 CHECK SIGNERS** – Motion by Jarosz, seconded by Adams, to approve the Resolution 2021-08 Check Signers as presented.

Roll Call

Ayes- Jarosz, Adams, Fulton, Muoio, Klaas, Kaatz

Nays- None

Motion carried

**F. FIRE DEPARTMENT** – Motion by Jarosz, seconded by Klaas, to approve closing the fire department checking, savings, and scholarship accounts.

Discussion

Roll Call

Ayes – Jarosz, Klaas, Adams, Muoio, Fulton, Kaatz

Nays – None

Motion carried

**G. ZBA DISCUSSION** – Fulton explained the last few meetings with the ZBA did not go well. The ZBA did not follow protocol and policies in place with our ordinances. We have a chance to restructure the ZBA. Fulton noted most communities have five members on the ZBA. If we had a member of the Planning Commission and a member of Village Council, it could give a better understanding with the ordinances and master plan. Discussion follows. Fulton commented it could bring more knowledge to the board with additional people. Jarosz would like to see something come from the Planning Commission as in a form of a recommendation. Amos Williams explained the ZBA operates independently but is under the jurisdiction of the Village Council. The Village Council has the authority to make changes and address complaints. There are reasons where you can grant variances. However, it needs to fall within those narrow exceptions for zoning board of appeals issues. Lengthy discussion follows on how to go forward with correcting the ZBA issues. Kaatz commented training is a huge issue. Amos Williams explained it makes it very difficult to enforce an ordinance when you allow anyone to deviate from it. Board members discussed having five members on the ZBA board verses three members. Amos Williams explained the ordinance should be followed. However, within the ordinance, there are very strict reasons the ZBA can grant variances. It is the zoning administrator's role to defend the ordinance during a ZBA hearing. Kaatz explained the issue seems to be more training is needed. Fulton explained there will be a collaborative meeting on October 28, 2021 at 7:00 p.m. with each chairperson of each committee.

## **MOBILE HOME PARK**

**H. MHP LOT DEPOSIT REFUNDS** – Motion by Klaas, seconded by Fulton, to approve the lot deposit refund and October’s rent to Tom Anglebrandt Lot #27 in the amount of \$1,016.00.

Roll Call

Ayes- Klaas, Fulton Adams, Muoio, Jarosz, Kaatz

Nays – None

Motion carried

**H. 2 AD-HOC COMMITTEE**– Kaatz explained this was discussed last meeting. Motion by Kaatz, seconded by Jarosz to appoint an ad-hoc committee. The committee will look into the different management type styles, as well as look into different options of marketing the mobile home park. The appointees of this ad-hoc committee will be Larry Adams and/or Peter Muoio, Ed Jarosz, Gary Cola, Mike Kettlewell, and Amos Williams (or someone in his stead). This ad-hoc committee has only the authority to research options for types of park management. They do not have the authority to enter into negotiations or make contracts on behalf of the Village of Lexington. This committee will report back to Council monthly on their progress. The rules and guidelines of this committee will be: no financial commitments will be made by the ad-hoc committee; the ad-hoc committee will post all meetings as an open meeting for the public; the ad-hoc committee will keep notes of all meetings and give copies to the clerk; members may not be added to the group without approval of Council; the committee must stay within the scope of the project.

Discussion

Roll Call

Ayes – Kaatz, Jarosz, Klaas, Adams, Muoio, Fulton

Nays – None

Motion carried

## **WATER/SEWER/DPW/STREETS**

**I. GREENBUSH ROAD PROJECT UPDATE** – Heiden explained Jeff Dunsford indicated Astec Asphalt will not be able to do the asphalt this year. They are honoring the price until Spring. The question was asked by Greenbush does the Village plow/maintain their roads before the Village takes over these roads. Discussion follows. Motion by Muoio, seconded by Fulton, to assume maintenance of the Greenbush development until such time there is a formal signing over of the property with the assumption the Greenbush Association will continue to be responsible for the liability.

Roll Call

Ayes- Muoio, Fulton, Klaas, Adams, Jarosz, Kaatz

Nays – None

Motion carried

**J. SEWER SYSTEM CAMERA & UTILITY LINE TRACER BIDS** - Heiden explained in 2003 we purchased a sewer system camera and line tracer. It has saved us many hours of work locating a problem with having to dig it up. It has now reached its life expectancy after being repaired several times. We would like to purchase an updated one. It has been included on the 15-year equipment purchase list. It also was included in the 2021-2022 budget. The bids are included for your review.

Motion by Jarosz, seconded by Klaas to approve the recommendation of our utility manager to accept the bid from American Technology for a cost not to exceed \$15,500.00.

Roll call

Ayes – Jarosz, Klaas, Adams, Muoio, Fulton, Kaatz

Nays – None

Motion carried

**K. VILLAGE TREE TRIMMING / REMOVAL BIDS** – Heiden explained we hired an arborist from Owen Tree Service. She went through the mobile home park and the northwest quadrant (everything West of Main St. & everything North of Huron Ave.) They provided us a list of trees with recommendations of what each tree needs. The first year we did the recommended removals. Last year 2020 we did not do any work. We are now entering into the next phase of removals. We are following the professional recommendations. Discussion follows on the possibility of saving any of these trees.

Motion by Jarosz, seconded by Klaas to accept the bid from Patterson Tree Service pending the Village Manager get a second option from an arborist.

Discussion

Amended Motion by Jarosz, seconded by Klaas to accept the bid from Patterson Tree Service leaving it with Amos Williams to direct the time the work begins after getting a second option.

Discussion

Roll call

Ayes – Jarosz, Klaas, Adams, Muoio, Fulton, Kaatz

Nays – None

Motion carried

**L. VILLAGE TREE PLANTING BIDS** – Heiden explained we received one bid.

Motion by Jarosz, seconded by Klaas to accept the bid from Marine City Nursery to plant 8 trees in the amount of \$4,800.00.

Roll call

Ayes – Jarosz, Klaas, Adams, Muoio, Fulton, Kaatz

Nays – None

Motion carried

**FINANCIAL REPORTS** – Motion by Fulton, seconded by Adams, to approve the check register in the amount of \$268,190.30 check numbers 36518 through 36596 and financial reports as presented.

Discussion

Amended Motion by Fulton, seconded by Adams, to approve the checks with the exception of Check #36592.

Roll Call

Ayes- Fulton, Adams, Klaas, Muoio, Jarosz, Kaatz

Nays- None

Motion carried

**REPORTS** – Jarosz asked if we could keep Amos Williams on a remote basis with a part time contract. Kaatz explained we will be reviewing the managers applications before the Personnel Committee with a recommendation coming to Council.

**CORRESPONDENCE** – Kaatz explained there were some concerns from last meeting regarding the mobile home park unsolicited correspondence. Amos Williams sent them a letter stating the mobile home park is not for sale. Kaatz and Jarosz thanked the Environmental Committee for all their work.

### **PUBLIC COMMENT**

- Joann Adams (7311 Lake St.) – Commented is very disappointed with the decision on getting a second opinion for removing trees. We have had two different arborists tell us these trees need to be removed. The environmental committee is working on a tree map.
- Jackie Huepenbecker (7108 B.R. Noble Ct.) – Commented last summer I became involved with ZBA Bylaws in working with RRC. In reviewing other communities most had meetings once a year.
- Randy Schultz (7200 Simons) – Commented if they prove my tree is bad, I don't have a problem with it being removed.
- Justin Flynn (Flynn's Tree Service) – I am a certified arborist. Kay from Owens Tree Service trained me and I would stand behind her decision.

### **COUNCIL PERSON COMMENTS**

- Muoio – We now have a Parks & Rec committee. We did a walk through and made notes on what needs improvements. I would like to thank the DDA for repairing the tables at the park.
- Klaas explained I am working on getting a DTE grant to update the lighting.
- Fulton – The new website is coming along good and is on tract to be completed by the end of the year.
- Adams – If anyone would like to volunteer to help with Christmas decorations, please let me know.
- Kaatz – I would like to thank Amos Williams for all his progress.
- Kaatz – We will be having our first annual Christmas Light Contest. We have some nice prizes. Stay tuned for details.

- Jarosz – Leaf pickup will begin November 1, 2021.

**ADJOURNMENT**

Motion by Klaas, seconded by Jarosz, to adjourn the meeting at 9:04 p.m.

All ayes

Motion carried

Respectfully Submitted

Vicki Scott, Village Clerk

Approved