

MINUTES

Regular Meeting of the Elberta Village Council  
401 First St (Community Building) Elberta  
September 19, 2019  
7:00 PM

Call to Order at 7:00 pm by President Wilkins.

Pledge of Allegiance.

**Roll Call:** Present: Bill Soper, Holly O'Dwyer, Ken Holmes, Jennifer Wilkins; Absent, Barb Reichert.

**Agenda:** Soper added #8 to new business; Guns in Parks. O'Dwyer had issue with #4 new business; Ordinance #36 Marihuana Establishments Prohibition Ordinance being on the agenda. She stated a motion could only be offered by herself, Soper, or Reichert because it had been voted on at a prior meeting and not passed. There was some disagreement and Wilkins read from attorneys e-mail that reiterated the prior vote ended 2-2. After that Soper acknowledged that he would be open to making the motion. Motion by Soper, seconded by Holmes to approve amended agenda. All ayes, Reichert, absent. Motion Carried.

**Conflict of Interest:** None

**Correspondence:**

1. Received e-mail resignation from Mike Lane as Village Code Enforcer.
2. Received recommendations from Michigan Department of Treasury as a follow up to the village's individual training session with them.
3. Letter sent to Kuhn Rogers thanking them for their service and informing them we have a new village attorney firm..
4. Denial letter sent to David & Sharyn Bower regarding ZBA hearing.
5. Received e-mail from Ryan King suggesting Elberta consolidate with the City of Frankfort.
6. Received training brochure form Michigan Association of Planning, discussed possibility of training with new attorney firm.

**Public Comment on Agenda:** None

**Approval of Bills:** Motion by Holmes, seconded by Soper to approve the check register in the amount of \$115,642.87 as presented. Roll Call: Wilkins aye; O'Dwyer, aye; Soper, aye; Holmes, aye; Reichert, absent. Motion Carried.

**Financial Report:** - Received.

**Old Business:** None

**New Business:**

1. Appointment of Grant Administrator. Discussion regarding who would have the time and access to the information needed. Motion by O'Dwyer seconded by Holmes to appoint the Clerk as Grant Administrator with additional pay of \$1,500. Discussion involving the funds, and the clerk stating she doesn't feel she can commit the extra for that position. Second rescinded. Motion failed. After additional discussion and assurance that the President, Clerk and Treasurer would all be working together on the grant administration, a motion was made by Soper, seconded by Wilkins to appoint Mary Kalbach Village Grant Administrator. Ayes; Soper, Wilkins, Holmes; Nay, O'Dwyer; Absent, Reichert. Motion Carried.

- 1 2. Support of Betsie Valley Trail becoming a designated Pure Michigan Trail. Motion by  
2 Soper, seconded by O'Dwyer. Ayes; Soper, O'Dwyer, Holmes, Wilkins. Absent,  
3 Reichert. Motion Carried. Letter will be sent.
- 4 3. Approval of final draw for village water project, discussed. Minor clarification asked for,  
5 Clerk will provide Motion to approve by Holmes seconded by Soper. Roll Call: Soper,  
6 aye; O'Dwyer, aye; Holmes, aye; Wilkins, aye; Reichert, absent. Motion Carried.
- 7 4. Ordinance to Prohibit Marihuana Establishments within the village. Discussed the  
8 timeline for "Opting-Out" or "Opting-In" by November 1, 2019. President read statement  
9 from the village ZA noting his opinion to opt out until we get controls in place. A note  
10 was passed from council member O'Dwyer to Soper; then Soper requested the council  
11 table the issue until next month.
- 12 5. MDRAD Grant funding opportunity and bid call for engineering services. Topic  
13 discussed, council at odds regarding writing grants at this time. Issue unresolved.
- 14 6. Budget Amendments: **General Fund**; Motion by Wilkins, seconded by Holmes. Roll  
15 Call: Soper, aye; O'Dwyer, aye; Holmes, aye; Wilkins, aye. Reichert, absent. Motion  
16 Carried. **Municipal Street Fund**; Motion by Holmes, seconded by Wilkins. Roll Call:  
17 Soper, aye; O'Dwyer, aye; Holmes, aye; Wilkins, aye. Reichert, absent. Motion Carried.  
18 **Water Fund**; Motion by Holmes, seconded by Wilkins. Roll Call: Soper, aye; O'Dwyer,  
19 aye; Holmes, aye; Wilkins, aye. Reichert, absent. Motion Carried.
- 20 7. Policy Updates: The clerk has begun updating village policies per State Treasury  
21 recommendations. Discussed how updates should be presented.
- 22 8. Guns in Parks: Bill Soper was contacted by Sue Oseland (ECFM) regarding a vendor  
23 carrying a gun. No one was present representing the Farmer's Market. Discussion  
24 regarding open carry laws. Will contact attorney for more information.

25 **Reports:**

- 26 County Commissioner – G. Sauer - gave update on County Road Commission issues.  
27 DPW – C. Pritchard, absent. Written report submitted.  
28 Planning Commission - K. Holmes, verbal report. Activity regarding Trick Dog property.  
29 Parks & Recreation Commission - B. Soper. Written report submitted.  
30 BFAC - J. Wilkins. Written report submitted. Starting budget process.  
31 BLUA/Fire Board - K. Holmes & H. O'Dwyer. Repainting being finished.  
32 Personnel Committee - J. Wilkins & K. Holmes. Written report submitted.  
33 Building Committee – B. Soper. No report.  
34 Water/Sewer - J. Wilkins & K. Holmes. No report, refer to DPW report.  
35 Grants - J. Wilkins. & B. Soper. Written report submitted. Village must designate a Grant  
36 Administrator prior to 2020 grant application is submitted. Recreation Plan update/renewal.  
37 ELSS - K. Mills. Verbal report. Fourteen contracts so far for 2020. Considering work bees  
38 for maintenance/updates at ELSS.  
39 Zoning Administrator - J. Mills. Written report submitted. P/C scheduled a Special Use  
40 Public Hearing regarding property at 1121 Furnace St. (Trick Dog) for 10/14/19 at 7:30pm.  
41 Recommended "Opting-Out" ordinance, stating our zoning is not prepared for it at this time.  
42 Code Enforcement Officer - No report.  
43 Policy & Procedures - J. Wilkins. Verbal report. Working on updating policies.  
44 Marijuana Committee - B. Soper. No report.

- 1 **Announcements:** None.
- 2 **Public Comment:** Kristi Mills encouraged council to look closely into issue of guns in our
- 3 parks. She doesn't believe the village can prohibit them.
- 4 **Adjournment:** 8:23 pm