

1 -Final-
2 **Minutes**

3 **Regular Meeting of the Elberta Village Council**

4 401 First Street | ELBERTA, MI 49628

5 **September 19, 2024 @ 7 pm**

6
7 **Call to Order 7:02 pm**

8
9 **Roll Call**

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

12
13 **Audience**

14 Michael Cederholm (Frankfort Fire & Rescue), Ken Mlcek (Fleis & VandenBrink), Kat Ralston
15 (Clerk-Treasurer), Justin Towle (DPW), Jon Ottinger (VOE Planning Commission chair)

16
17 **Approval of Minutes**

18 **Motion** by Votruba, seconded by McGregor, to approve the **August 15, 2024, Regular Council**
19 **Meeting Minutes** with these chgs: addition of Kylie Mix to attendance, addition of "as
20 presented" to July 29 minutes approval, correction of a figure (\$406,921.65), spelling of Fleis &
21 VandenBrink, deletion of extra word leftover from previous minutes, and clarification of land
22 reconfiguration explanation. **All Ayes. Motion passed. ZBA Hearing Minutes from August 15**
23 **to be reviewed at October meeting.**

24
25 **Approval of Agenda**

26 **Motion** by Votruba, seconded by McGregor, **to approve the September 19, 2024, Regular**
27 **Council Meeting Agenda** (new version presented at meeting). All ayes. Motion passed.

28
29 **Correspondence**

- 30 **1. Benzie County Master Plan – Comment Invitation** Public comment is open. A public
31 hearing will be held November 12 at 9 am; plan is available for review and comment on
32 the county website at https://www.benzieco.gov/news_detail_T6_R25.php
- 33 **2. Cathy Anderson – DPW** Concerned that DPW was performing edging work on sidewalk
34 adjacent to private property contra Village Code, which states that residents are
35 responsible for keeping sidewalks passable along their property. DPW had been edging
36 the sidewalk adjacent to Anderson Park and simply kept going rather than stopping
37 when they reached the private property line.
- 38 **3. Department of Treasury – Notice of Intent to Withhold State Payments** This is a
39 warning letter we typically receive after an audit because of our deficit.
- 40 **4. Department of Treasury – Request for Improvements of Deficiencies, Corrective**
41 **Action Plan**
- 42 **5. City of Frankfort Public Hearing Notice – Ironman 2025** 5:15 pm October 7 at the
43 Garden Theater
- 44 **6. Frankfort Fire & Rescue Report – Cederholm/Written & Verbal Report** See VOE
45 website for complete report. August: 6 EMS runs in Elberta and 3 fire runs. Refurbished
46 fire engine purchased. September, just two fire runs. So far down 32% from last year.

47
48 **Inquiry of Conflict on Agenda Items**

49 Wilkins recused from Payroll vote.

50

51 **Brief Public Comment on Agenda Items (3 min)**

52 None.

53 **Approval of Bills**

54 **Motion** by Votruba, seconded by Holmes, to approve the accounts payable expenditures in the
55 amount of \$142,854.62. **Roll call: Holmes Aye | Fiebing Aye | Votruba Aye | Wilkins Aye |**
56 **McGregor Aye | All Ayes. Motion passed.** Three weeks' worth of payroll. **Motion** by Votruba,
57 seconded by McGregor, to approve the payroll expenditure in the amount of \$21,271.63. **Roll**
58 **call: Fiebing Aye | McGregor Aye | Holmes Aye | Votruba Aye | Wilkins Recused | All Ayes.**
59 **Motion passed.**

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61 **Financial Reports**

- 62 • **Rev/Exp Sheets - End of Fiscal Year 2024 and Current Fiscal Year 2025** Wilkins listed
63 issues with the accounts having to do with incorrect or unexpected entries Ralston had
64 not provided an explanation for. FY24: double payment of rent by office to garage. Now
65 sufficiently caught up with bank recs to stop seeing FY24 statements; any extant errors
66 not correctable now. We are still 6 mos behind on bank reconciliations, but UHY will be
67 completing them, mostly off site.
- 68 • **MiClass Investment Account August 2024 Statement**
69 No contributions or withdrawals. Beginning total balance \$408,788.62; end balance
70 \$410,651.91; Park MiClass fund was not included in the report, but EDNA endowment
71 money can go in this account.
- 72 • **Fiscal Year 2024 Audit and Recap from UHY & Gabridge** Audit is available for review at
73 the Village office and website. Council discussed deficiencies; most are recurring and
74 have to do with short-staffing.

75

76 **Unfinished Business**

- 77 1. **Consumers Energy Company Electric Franchise Renewal Ordinance** See attached.
78 30-year nonbinding agreement with Consumers for electric power. Holmes was on
79 council the last time this ordinance was adopted. Motion by Holmes, seconded by
80 Votruba to adopt Ordinance No. 46 Consumers Energy Electric Franchise Ordinance.
81 **Roll call: Holmes Aye | Fiebing Aye | Votruba Aye | McGregor Aye | Wilkins Aye | All**
82 **eyes. Motion passed.**

83

84 **New Business**

- 85 1. **Application for Appointment – Betsie Valley Trail – Steve Radionoff** Barber and
86 former cycle shop owner. Motion by Wilkins, seconded by Holmes, to approve Steve
87 Radionoff as the Village's Betsie Valley Trail Committee representative. **All ayes.**
88 **Motion passed.**
- 89 2. **ARPA-AMP/DSMI Project Request #2** Project to GIS map all water service
90 infrastructure. Motion by Wilkins, seconded by Holmes, to accept the financial status
91 report, showing a reimbursement by grant of the Village expenditure of \$12,767.50. **Roll**
92 **call: Votruba Aye | Fiebing Aye | Holmes Aye | McGregor Aye | Wilkins Aye | All ayes.**
93 **Motion passed.**
- 94 3. **USDA Water System Improvements. A. Change Order #3** Water project is essentially
95 done, just some concrete work/sidewalk replacements. Mlcek expects one more draw
96 from DWSRF in October. The change order amounts to a deduction. **Motion by**
97 **McGregor, seconded by Holmes,** to approve the USDA Water System Improvements
98 Change Order #3 with a contract price decreased by \$24,409.13. **Roll call: Fiebing Aye |**
99 **Holmes Aye | McGregor Aye | Votruba Aye | Wilkins Aye | All ayes. Motion passed.**
100 **B. USDA August 2024 Draw Request.** Final USDA grant draw. **Motion by Wilkins,**
101 **seconded by Votruba,** to approve the August draw of \$161,388.37 (F&V engineering

- 102 expense of \$6,903.95, Elmer's \$130,075.29), with \$24,409.13 mentioned above coming
 103 back to the Village. **Roll call: McGregor Aye | Holmes Aye | Votruba Aye | Fiebing Aye |**
 104 **Wilkins Aye | All ayes. Motion passed.**
- 105 **4. August 2024 Draw Request for MNRTF20-0013 Elberta Beach Improvements. Motion**
 106 **by Votruba, seconded by Wilkins,** to approve payment to AJ's Excavating of
 107 \$184,497.33. **Roll call: Wilkins Aye | Holmes Aye | Fiebing Aye | Votruba Aye |**
 108 **McGregor Aye | All ayes. Motion passed.**
- 109 **5. Fleis & VandenBrink Engineering Design Services for Bye Street Crush & Shape**
 110 **Project** Expected to take a week, slated to begin October 7. **Motion by Wilkins,**
 111 **seconded by McGregor,** to pay Fleis & VandenBrink \$22,000. **Roll call: McGregor Aye |**
 112 **Wilkins Aye | Holmes Aye | Fiebing Aye | Votruba Aye | All ayes. Motion passed.**
- 113 **6. Resolution #2024-006 Fiscal Year 2023–2024 Five Year Deficit Elimination Plan** (See
 114 att'd) \$30,568 is the remaining deficit from FY23-24. Predicted Fy24-25 deficit payoff is
 115 \$25,045, leaving just \$5,523 for FY25/26, but Wilkins hopes to fully eliminate deficit in
 116 the coming year. **Motion by Votruba, seconded by McGregor to adopt Resolution**
 117 **2024-006, Deficit Elimination Plan for FY2024, as presented. Roll call: Wilkins Aye |**
 118 **McGregor Aye | Votruba Aye | Holmes Aye | Fiebing Aye | All ayes. Motion passed.**
- 119 **7. Corrective Action Plan – Response to State Treasury Request** Posted on our website.
 120 Wilkins compiled the plan and will submit it before the due date.
- 121 **8. General Fund, Major Streets, Municipal Streets, and Sewer Fund Budget**
 122 **Amendments.** The property tax revenues posted under road tax and sewer tax were
 123 about double the projections, some investigation required; General Fund revenues
 124 seem correct (LSS rental revenues are way up; reimbursement from state for zoning
 125 expense). Municipal Streets and (garage) and Sewer need an amendment. General Fund
 126 has several overages (computer services, training, repairs and maintenance [LSS doors
 127 and Penfold bathroom]) **Motion by Wilkins, seconded by Votruba, to table budget**
 128 **amendment pending investigation. All ayes. Motion passed.**
- 129 **9. UHY Services for Completion of FY25 Bank Reconciliations** 6 mos behind for current
 130 fiscal; there is room in budget leftover from audit and in professional svcs to pay UHY.
 131 **Motion by Votruba, seconded by McGregor,** to contract with UHY Services for bank
 132 reconciliations with fee cap at \$15,000. **Roll call: McGregor Aye | Votruba Aye |**
 133 **Wilkins Aye | Fiebing Aye | Holmes Aye | All ayes. Motion passed.**
- 134 **10. Resignation – Katherine Ralston, Clerk-Treasurer** Ralston had resigned in a letter
 135 dated September 17. Ralston said scope of work with onboarding new systems and
 136 issues with utility billing was overwhelming and stressful; she did manage to build a
 137 basis to work from within new BS&A software and Microsoft office; more can be done
 138 with BS&A to automate. Needed another regular office staff person for internal controls.
 139 Learned a lot. Exit interview 9/25. **Motion by Wilkins, seconded by Holmes, to accept**
 140 **Ralston's resignation. All ayes. Motion passed.**
- 141 **11. Bank Signatories, MiClass Accounts, State Savings Bank Accounts & Credit Card,**
 142 **SIGMA & SAM Motion by Wilkins, seconded by Votruba,** to remove Katherine Ralston
 143 as a signatory on the stated accounts as of September 27. **Roll call: Votruba Aye |**
 144 **McGregor Aye | Holmes Aye | Fiebing Aye | Wilkins Aye | All ayes. Motion passed.**

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146 **REPORTS TO COUNCIL**

147 **County Commissioner Gary Sauer** – Sauer absent due to son's wedding.

148 **LSS** – K. Mills/ Written Report. 3 weddings left this season.

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

150 **Betsie Valley Trail** – Jon Ottinger / Final meeting. Trail improved between Elberta and Frankfort.
 151 Next paving between Beulah and Case Rd. Trail Discovery Day Sept. 22.

152 **Planning Commission** – Fiebing / Minutes/Verbal Report Master Plan is approved. Available on

153 website. Beckett and Raeder planner will be at October mtg. with summary of zoning ordinance
154 updates. Need to have a draft by the end of the year to stay within our contract. Redoing the
155 entire ZO in a year will be challenging. incl long overdue changes suggested by MSU years ago.
156 Final document will be much easier to read and understand with better visuals.

157 **Parks & Recreation Commission** – McGregor / See Minutes. Footwashing station planned at
158 beach. Early October public hearing expected for Parks and Rec Master Plan, council approval
159 in December. Important for Parks to coordinate with Betsie Valley Trail because of potential
160 extension to Beach. Very cool historical and nature signage coming to beach. Engineer caps
161 with patches will be for sale as a fundraiser

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

163 **DPW** – Justin Towle/ Verbal Report. CDL test was scheduled for the following week. Hydrant
164 flushing to be announced. Second radar speed sign and crosswalk signs coming. LSS doors
165 being fabricated. Rocks on hill above amphitheater will be moved to create room for parking.
166 Salt storage building coming. More no parking signs to be installed.

167 **Clerk-Treasurer** – Kat Ralston / Verbal Report.

168 **BGFAC** – Wilkins & McGregor / No meeting.

169 **Personnel & Policy Committee** – Votruba & Wilkins / Verbal Report and Minutes. Office
170 positions being advertised in RecPat and elsewhere. Please spread the word. Details on
171 website. Community members being surveyed as part of DPW staff one year review. Rental
172 contract updated to prevent tents anywhere but Section B in Festival Fields.

173 **BLUA** – Wilkins & Holmes / Verbal Report. Tanks to come down. One client let go for
174 nonpayment. Source of copper contamination still a mystery, levels are within EGLE standards.

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

176 **Village/GTRLC Working Group** – Wilkins & Fiebing / no meeting.

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

179 None

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181 **Announcements**

182 Ragnar Relay September 20, Fall Fest October 12 in Frankfort, Barn Dance fundraiser for
183 GTRLC Sept. 22

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185 **Adjournment**

186 8:49 pm by Holmes

187

188 Final minutes prepared by

189 Emily Votruba, Trustee

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VILLAGE OF ELBERTA
BENZIE COUNTY, MICHIGAN
ORDINANCE NO. 46

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF ELBERTA ORDAINS:

SECTION 1. GRANT and TERM. The VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Village on account of the permission herein given, Consumers shall, upon notice, defend the Village and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Village at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

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SECTION 7. REVOCACTION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Village and those rules and regulations preempt any term of any ordinance of the Village to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Village including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect 20 days from the date of enactment, on October 9, 2024.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, on the 19th day of September, 2024.

Motion by Trustee: Kenneth Holmes
Second by Trustee: Emily Votruba
Ayes: Kenneth Holmes, Ryan Fiebing, Emily Votruba, Brett McGregor, and Jennifer Wilkins.
Nays: None
Absent: None

Jennifer Wilkins, President

Attest:

I, _____, Clerk of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Village Council of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

Katherine Ralston, Village Clerk

Dated: _____, 2024

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**Village of Elberta Resolution #2024 -006
5-year General Fund Deficit Elimination Plan for Fiscal Year 2024**

September 19, 2024

WHEREAS the Village of Elberta's General Fund had a \$30,568 deficit fund balance on February 29, 2024; and

WHEREAS Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;

NOW THEREFORE BE IT RESOLVED that the Elberta Village Council adopts the following as the Village of Elberta General Fund 5-Year Deficit Elimination Plan:

	2023 FY2024	2024 FY2025	2025 FY2026	2026 FY2027	2027 FY2028
Revenue	\$(53,128)	\$(30,568)	\$(5,523)	\$19,531	\$43,585
Property Taxes	\$101,338	\$101,500	\$101,500	\$101,500	\$101,500
Licenses & Permits	\$6,720	\$1,000	\$5,000	\$5,000	\$5,000
Charges for Services	\$109,641	\$122,154	\$122,154	\$122,154	\$122,154
Interest & Rents	\$74,742	\$53,700	\$55,000	\$55,000	\$55,000
Other Revenue	\$5,728	\$570,000	\$19,000	\$19,000	\$19,000
State & Federal Grants	\$92,373	\$384,745	\$84,745	\$84,745	\$84,745
Total Revenue	\$390,542	\$1,233,099	\$387,399	\$387,399	\$387,399
Expenditures					
Salaries and Wages	\$109,356	\$115,431	\$115,431	\$115,431	\$115,431
Buildings & Grounds	\$91,147	\$129,258	\$129,258	\$129,258	\$129,258
Public Safety	\$2,641	\$-	\$-	\$-	\$-
Contractual Services	\$113,513	\$64,700	\$64,700	\$64,700	\$64,700

193

Supplies	\$6,842.33	\$5,050	\$5,050	\$5,050	\$5,050
Other Services	\$22,420	\$43,615	\$43,615	\$43,615	\$43,615
Capital Outlay	\$	\$850,000	\$	\$-	\$-
Other expense	\$				\$-
Total Expenditures	\$367,981	\$1,208,054	\$358,054	\$358,054	\$358,054
Net Effect	\$22,561	\$25,045	\$25,054	\$24,045	\$24,045
General Fund Cash - Calculated from Rev/Exp	\$(53,128)	\$(30,568)	\$19,531	\$20,166	\$67,630

BE IT FURTHER RESOLVED that the President of the Village of Elberta submits the 5-Year Deficit Elimination Plan to the Michigan Department of Treasury for certification.

AYES:

NAYS:

ABSENT:

RESOLUTION DECLARED ADOPTED By _____
Jennifer Wilkins, Village President

I, the undersigned, President Pro Tempore 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 September 19, 2024, 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: _____
Emily Votruba, President ProTempore

194