

1 MINUTES

2 Regular Meeting of the Elberta Village Council
3 401 First Street (Community Building) Elberta
4 June 16, 2016
5 7:00 PM
6

7 Call to Order at 7:05 pm

8 Attendance: Present: Gatrell, Holmes, Jenks, O'Dwyer, Soper.

9 Motion by Gatrell, supported by O'Dwyer, to approve Minutes of May 19, 2016 Regular Council
10 Meeting. All Ayes. Motion Carried

11 Motion by O'Dwyer, supported by Gatrell, to approve Minutes of June 9, 2016 Special Council
12 Meeting. All Ayes. Motion Carried

13 Motion by O'Dwyer, supported by Soper to approve Agenda as amended. All Ayes. Motion
14 Carried.

15 Soper indicated a conflict of interest with agenda item 10; Solstice Festival.

16 Correspondence – e-mail to Jenks from taxing authority on personal property tax, e-mail FOIA
17 request from Eric VanDussen. E-mail from Linda Manville on Solstice Festival

18 Brief Public Comment on agenda items. E. VanDussen questioned the closure of the beach road.

19 R. Tanner made comment on closure of beach.

20 Motion by O'Dwyer to approve bills, including the upgrade of the tax software, supported by
21 Soper. Roll Call: Gatrell - Aye, Holmes - Aye, Jenks - Aye, O'Dwyer - Aye, Soper - Aye.

22 Motion Carried

23 Financial Report was received; no questions or issues raised.

24 Old Business

- 25 1. Status of Water and Sewer Projects (Anderson). Motion by O'Dwyer to enter into
26 engineering services financing agreement with F&V. Supported by Holmes. Roll Call:
27 Gatrell - Aye, Holmes - Aye, Jenks - Aye, O'Dwyer - Aye, Soper - Aye. Motion Carried.
28 Council approved resolution authorizing notice of intent to issue sewage disposal system
29 revenue bonds. See complete resolution at end of minutes. Council approved resolution
30 authorizing notice of intent to issue water supply system revenue bonds. See complete
31 resolution at end of minutes.

32 Agenda

- 33 1. Memorial Bench. Mr Nugent was heard by council. O'Dwyer made a motion supported
34 by Holmes to affirm the Parks and Recreation Commission's recommendation regarding a
35 memorial bench in memory of Logan Jones and direct the Parks and Recreation
36 Commission to select a bench and review it with the family prior to purchase. The family
37 would pay the cost for the Village to purchase and install the bench. All Ayes. Motion
38 carried.

- 39 2. Residential Trash Flyer. Motion by O'Dwyer to approve trash flyer from Republic
40 Services supported by Soper. All Ayes. Motion carried.

- 1 3. DPW Overtime for Spring Cleanup & DPW Pay. A. Melendez presented the Human
2 Relations Committee recommendations to the Village Council regarding S. Keeler.
3 Recommended that S. Keeler receive a \$150.00 bonus for the Spring Clean-up. Motion
4 by Soper to give S. Keeler a \$150.00 bonus for spring cleanup supported by Holmes. Roll
5 Call: Gatrell - Aye, Holmes - Aye, Jenks - Aye, O'Dwyer - Aye, Soper - Aye. Motion
6 Carried. Motion by Gatrell to increase S. Keeler pay to \$10 per hour, retroactive to April
7 19, 2016, supported by Holmes. Roll Call: Gatrell - Aye, Holmes - Aye, Jenks - Aye,
8 O'Dwyer - No, Soper - Aye. Motion Carried. Council authorized Village Treasurer to
9 issue check immediately for retroactive pay.
- 10 4. ADA Restroom for Garage. Deferred to Building committee comprised of Soper,
11 Bonney & Holmes.
- 12 5. Audit Results, FY2016 audit has been provided to Council.
- 13 6. Approval of contracts - Motion by O'Dwyer, supported by Soper to approve Zoning
14 Administrator and Code Enforcement Officer contract with Don Tanner, as amended and
15 allowed by law with Jenks' signature. Motion by Soper, supported by O'Dwyer, to
16 approve budget amendment for Zoning Administrator and Code Enforcement Officer.
17 Roll Call: Gatrell - Aye, Holmes - Aye, Jenks - Aye, O'Dwyer - No, Soper - Aye. Motion
18 Carried. Motion by Soper, supported by Holmes, to enter into Independent Contractor
19 agreement with Ross Thorsen to be building contractor with Village and to authorize
20 Jenks to sign contract. Roll Call: Gatrell - Aye, Holmes - Aye, Jenks - Aye, O'Dwyer -
21 No, Soper - Aye. Motion Carried.
- 22 7. Community Building Maintenance Plan. Item deferred to Building Committee.
- 23 8. Yard Waste dumping. Issue with people dumping at the end of First St. Put on next
24 month's agenda with action to DPW Superintendent to bring options to council.
- 25 9. 4th of July Safety. Motion by Soper, supported by Holmes, to implement 4th of July
26 safety plan as presented with the addition of providing garbage bags. Roll Call: Gatrell -
27 Aye, Holmes - Aye, Jenks - Aye, O'Dwyer - No, Soper - Aye. Motion Carried
- 28 10. Solstice Festival. O'Dwyer raised issue of whether Solstice can proceed. Motion by
29 Holmes, supported by Gatrell, to approve Solstice Festival going forward as long as
30 permits are in place. Roll call: Gatrell – Aye, Holmes – Aye, O'Dwyer – Nay, Jenks –
31 Aye, Soper – Abstained.

32 Reports to Council

34 County Commissioner – Sauer. Veteran's Memorial groundbreaking ceremony went
35 well. County is having a hazardous waste and scrap tire pick-up day on June 25 at the Frankfort
36 recycling site. Tire dropoff should be scheduled in advance 231-882-0554. There will be two
37 more tire pickups this year; August 20th in Thompsonville and July in Honor. Any county
38 resident can go to any of them.

39 DPW – Bonney. Smitty's finished up tree removal. This year at spring clean-up we
40 filled 5 dumpsters. Fishing pier washout has been repaired. ELSS Boiler inspection has been

1 completed. DPW has been mowing, put up flags. 2015 Water Quality Report is out, will be
2 posted on website. Crosswalks have been painted on Frankfort Ave toward Waterfront Park.
3 There have been problems with people doing “doughnuts” in the after midnight at the beach
4 parking lot.

5 Planning Commission – Jenks. Written report submitted.

6 Parks & Recreation Commission - Soper. Written report submitted

7 President's Report – Jenks. No report this month

8 BFA - O'Dwyer, No report this month

9 BLUA/Fire Board/Water Committee - Holmes & Gatrell. BLUA is in good shape
10 financially. Fire Chief has not scheduled quarterly meeting.

11 Building Committee – Soper. No report

12 Employee Relations Committee – Gatrell. Written report submitted.

13 PPIC – Jenks. No report.

14 Betsey Valley Trail – Whiting. No report.

15 Extended General Public Comment

16 Comments were offered by Linda Manville, Rosemary Tanner, Will Justusson, Eric
17 VanDussen, Ryan King, and Sue Oseland.

18 Motion by O’Dwyer, supported by Holmes to adjourn. All Ayes. Meeting adjourned at 8:50 pm

Catherine M. Anderson

Village Clerk

Minutes approved at the July 21, 2016 Regular Meeting of the Elberta Village Council

Village of Elberta
County of Benzie, State of Michigan

RESOLUTION AUTHORIZING NOTICE OF INTENT
TO ISSUE SEWAGE DISPOSAL SYSTEM REVENUE BONDS

WHEREAS, the Village Council of the Village of Elberta, County of Benzie, Michigan (the "Village") has determined that it is necessary for the public health, safety and welfare of the Village to acquire and construct repairs to the Village's Sewage Disposal System including but not limited to replacing gravity sewer with manhole service leads and restoration, together with associated appurtenances and attachments (the "Project"); and

WHEREAS, the Village anticipates that it will receive a grant in the amount of \$924,000 from the United States Government, and a loan in the amount of \$309,000 from the United States Government, to finance the acquisition and construction of the Project; and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), permits a Village to borrow money to finance the acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds under Act 94 payable from revenues of the Village's Sewage Disposal System (the "System") in an amount not to exceed Four Hundred Thirty-Five Thousand Dollars (\$435,000) (the "Revenue Bonds") to be delivered to the United States Government for the purpose of financing a portion of the Project appears to be the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Village Clerk is hereby authorized and directed to publish a notice of intent to issue the Revenue Bonds in the Benzie County Record Patriot, a newspaper of general circulation in the Village.
2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE VILLAGE OF ELBERTA
AND TO USERS OF THE VILLAGE'S SEWAGE DISPOSAL SYSTEM OF INTENT TO
ISSUE REVENUE BONDS AND THE RIGHT OF REFERENDUM

PLEASE TAKE NOTICE that the Village Council of the Village of Elberta, Benzie County, Michigan, intends to issue and sell Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Four Hundred Thirty-Five Thousand Dollars (\$435,000), for the purpose of paying a portion of the cost to acquire and construct repairs to the Village's Sewage Disposal System including but not limited to replacing gravity sewer with manhole service leads and restoration, together with associated appurtenances and attachments and payment of legal, engineering, financial and other incident expenses (the "Project").

The Village anticipates that it will receive a grant in the amount of \$924,000 from the United States Government to pay for a portion of the costs of the Project. The Village anticipates that the Revenue Bonds will be delivered to the United States Government to document a loan administered by USDA, Rural Development.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the Village from the operations of the Sewage Disposal System. The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the Village offices. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System and to provide reserves therefor.

BOND DETAILS

THE REVENUE BONDS will be payable in annual installments not to exceed forty (40) in number, with interest rates on the unpaid balance of the bonds from time to time remaining outstanding to be determined at upon sale of the bonds but in no event to exceed such rates as may be permitted by law.

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE IS FILED WITH THE VILLAGE CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE VOTING THEREON. If such petition is filed and the electors of the Village voting thereon approve the issuance of the bonds, then the bonds may be payable from revenues or from ad valorem taxes that may be levied on all taxable property in the Village without limitation as to rate or amount.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the Village Clerk upon request.

Cathy Anderson, Clerk, Village of Elberta

3. The Village Council does hereby determine that the foregoing form of Notice of Intent to Issue Revenue Bonds, and the manner of publication directed, is adequate notice to the electors of the Village and users of the System, and is the method best calculated to give them notice of the Village's intent to issue the Revenue Bonds, the purpose of the Revenue Bonds, the security for the Revenue Bonds, and the right of referendum of the electors with respect to issuance of the Revenue Bonds, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the Village's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed, and the newspaper complies with the requirements of Act No. 247, Public Acts of Michigan, 1963.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Village Council of the Village of Elberta, County of Benzie, Michigan at a regular meeting held on June 16, 2016 at 7 o'clock p.m. Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: J. Gatrell, K. Holmes, D. Jenks, H. O'Dwyer, and W. Soper and that no Members were absent.

I further certify that Member O'Dwyer moved for adoption of said resolution and that Member Holmes supported said motion.

I further certify that the following Members voted for adoption of said resolution: J. Gatrell, K. Holmes, D. Jenks, W. Soper, H. O'Dwyer and that the following Members voted against adoption of said resolution: none.



Village Clerk

26820422 11088888-00526

Village of Elberta
County of Benzie, State of Michigan
RESOLUTION AUTHORIZING NOTICE OF INTENT
TO ISSUE WATER SUPPLY SYSTEM REVENUE BONDS

WHEREAS, the Village Council of the Village of Elberta, County of Benzie, Michigan (the "Village") has determined that it is necessary for the public health, safety and welfare of the Village to acquire and construct improvements and repairs to the Village's Water Supply System including but not limited to water main improvements, updated control (SCADA) and alarm system for the wells, improvements to the access road for the water tank, fencing and minor repairs to the water tank, and decommission and removal of the obsolete water tank, together with associated appurtenances and attachments (the "Project"); and

WHEREAS, the Village anticipates that it will receive a loan in the amount of \$350,000 from the United States Government to finance the acquisition and construction of the Project; and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), permits a Village to borrow money to finance the acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds under Act 94 payable from revenues of the Village's Water Supply System (the "System") in an amount not to exceed Three Hundred Eighty-Five Thousand Dollars (\$385,000) (the "Revenue Bonds") to be delivered to the United States Government for the purpose of financing a portion of the Project appears to be the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Village Clerk is hereby authorized and directed to publish a notice of intent to issue the Revenue Bonds in the Benzie County Record Patriot, a newspaper of general circulation in the Village.

2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

1

NOTICE TO TAXPAYERS AND ELECTORS OF THE VILLAGE OF ELBERTA
AND TO USERS OF THE VILLAGE'S WATER SUPPLY SYSTEM OF
INTENT TO ISSUE REVENUE BONDS AND
THE RIGHT OF REFERENDUM

PLEASE TAKE NOTICE that the Village Council of the Village of Elberta, Benzie County, Michigan, intends to issue and sell Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Three Hundred Eighty-Five Thousand Dollars (\$385,000), for the purpose of paying a portion of the cost to acquire and construct improvements and repairs to the Village's Water Supply System including but not limited to water main improvements, updated control (SCADA) and alarm system for the wells, improvements to the access road for the water tank, fencing and minor repairs to the water tank, and decommission and removal of the obsolete water tank, together with associated appurtenances and attachments and payment of legal, engineering, financial and other incident expenses (the "Project"). The Village anticipates that the Revenue Bonds will be delivered to the United States Government to document a loan administered by USDA, Rural Development.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the Village from the operations of the Water Supply System. The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the Village offices. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System and to provide reserves therefor.

BOND DETAILS

THE REVENUE BONDS will be payable in annual installments not to exceed forty (40) in number, with interest rates on the unpaid balance of the bonds from time to time remaining outstanding to be determined at upon sale of the bonds but in no event to exceed such rates as may be permitted by law.

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE IS FILED WITH THE VILLAGE CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE VOTING THEREON. If such petition is filed and the electors of the Village voting thereon approve the issuance of the bonds, then the bonds may be payable from revenues or from ad valorem taxes that may be levied on all taxable property in the Village without limitation as to rate or amount.

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3. The Village Council does hereby determine that the foregoing form of Notice of Intent to Issue Revenue Bonds, and the manner of publication directed, is adequate notice to the electors of the Village and users of the System, and is the method best calculated to give them notice of the Village's intent to issue the Revenue Bonds, the purpose of the Revenue Bonds, the security for the Revenue Bonds, and the right of referendum of the electors with respect to issuance of the Revenue Bonds, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the Village's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed, and the newspaper complies with the requirements of Act No. 247, Public Acts of Michigan, 1963.

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I further certify that the following Members voted for adoption of said resolution: J. Gatrell, K. Holmes, D. Jenks, W. Soper, H. O'Dwyer and that the following Members voted against adoption of said resolution: none.



Village Clerk