

Minutes

Regular Meeting of the Elberta Village Council

401 First Street | ELBERTA, MI 49628

May 16, 2024 @ 7 pm

Call to Order 7:00 pm

Roll Call

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

Audience

Justin Towle (DPW), Mike Cederholm (Frankfort Fire & Rescue), Gary Sauer (County Commissioner) Ken Mlcek (Fleis & Vandenbrink, Water Project Coordinator); Catherine Anderson (resident), Mark Rains & Cheryl Herr Rains (property owners) Kat Ralston (Clerk-Treasurer)

Approval of Minutes

Motion by McGregor, seconded by Holmes, to approve the **April 18, 2024, Regular Council Meeting Minutes** with no chgs. All ayes. Motion passed.

Approval of Agenda

Motion by Votruba, seconded by Wilkins, to approve the **May 16, 2024, Regular Council Meeting Agenda**. All ayes. Motion passed.

Correspondence

1. Cathy Anderson – Parking along Frankfort Ave
2. Photo Presentation – By Jim and Jan Anderson. Donated a beautiful aerial photograph of Elberta, Frankfort, Crystal Lake, and Lake Michigan shoreline, taken in 2012.

Inquiry of Conflict on Agenda Items

Wilkins recused from Payroll vote.

Brief Public Comment on Agenda Items (3 min)

None

Approval of Bills

\$58,038.18 AP and \$15,011.04 Payroll. **Motion** by Holmes, seconded by Votruba, to approve the accounts payable expenditures. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes.**

Motion passed. Motion by McGregor, seconded by Holmes, to approve the payroll expenditure. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Recused | All ayes. Motion passed.**

Financial Reports

- o Rev/Exp Sheet Detailed End of Fiscal Year 2024 and Beginning of Fiscal Year 2025.

Unfinished Business

None

New Business

- 1 **1. Request by Cathy Anderson to Remove No Parking Sign on Frankfort Avenue** Anderson
2 deemed placement of sign "arbitrary and capricious" given the lack of a clear parking ordinance
3 and inconsistent application of parking rules. A FOIA request she made found no written
4 complaints; she said the only people who park there are herself, her family, and contractors doing
5 work on her house. She preferred not to have guests park on the other side of the street for safety
6 reasons. She said any plan to address parking issues throughout the village should be made
7 available for public review. She asked does the Village "want me as an ally or an opponent?" DPW
8 and Wilkins said safety concerns/complaints received had been verbal; justification is that space
9 isn't wide enough, at 6 feet, for many vehicles and creates a traffic hazard; sign was placed under
10 the street light in the easement for visibility and location happens to be adjacent to her property.
11 McGregor said sign installation/removal is not a legislative matter but ordinance did need an
12 update and parking plan was needed. **Motion** by McGregor, seconded by Votruba, to postpone the
13 discussion indefinitely pending updates to the ordinance. **4 Ayes, 1 Absent. Motion passed.**
- 14 **2. General Liability Insurance Language to Add to Rental Facility Contracts for Park Pavilions,**
15 **Festival Fields, Community Building, and Amphitheater** If alcohol is not being served at an
16 event, and the renter testifies to that in the contract, there is no need for extra liability insurance
17 (see attached). **Motion** by Wilkins, seconded by McGregor, to incorporate the new general liability
18 insurance language provided by Municipal Underwriters of West Michigan Par Plan (the Village's
19 insurance company) into the Park Pavilions, Festival Fields, Community Building, and
20 Amphitheater rental contracts, as presented. **Roll call: Fiebing Absent | Holmes Aye | McGregor**
21 **Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.**
- 22 **3. Utility Reading and Billing Policy and Procedure #2018-019 Revision** Specifies intersection of
23 actions taken by DPW and Office staff for one billing cycle, reflects new hardware and software.
24 **Motion** by Votruba, seconded by Wilkins, to approve the revision to the Utility Reading and Billing
25 Policy and Procedure #2018-019 as presented. **4 Ayes, 1 Absent. Motion passed.**
- 26 **4. Membership Application for Appointment – Parks and Recreation Commission, Bree**
27 **McGregor** Bree, a resident married to trustee Brett McGregor, wrote a successful Consumers
28 Energy tree grant and also built the Gilmore Twp website. Addition makes an officially full 5
29 member commission. **Motion** by Holmes, seconded by Votruba, to appoint Bree McGregor to the
30 Parks and Recreation Commission. **4 Ayes, 1 Absent. Motion passed.**
- 31 **5. April 2024 Draw Request for MNRTF20-0013 Elberta Beach Improvements Project** Mlcek said
32 the gravel had been placed, the building (pavilion) footings were set, some concrete had
33 been poured, the pavilion building had been ordered, the material for the walkway to the
34 pier had been ordered. Fencing will go in soon. Pavilion and bathrooms will be the last
35 step. **Motion** by Votruba, seconded by Wilkins, to approve the draw request in the amount of
36 \$251,421.08 from AJ's Excavating for work completed in April 2024 for the MNRTF20-0013 Elberta
37 Beach Improvement Project. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba**
38 **Aye | Wilkins Aye | All Ayes. Motion passed.**
- 39 **6. Change Order No. 1 for MNRTF20-0013 Elberta Beach Improvement Project** Pipe bollards and a
40 removable concrete gate placed at the end of the beach road (Lakeside Blvd.) to deter offroading
41 and destruction of new split rail fence. Change costs an additional \$1,971.00. **Motion** by
42 McGregor, seconded by Votruba, to approve the MNRTF20-0013 Elberta Beach Improvement

Project Change Order #1 as presented. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.**

7. MDOT Transportation Economic Development Fund (TEDF) Category B Bye Street Crush and Shape Bid Award Elmer's bid \$108,920.00; other bid from Molon of TC. Work begins after Ironman (September 15), finished by Halloween. Motion by Wilkins, seconded by Holmes, to approve the MDOT Transportation Economic Development Fund Category B Bye Street Crush and Shape Project bid award to Team Elmer's. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.**

8. Resolution #2024-004 Adoption of the 2023 Benzie County Natural Hazard Mitigation Plan The last update was in 2015. Motion by Votruba, seconded by Holmes, to adopt the 2023 Benzie County Natural Hazard Mitigation Plan as an official plan of the Village of Elberta. **Roll call: Fiebing Absent | Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.**

9. Permission to Move the Main Flagpole from the corner of M22 and Frankfort Avenue to Veterans Park The flag gets wrapped up in the power lines. Motion by Holmes, seconded by Votruba, to move the flagpole to Veterans Park. Motion died on the table; McGregor said matter was executive, not legislative and he wouldn't vote on it. Votruba said Village should follow the flag code.

Strategy Session

1. Quarterly Review Council looked at the projects/recurring tasks scheduled through August

REPORTS TO COUNCIL

County Commissioner – Sauer / Verbal report: Memorial Day Service 1 pm @Veterans Memorial Park behind Watson's. 24 hr sheriff patrol in effect as of 5/13; all cattle must be tested for TB by end of year; 81 new construction permits so far this year; August election: Benzie Senior Resources millage, Benzie Bus, and ballot language finalized for Headlee Reset. EGLE is objecting to some repair work planned at the apron of Pt. Betsie. Weldon Twp supervisor died and replaced temporarily by Carrie Aldridge. Homestretch may be constructing affordable/worker housing on property owned by Crystal Mountain

Frankfort Fire and Rescue Report (see website) – Cederholm / Detailed written reports (posted on website)

LSS – K. Mills / Written Report. Wilkins painted doors ahead of wedding; next wedding June 21

Zoning Administrator – J. Mills / Written Report. 603 Frankfort special use permit needed for third STR

Betsie Valley Trail – J. Ottinger / Written report. Ottinger was unable to attend the mtg because of a new job but got the minutes from Rose Roelofs. Benzie Sunrise Rotary Bike Tour is June 1.

Planning Commission – Fiebing / Minutes. Master Plan public hearing held, edits being made.

Parks & Recreation Commission – McGregor. No quorum, no meeting. Parks & Rec 5-Yr Plan due in September; Wilkins to begin planting in "Secret Garden."

Team Meetings – Wilkins / See new task list excel sheet; High Schoolers helped finish the mulch spreading under playscape for their Earth Day workbee

DPW – Towle/ Verbal Report

Clerk-Treasurer – Ralston / Verbal Report. Ralston attended a week of Treasurer's training downstate. Card scanners in place beginning of June

BGFAC – Wilkins & McGregor / See minutes. Auditing proposal received. Request made for additional \$25K to complete bank recs. Waiting for response from SHPO on bids for LSS door repair. Wilkins to attend investment training. Dedication plaques for parks discussed.

Personnel & Policy Committee – Votruba & Wilkins. See minutes.

BLUA – Wilkins & Holmes / Verbal Report. High copper and mercury levels in sewage being investigated

Water/Sewer Committee – Wilkins & Holmes / Verbal Report. All pit meters now replaced.

Extended General Public Comment (5 min) None

Announcements

Office Closed Tuesday May 28th for accounting services. Spring Cleanup Saturday May 18th from 9-1 at the Community Building.
Turtle Sign Painting Party for Elberta Kids June 2 10 am to 3 pm Elberta Beach Market Building (654 Frankfort Avenue)

Adjournment

8:30 pm by Holmes

Final minutes prepared and posted on the website by
Emily Votruba, Trustee

Insurance Language to Be Added to Rental Contracts

For:

- Park Pavilions**
- Festival Fields**
- Community Building**
- Amphitheater**

Regarding: Insurance

INSURANCE

Private Function: Renter hereby acknowledges notice that Village is not providing Renter with "Host Liquor Liability" coverage. If the Renter furnishes alcoholic beverages at a private function, the Village strongly recommends the Renter acquire host liquor-liability coverage.

Event with Alcohol: Renter hereby acknowledges notice that Village is not providing "Host Liquor Liability" or "Liquor Liability" coverage whatsoever, nor is the Village to be considered a licensee when applying to the Michigan Liquor Control Commission (MLCC) for special liquor license. If the Renter furnishes alcoholic beverages at the event and persons who attend the event are charged an entry fee, or are required to purchase tickets in advance, or Renter has a cash bar, then Renter must provide evidence they have complied with the Michigan Liquor Control Commission. It is understood and agreed that the Renter is the licensee of the liquor bond, and shall have sole responsibility for any and all liability relating to said license. The Renter shall obtain and maintain during the duration of the event, at their sole expense, general liability insurance with limits of liability not less than \$500,000, prior to the event. Renter further agrees to comply with the laws of the State of Michigan as noted in No. TK above.

Event with No Alcohol: Renter hereby acknowledges that no alcoholic beverages will be furnished by the Renter or consumed at the Renter's event. Renter shall submit to Village evidence of general liability insurance (may be from Renter's homeowner's or renter's insurance, if appropriate) showing limits of liability not less than \$500,000, prior to the event. In any event, Renter hereby agrees to indemnify and hold Village harmless from and against any and all claims, including any claimed litigation expenses, court cost, or attorney fees, arising out of Renter's said use of described property and to indemnify and hold Village harmless from and against any judgment based upon any such claims.

RENTER: I agree to the above terms and conditions. I recognize and am fully aware that if I determine not to purchase separate "host liquor liability" or "liquor liability" insurance for this event, I may be held solely and personally liable for damages or injuries that may result if alcoholic beverages are furnished at this event.

I do not intend to serve alcohol at this event.
Signed: _____ Date: _____

I intend to serve alcohol at this event.
Signed: _____ Date: _____