

VILLAGE OF ELBERTA BOARD OF TRUSTEES
REGULAR MEETING
—Minutes—
January 15, 2015 • 7 PM

The Village of Elberta Board of Trustees held a regular meeting on Thursday, January 15, 2015, at the Community Building, 401 First Street, Elberta, Michigan.

The meeting was called to order by president Diane Jenks at 7:02 p.m.

Recitation of Pledge of Allegiance

Present: Joyce Gatrell, Ken Holmes, Diane Jenks, Holly O'Dwyer

Absent: Bill Soper, Jean Sikes, vacant seat

Public: Cathy Anderson, Richard Jenkins, Emily Votruba, Ken Bonney, Bob and Bonnie Ness, Rosemary Tanner, Art Melendez, Sue Oseland, County Commissioner Gary Sauer, County Emergency Manager Frank Post

Approval of Minutes

Motion by O'Dwyer, seconded by Holmes, to approve the December 18 meeting minutes as presented. All ayes. Motion passed.

Approval of Agenda

Motion by Gatrell, seconded by O'Dwyer, to approve the agenda with the following additions: Ag5 Redo Resolution to Vacate End of Acre Street, Ag6 Discussion of Portable Gas Tank for DPW, Ag7 Fire Ordinance. All ayes. Motion passed.

Agenda Conflicts

None stated.

Public Input 7:12

Emily Votruba noted the date on the agenda was incorrect. Sue Oseland: Lots of rearranging since the first phase of downsizing of local post offices. Senior postal workers get their choice of location and those with less seniority get let go, including Todd Climie. Elberta Post Office will have a new postmistress, coming over from Thompsonville, as of January 27. He loved that job. Gatrell: Volunteers to make cake. She will hold a sendoff for Todd on Monday the 26th at 11 am. Jenks: He did a good job, it's not easy to come to a town where you don't know anybody. We're all set in our ways. Oseland: He dealt with the prison population for 20 years, so I guess he can deal with Elberta [laughter].

CORRESPONDENCE

Jenks read a letter into the record from Bob and Bonnie Ness responding to a notice of zoning violation for their fence. They said the fence had been put up and taken down three times in response to directives from the ZA. A property line dispute with neighbors is involved, possible moving of stakes, and the current problem is that the posts are

placed on the outside of the fence (the "finished" side of fences must face out). Two attorneys had advised them that posts were not addressed in the Village Ordinance. Bonney: Said he'd left a note, stopped by several times to advise Nesses on proper placement/orientation, gave them each a copy of the ordinance. Said one of the Nesses' son Eric's fences has the same problem. First time they installed the fence it was correct, but they had a property line dispute—he has no jurisdiction over that. Holmes: There's only one fence in Elberta that's nonconforming. Jenks: Sorry that the Nesses, longtime community members, are having this problem. To be fair, notices should be sent to all property owners whose fences are in nonconformance. Village has opportunity for new start, came close to losing the village. Requires cooperation from everyone, following the rules and policies, to survive. Bonnie Ness: Repeated that posts are not addressed in the zoning, said they'd been threatened by their neighbor. Jenks: Look at the ordinance again, see if it addresses posts.

APPROVAL OF BILLS

BLUA and state auditor bills are biggest.

Motion by Holmes, seconded by O'Dwyer, to approve payment of bills as presented. All ayes. Motion passed.

Old Business: Committee Schedules

Budget, Finance, and Audit Cte schedule was set and posted. Policies, Procedures and Internal Controls Cte had not yet met. Christine Walkons has agreed to be on PPIC. Municipal Buildings meetings not yet set. Employee Relations had not yet met but would soon begin monthly meetings. Art Melendez and Rosemary Tanner will be members. Fire Board will meet in February. Chair of each cte responsible for posting schedule of meetings in post office.

AGENDA 1: Discussion of Change to Five-Person Council

Jenks described process. Requires an ordinance (proposed ordinance in packets). Council needs to decide it wants to make that change, then a public hearing is held. Ordinance is adopted, there's a 45 day review period. People can have a referendum on the decision during that period. Holmes: What happens if someone goes on vacation. Jenks: New majority is 3 with a 5-person council. Having a hard time keeping a full council, fewer members would save money too. Holmes: Honor is down to 3 and can't keep them. Against it. O'Dwyer: State of Michigan recommended going to 5 people. WE need to cut costs. People aren't breaking down the door to get on the ballot. Likes the idea of working more with committees involving the public. Jenks: Have a lot to do, lots of changes, get community members on committees to share the load. Gattrell: Councils have tried to change it before. Has a hard time with those who get elected and then resign. Disappointed that Linda Manville didn't join any committees. Jenks: Linda has dedicated an enormous number of hours village. Holmes: Described a former bond issue related to the sewer that had passed but instead of spending the money on the sewer the council at the time decided to give the money back to the people (?). Jenks: Ordinance takes a vote of four. No decision.

AGENDA 2: Frank Post, County Emergency Management Coordinator

Post spoke about seeking input from the units on the county's draft Hazardous Mitigation Plan, which needs to be updated every five years. County is two years late with update. Idea is to identify potential emergency situations (flooding, severe weather related damage, etc.) and minimize or eliminate damage to infrastructure and buildings, including homes, ahead of time. For example, every year \$20-\$30K was spent rebuilding houses on the Muskegon River. Instead now they give grants so people can put garages under their homes and take other measures. Improve capacity of culverts. Dealing with shoreline erosion as lake rises. (Handed out copies of Draft Plan.) Village is mentioned a few times. Need information on potential emergency issues in the Village or ongoing problems (flooding, freezing, erosion, etc.). Help us correct errors. FEMA gave Mich. \$20 million for flood prevention. Areas already identified: Repeated flooding in a couple of homes in Lake Ann; Crystal Lake outlet, couple areas in Benzonia. There's some dam somewhere in the county that may be about to fail but county **can't** [addition] figure out which one it is. **Would like Council to pass a resolution supporting the plan at the February meeting.** Comments will be accepted until the next county meeting. Asks board to sign an in-kind commitment to help with match for grant to produce plan. Draft plan can be found at <http://is.gd/EJSSAP>

AGENDA 3: Bid Process

Jenks conversation with State regarding what should be put out for bids. Some ideas: auditor, waste management, computer tech, website, Porta-Johns, mowing, phone service, attorney. Bonney: have a phone for the sewer lift station, every time it's switched to a new service there's a problem. Dumpster is only cleared once a month. We're not paying for Porta-John service right now but people are still using them. Asks council to have bid items ideas at February meeting.

AGENDA 4: County Commissioner

Gary Sauer, new District VII county commissioner, gave a county report. Commission changed meeting dates to the 2nd (9 am) and 4th (4 pm) Tuesdays. Looks forward to getting to know and working with Villagers.

AGENDA 5: Resolution to Vacate End of Acre Street

Village failed to meet the filing deadline with the County Land Commission (30 days with certified copy). Same resolution passed previously.

Motion by O'Dwyer, seconded by Gatrell, to sign the resolution to vacate the portion of Acre Street between Ravine and Pearson, for a total decertification length of 165 ft, which is the west end of Acre. All ayes. Motion passed.

AGENDA 6: Portable Transfer Tank for Fuel for DPW

Ken Bonney deems a transfer tank necessary for refueling the Dumore and the generators. State of Michigan advised checking into the rules and asking the DEQ. Jenks spoke with DEQ, looked at complying storage tanks and pumps online. Cost \$300-\$600 for a 100 gal. tank. DEQ rules had recently changed. Seeking advice from Jeffery Tanner. Bonney: It wouldn't be a storage tank, but a transfer tank, and it's for diesel. A 101 gal. or

larger tank requires a Hazmat license. Tank I want is 36 gal. Can put diesel in the tank when he puts gas in the pickup to save time. It's secure. Will pay with the Dumore card for recordkeeping. DEQ approved tank with the lockable gas cap, tank, hose, pump, would cost about \$550. Dumore is a 35 gal tank (no gauge). Tank would save money, will last, pay for itself. Running the Dumore to Frankfort to refuel would be like driving a lawnmower there.

Motion by Holmes, seconded by Gatrell, to approve DPW purchase of a fuel transfer tank and pump subject to meeting regulations and DEQ approval. All ayes. Motion passed.

AGENDA 7: Fire Ordinance Amendment

Holmes brought a copy of Frankfort's fire ordinance. Jenks asked Holmes to bring Fire Chief to next council meeting to answer questions about air quality, types of burning, the process for solving these problems. Holmes: We have people burning hazardous and toxic substances inside and outside. Saw someone burning a Naugahyde chair. Fire Ordinance will be on agenda for this meeting and we can ask him our questions. Holmes: We have a fire ordinance, but we have a problem with smoke from stacks. Jenks: Any ordinance will only be as good as its enforcement, that's why we need to hear from our fire chief.

Committee/Department Reports

DPW: Repaired a couple of water valves that froze. Well alternator switches being worked on. Christmas decorations are down. Researching camera surveillance system; one had two wireless cameras could be up to 500 ft. from box, \$329. 6 camera unit with cables up to 60 ft., \$399. 8 cameras also 60 ft, \$599. Each camera will shoot 170 ft at night, would run about 1 month, all weather. Will discuss with various local security professionals. Most of the vandals at the water tower have literally signed their names. Consumers will be trimming more trees in the spring.

President's Report: Several budget meetings had been held. Jenks met with Roxanne Nicolas and Eric Cline from MI Treasury, **and Cathy Anderson and Richard Jenkins of the BFA Committee.** [addition] Please review the draft budget and give feedback to Cathy Anderson—she's worked very hard. Next meeting we'll need to approve the budget. Have sent a draft to the state. State urges us to follow the rules. They've been nice and helpful and want us to make it, but we have a lot of work to do. Jenks spoke with Cary Vaughn about the letter received in November about our Corrective Action Plan not being finished yet. Cathy has volunteered to look through that. Under former councils required reports were not filed, so we're getting advice on what those are and when they need to be done. State recommends training for newly elected officials, and veteran members, as policies have changed over the years. "We're starting from scratch." State recommends sending two people from Village to MML meeting in Lansing in March; a clerk and treasurer training is also recommended. Met with Kristine Mills re Bridal Expo. Ten vendors signed up so far, looking for more. No admission for the public so it should be well attended.

BLUA: Holmes said BLUA is upgrading some equipment that is 25 yrs old.

Fire & Safety: Fire Board is meeting in February regarding new millage

Parks & Rec: Solstice Committee is planning to hold the festival. Chair is Bill Soper. Chili cookoff fundraiser tentatively scheduled for February 21. Parks & Rec filled out the Benzie County. Christmas tree sale Recreation Plan survey as a group. Christmas tree sale made \$175. Sold 21 trees out of 30. Will order fewer trees next year.

Employee Relations: Meetings to begin in February

Budget, Finance & Audit: Draft FY2015 Budget is out for review. Explanation sheet on front shows what's different from the way Budget has been written in the past.

Takeaways: General Fund will have about \$40K to pay off debt. Parks will be able to contribute some money toward the debt, and Water and Sewer will have a bit of an accrual to put in its reserves. That accounts for completely paying off the attorney fees in this calendar year. Public hearing at beginning of February meeting.

Public Input open 8:52

Rosemary Tanner inquired about the trailer that is parked on the Village right of way next to Bill Hughes's house.

Ken Holmes brought up mailboxes being put on Village right of too close to the road.

Bonney: "The wing plow'll take care of that." Holmes: "I wish it would." [laughter]

Bonney: Must swerve out to avoid them. Holmes: Anyone with a mailbox is driving a spike in the Elberta Post Office. Jenks: Need an ordinance that spells that out. People have a right to change their postal address and get a mailbox. Sue Oseland: post boxes are right up against the street in Frankfort. Holmes: They have curbs there. Tanner: If I have to mow that right of way, that's Village property, I ought to be able to put a post box on it. Jenks: If you told the people with boxes that are in the way to move them I bet they would. Several: No they wouldn't. Bonney: The one I hit every year... He just puts it back.

Tanner: When a relative was visiting with a trailer he was told he could not park it there more than two weeks. More discussion of what the ordinance specifies. O'Dwyer:

Whoever has a complaint should look it up. Cathy Anderson: What about people who park across the sidewalk, blocking it. Bonney: Call Sheriff Dept and have them issue a ticket. Oseland: Council needs to get clear on ordinances, they need to be applied equally, and not spend a lot of time debating what the ordinances say during meetings. Bonnie Ness asked why Trustee Jean Sikes was absent and whether she will serve. Jenks replied that personal matters will likely keep Sikes from serving. Ness asked how many zoning violation letters had been sent out. Ken Bonney said he had sent out two violation notices. Only sent letters to those in noncompliance who had filed a permit during his time in office as zoning administrator, not retroactively. Everyone who's put a fence up since I've been in office has had a permit.

**Motion by Jenks, seconded by Holmes, to adjourn the meeting at 9:02. All ayes.
Motion passed.**

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Emily Votruba and Cathy Anderson compiled these minutes and submitted them to Elberta Village clerk Richard Jenkins. The draft minutes were approved at the February 19, 2015, regular meeting with two additions.

Elberta Village Clerk

(date)

SYNOPSIS

VILLAGE OF ELBERTA SYNOPSIS REGULAR MEETING January 15, 2015

Meeting called to order at 7:02 pm by President Diane Jenks. Pledge of Allegiance. Present: Joyce Gatrell, Ken Holmes, Diane Jenks, Holly O'Dwyer. Absent: Bill Soper, Jean Sikes, vacant seat. **Approval of Minutes** Motion by O'Dwyer, seconded by Holmes, to approve the December 18 meeting minutes as presented. All ayes. Motion passed. **Approval of Agenda:** Motion by Gatrell, seconded by O'Dwyer, to approve agenda with additions: Ag5, Redo Resolution to Vacate End of Acre Street; Ag6 Discussion of Portable Gas Tank for DPW; Ag7, Fire Ordinance. All ayes. Motion passed. **Agenda Conflict:** None stated. **Public Input:** Emily Votruba, Sue Oseland. **Correspondence:** Letter from Bob and Bonnie Ness re: fence. **Approval of Bills:** Motion by Holmes, seconded by O'Dwyer, to approve payment of bills as presented. All ayes. Motion passed. **Old Business: Ag 1:** Committee Schedules. **New Business Ag 1:** Discussion of Change to Five Person Council. **Ag 2:** Frank Post, County Emergency Management Coordinator, re Hazard Mitigation Plan. **Ag 3:** Bid Process. **Ag 4:** County Commissioner's Report. **Ag 5:** Resolution to Vacate End of Acre Street. Motion by O'Dwyer, seconded by Gatrell, to sign the resolution to vacate the portion of Acre Street between Ravine and Pearson, for a total decertification length of 165 ft., which is the west end of Acre. All ayes. Motion passed. **Ag 6:** Portable Transfer Tank for Fuel for DPW. Motion by Holmes, seconded by Gatrell, to approve DPW purchase of a fuel transfer tank and pump subject to meeting regulations and DEQ approval. All ayes. Motion passed. **Ag 7:** Fire Ordinance Amendment. No decision. Committee/Department Reports: DPW, President's Report, BLUA, Fire & Safety, Parks & Rec., Employee Relations, Budget, Finance & Audit. **Public Input:** Rosemary Tanner, Ken Bonney, Sue Oseland. **Adjournment:** Motion by Jenks, seconded by Holmes, to adjourn meeting. All ayes. Motion passed at 9:02 pm. Complete minutes of these proceedings are available for inspection in the Village Office, 151 Pearson Street, Elberta, MI and at villageofelberta.com/about-us/village-government/meeting-minutes/ Submitted to Record-Patriot by Emily Votruba March 9, 2015.