

CALL TO ORDER

The special meeting of the Michiana Village Council was called to order at 3:00 pm EDT by Village President Beverly Bruesch.

ROLL CALL

Council members Present: President Beverly Bruesch, President Pro-Tem Sheila Stein, Council member Hillary Herbst, Council member George Hermelink, and Council member Russ Ramage.

Council members Absent: None.

Others Present: Public Works Superintendent Rick Reitz and Clerk Cathy Ganus.

OLD BUSINESS

Village Community Room Lease Agreement / Application

Questions have arisen in reference to the consumption of alcohol during hall rentals. Our current ordinance regarding alcohol consumption on Village property only addresses not-for-profit organizations and their need to obtain a one-day special event liquor license from the Michigan Liquor Control Commission (MLCC).

Clerk Ganus has contacted Village insurer (the Michigan Municipal League – MML – agent James Newman) in reference to liability issues regarding same. Mr. Newman advised that at no time is alcohol to be offered for sale. However, if alcohol is being furnished for free to the guests (i.e., anniversary party, graduation, etc.) the individual renting the facility must provide proof of homeowners insurance with liquor liability coverage. If liquor liability is not a part of the current homeowners insurance, the individual may contact their insurer and take out a one-day host liquor liability policy (at the individual's expense). A copy of the homeowners insurance (and if applicable the host liquor liability one-day special event license) must be provided to the Village at the time of application for rental.

Newman went on to advise that there are eight (8) specific areas in which governmental immunity does not apply: medical care, civil rights violations, motor vehicle operation, defective highways, proprietary function, sewage system event, public buildings, and gross negligence. Since the Village is not hosting the special events (rentals) and the renter would be assuming the liability for the premises during the event, the Village is not at risk.

The current community room use application was then reviewed and amended as per the following motion.

Motion by Herbst, second by Stein, to approve the amended Community Room Use Application with the addition of an area for designation as a private party or not-for-profit party, the deletion of "The applicant agrees that no alcoholic beverages shall be sold nor shall they be furnished to minors.", and the addition of "The applicant agrees that in reference to a not-for-profit party, a special event one-day liquor license must be obtained from the Michigan Liquor Control Commission."; also to approve the Community Room Lease Agreement with the amendment of item nine (9) to include "as well as host liquor liability (or one-day host liquor liability rider) in instances where alcohol will be furnished (at no charge) to guests." Voice vote showed unanimous approval, motion carried (5-0).

Michiana Women's Club Day Camp Contract

At a previous Council meeting, questions had arisen in reference to the liability of the Village should something transpire during the operation of the day camp. There was also concern as to whether the Women's Club had obtained enough insurance coverage.

OLD BUSINESS (continued)

Michiana Women's Club Day Camp Contract (continued)

Ganus spoke with MML Agent Newman who advised that he strongly suggested that the Village require the Michiana Women's Club add the Village as an additional insured, which would provide coverage for the Village in the event of a claim arising out the Camp's use of the facility. He again reiterated the eight specific areas in which governmental immunity does not apply.

The Michiana Women's Club has submitted a list of six (6) dates that were proposed for Michiana Women's Club evening events. These dates were June 25 – Family Pizza Night; July 9 – Pre-School / Kindergarten Party Night; July 14 – Michiana Day Camp Carnival; August 1 – Michiana Reunion Night; August 6 – Family Bingo Night; and August 9 – Ice Cream Social. Discussion ensued in reference to the fee for the rental of the Hall for these events.

Motion by Herbst, second by Stein, that in addition to the commercial lease agreement and terms of rental of the facility for the Michiana Women's Day Camp, the Michiana Women's Day Camp shall also be charged the standard hall rental rate per rental in the amount of two hundred fifty (\$250) for each of the six (6) extra evening hall use dates and the security deposit for same shall be waived. Voice vote showed unanimous approval, motion carried (5-0).

The following amendments were made to the Michiana Women's Club Commercial Lease Agreement. Item four (4), paragraph d. The last sentence should be deleted and the following text inserted: *The Lessee shall be required to remit two hundred fifty (\$250) per each outside event with the security deposit for same being waived.* Item five (5), the following sentence was added to the first paragraph: *The Village of Michiana shall be listed as an additional insured on the Michiana Women's Club Day Camp insurance policy.* The second sentence of item thirteen (13), paragraph d shall read as follows: *"All current addresses, telephone numbers, and email addresses of officers and liaisons where notices are to be sent shall be provided to Lessor."* Item fourteen (14), the first sentence shall read as follows: *"This lease shall be renewable April 1 of each year.* Item fifteen (15), paragraph a shall be amended as follows: *"Corporate status. Lessee shall maintain its corporate status in good standing and provide a Certificate of Good Standing to Lessor on or before April 1 of the current year lease."*

Motion by Ramage, second by Hermelink, to approve the Commercial Lease Agreement as amended. Voice vote showed unanimous approval, motion carried (5-0).

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 4:17 pm.

Cathy A. Ganus
Michiana Village Clerk