

1 MINUTES

2 Regular Meeting of the Elberta Village Council

3 401 First Street (Community Building) Elberta

4 October 20, 2016

5 7:00 PM

6
7 Call to Order at 7:02 pm by President Pro Tempore O'Dwyer

8 Roll Call. Present: Gatrell, Holmes, O'Dwyer, Soper. Absent: Jenks

9 Regular Council Meeting closed and Zoning Board of Appeals (ZBA) Hearing Opened at 7:04
10 pm. See separate ZBA minutes. Regular Council Meeting re-opened at 7:08 pm

11 Motion by Soper, supported by Holmes, to approve Minutes of September 15, 2016 Regular
12 Council Meeting as amended. All Ayes. Motion Carried

13 Motion by Soper, supported by Gatrell, to approve Minutes of October 1, 2016 Special Council
14 Meeting as amended. Ayes: Gatrell, Holmes, Soper. Abstained: O'Dwyer. Motion Carried.

15 Motion by Soper, supported by Gatrell to approve Agenda as amended. All Ayes. Motion
16 Carried.

17 Soper will present, but not vote on Agenda Item No. 10

18 Correspondence:

19 1. Letter from LARA about Mobile Home Park Licensing was read into minutes (*attached*
20 *at end*). C. Anderson and D. Tanner had both spoken with County Prosecutor Swanson
21 about pursuing action against the mobile home park; Swanson had stated that upon receipt
22 of addition information from LARA, she was giving Northern Reclamation another
23 chance to come into compliance before pursuing legal action.

24 2. MI DEQ Symposium on Permits for Working in Michigan Waters

25 3. Solicitation from Benzie Athletic Stadium Complex Project

26 4. Letter from Robin Rommell was read in by O'Dwyer (*attached at end*)

27 5. Letter from Rosemary Tanner was read in by O'Dwyer (*attached at end*)

28 No Public Comment on agenda items was offered.

29 Approval of Bills. Motion by Gatrell, supported by Soper to approve bills. All Ayes. Motion
30 Carried.

31 Financial Report was received.

32 Old Business

33 1. Noise Ordinance. Holmes is still working on it. Issue will be revisited at the November
34 Regular Council Meeting

35 2. Dump Truck Box. Village dump truck/plow is no longer manufactured and parts to
36 repair cannot be found. Ken to get pricing for a replacement truck to put into next year's
37 budget.

38 3. Brownfield Redevelopment Authority. Holmes was unable to find people to establish an
39 Elberta Brownfield Redevelopment Authority. Holmes will represent the Village of
40 Elberta on the Benzie County Brownfield Redevelopment Authority.

- 1 4. ELSS Storm Windows. Crystal Lake Glass was able to beat the previous quote for ELSS
2 Storm windows. Village Office has tried to reach Crystal Lake Glass to award work;
3 have not received confirmation from Crystal Lake Glass yet.

4 Agenda

- 5 1. Rowanna French. O'Dwyer had heard that Rowanna French was interested in joining the
6 Planning Commission. There was no letter of interest from Ms. French and no one at the
7 meeting knew her. Clerk to try to contact Ms. French to inquire about interest.
- 8 2. Parks and Recreation Business.
- 9 a. Appointment of Jason Soderquist to Elberta Parks and Recreation Commission.
10 Motion by Soper, supported by Gatrell to appoint Jason Soderquist to Elberta
11 Parks and Recreation Commission. All ayes. Motion carried.
- 12 b. The Elberta Parks and Recreation Commission requested use of the ELSS on
13 November 27, 2016 from 5 - 8 pm for an after Thanksgiving pot-luck. A
14 historical presentation by Andy Bolander will be given and the Solstice Quilt may
15 be auctioned off. Motion by Holmes, supported by Gatrell to allow Parks and
16 Recreation of ELSS on November 27 for Pot luck and fundraiser.
- 17 3. Anderson Resignation – Letters read into minutes (*see attached at end*) Motion by
18 Gatrell, supported by Soper to not accept Anderson resignation, approve Kalbach letter of
19 October 3, and reinstate Anderson as Clerk. Roll Call: Gatrell - Aye, Holmes - Aye,
20 O'Dwyer - Nay, Soper - Aye. Motion carried.
- 21 4. Employee Relations Committee Resignations read into minutes (*see attached at end*).
22 Employee Relations Committee members were thanked for their service.
- 23 5. Jenks resignation. Jenks' letter was read into the minutes (*see attached at end*). Motion
24 by Gatrell, supported by Holmes to accept Jenks resignation. Ayes - 3, Nays - 1 (Soper).
25 Motion carried.
- 26 6. Benzie County Road Commission Contract. Motion by Soper, supported by Holmes to
27 accept Benzie County Road Commission Contract. All ayes. Motion carried
- 28 7. Budget Amendments. Motion by Gatrell, supported by Holmes to adopt all proposed
29 budget amendments. Roll call: Gatrell – Aye, Holmes – Aye, O'Dwyer – Aye, Soper –
30 Aye. Motion carried.
- 31 8. DPW Computer. A new computer for the DPW has been purchased, but not set up yet.
32 Old DPW computer will not accept security updates and cannot be networked into
33 Village.
- 34 9. Street Name Sign Proposal. Motion by Soper, supported by Holmes to approved Sale of
35 Used Street Name Signs in accordance with the proposal except that the cost per
36 intersection is to be \$50.00 Roll Call: Roll call: Gatrell – Aye, Holmes – Aye, O'Dwyer
37 – Aye, Soper – Aye. Motion carried
- 38 10. Solstice Foundation Request. Soper presented that the 2016 Solstice Festival lost money
39 and is requesting that the Village to cover some of the costs. Discussion about whether
40 this was allowable given statements from prior fiscal year auditors that Village financial

1 support of the Solstice Festival was not in compliance with MCL 123.851. Soper to
2 contact MI Dept of Treasury for opinion.

3 Reports to Council

4 County Commissioner – Sauer. There will be a short service at the Benzonia Veteran's
5 Park on November 11th at 2 pm. Charlotte Putney, the long time clerk for Blaine Twp, is
6 leaving office. Update on the Maples was that the State won't issue a license until the issues
7 identified with the older part of the building are addressed.

8 DPW – Bonney. Verbal report submitted. Additional potholes were fixed. Water well
9 testing was conducted; Well No. 1 needs to have screen cleaned and DPW is waiting on
10 estimate. The September 2015 lightning strike that took out Well No. 3 also ruptured a
11 gas line; DTE has repaired it. Salt and sand has been mixed in preparation for the snow
12 season. Gleaners planted four trees in Waterfront Park. Some curb stops (water shut-off
13 valves) were replaced. New street name signs are up. Hydrants are being flushed. DPW
14 reminded people that there is no overnight parking on the Village streets between Nov 1
15 and April 1.

16 Planning Commission - No meeting this month and not able to meet quorum. Motion by
17 Soper, supported by Gatrell to appoint Holmes to the Planning Commission. All ayes.
18 Motion carried. Motion by Soper, supported by Holmes to appoint Robin Rommell to
19 Planning Commission. All ayes. Motion carried.

20 Parks & Recreation Commission - Soper. Written report submitted. Replacement
21 historical interpretive signs for Waterfront Park have finished design and are being
22 produced.

23 BFA - O'Dwyer. No meeting this month.

24 BLUA/Fire Board/Water Committee - Holmes & Gatrell. Verbal report submitted.
25 Building Committee – Soper.

26 Zoning Administrator/Code Enforcement Officer report - Tanner. Cabbage Shed sign in
27 M-22 right of way was pulled at direction of MDOT as permit was not renewed.

28 Betsie Valley Trail – J. Whiting. No report

29 Public Comment was received. S. Oseland expressed thanks to council and employee relations
30 committee for service to the Village. Ms. Oseland requested that a light be left on in the
31 Waterfront Park Pavilion/Play area for safety of walkers.

32 Scott Gest shared that Networks Northwest has completed the Betsie River Watershed Plan and
33 it has been approved by the EPA. It is available on the [Networks Northwest Website](#)

34 Additional comments were offered by D. Tanner and E. Votruba.

35 Motion by Holmes, supported by Gatrell to adjourn. All Ayes. Meeting adjourned at 8:58 pm

Catherine M. Anderson
Village Clerk



STATE OF MICHIGAN
LANSING

RICK SNYDER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR

received
9/16/16

September 12, 2016

Benzie County Prosecuting Attorney's Office
448 Court Place
P.O. Box 377
Beulah, MI 49617

RE: Unlicensed Mobile Home Park

Dear Prosecuting Attorney:

The attached licensing action document is considered the final order of the Department of Licensing and Regulatory Affairs regarding Northern Reclamation, LLC d/b/a Hillsdale Mobile Home Park, 857 Glen Avenue, Elberta, MI 49628, former license #1200145.

The requirement for licensure is found in Section 16(1) of the Mobile Home Commission Act (Act), 1987 PA 96, MCL 125.2301 *et seq.* which states: "A person shall not operate a mobile home park or seasonal mobile home park without a license." A June 1, 2016, inspection by the Bureau of Construction Codes revealed that sites within the park are being occupied.

Failure to comply with licensure requirements is a violation of Section 16(1) of the Act. This is being sent to your office in accordance with MCL 125.2336 and MCL 125.2345 of The Mobile Home Commission Act (Act), 1987 PA 96, for your review and action.

If your office will not be taking criminal action, or requires assistance in this matter, you may wish to contact the Attorney General Criminal Division, Cadillac Place, 10th Floor, 3030 W. Grand Blvd, Suite 10-200, Detroit, MI 48202.

If you have any questions, do not hesitate to contact us at (517) 241-9316.

Sincerely,

Licensing and Complaints Division

cc: Northern Reclamation, LLC d/b/a Hillsdale Mobile Home Park – No Enclosure
Mobile Home Code Commission
Village of Elberta - No Enclosure
Department of Environmental Quality - No Enclosure

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To: Trustees, Village of Elberta

From: Robin Rommell

Date: September 22, 2016

Subject: Resignation of Cathy Anderson

I am writing to urge you to do whatever it takes to keep Cathy Anderson as our Village Clerk. My understanding is that Cathy proposed that the Village hire her as a contractor to do all of the things she is now doing for free. That seems reasonable to me. The Village does it all the time: a contractor to mow instead of the DPW, a contractor to maintain the Village website, someone to apply for and administer grants, a zoning administrator. Cathy would have two positions: clerk, and contractor.

Before being hired as Clerk, Cathy saw a need in the Village office and stepped in to help. She volunteered countless hours to provide many of the duties of the clerk and treasurer FOR FREE. Since being hired as Village Clerk, Cathy has produced a balanced budget and whittled away at our General Fund deficit from over \$675,000 to under \$200,000. Cathy's deficit elimination plans have produced this incredible financial turnaround.....and kept us off the Emergency Manager list. She's managed this in addition to her organizational skills in the office, creating and maintaining our public records, creating and managing contracts correctly so that we're in compliance with State law all while adhering strictly to policies and procedures adopted by the Village with the approval of State.

Cathy is a super star. Please do whatever needs to be done to ensure that she is in a position to use all of her super powers to benefit our Village.

P.S. It seems to me that we could easily pay her a contractor's fee from the money she has already saved the Village.

Sincerely,

Robin Rommell

Attachment 2 - Letter from Robin Rommell

From: Rosemary Tanner a concerned citizen and former Human Relations Committee Member in the village of Elberta, Michigan.

Dear Ms. Nicholas and Mr. Cline,

When I returned from a trip I was given the news that Catherine Anderson has resigned as our village clerk. This scares me as she has been an educated person beyond our local scope. It pains me to find someone with her abilities should be told she is not worth the money she is asking for. In my estimation she should have much more but as a member of the Human Relations Committee we thought we were paying her only what she has ask for not what we thought she was worth.

I am enclosing a letter signed by the Human Relations Committee that explains why we felt we all should resign. It also explains some of what we know Catherine has accomplished and the hours she worked getting the finances in order.

Catherine is still attempting to help but the thought of loosing her because of a conversation without further study in what she has done is more than perplexing to me.

I do not have the knowledge that Catherine has but I know an intelligent person as I was married to one for over 50 years.

Sincerely with hope
Rosemary Tanner



Attachment 3 - Letter from Rosemary Tanner


September 15, 2016

Elberta Village Council
151 Pearson St
Elberta, MI 49628

Dear Council Members,


Please accept this as notice of my resignation from the position of Village Clerk and all other Village assignments authorized by Council, including, but not limited to, the Parks and Recreation Commission and Project Manager for the Water and Sewer improvements. My last day in service to the Village of Elberta will be September 30, 2016.

Sincerely,



Catherine M. Anderson

Attachment 4 - Anderson Resignation Letter



Village Office
151 Pearson Street · PO Box 8 · Elberta, Michigan 49628-0008
Phone: (231) 352-7201 · Fax: (231) 352-4033

October 3, 2016

Ms. Catherine Anderson
PO Box 311
307 Lincoln Ave
Elberta, MI 49628

Re: Offer of Additional Compensation for Administrative Duties
Request to Resume Regular Clerk Duties

Dear Ms. Anderson,


Per the Village Council's decision at the Special Meeting on October 1, 2016, the Village would like to extend to you an offer of \$15,000 per year as compensation for administrative and office management duties including but not limited to: information technology and website management; drafting documents such as ordinances, policies, and procedures for attorney and Council review; drafting capital improvement plans to support the budget; and project management of infrastructure improvements.

We hope you will consider this offer.

In addition, the Council would be grateful if you would consider rescinding your September 16 letter of resignation and resuming the position of Village Clerk and those regular clerk duties specified by the State of Michigan at the yearly salary of \$16640 for 20 hours per week, 52 weeks per year, with additional hourly work as necessary paid at \$16 per hour, as determined at the meeting of September 17, 2015.

All compensation addressed in this letter is payable from October 1, 2016 forward.

Sincerely,



Mary Kalbach
Deputy Village Clerk

Attachment 5 - Village Offer Letter to Anderson

Resignation Letter

October 8, 2016

Dear Village of Elberta Residents, Staff and Council;

I regret to inform you that I must tender my resignation as President of the Village of Elberta and the Elberta Planning Commission effective October 13th, 2016.

I believe the village needs cohesion to grow and prosper and when there is disharmony it slows the forward progress. I think the minutes of the Special meeting on October 1, 2016 reflect those differences.

It has been an honor to lead this Community. I am proud of what I have accomplished in my 26 years of serving this village. I have served Elberta in many positions; Village Council, Planning Commission, Chair of Solstice Committee, Chair of Relay for Life for 9 years, Elberta Economic Corporation that was responsible for the acquisition of the Waterfront Park, the "Community Build" Children's Playground and the original Zoning Ordinance and Masterplan. The first Brownfield Redevelopment Authority in the State of Michigan. I have done my best, it certainly has been a thrilling and sometimes scary roller coaster ride. It has been a privilege to serve each and every one of you and although you might not always agree with me I think you can all agree The decisions I made were for the community as a whole. It pained me to ask the office staff to collect all of the past water bills and to have to raise the water rates. I believe I have always lead with the community and the village's best interest in the forefront.

I am proud of the village staff and residents for making sacrifices so we could keep the emergency manager out. Our DPW Superintendent gave up hours, benefits and a full time assistant, Office staff also gave up hours and benefits. The residents voted in a millage that raised their taxes so the Fire Department and First Responders were able to be contracted out through Gilmore Township and no longer out of the General Fund and Council took a pay cut. Thank you all for that. Our DPW and office staff continue to look for ways to say the village money. It has been an honorable effort from everyone.

While I regret that I am no longer able to represent this village I thank you for allowing me the opportunity to serve you.

This decision was very difficult but I truly believe it's the RIGHT THING TO DO! I am vested in this community my home, business and heart belong to Elberta.

Respectfully,

Diane "Jinx" Jenks

Attachment 8 - Jenks Resignation Letter