

**Bellaire Village Council
Meeting Minutes
August 1, 2018**

1. **Call to Order:** President Schulz called the meeting to order at 7:00 PM.

2. **Roll Call Attendance:**

Present: President David Schulz, Council Trustees David Ciganick, Bryan Hardy, Dan Bennett and Helen Schuckel.

Absent: Trustees Trish Drollinger and Eldon McPherson.

Staff Present: Cathy Odom, Treasurer, Lori Luckett, Clerk & Ken Stead, DPW Supervisor.

Also Present: Terry VanAlstine, Colette Stanish, Linda Gallagher, Martha Kueka, Bonnie Richards, Melissa Zelenas, Ben Kladder, Aaron Kirt, Brad Keiser & Steve Alger.

3. **Approval of Agenda:** The agenda was approved.

Motion by Schuckel, seconded by Ciganick, to approve the agenda with the addition of new business item I, Yoga in the Park. Motion carried by voice vote.

4. **Conflict of Interest:** Trustee Ciganick noted a conflict with new business item g, stump removal estimate.

5. **Consent Agenda:** Trustee Ciganick noting an error in the minutes under the cemetery discussion. The correct amount of brush loads removed from the cemetery should read 13. The change was made and the consent agenda approved.

Motion by Bennett, seconded by Ciganick, to approve the consent agenda as amended. Motion carried by voice vote.

6. **Public Comment on Agenda Items:** President Schulz stated that anyone who wishes to address the Council may do so, but asked that comments be kept to five minutes due to the length of the agenda. Barry Cole stated he is running for Antrim County Probate Judge. Terry VanAlstine stated he is running for County Commissioner for District 5. Ed Boettcher, County Commissioner Chairman addressed Council and explained the status of the County's building restoration plans. He invited everyone to a special meeting on Monday, August 6, 2018 at 6:30 PM, at Meadowbrook Medical Care Facility. He explained that they hired a consultant to look at updating the County facilities. They are looking at the County campus to determine which direction they would like to take. There are looking at several options with one of them requiring the vacation of Grove St. He said they do not know which direction they will take, but is asking that the Village keep an open mind if needed. They would like to proceed with a solution that is harmonious to both the County and the Village.

7. **Old Business**

a) **Cemetery Issues:** The cemetery committee met to discuss an issue at the cemetery and to see if any changes need to be made to the cemetery rules. The Cemetery Committee provided their recommendation to Council. President Schulz said because this is an emotional process, we need due diligence in balancing the emotion, practicality and finances.

Motion by Schuckel, seconded by Schulz, to have the Cemetery Committee meet again with the addition of Steve Alger, Gary Mortensen and Ken Stead to begin the process of reviewing Lakeview Cemetery Rules and Regulations in relation to researching other cemeteries rules and regulations. Motion carried by voice vote.

Trustee Ciganick said we need to be conscious of what our direction is in the interim of any rule changes. What direction are we giving staff on the enforcement of the rules currently? Reviewing the current rules will take some time so how do we have the staff proceed until that is complete. Trustee Schuckel said until the review is complete, we should have the staff maintain rules as they currently stand. Treasurer Odom asked for clarification. Is staff following the current rules as they are written or

do issues have to be brought to Council each time? President Schulz said we will continue to remain as status quo and follow the rules as they are now.

- b) **Historical Society-Sign Request:** We did not receive a drawing specifying the design of the sign as requested at the last meeting. This item was tabled until one could be obtained.
- c) **Paint/Repairs-Village Hall:** Mr. Stead explained that he has been unable to find companies to do the stucco work on the pillars because it is such a small job. He said the cement work underneath is not cracked; just the stucco overlay needs to be done. He said they will put it on the DPW work schedule.

8. New Business:

- a. **Bond Anticipation Note (BAN):** President Schulz explained that the Village received a grant to look at our sanitary and sewer systems. This study identified potential updates and repairs that were needed. Based on the upfront costs of needed major repairs, Council decided to complete all the repairs at once, creating the need for funding from the USDA. This is a long term loan with a low interest rate. The current water & sewer rates are set to allow for the repayment of this loan.

- **Pre-closing Costs/USDA Sewer Project:** Some of the costs for the project are needed prior to closing on the USDA loan. The projected pre-closing costs are \$209,000. This includes a preliminary design, final design, bidding, permitting, ROW mapping, soil borings, attorney fees, bond council fees, publication fees and filing fees.

Motion by Bennett, seconded by Hardy, to approve the bond anticipation note costs in the amount of \$209,000. Motion carried by roll call vote. Ayes: Bennett, Hardy, Ciganick, Schuckel & Schulz. Nays: None. Absent: Drollinger & McPherson.

- **Resolution #18 of 2018:** This will document that we are moving forward with a note for the pre-closing costs.

Motion by Hardy, seconded by Bennett, to approve Resolution #18 of 2018, authorizing issuance of bond anticipation notes. Motion carried by roll call vote. Ayes: Hardy, Bennett, Ciganick, Schuckel & Schulz. Nays: None. Absent: Drollinger & McPherson.

- **BAN RFP:** An RFP is what is sent to different financial institutions to see which of them may want to provide the funding for the pre-closing costs. They have a list of financial institutions where the RFP will be sent. We may add financial institutions of our choosing to their list in which an RFP will be sent.

Motion by Schulz, seconded by Hardy, to authorize entering in the names of the banking institutions that we currently are registered with this fiscal year. Motion carried by roll call vote. Ayes: Hardy, Bennett, Ciganick, Schuckel & Schulz. Nays: None. Absent: Drollinger & McPherson.

- **USDA Closing Date Projection:** Fleis & Vandenbrink is projecting the closing date for the USDA loan to be June of 2019. The approved resolution states that it is projected to be no later than October of 2019.

- b. **Vulnerability Assessment-USDA Loan:** Clerk Lockett explained that this assessment is a requirement for the USDA loan. Staff will be working on this, but she noted that there is a reference to the safety of the facilities. This is in regards to the gates at the DPW being left unlocked so that residents can drop off brush and leaves. They are recommending that the gates be locked outside of business hours. President Schulz asked if there was a template for the emergency response plan and there is. He also verified that the lift stations are protected. Clerk Lockett said the assessment requires the DPW Supervisor's signature and approval is needed from Council to proceed. There was discussion about informing the residents if this assessment caused the DPW gates to be locked outside of office hours as this will affect weekend use of the brush and leaf piles. Trustee Ciganick stated if this is an assessment, do we have to make any changes. Clerk Lockett stated that by signing the

Certificate of Completion, she believes you are agreeing to make necessary changes for the security of the system.

Motion by Hardy, seconded by Bennett, authorizing the Village Clerk and DPW Supervisor to complete analysis and work on the Security Vulnerability Self-Assessment for Small Wastewater Systems and authorizing the DPW Supervisor to sign said document. Motion carried by voice vote.

- c. **Liability Insurance Quotes:** We received two quotes, one from our current carrier, Municipal Underwriters of Michigan for \$26,366 and the other from UP Insurance Agency for \$26,391. Both companies have provided very similar services. We have had no problems with claims or services with our current provider.

Motion by Ciganick, seconded by Bennett, to continue coverage with our current liability insurance provider. Motion carried by voice vote.

- d. **Resolution #19 of 2018, Act 51 Non Compliance-Non Motorized:** We receive Act 51 funds for use of road construction and repairs. We are required to spend 1% of what we receive on pedestrian or bicycle traffic over a 10 year period. We received notification that we are short for the last fiscal year by \$3,200. A resolution will have to be approved showing how we will bring the Village back into compliance. Treasurer Odom explained how the deficit occurred. She also explained that planning for this type of work will have to be considered when working on future budgets. The resolution shows the work that is going to be completed to remove the current deficit.

Motion by Hardy, seconded by Bennett, to approve Resolution 19 of 2018, which is a resolution authorizing Non-Motorized Transportation Improvements. Motion carried by roll call vote.

Ayes: Hardy, Bennett, Ciganick, Schuckel & Schulz. Nays: None Absent: Drollinger & McPherson.

- e. **Administration Committee:**

- **Employee DPW Vacancy:** Due to the resignation of Mr. Stead, Admin discussed and is recommending approval of an external and an internal posting of the vacant position. Drafts of both ads were presented for review. Admin would like Council to approve the posting of these two ads. Mr. Stead will be leaving in mid-September and Admin would like to find his replacement before that date.

Motions by Schulz, seconded by Bennett, to have Council authorize the Administration Committee to pursue posting, reviewing and setting up interviews for final candidates for Village Council to approve. Motion carried by voice vote.

- **Street Millage Allocation:** President Schulz explained that during the audit process last year, it was determined there was a deficit in the major street fund balance. As this is not allowed, we have to work on a resolution. Treasurer Odom spoke with the auditors and followed up with some research about the allocation of street revenue. We do have the ability to allocate some of the tax revenue to major streets. Treasurer Odom worked with the County clerk's office, researched minutes, the charter and looked for ballot language that would identify whether tax revenue was only for use by local streets. Nothing was found that limited it to local streets only.

Motion by Schulz, seconded by Hardy, to authorize the Administration Committee at such time is appropriate to review the fund balance between local streets and major streets and make a recommendation to Council regarding the percentage that would be allocated to both local and major streets for that next fiscal year. Motion carried by voice vote.

- f. **Sidewalk Bids:** The curb just north of Auto Value to Uniquely North is in need of repair. We now have a contract with MDOT, which means the cost of this job will be covered by the State. We will have to pay for the bidding process and the repair up front, but we will be reimbursed for these costs. We received two bids, one from S & W Concrete Construction for \$14,250 and one from F.A. Concrete Construction for \$14,300. Mr. Stead said the State requires us to accept the lowest bid. Trustee Ciganick noted that the quote says we will be responsible for patching asphalt after the curb, which should be stricken from the quote. Mr. Stead said we will still be responsible for the removal and replacement of the brick pavers, but they will be responsible for the asphalt replacement. President Schulz, as a courtesy, asked Clerk Lockett to contact the store owners to let them know about the project due to the impact it may have on patrons and tenants.

Motion by Ciganick, seconded by Hardy, to accept the quote from S & W Concrete Construction out of Houghton Lake for \$14,250, which includes curb removal and replacement, asphalt replacement in the effective curbing, striking “City is responsible for patching asphalt after curb is replaced.” Motion carried by voice vote.

- g. **Stump Removal Estimate:** The construction crew working on the installation of the high pressured gas line within the village took down some trees and is not removing the stumps. This expense is not in the budget. There were 10 stumps with Trustee Ciganick declared a conflict of resolution because he has already removed two from his property. The estimate is \$992 plus clean up. The cost is based on per inch, so the cost may be a little lower since two of the stumps have already been removed. The expense would come from local streets.

Motion by Bennett, seconded by Hardy, authorizing the DPW Supervisor to proceed with having the remainder of the stumps ground out with the funds coming from the local streets budget. Motion carried by voice vote with one abstention from Trustee Ciganick.

President Schulz explained that Trustee Ciganick shared that he personally paid \$220 for the stumps on his property to be removed. He said that since would have been paid by the Village, he would like Council to consider reimbursing him for that expense.

Motion by Schulz, seconded by Hardy, to reimburse Trustee Ciganick for the amount of the stump removal, with the understanding that he would provide a receipt for the amount that he paid. Motion carried by voice vote with one abstention from Trustee Ciganick.

- h. **Village Master Plan Survey:** Clerk Lockett explained this is a draft survey that the committee put together for community input and is recommending that it be approved so it can be sent out. We will place it on the website, the village facebook page and place some hard copies in some area businesses so that as many as possible will have a voice in the master plan. The survey will be responded to via Survey Monkey with the results will then be compiled to help develop the final plan. President Schulz recommended getting a copy of the survey to Mr. Garwood’s office at the County, Ed Niepoth’s office at Kearney Township and Terry Smith’s office at Forest Home Township.

Motion by Bennett, seconded by Schuckel, to approve the Village of Bellaire Community Master Plan Survey. Motion carried by voice vote.

- i. **Antrim County Special Meeting-Master Plan:** President Schulz stated that since two Council members are absent from tonight’s meeting, he would like this item to be for discussion with no action being taken. He explained the County is looking at their Bellaire campus and he presented a packet of information that will be a topic of discussion at the County’s meeting on August 6, 2018. The information states many of the challenges that the County is facing and identified several options to remedy some of the challenges. Of the several options, it seemed the County narrowed it down to approximately 5 potential options for construction location. Four of them involve property the County owns in the Village which includes their existing building and the bank property. The 5th option involves the location of the law enforcement center which includes the jail and administration on property the County already owns by the animal shelter. President Schulz would like everyone to look at the information presented, whether in the office, on the County website or a copy can be emailed.

He expressed a couple of concerns, one being the aesthetics of the new construction and the other is the communication and understanding between all entities. Discussion occurred about the loss of tax revenue to the Village if the County purchased more property in the Village to expand their facilities. The bank purchase removed approximately 1.2% or \$4,500 from the Village tax base. He noted that our revenue maintains infrastructure and provides services for our residents and it can be challenging when more of our revenue decreases. The potential vacation of Grove Street also has its challenges with traffic patterns due to the walking path and the Village needs to be diligent during consideration of this request. If Grove Street is vacated, vehicular traffic could then move to Depot St., which is currently used by pedestrians and bikers to get from one area of the walking path to the other, thus creating potential safety issues. The DDA made a decision to send a letter to the County providing their input on the County's law enforcement location plans. County Commissioner, Mr. Boettcher, asked again that everyone please keep an open mind and keep the lines of communication open. President Schulz noted that governmental entities are not required to follow the zoning within a village, city or township. Due to this, it may be a good idea to have some type of agreement, which would allow the village to sign off on any design concepts or architectural drawings. Mr. Stead said when the County purchases property that property is then exempt from paying the debt millage on the sewer system and they are the biggest user of the system. This then spreads that expense to all other property owners.

- j. **Hazardous Waste Pick Up-Old Computers:** The Antrim Conservation District is offering a hazardous waste pick up and staff would like to dispose of some old computers that are no longer being used. Costs were discussed with the first several pounds being free and an additional cost per pound after that. Treasurer Odom said she could determine an estimate of the costs and let them know.

Motion by Ciganick, seconded by Schuckel, to authorize the Clerk & Treasurer to review and coordinate the disposal of the old computers, monitors and copiers. Motion carried by voice vote.

- k. **DDA Matters:** President Schulz said the DDA is still working on the two projects they received grant monies for and are hoping to have it all completed by a certain date. The next goal is to pursue significantly larger grants for the renovations, reminding them that none of that can begin until the offices find a new home. He also informed Council that the DDA is working on a dedication of Emma's Way with hopes of having the dedication during the Rubber Ducky Festival. If not, they will have it ready for the Harvest Festival.
- l. **Yoga in the Park:** We received a request from Rebecca Rankin asking to allow a yoga class to be taught in the park on August 18 & September 1, 2018 from 9-10 am. She carries her own liability and all participants sign a waiver. She will offer it as a donation based class. She normally teaches o at the ASI community center but the facility is being used on the same days as her request. Treasurer Odom reviewed past minutes and in 2012 it was allowed but they were not allowed to charge for the class as it was being held at a public park. A couple years later, Council chose to address this on a case by case basis. Trustee Ciganick asked if it would interfere with any other events being held at the park that morning. Treasurer Odom mentioned that all of her participants sign a waiver, but this is her waiver, not the village's waiver and is this something that needs to be considered. Discussion of waivers occurred.

Motion by Ciganick, seconded by Hardy, to allow her to use the park providing there are no other events currently scheduled or any events that would generate revenue for the village if requested. Ayes: 3 Nays: 1 Abstention: 1. Motion fails due to lack of majority vote of Council.

Trustee Hardy made the decision to abstain because the company he works for (ASI) is the reason she had to find a new location to hold the class. Discussion of a quorum occurred.

9. Discussion Items:

- a) **MML Annual Meeting:** MML is having their annual meeting in September 20-22, 2018 at the Amway Grand Plaza Hotel if any Council Member is interested in attending.

10. Department/Committee Reports:

- a) **Committee Reports:** Committee minutes were included in packets for review for those committees that have met.
- b) **Clerk/Planner:** None presented.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** A written report was presented.
- e) **Police Department:** None presented.

10. Closing Member/Public Comment:

- **Helen Schuckel:** The toys in the park look great.
- **Dave Ciganick:** The net and the backboard at the tennis court needs to be repaired or replaced. There are some volunteers that will replace it if we buy the material. President Schulz asked that the budget be reviewed and Trusee Schuckel said the Parks Committee will be meeting and an discuss it. Treasurer Odom mentioned that a budget report was included in packets for Council’s review. Costs for the wood and net will be approximately \$400.
- **Barry Cole:** He thanked Council for what they do. He briefly described a little about himself and reminded everyone to vote on August 7, 2018.
- **Terry VanAlstine:** He also reminded everyone to vote on August 7, 2018.

12. Adjourn: Meeting adjourned at 8:22 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____