

The Village of Lexington Common Council held a Regular Council Meeting Monday, April 24, 2023 in the Council Chambers at 7227 Huron Avenue, Lexington, MI 48450

Call to order the Regular Council Meeting at 7:00 p.m. by President Kristen Kaatz

Pledge of Allegiance led by President Kristen Kaatz

Roll call taken by Clerk Vicki Scott

Present: Gresock, Adams, Muoio, Morris, Klaas, DeCoster, Kaatz

Absent: None

Others present: C. Cutright, E. Ehardt, S. McCoy, and 11 citizens

ATTENDANCE –

PUBLIC COMMENT

- Dina Wurmlinger (7211 Park) – commented on having Town Hall meetings again.

APPROVAL OF AGENDA – Motion by Morris, seconded by Adams, to approve the agenda as presented.

All ayes

Motion carried

BUSINESS

ADMINISTRATION

A. VILLAGE TRUSTEE APPOINTMENT – Motion by Morris, seconded by Muoio, to appoint James Gresock to Council.

Roll Call

Ayes – Morris, Muoio, Adams, DeCoster, Klaas, Kaatz

Nays – None

Motion carried

B. CROSWELL-LEXINGTON VARSITY COMPETITIVE CHEERLEADING PROCLAMATION –

Motion by DeCoster, seconded by Adams, to approve the Croswell-Lexington Varsity Competitive Cheerleading Proclamation as presented.

Roll Call

Ayes – DeCoster, Adams, Gresock, Muoio, Morris, Klaas, Kaatz

Nays – None

Motion carried

C. EVANS EHARDT – (County Commissioner) – Ehardt explained the board of commissioners will be voting next week on the sheriff's office to enforce the local ordinance violations on behalf of Lexington Township. This has always been in place and it is just a matter of renewing it.

D. CYNTHIA CUTRIGHT – Cutright explained it has been a good month when it comes to our projects. For the USDA water and sewer, we did get the notice to proceed to bid for both water and sewer. The plan is to get that out to bid around mid-May. We are waiting for a permit from EGLE to come through in the next week or two. If that does not, I spoke to both Chris Heiden and Chris Townley and we may choose to go ahead and send that out for bid as costs continue to increase. The risks are very minimal. We would be looking at a possible change order or an addendum to the bids. My recommendation is to move forward getting it out to bid. Moving over to the harbor project, I continue to work with the DNR on the MOU. We are pretty close to finalizing the language in the MOU. They will then take that to their side for approval before it comes back to this board for approval. I am hoping to have something to present to Council by next meeting. It would come to completion with the renegotiation of a lease with the DNR. It would see us through the entire harbor redevelopment project. The state budget office does have the official request from the Village of how we wish to spend the money as a general budget outlined before them. We should be seeing that grant agreement come through to sign on fairly shortly.

E. MINUTES – Motion by Klaas, seconded by Adams, to approve the minutes of the Regular Council Meeting of March 30, 2023, as presented.

Discussion: DeCoster wanted clarification on council persons comments regarding her reading the definition of sabotage. Decoster's concern is this is a serious accusation of wasting 8 million dollars that could be going to the Village and wanted specifics about this particular sabotage comment included.

All ayes

Motion carried

Motion by Adams, seconded by DeCoster, to approve the minutes of the Special Council Meeting of April 1, 2023, as presented.

All ayes

Motion carried

F. INVOICE – FLETCHER FEALKO SHOUDY & FRANCIS, P.C. – Motion by Morris, seconded by DeCoster, to approve the payment of \$90.00 to Fletcher Fealko Shoudy & Francis, P.C. from the Sewer Fund.

Roll Call

Ayes- Morris, DeCoster, Klaas, Muoio, Adams, Gresock, Kaatz

Nays- None

Motion carried

G. ARMY CORPS OF ENGINEERS FY 24 INCLUDES \$8.2 MILLION FOR BREAKWATER REPAIRS – Kaatz explained it was announced that we were given \$8,215,000.00 for breakwater repairs.

The Army Corps will be here May 5, 2023 to discuss the beach nourishment. We were awarded \$500,000.00 for beach nourishment and will be working with the Army Corps. There is an old law suit from the residents on Old Orchard Bluff against the Army Corps for beach nourishment. When the harbor was built it stole their sand due to the way it was build. The Army Corps was required to nourish the beach. In order to nourish the beach, they will dredge. That dredge material then gets put on the beach. The problem is where it is needed the most, we can't place it due to

where our intake is. Due to how the tide currents come around they wash into shore grab sand and pull it back out. The problem is where our intake lays is where the sand get deposited back into the lake. We have to very careful how we do this as to not damage our water intake. The Army Corps will be here next week to evaluate this.

H. HARBOR REDEVELOPMENT DESIGN ENGINEERING PROPOSALS– Motion by Muoio, seconded by Adams, to approve the Edgewater Resources Proposal as recommended by the Project Manager & DDA.

Discussion – Cutright explained the 3 bids that were received and why Edgewater is recommended. Amended Motion by Muoio, seconded by Adams, to approve the Edgewater Resources Proposal as recommended by the Project Manager & DDA contingent upon the awarding of grant funding.

Roll Call

Ayes – Muoio, Adams, Gresock, Morris, DeCoster, Klaas, Kaatz

Nays – None

Motion carried

I. DDA BYLAWS – Motion by Morris, seconded by Muoio, to approve the DDA Bylaws as presented.

Discussion

Roll Call

Ayes- Morris, Muoio, Gresock, DeCoster, Klaas, Adams, Kaatz

Nays- None

Motion carried

J. PARKS & REC APPOINTMENT – Motion by Muoio, seconded by Adams, to approve the appointment of Michael Fulton to the Parks & Rec Committee.

All Ayes

Motion carried

K. BEAUTIFICATION COMMITTEE – Kaatz explained DeCoster has a passion for beautifying our Village and streets. DeCoster explained she is looking forward to working with DPW on spearheading this project with volunteers to help beautify our town.

L. LEXINGTON UNITED METHODIST CHURCH VOLUNTEERS – Kaatz explained this will be discussed on May 5, 2023 with the Army Corps. The church volunteered to scrape and paint the railing on the breakwater.

M. FIRE DEPARTMENT FUNDRAISER FOR SAFETY EQUIPMENT – Chief Keefe Radtke explained the Lexington Fire Fighters Foundation is comprised of all Lexington Fire Fighter members. Our fundraisers are the pancake breakfast as well as any donations throughout the year. We use that money to help supplement the fire department equipment that is needed. Chief Radtke explained back in June we decided to work toward replacing our old set of Jaws as it is one of the first sets in Sanilac County. In your packet you will see the quotes for a new set of Jaws one at \$32,000.00 and one at \$42,000.00. This will help us be complaint. We are currently working Lakeshore Graphics to help fundraise for this new set of Jaws. There will also be a polar plunge

down at the Windjammer which will bring channel 4 news for this event. Kaatz explains we are looking into matching grants as well. Chief Radtke explained one of our trucks will have to be replaced eventually as the low/high pressure pump does not work and cannot be certified. A new fire truck costs over \$600,000.00 so we are always looking into grants and fundraising.

N. MOBILE HOME PARK SUPERINTENDENT COVERAGE – Kaatz explained at the Personnel meeting we discussed the need for some back up coverage for Ed until he returns. Michelle has been assisting during this time as well has helping with the new mobile coming in. Michelle has also been fielding calls as well as following up with mobile home park emails. Kaatz explained the concern is with the union designation for Michelle's position.

Motion by Morris, seconded by Klaas, to approve the Village Manager to determine the number of hours necessary for Michelle to cover for the mobile home park superintendent at the appropriate wage as this is a different pay line than what her current pay line is so we should make sure it is adjusted appropriately.

Discussion: Klaas asked what past practice has been in a situation where someone is ill and if there is a current policy. Klaas explained if we would have had some communication, some kindness, some empathy, and asked when he is coming back and what needs to be taken care of, we could've saved ourselves a lot of trouble. Klaas explained he is cleared to come back to work on Saturday. Kaatz explained we do not have any of this information. Kaatz noted the email I received stated he would be off for at least two weeks. Klaas explained as a Village, we don't communicate, show kindness, we don't reach out to people, and we have people angry because they think we are trying to replace someone's job who is out ill when he is going to be back in a number of days. Kaatz explained his email was responded to with please get well, we will have things covered for you, focus on getting better and we can't wait to have you back. The whole point of Michelle covering his workload is so that it is done when he returns. Klaas explained we should've reached out to the person that is out on how we could help them during the time they are off. Kaatz noted as of right now we don't know when he is going to return. Morris asked if we received official notice on when he is cleared to return. Kaatz - we have not at this time. Adams noted this issue arose due to the union classifications. Kaatz explained we have Michelle doing mobile home park work and have to have Beth fill in at the front desk. Klaas explained we could show more compassion, more empathy, and communicate more clearly with the people who work for you. Morris agrees but is disappointed that the employee didn't contact the office and say when they will return. When my employees are off, I don't call them each week to see when they will return. I respect their privacy. We move staff around to cover during these periods. As of right now we have an employee doing his duties who we should be compensated appropriately. The office did not receive formal notification of his return. Klaas noted this was approached in an unprofessional way. Morris explained the agenda should have had read for coverage.

Roll Call

Ayes – Morris, Muoio, Kaatz

Nays – Klaas, DeCoster, Adams, Gresock

Motion failed

Motion by Klaas, seconded by DeCoster, to leave this position status quo until the employee returns.

All those in favor:

Ayes – 4

Nays – 3

Motion carried

MOBILE HOME PARK

MOBILE HOME PARK BUDGET ITEMS DISCUSSION: – Kaatz explained Council approved new playground equipment of 9-26-22 in the amount of \$48,185.00 that has not been pulled from the budget yet. Resk explained the playground equipment (in full) won't come in until the first week in July 2023. He has given a discount of \$5,000.00 due to this delay. McCoy explained if some of the equipment get delivered and invoiced before July 1, 2023 it can be paid out of this fiscal year. Resk explained she will reach out and see if they can ship what they currently have and explained where this can be stored. Kaatz explained the DPW can then prep the site as well. Kaatz explained this came about because the money in their line item looks like they have more money due to this project being delayed. Resk explained we found out there is not as much money budgeted as was originally thought for the items listed below. Kaatz asked if these items could be budgeted for in the 2023-2024 budget. Resk noted yes with the exception of the beach mats which were already authorized to purchase by the Village Manager. The delay was due to the quote that had listed the township and not the Village but has now been corrected. Resk explained the beach mats were approved in the 2022-2023 budget for \$1,800.00. Resk explained items O, Q, and R will be moved to the next fiscal year. Resk explained we want to remove items S and T for now so we can further study these items. Resk hopes to present the rules & regulations at the May council meeting. Kaatz noted a few of the rule changes contradicted our ordinances. Resk will further review this as we are under a timeline. Morris suggested this go to planning if ordinances are looking at being possibly changed. Kaatz explained the changes and lease would still have to go to the attorney for review.

Motion by Morris, seconded by Gresock, to table items O, Q, R, S, T until next meeting.

All Ayes

Motion carried

O. MOBILE HOME PARK REQUEST TO PURCHASE GOLF CART (\$5,600.00)

P. MOBILE HOME PARK REQUEST TO PURCHASE BEACH MATS (\$1,800.00)

Q. MOBILE HOME PARK REQUEST TO PURCHASE FLOWER POTS (\$2,000.00)

R. MOBILE HOME PARK REQUEST TO PURCHASE 6 GARBAGE CANS (\$1,500.00)

S. MOBILE HOME PARK REQUEST FOR 1 YEAR FREE RENT PROMOTION

T. MOBILE HOME PARK RULES & REGULATIONS 2023 DISCUSSION

WATER/SEWER/DPW/STREETS

U. MDOT STATE HIGHWAY UTILITY CROSSING SOIL BORE SAMPLING – Motion by Morris, seconded by Adams, to approve up to \$25,000 toward soil bore testing costs for the USDA project as recommended by the Village Utilities Manager.

Discussion: Chris Heiden explained why this occurred due to boring under M-25.

Roll Call

Ayes – Morris, Adams, Gresock, Muoio, DeCoster, Klaas, Kaatz

Nays – None

Motion carried

V. DTE STREET LIGHT COSTS – Heiden explained the Village switched to LED lights in the black decorative light poles. After reviewing this issue, it was determined the Village is owns and is being charged for all other cross street lightening, overhanging at the intersection, and from the downtown area. These are the old technology mercury vapor lights. The LED downtown street lights are rated at a 25-watt usage and the ones on the outskirts of town are rated at a 175-watt usage. I have a zoom meeting on Wednesday with DTE to see how we can correct this issue and what our options are. We could either pay DTE to replace all the existing lighting which is a little over 68 lights with LED or they offer a program where they take over your street lightening that includes maintenance for a fee. I plan to have more information by next meeting.

FINANCIAL REPORTS – Motion by Morris, seconded by Adams, to approve the check register in the amount of \$127,016.13 check numbers 37747 through 37801 and financial reports as presented.

Roll Call

Ayes- Morris, Adams, Gresock, Muoio, DeCoster, Klaas, Kaatz

Nays- None

Motion carried

REPORTS – CORRESPONDENCE-

PUBLIC COMMENT

- Dina Wurmlinger (7211 Park) – commented on Ed Jarosz and volunteered to answer phones.
- Dave Warren (Lot #80) – commented on the new mobile home park billing with water charges included and questioned if it is being done properly.
- Mike Fulton (5727 Union) – thanked the Council and thanked the Fire Department.

COUNCIL PERSON COMMENTS

- Kaatz thanked the Fire Department and Judi Resk.

ADJOURNMENT

Kaatz adjourned the meeting at 8:49 p.m.

Respectfully Submitted
Vicki Scott, Village Clerk