

**VILLAGE OF MATTAWAN  
REGULAR COUNCIL MEETING**

**JUNE 28, 2021**

***DUE TO THE CURRENT MDHHS ORDERS BASED ON COVID 19, THE COUNCIL MEETING IS BEING CONDUCTED VIA ZOOM WEBINAR WITH A 500 PARTICIPANT CAPACITY.***

**MINUTES**

1. CALL TO ORDER @ 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ATTENDANCE

***Members present: Cole, Mattawan; Daly, Mattawan; Kroll, Mattawan; O'Dell, Mattawan; Smith, Mattawan; Wheeler, Mattawan***

***Members absent: Taylor***

***Others present: Police Chief Scott Herbert, Village Attorney Scott Graham, Village Engineer Tim Woodhams, Village Secretary Yvonne Rumery***

***Motion made by O'Dell, supported by Wheeler to excuse Taylor's absence. All members present voted in favor. Motion carried.***

4. WELCOME TO PUBLIC

5. ANNOUNCEMENT OF MEETING BEING RECORDED

6. ADDITIONS TO AGENDA *None*

7. APPROVAL OF THE AGENDA

***Motion by Wheeler, supported by O'Dell to approve the agenda. All members present voted in favor. Motion carried.***

8. APPROVAL OF THE MINUTES OF JUNE 14, 2021

***Motion by O'Dell, supported by Kroll to approve the Minutes. All members present voted in favor. Motion carried.***

9. BILLS TO BE APPROVED IN THE AMOUNT OF \$34,990.15

***Motion by O'Dell, supported by Wheeler to approve the bills in the amount of \$34,990.15. Roll call vote: all members present voted in favor. Motion carried.***

10. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM *None*

11. BOARD AND COMMITTEE REPORTS

12. STAFF REPORTS

A. POLICE DEPARTMENT – *Chief Herbert*  
*Police Chief Herbert reported that there were 133 complaints registered during the month of May, along with 28 ticketed violations.*

B. ENGINEER’S REPORT - *Engineer Woodhams*  
*Engineer Woodhams spoke briefly about the feasibility study, reminding the Council that the DDA Subcommittee needs to meet to discuss Main Street road reconstruction.*

C. ATTORNEY’S REPORT - *Attorney Graham*  
*Attorney Graham reported on continuing negotiations with Amtrak. Amtrak drafted a contract with unconscionable liability and indemnification terms that holds the Village and the design engineer wholly responsible for everything that occurs during the project, regardless of fault. Attorney Graham recommended to the Council that he be authorized to draft and present a counter-proposal to Amtrak with normal and reasonable liability and indemnification language. A motion was made by Smith, supported by O’Dell to authorize Attorney Graham to respond to Amtrak’s proposal with a counter-proposal that is based upon normal and reasonable liability allocations and indemnification language. A roll call vote was taken. All members present voted yes. Motion carried.*

16. OLD BUSINESS     *None*

17. NEW BUSINESS

A. APPROVE CONTRACTOR INVOICE: BALKEMA EXCAVATING APPLICATION NO. 1 IN THE AMOUNT OF \$87,305.  
*Motion by Smith, supported by Daly to approve Balkema Excavating’s contractor invoice Application No. 1 in the amount of \$87,305. Roll call vote taken. All members present voted yes. Motion carried.*

B. APPROVE CONTRACTOR INVOICE: BALKEMA EXCAVATING APPLICATION NO. 4 IN THE AMOUNT OF \$13,650.  
*Motion by Wheeler, supported by O’Dell to approve Balkema Excavating’s contractor invoice Application No. 4 in the amount of \$13,650. Roll call vote taken. All members present voted yes. Motion carried.*

C. APPROVE KENNEDY INDUSTRIES INVOICE IN THE AMOUNT OF \$4,575 FOR THE COST OF LABOR AND MATERIALS TO REPAIR THE RED ARROW LIFT STATION PUMP  
*Motion by Smith, supported by O’Dell to approve Kennedy Industries invoice in the amount of \$4,575. Roll call vote taken. All members present voted yes. Motion carried.*

18. COMMUNICATIONS     *None*

19. COMMENTS FROM VISITORS     *Comments were received.*

20. COMMENTS FROM COUNCIL *Motion by Smith, supported by Daly, to resume open meetings in the Village Hall effective with the next Council meeting. Roll call vote was taken: Cole, Daly, Kroll, Smith voted yes; O'Dell, Wheeler voted no. Motion carried.*

*Some Council members asked to receive their meeting packets via email instead of delivered hard-copies. Cole, Daly (excepting the A/P report), Kroll, Wheeler prefer email delivery; O'Dell, Smith and Taylor prefer to continue receiving delivered hard-copies. It was pointed out that the agendas and meeting packet materials are now available digitally on the Village's new website.*

21. ADJOURNMENT @ 7:30 p.m.  
*Motion by O'Dell, supported by Wheeler to adjourn. All members present voted in favor. Motion carried.*