

VILLAGE OF ELBERTA BOARD OF TRUSTEES  
REGULAR MEETING  
October 16, 2014 • 7 PM

The Village of Elberta Board of Trustees held its regular meeting on Thursday, October 16, 2014, at the Community Building, 401 First Street, Elberta, Michigan.

The meeting was called to order by president pro tempore Robin Rommell at approximately 7:00 p.m.

**Recitation of Pledge of Allegiance**

**Present:** Joyce Gatrell, Ken Holmes, Diane Jenks, Robin Rommell

**Absent:** Reggie Manville

**Public:** Mary Kalbach, Ken Bonney, Cathy Anderson, Rosemary Tanner, Andrew Bolander, Art Melendez, Don Tanner, Emily Votruba, Chad Hollenbeck, Theresa Gilbert

**Approval of Minutes:**

• *Regular Meeting, August 21*

The minutes from the August 28 Special Meeting had not yet been distributed to council. The minutes from the August 21 special meeting portion of the regular meeting were not yet finished.

**Motion by Gatrell, seconded by Jenks, to accept minutes with a correction on page 3, to reflect Rommell's yes vote on the appointment of Holly O'Dwyer to fill Linda Manville's vacated position. All ayes. Motion passed.**

**Approval of Agenda:** The agenda was not available (copies had been left on the copy machine). Jenks asked to add "Library Sale" and "Violations of Ordinances" to the agenda.

**Motion by Jenks, seconded by Gatrell, to approve these additions to the agenda. All ayes. Motion passed.**

**Agenda Conflict:** None stated.

**Public Input:** None.

**CORRESPONDENCE**

Resignation letter from trustee Jennifer Wilkins, from council, Parks and Recreation Commission, and the Solstice Committee. Resignation letter from Sheila Applebee as village treasurer. Council did not know Applebee was having transportation trouble until they received her resignation letter. Resignation letter from Mary Kalbach as village clerk, and application to be village treasurer instead. Bill Settles would like to set up community garden at Elberta Dunes South Natural Area (EDNA) meadow. Council suggests Parks & Rec discuss it with him, come up with a plan and then bring it back to council. Council also received letters regarding ordinance violations.

**APPROVAL OF BILLS**

Council did not have a complete report of payments to look at. Kalbach listed some of the payments recently made. Auditors charged Village over \$11K. Kalbach said we had already paid \$5630 and

1 they want an additional \$5665. Largest bill in previous years was only about \$5K (same auditors).  
2 Rommell: "All we got was an invoice that had a figure on it. There was no breakdown or  
3 explanation." Council said audit took longer because a lot of the material was hard to find in the wake  
4 of the departure of the former clerk and treasurer—information used to be more ready to hand. An  
5 additional charge of \$11,484 came from Roxanne Nicholas of the State of Michigan for her internal  
6 controls audit performed last year. A \$53 tax software support charge was explained. The software is  
7 owned by Gilmore Twp. \$3677 for fire/safety second quarter.

8  
9 **Motion by Holmes, seconded by Rommell, to hold off on paying the auditors until clarification**  
10 **on price increase received. All ayes. Motion passed.**

11  
12 Other bills will be paid. Rommell explained that \$1670 payment to Ottwell Mawby is a pass through  
13 for Brownfield Grant. Have a one year extension on grant to pull out the Car Ferry Apron docks.  
14 Rommell in touch with Chris Panopolis about when Aprons will be removed. Once Brownfield grant  
15 expires, Village will only have to have audit every two years. The Brownfield grant requires an audit  
16 every year.

17  
18 **AGENDA 1: Benzie Bus**

19 Chad Hollenbeck discussed ridership and new schedule. BB is seven years old. Average is 300 rides  
20 per day. Average 18 riders on morning route to TC. BB is changing routes for great efficiency. Can  
21 still call a day ahead for door to door service. Summer fun shuttle service (\$1, arranged through  
22 phone call to driver) was less popular than anticipated. Brought our Elberta bus stop sign. Council  
23 should consider where to put stop. New schedule brochures. BB is one of the top 6 fleets in the nation  
24 in terms of propane use, a cleaner, more efficient fuel than gasoline. Bus runs: Mon–Fri 5 am to 8  
25 pm. Saturday reinstated: 7 am to 5 pm. Handed out BB tote bags.

26  
27 **AGENDA 2: Resignation of Trustee Jennifer Wilkins**

28 Wilkins resigned from trustee board, Parks and Recreation Commission, and Solstice Committee for  
29 "person reasons" effective September 18. Wilkins's letters to Council and Parks and Rec are available  
30 in the Village Office. Jenks read a letter Jenks had written regarding Wilkins's service (see attached).  
31 In the letter Jenks apologizes for the disrespectful treatment Jen has occasionally received from  
32 certain (unnamed) council members.

33  
34 **Motion by Gatrell, seconded by Holmes to accept Wilkins's resignation and that a letter of**  
35 **appreciation be sent to Wilkins. Aye: Gatrell, Holmes, Rommell. Nay: Jenks. Motion failed.**

36  
37 No applications received by volunteers to fill out Wilkins's term.

38  
39 **Motion by Jenks, seconded by Holmes, to accept Sheila Applebee's resignation as village**  
40 **treasurer. All ayes. Motion passed.**

41  
42 Employee relations committee (Jenks, Gatrell, Rommell) recommends making treasurer position  
43 salaried rather than hourly. Kalbach would become treasurer and deputy clerk. The deputy clerk  
44 position pays an additional \$1 per hour. Total \$10,192.

45  
46 **Motion by Jenks, seconded by Gatrell, to appoint Kalbach to that position at that salary. All**  
47 **ayes. Motion passed.**

48  
49 Rommell introduces new Village clerk Dick Jenkins. ERC met with Jenkins previous week. Had five  
50 applications. Jenkins has government experience and accompanying skills, including website

1 maintenance and grant writing, computer skills, enjoys doing Excel spreadsheets. Jenkins: Was  
2 administrator for the Manistee Conservation District. Handled payroll, audits. Regulations very  
3 similar to Village General Law. Also served on Frankfort City Council. Rommell: Jenkins will also  
4 be deputy treasurer. Open office hours continue to be Wednesday 1 to 5 and Thursday Jenkins will be  
5 there 9 to 1. Kalbach is still a notary, so she can swear in Jenkins. Kalbach will have to go to Kim  
6 Kidder for swearing in.

7  
8 **Motion by Jenks, seconded by Gatrell, to appoint Richard Jenkins to the position of Village**  
9 **Clerk/Deputy Treasurer at salary of \$12,896 (\$12,064 annual salary, plus \$832 for deputy**  
10 **treasurer). All ayes. Motion passed.**

11  
12 **AGENDA 3: Planning Commission**

13 No volunteer applications received for Planning Commission vacancy. Jenks volunteers to sit for a  
14 while on Commission so they can have a quorum. Bonney says Jen Whiting may be interested but  
15 wanted to wait until Mayfair's additions are approved to avoid conflict of interest. Commission has  
16 been unable to meet, only have two people, need three for a quorum.

17  
18 **Motion by Gatrell, seconded by Holmes, to appoint Diane Jenks to the Planning Commission**  
19 **temporarily. All ayes. Motion passed.**

20  
21 **AGENDA 4: Approval of the Amended Budget**

22 Rommell: Thanks several people for six months of hard work on budget to make it more user friendly  
23 and comprehensible: Joyce Gatrell, Linda Manville, Rommell. Manville came up with a list of  
24 questions. The new budget format answers most of those. For example, there used to be an item  
25 "Specific Projects" allotted \$15K, and they had no idea what it was. Turns out it was fire and EMS  
26 contract with the City of Frankfort. Terry McGregor a huge help, understands fund balance. Cathy  
27 Anderson has spent three months completely reconciling and rationalizing the Parks&Rec budget.  
28 Kalbach has also put in extra time. Cover sheet with the only true amendments, changes to the  
29 budget. (This document available in Village Office.) With abrupt departure of Clerk and Treasurer,  
30 Rommell and others had to figure out how to pay/log DPW wage and \$300 monthly benefit, for  
31 example, and had to learn how to use the complicated fund balance software; 41 pages of adjustments  
32 show and correct where charges were incorrectly assigned. Holmes: Rommell has done a tremendous  
33 amount of work. Jenks: question about negative balance in paybacks. Rommell: Rentals to date are  
34 \$28,950. LSS refund is overbudget. We gave back more refunds than we thought. People who booked  
35 and then canceled. New contract: \$500 deposit is now over and above rental fee. Rommell:  
36 Equipment paybacks in Major and Local Streets are double the budget. Attorneys fees incurred last  
37 year got charged off to last year.

38  
39 **Motion by Holmes, seconded by Gatrell to accept proposed amendments to 2015 budget. All**  
40 **ayes. Motion passed.**

41  
42 **AGENDA 5: State Grant Applications**

43 Rommell: State of Mich. has set aside \$8mill in grants to help struggling communities. Jenks,  
44 Anderson, Holmes working on a proposal. Anderson: Lots of competition. State started awarding  
45 grants October 1 but because there was no September council mtg we are behind. We have a proposal  
46 for computer software upgrades and road improvements up to our water tower, which was a DEQ  
47 requirement (we were cited for inadequate access). We will assemble the proposal and transmit to  
48 Robin for her signature.

1 Jenks: Wants a new, historically accurate stairway for LSS, to make upstairs accessible. Will try to  
2 piggyback onto state grant. Holmes: LSS should have an elevator. Upstairs could be offices.  
3 Anderson: Need volunteers for in kind match.  
4

5 **Motion by Jenks, seconded by Gatrell, to sign grant proposals created by Anderson or anyone**  
6 **by end of October.**

7  
8 **AGENDA 6: Proposed Budget Amendments related to Elberta Dunes South Natural Area**

9 Grant awarders want report on finances of EDNA. Files were out of order. Anderson figured it out.  
10 Need to be able to track where annual endowment disbursement is going, among other things.  
11 Anderson proposes creating a separate fund item, "Dept 756" for EDNA, to show revenues from  
12 endowment, rentals, expenditures showing wages (for maintenance), equipment, etc. Endowment  
13 money is a \$5k grant from the Oleson Foundation. Checks were sent to the Village in 2011, '12, and  
14 '13 (between \$900 and \$1k each year). But we can't find the \$5k or the three years of grants. Starting  
15 in 2015 should be getting \$4k per year. We didn't get the money for 2014 because they never heard  
16 from us and were wondering what was going on.  
17

18 **Motion by Jenks, seconded by Holmes, to create a separate Dept, 756, for Elberta Dunes South**  
19 **Natural Area under the Parks fund.**

20  
21 **AGENDA 7: Parks & Rec**

22 Rommell: Solstice did not lose money this year—\$10k was misallotted. Anderson straightened it out.  
23 P&R will appoint a new liaison (replacing Wilkins) next month after election. Need a new P&R  
24 check signatory. Anderson: Article 11 Bylaws state either president or secretary of P&R shall cosign  
25 with Village president or village clerk. Votruba is new secretary of P&R. Signatories will be worked  
26 out at November council meeting. Joyce will sign for Xmas trees in meantime. Andrew Bolander has  
27 applied for membership in P&R. Bolander: Moved here in June. Volunteer at BACN and the history  
28 museum. Was a bouncer at Solstice.  
29

30 **Motion by Jenks, seconded by Holmes to approve Bolander as new P&R member. All ayes.**  
31 **Motion passed.**  
32

33 **AGENDA 8: County Commissioner's Report**

34 Don Tanner: Fajita fundraiser for Special Olympics a success, raised \$4,400, doubling earnings from  
35 last year. County needs a new health officer/medical examiner, seeks to partner with Leelanau for a  
36 joint office and examiner. Dr. Houghton was med. examiner, has been hard to replace since he passed  
37 away. County is putting a clinic in the county building, via a grant, for local integrative health care.  
38 Local CMH recognized Darwin Booher for passing PA 266. Needed changes in the law because of  
39 federal requirements that contradicted state law. Booher said: award should have gone to Don Tanner  
40 and Chip Johnston, who did the lion's share of the work preparing the bill. State Director of Mental  
41 Health said a few years from now people will understand the importance of this effort. Master Plan:  
42 county wants to work with local units. County is combining its master plan and recreation plan  
43 process, working with Sarah Lucas, to save money. Benzie will have the first local plan tied in to a  
44 regional growth plan and economic development. County has appointed Bill Kennis, director of the  
45 Benzie Bus, to a regional prosperity board.  
46

47 **AGENDA 9 Sale of Library**

48 Site assessment will be done tomorrow (October 17). Jenks: Suggests raising price to \$65K to better  
49 cover costs of survey and appraisal. Whoever buys will have to bring it up to code. Holmes: What  
50 about the school bell tower? Suggestion to move it to Veterans Park, near old school grounds.

1 Someone has been removing the for sale sign in the window from inside the building. Jenks: Don't  
2 think we should "save it" for the township; don't know if they'll get the grant they're seeking to buy it.  
3 Also, sale to Twp would not create tax revenue. Votruba: Twp sale is safe; our zoning map is not  
4 finished and our zoning ordinance needs work; need to avoid lawsuits. Jenks: Request for proposals?  
5 Anderson: Twp shld pay for first right of refusal. Tanner: Twp seems serious; it's been discussed at  
6 every one of their meetings; suggests reaching out to them. Cty can advise on proposal request  
7 process. Rommell: Every child in our school paid 10 cents for a brick. Breaks my heart that bld might  
8 not belong to the public in some manner. Holmes: People rejected a millage for upkeep. Rommell  
9 will write a letter to Twp.

10  
11 **AGENDA 10: Ordinance Violations**

12 Letter from L. Manville regarding 753 Lincoln fence violation. Finished side faces the owner. Height  
13 is incorrect: "We cannot afford random ordinance violations that could subject us to litigation."  
14 Another fence violation across from Rommell; ongoing problem of loose dogs. People burning  
15 garbage, grass not cut, trash in yards. Holmes: Garage opened for car repair. Had a permit for small  
16 engine repair. New business does not have a permit. Member of public: Fence is at his parents' place;  
17 looks better than other fences around town; some people are in compliance and others aren't. Holmes:  
18 Disapproves of one particular fence in town and always has. Jenks: Suggests Holmes takes on  
19 enforcement since DPW is overburdened as is. Tanner: You want compliance, not punishment. Work  
20 with community members; you should be getting revenue for municipal civil infractions. Jenks:  
21 Suggests a "nice yard" award. Council will revisit issue at November meeting.

22  
23 **AGENDA 11: Revised Deficit Elimination Plan**

24 Now that budget amendments have been approved, Chris Olson can revise DEP. Special meeting  
25 week of the 30th to pass resolution approving revised DEP. Draft of audit is ready. For some reason  
26 auditor wants copy of the DEP as approved by the state. DEP has not yet been approved. Kalbach:  
27 Spoke with state, they don't understand why he needs that. Rommell: Auditor had several  
28 recommendations that were policies that we've already adopted. Jenks: He needs to get off the clock.

29  
30 **9:35 pm Public Input**

31 Andy Bolander: Need to improve the visibility of government actions. Ordinances should be  
32 available to everyone on the website.

33 Don Tanner: County looking for appointees to county master plan process. Maybe put it on your  
34 agenda for next month, appoint a person and an alternate.

35 Rommell: Tonight is the last regular meeting of this council. Once results are certified, new council  
36 members will be sworn in before the November 20 regular meeting.

37 Jenks: Thanks Rommell for all her extra time and hard work.

38 Rommell: Water bills show old office hours. New stock has been ordered with new hours.

39 Rosemary Tanner: Village meetings need to be posted in the post office.

40 Rommell: Someone must have taken it down. We'll repost it.

41 **Public Input Closed**

42  
43 **Motion by Rommell, seconded by Holmes, to adjourn the meeting, at 9:45 pm. All ayes.**  
44 **Meeting adjourned.**

45  
46 Emily Votruba compiled these minutes and submitted them to Elberta Village clerk Richard Jenkins.

47  
48 \_\_\_\_\_ (date)  
49 \_\_\_\_\_  
50 Elberta Village Clerk

1 **PPIC Committee Report**

September 15, 2014

**Minutes Policy Procedure and Internal Control Committee**

Meeting 6 :00 PM 401 First Street . Community Building

Present: Jennifer Wilkins, Diane Jenks

Absent : Ken Holmes

Old Business:

Conflict of Interest Policy: Worked on revisions of draft of conflict of interest policy and Disclosure. Diane will type up new draft and have for council meeting on Thursday.

Discussed need for policy for inappropriate behavior of council members at meetings. Mr. Holmes was out of line with his attack on our consultant Chris Olsen at the last council meeting with no consequence. Mr. Holmes has spoken out of line his opinion many times with no consequence costing the village money in legal fees. There have been other times when council members have acted inappropriate and the need is there for a policy to address it. Code of Ethics may be the place to do so.

New Business:

1. The Revision of the Draft Manual of Policies and Procedures Diane gave to council for consideration last August. The possibility of combining it with an employee handbook.
2. The revision of the "big book" of ordinances and codes. A lot of the codes and ordinances are outdated and need to be amended.

At the end of the meeting Jennifer Wilkins said she was sorry but she had to resign from not only this committee but all committees, council and Parks and Rec. as well.

Meeting adjourned 8:30

Diane Jenks Village Trustee

2  
3  
4 **Municipal Buildings Committee Report**

MUNICIPAL BUILDING REPORT

September 18, 2014

Old Business: Library, all appraisals and surveys are done it is time to put the for sale on building with phone number. I suggest we list the building for \$65,000 to cover cost of expenses of selling and recording sale. First \$65,000 takes it. For Sale sign should be put in window and one or two outside. With a phone number of village and Kenny's cell on it.

Utilities should all be charged to Gilmore Township. Hours of operation should be posted on building for Gilmore residents to conduct business or a phone number where clerk and treasurer can be reached.

Community building and Life Saving Station looking at ways to increase revenue on both of those.

Agenda item for grant.

Diane Jenks Trustee

*For Sale Sign Put in window in Oct  
Removed by someone within the  
week -*

5  
6 **Jenks Letter Regarding Wilkins Resignation**

September 18, 2014

Jennifer Wilkins has volunteered for the Village of Elberta for many years. Jennifer has been the strength of our Parks and Rec. Commission, served on many committees and a council trustee.

Jennifer has cleaned beaches, parks, buildings as a volunteer. Jen has bought her own paint and painted many things in this village including basket ball courts, buildings, benches and propellers to make our town look better. Jen has been relentless in her efforts to improve Elberta in many ways by rolling up her sleeves and working for OUR community. No one will ever know how much Jen has done because she has never ask for recognition for anything she has done.

Parks and Rec. Commission has worked on many fund raisers for this village and I am sure everyone on that Commission will say Jen spear headed most of not all of them. The commission continues to raise money to improve our Parks one dollar at a time many times using their own money to finance the projects.

The Solstice Festival is bar none the greatest source of Pride for Elberta, People come from all over to Participate in an event that does more P. R. for the village than any other event. She works all year and just about around the clock the week of Solstice. Why? Jen has nothing to gain from that I can bet in fact she puts money in that too.

As a council trustee Jen has continued to show her loyalty by spending many hours at meetings and on paperwork. When Jennifer takes a position on a committee you can count on her to do more than her part and get the job done.

Why would someone do all of this and just quit if she loves Elberta so much? For all of Jennifer's hard work she has been constantly disrespected, unappreciated and even bullied at council meetings. For years she has been humiliated at public meetings literally brought to tears. Jen has worked very hard on fund raisers and Solstice for specific goals. The reward for her efforts threats of Parks and Rec. being dissolved and the money you've earned is village money and we will say how it is spent.

At what point do we stop beating up our volunteers and give them the respect they deserve. We all have a breaking point and her spirit has been broken.

I am sorry Jennifer for the treatment you have received and Thank you for the years of dedication and devotion to OUR village. I wonder how many people it would take to replace a person that is irreplaceable? You will be missed.

Respectfully

Diane Jenks

### Settles Letter Regarding Community Garden

#### Garden plot on the Village's South Dunes land

Tue, Oct 7, 2014 at 2:51 PM

From Bill Settles <biobillsettles@aol.com>

To shear.class@yahoo.com <shear.class@yahoo.com>, biobillsettles@aol.com <biobillsettles@aol.com>

Good morning Diane

Thank you for your time and interest in the developing of a garden plot on the Village's South Dunes land.

Can I get permission to plant a garden on that property.

My gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs. The land could be served by village water available at the end of Lincoln to support the cultivation on the site. Such

land may include available public land. Community gardens are permitted in the following zones: residential, multifamily, mixed-use, open space, industrial

I look forward to the Village Commission's thoughts.

Best regards.

Bill Settles

Objective: Establish new garden or urban farm to offer recreation, and economic opportunities; improve open space; and a local food source. My gardens shall consist of land used for the cultivation of fruits,

vegetables, plants, flowers, or herbs. The land could be served by village water available at the end of Lincoln to support the cultivation used on the site. Such

land may include available public land. Community gardens are permitted in the following zones: residential, multifamily, mixed-use, open space, industrial

I look forward to the Village Commission's thoughts.

Best regards.

Bill Settles

Thank you for your time and interest in the developing of a garden plot on the Village's South Dunes land.

### Possible LSS Stairway Architect

P.O. Box 26 Arcadia, Michigan 49613 • (231) 651-0493 •  
md.bischak@gmail.com

1 October 2014

Diane Jenks, Village Trustee  
Village of Elberta  
151 Pearsons Street  
Elberta, Michigan 49628  
(231) 352-7201  
Cel: (231) 735-1773  
jjenks@betsievalley.net

Re: Architectural Services for Stair Addition to Existing Lifesaving Station

Dear Diane:

Thank you for your consideration for the architectural work for the design and construction documents for the stair addition to the Lifesaving Station. The attached proposal is for this project.

If you have any questions, feel free to call me at the number above.

Sincerely,  
Mark Bischak, Architect

## PROPOSAL

Prepared by Mark Bischak, Architect  
1 October 2014

### PURPOSE

To design and produce construction documents for the addition of a stair to gain better access to the second floor of the lifesaving's station in Elberta, Michigan

### SCOPE OF SERVICES

The following is a general list of steps for this project, followed by a brief description of that phase:

#### 1. Pre-Design

Determine the project requirements. Document the existing structure(s) and site conditions. Investigate current codes and regulations that apply to this project.

#### 2. Schematic Design

Develop solution(s) that meet the project requirements. Produce drawings to be used for obtaining funding for the project. Drawings would include first floor plan of the entire first floor, second floor plan of the entire second floor, four exterior elevations of the entire building, section through the addition, and perspective of the entire building that would best show the additions flawless integration into the existing architecture. Prepare cost estimate.

#### 3. Design Development

Further develop the details of the selected schematic design.

#### 4. Construction Documents

Produce a set of architectural drawings that will obtain the required permits and guide the construction process. Mechanical and electrical drawings are not included in this proposal, generally they are provided by the Mechanical and Electrical contractors. Drawings would include:

- 1) Site plan
- 2) First floor plan
- 3) Second floor plan
- 4) East elevation
- 5) South elevation

- 7) North elevation
- 8) Building section

### COMPENSATION

The architectural fee shall be based upon an hourly fee of \$75.00 per hour.

Estimated hours to complete the first two phases of the above described "scope of services" would be approximately 40 hours; translating to approximately \$3,000.00. This would give the Village drawings of the design to aid in obtaining funding for the project.

Estimated hours to complete the all four phases of the above described "scope of services" would be approximately 70 hours; translating to approximately \$5,250.00. This will give the Village construction documents that will be used to obtain permits and guide the construction process. (The \$3,000 is included in the \$5,250)

Billing shall occur at periodic times as hours accumulate. All checks shall be payable to "Blue Sky Trust"

A retainer deposit of \$500.00 is required prior to commencement of my work. The amount of the retainer shall be subtracted from the bill at the end of the completion of Construction Documents.

Mark Bischak, Architect - 231.651.0493 - md.bischak@gmail.com

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7

**SYNOPSIS**

1.

DRAFT