

Regular Meeting **MINUTES** of the Elberta Village Council
401 First Street | ELBERTA, MI 49628 | (231) 352-7201
November 17, 2022 @ 7pm

Call to Order and Pledge - 7:00 p.m.

Roll Call Bill Soper – PRESENT | Emily Votruba – PRESENT | Ryan Fiebing – PRESENT | Ken Holmes – PRESENT | Jennifer Wilkins – PRESENT

Audience Fire Chief Michael Cederholm, County Commissioner Gary Sauer, DPW Ken Bonney, Treasurer Mary Kalbach, Clerk Bobbi Benedict, Jim Barnes, David Caldon, Tom and Teri Reisner

Approval of Minutes

Motion by Votruba, seconded by Soper, to Approve the October 20, 2022, Regular Council Meeting Minutes.

All AYES – Motion carried

Approval of Agenda

Motion by Holmes, seconded by Votruba, to approve the AGENDA as presented.

All AYES – Motion carried

Inquiry of Conflict on Agenda Items NONE

Correspondence

1. Application for CWSRF Sewer System funding Flood of requests; Wilkins and Ken Mlcek have a Zoom mtg with EGLE November 29

2. Northwest Education Services Thanks community for approving millage

3. Public Input re Zoning Amendments Received too late for October 19 public hearing (see below).

Brief Public Comment on Agenda Items Votruba read letters re: Zoning Amendments from: Linda Manville (Lincoln Ave); Sarah Alexander (Benzie County); Dan Kelly (Beulah); Michele Cannaert (Conundrum Café); Julie Stone

(Beulah). Votruba gave her own public comment re the Zoning Amendments. David Caldon (atty for ELHC) re Zoning Amendments. Jim Barnes (Frankfort) re Zoning Amendments.

Approval of Bills

Motion by Holmes, seconded by Votruba, to approve the Check Register in the amount of \$162,194.52 (a large portion was to Fleis & Vandenbrink for the water projects).

ROLL CALL | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

All AYES – Motion carried

Financial Reports

Rev/Exp sheet reviewed

Unfinished Business

1. Employee Handbook Final Draft reflects review and changes suggested by attorney. Upon approval, Handbook will be reviewed with employees at December 6 Personnel Meeting.

Motion by Votruba, seconded by Fiebing to approve the Final Draft of the Village of Elberta Employee Handbook.

ROLL CALL | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

All AYES – Motion carried

2. Clerk/Treasurer Detailed Job Description reflecting minor changes suggested by Village Attorney

Motion by Fiebing, seconded by Votruba, to approve the attorney-edited detailed job description for the Clerk/Treasurer appointed official position.

ROLL CALL | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

All AYES – Motion carried

New Business

1. Municipal Streets Fund Budget Amendment (see attached) Surplus and unaccounted for revenues were applied to Electric line item for street lighting where a shortfall occurred, and garage wages were decreased and monies were added to Fuel and Maintenance and Materials, for plowing.

Motion by Holmes, seconded by Wilkins, to make the proposed budget amendments (see attached) to the Municipal Streets Fund.

1 **ROLL CALL** | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

2 All AYES – Motion carried

3 **2. Permission for President to Have Access to the Village Office to Train New Staff** Votruba suggested
4 putting a time limit on the access; Holmes said this condition made it acceptable; revisiting to extend the time
5 period if necessary was discussed.

6 **Motion** by Votruba, seconded by Soper, to give Wilkins permission to access the office for one month to train
7 employees. All AYES – Motion carried

8 **3. Life Saving Station Management Contract Renewal** Changes to contract were highlighted. Contract takes
9 effect December 1, good through December 2023. Wilkins noted the "tremendous" amount of work done by
10 Kristine Mills/Simply Exquisite by the Bay, the contractor.

11 **Motion** by Emily Votruba, seconded by Wilkins, to approve the Contract for Management of the Elberta Life Saving
12 Station by Simply Exquisite by the Bay

13 **ROLL CALL** | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

14 All AYES – Motion carried

15 **4. BakerTilly Water Rate Report—USDA Portion of Water Project** BakerTilly, our municipal advisers,
16 prepared the document accounting for all the rate changes over the years as well as future payment dates and
17 amounts for budgeting purposes.

18 **Motion** by Wilkins, seconded by Holmes to accept the BakerTilly Water Rate Report as presented

19 **ROLL CALL** | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

20 **5. Zoning Amendment** Council had received a memo from Planner Sara Kopriva re the proposed
21 amendments along with the amendment draft, which was approved by the Planning Commission (PC) October
22 19 after a public hearing that day and submitted for Council approval. Wilkins said the PC had spent a lot of
23 time reviewing the changes. Holmes said he disagreed with the PUD process approval staying with the PC.
24 Wilkins said Council having final say had been a source of trouble in the past; Council will still have final say in
25 developing zoning rules. Votruba said the process seems confusing because the entire Zoning Ordinance is
26 under review and being updated because it does not conform to the approved master plan; once zoning rules
27 are in place, approved by Council and the public, PC will follow them. Wilkins said PUD amendment creates a
28 process, that wasn't in the ordinance before, for these projects, that gives the Village more say in development.
29 Votruba said the overall updates and this one in particular are "urgent"; cited high level of
30 communication and oversight by Council of PC (member of council is on PC, regular updates in PC
31 meeting minutes), and a division of labor is necessary for practical/time reasons. In support of the maximum
32 lot size increase, Holmes said 33% lot coverage was far too little for a developer to consider. Fiebing cited
33 liability concerns as a main reason for the attorney-suggested amendments to Article 24; unwise to ignore
34 atty's advice; Wilkins said PC has final say only in PUD process.

35 **Motion** by Votruba, seconded by Wilkins, to approve the ordinance amendments as presented for planned unit
36 development process and that they be published as required based on the recommendation of the Village of
37 Elberta Planning Commission.

38 **Discussion regarding additional motion:** Votruba said zoning map and ordinance are out of date w/r/t
39 Future Land Use Map in 2018 master plan; zoning map allows development on beach as part of
40 Waterfront/Lakebluffs District, but future land use map designates that area as a conservation district; with
41 passage of zoning amendments, a 45 foot tall single family home on the beach would be a use by
42 right. Holmes said Critical Dune Act in this area already inhibits development, requiring builders to get
43 government permission and preventing Village from operating equipment there. Votruba mentioned
44 weakening of the Act under Snyder administration. Holmes mentioned there are only two major landowners
45 in that district, ELHC and Sand Products Corporation.

46 Wilkins called for a vote on the first motion, regarding the zoning amendments.

47 **ROLL CALL** | Bill Soper – No | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – No | Jennifer Wilkins – AYE |

48 2 NAYS, 3 AYES – Motion carried

49 **Motion** by Votruba, seconded by Fiebing, to direct the Planning Commission to focus on rezoning the DD district for
50 Elberta Beach.

51 **ROLL CALL** | Bill Soper – AYE | Emily Votruba – AYE | Ryan Fiebing – AYE | Ken Holmes – AYE | Jennifer Wilkins – AYE |

52 ALL AYES – Motion carried

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Reports to Council

County Commissioner – Sauer / public hearings on the sanitary code November 21 in Benzie and 28th in Leelanau; report on Maples; Road Commission; former Platte River School building; Gilmore 67% turnout in midterm election; 24/7 road patrol; Thompsonville village water contamination issue

Planning Commission – Fiebing / PC scheduled meetings and timeline for master plan/zoning process with attention to Future Land Use Map; zoning ordinance hasn't been updated since 2001. Public input will be sought to achieve balance between development and conservation. Public invited to attend next mtg with Planner Kopriva, December 7 at 5:30. Timeline for Workshops TBA. Public hearing on revised master plan expected Fall 2023.

Parks & Recreation Commission – Wilkins / See Minutes / Brett and Bree McGregor are researching National Historic Registry for LSS and Iron Works. Meeting schedule set for next year. Grace Banktson Williams is President, Bret McGregor Vice President, Wilkins Secretary. McGregor and DPW are maintaining EDNA trails.

DPW – Bonney / Verbal Report, See Personnel Reports / Winter prep: Plow truck ready; Penfold restroom closed. Water in parks shut off; life rings off pier; Christmas lights next; Bonney took water test; will be going door to door for access permission from homeowners to replace lead lines.

Clerk – Benedict / PC Public Hearing minutes and other regular tasks.

Treasurer – Kalbach / Bank recs; working with DNR to upload items Mlcek needs on website; reports

LSS – K. Mills / lots of calls, no call backs

Zoning Administrator – J. Mills / land use permit issued

BGFAC – Wilkins & Votruba / See Minutes / discussed DPW asst position for remainder of year

BLUA – Wilkins & Holmes / Verbal Report / considering addition to unloading area; \$65K to clean a ditch (first cleaning since 2004, sand accumulation; will now be cleaned every 3 yrs

Frankfort Fire and Rescue Report – Cederholm / See Report / 19 runs total for fire; EMS 56; Elberta 3 fire runs (water rescue and two downed power lines; 570 runs total last year; 732 this year so far; recommends Knox boxes businesses and gov't. GT county requires them for all businesses. \$800 per Knox box.

Historical Preservation – Fiebing & Soper / None

Personnel & Policy – Holmes (DPW), Votruba (Office) / None

Water/Sewer Committee - Wilkins & Holmes / See Minutes / Water project, testing, trainings, security.

Extended General Public Comment

Jim Barnes expressed disappointment with the zoning amendment vote; concerned about lack of "safety net"; hopes council will monitor PC, represent not just village but all of Benzie; pressure from landowner; likes conservation district idea; suggests moratorium;

Benedict said Kopriva stated that rogue PC decision could be appealed

Caldon There is no developer, no pending development. No pressure has been applied. Conservation district raises "red flags." Landowner has donated land and brownfield/tank cleanup

Votruba apologized for misstatement; meant "landowner"

Cederholm question regarding origin of fire dept. Holmes said 1911 Elberta incorporated; fire dept about 1890s, across from Mayfair.

Reisner comment re affordable housing/residency

Announcements None

Adjournment: 8:34 p.m.

Village of Elberta

Municipal Street Fund Budget Amendment

Month: 11/30/2022	Prior Year Actual	Current Year		Actual Thru November	Estimated Total	(6) Requested	(7) Recommended
		Original Budget	Amended Budget				
Fund: 204 - Municipal Street Fund							
Revenues							
Dept: 000							
40400 Road Tax	32,586	35,000	35,000	34,777	0		
58000 Contribution from County	12,727	12,500	12,500	14,551	0		
67150 Rentals	4,800	4,800	4,800	1,200	0		
Dept: 000	50,113	52,300	52,300	50,528	0	0	(
Total Revenues	50,113	52,300	52,300	50,528	0	0	(
Expenditures							
Dept: 441 Garage							
70200 Wages	-	10,000	10,000	8,000	0		
71500 Social Security	614	620	620	78	0		
71600 Medicare	144	145	145	18	0		
72600 Supplies	1,236	1,200	1,450	1,256	0		
72700 Equipment	677	1,500	1,000	161	0		
73000 Tools	29	500	1,000	686	0		
74000 Fuel	5,866	6,000	5,000	7,000	0		
77500 Maint/Material	1,460	1,500	1,500	2,500	0		
86500 Liability Insurance	2,155	2,500	2,500	2,500	0		
92100 Utilities/Phone	5,276	5,000	5,000	2,883	0		
93000 Repairs/Maintenance	76	600	600	76	0		
Garage	27,437	29,565	29,815	13,752	0	0	(
Dept: 446 Roads							
93000 Repairs/Maintenance	300	3,500	3,500	2,325	0		
Roads	300	3,500	3,500	2,325	0	0	(
Dept: 448 Street Lighting							
92000 Electric	0	5,000	5,000	7,000	0		
Street Lighting	0	5,000	5,000	4,466	0	0	(

+ \$2050.57

-\$2000

\$8000

+\$1000

+\$1000

\$7000

\$2500

+\$2000

\$7000