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-FINAL-

MINUTES

Regular Meeting of the Elberta Village Council

401 First St. (Community Building) Elberta

June 21, 2018

7:00 PM

Call to Order at 7:02 pm by President O’Dwyer

Pledge of Allegiance

Roll Call. Present: Ken Holmes, Holly O’Dwyer, Joyce Gatrell, Jennifer Wilkins. Absent: Bill Soper

The May Regular Council Meeting Minutes were discussed. Motion by J. Wilkins, seconded by K. Holmes, to approve the Minutes of May 17, 2018 as amended. Ayes – J. Wilkins, K. Holmes, J. Gatress, H. O’Dwyer. Motion Carried

Motion by J. Wilkins, seconded by K. Holmes, to approve Agenda as amended. All Ayes. Motion Carried.

No Conflict of Interest.

**Correspondence:**

Received two letters from J. and S. Keillor with regarding the parking areas at Elberta Beach and the Scenic Overlook, and closing hours at both.

Received a letter from E. Higgins with concerns regarding two peach trees.

Received a letter from S. Tipton regarding two tracks through dirt and sand.

Received a letter from Sand Products giving Sheriff Schendel and Lt. Jurcich permission to prosecute trespassers on their company property located within the Village of Elberta.

Correspondence from Wanda thanking the DPW for cutting down trees and making the Village a nicer place.

Aime from the Benzie Conservation District called and would like to organize another successful Beach Clean-up this year on July 7<sup>th</sup>.

1 Linda Manville wrote a letter stating her yard hasn't been restored to the pre sewer  
2 project state. The area near the sidewalk needs to be filled, topsoil added and grass  
3 seed planted.

4 **Public Input:**

5 Eric VanDussen was unhappy about the barrier at the public beach.

6 Jon Drury said no to closing the lookout.

7 Randy Arndt suggested a committee to improve the area.

8 Robin Rommell hopes the Village utilizes the Benzie Bus at Elberta Beach.

9 E. Higgins said someone cut down (2) 20 year old peach trees on his property.

10 J. Keillor hopes to find common ground to work together to improve Thelma's Cradle  
11 and Elberta Beach.

12 Jim Gilbert said in 1954 at Elberta Beach there was a concession stand, flush toilets, and  
13 running water. People smashed toilets as fast as the DPW could install them.

14 Teresa McGirr said we took away her happy place when the Village put up a barrier.

15 Rosemary Mix commented about the Beach.

16 **Approval of Bills**

17 Motion by J. Wilkins, seconded by J. Gatrell to approve paying the bills totalling total  
18 \$297,739.30. Roll Call: Ayes – J. Gatrell, K. Holmes, J. Wilkins, H. O'Dwyer. Absent – B.  
19 Soper. Motion Carried.

20

21 **Financial Report** was received and accepted.

22 **Old Business**

23 1. Becky, Clerk and Chris P., DPW Superintendent each have a credit card. All other  
24 credit cards have been cancelled.

25 2. Robarge St. is completed. Motion by J. Wilkins and seconded by J. Gatrell to apply  
26 for permits from the DEQ to improve Acre St. All Ayes. Motion Carried.

27 **New Business**

- 1 1. Fleiss and Vandenbrink. K. Mlcek said the sewer project is 100% complete. Elmers is  
2 owed about \$19,000. Motion by J. Wilkins, seconded by K. Holmes to pay Fleiss and  
3 Vandenbrink \$26,489.76. Roll Call: Yes – J. Wilkins, K. Holmes, J. Gatrell, H. O’Dwyer.  
4 Absent: B. Soper. Motion Carried.
- 5 2. Emergency Sewer Loan should come through any day.
- 6 3. Budget Amendments. Motion by J. Wilkins, seconded by K. Holmes to approve FY2019  
7 Budget Amendments as presented June 21, 2018. Roll Call: Yes – J. Gatrell, K. Holmes, J.  
8 Wilkins, H. O’Dwyer. Absent B. Soper. Motion Carried.
- 9 4. Loan Resolution #2018-007. Authorizing and providing for the incurrence of  
10 indebtedness for the purpose of providing a portion of the cost of acquiring,  
11 constructing, enlarging, improving and/or extending its water facility to serve an area  
12 lawfully within its jurisdiction to serve. Bonds in the principal amount of \$350,000.  
13 Motion by J. Wilkins, seconded by J. Gatrell to approve Loan Resolution #2018-007 as  
14 presented. Roll Call: Ayes – J. Gatrell, K. Holmes, J. Wilkins, H. O’Dwyer. Absent – B.  
15 Soper. Motion Carried.
- 16 5. Loan Resolution #2018-008. Bonds in the amount of \$35,000 to improve the water  
17 system. Motion by K. Holmes, seconded by J. Gatrell. Roll Call: Ayes – J. Gatrell, K.  
18 Holmes, J. Wilkins, H. O’Dwyer. Absent – B. Soper. Motion Carried.
- 19 6. Ordinance #35. An ordinance to provide for the acquisition, construction and equipping  
20 of improvements to the water supply system serving the Village of Elberta. Motion by J.  
21 Wilkins, seconded by K. Holmes to approve ordinance #35 as presented. Roll Call: Ayes  
22 – J. Gatrell, K. Holmes, J. Wilkins, H. O’Dwyer. Absent – B. Soper. Motion Carried.
- 23 7. Resolution #2018-009. Temporary hours of closure for Elberta Beach Areas 11pm to  
24 4am, until reevaluated at a future date. Motion by J. Gatrell, seconded by K. Holmes to  
25 accept resolution #2018-009 as presented. Roll Call: Ayes – J. Gatrell, K. Holmes, J.  
26 Wilkins. Nays - H. O’Dwyer. Absent – B. Soper. Motion Carried.
- 27 8. Resolution 2018-010. Parking prohibited on either side of Lakeside Blvd. Motion by K.  
28 Holmes, seconded by J. Wilkins to approve resolution 2018-010 as presented. Roll Call:  
29 Ayes – J. Gatrell, K. Holmes, J. Wilkins, H. O’Dwyer. Absent – B. Soper. Motion  
30 Carried.
- 31 9. Grant for Penfold Park – Resolution and Acceptance of Agreement from the DNR Trust  
32 Fund. Motion by J. Wilkins, seconded by J. Gatrell to accept Resolution 2018-011 as  
33 presented. Roll Call: Ayes – J. Gatrell, K. Holmes, J. Wilkins, H. O’Dwyer. Absent – B.  
34 Soper. Motion Carried.
- 35 10. Water Committee – K. Holmes and J. Gatrell agreed to accept responsibility to oversee  
36 the water project. July 18 is the preconstruction meeting and closing regarding bond  
37 and insurance.

- 1 11. Sewer Billing and Estimate. Motion by J. Wilkins, seconded by K. Holmes to give  
2 permission to H. O'Dwyer to consult the Village attorney regarding tampered meters  
3 and sewer oversight bill. All Ayes, Absent B. Soper. Motion Carried.  
4 Motion by J. Wilkins, seconded by K. Holmes to instruct our DPW Superintendent to  
5 have 2" sewer meter for R and R Motel installed correctly for \$3,800. All ayes. Absent –  
6 B. Soper.
- 7 12. Letter to the Editor. Letter explaining intent of Grant Committee to find funding to  
8 improve Thelma's Cradle, Elberta Beach, and obtain an access road with bike path at the  
9 base of the bluff. This includes bathrooms, a parking lot, angled parking, a pavilion, bike  
10 path and universal access. Motion by K. Holmes, seconded by J. Gatrell to accept letter  
11 as presented. All ayes, motion passed.
- 12 13. AT&T – Metro Act Right of Way Permit Extension. Motion by Jen, seconded by Joyce to  
13 renew this contract. All ayes, motion passed.
- 14 14. Traffic Control – Frank Post. Frank presented his 4<sup>th</sup> of July safety plans and requested  
15 authorization to close the state highway to expedite traffic on July 4, 2018 after  
16 fireworks. Motion by J. Wilkins, seconded by J. Gatrell to accept Frank Post's traffic plan  
17 as presented. All ayes, motion passed.
- 18 15. Benzie Bus. Motion by K. Holmes, seconded by J. Gatrell to accept a contract with  
19 Benzie Bus for \$40 per hour from 2pm to midnight ish on July 4, 2018 to accommodate  
20 beachgoers for the July 4<sup>th</sup> due to reduced parking at the Elberta Beach.
- 21 16. First St. Ken Holmes asked Kerby's to push back yard debris on First St. and they did.

22  
23 **Reports to Council**

24 County Commissioner – G. Sauer – oral report - The Benzie Jail will be required to have a  
25 public defendant available.

26 DPW – C. Pritchard. Written report was provided.

27 Planning Commission – Holmes. Next meeting is in a month.

28 Parks & Recreation Commission – B. Soper. Written report was provided

29 BFA – O'Dwyer. Waiting on sewer repair loan.

30 BLUA/Fire Board/ Water Committee – K. Holmes and J. Gatrell. BLUA is holding its own.

31 Personnell Committee – H. O'Dwyer. No meeting, someone is on vacation.

32 Building Committee – Soper. Absent.

33 Elberta Beach Committee – Wilkins. Resolutions.

34 Grant – Rommell. We are accepting a DNR Grant for \$220,000 to improve Penfold Park.

35 LSS – Mills. Roof may be leaking.

36 Zoning Administrator – O'Dwyer. No report.

37 Code Enforcer – Lane. Written report was provided.

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1 No Announcements

2 **Extended General Public Comment:**

3 Jon Drury - speeding on Furnace Avenue is a nuisance. People drive too fast.

4 Randy Yarn – not in favor of closing the overlook.

5 Phil Mix – garbage keeps coming over the hill.

6 Rosemary Mix – drum solo after barricade was put in place.

7 Jon Keillor – we need speed bumps

8 DEQ permits for Acre St. will be about \$3,000

9 Robin Rommell – doesn't like Acre St. permitted, need a resolution for July 4<sup>th</sup> extension,  
10 fireworks follow State Law

11 Eric VanDussen – Village doesn't own Lakeside Blvd., cannot regulate Lakeside Blvd,  
12 same as a street. May not be handicap accessible. It is dedicated to public, Village is  
13 only considering some people's best interest.

14 Teresa McGirr– Village is shoving local community out of Elberta Beach.

15 Meeting Adjourned 9:40pm