

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: May 15, 2017

Council called to order in regular session at 7:04 p.m. with Mayor Todd Buehrer presiding. Roll call of members: Brenda Mackey, here; John Heckerman, here; Connie Mehring, here; Jamin Roe, absent; Jason Benedict, here; James Head, here. Also present were Village Administrator/Zoning Inspector/Meter Reader Chad Johnson and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the May 1 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mackey made a motion that these bills be allowed and orders drawn for same. Councilwoman Mehring seconded this motion. All were in favor, except that Councilman Heckerman abstained from voting on approval of Josh Heckerman's \$515.00 invoice for mowing services; motion carried. A copy of the April RITA report was given to the Finance Committee to review.

Mayor Buehrer reported that the Otsego Elementary PTO had a pancake breakfast to try to raise some money. For that event, the local mayors set up 'Mayor for the Day' as a prize for the winner. The fire department also did a pizza party with the winner and three friends. The winner of the Tontogany 'Mayor for the Day' was Haley Wilkins, so Mayor Buehrer said he will contact her and try to set up her day to play mayor on a day that we have a council meeting, so she can sit in on that as well.

Fiscal Officer Harnishfeger reported that he received a letter from the Regional Income Tax Agency (RITA) asking the Village of Tontogany to complete and sign a form to update their records on our preferences on whether to authorize RITA to include our municipality's name on tax billing statements and on individual income tax postcards, or not. Mr. Harnishfeger recommended choosing to have RITA include the Village of Tontogany name on statements and postcards, which is the preference of most municipalities, and to authorize him to fill out, sign, and return the form to RITA Member Services. Members agreed, with no objections voiced, that we should have RITA print the village's name on the specified documents and they gave Fiscal Officer Harnishfeger approval to sign and return the form to RITA.

Fiscal Officer Harnishfeger reported receiving a hall rental payment of \$65.00 and a security deposit of \$65.00 for a funeral dinner on Saturday, May 13th.

Fiscal Officer Harnishfeger reported that he received a large packet of documents from the Board of County Commissioners, including a resolution approving the Wolverine Agricultural Investments (Gerald Miller, agent) petition for annexation into Tontogany of the lots at Tontogany Creek Road and Scott Road. Mr. Harnishfeger said he called Sandy Long, Clerk of the Board of County Commissioners, and asked her what we needed to do next. She said the village will need to do a resolution approving the annexation, which will need to have public readings and eventually be recorded at the County Recorder's Office; copies of the adopted resolution should also be provided to the state, the county auditor, the county commissioners, and Wolverine Agricultural Investments. She advised getting with our village solicitor to draw up the resolution and get advice on how to proceed. Mr. Harnishfeger said he emailed copies of the documents he received from the county commissioners to Village Solicitor Paul Skaff and asked him to draw up a resolution and to advise the village on how to proceed to the conclusion of the annexation.

ZONING: Zoning Inspector Johnson reported receiving call from people interested in a lot in the annexing property on Tontogany Creek Road, and another call from someone interested in a property across the road from the annexing property. Zoning Inspector Johnson asked the mayor if he had spoken to the resident at the house on the corner of Crom Street and the alley by Centennial Park about trash in their pickup truck. Mayor Buehrer responded that we can't do anything about trash in the truck. Mr. Johnson stated that, while reading meters, he noticed that the truck has expired plates on it. Mr. Johnson said he will write up a violation notice and tape it to their door if they are not home.

TONTOGANY VILLAGE COUNCIL

Councilwoman Mehring asked if a violation notice was ever given to the resident at 18515 Lincoln Street for trash in their back yard that needs to be cleaned up. Mr. Johnson said he had not done so yet.

Mayor Buehrer read two emails sent to him by Village Solicitor Paul Skaff. The first email, dated May 13, 2017, provided a summary of the procedures for making a zoning change in the village, and a summary of the procedures for the creation, appointment, and meeting of a village planning commission. The second email, dated May 15, 2017, addressed a concern Solicitor Skaff has, related to the current village zoning code as adopted in Ordinance #737-05, which modified the zoning code by changing lots designated R-2 to R-1. As written, it could eventually have the effect of eliminating multi-family housing within the village by causing current R-2 housing to become R-1 automatically when they are no longer used as multi-family dwellings. Mr. Skaff's concern is that this could cause the village to become vulnerable to claims under the Fair Housing Act for exclusionary zoning that excludes multi-family dwellings, either entirely or over the vast majority of the land, thus not fulfilling a municipality's obligation under federal law to meet the housing needs of low to moderate income people. Solicitor Skaff said he would like to discuss these issues with the mayor and the village's zoning administrator when they have an opportunity.

UTILITIES: Councilman Heckerman asked if the water leak at the ballfield concession stand has been fixed yet. Mayor Buehrer answered that it hasn't, because we don't even know for sure if there is a leak or what the problem is. It could be a problem with the toilets or something else. One of the toilets that the mayor just repaired was marked as out of order, but the only problem with it was that the water valve to the supply line that fills the tank needed to be turned back on. Mayor Buehrer said he had them turn off the water every day when there is not a game going on, so we can see if it still shows high usage when the water is turned off, which would indicate a leak somewhere. The meter is in a locked storage room at the Legion, so it is not easily accessible to check it just anytime. Utilities Clerk Harnishfeger commented that May billing for April water usage on that meter was for over 37,000 gallons. In 2015, usage was around 1,700 gallons to 5,000 gallons per month. In 2016, it rose to around 17,000 to 30,000 gallons per month, even as high as 67,000 gallons in November. The Tontogany Recreation Council finally contacted Mayor Buehrer about the large bills late last year, but until then we had no idea it wasn't just a lot of water usage for events at the park. Another problem with this situation is that we also have to collect for sewer for all of those gallons of water. Once we discover what the problem is, the village can calculate an adjustment on the water bill, but we do not have control over whether or not the Northwestern Water & Sewer District will give them a break on the sewer bill. Mr. Harnishfeger said he wrote a letter to Amanda McDowell, the treasurer of the Tontogany Recreation Council, telling her not to pay the bill until we have a chance to solve the problem and give her an adjustment. It will probably need to be a very large adjustment that may require Council's approval. Mr. Harnishfeger said he had asked Utilities Superintendent Brandon Johnson to look into the matter and to confer with the mayor about it. Mayor Buehrer said he asked Brandon to use his leak detection equipment to check for a leak, but Brandon said it wouldn't work on the plastic lines. Mayor Buehrer concluded that we may have to shut off the water there until we can find the leak, even though it is the time of year for games to start.

STREETS and ALLEYS: Councilman Benedict reported that the light at intersection of Tontogany Road and Hannah Road is still on all the time. Councilwoman Mehring reported that a hole has formed where people cut the corner at the intersection of Lincoln Street and Broad Street. Mayor Buehrer said he intends to put some stone in the hole.

SIDEWALKS and TREES: Mayor Buehrer reported that we did brush pickup today and it went fairly well. There is still a little bit left that will be picked up the following day.

TONTOGANY VILLAGE COUNCIL

DRAINS and SEWERS: Mayor Buehrer reported that he received comments from people that they did a good job in Harley Woods on the culvert and getting the road repaved and everything cleaned up and straightened back up.

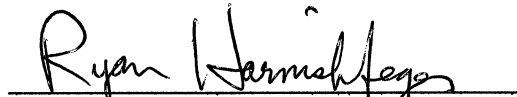
CITY HALL and PARKS: Councilman Head reported that he plans to put up the nets at Centennial park on Tuesday or Wednesday of this week. Councilwoman Mackey responded that they are already up. She and Ron put them up on Sunday. Councilwoman Mehring advised that we need to get the flag up at the park as well. The mayor and members agreed and discussed possible ways to get to the top of the pole to fix or replace the broken pulley assembly.

Mayor Buehrer reported that he met with the representative from CSX and they will be repairing damages to Broad Street. They just needed a quote from Morlock.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 8:01 p.m.



Todd Buehrer, Mayor


Ryan Harnishfeger, Fiscal Officer