

The Village of Lexington Common Council held a Regular Council Meeting Monday, July 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: L. Fisher, C. Cutright, E. Ehardt, and 18 citizens

ATTENDANCE –

PUBLIC COMMENT –

- David Revosky (Lot #48) – requested for a formal update regarding the bluff grant.
- Doug Roehl (5410 William Dr.) – commented on changing the proposed language for the dumpster ordinance change and what interest rates the Village is receiving on all Village funds.

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

All ayes

Motion carried

BUSINESS

ADMINISTRATION

A. EVANS EHARDT – (County Commissioner) – Ehardt asked for feedback on how the Social District was working out as other communities are looking into it as well.

B. CYNTHIA CUTRIGHT – Cutright explained we have received all bids back for the sewer portion of the USDA project. The sewer bids came in under budget. The engineering recommended bids are in the packet tonight. This will put us one step further in closing the loans. The water bids came in over budget. We are looking into breaking that portion down into two phases. We will continue working with USDA on this. I should have a better update in August on the water portion. As far as the Harbor, the steering committee had their first meeting via webinar in July with Edgewater Resources. On August 8, 2023 at 7:00 p.m. at the Village Hall we will be having a public townhall meeting on the Harbor Redevelopment project. Unfortunately, we did not receive the bluff grant through EGLE. Chris Townley is still working on this. We will be setting up a meeting with EGLE.

C. MINUTES – Motion by Gresock, seconded by Adams, to approve the minutes of the Regular Council Meeting of June 26, 2023, as presented.

All ayes

Motion carried

Motion by Morris, seconded by Muoio, to approve the minutes of the Special Council Meeting of July 5, 2023, as presented.

All ayes

Motion carried

Motion by Klaas, seconded by Adams, to approve the minutes of the Special Council Meeting of July 10, 2023, as presented.

All ayes

Motion carried

Motion by Gresock, seconded by Muoio, to approve the minutes of the Special Council Meeting of July 17, 2023, as presented.

All ayes

Motion carried

D. INVOICE – FLETCHER FEALKO SHOUDY & FRANCIS, P.C. – Motion by Morris, seconded by DeCoster, to approve the payment of \$1,035.00 to Fletcher Fealko Shoudy & Francis, P.C. - \$585.00 from the General Fund, \$270.00 from the Zoning, and \$180.00 from the Mobile Home Park Fund.

Discussion: Manager to double check invoice on retirement agreement.

Roll Call

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

Nays- None

Motion carried

E. LAGOON SLUDGE REMOVAL – Motion by Morris, seconded by Gresock, to accept the recommendation from Townley Engineering and award the bid to Bio Tech Agronomics, Inc. in the amount of \$324,770.00 for the Lagoon Sludge Removal project subject to approval of USDA Rural Development funding.

Roll Call

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

Nays – None

Motion carried

F. SANITARY SEWER REHABILITATION – Motion by Morris, seconded by Gresock, to accept the recommendation from Townley Engineering and award the bid to SAK Construction, LLC in the amount of \$1,577,160.00 for the Sanitary Sewer Rehabilitation project subject to approval of USDA Rural Development funding.

Roll Call

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

Nays – None

Motion carried

G. SANITARY SEWER IMPROVEMENTS – Motion by Morris, seconded by Klaas, to accept the recommendation from Townley Engineering and award the bid to Boddy Construction Company in the amount of \$3,503,266.68 for the Sanitary Sewer Improvements project subject to approval of USDA Development funding.

Roll Call

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

Nays- None

Motion carried

H. CITY OF CROSWELL EMS 2023-2024 CONTRACT & INVOICE – Motion by DeCoster, seconded by Adams, to approve the payment of \$39,733.00 to the City of Croswell for EMS contracted services as presented.

Roll Call

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

Nays – None

Motion carried

I. PROPERTY BOUNDARY DISCREPANCY AT TIE DOWN LOT – Denny Klaas explained after meeting the with property owner at the Village Pub it was discovered their dumpster is located on Village Property. Klaas handed out a map showing the Village property lines. Klaas asked the Council how they wish to proceed. Discussion followed. Kaatz suggested the Village Manager, Zoning Administrator, and attorney sort this out. Board agreed and will continue to get updates.

J. CAPITAL IMPROVEMENT PLAN UPDATE – Lori Fisher will work on updating the current plan that is in place. Kaatz thanked Sheila Klaas for volunteering from Council.

K. GOAL SETTING FOR VILLAGE MANAGER – Kaatz explained we need to pick a date for a study session to set up goal setting for the Village Manager. Board members agree to set up a study session for August 22, 2023 at 7:00 p.m.

L. FIRE EQUIPMENT GRANT PROGRAM APPLICATION UPDATE – Kaatz explained the completed application that was sent in is in the packet.

M. BIKE PATH INVOICE & UPDATE – Motion by Klaas, seconded by Adams, to have the agreement reviewed by the Village Manager with legal review and return to Council.

Discussion: Kaatz explained this has not gone to the attorney.

Amended Motion by Klaas, seconded by Adams to agree to pay the invoice for the bike path after the Village Manager has reviewed the contract for proper legal language and approved it.

Discussion: Morris asked where the funds will be coming from and if it was budgeted for.

Roll Call

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

Nays – None

Motion carried

N. BEAUTIFICATION PROJECT UPDATE – DeCoster explained she is still pursuing this and will be in contact with Chris Heiden.

PLANNING

O. ZONING ORDINANCE AMENDMENTS – Motion by Morris, seconded by Gresock, to approve the Zoning Ordinance Amendments recommended by the Planning Commission as follows:

- Section 2.2 Definition of Dumpster – (Definitions)
- Section 6.2.9 Screening of Trash Containers – (Landscaping, Greenbelts & Buffers & Screens)
- Section 6.10.1 Containers & Dumpsters – (Safety)

Discussion: DeCoster & S. Klaas noted the language is unclear and difficult to enforce. Morris stated the intent was to make it easier and not as restrictive. Lengthy discussion followed. Gresock noted issues with dumpsters he has had through the years. D. Klaas addressed the board with a suggested dumpster violations and fine structure and explained we currently do not have anything in place with teeth to be able to enforce. Discussion followed.

Roll Call

Ayes – Morris, Gresock, Muoio, Kaatz

Nays – Adams, Klaas, DeCoster

Motion carried

MOBILE HOME PARK

P. MOBILE HOME PARK LEASE – Motion by Klaas, seconded by Gresock, to approve the 2023 Lease as presented.

Discussion: DeCoster noted the lease does not state the trailer has to be owner occupied or that the tenant has to own the trailer. DeCoster suggested it say owner/tenant. Fisher explained we need to look at the process of when these leases are signed and having a term date. Kaatz explained that's not what the current rules state. The lease needs to be signed prior moving in. Morris suggested adding language in the lease for new mobiles.

Amended Motion by Klaas, seconded by Gresock, to approve the lease with the manager making the two revisions regarding the tenant/owner and certificate of occupancy and rent.

Discussion:

Roll Call

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

Nays – None

Motion carried

Q. MOBILE HOME PARK RULES AND REGULATIONS – Motion by Morris, seconded by Muoio, to approve the attorney reviewed 2023 Rules and Regulations as presented.

Discussion: Klaas explained this went back to the Advisory Board after the attorney's recommendations. The Advisory Board made more changes in addition to what the attorney recommended. Kaatz suggested these changes go back to the attorney. Klaas stated the only thing that the Advisory Board did not do that the lawyers suggested is take out the ordinance language and the Advisory Board wanted to leave it in.

Morris withdraws his motion – discussion followed on making another motion. Kaatz explained you can't have another motion before the support has been withdrawal. Muoio withdraws his support.

Discussion: Lori Fisher explained additional items have been removed from the Advisory Board's copy that has not been to the lawyer under mobile home park guidelines item B which talks about subletting and item C which talks about owner's may only own one unit have been removed.

Motion by Morris, seconded by Kaatz, to table this until next month.

All Ayes

Motion carried

R. MOBILE HOME PARK RULES AND REGULATIONS CHANGES FROM MHP ADVISORY BOARD SPECIAL MEETING – Kaatz explained this was discussed above.

S. MOBILE HOME PARK DEPOSIT REFUND – Motion by Gresock, seconded by Adams, to approve the deposit refund in the amount of \$549.00 to Michael & Susan Taylor (Lot #27).

Roll Call

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

Nays – None

Motion carried

FINANCIAL REPORTS – Motion by Adams, seconded by Morris, to approve the check register in the amount of \$194,994.68 check numbers 37900 through 37987 and financial reports as presented.

Roll Call

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

Nays- None

Motion carried

REPORTS –

CORRESPONDENCE-

- Michigan Municipal League Annual Meeting Notice
- Letter from Gary Cola

PUBLIC COMMENT

- Jackie Huepenbecker (7108 B.R. Noble Dr.) – commented on we are making progress RRC, the library expects to start construction the end of August, and very disappointed council did not approve a violation and fine structure for the dumpster ordinance.
- Steve Stencil (5309 Main) – commented on the drain north of the A&W which goes into the lake that needs to be addressed and the property behind the theater.
- Dick Giacobbi (Lot #140/141) – commented on the cement pad policy and the lease.
- Pauline Balan (Lot #99) – commented on items E, F, and G funding, the bluff issues, and letter from Gary Cola.
- Dennis Klaas (5408 Union St.) – commented on a possible conflict of interest of Mr. Gresock voting on the dumpster issue since he owns a business in town.
- Doug Roehl (5410 William Dr.) – agreed with Denny Klaas about Mr. Gresock voting on the dumpster issue when a Planning member abstained during that discussion.
- Mike McGovern (7316 Simons) – commented on the dumpsters issue.

COUNCIL PERSON COMMENTS

- DeCoster thanked Dodd Fisher for donating the 3 new grills at Tierney Park.
- Adams explained the garden club walk went very well this year.
- Gresock noted this was a great year for the garden walk.
- Kaatz noted the Village is very blessed we have an amazing community.

ADJOURNMENT

Kaatz adjourned the meeting at 8:46 p.m.

Respectfully Submitted
Vicki Scott, Village Clerk

I, Vicki Scott, (Village Clerk), do hereby certify that the foregoing is a true and original copy of the minutes approved by the Village of Lexington Village Council at a regular meeting held on the 24th day of July 2023.

Clerk: _____

Dated: _____

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