

VILLAGE *of* LAWTON
VILLAGE COUNCIL MEETING
COMMITTEE OF THE WHOLE
125 S. MAIN STREET, LAWTON, MI 49065
TUESDAY, September 27, 2022 – 7:00 P.M.
please silence your cell phones

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. CONSENT AGENDA**
 - A. Approval of the September 27, 2022 Council Agenda
 - B. Approval of the September 13, 2022 Council Meeting Minutes
- V. COMMUNICATIONS / CORRESPONDENCE / PRESENTATIONS**
- VI. CITIZENS' COMMENTS – (Please keep comments to 3 minutes)**
- VII. PUBLIC HEARINGS / APPOINTMENTS / PROCLAMATIONS**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
 - A. Wetland Evaluation / Environmental File Review at former Wastewater Lagoon Property
 - B. Present and discuss Resolution 19-2022 to remove two outdated items in the employee handbook
- X. BOARD, COMMITTEE AND STAFF REPORTS**
- XI. COUNCIL COMMENTS**
- XII. ADJOURNMENT - NEXT REGULAR MEETING DATE – *October 11, 2022***



Village of Lawton
VILLAGE COUNCIL
SPECIAL MEETING
125 S. MAIN, LAWTON MI 49065 269.624.6407
Thursday, September 13, 2022
MINUTES

- I. **Call to Order:** President Appleby called the August 9, 2022, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- III. **Roll Call:** *Present:* Appleby, Tanis, Smith, E. Dudek, Peterson, Turner, G. Dudek *Absent:* None *Others Present:* Village Manager Imus, Clerk Rathbun, Superintendent Hackenberg, Police Chief Mack, and three guests.
- IV. **Consent Agenda:** The Consent Agenda included the approval of the September 13 Council Agenda, the August 9, 2022 Council Meeting Minutes, the August 9, 2022 Special Council Meeting Minutes, and approval of the August 2022 disbursements in the amount of \$338,355.80. Peterson made a motion to approve the Consent Agenda supported by Turner. A unanimous roll call vote approved the motion.
- V. **Communications, Correspondence, and Presentations:**
 - A. Holden Garwood with Boy Scout Troop 172 provided a presentation with a video on his Eagle Scout project to clean historic grave markers in Lawton's Oak Grove cemetery. His troop was able to clean 103 headstones, which was 10 more than their goal of 93. He explained what they used to clean the stones was a chemical called D2, which is environmentally friendly, and will not cause breakdowns of the stones. The troop invested about \$400 in their clean up project. He answered questions.
 - B. Dan Reed, the Village's hired Insurance specialist provided a presentation on how the insurance plan will be changing next year, with details on costs and changes. He answered questions the council had on the plan changes.
- VI. **Citizen Comments:** None.
- VII. **Public Hearings/Appointments/Proclamations:** None.
- VIII. **Old Business:**
 - A. E. Dudek moved with support from Tanis to pass Resolution 17-2022, a Resolution for the Village of Lawton to accept the donation of a parcel of land from the Ray Reid family located at 119 N Main Street in Lawton, MI. Roll call vote taken, all in favor, none opposed. Resolution passed.

IX. New Business:

- A. Turner moved with support from E. Dudek to establish Halloween trick or treat hours for Monday October 31, 2022 for 5:30-7:30 p.m. Voice Vote taken, all in favor, none opposed. Motion carried.
- B. E. Dudek moved, with support from Turner to pass resolution 18-2022 establishing a winter sewer use average and using that average as the residential sewer commodity charge from May - September. Using a winter average will not bill for water not entering the sanitary system (sprinkling, car washing). Roll call vote taken, all in favor, none opposed, resolution passed.
- C. E. Dudek made a motion, supported by Turner, to purchase a new 6" check valve in the amount of \$4,850. Voice vote taken, all in favor, none opposed. Motion carried.
- D. Peterson moved, with support from Smith, to approve the purchase of an 8" water and sewer meter in the amount of \$5,950. A voice vote taken. All in favor, none opposed. Motion carried.

X. Board, Committee, and Staff Reports:

- A. Imus Reported that 410 White Oak has been demolished and a demolition permit has been issued on Ericksen's Garage. Imus also reported that Lawton's first Fall Escapade Parade will be held on Sunday October 23rd at 3pm. This will be a parade of decorated alternative vehicles, with prizes and fall themed snacks to follow. Imus reported with the closure of the old sewer ponds, Fishbeck submitted a proposal to evaluate the ponds, to determine if they would be suitable for a housing development. The quote is \$2,000. She reported that the next meeting for the DPW Union contract is September 22, the updated insurance information will help it move forward. She reported that as far as the M-40 road and streetscape project is concerned, MDOT's planning phase has been completed. Bids will go out for project on November 2 of this year. Imus reported we are still looking for a prime professional for park pickleball court passport grant. She reported the second Council Meeting in September will be a Committee of the Whole, and that a ZBA meeting will be held on October 11 in regard to a fence that was put up that exceeds height allowance. A public hearing has been set for the meeting. Imus inquired about Council's thoughts on making the newsletter quarterly rather than monthly. Imus reported that the DDA is meeting September 21, with discussion on establishing a welcome wagon for new residents.
- B. Rathbun reported paystubs can now be emailed to all employees set up for direct deposit who wish to have their paystubs received that way, about half of the employees have signed up so far.
- C. Hackenberg reported that the yearly water sampling is done. The splash pad is to be winterized tomorrow. He reported that the power washer that has on back order should arrive by the beginning of October. Hackenberg reported that the 10" sewer line under D. Coy Duck's leaked, and impacted D. Coy Duck's basement. A video crew will be in later this week to evaluate the line. This location handles about a third of the town's flow, including all of the downtown restaurants. The line was to be abandoned in the upcoming road reconstruction project, but that may need to be done sooner at this point. We will know more on condition of pipe after Thursday. Hackenberg reported that he is getting

prices for the Union Street one-way conversion. He also reported that he has a list of tree removals within the village, and the quote is over \$20,000 for all of the trees. Upon discussion, it was decided that Superintendent Hackenberg will provide a tour of all of the public service facilities at one of the upcoming Committee of a Whole Meetings.

- D. Chief Mack reported that he has been reviewing the Zoning Solutions projects with blight, and been in contact with the company providing this service. He reported that the department has been working on policy updates. He reported this has increased our police department policies from about 25-30 policies to 176 policies covering numerous topics. All police officers are currently reviewing the new policies and signing agreement forms for them.
 - E. Peterson Reported the Planning Commission did not meet.
 - F. G. Dudek reported that the DDA met, and has some updates in progress.
 - G. E. Dudek reported that the Lawton Fire Board met, and July and August were busier than normal for QR runs. He reported that the Fire Department is getting new tables and chairs, and that the Lawton Fire Department won the Grape Stomp this year!
 - H. Rathbun reported that the Library board met, circulation numbers are up to pre-COVID levels, and that summer reading was a huge success.
- XI. **Council Comments:** Peterson commented that the council should put more priority on removing the dead trees in the village and take a more proactive approach to eliminating hazardous trees rather than the reactive approach after they have fallen.
- XII. **Adjournment:** Turner moved, with support from E. Dudek to adjourn the Village Council Meeting at 8:06 p.m. Next regular council meeting to take place on September 27, 2022 at 7pm.

Respectfully Submitted by,

Brittany Rathbun

Village Clerk

September 2, 2022

Lisa Imus
Village Manager
Village of Lawton
125 South Main Street
Lawton, MI 49065

**Proposal for Professional Services
Wetland Evaluation / Environmental File Review
Former Wastewater Lagoon Property
Village of Lawton, Van Buren County, Michigan 49065
Parcel ID Numbers 80-45-700-109-00 and 80-02-031-011-00**

Dear Lisa:

Fishbeck is pleased to furnish this proposal to provide wetland evaluation and environmental file review services at the above-referenced property (Site). The following are our proposed scope of services and associated fees.

Scope of Services

Wetland Evaluation

Fishbeck will review available information sources prior to a Site inspection to evaluate the nature and extent of potential wetland areas. Such sources include U.S. Department of Agriculture Natural Resources Conservation Service hydric soil maps, U.S. Fish and Wildlife Service National Wetlands Inventory maps topographic maps, and aerial photographs. In addition, Fishbeck will perform a walk-through evaluation of the Site to determine whether wetland areas, regulated or nonregulated, under the 1994 Natural Resources and Environmental Protection Act (NREPA), Act 451, Part 303, are present. The vegetation, soils, and hydrologic qualities will be evaluated for wetlands characteristics in a manner consistent with the 1987 *Corps of Engineers Wetlands Delineation Manual* and 2012 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*. However, US Army Corps of Engineers wetland determination data forms will not be completed and the Site's wetland boundary will not be flagged or surveyed. Fishbeck will summarize the results of the wetland assessment in a technical memo.

Environmental File Review

Fishbeck will conduct a review of available environmental files maintained by the Village of Lawton pertaining to the closure of the former wastewater lagoons. If limited information is available at the Village, a Freedom of Information Act (FOIA) request will be submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for the purpose of obtaining wastewater lagoon closure documents. Fishbeck will review the files and provide a brief email-summary of our findings.

Cost and Assumptions

Fishbeck proposes the following fee schedule:

| Service | Fee Structure | Fee |
|--------------------|---------------|-----------|
| Wetland Evaluation | Lump Sum | \$2,000 |
| Env. File Review | NA | No Charge |

Schedule

Fishbeck will schedule the wetland evaluation and environmental file review following signed authorization to proceed. It is estimated that these tasks will take 3-4 weeks to complete.

Authorization

Attached is our Professional Services Agreement. If you concur with our scope of services, please sign in the space provided and return the executed contract to the attention of Ariane Savoy (asavoy@fishbeck.com). This proposal is made subject to the attached Terms and Conditions for Professional Services. Invoices will be submitted every four weeks and payment is due upon receipt.

Thank you for this opportunity. If you have any questions or require additional information, please contact me at 616-464-3876 or rwilson@fishbeck.com.

Sincerely,



Roman A. Wilson

Vice President / Due Diligence and Brownfield Services

Attachments

By email

Copy: Brad Peuler - Fishbeck

Professional Services Agreement

PROJECT NAME Wetland Evaluation/Environmental File Review
FISHBECK CONTACT Roman A. Wilson
CLIENT Village of Lawton
CLIENT CONTACT Lisa Imus
ADDRESS 125 South Main Street, Lawton, MI 49065

Client hereby requests and authorizes Fishbeck to perform the following:

SCOPE OF SERVICES: Provide wetland evaluation and environmental file review services in accordance with the attached Fishbeck proposal letter, dated September 2, 2022.

AGREEMENT. The Agreement consists of this page and the documents that are checked:

- Terms and Conditions for Professional Services, attached.
- Proposal dated September 2, 2022
- Other:

METHOD OF COMPENSATION:

- Lump Sum for Defined Scope of Services
- Hourly Billing Rates plus Reimbursable Expenses
- Other:

Budget for Above Scope of Services:

Wetland Evaluation – Two Thousand Dollars (\$2,000)
Environmental Review – No Charge

ADDITIONAL PROVISIONS (IF ANY): None.

APPROVED FOR:

Village of Lawton

BY: _____

TITLE: _____

DATE: _____

ACCEPTED FOR:

Fishbeck

BY:  _____

TITLE: _____

DATE: _____

Vice President

September 2, 2022

**VILLAGE OF LAWTON
COUNTY OF VAN BUREN
STATE OF MICHIGAN**

**RESOLUTION NO. 19-2022
A RESOLUTION TO UPDATE EMPLOYEE HANDBOOK**

At a regular meeting of the Lawton Village Council, held at Lawton Village Hall – 125 S Main Street in Lawton, Michigan, on this 27th day of October 2022 at 7:00 p.m.

PRESENT:

ABSENT:.

The following Resolution was offered by Councilperson _____ and supported by Councilperson _____.

RESOLUTION

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the Village Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, purpose of the manual is to provide guidance regarding the fair and consistent administration of village personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the Village Manager, Village Clerk, and Insurance Team have reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommend adoption by the Village Council; and

WHEREAS, the Village Council deems it in the best interest of the Employees of The Village of Lawton to formally update the policies;

WHEREAS, The COBRA Act of 1985 states COBRA generally applies to all private sector group health plans maintained by employers that had at least 20 employees on more than 50 percent of its typical business days in the previous calendar year. Both full- and part-time employees are counted to determine whether a plan is subject to COBRA.

WHEREAS, The Village of Lawton is considered to have 15 7/30 employees, and is therefore exempt from COBRA.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of The Village of Lawton, Michigan as follows:

Section C.10 page 16 under Paid Sick and Bereavement Leave: UPDATE. The section of the Employee Handbook, dated June 1, 2017 attached hereto, is hereby repealed including any remaining

sick leave payout, for retirement or separation due to any circumstances, and replaced with: Accumulated sick leave will not be paid upon termination of any employee with the exception of retirement. Accumulated sick leave will be paid out at the rate of 50% for those employees with over 20 years of service with the Village, and at a rate of 25% for those employees with over 10 years of service. Total accumulated sick leave will not exceed 420 hours total.

Section A.1 page 23 under Insurances: REMOVAL. The section of the Employee Handbook dated June 1, 2017 attached hereto, is hereby repealed including health insurance being provided to any retired employees at the employee cost upon retirement. The Employee Handbook dated June 1, 2017 attached hereto, is hereby repealed including COBRA being offered to employees after leaving employment.

THIS RESOLUTION is hereby approved by roll call vote:

YEAS: Council Members

NAYS: Council Members

ABSTAIN: Council Members

ABSENT: Council Members

VILLAGE OF LAWTON

BY: _____
Josh Appleby, President

BY: _____
Brittany Rathbun, Village Clerk

CERTIFICATION

I, Brittany Rathbun, the duly appointed Clerk of the Village of Lawton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Lawton Village Council at a regular meeting held on Tuesday, October 11, 2022 in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

THE VILLAGE OF LAWTON

BY: _____
Brittany Rathbun, Village Clerk