

MINUTES

Regular Meeting of the Elberta Village Council
401 First St (Community Building) Elberta
January 16, 2020
7:00 PM

Call to Order at 7:02 pm by President Wilkins.

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

Minutes: December 19, 2019 as presented. Motion by B. Soper, seconded by J. Wilkins. All ayes. Motion Carried.

Agenda: Motion by H. O'Dwyer to add a Fedex letter to Correspondence #4. J. Wilkins asked what it entailed. No answer was given. J. Wilkins asked if it was addressed to Council. No answer was given. K. Holmes said we can't put anything on the agenda that we don't have information for. H. O'Dwyer said she didn't know what it was, she didn't open it. B. Soper looked at the letter packaging and seconded the motion. J. Wilkins said no. K. Holmes said, this isn't a place for secrets, no. Motion Failed. H. O'Dwyer then showed the letter to K. Holmes. Motion by J. Wilkins, seconded by B. Soper to approve agenda as presented. Ayes: Soper, Holmes, Wilkins. Nay – H. O'Dwyer. Motion Carried.

Conflict of Interest: None noted

Correspondence:

1. Young, Graham & Wendling, P.C. - re: Presented Policies
2. K. Rosa – Letter of intent to run for County Sheriff
3. MML Account Executive – re: Liability insurance

Public Comment on Agenda: None

Approval of Bills: Motion by K. Holmes, seconded by B. Soper to approve the check register in the amount of \$26,119.48 as presented. Roll Call: O'Dwyer, aye; Soper, aye; Holmes, aye; Wilkins, aye; Reichert, absent. Motion Carried.

Financial Report: - Received.

Old Business: Revised Park Rental Fees. The revision raises the rental fee for the Penfold Park Pavilion from \$50 to \$75 and adds Non-profit organizations receiving a 50% discount on rental fees. Much discussion on offsetting the cost to maintain the new restrooms at Penfold Park. The General Fund is in a deficit and facility rentals help keep buildings and grounds maintained. B. Soper said the crux of the issue is the Farmers Market. Stating the Farmers Market will leave if they have to pay the full fee. J. Wilkins said the Farmers Market Board never mentioned leaving Penfold Park if they had to pay a fee, they knew they would have to pay a fee to rent the pavilion, the negotiation was for the fee amount. The Revised Park Rental Fee Application would provide the Farmers Market (or any Non-profit) with a discount, the current Park Rental Fee does not give Non-profits a discount. J. Wilkins motioned to table the item again. K. Holmes said there is no reason why this can't be decided today. Motion to table was not seconded. Motion Failed. Motion by H. O'Dwyer to add that Non-profits, namely Churches and Farmers Markets, receive a 75% discount on rental fees. Continued discussion on rental fees and

1 discounts. Motion was not seconded. Motion Failed. J. Wilkins repeated, Non-profits do not get
2 a discount if this isn't passed. No further motions were made.

3 **New Business:**

- 4 1. VOE Code of Ethics Resolution #2020-01 was read by J. Wilkins. H. O'Dwyer asked
5 why we needed it. K. Holmes said it doesn't hurt a thing to have it, we need it.
6 Motion by K. Holmes, seconded by J. Wilkins to adopt Resolution #2020-01. Ayes;
7 O'Dwyer, Soper, Holmes & Wilkins. Nays; none. Absent: Reichert. Resolution
8 Approved.
- 9 2. Revised Council Rules of Procedure. J. Wilkins explained the parts that were updated
10 to reflect what currently happens and noted the section that might need amending first
11 based on the practices of the new Clerk. H. O'Dwyer disagreed that it was amended,
12 stated she thought it was a complete rewrite. She read a paragraph from the old
13 version and the new version. The new version was worded slightly different but had
14 the same content as the old version. H. O'Dwyer stated that the President wrote it to
15 give herself more power. J. Wilkins said she didn't write it, the former Clerk and the
16 Attorneys compiled it. The information came from the much older version (No
17 computer copy saved) of the Council Rules of Procedure, the General Law Village
18 Act (The Village Charter) and what is currently happening on a monthly basis. H.
19 O'Dwyer wanted the revised version to be the old version presented with
20 strikethroughs so she could tell what was old and what was new. K. Holmes said we
21 don't even give the office enough time as it is to do their job, there is no time for that.
22 K. Holmes asked H. O'Dwyer what she wanted different in the proposed procedure.
23 H. O'Dwyer said she didn't want anything different, she wanted it done right. K.
24 Holmes said, I've done countless of these in my lifetime, the Attorney approved it,
25 what more do you want. Motion by J. Wilkins to rename the procedure, Village of
26 Elberta Amended Council Rules of Procedure for Meetings, and approve the rest as
27 presented. Seconded by K. Holmes. Ayes: Soper, Holmes, Wilkins. Nays: H.
28 O'Dwyer. Absent: B. Reichert. Motion Carried.
- 29 3. Treasurer/Deputy Clerk Hours. Motion made by J. Wilkins to allow the
30 Treasurer/Deputy Clerk to work up to 40 hours a week to fulfill the needs of the village
31 until after a Clerk is hired and trained. Seconded by K. Holmes, all ayes. Nays: none.
32 Absent: B. Reichert. Motion Carried.
- 33 4. Act 51 Major Street Fund Revenue Transfer. Motion by B. Soper to transfer all surplus
34 from FY2020 Major Streets Fund Budget, up to 50% of the Michigan Transportation
35 Fund Major Streets Distribution received as of February 21, 2020, from Major Streets
36 Fund to the Local Streets Fund, transfer to be made on or before February 28, 2020.
37 Seconded by H. O'Dwyer Ayes: O'Dwyer, Holmes, Wilkins, Soper. Nays: None.
38 Absent: Reichert. Motion Carried.
- 39 5. Fund 202 and Fund 204 Budget Amendments. Motion made by K. Holmes to approve
40 the Budget Amendments as presented. Seconded by B. Soper. Ayes: Soper, Holmes,
41 O'Dwyer, Wilkins. Nays: None. Absent: B. Reichert. Motion Carried.
- 42 6. Trash Cart and Garbage Bag Rates. Motion by B. Soper to change the rate for trash

1 carts to \$17 per cart per month and to change the rate for garbage bag sales from the
2 Village Office to \$30 per 10 count with the rate changes effective on March 1, 2020.
3 Seconded by K. Holmes. Ayes: Soper, O'Dwyer, Holmes, Wilkins. Nays: None.
4 Absent: B. Reichert. Motion Carried. The Village Office will post notification of the
5 rate increase as soon as practical at the Village Office, Community Building, Elberta
6 Post Office and Village Website and include a notice on the water bills mailed out in
7 February.

8 **Reports:**

9 County Commissioner – G. Sauer – Verbal Report. Road Commission is compiling the list
10 of local and main street projects that will get done in the next year. Grants were awarded to
11 provide intersection warning signs with flashing lights to be placed in a few key areas in
12 Benzie County. DHHS plans to change the funding for mental health which will put more
13 pressure on counties. The Maples changed their regular meetings to the fourth Thursday of
14 the month at 1pm and the DNR are taking regular shoreline photos to document the rising
15 water levels and damage along the shore.

16 Planning Commission - K. Holmes. Working on Short Term Rental Rules

17 Parks & Recreation Commission - B. Soper. On hiatus until April.

18 DPW – C. Pritchard - Written report provided.

19 ELSS - K. Mills. Two new rentals.

20 Zoning Administrator - J. Mills. Written report provided.

21 Code Enforcement Officer – TBD

22 BFA - J. Wilkins. Latest meeting minutes provided along with a copy of the projected
23 FY2021 Budget, Budget notes and estimates to proposed projects.

24 BLUA/Fire Board - K. Holmes said proper money management has allowed all of the recent
25 upgrades at BLUA with no cost to the tax payers. H. O'Dwyer asked to be removed from the
26 Committee.

27 Building Committee – B. Soper. Will meet in the Spring and Fall of each year with DPW.

28 Grants - J. Wilkins. & B. Soper. 2020-2024 Rec Plan has been uploaded to the DNR website
29 and the MNRTF Application for Elberta Beach Improvements is underway.

30 Lead & Copper (1 year) – B. Reichert. Required by law, the village has one year to come up
31 with a financial/project plan to replace all lead lines in the village.

32 Personnel & Water/Sewer Committee - J. Wilkins & K. Holmes. Written report provided.

33 Policy & Procedures – B. Reichert & J. Wilkins.

34 **Announcements:** February Public Hearing for FY2021 Budget, Bingo at the Church 1-3pm
35 Friday January 31, 2020

36 **Public Comment:** None

37 **Adjournment:** 8:10pm.