

MINUTES

Regular Meeting of the Elberta Village Council

401 First St (Community Building) Elberta

May 18, 2017

7:00 PM

Call to Order at 7:05 pm by President Pro Tempore O'Dwyer

Roll Call. Present: Ken Holmes, Holly O'Dwyer, Bill Soper. Absent: Joyce Gatrell. One Vacancy

Motion by Holmes, supported by Soper to approve Agenda as amended. All Ayes. Motion Carried.

Motion by Soper, supported by Holmes, to approve Minutes of April 20, 2017 Regular Council Meeting as presented. All Ayes. Motion Carried

No conflict of interest was stated.

Correspondence was received from:

1. Benzie County regarding option for the Village to purchase tax foreclosure property. The Village declined to purchase the property.
2. Frankfort-Elberta High School Class of 2018 thanking the Council for the use of the ELSS for Prom.

Cathy Anderson speaking as a resident made a comment regarding the perception that the President Pro-tem was abusing her position by making unauthorized commitments, both financial and contractual on behalf of the Village without the consent of Council, and attempting to set aside an existing contractor arrangement to clean the Community Building and give the business to her friend. Such behavior erodes resident and taxpayer confidence in the Village Government to act fairly.

Approval of Bills. Motion by Soper, supported by Holmes to approve bills. All Ayes. Motion Carried.

Financial Report was received.

New Business

1. Benzie Senior Resources. Barb Johnson and Denise Favreau spoke about the recently formed Benzie Senior Resources, handed out information, and asked for support in voting for the Benzie Senior Resources millage on the August 8, 2017 ballot.
2. Conflict of Interest Policy. Robin Rommell presented a draft conflict of interest policy for the Village employee, elected officials, members of commissions, committees and volunteers. The Council made one change to the draft, changing the request for a opinion from the Village Attorney to be made by three council members, vice four. Motion by Soper, supported by Holmes to adopt the Village Conflict of Interest policy with the noted change. All Ayes. Policy adopted.
3. Sewer construction contract award. Ken Mlcek from Fleis & Vandenbrink presented the results of the bidding for the construction contract and the recommended that the award

- 1 be made to the low bidder, Elmer's Crane and Dozer out of Traverse City. Motion by  
2 Soper, supported by Holmes to award the construction contract for the Village Sewer  
3 Improvements Project to Elmer's Crane and Dozer. Roll Call: Holmes - Aye, O'Dwyer -  
4 Aye, Soper - Aye. Gatrell - Absent. Motion carried.
- 5 4. Sewer Project Loan Resolution. Motion by Soper, supported by Holmes to pass the loan  
6 resolution to issue bonds in the amount of \$309,000 pursuant to PA 94 of 1933. Roll  
7 Call: Roll Call: Holmes - Aye, O'Dwyer - Aye, Soper - Aye. Gatrell - Absent.  
8 Resolution passed.
- 9 5. Special Assessment District for sidewalk snow removal. The Village Council amended  
10 the Village Sidewalk Ordinance in February 2017 to require the Village to clear the  
11 sidewalks of ice and snow in the 500 - 700 blocks of Frankfort Avenue (from the Mayfair  
12 to Acre St). The State of Michigan does not allow Major or Local street funds to be used  
13 for sidewalk clearing. Investigating how to pay for the work, the Clerk suggested that  
14 under the Village Charter, General Law Village, the Council could declare that area of  
15 the Village a Special Assessment District and levy a special tax assessment on those  
16 property owners. The Village Treasurer was investigating the details of doing so.  
17 Council will wait to find out more information from the Village Treasurer before taking  
18 any action.
- 19 6. Cathy Anderson submitted her resignation from the position of Village Clerk and other  
20 duties effective June 9, 2017. She has taken another job elsewhere. Council approved an  
21 ad for a new Clerk to go in the Record Patriot and on the Village website. Ms Anderson  
22 recommended that John Keillor take over as the Village Project Manager for the Water  
23 and Sewer Project and provided a summary of the PM job description and authority.  
24 Motion by Soper, supported by Holmes to appoint John Keillor as the Village Project  
25 Manager as for the Water and Sewer Projects as summarized in an uncompensated  
26 position . All ayes. Motion carried.
- 27 7. 600 Frankfort Av Brownfield Update. Jim Barnes reviewed his plans and the process to  
28 gain the support of the Benzie County Brownfield Authority in the clean-up of 600  
29 Frankfort Ave. He asked that the Village formalize their consent to be included in the  
30 County Brownfield Authority Zone by passing a resolution to that end. Motion by Soper,  
31 supported by Holmes to pass a resolution supporting the Village of Elberta's inclusion in  
32 the Brownfield Redevelopment Plan for Benzie County. All ayes. Motion carried.
- 33 8. Renewal contracts for Fire Department and EMT services from the City of Frankfort  
34 were presented. Motion by Soper, supported by Holmes to renew the Fire Department  
35 and EMT Contracts and have Village President Pro-tem sign the contracts on behalf of  
36 the Village. All ayes. Motion carried.
- 37 9. Master Plan Survey Questions. Robin Rommell reviewed the Planning Commission's  
38 approach to updating the Village of Elberta master Plan by soliciting input from the  
39 Village residents and property owners via a survey. The survey results will be reviewed  
40 at a public meeting in August.

1 10. Community Building Cleaning. O'Dwyer presented a proposal to have Sue Oseland  
2 clean the Community Building restrooms and meeting space. Discussion was held on the  
3 need to set aside the existing arrangements with Chris Etc to have Ms. Oseland do the  
4 work. The topic will be addressed next month if a problem arises with the current  
5 arrangement and the additional use of the restrooms during baseball practices and games.

6 Reports to Council

7 County Commissioner – Sauer. The Memorial Day ceremony at Veteran's park in  
8 Benzonia will be at noon on May 29th. The Maples is having an open house from 2-4  
9 pm on June 5th, patients will be moved into the new section beginning on June 6th. The  
10 County is rewriting their Planning Commission ordinance and is seeking participation  
11 from the local units. The recycling bins are being moved from the Benzie County Road  
12 Commission to "Bud's" in Honor. Millage renewals for the Maples and for animal  
13 control will be on the August election ballot.

14 DPW – Pritchard. Written report was submitted.

15 Planning Commission - Holmes . Written report submitted

16 Parks & Recreation Commission - Soper. Written report submitted.

17 BFA - O'Dwyer. No report

18 BLUA/Fire Board/Water Committee - Holmes & Gatrell. Written water committee  
19 report was submitted

20 Personnel Committee - Rommell. Written report submitted. Ms. Rommell noted that  
21 the Council needs to find a Zoning Administrator if Mr. Tanner leaves the position in  
22 July.

23 Building Committee – Soper. No report

24 Zoning Administrator/Code Enforcement Officer report - Tanner. No report

25 No Announcements

26 Public Comment was offered by Emily Votruba about the use of fireworks, in particular loud  
27 mortar-type ones near her house last year and her frustration with getting neighbors to comply  
28 with the State and Village Fireworks Ordinances.

29 Motion by Soper, supported by Holmes to adjourn. All Ayes. Meeting adjourned at 8:40 pm.



Catherine M. Anderson  
Village Clerk