

**VILLAGE OF MATTAWAN  
REGULAR COUNCIL MEETING**

**JULY 26, 2021**

**MINUTES**

1. CALL TO ORDER @ 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

3. ATTENDANCE

*Members present: Cole, Daly, Kroll, Smith, Wheeler, Taylor (via telephone from Mattawan)*

*Members absent: O'Dell, unexcused*

*Others present: Terri McLean, Village Manager/Clerk; Scott Graham, Village Attorney; Scott Herbert, Mattawan Police Chief; Tim Woodhams, Village Engineer; Yvonne Rumery, Village Secretary*

4. WELCOME TO PUBLIC

5. ANNOUNCEMENT OF MEETING BEING RECORDED

6. ADDITIONS TO AGENDA

*Additions include:*

*11.A. Planning Commission report from Liaison*

*15.B. Van Buren Historical Society and Poorhouse Museum*

7. APPROVAL OF THE AGENDA

*Motion by Daly, supported by Smith to approve the agenda as amended. All members present voted in favor. Motion carried.*

8. APPROVAL OF THE MINUTES OF JULY 12, 2021

*Motion by Smith, supported by Kroll to approve the Minutes as presented for July 12, 2021. All members voted in favor. Motion carried.*

9. BILLS TO BE APPROVED IN THE AMOUNT OF \$45,764.17

*Motion by Daly, supported by Wheeler to approve the bills to be paid in the amount of \$45,764.17. Roll Call vote taken. All members present voted in favor. Motion carried.*

10. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM None

11. BOARD AND COMMITTEE REPORTS

*A. Planning Commission*

*Liaison Wheeler stated that there was nothing on the agenda for the July 21, 2021 meeting of the Planning Commission. Also noted that a Public Hearing is scheduled for the next*

***Planning Commission meeting August 18, 2021 to consider adopting text amendments to Article 16.10 Residential District Standards.***

**12. STAFF REPORTS**

**A. POLICE DEPARTMENT – Chief Herbert**

***Chief Herbert reported that there were 29 citations written and 127 complaints for June 2021. He also talked briefly about speed studies for the Village. The Michigan State Police (MSP) are comfortable with the speeds set in the Village so no further studies are required, nor is there any need for documentation from the MSP re same.***

**B. ENGINEER'S REPORT - Engineer Woodhams**

***Engineer Woodhams spoke briefly about the Village's DUNS number erroneously being "shared" with the Fire Department. Our RDA projects require a correct DUNS number. Efforts are ongoing to remedy the situation by both the Village Manager/Clerk and Village Engineer.***

***Council Member Smith questioned Engineer Woodhams on the disbursement of the SAW Grant funds. Engineer Woodhams said the grant funds have been completely disbursed between Moore+Bruggink and Fleis & Vandenbrink. Engineer Woodhams stated that the grant funds were spent on the design of a new wastewater plant (versus repair of existing WW plant), asset management plan, surveys, etc. to these two companies. Engineer Woodhams stated that he did not know yet whether these grant funds needed to be repaid. He is waiting to receive numbers from Balkema re the clean up of the forcemain versus replacement. He told the Council he wants to revisit the feasibility study of costs regarding a new WWTP and forcemains around the county vs a new forcemain to Kalamazoo and/or a cost estimate for repair of current forcemain to Kalamazoo.***

***Council Member Smith asked Engineer Woodhams why they haven't seen the numbers from Balkema yet and why no action has been taken in response to those numbers. Engineer Woodhams stated that he has some of the feasibility study numbers in his possession but was holding them until the report was completed. Attorney Graham informed Engineer Woodhams that those numbers can and should be released to the Council and gave assurances that FOIA will not require premature release of the information at this time.***

***Council Member Smith also asked Engineer Woodhams whether there was any threat of imminent failure of the forcemain. Engineer Woodhams responded that there was no imminent failure anticipated. He did state, however, that the forcemain is 20+ years old and was constructed under old codes, that maintenance cannot be performed, nor can an assessment be made of its current state.***

***Attorney Graham interjected to the Council that beyond the oft-cited Statute of Limitations, which does not apply to the current WWTP in the Village, there is a Statute of Repose that does apply specifically to the designer of the WWTP. But***

*since the WWTP has been in place for a certain number of years as defined by the statute, there can be no action against the designer. Therefore, there is no available cause of action with regard to the current WWTP.*

*Engineer Woodhams stated that his priority at this time is to determine the feasibility and cost of repair to the forcemain so it can be cleaned. Balkema will be giving him costs for repair first. Engineer Woodhams stated that he has contacted various firms to gain more information and cost estimates.*

- C. *ATTORNEY'S REPORT - Attorney Graham*  
*Attorney Graham reported regarding ongoing work with Mr. Parshall of Midway regarding various issues in his development. The project will be monitored for compliance. Permission will ultimately need to be sought from the Planning Commission.*

*Attorney Graham stated that he is continuing his work on the Amtrak contract negotiations. He will continue these negotiations until there is no more "wobble room," at which point he will present the draft contract to the Council for their determination.*

13. *OLD BUSINESS*

- A. *WATER SYSTEM RELIABILITY STUDY PRESENTATION BY FLEIS AND VANDENBRINK*  
*Presentation was given by Jeff Wingard of Fleis and Vandenbrink.*

14. *NEW BUSINESS*

- A. *HYDROCORP CONTRACT RENEWAL*  
*Attorney Graham stated that the contract is acceptable as written if the Council chooses to renew. Motion by Smith, supported by Daly to renew the Hydrocorp Contract as written. Roll Call vote taken. All members present voted in favor. Motion carried.*
- B. *WATER/SEWER BILL RELIEF REQUEST FOR PROPERTY LOCATED AT 58482 SILVER GRASS*  
*Motion by Daly, supported by Kroll to defer the matter to the DPW Subcommittee for recommendation. All members present voted in favor. Motion carried.*

*Council discussed the ongoing challenges with Allen Edwin and their failure to inform home-buyers regarding the need for irrigation meters to avoid unnecessary water charges. Motion made by Daly, supported by Wheeler charging Attorney Graham to draft an ordinance, or amendment to an existing ordinance, that addresses this issue for all construction companies building within the Village. All members present voted in favor. Motion carried.*

- C. *REQUEST FOR DPW MEETING*

a. *USDA Equipment Loan*

b. *Water and Sewer Rates*

***Motion by Smith, supported by Kroll to convene the DPW Subcommittee. All members present voted in favor. Motion carried.***

D. *CRACK SEAL BIDS (See memo from Superintendent Anthony with quotes)*

***Motion by Wheeler, supported by Kroll to allow Superintendent Anthony to award the bid to Asphalt Restoration for the full budgeted amount of \$10,000. Roll Call vote taken. All members present voted in favor. Motion carried.***

15. *COMMUNICATIONS*

A. *911 SERVICE PLAN UPDATE*

B. *VAN BUREN HISTORICAL SOCIETY AND POORHOUSE MUSEUM*

16. *COMMENTS FROM VISITORS*    *None*

17. *COMMENTS FROM COUNCIL*

***Council Member Daly requested copies of the building drawings of Village Hall with MPD offices in the basement. Also requested copies of the recent traffic study.***

18. *ADJOURNMENT @ 7:56 p.m.*

***Motion by Cole, supported by Wheeler, to adjourn. All members present voted in favor. Motion carried.***