

# Minutes

## Regular Meeting of the Elberta Village Council

401 First Street | ELBERTA, MI 49628

July 18, 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 – PRESENT | Brett McGregor – ABSENT (EXCUSED; unexpected work conflict)

### Audience

Michael Cederholm (Frankfort Fire & Rescue), Ken Mlcek (Fleis & Vandenbrink, Water Project Coordinator, Mary Link (VOE Planning Commission), Gary Sauer (County Commissioner), Charlie Thompson (resident), Roxanne TKT and Eric Cline (State Treasury), John Mead (tktktk), Justin Towle (DPW), Neil Ostby (resident)

### Approval of Minutes

Motion by Holmes, seconded by Fiebing, to approve the **June 20, 2024, Regular Council Meeting Minutes** with no chgs. All ayes. Motion passed.

### Approval of Agenda

**Motion** by Wilkins, seconded by Votruba, to approve the **July 18, 2024, Regular Council Meeting Agenda, with the addition of NB1(a) USDA Change Order no. 3**. All ayes. Motion passed.

### Correspondence

1. **Jon Ottinger – BVT Committee Membership** Ottinger has resigned due to a work schedule conflict. Need a new representative. Mtgs are first Tuesdays, 9 am, at County Bld, spring/summer/fall.
2. **Ryan King – Letter from Manistee County Jail**
3. **David Radtke – Email re Speeding on Frankfort Ave/Furnace Street**
4. **Josh Stoltz (Grow Benzie) – Elberta Inclusion in Benzie Rural Prosperity Network** Votruba to contact Stoltz to express interest

### Inquiry of Conflict on Agenda Items

Wilkins and Votruba recused from Payroll vote.

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

None

### Approval of Bills

Check register in the amount of \$71,550.07 AP and \$15,707.77 Payroll. **Motion** by Votruba, seconded by Holmes, to approve the accounts payable expenditures in the amount of \$71,550.07. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Aye | All Ayes. Motion passed.** Because of recusals, the Payroll vote was split up. **Motion** by Wilkins, seconded by Votruba, to approve the payroll expenditure in the amount of \$13,527.25 [which is the total minus Wilkins's and Votruba's pay]. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Aye | All ayes. Motion passed.** **Motion** by Fiebing, seconded by Holmes, to approve the payroll expenditure in the amount of \$1,535. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Recused | All ayes. Motion passed.** **Motion** by Wilkins, seconded by Fiebing, to approve the payroll expenditure in the amount of \$45.52. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Recused | Wilkins Aye | All ayes. Motion passed.**

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2 **Financial Reports**

- 3 o **Rev/Exp Sheet Detailed End of Fiscal Year 2024/25** Two versions were included because the first  
4 included some mistakes in the property tax revenue.  
5 o **MiClass Investment May Account Statement (June 30)** Beginning total balance \$405,128.29, end  
6 \$406,921.65. No contributions or withdrawals.

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8 **Unfinished Business**

9 None

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11 **New Business**

- 12  
13 1. **USDA June Draw Request Form RD 440-11** Payment for the extra Lincoln/Bigley phase of the  
14 water project. **Motion** by Wilkins, seconded by Holmes, to approve the total payment of  
15 \$412,599.41 to Team Elmer's. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba**  
16 **Aye | Wilkins Aye | All Ayes. Motion passed. (a) Change order no. 3, for the USDA draw**  
17 **request, a decrease in price of \$25,114.15. Motion by Votruba, seconded by Fiebing, to**  
18 **approve the change order. Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba**  
19 **Aye | Wilkins Aye | All Ayes. Motion passed.**
- 20 2. **DWRSF June Request for Disbursement of Funds Motion** by Votruba, seconded by Wilkins, to  
21 approve request number 8 for the disbursement of funds for the water service work done  
22 December 31 to June 30 on Lincoln and Bigley, in the amount of \$87, 470.00 to Elmer's. **Roll call:**  
23 **Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Aye | All Ayes. Motion**  
24 **passed.**
- 25 3. **Team Elmer's Proposal for End of Crapo Street Overlay** Expense (\$15,650.00) budgeted for  
26 FY25. **Motion** by Fiebing, seconded by Votruba, to approve the proposal to repair and patch the  
27 end of Crapo Street. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye |**  
28 **Wilkins Aye | All Ayes. Motion passed.**
- 29 4. **Change Order No. 2 for MNRTF20-0013 Elberta Beach Improvement Project** Stone (and later  
30 dune grass) to be installed to prevent erosion occurring by newly installed sidewalk in north  
31 parking lot (+\$4,430.30). A section of walkway will be amended to cover what is now exposed rock  
32 at the pier (used to be covered with sand) (+\$2,542). Total \$6,965.30. Final item in change order is  
33 a time extension to October 31. Dune grass planting (last item) can't be done till mid-September.  
34 **Motion** by Wilkins, seconded by Holmes, to approve the change order and the additional amount  
35 of \$6,965.30. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Aye**  
36 **| All Ayes. Motion passed.** Bathrooms and pavilion expected in August.
- 37 5. **Policy #2024-003 Complaints** Establishes a protocol for filing and responding to "official"  
38 complaints to create fairness and clarity for staff. Policy was reviewed by attorney. **Motion** by  
39 Wilkins, seconded by Fiebing, to approve Policy 2024-003 Complaints as presented. **All Ayes.**  
40 **Motion passed.**
- 41 6. **Resolution #2024-005 Fiscal Year 2022–2023 Five Year Deficit Elimination Plan Village has**  
42 **been in deficit elimination for 10 years.** Plan was delayed for over a year because bank  
43 reconciliations were not up-to-date, and because of the delay we didn't receive state revenue  
44 sharing funds. Current plan sees deficit paid off in FY26/27, likely sooner. **Motion** by Votruba,

seconded by Holmes, to adopt Resolution #2024-005 FY 2022/23 Five Year Deficit Elimination Plan. **Roll call: Fiebing Aye | Holmes Aye | McGregor Absent | Votruba Aye | Wilkins Aye | All Ayes. Motion passed**

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**REPORTS TO COUNCIL**

**County Commissioner** – Sauer / County seeks volunteers to serve on a Waste Committee to do with recycling. 3-year commitment monthly mtgs. Illegal strike at Road Commission, 3 probationary employees fired, 4 suspended. Public hearing on workforce housing in Thompsonville, Crystal Commons plan approved. 3 times as many people applied for the new Frankfort housing as space available. Stretch of BVT near Homestead to be paved. Interest in use of BVT as a horse trail to be discussed. July 5 visit from Atty General Dana Nessel. Discussed use of funding for opioid problem. Possible second deputy social worker to be hired.

**Frankfort Fire and Rescue Report (see website)** – Cederholm / Detailed written reports (posted on website). 25 members. Dave Bissell retired. One resignation because training/exam requirements not completed. 18 fires, 41 EMS runs; Elberta 1 fire, 1 EMS run.

**LSS** – K. Mills / Written Report. 13 contracts for next year.

**Zoning Administrator** – J. Mills / Written Report **ZBA Hearing August 15 at 6 pm before the council mtg.**

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

**Planning Commission** – Fiebing / Minutes/Verbal Report Glen Chown of Grand Traverse Regional Land Conservancy made a presentation July 3 on their purchase agreement with ELHC. Still no response from Beckett and Raeder on our finalized Master Plan. Getting urgent. Bylaws updated

**Parks & Recreation Commission** – McGregor / See Minutes. Penfold climbing train removed, another will be ordered. Japanese knotweed treatments ongoing.

**Employee Team Meetings** – Wilkins / See report.

**DPW** – Towle/ Verbal Report. Mower is broken, impeding mowing. Water project is done. Hydroseed to replace grass can't be done till fall because it's too hot now. Two crashes caused when cars stopped for cyclists at crossing on 22 near Penfold. \*Cars have right of way. Cyclists must stop and wait till road is clear\*

**Clerk-Treasurer** – Ralston / Verbal Report. Ralston absent due to illness. Bank Rec software training scheduled for end of month

**BGFAC** – Wilkins & McGregor / See minutes.

**Personnel & Policy Committee** – Votruba & Wilkins. See minutes. One application for deputy clerk rec'd. Job application being revised. Need residents to serve on employee review committee for DPW. Please contact evotruba@villageofelberta.com or call 231-399-0098. Vehicle use policy to be reviewed/revised at August mtg.

**BLUA** – Wilkins & Holmes / Verbal Report. A lightning strike created an extra smell.

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

Village/GTRLC Working Group – Wilkins, Fiebing, Jon Ottinger, Bree McGregor, Chris Sullivan, Erin White, Jennifer Jay will meet monthly

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

**John Mead, Benzie County Probate Judge, running for re-election.** Lifelong Benzie resident. Began career in 1991 at Sheriff dept, ret. as undersheriff 2000. In 2003, apptd by Judge Batzer as a family division referee for the 19th Circuit and then magistrate for the 85th district court in both counties. Became Benzie County Prob judge in January 2013; a hybrid position including district court judge role; guardianships, conservatorships, trusts, civil actions, estates, mental health matters, criminal small claims, general civil landlord tenant and zoning enforcement, divorces with minor children, child support, child custody, neglect and abuse adoptions and personal protection orders. Currently the second most senior judge in Benzie, Manistee, Grand Traverse, Wexford, Mason and Lake Counties. In 2015 as chief judge of all courts made personnel changes saving Benzie \$50,000.

**Charlie Thompson** asked about Conservancy purchase, how acreage is to be divvied up. Suggested running road down around base of dune to bypass steep Bye Street. Asked about width of boardwalk/UTV access. Is pleased with work so far.

1 **Announcements**

2 Kayak launch installed.

3 Linda Manville, many-year veteran council trustee and Budget, Grant, Finance, Audit Committee member, Village  
4 planter beautification volunteer and garden tender with Joe Heiler, lover of puzzles and Christmas, passed away  
5 peacefully with Joe by her side on July 15. The Village would not be where it is right now without Linda's steadfast  
6 dedication and care. She did a lot to get us where we are in improving office functions and also served on the Planning  
7 Commission. She will be greatly missed.

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9 **Adjournment**

10 8:29 pm by Holmes

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12 Final minutes prepared and posted on the website by

13 Emily Votruba, Trustee

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confidentiality procedures, to the Village Council.

6. The winning candidate shall be determined by majority vote of the Village Council.

Village Council Action:

Motion by: Linda Manville

Seconded by: Robin Rommell

Vote: <u>Gatrell</u> , Joyce	Yea
Excused Holmes, Ken	
Jenks, Diane	Yea
Manville, Linda	Yea
Manville, Reggie	Yea
<u>Rommell</u> , Robin	Yea
Wilkins, Jennifer	Yea

Yeas: 6      Nays: 0

Excused      1

Policy Adopted: Yes

Dated: February 26, 2014

Village Clerk, Mary Kalbach

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151 Pearson St., P.O. Box 8, Elberta, MI 49628

**Temporary Traffic Control Order**  
**Traffic Control No. 2024-01**

Pursuant to 1949 PA 300, as amended and under the authority of the Michigan Uniform Traffic Code for Cities, Townships and Villages (Rule 28.1153 Section 2) which states, in part:

- (2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and these temporary traffic-control orders shall not be renewed or extended, except upon approval by the ordinance making body.

The Trustees of the Village of Elberta hereby issue the following Temporary Traffic Control Order:

**Affected Street:** Bye Street to Bye Road (Elberta Beach Parking Lot)

**Nearest Cross Street:** Furnace Street

**Temporary Control Order:** When the Elberta Beach Parking Lot (Bye Road) is full, portable Village barricades will be placed at the top of the hill on Bye St. until the Elberta Overlook Parking Lot is full. The portable barricades will continue to be moved forward down Bye St. allowing only the right side of Bye St. to fill with parked cars (this will allow Emergency vehicles to enter and exit the area safely). When the right side of Bye St. is full of parked cars, the portable barricades will then be placed at the start of Bye St. at Furnace Ave. and traffic will be directed to park along Furnace Ave. and at either parking lots for the Waterfront Park. After the Frankfort firework display ends, the portable Village barricades will be removed to allow traffic to be directed to exit the Village.

This order becomes effective when the portable Village barricades are in place and manned by Village DPW, volunteers or a State Trooper.

Effective Date: 07/04/2024      Effective Time: 7:00 AM  
Expiration Date: 07/04/2024      Expiration Time: 12:00 Midnight

Date Approved: 6-20-2024

Jennifer S. Wilkins  
Jennifer Wilkins, Village of Elberta President

Justin Towle  
Justin Towle, Village DPW

Katherine Ralston  
Katherine Ralston, Village Clerk-Treasurer