

—FINAL—

## Minutes

### Regular Meeting of the Elberta Village Council

401 First Street | ELBERTA, MI 49628

**December 21, 2023 @ 7 pm**

#### Call to Order 7:00 pm

Pledge was omitted in the interest of time.

#### 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

**November 16, 2023, Regular Council Meeting Minutes** Motion by Wilkins, seconded by Votruba, to approve with no chgs. All ayes. Motion passed.

#### Approval of Agenda

**Motion** by Votruba, seconded by McGregor, **to approve the December 21, 2023, Regular Council Meeting Agenda** with no chgs. All ayes. Motion passed.

#### Correspondence

- 1. Varnum re: Conservation District – Elberta Land Holding Company (ELHC)**

#### Inquiry of Conflict on Agenda Items

Wilkins recused from Payroll vote; Fiebing recused from NB3

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

None

#### Approval of Bills

Check Register \$1,304,778.93 AP, Payroll \$11,506.62. **Motion** by Votruba, seconded by Wilkins, to approve the accounts payable expenditures. **Roll Call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.** **Motion** by Votruba, seconded by McGregor, to approve the payroll expenditure. **Roll Call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Recused | All ayes. Motion passed.**

#### Financial Reports

Rev/Exp sheet reviewed; now color coded in red for items under (in case of revenue) or over budget, and yellow indicates items the accountancy consultant will help reconcile in February; ongoing project of correcting bank reconciliations that were not done or done improperly or that haven't been done yet, but all should be resolved at the end of the fiscal year.

#### New Business

- 1. USDA November–December Draw Request Form RD 440-11** Mlcek explained NB1 and 2 are the last round of payments for the water project, which is complete. Motion by Wilkins, seconded by McGregor, to approve USDA Form RD 440-11 November–December draw request in the amount of \$137,746.16, with \$33,847.41 to be paid to Fleis & VandenBrink and \$103,898.75 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) November–December Request for Disbursement of Funds** Mlcek noted that the project came in under budget with monies left over from both funding sources, so F&V is evaluating what additional work can be done in the spring; details in January.

Motion by Wilkins, seconded by Votruba, to approve Request No. 6 from F&V and Elmer's for work done 10/29/23 to 11/25/23 submitted for payment DWSRF/EGLE grant and loan #7581-01: \$20,000 to Fleis & VandenBrink and \$12,540.00 to Elmer's, for a total disbursement of \$32,540.00. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**

**3. Planning Commission Membership – Ryan Fiebing.** Council reviewed Fiebing's application. Wilkins remarked on Fiebing's high qualifications for the position. Motion by McGregor, seconded by Holmes, to reappoint Ryan Fiebing to the Village of Elberta Planning Commission for a term ending January 1, 2027. Fiebing recused. **All ayes. Motion passed.**

**4. Resolution 2023-015 Category B Agreement between MDOT and Village of Elberta** Resolution authorizes Wilkins to sign a contract with MDOT when it appears. McGregor asked how Bye Rd. work would affect the beach project/distillery/Ironman. Mlcek suggested bidding would occur this winter and construction would occur after Labor Day. AJ's still needs to secure adequate insurance for beach project, which should start in spring. Motion by McGregor, seconded by Holmes, to approve Resolution 2023-015 Agreement Between MDOT and the Village of Elberta for improvements to Bye Rd. through Category B Grant funds. **Roll call: Fiebing Aye | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye. All ayes. Motion passed.**

**5. Community Building Garage Use Contract with Frankfort** Wilkins had Josh Mills review the proposed contract. Garage is heated, electrified, and plumbed but they don't use the plumbing; this is the first time we've had a contract. The price is \$50 more per month than has been charged in the past. McGregor asked for time term of the contract, who has keys, what happens when term is up, etc. Votruba suggested a year. Motion by McGregor, seconded by Votruba, to approve the contract with the addition of the term of one year. **All ayes. Motion passed.**

**6. 2024 Village Meetings Schedule** Motion by McGregor, seconded by Holmes, to approve the Village meetings schedule as presented. **All ayes. Motion passed.**

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**REPORTS TO COUNCIL**

**County Commissioner** – Sauer / Verbal Report Headlee Reset: in county commission surveys, 3 townships say no (including Gilmore, Blaine, Weldon) and 4 say yes so far; it won't go on ballot unless twps agree, Sauer says. Joyfield no response yet. Probation area being remodeled. Possible remodel for register of deeds (who have their own funding) so public doesn't have to review documents in hallway. Platte River School will be demolished this winter. \$17,300 in marijuana funds to be used for education; billboards, free lockboxes discussed.

**Frankfort Fire and Rescue Report (see website; holiday safety messages posted)** – 100 runs above last year as of mtg night (774). December (37 total): Elberta 3 medical; Gilmore 1.

**LSS** – K. Mills / Written Report. No rentals now; door measurements have been sent in. Survey forms need to be filled out for SHPO.

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

**Betsie Valley Trail** – J. Ottinger / Written Report. Meetings finished for year. McGregor went to Pure Michigan Byways Meeting. Spoke with Networks Northwest and president of Friends of BVT about continuing trail building initiative. Our spur is scheduled to be cleared.

**Planning Commission** – Fiebing / Verbal Report. Votruba will do light editing on draft master plan. Jon Ottinger appointed chair. Janet Kennedy now retired but still helping. Will be missed. Spoke with Village atty re Conservation District overlay. May revise ordinance to allow two nonresident members. Bylaws do not match ordinance, so ordinance will be revised to match. Two vacancies! Interested residents and nonresidents please apply.

1 **Parks & Recreation Commission** – McGregor. Done for year.

2 **DPW** – Towle/Wilkins / Written Report Congratulations to Towle on the birth of son, Magnus. Water meter  
3 read plan in place for January. Should take 3 days.

4 **Clerk-Treasurer** – Ralston / Verbal Report Transition to BS&A (data extraction) ongoing; goes live early  
5 February. New secure file sharing system for officials and staff should go live Jan. 10. Accountants from UHY  
6 should be done early January.

7 **BGFAC** – Wilkins & Votruba / See minutes. Water ordinance revisions coming, with input from F&V. Votruba  
8 off BGFAC etc., McGregor is on. Wilkins will be doing a lot of work on draft budget. Revenue sharing still  
9 being held till DEP can be submitted. Current deficit approx. \$53K. DEP approval scheduled for Jan. mtg.  
10 McGregor will not vote for a budget that does not have a calendar attached.

11 **BLUA** – Wilkins & Holmes / Verbal Report. Overbudget past three years due to equipment failures; state  
12 requiring explanation. \$3M required to complete new headworks.

13 **Team Meetings** – Wilkins / See Report Boardwalks coming in. Salt and sand are mixed. storm drains are  
14 marked. 3 stubby stop signs fixed.

15 **Water/Sewer Committee** – Wilkins & Holmes / Verbal Report

16 \*\*\*\*\*

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

18 None

19 **Announcements** January 11 meeting at Elberta United Methodist, 7 pm to discuss reduced tuition and services  
20 for Benzie County Residents to NMC. Gilmore Township draft master plan ready on their website. Happy  
21 holidays!

22 **Adjournment**

23 9:00 pm by Wilkins

24  
25 Final minutes prepared and posted by  
26 Emily Votruba, Trustee

27  
28

VILLAGE OF ELBERTA  
**RESOLUTION #2023-015**

A RESOLUTION TO AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF ELBERTA.

At a regular meeting of the Village Council of the Village of Elberta, Benzie County, Michigan, held at the Community Building, 401 First Street, in said Village, on December 21, 2023, at 7:00pm,

The following resolution was offered by Trustee Brett McGregor, supported by Trustee Ken Holmes.

**WHEREAS** The Village of Elberta was awarded funding through MDOT from the Transportation Economic Development Category B Program to construct crush and reshape improvements on Bye Street, and

**WHEREAS** MDOT requires a formal authorization by the public agency to authorize the public official to sign the contract between MICHIGAN DEPARTMENT OF TRANSPORTATION and the Village of Elberta.

**NOW, THEREFORE, BE IT RESOLVED THAT**, Contract No. 23-5560, Control Section \_\_\_\_\_, Job Number \_\_\_\_\_ by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION and the VILLAGE OF ELBERTA is hereby accepted. The Village authorizes Jennifer Wilkins, Village President, to sign the said project agreement.

AYES: Brett McGregor, Ken Holmes, Ryan Fiebing, Emily Votruba, and Jennifer Wilkins

NAYS: None

ABSENT: None

**RESOLUTION DECLARED ADOPTED.**

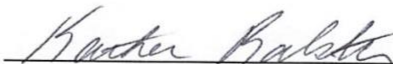
By:



Jennifer S. 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 December 21, 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.

Dated: 12/21/2023



Katherine Ralston, Village Clerk/Treasurer

