

—FINAL—

## Minutes

### Regular Meeting of the Elberta Village Council

401 First Street | ELBERTA, MI 49628

November 16, 2023 @ 7 pm

#### Call to Order and Pledge 7:00 pm

#### Roll Call

President Jennifer Wilkins – PRESENT | Pro Tempore Emily Votruba – PRESENT | Ken Holmes – PRESENT | Ryan Fiebing – PRESENT | Brett McGregor – PRESENT

#### Audience

Michael Cederholm (Frankfort Fire Chief); Ken Mlcek (Fleis & Vandenbrink, Water Project Coordinator); Kat Ralston (Clerk-Treasurer), Gary Sauer (County Commissioner), Justin Towle (DPW)

#### Approval of Minutes

**October 19, 2023 Regular Council Meeting Minutes** Motion by Wilkins, seconded by Fiebing, to approve with no chgs. All ayes. Motion passed.

#### Approval of Agenda

**Motion** by Votruba, seconded by McGregor, **to approve the November 16, 2023, Regular Council Meeting Agenda** with addition of Correspondence no. 4, Ottinger. All ayes. Motion passed.

#### Correspondence

- 1. Senator Jon Bumstead Letter** Congratulations on TEDF (Transportation Economic Development Fund) Category B (small cities) Grant to crush and reshape Bye Street.
- 2. Mark Rains Follow-Up Correspondence** Wilkins suggested a Streets Committee to research complicated matters/requests, implications, Act 51 money, address sidewalks, capital improvement plan etc.
- 3. Letter of Appreciation: Volunteer Residents and Visitors (see attached)**
- 4. Jon Ottinger** Appreciated good communication from Elmer's during water project and hydroseeding to replace disrupted lawn

#### Inquiry of Conflict on Agenda Items

#### Brief Public Comment on Agenda Items (3 min)

None

#### Approval of Bills

Check Register \$1,350,036.75 AP, Payroll \$11,610.24. **Motion** by Votruba, seconded by McGregor, to approve the accounts payable expenditures. **Roll Call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.** **Motion** by McGregor, seconded by Fiebing, to approve the payroll expenditure. **Roll Call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Recused | Wilkins Recused | All ayes. Motion passed.**

#### Financial Reports

Rev/Exp sheet reviewed. Five-year DEP will be ready for review at December meeting.

#### Unfinished Business

- 1. Beckett & Raeder Proposal – Conservation Overlay Zoning Amendment** Beckett & Raeder will hold the bill for this service till March (next fiscal year). **Motion** by Votruba, seconded by Fiebing, to approve the Beckett & Raeder conservation overlay zoning amendment proposal

service at a fee of \$4,000. **Roll Call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes.**

**New Business**

1. **USDA October–November Draw Request Form RD 440-11** Motion by McGregor, seconded by Wilkins, to approve USDA Form RD 440-11 October Draw Request in the amount of \$565,567.50. \$43,508.25 to be paid to Fleis and Vandenbrink and \$522,059.25 to be paid to Elmer’s. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**
2. **DWSRF (Drinking Water State Revolving Fund) Request for Disbursement of Funds**
  - a. **Request # 5 from F&V and Elmer’s for work done 9/29/23 – 10/28/23 submitted for payment from DWSRF/EGLE grant and loan #7581-01.** Motion by Wilkins, seconded by Votruba, to approve Request # 5 from F&V and Elmer’s for work done 9/29/23 – 10/28/23 submitted for payment from DWSRF/EGLE grant and loan #7581-01; **\$20,000** to Fleis and VandenBrink, **\$444,178.00** to Elmer’s; total request for disbursement **\$464,178.00**. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**
  - b. **Request #1 from Elmer’s for work done 9/29/23 – 10/28/23 submitted for payment from DWSRF/EGLE grant and loan #7635-01** Motion by McGregor, seconded by Wilkins, to approve request #1 from Elmer’s for work done 9/29/23 – 10/28/23 submitted for payment from DWSRF/EGLE grant and loan #7635-01. Total request for disbursement **\$47,940.00** to **Elmer’s**. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**
  - c. **Change Order #3 correcting pay items needed for DWSRF Project #7635-01 a 12” watermain was constructed instead of an 8” watermain.** Motion by Wilkins, seconded by McGregor, to approve Change Order #3 correcting pay items needed for DWSRF Project #7635-01 a 12 in. watermain was constructed instead of an 8 in. watermain. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**
3. **Fleis & VandenBrink Proposal for Design & Construction Engineering for Bye Street MDOT Category B Grant .** Motion by Votruba, seconded by Holmes, to approve the proposal of \$44,000 for engineering services from Fleis & VandenBrink for the MDOT Category B Grant for Bye Street improvements. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**
4. **TC Tented Events Request to place 44x103 Sailcloth Pole Tent & 20x20 Frame Tent at Waterfront Park for a wedding on August 31, 2024** The LSS Rental Contract states that wedding parties can rent tents only from G.J.’s TC Tented Events has been used for LSS events in the past, is currently under new ownership, and is the only rental company with a sailcloth tent in the area. A letter from the company with their insurance and a schematic was provided describing the tent location and plans for MISDIG to be called. McGregor asked if the damage deposit should be increased. Motion by Holmes, seconded by McGregor, to approve TV Tented Events & Party Rentals to place a 44x103 Sailcloth Pole Tent and a 20x20 Frame Tent at the Waterfront Park for a wedding on August 31, 2024. **All ayes. Motion passed.**
5. **Resolution #2023-014 Wage and Compensation for Assistant DPW Chris Cervantes** 90-day review was held 11/13. In packets was a report from the Personnel Committee with recommendation to offer a raise of \$1.50, to \$18.50 per hour. Motion by Holmes, seconded by Votruba, to approve Resolution #2023-014 Wage and Compensation for Assistant Department of Public Works (see attached). **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**

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**REPORTS TO COUNCIL**

**County Commissioner – Sauer / Verbal Report;** Cost of Benzie having its own health officer in the Health Dept is prohibitive, that’s why county contracts with Northwest Health Department and pay 30% of their wages.

Ongoing discussions about compliance with state septic code. Cedar Street has water problems. A section of Reynolds Rd was paved and paid for by Dollar General. Platte River School to be demolished this winter. Contract employees at Maples (now at 78 residents) will be eliminated by Dec. 5; a COVID outbreak there now but apparently so far no serious illness. Megan Garza appointed administrator. Discussion with CVB (Convention & Visitors Bureau) of raising the “bed tax” from 2% to 5% on hotels and other tourism-focused businesses; normally this tax is used for marketing to promote tourism but might be used to cover public safety and other expenses related to tourist population. Townships to decide whether to pursue Headlee Reset. County workers to receive training on how to handle visitors filming them, when is it considered “impeding a government employee.” Jane Johnson appointed chief public defender. Former clerk has been reinstated in Thompsonville. Trying to get funding for opioid issue.

**Frankfort Fire and Rescue Report (see website; holiday safety messages posted)** – Dept has 25 members; new application rec’d. Looking into how cadets can get high school credit. Total runs last year were 674; this year so far 699. 5 EMS runs in Elberta. Applied for a tribal grant for a LUCAS device (costs \$21,000). Quite often there are no ambulances in the county and 3 times EMS has been performing CPR for 15 minutes or more while waiting. New boots purchased. For Health Fair, Dept. will educate elementary school students on the circulatory system. Millage passed with 85% of the vote.

**LSS** – K. Mills / Written Report

**Zoning Administrator** – J. Mills / Written Report

**Betsie Valley Trail** – J. Ottinger / Written Report

**Planning Commission** – Fiebing / Complete draft of master plan is in and being reviewed; have now run out of funding, so further revisions will have to be done in house. Seeking new members. Two spots will be open in December.

**Parks & Recreation Commission** – McGregor / See minutes. Last meeting held, officers chosen. Seeking ideas for repair/replace the train climber in Penfold. Pickleball might be coming to the Basketball Court. Plans are developing for Veterans Park

**DPW** – Towle/Wilkins / Written Report Reasphalting on Sheridan between Washington and Lincoln. Lift station has been cleaned out. Life rings in from pier except one where the bracket screws are stuck. Salt has been delivered. CDL being studied for. EGLE inspected the water supply; high marks for clean well houses and spill kits.

**Clerk-Treasurer** – Ralston / Verbal Report Full day of BS&A trainings Nov. 15. New system goes live in stages starting January complete in February. Will streamline the UB process; people will have option to pay online with credit card, see their UB and taxes, assessment; BS&A reps have helpful perspective on various meters. Bank accounts nearing full reconciliation.

**BGFAC** – Wilkins & Votruba / See minutes. Badger meter requires a several thousand dollar software upgrade to function with BS&A. STR renewal reminder letters will go out in December.

**BLUA** – Wilkins & Holmes / Verbal Report Holmes said Beulah got 10 million in funding for water treatment; Frankfort headworks stalled due to funding issues

**Team Meetings** – Wilkins / See report

**Water/Sewer Committee** – Wilkins & Holmes / Verbal report. Water project nearly wrapped up.

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**Extended General Public Comment (5 min)**

None

**Announcements**

Fliers (Safety, Festival of Trees, NMC student tuition equity for Benzie); Happy Thanksgiving!

**Adjournment**

8:23 pm by Wilkins

Final minutes prepared and posted by  
Emily Votruba, Trustee



Village Office  
151 Pearson Street · PO Box 8 · Elberta, Michigan 49628-0008  
Phone: (231) 352-7201 · Fax: (231) 352-4033

November 12, 2023

**Re: Thanking Helpful Villagers**

To the Village Council and Village Residents,

I'd like to acknowledge the following Village residents for their tremendous ongoing service to our community.

**Joe Heller** has gone above and beyond. He has spent hundreds of hours designing and implementing plantings in Village parks, around Village signs, and lending his expertise to tree-planting initiatives. He has also worked in concert with the Village DPW on planting and tree trimming projects. He has also served as a valuable member of the 90-day review committee for DPW personnel.

**Linda Manville** has devoted herself to creating and caring for flower health and presentation in street planters and community gardens.

**Christine Walkons** has tirelessly acted as Penfold bathroom supply checker and guardian, making sure the facility is clean and well-stocked.

**Bill Soper** has generously donated beautiful landscaping rocks to various sites, creating a distinctively Elbertian and charming look that ties our public places together.

**Bree McGregor** has written two grants for the village, most recently the successful Consumers Energy tree grant, in which she volunteered during all phases up to completion. She also created a beautiful and user-friendly new website for Gilmore Township.

**Andy Bolander** From the moment he joined our community over a decade ago, Andy has been serving as an astute and dedicated local historian and teacher, volunteering for the Benzie Area Historical Society and giving fascinating lectures and tours focused on the Village's maritime and industrial history. The historical photos and information seen at Penfold and Waterfront Parks are creations of Andy's. On his daily dog walks Andy wears a safety vest and picks up trash in the village.

With sincere thanks for your attention,

Jennifer Wilkins, President  
Elberta Village Council  
jwilkins@villageofelberta.com

Emily Votruba, President Pro Tempore  
Elberta Village Council  
emilyvotruba@yahoo.com

Justin Towle and Chris Cervantes  
Village DPW dpw@villageofelberta.com

**Resolution #2023-014  
Wage and Compensation for Department of Public Works**

At a regular meeting of the Elberta Village Council, Benzie County, Michigan, held at the Community Building at 401 First St. on November 16, 2023, at 7:00 pm

The following resolution was offered by Trustee \_\_\_\_\_, and supported by Trustee \_\_\_\_\_.

**WHEREAS** The Council of the Village of Elberta unanimously voted at the February 23, 2023, Special Budget Hearing to adopt the Resolution for Fiscal Year 2023-2024 Wage and Compensation Pay Scale for the Village Employees and Appointed and Elected Officials and such wages for DPW employees remain budgeted, and

**WHEREAS** a 90-day review was completed by two Council Trustees, one village resident, the village water operator, and co-assistant DPW, Justin Towle, and

**WHEREAS** in addition to his regular duties, Chris has willingly jumped in and learned higher level public works job tasks with Justin through the water project, completes task assignments on his own and with co-assistant in a timely and thorough manner and is actively training under Justin and the village water operator, Chris Pritchard,

**NOW THEREFORE BE IT RESOLVED** that based on performance reviews, Christopher Cervantes, Department of Public Works, shall receive an increased Wage and Compensation Salary package of \$18.50 an hour at a continued 40 hours a week plus the monthly Health Insurance Stipend of \$500 for the remainder of the 2023-2024 Fiscal Year.

**BE IT FURTHER RESOLVED** that the terms of this Resolution shall take effect on November 20, 2023, and shall be effective until resignation, termination, or the end of the 2023-2024 Fiscal Year, February 29, 2024.

YEAS:

NAYS:

**RESOLUTION DECLARED ADOPTED.** By: \_\_\_\_\_

Jennifer Wilkins, Village President

I, the undersigned, Clerk-Treasurer of the Village of Elberta, Benzie County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of Benzie County at its regular meeting held on November 16, 2023, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Date \_\_\_\_\_  
Katherine Ralston, Village Clerk-Treasurer

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