

**Lake Linden Village Council
Regular Meeting
June 11th, 2009**

The Lake Linden Village Council met on the above date at the Village Hall at 6:30pm. President Fisher presided. The following Trustees responded to roll call: Friendewey, Schuldt, Frohmader, and Hoffman. Absence was granted to Trustee Hamlin and Trustee Aittama.

Approval of Minutes:

A motion was made by Trustee Frohmader and supported by Trustee Schuldt to approve the May regular meeting minutes as presented. All were in favor. Motion was carried.

Approval of Agenda:

A brief discussion of the agenda resulted in two additions and a motion from Trustee Schuldt and supported by Trustee Friendewey to approve the agenda. All were in favor. Motion was carried.

Public Comments:

None.

Bills and Financial Statement:

Prior to addressing the monthly expenses the clerk introduced a tax bill change by the Board of Review requiring a rebate to a property owner. A motion was made by Trustee Schuldt and supported by Trustee Friendewey to refund the amount. Poll vote: Yes; Schuldt, Friendewey, Frohmader, Hoffman and Fisher. No; None. Motion was carried.

The bills and financials were introduced. Clerk Poirier pointed out that the initial proposal at the state budget discussions was to cut the revenue sharing to municipalities by 25%. He said in the coming fiscal year that meant about \$7,000 in cuts for the Village. A motion was made by Trustee Friendewey and supported by Trustee Schuldt to approve the bills as presented. Poll Vote: Yes: Schuldt, Friendewey, Hoffman, Frohmader, and Fisher. No; None. Motion was carried.

Correspondence:

Clerk Poirier informed the Council that decisions on funding under the COPS application were not expected until September and no further word had been received.

Clerk Poirier said that the tax information from the County had been received and that it was up to the Council on whether or not to hold a hearing. After a brief discussion it was determined that a hearing and special meeting would be held and that it would be on June 25th at the Village Hall at 6:30pm.

Clerk Poirier said he had been copied in a letter from the Americana Foundation to the Keweenaw Community Foundation informing them that a \$25,000 grant had been awarded.

Clerk Poirier showed the Council a flyer for the September 5K 10K event in the park. It was an early registration form and included the liability waiver

required by the Council at the last meeting. President Fisher said the event was already popular and a large turnout was expected.

Clerk Poirier introduced his annual clerk's report to the Council. He said it was a summary of Council actions and discussions from the previous fiscal year and a look ahead at what to expect in the next. He urged trustees to read it and comment at the July meeting.

Committee Reports:

Executive (Chair:Trustee Fisher):

President Fisher reviewed for the Council the progress and discussions that had occurred so far regarding the Hubbell/Tamarack water project. He said that a final draft of a letter submitting the three-stage bid to the two Townships for their consideration was before them. He briefly explained the three options; supplying wholesale water to the Township boundary, supplying water and administrative services, and the inclusion of operations and maintenance. He outlined the costs associated with those options and the rates proposed therein. The Council had previously been briefed on how the numbers in the quote were derived. Trustee Hoffman said he had no issues other than questions about having enough water supply and pressure for residents. President Fisher told him that at no time has that been an issue of concern from the village engineers. A motion was then made by Trustee Frendewey and supported by Trustee Schuldt to approve the President signing and submitting the bid for review by the Townships. Poll vote: Yes; Frendewey, Schuldt, Hoffman, Frohmader and Fisher. No; None. Motion was carried.

Utilities/Services (Chair: Trustee Hamlin):

No report.

Buildings & Parks(Chair: Trustee Frendewey):

Clerk Poirier informed the Council that there had been incidents of vandalism in the park pavilion again. He suggested possibly installing a surveillance system there to try to rein in some of the incidents. After a brief discussion about costs for such a system a motion was made by Trustee Hoffman and supported by Trustee Frohmader to approve up to \$500 for the purchase and installation of equipment to monitor the pavilion restrooms. Poll vote: Yes; Hoffman, Frohmader, Frendewey, Schuldt and Fisher. No; None. Motion was carried.

Equipment(Chair: Trustee Frohmader):

Jude Kalcich supplied a list of surplus equipment that could be bid out. It included three trucks, a gas welder and 6 floating docks. After a quick review of the items a motion was made by Trustee Frendewey and supported by President Fisher to approve posting the vehicles, gas welder, and three of the floating docks, as-is, where-is with no minimum bids, bids to be received by Thursday June 25th at 4:00pm and opened at the special meeting that evening. All were in favor. Motion was carried.

Streets(Chair: Schuldt):

Clerk Poirier introduced copies of the annual MDOT permit. He said it was largely boilerplate and included sections relevant to work and signage on the state trunkline and permit and signing requirements for construction and other work along Calumet Street. He had read it through and offered that there were no major changes from the previous version. He recommended signing the document and submitting for MDOTs approval. After a brief discussion and a couple of questions from trustees a motion was made by Trustee Schuldt and supported by Trustee Frenthewey to authorize the President to sign the document and send it on to MDOT for final approval. All were in favor. Motion was carried.

The clerk then introduced a draft of a letter addressing the deficit in the Municipal Street fund. He said the state required a plan for eliminating the \$4,702 deficit and that all it would take was for the taxes to be collected as normal in July. After a brief discussion a motion was made by Trustee Schuldt and supported by Trustee Hoffman to approve the plan and for authorizing the President to sign the letter for submission to the state. All were in favor. Motion was carried.

Clerk Poirier said that St. Joseph Church had renewed it's request for additional handicap parking spaces in front of the building. After a brief discussion it was determined not to grant that request and for a different solution to be found.

Public Safety(Chair: Trustee Hoffman):

Clerk Poirier introduced a police report for May. A motion was made by trustee Hoffman and supported by Trustee Schuldt to accept the police report as read. All were in favor. Motion was carried.

There was no fire report.

Jason Reese, a member of the Lake Linden Fire Department, addressed the Council regarding an application through FEMA for the construction of a new fire station. He said the grant was for the complete cost of construction and that the application would be fortified by details including a lot in which to build, commitment from the Village to build, design plans for the new facility, and possibly an environmental study on the land involved.

He said the DDA had been approached and showed initial support for the idea. He said he had contacted Dick Supina of Traverse Engineering and was told complete plans would cost around \$8,000. He said the department and the DDA were working on that aspect of the grant. He asked the Council for support and to consider a parcel of land located behind the Rustic Meadows building near the baseball field. President Fisher said that this could be accommodated and after a somewhat lengthy discussion it was decided to compile a list of what should be included in a resolution of this type and have the clerk create a draft for a meeting in July.

The clerk let the Council know that bids were being compiled for the police vehicle. He said it was hoped that everything could be determined by the end of the month.

Zoning Task Force:

Clerk Poirier submitted an amended draft of an open fires ordinance that had been reviewed and discussed by the Council the previous month. He said

some of the items discussed had been changed to accommodate what individual trustees had disagreed about. Discussion ensued about several of the clauses in the document along with definitions. After a time it was decided to table the draft until July when a cleaner version of the ordinance could be ratified.

The clerk then presented a draft of a leash law and pooper scooper law. He said a lot of feedback had been received and that a concise idea had been presented. After a brief discussion two revisions were made. First, cats were to be included in the final draft and second, all pets, including puppies were to be included in the leash law portion. The final document read as follows:

SERIES 9000 - SAFETY REGULATIONS

An ordinance to control cats and dogs and clean up after all animals within the limits of the Village of Lake Linden and the penalties for violations thereof.

The Lake Linden Village Police Department, its authorized deputies and/or appointed agents can and will actively enforce this ordinance up to and including making a request of owners/handlers to present proper depositories as outlined in Section 2, subsection B below.

Chapter 9011 – Animals

SHORT TITLE: This ordinance shall hence be known as the “Village of Lake Linden Animal Ordinance”.

PURPOSE: This ordinance is enacted to preserve and protect the public health, safety and general welfare of the residents of the Village of Lake Linden by requiring cats and dogs to be leashed and to compel owners/handlers to clean up after them.

SECTION 1: LEASH REGULATIONS

It shall be unlawful for any person to own any dog or cat that does not at all times wear a collar with a tag approved by the director of agriculture, or for any person except the owner or authorized agent, to remove any license tag from a dog or cat; or for any owner to allow any dog or cat, except working dogs such as leader dogs, when accompanied by their owner or his/her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash. (Adopted from Michigan Compiled Law, MCL 287.262, Sec. 2)

SECTION 2: SANITATION

- A. It shall be unlawful for any person to permit any animal owned or harbored by him to deposit fecal matter in any place other than the premises where the animal is harbored or kept, unless such fecal matter is immediately collected and removed to the premises where the animal is harbored or kept.
- B. It shall be unlawful for any person to walk any animal on any property not owned by such person, whether public or private, unless such person has an appropriate device for the collection of fecal matter in his/her immediate possession. Said device must be disposed of in an appropriate trash receptacle or taken to the premises where the animal is harbored or kept.

SECTION 3: CRIMINAL PENALTIES

The Village of Lake Linden may commence and pursue criminal proceedings against responsible parties as defined herein to the extent permitted by law. The penalty for violation of this

ordinance shall be a fine of up to \$100. Each separate violation of this ordinance shall be considered a separate offense.

SECTION 4: SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: CONFLICTS

All other ordinances, amendments or provisions thereof, which may be inconsistent or in conflict with this Ordinance are hereby repealed.

A motion was made by President Fisher and supported by Trustee Schuldt to approve passage of the new draft as amended. All were in favor. Motion was carried.

Clerk Poirier informed the Council that the Ordinance manual was available online up to series 4000 in electronic format. He said the remaining manual would be added in the coming weeks.

He also mentioned that in his review of the manual there was an outdated sewer ordinance that needed to be repealed. He said in the event a sewer ordinance was ever needed it would have to be entirely re-drafted anyway. He said it was Series 4000, Chapter 4050 – Sewers. A motion was made by Trustee Schuldt and supported by Trustee Frohmader to repeal Ordinance Series 4000, Chapter 4050, Sewers, from the ordinance manual. All were in favor. Motion was carried.

Clerk Poirier then submitted drafts of three policies for the Council to review by the July meeting. He said these three specifically were mentioned by the auditor as necessary for inclusion into a policy manual. They were; Investment Policy, Conflict of Interest Policy, and a Gift Policy and Disclosure.

Downtown Development Authority:

President Fisher said the DDA had allocated \$800 for flag replacement for this year and would include something for updating the flags each succeeding year. He also said \$750 was allocated to the 5K, 10K race for expenses. Finally, they had allocated \$3,000 towards the window and siding project on the Loading Zone II. He informed the Council that the DDA Board was still one member short.

A question was raised about the Cenex Station progress and President Fisher stated emphatically that he wanted nothing done at the site during the 4th of July holiday weekend. He said he would talk to the Village attorney to see if something could be done to enforce this moratorium.

Torch Lake Area Sewage Authority

No report.

Lake Linden Housing Commission

Director Michelle Myers said that Joan Marcotte was retiring after 15 ½ years. She said a replacement was to be found soon. Trustee Hoffman suggested sending her something to thank her for her long service at the Housing Commission.

Late Agenda Items:

Clerk Poirier said he had investigated costs for re-surfacing the tennis courts and had come up with an estimate of about \$2,800. President Fisher said he would speak to the people in charge of the Gates Tennis Center at Michigan Tech to see if they had any ideas on how it could be done more affordably.

New Business:

None.

Old Business:

None.

Announcements:

None.

Adjournment:

A motion to adjourn the meeting was made by Trustee Hoffman and supported by Trustee Frohmader . All were in favor. Meeting was adjourned at 7:52pm. There were 5 members of the public in attendance.

Edward R Fisher, President

Robert A. Poirier, Village Clerk