

**CALL TO ORDER**

The special meeting of the Michiana Village Council was called to order at 5:30 pm EDT by Village President Beverly Bruesch.

**ROLL CALL**

**Council members Present:** President Beverly Bruesch, President Pro-Tem Sheila Stein, and Council member George Hermelink.

**Council members Absent:** Council member Hillary Herbst and Council member Russ Ramage.

**Others Present:** Village residents Rich Shepherd, Kathy Roberts, Russell Evert; Kate Sheridan, Harbor Country News reporter; Treasurer Amy Hemphill; and Clerk Cathy Ganus.

**Motion by Stein, second by Hermelink, to excuse Council member Hillary Herbst from the meeting. Voice vote showed unanimous approval, motion carried (3-0).**

**Motion by Hermelink, second by Stein, to excuse Council member Russ Ramage from the meeting. Voice vote showed unanimous approval, motion carried (3-0).**

**RESOLUTION # 2009-02 – PROPOSED INCREASE OPERATING TAX MILLAGE**

The Village of Michiana proposed to levy 7.5912 mills for the 2009 operating tax millage, which includes a proposed increase of 0.2908 mills and special voted millage of 1.0000 mills. The proposed additional millage will increase operating revenues from ad valorem property taxes 3.9833% over such revenues generated by levies permitted without holding a hearing. If the proposed additional millage rate is not approved, operating revenue will increase 0.4148% over the preceding year's operating revenue.

**Motion by Stein, second by Hermelink, to approve Resolution # 2009-02 – Proposed Increase Operating Tax Millage as presented. Roll call vote showed unanimous approval, motion carried (3-0).**

The Special Council meeting was recessed at 5:35 pm EST.

**PUBLIC HEARING – MILLAGE RATE**

The public hearing for the setting of the millage rate was opened at 5:35 pm EST.

Hemphill went over the 2009 Village of Michiana millage rates. She advised that the general operations mill of 7.5912, together with the 1.0000 special voted mills (total of 8.5912 mills), will generate \$554,144.80 in revenue for the 2009 fiscal year.

The public hearing on the millage rate was closed at 5:37 pm EST.

**BUDGET PUBLIC HEARING 2009-2010**

The public hearing for the proposed budget for fiscal year 2009-2010 was opened at 5:37 pm EST.

Hemphill went over Resolution 2009-03 – General Appropriations Act 2009-2010 Fiscal Year, section 7, in summary. Estimated revenues and expenditures are as follows:

<b>Fund</b>	<b>Revenue</b>	<b>Expenditure</b>
General Fund	621,085	483,402
Major Street Fund	31,200	20,370
Local Street Fund	14,175	19,725
Capital Project Fund	10,050	0
Building Fund	10,100	8,500
Water Authority Fund	453,020	468,850

**BUDGET PUBLIC HEARING 2009-2010 (continued)**

Resident Kathleen Roberts questioned the Local Street Fund revenues and expenses as she stated the streets within the Village were in poor shape.

The public hearing for the proposed budget for fiscal year 2009-2010 was closed at 5:39 pm EST.

The Special Council meeting was reconvened at 5:35 pm EST.

**RESOLUTION # 2009-03 – GENERAL APPROPRIATIONS ACT 2009-2010 FISCAL YEAR**

**Motion by Stein, second by Hermelink, to approve Resolution # 2009-03 – General Appropriations Act 2009-2010 Fiscal year as presented. Roll call vote showed unanimous approval, motion carried (3-0).**

**APPROVAL OF 2009 MILLAGE RATE**

**Motion by Stein, second by Hermelink, to set the 2009 millage rate at 7.5912 for operating and 1.0000 for special voted. Roll call vote showed unanimous approval, motion carried (3-0).**

**OLD BUSINESS**

*Landwehr Tree Removal Issue*

Bruesch advised that she had been contacted by the Landwehr's in reference to an accidental tree removal by their neighbor's (Rowse's) contractor. A tree permit had been issued to the Rowse's for the removal of two (2) trees; however, eighteen (18) trees were removed. Landwehr had advised that an agreement of sorts had been agreed upon between Duneland Development and the Landwehr's; however, there has been a breakdown in negotiations.

During the investigation of this issue, Bruesch advised that during the August 11, 2008 meeting of the Village Council, Village Tree Inspector Kris Wulff advised that he had issued a tree removal permit for the Rowse property on Ponchartrain; however, the contractor (Duneland Development – Tom McCormick) had accidentally removed trees from the neighbor's property (Landwehr property). According to the Landwehr's, the trees that were removed was a protective landscaping screen for their bedroom window. Duneland Development was retained by the Rowse's as there were previous site issues with regard to the original contractor. During that meeting, President John Luce advised the Landwehr's that the Village would make things right with respect to the erroneous tree removal at no cost to the Landwehr's. The Landwehr's advised that they had received word from the contractor suggesting that the Landwehr's wait until the fall when the Rowse's were going to be landscaping. This was not acceptable to the Landwehr's.

Stein stated that she felt that the contractor should be contacted to obtain the status of the tree plantings. In addition, she felt that the Village of Michiana public works employees could possibly water the trees using the Landwehr's water in an attempt to provide resolution to the issue.

Hermelink advised that the Village Tree Inspector needs to be more diligent as the trees should've been marked and maybe the property should be surveyed and if ownership cannot be established, both property owners should sign off.

*Tree Ordinance / Fallen Trees*

Bruesch stated that she had received information that a tree removal company (Steven Lenchke) had been advised by the Village Tree Inspector that he had to remit fifty dollars (\$50.00) for a tree removal permit for a tree that had fallen on the shed of a residence at 60 Seminole. Mr. Lenchke stated he did not feel that he should have to pay for the permit since the tree had fallen on the shed during a storm recently. According to Ordinance # 2004-06, section 5, paragraph 1, emergency tree removal shall be permitted without a tree removal permit. This item was placed on the table to allow Stein to investigate further.

**OLD BUSINESS (continued)**

*Police Vehicle Sealed Bid*

Ganus advised that one (1) bid had been received as a result of the ad placed in the newspaper advising of the sale of a Village patrol car. This bid was submitted by Jacob Perkins in the amount of \$611.

**Motion by Stein, second by Hermelink, to accept the bid of \$611 for the sale of the old Village patrol car. Roll call vote showed unanimous approval, motion carried (3-0).**

**ANNOUNCEMENTS**

The updated Village of Michiana Human Resources Manual will be coming soon.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 6:02 pm EST.

Cathy A. Ganus  
Michiana Village Clerk