

Newberry Village Council  
Regular Meeting Minutes  
August 20, 2019  
302 East McMillan Ave.  
6:00 p.m.

**Present:** President Stokes, Trustees: Dishaw, Freese, Hendrickson.

**Absent:** Brown, Hardenbrook, Hitts. (Hitts arrived at 6:29 p.m.).

**Also Present:** Ordinance Enforcement Officer – Fossitt, Director of Human Resources & Community Engagement – Watkins, Superintendent of WWTP – Blakely, Clerk – Schummer, Treasurer – Medelis, Chuck Pipes, Kip Cameron, Steve Stiffler, Sterling McGinn, Scott Ouellette, Ken Stokes, Casey Cook, Tina Pipes, Scott Ouellette.

**Call to Order:** President Stokes called the meeting to order at 6:00 p.m. at the Village of Newberry Administration Building. The Pledge of Allegiance was recited.

**Approval of Agenda:** Moved by Freese, support by Hendrickson, **CARRIED**, to approve the agenda with the following additions: Add under Unfinished Business, #2 – Harassment Investigation. Add under New Business #5 – Motion to suspend the Village Manager’s contract until a special meeting can be called, for malfeasance. Ayes: Stokes, Dishaw, Freese, Hendrickson. Absent: Brown, Hardenbrook, Hitts.

**Minutes:** Moved by Freese, support by Hendrickson, **CARRIED**, to approve the minutes from the July 16, 2019 Regular Session as written with one correction – Under Petitions and Communications – #1 – Change Harold Dishaw to Harold Brown. Ayes: Stokes, Freese, Hendrickson. Abstain: Dishaw. Absent: Brown, Hardenbrook, Hitts. Moved by Hendrickson, support by Freese, **CARRIED**, to approve the minutes from the July 24, 2019 Village Council – Special Session. Discussion followed. Ayes: Stokes, Freese, Hendrickson. Nays: Dishaw. Absent: Brown, Hendrickson, Hitts.

**Village President’s Announcements:** President Stokes asked that during Public Comments, the public try to keep comments to the three minutes and that a timer would be used.

**Public Comments on Agenda Items:** Comment heard from: Chuck Pipes.

**Submission of Bills and Financial Updates:**

- A.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Freese, **CARRIED**, to approve the resubmitted June 2019 bills, in the amount of \$26,480.68. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook, Hitts.
- B.) Moved by Hendrickson, support by Freese, **CARRIED**, to approve the July 2019 bills, in the amount of \$316,177.25. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook, Hitts.
- C.) Water & Light monthly bills for June 2019: Moved by Freese, support by Hendrickson, **CARRIED**, to accept the recommendation of the W&L Board to pay the July Electric and Water Funds in the total amount of \$86,923.60. Ayes: All. Absent: Brown, Hardenbrook, Hitts.
- D.) Moved by Hendrickson, support by Freese, **CARRIED**, to accept the recommendation of the W&L Board to pay the July Electric and Water Funds in the total amount of \$95,785.57. Ayes: All. Absent: Brown, Hardenbrook, Hitts.
- E.) Christmas Lights Fund – as of 07/31/2019 - \$12,591.96.
- F.) Treasurer’s Report – July 2019 – Medelis gave a verbal report, Council accepted the report as presented.

- G.) Request for Disbursement of Funds – Stormwater/Asset Management/Wastewater (SAW) Grant Program, pay when paid: Moved by Freese, support by Hendrickson, **CARRIED**, to pay Request #14 – July 1, 2019 to July 31, 2019 – Total: \$5,856.23. C2AE invoice #68437: \$4,737.89, C2AE invoice #68438: \$1,118.34. Ayes: All. Absent: Brown, Hardenbrook, Hitts.

**Petitions and Communications:**

- 1.) Letter from Harold Brown – President Stokes stated that without any contact information from Mr. Brown it would be considered an anonymous letter and would not read it aloud at this time.

**Introduction and Adoption of Ordinances and Resolutions:**

- 1.) Resolution: Rules of Procedure – Stokes went over the changes made. Moved by Dishaw, support by Freese, **CARRIED**, to approve the Village Councils Rules of Procedure as presented in the packet. Discussion followed.

**Hitts arrives at 6:29 p.m.**

Ayes: Stokes, Freese, Hendrickson. Abstain: Hitts. Absent: Brown, Hendrickson.

**Reports of Boards:**

- 1.) Water & Light Board Meeting Work Session from Tuesday, August 6, 2019: Minutes provided.  
a.) Ordinance A – Revisions Submitted by W&L Board. Moved by Dishaw, support by Hitts, **CARRIED**, to refer the revisions submitted by the W&L Board to the Ordinance Committee. Ayes: All. Absent: Brown, Hardenbrook.  
2.) Water & Light Board Meeting from Tuesday, August 13, 2019: Minutes provided.  
3.) Planning Commission Meeting: Minutes provided from July 29, 2019 meeting.

**Reports of Village Officers and Management:**

- A.) Fire Chief: Fire Chief Wendt submitted a written report.  
B.) Ordinance Enforcement Officer: Fossitt gave a verbal report.  
C.) Director of Human Resources & Community Engagement: Watkins gave a verbal and submitted a written report. a. FOIA Status Report  
D.) Superintendent of Wastewater Treatment Plant: Blakely gave a verbal and submitted a written report.  
E.) Superintendent of Water & Light: Joe Lively – Working Foreman, submitted a written report.  
F.) Assistant Village Manager: Vallad submitted a written report along with charts.  
G.) Superintendent of Parks and Recreation: James-Mesloh submitted a written report.  
H.) Village Manager: James-Mesloh submitted a written report.

**Committee Reports:**

- 1.) Management Committee:  
a. Village Manager Performance Evaluation - for Council review.  
b. Code of Conduct for Elected Officials – for Council review.

**Unfinished Business:**

- 1.) TORC Contractor Award Approval – Kivisto Tree Service, LLC: Moved by Dishaw, support by Hitts, **CARRIED**, to approve the lowest bidder, at \$92,436.25, Kivisto Tree Service, LLC, to perform the work for the final stage of the TORC project. Ayes: Dishaw, Freese, Hendrickson, Hitts. Nays: Stokes. Absent: Brown, Hardenbrook.  
a. Request for Disbursement of Funds – DNR Grant Program – Request #1 – August 1, 2019 – August 31, 2019 – Total: \$50,518.50. Moved by Dishaw, support by Hitts, **CARRIED**, to pay Penchura Invoice #19-418-2 for \$40,518.50. Ayes: Dishaw, Freese, Hendrickson, Hitts. Nays: Stokes. Absent: Brown, Hardenbrook. Moved by Hendrickson, support by Freese, **CARRIED**, to pay Kivisto Tree Service, LLC invoice #382 for \$10,000.00. Ayes: Dishaw, Freese, Hendrickson, Hitts. Nays: Stokes. Absent: Brown, Hardenbrook.

- 2.) Harassment Investigation: Hitts stated that the investigation has concluded and that the Council will have to go into a Closed Session to discuss with the attorney. Council selected Wednesday August 28, 2019 as a potential date to have a Special Session to go into a Closed Session.

**New Business:**

- 1.) Proposal for Water System Asset Management: Moved by Dishaw, support by Hitts, **CARRIED**, to accept the OHM Proposal for Water System Asset Management Plan Services, as recommended by the W&L Board. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.
- 2.) Energy Adjustment Rate: July – December 2019: Moved by Dishaw, support by Hendrickson, **CARRIED**, to accept the Energy Adjustment rate of \$0.017380 from \$0.016061, as recommended by the W&L Board. Ayes: All. Absent: Brown, Hardenbrook.
- 3.) Marihuana Sales Opt-Out/Opt-In Discussion: Moved by Dishaw, support by Hitts, **CARRIED**, to have the Ordinance Committee work with the Village Attorney to draft an ordinance to opt out of the new recreational MRTMA law. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.
- 4.) Budget Amendments – Water, Electric, Sewer, General Funds: Moved by Hendrickson, support by Hitts, **CARRIED**, to approve the recommended budget amendments to pay the settlement cost of \$15,000.00. Ayes: Dishaw, Freese, Hendrickson, Hitts. Abstain: Stokes. Absent: Brown, Hardenbrook.
- 5.) Motion to Suspend Village Managers Contract: Moved by Freese, support by Stokes, **FAILED**, to suspend the Village Managers contract until a closed session is convened to discuss her contract further for reasons of malfeasance. Discussion followed. Ayes: Freese, Stokes. Nays: Dishaw, Hendrickson, Hitts. Absent: Brown, Hardenbrook.

**Public Comment:** Comment heard from: Chuck Pipes, Kip Cameron, Scott Ouellette, Terese Schummer, Charles Medelis.

**Comments by Council Members:** Stokes talked bout possibly getting a podium for the meetings.

**Adjourn Meeting:** Moved by Freese, support by Hitts, **CARRIED**, to adjourn the meeting at 7:38 p.m. Ayes: All. Absent: Brown, Hardenbrook.

These minutes are unofficial until voted on at the next meeting.

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Terese Schummer, Clerk

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Lori A. Stokes, Village President