

VILLAGE OF ELBERTA BOARD OF TRUSTEES
REGULAR MEETING
—Minutes—
July 17, 2014 • 7 PM

The Village of Elberta Board of Trustees held its regular meeting on Thursday, July 17, 2014, at the Community Building, 401 First Street, Elberta, Michigan.

The meeting was called to order by Village clerk Mary Kalbach at 7:10 p.m.

Recitation of Pledge of Allegiance

Present: Joyce Gatrell, Ken Holmes, Diane Jenks, Jennifer Wilkins,
Absent: Reggie Manville, Linda Manville, Robin Rommell
Public: Mary Kalbach, Ken Bonney, Loy Putney, Cathy Anderson, Lois Schram,
Rosemary Tanner, Jonathan Kells, Max Kessler, Art Melendez, Jeannie Sikes, Don
Tanner, Margaret Davidhizar, Emily Votruba, Eric Cline

Motion by Gatrell, seconded by Wilkins, to have Jenks chair meeting in Rommell's absence. All ayes. Motion passed.

Jenks reads letter of resignation from council, planning commission, and Betsie Valley Trail Authority, by Linda Manville (see below). Jenks: "There's no way we could ever thank her enough for what she's done for this village over the years." (Applause)

Motion by Gatrell, seconded by Holmes, to accept Linda Manville's resignation. All ayes. Motion passed.

Approval of Minutes:

• *Regular Meeting, June 19*

Discussion: Holmes cites a conflict of interest on part of Wilkins in voting on Parks & Rec request for a reprimand of Rommell, because Wilkins was a signatory on the letter requesting the reprimand and is also the secretary of Parks & Rec. Holmes would like this conflict noted in the minutes. Wilkins says the motions in question failed. Holmes says the minutes should still be changed. Jenks: Holmes has to show proof there's a conflict. Holmes: Reads definition of conflict of interest. Holmes: Would like minutes changed. Jenks: "You can't change the past."

Wilkins requested that the minutes reflect that the motion to have the library property surveyed passed (page 6, add "motion accepted").

Motion by Gatrell, seconded by Wilkins, to accept minutes with change regarding library survey. All ayes. Motion passed.

Approval of Agenda:

Add item 9—Flex Hours

Add item 10—Blessing for Millage for Fire Protection for Gilmore Township

Add item 11—Village President

Add item 12—Village Clerk

Motion by Gatrell, seconded by Holmes, to accept the agenda with these additions. All ayes. Motion passed.

Agenda Conflict: None noted.

7:31 pm Public Input

Jean Sikes, 444 Lincoln Avenue: Concerned about purchase of small parcel by Charlie Thompson. Would like option to bid on it, as her property is also adjacent. Council instructs Sikes to write a letter expressing her interest in the parcel and give her information to DPW superintendent.

Jennifer Wilkins: Having met with auditor and state reps, we were advised that Council's priority should be finalizing the DEP and getting village office staff trained rather than deal with personal conflicts. Gatrell: We need to work together.

7:33 pm Public Input Closed

CORRESPONDENCE

Letter from Gilmore Township (Ag. 10)

*Letter from **Ed Helm of Arcadia [SP?]** regarding litter on Elberta Beach. Sue Oseland and Jennifer Wilkins had subsequently cleaned the beach. Carl Noffsinger said litter was probably blown over from Wisconsin by strong westerly wind.*

Approval of Minutes:

- *Special Meeting June 25*

Motion by Wilkins, seconded by Gatrell, to approve special meeting minutes as presented. All ayes. Motion passed.

APPROVAL OF BILLS Council asked clerk for a figure to approve. Clerk is unable to provide detail on amount of bills to be paid because of overwork related to audit.

Motion by Gatrell, seconded by Holmes, to table approval of bills until after audit is complete. Motion passed.

DEPARTMENT REPORTS

DPW & Zoning (Ken Bonney): Completed water quality report for 2014. Copies are available at office. Water Asset Management Plan and water rate report are complete. Mike Engels will be in Village July 28 to review reports with council members. Council members will set up schedule for this review. Boardwalks and flags are in place. Water meters read this month, so bills reflect actual usage (not estimated). Doug McPherson has been mowing. Water main break near LSS by Fishing Pavilion was repaired (broke last winter). Sewer problem on Thomas Street. \$1,600 spent on asphalt repairs. Phil and Rosemary Mix kindly weeded and put mulch around trees along old M-168. Please thank them if you see them. Sue Oseland and Jen Wilkins cleaned up the beach. Has turned only issue over to the county (gave documents to council; issue property at 1212 Valley Avenue requiring permits for change of use from garage to office). Two fence violations,

one on Lincoln and one on Valley—permits were not obtained. Bonney spoke with those property owners and will issue violations next week if issues not remedied. Holmes made note of 20 properties with grass or trash violations. Holmes and Bonney working to draft letters. Bonney will talk with property owners before issuing violations. Jenks and Gatrell thanked Bonney and helpers for work completed this month.

Motion by Gatrell, seconded by Holmes, to give Bonney authority to go to courthouse and pursue ordinance violations. All ayes. Motion passed.

Water/Sewer/BLUA (Holmes & Gatrell): Holmes: Expects to receive letter soon notifying board that interest payments will be lower. BLUA employee preparing to earn water operator license.

Parks & Rec/Marina/Farmers' Mkt (Wilkins): Chris Sullivan attended P&R meeting to discuss Elberta Dunes South. Will meet with anyone interested on July 22 at 6 pm at Elberta Dunes South to discuss ideas for improvements to trails and parking area. Cheryl Gross is setting up a work bee for more beach signs. Tot Park cleanup day scheduled for July 19 from 9am–11am. Waterfront Park has broken benches. Farmers' Market is doing well. Solstice Festival was a success. Earned enough money to be self-sustaining, meaning festival could theoretically be held without sponsors. Parks & Rec will begin holding meetings at Community Building rather than Library. Discussed the "Duck's Head." Ordered more M-168 shirts as a fundraiser. Add Village Circle/Duck's Head to agenda for August council meeting.

President's Report Jenks: As a matter of record, it's very disrespectful for the person in charge not to inform anyone of their inability to attend the council meeting (referring to President Pro Tem Robin Rommell).

Betsie Valley Trail Mgt Council (L. Manville) No report. Don Tanner: County is going for a grant for resurfacing, hoping to raise \$45K for a match for a DNR application; will apply for next cycle. Added to August council meeting agenda: appoint new rep to BVTMC in light of L. Manville's resignation.

Budget Committee No report

Fire & Safety (Holmes & Gatrell) No report.

Municipal Buildings (Jenks & Gatrell) Letter from Gilmore Twp to be addressed under item 10. Jenks asked that "Pavilions" be added to reports on Municipal Buildings. Having success renting Waterfront Park and Penfold Park Pavilions.

Employee Relations (Rommell, Jenks, Gatrell) Draft minutes from Employee Relations Committee were ready, but Jenks will be submitting some changes to Rommell. Looking for volunteers/interns to pick up slack in areas where we can't afford staff hours, including filing volunteers. Offered Votruba minutes \$28 per meeting. (Votruba waives pay.) Holmes: Several years ago someone threw away a whole lot of historical material from files, including birth certificates and death records, etc. Jenks suggests Holmes and Gatrell to supervise moving of village files from Pump House to Community Building. Holmes and Gatrell agree. The dropbox is a secure location for paying water bills, etc. Items do not go onto the floor. ERC meetings are the first Monday of every month at 9 am.

Planning Commission (L. Manville) No report.

County Commissioner's Report (Don Tanner) County adopted a budget of about \$6.1 million. Does not include a member for the Traverse Narcotics Team (have had one for 16 years); the Sheriff can deploy his workforce as he chooses. Commissioners allocated the funds for TNT, but Sheriff used the money to put the TNT officer on patrol after his millage did not pass. Several people, including a GT prosecutor, and Mecosta County sheriff (in a similar size population, their department is a sheriff, an undersheriff, and one officer) came to a commissioners' meeting to argue the need for a TNT officer. County commissioners will put TNT Officer to a public vote; if people vote for the measure, a TNT officer would be funded. If sheriff chooses to use the position differently, the funding will not go with it. Funding would be about .1 mill (about \$110K; would cover officer, vehicle, uniforms). Chip Johnston and Tanner testified on behalf of Public Act 266 of 2014, which allows local CMHs to partner with private entities to expand services. Passed the House and Senate unanimously and takes effect end of September. A recent court case has determined that "court costs" can no longer be charged. This will cost Benzie County \$180–\$200K per year.

Budget, Finance, and Audit (Rommell, L. Manville, Gatrell) Eric Cline (Treasury Office of Fiscal Responsibility) gave a statement. Suggested authorizing payment of regular bills (utilities, payroll, insurance, etc.) with requirement that any amendments be made to the budget at the next meeting to reflect insufficient funds if any. Council may "automatically" authorize utility bill payments. Cline is here in his capacity as a consultant to local units of gov't that are experiencing operational and financial stressors. Was here today with Roxanne Nicholas (not at tonight's meeting), met with Wilkins, Gatrell, Clerk, and auditor. Trying to avoid a declaration of financial emergency that would contribute to state stepping in. Need to continue to reduce expenditures, take advantage of opportunities to consolidate services with others. Notes that there continue to be setbacks in getting things accomplished. Offered assistance in recruiting and vetting a replacement for L. Manville. Council must unite behind a direction. Currently Village continues to dig itself deeper into a hole. Offered his office's help working through operational and financial situation. Said the State has asked a couple round of questions and no one is sure whether the Village responded or not. Suggested there be a single member of the council designated to be point person for correspondence with State on the Deficit Elimination Plan. Said to seriously consider collaboration with Gilmore Twp and the County. Let go of historical bias and distrust.

PPIC Committee (Jenks, Wilkins, Holmes): Meetings first Monday of the month at 6 pm. Next meeting August 4.

AGENDA 1: Public Office Hours

Employee Relations Committee recommends:

- (a) Clerk works one day with office closed (any day)
- (b) Treasurer works one day with office closed (any day)
- (c) Clerk and Treasurer work together ½ day with office closed (Wed am or Thur pm)
- (d) Clerk works ½ day with office open (1 pm to 5 pm on Wednesday)
- (e) Treasurer works ½ day with office open (9 am to 1 pm on Thursday)
- (f) Flex hours can be any hours other than when office is open to the public

- (g) Clerk and treasurer may adjust scheduling in emergencies at their discretion as long as one or more council members are informed and posting is made on door

**Motion by Holmes, seconded by Gatrell, to accept this new schedule. All ayes.
Motion passed.**

AGENDA 2: Sale of Library

Gilmore Twp will be seeking grant monies to take over Village Library Building. Need resolution to allow the MI DEQ to assess Village Library Building for contamination on behalf of Gilmore Twp. (Item 10 covered here, out of order.)

Motion by Holmes, seconded by Gatrell, to allow MI DEQ to assess Library for contamination. All ayes. Motion passed.

AGENDA 3: Dumping Yard Waste

Residents may dump their yard waste (leaves, brush, clippings, not in plastic bags) at the swamp end of First Street.

AGENDA 4: Bank Accounts—Designation of Signatories/Online Access

- (a) State requires and issues an accounting procedures manual. Per state law, signatories for all checks must be the clerk, treasurer, and their two deputies.

Cline recommends having signatories be clerk and deputy treasurer with backup from two individuals from village council. Suggested removing President Manville during his leave of absence **Motion by Wilkins, seconded by Jenks, to adopt a Resolution to remove President R. Manville (on leave of absence) and Trustee L. Manville (resigned at this meeting), and President Pro Tem R. Rommell (abdicated signature authority at June council meeting) as signatories for the village and to add Deputy Treasurer S. Applebee, Village Clerk M. Kalbach at primary signatories with Trustee J. Gatrell and Trustee K. Holmes as secondary signatories. All ayes. Motion passed.**

AGENDA 5: Minutes of Council Meetings

Emily Votruba will provide draft and final meetings minutes to clerk and send synopses to *Record-Patriot*.

AGENDA 6: Charlie Thompson—Purchase of Parcel

Need to check with register of deeds regarding any restrictions, for example if property was donated to Village for public use. May need to hold public meeting. Now that Sikes has expressed interest, need to entertain that.

AGENDA 7: Reports to Council by Committee/Department Heads

No discussion.

AGENDA 8: Supervision of Employees

Motion by Holmes, seconded by Gatrell, that employee issues first be addressed by the Employee Relations Committee, then brought before Council for resolution. All ayes. Motion passed.

AGENDA 9: Flex Hours

Covered under Ag.1.

AGENDA 10: Millage for Fire Protection and First Responders

Gilmore Twp will seek a millage up to 1.5 mil for 5 years to pay for fire protection and first responders. This millage would raise funds to cover the current Elberta payments to Frankfort for these services.

Motion by Wilkins, seconded by Gatrell, to give council's "blessing" to Gilmore Twp for this millage. All ayes. Motion passed.

AGENDA 11: Village President

Signatory issue addressed under item 4. Cline advised avoiding situations where officials go in and out of leave of absence merely to address certain issues. Advised consulting with the attorney. Attorney may not charge for a brief consultation, or consider a flat fee for certain consulting help that may be ongoing. Jenks: Absences are causing problems.

AGENDA 12: Village Clerk

Wilkins noted that in letter from Village attorney received today, attorney recommends that Clerk performance issues be referred to the Employee Relations Committee. Due to a conflict between Kalbach and Rommell, Clerk was without keys to the Village office.

9:35 pm Public Input

Tanner: County has two meetings per month in order to address prepaid bills and adopts a resolution for known bill amounts. County pays Peter Cole (of Lansing) to handle labor relations issues—perhaps consider hiring him occasionally. Notes that one suggested funding source for TNT was to defund Emergency Management. Explained why we need Emergency Management department.

Jenks: Closes public input to address bill payment.

Motion by Wilkins, seconded by Holmes, to revoke postponement of approval of bills, authorize payment of regular monthly expenses and payroll, and direct Clerk to bring all unpaid bills to the next regular meeting as a list with totals for approval. All ayes. Motion passed.

Jenks reopens public input period.

Wilkins: Reads letter of appreciation of Linda Manville from Sue Oseland (see below).

9:45 pm Public Input Closed

Motion by Holmes, seconded by Gatrell, to adjourn the meeting, at 9:48 pm. All ayes. Meeting adjourned.

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Emily Votruba and Cathy Anderson compiled these minutes and submitted them to Elberta Village clerk Mary Kalbach. The draft minutes were approved at the August 21, 2014, regular meeting with some minor changes.

Elberta Village Clerk

(date)

LINDA MANVILLE RESIGNATION LETTER

I'm sorry to say that I will need to resign from the Elberta Village Council, the Planning Commission, and the Betsie Valley Trail Management Council effective this evening. I am scheduled for surgery in the very near future. The recovery time is uncertain. I have enjoyed working with each of you and especially our residents. I commend each of you for your efforts and thank you for your support.

Respectfully,
Linda Manville

LETTER OF THANKS TO LINDA MANVILLE FROM SUE OSELAND

I would like to take this opportunity to express my sincere gratitude to Linda Manville for her many years of public service for the benefit of the residents of the village of Elberta.

For the last 4 years I have been attending village council meeting as my schedule permitted, never have I seen an individual come more prepared to a meeting as Linda.

She took her commitment to her council position very seriously, which meant she thoroughly went through the entire meeting packet before all meetings and came prepared to be able to address and discuss all agenda items. This, as a volunteer for the village, while still maintaining a full time employment situation.

Linda recently retired from her employment position and then gave most of those hours to working on the Deficit Elimination Plan and the internal control plan. Linda worked tirelessly in helping the council be able to submit both of these plans to the State by their due date.

Since the turnover in office staff in March, Linda has spent countless hours assisting the new office staff organize and adapt to changes that have transpired in the village.

She did not ask for anything in return; her sole intent has been to assist in rectifying the financial short-comings of the village and to look for a way to better sustain and maintain the village for the betterment of all the residents.

I am truly grateful to Linda Manville for everything she has done for all of us.

Thank-you
Sue Oseland
1135 Valley Street; Elberta

SYNOPSIS

**VILLAGE OF ELBERTA SYNOPSIS
REGULAR MEETING July 17, 2014**

Meeting called to order at 7:10 pm by Village Clerk Mary Kalbach. Pledge of Allegiance. Present: Ken Holmes, Jennifer Wilkins, Joyce Gatrell, Diane Jenks. Absent: Robin Rommell, Linda Manville, Reggie Manville. Motion by Gatrell, seconded by Wilkins, to have Jenks chair meeting in Rommell's absence. All ayes. Motion passed. Jenks reads letter of resignation from trustee Linda Manville, resigning from council, Planning Commission, and Betsie Valley Trail Authority. Motion

by Gatrell, seconded by Holmes, to accept Linda Manville's resignation. All ayes. Motion passed. **Approval of Minutes for Reg. Mtg June 19:** Add "motion passed" to library property survey item. Motion by Gatrell, seconded by Wilkins, to accept minutes with change regarding library survey. All ayes. Motion passed. **Approval of Minutes for Special Mtg June 25:** Motion by Wilkins, seconded by Gatrell, to approve special mtg minutes as presented. All ayes. Motion passed. **Approval of Agenda:** Add item 9—Flex Hours. Add item 10—Blessing for Millage for Fire Protection for Gilmore Township. Add item 11—Village President. Add item 12—Village Clerk. Motion by Gatrell, seconded by Holmes, to accept the agenda with additions. All ayes. Motion passed. **Agenda Conflict:** None noted. **Public Input:** Jean Sikes, concerned about sale of small village parcel. Jennifer Wilkins, need for council to prioritize finalizing the DEP. **Correspondence:** Letter from Gilmore Twp (Ag10). Letter from Ed Helm of Arcadia re beach litter. **DPW Report:** Motion by Gatrell, seconded by Holmes, to give Bonney authority to pursue ordinance violations at courthouse. All ayes. Motion passed. Reports heard from other departments/committees. **Ag 1:** Public Office Hours. Motion by Holmes, seconded by Gatrell, to accept new office schedule. All ayes. Motion passed. **Ag 2:** Sale of Library. Motion by Holmes, seconded by Gatrell, to allow MI DEQ to assess Library for contamination. All ayes. Motion passed. **Ag 3:** Dumping Yard Waste. Residents may deposit yard waste (leaves, brush, clippings, not in plastic bags) at the swamp end of First Street. **Ag 4:** Motion by Wilkins, seconded by Jenks, to adopt a Resolution to remove President R. Manville (on leave of absence) and Trustee L. Manville (resigned at this meeting), and President Pro Tem R. Rommell (abdicated signature authority at June council meeting) as signatories for the village and to add Deputy Treasurer S. Applebee, Village Clerk M. Kalbach at primary signatories with Trustee J. Gatrell and Trustee K. Holmes as secondary signatories. All ayes. Motion passed. **Ag 5:** Minutes of Council Meetings. Emily Votruba will provide draft and final meeting minutes to clerk and send synopses to *Record-Patriot* on volunteer basis. **Ag 6:** Charlie Thompson—Purchase of Parcel. Further research into matter with register of deeds. **Ag 7:** Reports to Council by Committee/Department Heads. No discussion. **Ag 8:** Supervision of Employees. Motion by Holmes, seconded by Gatrell, that employee issues first be addressed by the Employee Relations Committee, then brought before Council for resolution. All ayes. Motion passed. **Ag 9:** Flex Hours. Covered under Ag 1. **Ag 10:** Millage for Fire Protection and First Responders. Motion by Wilkins, seconded by Gatrell, to give council's "blessing" to Gilmore Twp for fire protection millage. All ayes. Motion passed. **Ag 11:** Village President. Discussion of consulting village attorney re President Manville's leave of absence. **Ag 12:** Village Clerk. Discussion. **Public Input:** Don Tanner. Jenks closes public input to address bill payment. **Motion** by Wilkins, seconded by Holmes, to revoke postponement of approval of bills, authorize payment of regular monthly expenses and payroll, and direct Clerk to bring all unpaid bills to next regular meeting as a list with totals for approval. All ayes. Motion passed. **Public Input resumed:** Sue Oseland, letter of appreciation for Linda Manville. **Adjournment:** Motion by Holmes, seconded by Gatrell, to adjourn meeting. All ayes. Motion passed at 9:48 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 by Emily Votruba, August 27, 2014.