



Village of Wolverine Lake www.wolverinelake.com

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VILLAGE OF WOLVERINE LAKE REGULAR COUNCIL MEETING WEDNESDAY, DECEMBER 12, 2018

1. CALL TO ORDER

President Nedrow called the meeting to order at 7:00pm.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Present: Scott, Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek

Absent: None

Others: Chief Ellsworth, Attorney Elowsky, Engineer Powell, Treasurer/Interim Administrator Kondek, Interim Clerk Linsenmeyer and approximately 4 members of the public.

4. RC 12/12/2018 20522 CORRESPONDENCE

None

5. RC 12/12/2018 20523 ADDITIONS TO BUSINESS

Nedrow stated there were no additions to business.

6. RC 12/12/2018 20524 1ST CALL TO THE PUBLIC – THIS IS AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL ON AGENDA ITEMS.

Nedrow opened the 1st Call to the Public.

No comment.

Nedrow closed the 1st Call to the Public.

7. RC 12/12/2018 20525 APPROVAL OF CONSENT AGENDA

MOTION by Duff, seconded by Malek, to approve the Consent Agenda, as presented.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

8. RC 12/12/2018 20526 APPROVAL OF MINUTES – REGULAR MINUTES – NOVEMBER 12, 2018 – SPECIAL MEETING MINUTES – NOVEMBER 28, 2018.

MOTION by Duff, seconded by Malek, to approve the Regular Meeting Minutes of November 12, 2018, and Special Meeting Minutes of November 28, 2018, as submitted.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

9. RC 12/12/2018 20527 RECEIVE AND FILE WRITTEN REPORTS.

Police Report for 11-18

Code Enforcement Report 11-18

Building Report of 11-18

Fire Report of 11-18

Park and Recreation for 11-19-18

ZBA for 11-20-18

Water Management Board for 12-5-18

MOTION by Duff, seconded by Malek, to receive and file written reports, as presented.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

10. RC 12/12/2018 20528 APPROVE WARRANTS

Approve Payables for the month of November in the amount of \$192,229.03.

MOTION by Duff, seconded by Malek, to approve Payables for the month of November in the amount of \$192,229.03, as presented.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

11. RC 12/12/2018 20529 PUBLIC HEARINGS

None

12. A. 1. RC 12/12/2018 20530 RECOMMENDATION FROM THE PARK AND RECREATION BOARD – RECOMMENDATION TO REAPPOINT KENDRA ZUNICH TO THE PARK AND RECREATION BOARD FOR A TERM EXPIRING 12/31/21.

MOTION by Dumont, seconded by Duff, to reappoint Kendra to the Park and Recreation Board for a term expiring December 31, 2021, as presented.

All in favor.
Motion carried.

12. A. 2. RC 12/12/2018 20531 RECOMMENDATION FROM THE PARK AND RECREATION BOARD – RECOMMENDATION TO REAPPOINT LORI LONGBRAKE TO THE PARK AND RECREATION BOARD FOR A TERM EXPIRING 12/31/21.

MOTION by Dumont, seconded by Duff, to reappoint Lori Longbrake to the Park and Recreation Board for a term expiring December 31, 2021, as presented.

All in favor.
Motion carried.

12. A. 3. RC 12/12/2018 20532 RECOMMENDATION FROM THE PARK AND RECREATION BOARD – RECOMMENDATION TO REQUEST THAT COUNCIL RELEASE THE BUDGETED FUNDS FOR SNACKS WITH SANTA.

MOTION by Scott, seconded by Malek, to release budgeted funds for Snacks with Santa, as presented.

ROLL CALL VOTE

AYES – Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott, Yourke

NAYS – None

ABSENT – None

Motion carried.

12. B. 1. RC 12/12/2018 20533 RECOMMENDATION FROM THE WATER MANAGEMENT BOARD – RECOMMENDATION TO REAPPOINT MICHAEL HURST TO THE WATER MANAGEMENT BOARD FOR A TERM EXPIRING 12/31/21.

MOTION by Scott, seconded by Sienkiewicz, to reappointment Michael Hurst to the Water Management Board with a term expiring December 31, 2021, as presented.

All in favor.
Motion carried.

12. B. 2. RC 12/12/2018 20534 RECOMMENDATION FROM THE WATER MANAGEMENT BOARD – RECOMMENDATION TO REAPPOINT DOUG NYE TO THE WATER MANAGEMENT BOARD FOR A TERM EXPIRING 12/31/21.

MOTION by Scott, seconded by Sienkiewicz, to reappointment Doug Nye to the Water Management Board with a term expiring December 31, 2021, as presented.

All in favor.
Motion carried.

12. B. 3. RC 12/12/2018 20535 RECOMMENDATION FROM THE WATER MANAGEMENT BOARD – RECOMMENDATION TO COUNCIL TO APPROVE

LAKE CLASSES FOR WATER MANAGEMENT BOARD MEMBERS AT A COST NOT TO EXCEED \$500.

Scott stated this is an online class offered by Michigan State University extension. He stated he believes it will be beneficial and all Board members opted to take the class.

MOTION by Scott, seconded by Sienkiewicz, to approve Lake Classes for Water Management Board members at a cost not to exceed \$500, as presented.

ROLL CALL VOTE

AYES – Nedrow, Dumont, Duff, Malek, Scott, Yourke, Sienkiewicz

NAYS – None

ABSENT – None

Motion fails.

12. B. 4. RC 12/12/2018 20536 RECOMMENDATION FROM THE WATER MANAGEMENT BOARD – UPDATE ON STATUS OF LAKE CONSULTANT SERVICES REQUEST FOR PROPOSALS.

Scott stated they received two proposals; one from current Lake Consultant and another from a Consultant on the west side of Michigan. The Board looked at both proposals and they are very close in cost. The Board decided to study the proposals a little bit more and make a decision at the next meeting.

Sienkiewicz asked if Council could get a copy of the proposals. Interim Administrator Kondek stated if there are no objections, he can get copies to Council.

12. B. 5. RC 12/12/2018 20537 RECOMMENDATION FROM THE WATER MANAGEMENT BOARD – DISCUSSION – ATTENDANCE AT A “SPECIAL TOPICS” MEETING ON HOA LEGAL EXPOSURES REGARDING OUTLOTS AND VILLAGE OBLIGATIONS AND RESTRICTIONS TO RESIDENTS AND RIPARIANS REGARDING LAKE MANAGEMENT.

Scott stated the Board set up a sequence of meeting topics. They have had residents with a lot of questions regarding the lake such as liability, erosion, etc. He stated several years ago the Board invited an attorney in who was familiar with HOA issues, outlot issues, etc., and had an open discussion between the community and the Board. He stated he hoped the Village Attorney could attend the meeting to facilitate. He noted the meeting would probably be in March. Nedrow suggested sending out an email to the HOA’s to see how much interest there would be. Scott stated that is what they plan to do. Nedrow stated he saw no reason why this wouldn’t be approved if there was an interest.

12. C. 1. RC 12/12/2018 20538 RECOMMENDATION FROM THE ZONING BOARD OF APPEALS – RECOMMENDATION TO REAPPOINT ANGIE CRAWFORD TO THE ZONING BOARD OF APPEALS FOR A TERM EXPIRING 12/31/21.

MOTION by Duff, seconded by Dumont, to reappoint Angie Crawford to the Zoning Board of Appeals for a term expiring December 31, 2021, as presented.

All in favor.

Motion carried.

12. D. 1. RC 12/12/2018 20539 RECOMMENDATION FROM ENGINEER POWELL – RECOMMENDATION TO PAY A&R SEALCOATING FOR CRACK SEALING \$10,199.84.

Engineer Powell stated A&R Sealcoating went through the Village this fall and sealcoated all of the roadways starting with the most recent pavements first and then worked their way counter clockwise around the Village. These are in budgeted funds for major and minor roads. This is an extremely worthwhile program so the rain and snow melt does not get in the cracks and break up the road.

Malek asked if they were able to get most of the Village done. Engineer Powell stated they were able to finish half of the Village before funds ran out.

MOTION by Dumont, seconded by Sienkiewicz, to pay A&R Sealcoating in the amount of \$10,199.84 for crack sealing, as presented.

ROLL CALL VOTE

Ayes – Dumont, Duff, Malek, Scott, Yourke, Sienkiewicz, Nedrow

Nays – None

Absent – None

Motion carried.

12. D. 2. RC 12/12/2018 20540 RECOMMENDATION FROM ENGINEER POWELL – GRINDER PUMP PURCHASE.

Engineer Powell stated every year around January 1st the cost of the Grinder Pumps goes up. The Village has a local distributor in Plymouth. Normally Commerce Township and the Village participate in a truck load. He noted there is a tremendous savings with a truck load purchase. He stated this particular year, Commerce has 50 left over in their stock. The Village has 8 left over and there are 8 proposals out to residents for those units. Commerce Township has always been willing to sell the Village some of their stock, however, he is recommending the Village purchase an entire truck load and Commerce has agreed to house them. He stated while Commerce Township would agree to go in on a truck load with the Village, he recommends purchasing a whole one for the Village. He noted there are about 20 to 25 residents per year who connect so a truck load would cover the Village for around 2 years. Sienkiewicz stated if it is that great of a savings, he thinks we should purchase them now if there is a place to store them. Powell stated the Village also needs to purchase additional cables and also offer our residents an electrical panel with a generator receptacle. He recommends purchasing 6 of those control panels as well.

MOTION by Sienkiewicz, seconded by Yourke, to approve purchase of a truck load of grinder pumps at a cost of \$182,900.00 as well as additional cables and 6 control panels at a cost of \$6,150.00, as presented.

ROLL CALL VOTE

AYES – Duff, Malek, Scott, Yourke, Sienkiewicz, Nedrow, Dumont

NAYS – None

ABSENT – None

Motion carried.

12. E. RC 12/12/2018 20541 2018 CITIZEN OF THE YEAR NOMINATION PROCESS.

Kondek stated the forms for nomination are in everyone's packet. He stated the forms are due into the Village office by January 9th. He noted any resident is welcome to put in a nomination.

12. F. RC 12/12/2018 20542 EXPENDITURE APPROVAL FOR THE CODIFICATION OF ORDINANCES AND CHARTER AMENDMENTS – NOT TO EXCEED \$2,500.

Nedrow stated this is for the codification of any ordinances the Village has written or changed during the last year.

MOTION by Malek, seconded by Scott, to approve the codification of Ordinances and Charter Amendments at a cost not to exceed \$2,500, as presented.

ROLL CALL VOTE

AYES – Malek, Scott, Yourke, Sienkiewicz, Nedrow, Dumont, Duff

NAYS – None

ABSENT – None

Motion carried.

12. G. RC 12/12/2018 20543 INTRODUCTION OF ORDINANCE 139A-5.

Attorney Elowsky noted this is the Ordinance that will allow the codification.

MOTION by Yourke, seconded by Sienkiewicz, to introduce Ordinance 139A-5, an Ordinance to approve the editing and inclusion of certain ordinances as parts of the Codified Ordinances for the Village of Wolverine Lake, as presented.

All in favor.

Motion carried.

12. H. RC 12/12/2018 20544 DISCUSSION – PROPOSAL 18-1 (MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT) AND OPT OUT ORDINANCE.

Attorney Elowsky stated Proposal 18-1 was approved in November. She stated the state has 12 months to put together rules for the licensure. She stated with the Medical Marihuana, communities had to choose to opt in to allow those facilities in their community. The Village has an ordinance in place that prohibits those types of facilities so the Village did not have to

take any action at that time. This requires communities to opt out of allowing recreational marihuana facilities. If this is the approach the Village wants to take, Council would introduce this ordinance tonight. If Council opts out now, it can always be opted in later. She stated most communities are opting out as LARA has not established any regulations yet. She stated it will be awhile before that happens. She noted that while communities can opt in at a later date, if they opt in now, it cannot be opted out later. She recommends opting out until LARA get the regulations in place.

MOTION by Sienkiewicz, seconded by Yourke, to introduce an Ordinance 159, an Ordinance to amend title two, business regulation, of part eight, business regulation and taxation code, of the code of ordinances for the Village of Wolverine Lake, by adopting a new Chapter 880, prohibition of marihuana establishments, in order to prohibit marihuana establishments in the Village of Wolverine lake to Opt Out of allowing recreational marihuana facilities in the Village, as presented.

All in favor.

Motion carried.

12. I. RC 12/12/2018 20545 2ND CALL TO THE PUBLIC – APPROXIMATELY 9:00PM OR AT THIS AGENDA ITEM (WHICHEVER COMES FIRST) – THIS IS AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL REGARDING VILLAGE BUSINESS.

Nedrow opened the 2nd Call to the Public.

No comments.

Nedrow closed the 2nd Call to the Public.

12. J. RC. 12/12/2018 20546 FINANCE COMMITTEE CITIZEN ALTERNATE APPOINTMENT – JOHN MAGEE.

MOTION by Scott, seconded by Sienkiewicz, to appoint John Magee as Citizen Alternate to the Finance Committee, as presented.

All in favor.

Motion carried.

12. K. 1. RC 12/12/2018 20547 RECOMMENDATION FROM POLICE CHIEF ELLSWORTH – REQUEST TO PURCHASE 22 TASER TRAINING CARTRIDGES AND 4 POWER PACKS.

Police Chief Ellsworth stated this is for their annual training the Police Dept. has to do.

MOTION by Sienkiewicz, seconded by Malek, to purchase 22 Taser Training Cartridges and 4 Power Packs at a cost not to exceed \$920 from budgeted funds, as presented.

ROLL CALL VOTE

AYES – Scott, Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek

NAYS – None

ABSENT – None

Motion carried.

12. K. 2. RC 12/12/2018 20548 RECOMMENDATION FROM POLICE CHIEF ELLSWORTH – REQUEST TO PURCHASE A NEW TASER X26P FOR DEPARTMENTAL USE.

Ellsworth stated this will give all of the full time officers a new style taser. He stated the Police Dept. has tried not to buy them all at once but replace as needed.

MOTION by Duff, seconded by Malek, to purchase a new Taser X26P at a cost of \$1,183 plus shipping from budgeted funds, as presented.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

12. K. 3. RC 12/12/2018 20549 RECOMMENDATION FROM POLICE CHIEF ELLSWORTH – REQUEST TO PURCHASE A NEW 54” LEGACY DUO RED/BLUE OVERHEAD LIGHT BAR FOR THE 2018 TAHOE FROM CANFIELD EQUIPMENT SERVICES, INC.

Ellsworth stated this is something the Police are going to have to start doing. Over the last six months the Police have noticed bulbs that have gone out. One has 5 out and that’s what he is looking to replace. Another has 3 bulbs out and he will look to replace that next year. These overheads were bought in 2001 so they have lasted a good long time. They have been on several vehicles.

MOTION by Dumont, seconded by Malek, to approve purchase of new 54” Legacy Duo Red/blue Overhead Light Bar for the 2018 Tahoe from Canfield Equipment Services, Inc., at a cost of \$2,269.44, from budgeted funds, as presented.

ROLL CALL VOTE

AYES – Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott, Yourke

NAYS – None

ABSENT – None

Motion carried.

12. L. RC 12/12/2018 20550 DESIGNATED SIGNATORIES

MOTION by Duff, seconded by Sienkiewicz, BE IT RESOLVED, that the Village of Wolverine Lake designates Brian Nedrow in his role as Village President, John Scott in his role of Village

Pro Tempore, Michael Kondek in his role as Treasurer and Tabitha Linsenmeyer in her role as Interim Village Clerk as the designated signatories on the Village's bank accounts at JP Morgan and that they be asked to comply with any requirements Chase may have in order to implement the changes.

ROLL CALL VOTE

AYES – Yourke, Sienkiewicz, Nedrow, Dumont, Duff, Malek, Scott

NAYS – None

ABSENT – None

Motion carried.

12. M. RC 12/12/2018 20551 SET TOPICS FOR DECEMBER 26 WORK SESSION.

Nedrow stated he did not believe there was anything.

MOTION by Sienkiewicz, seconded by Duff, to cancel the December 26 work Session, as presented.

All in favor.

Motion carried.

13. RC 12/12/2018 20552 PENDING BUSINESS

None

14. RC 12/12/2018 20553 UPDATE FROM CHIEF ELLSWORTH

Chief Ellsworth stated regarding some of the numbers in his CLEMIS reports that appear to be skewed; one being the watercraft complaints. The complaints are documented when the Police make a stop or someone calls in a complaint. He stated the Police did a lot of stops this year writing 31 citations and made a couple of arrests. He stated this is the enforcement that he expects. He has instructed the officers out there to enforce the law and noted that they are better educated having gone through various schools. He stated regarding traffic stops; those numbers are up because he has young aggressive officers that are on the road doing things. He noted that the Police Dept. is getting back to the numbers they had in the late 90's early 2000's. During the downturn he believes there were very complacent officers. He does not believe the young officers are being too aggressive. He noted accidents numbers have dropped because they are enforcing the law.

Sienkiewicz asked about the possibility of replacing the Police Boat. Chief Ellsworth stated that is in his five-year plan.

15. RC 12/12/2018 20554 UPDATE FROM INTERIM ADMINISTRATOR/TREASURER KONDEK

Interim Administrator/Treasurer Kondek stated he was asked by Frank Walsh, the Head Hunter looking for a replacement for the Administrator position, to give an update. He has had 44 applications and at this point he is working with 11-12 top candidates. He will present to

Council the top 8-10 candidates on January 9th. He stated he is pleased with the response he has had thus far.

16. RC 12/12/2018 20555 COUNCIL COMMENTS

Scott wished everyone a Merry Christmas and celebrations over the holidays.

Sienkiewicz wished everyone a Merry Christmas and encouraged everyone to be safe on the lake as it is not safe.

Malek wished everyone Happy holidays. He stated back in October the Village ordered lawn stakes and they were gone within a day. He hopes to get a report if they were beneficial to the residents in keeping their lawns intact and if it was worth the investment or not. Sienkiewicz stated he hopes residents understand the stakes have to be 6-8 inches off of the pavement.

Duff wished everyone Happy holidays and encouraged everyone to be safe.

Dumont wished everyone a Merry Christmas and stated he would see everyone next year.

Nedrow wished everyone a Merry Christmas and a Happy New Year.

8. RC 12/12/2018 20556 ADJOURNMENT

MOTION by Sienkiewicz, seconded by Duff, to adjourn the meeting at 8:44pm.

All in favor.

Motion carried.

Tabitha Linsenmeyer, Village Interim Clerk
Recording Secretary Sheila Nicholas

Brian Nedrow, Village President