# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF January 11, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS Via Zoom



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:34 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Interim DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

# 3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

Steve Crothers moved to suspend the Village of Shelby Council meeting and convene as the Shelby Zoning Board of Appeals at 6:36 P.M. Seconded by: John Sutton.

#### Roll Call Vote:

Ayes: Crothers, Sutton, Glover, Zaverl, Omness, Harris, and Inglis. Motion Carried 7-0.

The Village of Shelby Council reconvened at 7:10 P.M.

#### 4. MINUTES:

# a.) December 28, 2020

Steve Crothers moved to approve the minutes of the Regular Council meeting of December 28, 2020 as presented.

Seconded by: Bill Glover.

#### Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis. Motion Carried 7-0.

- 5. ADDITIONS TO THE AGENDA: No Additions to Agenda.
- **6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that, over the next couple of weeks, he will be prioritizing his time and working with staff to develop the budget for the upcoming 2021/2022 fiscal year.

The Strategic Planning Session with Al Vandenberg and John Shay has been scheduled for February 6, 2021. The session will take place Saturday morning at the Ladder Community Center.

VA Selner will be scheduling a Water and Sanitation Committee meeting for discussion and recommendations to Council on the following items:

- 1. The Harvey Street lift station backup pump was removed by Professional Pump, Inc. in early December because it was not functioning properly. VA Selner received a quote for the repair of the pump in the amount of \$11,865.00.
- 2. Nelson Tank has reported that the booster tank on Valley Street is damaged beyond repair and they have recommended that it be replaced. Don DeVries is working on a report for replacement options and estimates of the costs.
- 3. The Village will be resurfacing five streets in the 2021/2022 Fiscal Year as part of the Michigan Department of Transportation (MDOT) Category B Grant. Of the five streets, only one (Fourth Street) has a newer watermain that does not need replacement. The other four street's watermains are dated from between the 1930's 1940's and those will need to be replaced soon due to the new Lead/Copper Law.

The Shelby Trails Apartment Building project site plan will be reviewed by the Planning Commission at a special meeting scheduled for January 14, 2021 at 5:30 P.M.

A Parks, Recreation, and Buildings Committee meeting will be scheduled in the near future to discuss the pocket park project in detail.

The Police Department office remodel is underway. Chief Waltz and his son have painted the office; Magooz Flooring will be in on Saturday, January 8<sup>th</sup> to install the floor; the HVAC system will be installed within a couple of weeks; and, the office furniture will be installed by the end of January.

VA Selner reported that he is working with staff to find ways to improve the process that is used to develop Council packets with the goal of improving efficiency. As staff continues to examine options, VA Selner will keep Council informed. He has made changes to the agenda item cover pages and plans to produce a resolution for every action item that comes before the Village Council.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that very few parking tickets have been issued in violation of the Village's winter parking ban. The warnings that were put out in November appear to have had the desired effect.

The new Shelby Police Interceptor patrol car and the new Ford F250 pickup truck for the DPW have arrived at Signature Ford in Lansing and were taken to Arrowhead Upfitter in Lapeer, Michigan for installation of the emergency and safety equipment. The vehicles should be in service by the police

department and DPW very soon.

Interim DPW Supervisor Jeremiah Helenhouse had nothing further to report.

#### 9. CORRESPONDENCE:

# a.) Shelby Township Request for Letter of Support

Shelby Township Supervisor Richard Raffaelli is requesting a letter of support from the Village of Shelby for Shelby Township's Michigan Department of Natural Resources (MDNR) grant application process for the development of a community park.

The consensus of the Council was to authorize VA Selner to write a letter of support for the Shelby Township project application.

# B.) Letter from Concerned Resident

President Inglis received a letter of concern on a number of matters from a Village resident. That letter is on file and can be obtained from the Village Clerk upon request.

# **10. CITIZEN PARTICIPATION:**

Shelby Township Supervisor Richard Rafaelli stated that the Shelby Council should consider lowering the suggested water/sewer tap in fees. The suggested fees are higher than surrounding areas and he would like the Council to discuss the item in greater detail before taking action.

#### 11. OLD BUSINESS:

## a.) Water and Sewer Connection Fee

At the December 28, 2020, Village Council meeting, the request to increase the water/sewer connection fees had been postponed to enable VA Selner to research what other communities charged for the connection fees. Water and Sanitation Committee Chair Bill Harris requested that the water/sewer connection fees go back to the Committee for further review. The recommended fees for Shelby appear to be much higher than other communities.

The water/sewer connection fee will be discussed in more detail by the Water and Sanitation Committee at a later date.

#### **12. NEW BUSINESS:**

## a.) MERS DC Plan Adoption Agreement Addendum

Effective January 1, 2021, MERS is implementing several modifications to the way in which defined benefits, defined contribution, and hybrid plans are administered. Due to these changes, all employers have been asked to submit an updated option agreement addendum. Within this addendum, MERS is asking employers to clarify how provisions will be treated. This addendum does not change employee

benefits at all; it is merely proving MERS information on our existing plan.

Bill Glover moved to adopt Resolution no. 02-21. See attached. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Glover, Omness, Crothers, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

## b.) 228 Deming Road Easement

The home located at 228 Deming Road (parcel number 046-574-001-00) is being sold. During the transaction, there was evidence of an "apparent easement right" to use the Village property (parcel number 046-572-001-00) to access the house at 228 Deming Road; however, no recorded easement was found by the Village or during the title search. The easement needs to be recorded for the transaction to be completed. It will benefit both parties moving forward.

The realtor for the property Calvin Roskam stated that it has been used this way for many years and he is not sure exactly why it was set up this way.

Bill Glover moved to approve resolution no. 03-21. See attached. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Glover, Crothers, Zaverl, Sutton, Omness, Harris, and Inglis. Motion Carried 7-0.

## **13. COMMITTEE REPORTS:**

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will meet for a special meeting on Thursday, January 14, 2021 at 5:30 P.M. to review the Shelby Trails Apartments site plan. The Planning Commission will hold a regular meeting on Tuesday, January 19, 2021 at 6:30 P.M. to allow for public review of the Shelby Village Master Plan and to allow for public input regarding the Accessory Buildings Ordinance.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report.

e.	FINANCE and	I INSURANCE:	Chair:	Steve	Crothers	. Bill	Harris:
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Nothing to report.

# f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

# g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

## **14. PAYMENT OF BILLS:**

Steve Crothers moved to approve the payment of the bills in the amount of \$66,966.08. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

# 15. ADJOURNMENT:

Bill Harris moved to adjourn the meeting at 8:15 P.M. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Glover, Zaverl, Sutton, Omness, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the January 25, 2021 Council meeting.

Crystal Budde January 25, 2021

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer Date

Approved

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF January 25, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS Via Zoom



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

# a.) January 11, 2021

Steve Crothers moved to approve the minutes of the Regular Council meeting of January 11, 2021 as corrected.

Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

# **5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

#### 6. PRESIDENT'S REPORT:

President Inglis reported that two of the Village's DPW employees have been called back to Washington DC for National Guard duty during the month of February and into the month of March. VA Selner will report details during his Administrator's Report.

### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the first draft of the budget is almost complete. A Finance Committee meeting will be set for the first week in February to discuss the draft budget. The public hearing for the 2021-2022 budget will be set for February 22, 2021.

The strategic planning session has been tentatively rescheduled for March 6 or March 13, 2021 to ensure the Village is able to comply with the guidelines of the MDHHS Gatherings and Facemask Order. The Village will still plan to hold the meeting at the Ladder Community Center.

The Water and Sanitation Committee has been scheduled to meet Tuesday, January 26, 2021 at 4:00 P.M. The Committee will discuss, connection fees, the Harvey Street Pump, the Valley Street booster tank, and watermain replacements on roads being resurfaced as part of the MDOT's Category B Grant.

The Shelby Trails Apartment Building project site plan was approved by the Village of Shelby Planning Commission at a special meeting held on January 14, 2021. The developer will continue to work with staff to meet the conditions of the approval, including the landscaping plan, signage, and lighting plan.

The new DPW truck arrived on January 22. Windridge stopped by the DPW garage that day to put the decals on the truck.

VA Selner reported that the Police Department remodel is almost complete. The new floor has been installed and the HVAC system was started and will be completed on Monday. The office furniture will be installed soon, likely within the next couple of weeks.

A second draw of the Paycheck Protection Program is now open. Borrowers can apply for a second draw of PPP Loan until March 31, 2021. For any companies interested in applying, it is encouraged they consult with their financial institution and tax advisor to make sure they have the information necessary to apply.

Two of the Village's DPW employees have been called back to Washington DC for National Guard duty and could be there until March 23, 2021.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that the heating and cooling installation in the police department is now complete.

#### 9. CORRESPONDENCE:

## a.) 2020 Planning Commission Annual Report

The 2020 annual report for the Shelby Village Planning Commission was presented to Council. The report lists the members of the Planning Commission in 2020 as well as a brief description of actions taken; non ordinance amendments; Master Plan review; variances; and, any zoning ordinance amendments.

**10. CITIZEN PARTICIPATION:** No Citizen Participation.

11. OLD BUSINESS: No Old Business.

#### 12. NEW BUSINESS:

#### a.) 2020 Master Plan Approval

The Village of Shelby Planning Commission approved the 2020 Master Plan at their regularly scheduled meeting on January 19, 2021 and is recommending that the Village Council give it final approval. The 2020 Master Plan will be used as a guide for the update to the Village of Shelby Zoning Ordinance. In addition, the Master Plan will assist the Planning Commission in making zoning decisions and provide a plan for the future. The final step in the process is to send the adopted plan to adjacent governments, the County of Oceana, regional planning entities, and others as prescribed by the Michigan Planning Enabling Act (Act 33 of 2008).

John Sutton moved to adopt Resolution No. 05-21. (See attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Glover, Zaverl, Omness, Harris, and Inglis. Motion Carried 7-0.

# b.) Set 2021-2022 Fiscal Year Budget Public Hearing

Section 15 of the Uniform Budgeting and Accounting Act (MCL 141.435) requires Cities and Villages to adopt a budget prior to the beginning of each fiscal year. Cities and Villages are also required to publish a notice of Public Hearing on the proposed budget (6 days prior to the hearing), including time, place, and where a copy of the budget is available for public inspection. The Public Hearing on the budget and budget adoption will take place on Monday, February 22, 2021, at 6:30 P.M.

Steve Crothers moved to adopt Resolution No. 06-21. (See attached) Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

## c.) Village Council Tablet Policy

The Village used a portion of the Coronavirus Relief Local Government Grant funds (CRLGG) to purchase tablets for Village Council members to assist with the ongoing requirement to meet virtually. Before issuing the tablets, staff is recommending approval of the "Elected Official Tablet Policy." If the policy is approved, each Council member will be subject to the terms of the policy when using the newly issued tablets. Staff is currently working on an update to the Village's Personnel Policies/Employee Handbook. When the update is completed, all existing policies will be null and void. The new document will address all necessary items in one document. The policy will serve in the interim until the update to the Employee Handbook is complete.

John Sutton moved to adopt Resolution No. 07-21. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Sutton, Omness, Glover, Crothers, Zaverl, Harris, and Inglis. Motion Carried 7-0.

#### 13. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission met on January 19, 2021 at 6:30 P.M. to approve the 2020 Master Plan. The Planning Commission will hold a Public Hearing at its February 16, 2021 meeting at 6:30 P.M. to consider changes to the current Accessory Building Ordinance.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

The Water and Sanitation Committee will meet on Tuesday, January 26, 2021 at 4:00 P.M. to review and discuss the proposed Water and Sewer connection fees as well as equipment issues.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

The Finance and Insurance Committee will be meeting the first week of February in order to review the draft Fiscal Year 2021/2022 Budget.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES - Chair Bill Glover, Dan Zaverl:

Nothing to report.

## 14. PAYMENT OF BILLS:

Steve Crothers moved to approve the payment of the bills in the amount of \$79,239.99. Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

#### 15. ADJOURNMENT:

Steve Crothers moved to adjourn the meeting at 7:13 P.M. Seconded by: Dan Zaverl.

Roll Call Vote:

Ayes: Crothers, Zaverl, Glover, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the February 8, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY OCEANA COUNTY, MICHIGAN

(Resolution No. 05-21)

At a regular meeting of the Shelby Village Council held on January 25, 2021, via Zoom videoconferencing software pursuant to applicable emergency orders due to the COVID-19 pandemic, the following Resolution was offered for adoption by Council Member John Sutton and was seconded by Council Member Steve Crothers

# A RESOLUTION ADOPTING THE PROPOSED VILLAGE OF SHELBY MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3801 *et seq.* ("MPEA") authorizes the Planning Commission to prepare a Master Plan for the use, development, and preservation of all lands in the Village; and

WHEREAS, the Planning Commission prepared a Master Plan and submitted such plan to the Village Council for review and comment; and

WHEREAS, on October 26, 2020, the Shelby Village Council received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on January 19, 2021, to consider public comment on the proposed Master Plan, and to further review and comment on the proposed Master Plan; and

WHEREAS, after the public hearing was held, the Planning Commission voted to approve the proposed Master Plan on January 19, 2021 and recommended adoption of the proposed Master Plan to the Village Council; and

WHEREAS, the Village Council finds that the proposed Master Plan is desirable, proper, reasonable, and furthers the use, preservation, and development goals and strategies of the Village.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

- 1. Adoption of Master Plan. The Shelby Village Council hereby approves and adopts the proposed Master Plan, including all of the chapters, figures, descriptive matters, maps, and tables contained therein.
- 2. **Distribution to Notice Group.** Pursuant to MCL 125.3843, the Village Council approves distribution of the Master Plan to the Notice Group.
- 3. *Findings of Fact*. The Village Council has made the foregoing determination based on a review of existing land uses in the Village, a review of the existing Master Plan provisions and maps, and input received from the Planning Commission and the public, as well as the assistance of a professional planning group. The Village Council also finds that the proposed Master Plan will accurately reflect and implement the Village's goals and strategies for the use, preservation, and development of lands within Village of Shelby.
- 4. *Effective Date; Repeal.* The proposed Master Plan shall become effective on the adoption date of this resolution. The prior Master Plan is hereby repealed upon the proposed Master Plan becoming effective.

YEAS: Sutten, Crothers, Glover, Taverl, omness, Herris and Inglis.

NAYS:	
ABSENT/ABSTAIN:	

# RESOLUTION DECLARED ADOPTED.

# **CERTIFICATION**

I hereby certify that the above is a true copy of a resolution adopted by the Shelby Village Council at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: January 25 2021

Shelby Village Clerk



January 25, 2021

# **RESOLUTION**

No. 06-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to set a public hearing for the purpose of receiving comments on the Village of Shelby 2021-2022 Fiscal Year Budget on Monday, February 22, 2021, at 6:30pm.

Moved: Steve Crothers
Seconded: Damian Omness

Yes. Crothers,	amness, Glover, Crothers, Zaver, Harris and Inglis	S
No:		
ABSENT:		

**RESOLUTION No. 06-21 Declared ADOPTED.** 

ADOPTED ON: January 25, 2021



January 25, 2021

# **RESOLUTION**

No. 07-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to adopt Policy 21-01, the Elected Officials Tablet Policy.

Moved: John Sutten

Seconded: Damian Omness

ves: Sitten, omness, Glover, Crothers, Zaverl, Harrisandinglis.
No: (2)
ABSENT: (2)

**RESOLUTION No. 07-21 Declared ADOPTED.** 

ADOPTED ON: January 25, 2021

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF February 22, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS Via Zoom



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:32 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

# a.) February 8, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of February 22, 2021 as prepared.

Seconded by: Bill Glover.

#### Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis. Motion Carried 7-0.

- **5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.
- 6. PRESIDENT'S REPORT: Nothing to report.

# 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the new police cruiser was delivered on Friday, February 12, and taken to Windridge to have the police decals put on it. The cruiser was put into service and on the road on February 16th.

Over the next couple of weeks, VA Selner will be working with staff to continue to develop and update the Village of Shelby Employee Handbook/Personnel Policy. Kelly Omness has compiled several policies from other municipalities into one document. This document will be used as the starting point to develop and update the Village's Personnel Policy. Once a draft has been completed, a Personnel Committee meeting will be scheduled to review the policy.

VA Selner has received proposals from two companies to perform an update to the Village's General

Law Ordinances. An Ordinance Committee meeting will be scheduled soon to review the proposals and to recommend a consulting firm to the Village Council.

A Water and Sanitation Committee meeting will be scheduled soon for the final discussion of the update to the Village of Shelby Water and Sewer connection fees. VA Selner is finalizing information to bring to the Committee for consideration.

The strategic planning session with Ottawa County Administrator Al Vandenberg has been postponed until April or May. A specific date will be put on the calendar once indoor gatherings are permitted by MDHHS.

There has been discussion this week regarding downtown snow removal. In an effort to reduce confusion and to clearly identify the Village's snow removal procedure, VA Selner has developed a written plan with assistance from the DPW department.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that the new cruiser is now in service.

VA Selner reported, on behalf of the DPW, that the Harvey Street Pump has been dropped off to Professional Pump for repairs. The Supervisory Control and Data Acquisition control system (SCADA) which handles all the Village's alarms is in need of repairs and VA Selner will update Council once he receives more information.

- CORRESPONDENCE: No Correspondence.
- 10. CITIZEN PARTICIPATION: No Citizen Participation.

#### 11. PUBLIC HEARING:

a.) Proposed Fiscal Year 2021-2022 Budget

President Inglis opened the Fiscal Year 2021-2022 Budget Public Hearing at 6:40 P.M.

VA Selner reported that the Finance and Insurance Committee of the Whole met on February 15, 2021 to review the proposed Fiscal Year 2021-2022 budget. The budget message is intended to give a clear overview of this year's budget and highlight significant items considered during the budget development. Many of the items found in this budget will create the foundation to move the Village forward; also following through with previously planned projects. (See Attached)

The proposed Fiscal Year budget accounts for the projected General Fund revenues of \$601,150.00 and General Fund expenditures of \$724,910.00 which will require a transfer from reserves in the amount of \$123,760.00. The transfer from reserves will most likely be significantly less pending any fiscal donations for the first phase of the Getty Park Project. The projected revenue in the General Investment Fund is \$5,000.00 with no expenses. The Major Streets Fund projected revenues are 261,200.00 with \$231,223.00 in expenses; Local Streets projected revenues are \$202,000.00 with expenses of \$399,256.00 which accounts for the number of streets that will be resurfaced in the

upcoming year and the Village was awarded an MDOT Grant that will cover 50% off the costs; Sewer Fund projected revenues are \$387,400.00 with expenses of \$399,256.00 which will require a transfer from reserves in the amount of \$11,856.00; Water Fund projected revenues are \$312,140.00 with expenses of \$316,436.00 and will require a transfer from reserves of \$4,296.00; and, Equipment Pool Fund projected revenues are \$107,500.00 with expenses of \$160,096.00 which will require a transfer from reserves in the amount of \$52,596.00. The purchase of 2 new DPW pickup trucks creates the need for the transfer from reserves in the Equipment Pool Fund. (See attached)

There was no public participation regarding the Village's proposed Fiscal Year 2021-2022 Budget.

President Inglis closed the Public Hearing at 6:53 P.M.

12. OLD BUSINESS: No Old Business.

#### 13. NEW BUSINESS:

# a.) Planning Commission Appointment

Mark Baker's Planning Commission term recently expired and he has decided not to serve another term. The Village received a Planning Commission Vacant Seat Application from Ross Field. The Village of Shelby Planning Commission Bylaws State; "Vacancies shall be appointed promptly by the Village President, with the approval of the Village Council, upon the resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced." If Ross Field is appointed, his term would expire on December 31, 2023.

Bill Glover moved to adopt Resolution Number 10-21. (See attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Glover, Crothers, Zaverl, Sutton, Omness, Harris, and Inglis. Motion Carried 7-0.

# b.) Section 3.11 Zoning Ordinance Text Amendment

The Planning Commission held a Public Hearing and considered a text amendment to Section 3.11 of the Village of Shelby Zoning Ordinance at their February 16, 2021 Planning Commission meeting. No public comments were received during the Public Hearing, and the Planning Commission passed a resolution recommending approval of the Section 3.11 text amendments. A summary of the amendments to Section 3.11 are as follows:

- 1. Allow two accessory buildings on any property.
- 2. Prohibit shipping containers as accessory storage structures.
- 3. Omit the provision regarding sheet metal siding on accessory buildings.
- 4. Limit the size of all accessory buildings to take up less than 30% of the required yard for a residential building.

If the Village Council considers changes, additions, or amendments to the proposed zoning

amendment, the changes may be referred back to the Planning Commission for consideration and comment within the legislative body's specified period of time. If approved, the zoning map amendment will take effect seven days after "notice of adoption" has been published in the newspaper or a later date specified by the Village Council.

John Sutton moved to adopt Resolution Number 11-21. (See attached) Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Sutton, Omness, Glover, Crothers, Zaverl, Harris, and Inglis.

Motion Carried 7-0.

# c.) 15 S. State Street Zoning Map Amendment

The Planning Commission held a Public Hearing and considered a map amendment to the Village of Shelby zoning map at their February 16, 2021 Planning Commission meeting. Public comment was received from Andy Near regarding the request. He had questions relating to the future land use map and future updates to the Village of Shelby Zoning Ordinance and zoning map. The Planning Commission passed a resolution recommending approval of the proposed map amendment for 15 S. State Street. The map amendment request will change 15 S. State Street (parcel 046-502-005-50) from C-2, General Business, to R-3, Multiple Family Residential. There are very slight differences in the R-2 and R-3 zoning districts under this future land use classification. In R-2, multi-family dwellings areas require a special land use, while multi-family dwellings under R-3 are permitted by right.

Bill Glover moved to send the zoning map amendment back to the Planning Commission in order to zone the property at 15 S. State Street as R-2 opposed to R-3. Seconded by: Damian Omness.

Roll Call vote:

Ayes: Glover, Omness, Crothers, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

# d.) MDOT TEDF B Grant Contract

Village Council authorized Don DeVries of Fleis & VandenBrink Engineering to apply for the MDOT-TEDF Category B Grant on May 26, 2020. The Village was notified of the grant award on August 11, 2020. The next step in the process is to pass a resolution naming the officials authorized to sign the contract. The contract agreement by and between the Village of Shelby and MDOT will go before the STC Committee on February 25, 2021. Once the contract is approved, and once the Contracting Units have received the two signed copies from the Village, the contract will go to the MDOT Director to be fully executed.

Steve Crothers moved to adopt Resolution Number 13-21. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris and Inglis.

Motion Carried 7-0.

# e.) February 2021 Budget Amendments

A number of line items in all funds have gone over budget. Most of which are due to unexpected expenses. The General Fund differences are due to incorrect budgeting for wages. The Village did not expect to have Bill Cousins with as its Interim VA. Also, the purchase of the pocket park on Michigan Avenue was an unexpected purchase. The General; Major Streets; Local Streets; Sewer; and, Water Funds are showing net surpluses.

The Equipment Pool fund requires an increase in the amount needed from the Village's fund balance. Though the budget did account for the transfer from reserves for the purchase of two new vehicles, the purchase amount was \$16,608.00 more than what had been budgeted. The budget amendments are required in order to comply with the Uniform Budgeting and Accounting Act.

Steve Crothers moved to adopt Resolution Number 14-21. (See attached) Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis. Motion Carried 7-0.

# f.) Fiscal Year 2021/2022 Budget

Steve Crothers moved to adopt Resolution Number 15-21. (See attached) Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

### 14. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will meet on March 16th and will take another look at the Zoning amendment for 15 S. State Street. Welcome Ross Fields to the Planning Commission.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation, and Buildings Committee met on February 11th to discuss a number of cost saving ideas for the Getty Park Project and discussed the Pocket Park and potential future use of the space.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

**15. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$76,200.24.

Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Crothers, Harris, Glover, Zaverl, Sutton, Omness, and Inglis.

Motion Carried 7-0.

16. ADJOURNMENT: John Sutton moved to adjourn the meeting at 7:36 P.M.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Sutton, Omness, Glover, Crothers, Zaverl, Harris, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the March 8, 2021 Council meeting.

Approved

N

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



# **RESOLUTION**

No. 10-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to appoint Ross A. Field to fill the vacancy on the Village of Shelby Planning Commission; term to expire December 23, 2023.

Moved: Bill Glover
Seconded: Steve Crothers

ves. Glover, Crothers, Zoveri, Sutten, Omness, Harris	and ingits.
No:	
ABSENT: (	

RESOLUTION No. 10-21 Declared ADOPTED.

ADOPTED ON: February 22, 2021



# **RESOLUTION**

No. 11-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to amend Section 3.11,

Accessory Buildings and Structures, in the Village of Shelby Zoning

Ordinance, attached as Exhibit A.

Moved: John Sutton

Seconded: Danian omness

ves: Sutton, Omness, Glover, Crothers, Zaver, Harns and Inglis
No: Q

ABSENT: Q

RESOLUTION No. 11-21 Declared ADOPTED.

ADOPTED ON: February 22, 2021

# **Exhibit A**

#### SECTION 3.11 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building unless a permit for a main building has also been secured for that lot.
- B. Attached accessory buildings and structures that are structurally part of the main building shall conform to the setback requirements of the main building.
- C. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- D. Detached accessory buildings in the Village shall be a minimum of five (5) feet from rear or side property lines and shall not be permitted in the front yard. Detached accessory buildings in the Township shall be set back fifty (50) feet from any property line.
- E. In the Township, accessory building(s) shall not be erected in any required front yard. In the Village, accessory buildings are not permitted in the front yard.
- F. In the Village, no more than two (2) accessory buildings shall be located on any parcel within any Zoning District.
- G. No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- H. Manufactured homes, semi-trailers, shipping containers, or other vehicles shall not be used as accessory storage structures.
- No accessory building shall occupy any portion of a required greenbelt or buffer in any District.
- J. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.
- K. A zoning permit shall be secured prior to the placement of any accessory building.
- L. The maximum height of accessory structures in the Township shall be twenty four (24) feet.
- M. The total square footage of all detached accessory buildings associated with residential uses in the Village shall not exceed thirty percent (30%) of the required rear yard and the restrictions shown in the following table:

Minimum Lot Size	Maximum Square Footage (GFA)	Maximum Height (ft)
3,000 sq. ft.	384 sq ft (e.g. 16 x 24)	14
5,000 sq. ft.	672 sq ft (e.g.24 x 28)	14
10,000 sq. ft.	864 sq ft (e.g.,24 x 36)	18
15,000 sq. ft.	1,080 sq ft (e.g.30 x 36)	20
20,000 sq. ft.	1,200 sq ft (e.g., 30 x 40)	24
35,000 sq. ft.	1,600 sq ft (e.g., 40 x 40)	28
1 acres +	2,000 sq ft (e.g., 40 x 50)	28



# RESOLUTION

No. 13-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to authorize Brady Selner, Village Administrator, and Paul E. Inglis, Council President, to sign the Michigan Department of Transportation Contract, Contract No. 21-5048.

Moved: Steve Crothers
Seconded: Damian Omness

ves. Crothers, Omness, Glover,	Zaverl, Sutton.	Harris and Inglis
No:	,	
ABSENT:		

I, Crystal Budde, Clerk do hereby certify that the foregoing is a true and original copy of a Resolution duly made and passed by the Common Council of The Village of Shelby at their regular meeting held on the 22th day of February 2021, in the Village of Shelby, Oceana County, State of Michigan, with a quorum present.

Village of Shelby

RESOLUTION No. 13-21 Declared ADOPTED.

ADOPTED ON: February 22, 2021



# **RESOLUTION**

No. 14-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to approve the following budget amendments:

General Fund	Revenue	from	\$606,657.16 to \$641,071.16
	Expenditure	from	\$583,779.17 to \$638,816.16
Major Street Fund	Revenue	from	\$261,800.00 to \$281,800.00
	Expenditure	from	\$163,244.00 to \$167,012.00
Local Street Fund	Revenue	from	\$244,999.80 to \$248,830.00
	Expenditure	from	\$244,999.80 to \$247,993.00
Sewer Fund	Revenue	from	\$433,419.56 to \$442,064.00
	Expenditure	from	\$433,419.56 (no amendment needed)
Water Fund	Revenue	from	\$479,419.32 to \$492,175.00
	Expenditure	from	\$479,419.32 to \$479,379.00
Equipment Fund	Revenue	from	\$156,925.43 to \$173,533.00
	Expenditures	from	\$156,925.00 to \$173,533.00

Moved: Steve Crothers
Seconded: Bill Glover

ves: Crothers, Glover, Zaveri, Sutten, Omness, Harris and Inglis

A 5 6 5 1 1 1

ABSENT:

RESOLUTION No. 14-21 Declared ADOPTED.

ADOPTED ON: February 22, 2021



# RESOLUTION

No. 15-21

# TO ADOPT THE VILLAGE OF SHELBY 2021-2022 ANNUAL BUDGET

# VILLAGE OF SHELBY, OCEANA COUNTY, MI

At a Regular Meeting of the Common Council of the Village of Shelby, Oceana County, Michigan, held virtually via Zoom, on February 22, 2021, the following Resolution was offered.

WHEREAS, the Chief Administrative Officer of the Village of Shelby has prepared and presented a budget to commence March 1, 2021 to expire February 28, 2022, for Fiscal Year 2021 - 2022, and;

**WHEREAS**, the Village of Shelby did hold a Public Hearing on the purposed Fiscal Year 2021 - 2022 Budget, with proper notification to the public to solicit comments, and;

WHEREAS, it is necessary to provide for the implementation, operation and periodic adjustment of this act;

WHEREAS, it has been determined that the following property taxes, State shared revenues, rates, charges, and transfers shall be available and necessary for the 2021-22 budget year;

#### VILLAGE OF SHELBY

RECOMMENDED BUDGET WORKSHEET SUMMARY OF RECOMMENDED BUDGET AS OF 03/01/2021

		Revenue	Expense	Fund Balance Change	Р	rojected Fund Balance 2/28/2022
General Fund	101	\$ 601,150.00	\$ 724,910.00	\$ (123,760.00)	\$	411,222.00
General Investment Fund	103	\$ 5,000.00	\$	\$ 5,000.00		
Major Street	202	\$ 261,200.00	\$ 231,223.00	\$ 29,977.00	\$	840,093.00
Local Street	203	\$ 202,000.00	\$ 327,156.00	\$ (125,156.00)	\$	859,722.00
Sewer Fund	590	\$ 387,400.00	\$ 399,256.00	\$ (11,856.00)	\$	549,062.00
Water Fund	591	\$ 312,140.00	\$ 316,436.00	\$ (4,296.00)	\$	112,100.00
Equipment Pool Fund	661	\$ 107,500.00	\$ 160,096.00	\$ (52,596.00)	\$	349,178.00
All Funds		\$ 1,876,390.00	\$ 2,159,077.00	\$ (282,687.00)	\$	3,121,377.00

**NOW, THEREFORE, BE IT RESOLVED,** That the proposed budget document as presented by the Village Administrator, titled Village of Shelby Fiscal Year 2020 - 2021 Budget, covering March 1, 2020 through February 28, 2021, be adopted by fund, and the Village Administrator is hereby authorized to make

expenditures and inter-fund transfers provided for in said budget, provided such expenditures are made in accordance with the General Law Village Charter, the Uniform Budgeting and Accounting Act (MCL 141.412), and Village Policies;

**BE IT FURTHER RESOLVED,** The Village of Shelby does hereby adopt the Five-Year Capital Improvements Plan as an attachment to the Fiscal Year 2021/2022 Budget.

Moved: Steve Crothers,
Seconded: Damian omness
Crothers, Omness, Glover, Zaverl, Sutten, Harrisandingi's
<u>K</u>
ENT:

I, Crystal Budde, Clerk do hereby certify that the foregoing is a true and original copy of a Resolution duly made and passed by the Common Council of The Village of Shelby at their regular meeting held on the 22th day of February 2021, in the Village of Shelby, Oceana County, State of Michigan, with a quorum present.

Crystal Budde, Clerk/Treasurer
Village of Shelby

RESOLUTION No. 15-21 Declared ADOPTED.

ADOPTED ON: February 22, 2021

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF March 8, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS Via Zoom



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:31 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, and Police Chief Steve Waltz.

# **3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

## a.) February 22, 2021

Bill Glover moved to approve the minutes of the Regular Council Meeting of February 22, 2021 as prepared.

Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Glover, Harris, Crothers, Zaverl, Sutton, Omness, and Inglis. Motion Carried 7-0.

#### 5. ADDITIONS TO THE AGENDA:

**Purchasing Aeration Blower Motor** 

#### 6. PRESIDENT'S REPORT:

President Inglis presented an update on the Shelby Trails Apartment project. Ms. Thompson, Ms. Tuinstra, and Mr. Martin have met with Oakwood Construction to review the initial design plans. The target date for completion of the final construction drawings was March 1, 2021. Oakwood Construction will then finalize their costs and pull the required building permits. A report was received from the Environmental Review contractor stating that a Phase I Archaeological Survey on the site will be required. They survey was deemed necessary because historical records indicated that there had been a house and several outbuildings on the site at the turn of the 20th century and that the site may hold items of historical value in the soil. The Phase I Archaeological Survey will entail the archaeologist coming to the site and digging holes approximately 12 inches deep every 15 meters in a grid across the parcel in order to look for buried artifacts. This may pose significant delays and additional cost consequences to the project if a way to expedite the process is not found. The final

market study and property appraisal have been ordered. The survey is being finalized and the request for Project Based Vouchers is in process with MSHDA.

President Inglis also reported that Governor Whitmer is asking all Michigan residents to turn on their porch lights on Wednesday, March 10, 2021 between the hours of 8:00 P.M. and 9:00 P.M in remembrance of those Michigan residents who lost their lives to Covid-19.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that, effective March 5, 2021, the Governor's new order allows for in person meetings of up to 25 people subject to all applicable and distancing requirements. The Village does plan to resume in person Committee meetings at the Village Hall and will be looking for a location to hold the Village Council meeting on March 22. 2021. The most recent order is set to expire on April 19, 2021. VA Selner will continue to monitor and adjust as needed.

The first week of March the Village had a technician from Windemuller Electric, Inc. diagnose a couple of problems we were having with the aeration blowers at our wastewater facility. Blower #1 had a variable frequency drive temperature issue due to the extreme cold weather that we had a couple of weeks ago. Windemuller provided a proposal to install a cabinet heater with thermostat to reduce the chance of this problem happening in the future.

VA Selner has been notified that the DPW staff members on National Guard Duty will tentatively return to Michigan on March 12, 2021.

As of Monday, March 8, 2021, the Village had an outstanding balance of \$39,000.00 for past due water payments on 152 accounts. Senate Bill 241, Water Shutoff Restoration Act, which restricts water shut offs, is scheduled to end on March 31, 2021. The Village has sent letters offering the opportunity to set up payment plans to address past due accounts.

VA Selner has been working to gather the necessary information for the upcoming Water and Sanitation and Ordinance Committee meetings. The meetings will be scheduled the week of March 15.

MML is hosting a newly elected officials training on Saturday, April 10, from 8:30 A.M to 12:25 P.M. Bill Cousins has reached out to VA Selner and provided information on training events that are available. VA Selner strongly encouraged Council members to watch the "Essentials of Being a Zoning Board of Appeals Member" training video that he provided.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that Shelby Public Schools Superintendent Tim Reeves offered the Shelby High School for a covid clinic that will take place on Saturday, March 13, 2021. This is a 700-person clinic that will provide Covid 19 vaccinations.

#### 9. CORRESPONDENCE:

#### a.) FEMA Letter

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) recently completed a revision to the county wide Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Oceana County, Michigan. Although the community is unaffected by the updated flood hazard information present in the FIS report and FIRM, the Village of Shelby does lie on one or more of the revised map panels. The revised map panels will become effective August 24, 2021 and revise the FIRM which was in effect prior to that date. Final printed copies will be sent out in the near future. FEMA has determined that no Special Flood Hazard Areas (areas inundated by a flood having a 1-percent chance of being equaled or exceeded in any given year) exist at this time within the corporate limits of the Village of Shelby; however, it should be recognized that floods larger than the 1-percent chance flood do occur. Therefore, the Village of Shelby should exercise care in evaluating new development that could aggravate or create flood problems in the community or in adjacent communities. The Village is not currently participating in the National Flood Insurance Program (NFIP).

## 10. CITIZEN PARTICIPATION: No Citizen Participation.

## 11. OLD BUSINESS:

## a.) 15 South State Street Zoning Map Amendment

The Village Council considered the Zoning Map Amendment for 15 South State Street at their February 22, 2021 meeting and made a motion to send the amendment back to the Planning Commission to consider rezoning the property to R-2 as opposed to R-3. The Village Council can amend the Planning Commission recommendation in-lieu-of having it reconsidered at the March 16, 2021 Planning Commission meeting. The applicant has agreed to have the property rezoned R-2. If approved as amended, the zoning map amendment will take effect seven days after "notice of adoption" has been published in the newspaper or a later date specified by the Village Council.

Bill Glover moved to adopt Resolution Number 12-21. (see attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Glover, Crothers, Zaverl, Sutton, Omness, and Inglis.

Nays: Harris.

Motion Carried 6-1.

#### 12. NEW BUSINESS:

## a.) Planning Commission Appointment

There is one remaining vacant Planning Commission seat. The Village received a Planning Commission Vacant Seat Application from Malcolm Carey. The Village of Shelby Planning Commission Bylaws state: "Vacancies shall be appointed promptly by the Village President, with the approval of the Village Council, upon the resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced." If Malcolm Carey is appointed, his term would expire on December 31, 2023. President Inglis recommended the appointment of Malcolm Carey to the Village Planning Commission.

Bill Harris moved to adopt Resolution Number 16-21. (see attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Glover, Zaverl, Sutton, Omness, and Inglis.

Motion Carried 7-0.

# b.) Police Department Wage Increase

The Village budgeted for an increase in Police Officer pay in the 2021/2022 Fiscal Year budget. There has been no action taken since 2018 for an increase in the Police Officers' wages. In a wage analysis of all Oceana County Police Departments and the Oceana County Sheriff Department, it reveals that the Shelby Police Department ranks last with a low of \$.90 per hour to a maximum of \$8.88 per hour in starting wages.

The proposed wage scale would place Shelby in the middle of police departments in the County with full time employees. This will allow for more qualified applicants to apply when needed as well as the retention of those officers. Retaining officers is more cost efficient than equipping and training officers with little to no experience. In addition, cost-of-living increases will be considered on a yearly basis during the budget process and any cost-of-living increase will be applied to all Village employees.

The Personnel Committee met on March 4, 2021 and is recommending approval of the proposed Shelby Police Department Patrol Officer wage scale as follows:

Starting wage \$22.00 per hour

Year 1 \$22.50 per hour Year 2 \$23.00 per hour Year 3 \$23.50 per hour Year 4 \$24.00 per hour

Part-time \$17.00 per hour

Bill Glover moved to adopt Resolution Number 17-21. (see attached) Seconded by: John Sutton.

Roll Call Vote:

Ayes: Glover, Sutton, Crothers, Omness, Harris, and Inglis.

Navs: Zaverl.

Motion Carried 6-1.

# c.) Dave Krause Wage Adjustment

In addition to the wage scale increase, Chief Waltz is requesting a lateral wage adjustment for Dave Krause. Many communities around the State adjust an employee's wage a step or two higher than the starting wage if the training and experience they bring is sufficient to warrant that lateral step

increase. With over 21 years in police work, Chief Waltz and VA Selner believe that Dave Krause's experience justifies a lateral step increase to \$23.50 per hour. All other employee benefits will accumulate normally (PTO, Vacation, and so on). The Personnel Committee met on March 4, 2021 and is recommending Village Council adopt a proposed lateral wage adjustment for Dave Krause's to \$23.50 per hour effective March 1, 2021.

Damian Omness moved to adopt Resolution Number 18-21. (see attached) Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Omness, Glover, Crothers, Sutton, Harris, and Inglis.

Nays: Zaverl.

Motion Carried 6-1

# d.) DPW Part-Time Position

The 2021/2022 Fiscal Year budget included the addition of a part-time position in the DPW Department. The primary focus of the position will be mowing parks in the summer, leaf pick-up in the fall, and sidewalk snow removal in the winter. An employee in this role will work up to 24 hour per week at \$14.00 per hour. Brad Simons worked for a short period last fall and is currently working full-time on a temporary basis until the DPW returns to full staff. He has indicated he would be interested in the part-time role.

The Personnel Committee met on March 4, 2021 and is recommending the Village Council approve the part-time DPW position to work up to24 hours per week (no more than 48 hours per pay period) at \$14.00 per hour.

John Sutton moved to adopt Resolution Number 19-21. (see attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Glover, Zaverl, Omness, Harris, and Inglis.

Motion Carried 7-0.

## e.) Greg MacIntosh Wage Adjustment

DPW personnel changes were made on December 29, 2020. Greg MacIntosh was moved to a DPW Laborer position. The wage schedule for the DPW Laborer position is \$18.00 - \$22.00 per hour plus \$0.25 each for having a water distribution operator and lagoon operator license. Taking into consideration Greg MacIntosh's hire date, it is recommended that Greg MacIntosh's wage be decreased to \$22.50 per hour to match his job classification.

John Sutton moved to adopt Resolution Number 20-21. (see attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Glover, Zaverl, Omness, Harris, and Inglis.

Motion Carried 7-0.

## f.) Purchase Baldor Electric Motor

Blower #2 at the wastewater facility had a continuing high voltage fault issue. Windemuller Eectric, Inc. sent out a technician and found that it was a motor issue. DPW removed the motor and Jones Electric, Co. picked it up to determine the issue and provided options. VA Selner received a call late afternoon on Friday, March 5, 2021 stating that the motor was in poor condition. The cost to repair the motor is approximately \$2,500.00 and the cost for a new motor is \$3,100.00. VA Selner recommended replacing the motor since there is only a \$600.00 difference between the cost to repair and the cost to purchase a new motor.

Steve Crothers moved to adopt Resolution Number 21-21. (see attached) Seconded by: Dan Zaverl.

Roll Call Vote:

Ayes: Crothers, Zaverl, Glover, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

#### 13. COMMITTEE REPORTS:

# a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission is set to meet on Tuesday, March 16, 2021. There are no Agenda items as of yet and the meeting may be cancelled.

## b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

The Committee will meet on Thursday, March 11, 2021 at 3:30 P.M. to discuss the water and sewer connection fees, the Shelby Water Asset Management Plan, and the Drinking Water Sate Revolving Fund Project.

#### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

#### d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Parks, Recreation and Buildings Chair Damian Omness met with VA Selner and Emily Stuhldreher to work on a timeline of completion dates for tasks for the Getty Park Project. A donation book is being created for those who wish to donate to the Getty Park Project.

## e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

## f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee met on March 4, 2021 to discuss tonight's agenda items.

# g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

## 14. PAYMENT OF BILLS:

Steve Crothers moved to approve the payment of the bills in the amount of \$41,893.06. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris, and Inglis. Motion Carried 7-0.

## 15. ADJOURNMENT:

Steve Crothers moved to adjourn the meeting at 8:01 P.M. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Glover, Zaverl, Sutton, Harris, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the March 22, 2021 Council meeting.

	Approved 🔽
Crystal Budde	03-22-2021
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer	Date



# **RESOLUTION**

No. 12-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to amend the Village of Shelby Planning Commission rezoning recommendation for 15 S. State Street therefore amending the Village of Shelby Zoning Map for the property described in **Exhibit A,** 15 S. State Street, property number 046-502-006-50, from the General Business District (C-2) to Medium Density Residential (R-2)

Moved: Bill Glover

Seconded: Steve Crathers

ves: Glover, Crothers, Zaveri Sutton, Omness and Ingli's
No: Harris
ABSENT:

RESOLUTION No. 12-21 Declared ADOPTED.

## Exhibit A

#### PROPERTY INFORMATION

Property Assessed To: ALLEN MICHAEL R & KAROLINE L PO BOX 157 SHELBY, MI 49455

Prop #: 64-046-502-005-50 School: 64080

Prop Addr:

Legal Description:

15 FIRST ST WD844076 WD843774 WD-L2012P5628 PART TO 005-60 IN 1985 BEG AT NE COR LOT 5, TH W TO N & S LI 3 IN W OF W SI GARAGE, TH S 69 1/2 FT, TH E 39 FT, TH SE 71 FT, TH NE 102 7/12 FT TO POB EXC E 18 FT OF W 63 FT THOF BLK 2 VILLAGE OF SHELBY.



# **RESOLUTION**

No. 16-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to appoint Malcolm Carey to fill the vacancy on the Village of Shelby Planning Commission; term to expire December 31, 2023.

Moved: Bill Harris

Seconded: Steve Crothers

ves: Harris, Crothers, Glover, Zaverl, Sutten, anness, Inglis
No: Q

ABSENT: Q

RESOLUTION No. 16-21 Declared ADOPTED.



# RESOLUTION

No. 17-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to adopt the Shelby Police Department Patrol Officer wage scale identified below, effective March 1, 2021.

Shelby Police Department Patrol Officer Wage Scale

Starting Year 3 Year 1 Year 2 Year 4 \$23.50 \$22.00 \$22.50 \$23.00 \$24.00

Part-Time Patrol Officer \$17.00

Moved: Bill Glover
Seconded: John Sutton

Yes: Glover, Sutton, Crothers, omness, Harris, Inglis

**RESOLUTION No. 17-21 Declared ADOPTED.** 



# **RESOLUTION**

No. 18-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to approve the lateral wage adjustment for Dave Krause, setting his wage at \$23.50, effective March 1, 2021.

Moved: <u>Damlan Omness</u>
Seconded: <u>Bill Glover</u>

ves: Omness, Glover, Crothers, Sutton,	Harris, inglis
No: Zower	
ABSENT:	

**RESOLUTION No. 18-21 Declared ADOPTED.** 



# **RESOLUTION**

No. 19-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to approve the addition of a part-time position (24 hours per week) in the Village of Shelby Department of Public Works with the pay rate set at \$14.00/hour.

Moved: Steve Crothers

Yes: Suttor	, Cruthers,	Glover, 7	averl, omn	ess, Hay	rris, Inglis
No:					
ABSENT:					

**RESOLUTION No. 19-21 Declared ADOPTED.** 



# **RESOLUTION**

No. 20-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to approve the wage adjustment for Greg MacIntosh, setting his wage at \$22.50, effective March 15, 2021.

Moved: John Suttern

Seconded: Steve Crothers

Yes: Satton.	Crothers, Glover,	Zaveri,	Omness,	Harrs, In	nglis
No:Q					
ABSENT:					

**RESOLUTION No. 20-21 Declared ADOPTED.** 

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF Monday, March 22, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:33 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Acting DPW Supervisor Jeremiah Helenhouse and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

#### a.) March 8, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of March 8, 2021 as prepared.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the new motor for aeration blower #1 arrived on Friday, March 19, 2021. DPW staff will install the motor this week bringing both aeration motors for pond #1 back online.

Jeremiah Helenhouse returned to work on Wednesday, March 17. Darryl Frees will return on Monday, March 29 bringing the DPW back to full staff.

The Ordinance Committee met on Tuesday, March 16 to discuss two proposals for the General Law Ordinance update/online code hosting project. The Committee decided to seek an additional proposal from the Village's existing codification company American Legal Publishing. The three proposals will be evaluated at a future Ordinance Committee meeting. Following this second meeting, a recommendation will likely be made to the Village Council.

This week the Village received two proposals for the zoning ordinance rewrite project. The RFP

submission deadline is March 22 at 4:30 P.M. The Planning Commission will evaluate the proposals at their April 20th meeting. Once a proposal is selected, the Village will formally submit a request to the MEDC RRC team for a final determination on the Technical Assistance Grant. The Village is eligible for a maximum of \$30,000.00 or 75/25 match (whichever is less).

VA Selner reported that he has signed up for a FEMA webinar scheduled for March 25. The webinar will discuss introductory concepts for the National Flood Insurance Program including:

- 1. Flood Risk
- 2. Flood insurance compared to disaster assistance.
- 3. Brief overview of participation requirements, Elevation Certificates, and Letters of Map Change.
- 4. Purchasing flood insurance and premiums.
- 5. Claims and appeals.

VA Selner will follow up with Village Council after attending the webinar.

President Biden signed the American Rescue Plan Act into law March 12, 2021. The details are still being worked out as Michigan Villages are not yet included in estimated distribution tables. Based on Cities with similar populations, VA Selner anticipates the Village will receive approximately \$200,000.00; however, this is simply an educated guess. Local governments will have until 2024 to spend the money. Money can be used for many of the same types of coronavirus relief that the Village had seen over the last year with some new additions including one major one — water and sewer infrastructure. VA Selner will plan to engage with stakeholders to help guide staff and Village Council (who will approve the spending plan) on developing priorities. Ultimately a plan will be brought to the Village Council for approval. The Michigan Municipal League's advice is to wait until the U.S. Department of Treasury comes out with guidelines, both on spending and accountability, before the Village gets too far down the road.

#### 8. DEPARTMENT HEADS' REPORTS:

Village Clerk/Treasurer Crystal Budde reported that a final payout of unused vacation time has been paid to Roger Schultz. Mr. Schultz requested a payout of his unused vacation and PTO time in October of 2020. The payroll software had shown a balance of 160 hours of vacation available and the Village caps PTO payout to 240 hours. The vacation balance and 240 PTO hours were paid out to Mr. Schultz at that time. Mr. Schultz later contacted Clerk/Treasurer Budde stating he showed in his records a balance of 360 hours of vacation that he believed he was entitled to as well as 30 additional hours of PTO. Clerk/Treasurer Budde contacted the payroll software company, and it was confirmed that Mr. Schultz did have a remaining 160 hours available that did not roll over and was not correctly showing in his leave bank. It was also confirmed with the Village attorney that Mr. Schultz did fall under the Personnel Policy adopted in 2017 and is not eligible for any further PTO payout. A final check for 160 vacation hours was issued for Mr. Schultz last week.

Interim DPW Supervisor Jeremiah Helenhouse had nothing to report.

Chief Waltz reported that the Police Department is dealing with Blight Ordinance issues and that there are currently a dozen cases. Chief is working to get each of these blight cases cleaned up and in

compliance.

#### 9. CORRESPONDENCE: No Correspondence.

#### **10. CITIZEN PARTICIPATION:**

#### a.) Email from Richard Raffaelli

VA Selner read an email he received from Richard Raffaelli, CEO of Peterson Farms, regarding concerns with the Village's proposed water and sewer connection fees. Mr. Raffaelli felt that the connection fees and the cost to hire a contractor to do the connections are cost prohibitive. Mr. Raffaelli requested the Village Council to take a broader view of economic development as it has done in the past. (See attached)

#### a. Tim Reeves – Shelby Public Schools Superintendent

Mr. Reeves presented the Village Council with information regarding the Shelby Public Schools' request for an upcoming Bond renewal. The bond would cover a number of items including: a new K-5 building; necessary repairs to the Shelby High School; Thomas Reed Elementary repairs; and, technology improvements for learning tools. There is a video that reveals a great amount of detail for the Bond Renewal request on the Shelby Public Schools' website. A public forum will also be held on Wednesday, April 21 at 6:00 P.M.

#### 11. OLD BUSINESS:

#### a.) DWSRF Grant Application Update

On December 28, 2021, Shelby Village Council authorized Don DeVries of Fleis & VandenBrink Engineering to apply for the Lead Service Line Replacement grant through the Drinking Water State Revolving Fund at a cost not to exceed \$15,000.00. On March 3, 2021, the Village of Shelby had an initial meeting with EGLE to review the project. The Village of Shelby has been classified as a disadvantaged community; thus, qualifying for the 100 percent loan forgiveness for the lead service line replacements. The Village application includes 467 lead service lines. The loan forgiveness only applies to the construction portion of the project. In addition to the lead service line replacements, VA Selner is recommending the Village replace Well Number 2; replace the Valley Street Booster Station Tank; and, replace old 1933-1941 4" water lines. The additional water improvements are eligible for a 30 percent grant. The total project cost is \$3,438,000.00 with the required loan amount estimated at \$1,524,000.00. VA Selner wanted to ensure that the Village Council has a clear understanding of the project that the Village is pursuing under the Drinking Water State Revolving Fund. The Village Council needs to determine the final project scope by May 2021.

#### 12. NEW BUSINESS:

#### a.) Mutual Aid Agreement Renewal

Law Enforcement in Oceana County relies on an agreement for mutual aid in-lieu-of a process where every police officer is deputized by the Sheriff. The renewal of the proposed agreement will likely be

signed by every City/Village in Oceana County, as it has been in the past. This type of agreement allows Shelby PD officers to assist outside the Village, if requested, and allows other agencies to assist Shelby PD, if requested. The agreement expires on December 31, 2024.

Dan Zaverl moved to adopt Resolution number 21-21. (See attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Zaverl, Crothers, Sutton, Glover, Harris, Omness, and Inglis.

Motion Carried 7-0.

#### b.) Budget Amendment Resolution

A resolution allowing the Village Administrator to approve line-item budget amendments within Village Department budgets if they do not increase or decrease the total amount of the budget was recommended for approval by the Village Council. Any amendment that requires an appropriation increase to the total department budget will still require Council approval. This year staff plans to do quarterly amendments and /or reforecasts to ensure continued budget accuracy.

Steve Crothers moved to adopt Resolution number 22-21. (See attached) Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Zaverl, Glover, Harris, Omness, and Inglis.

Motion Carried 7-0.

#### c.) Right-of-Way Ordinance

The Water and Sanitation Committee and the Village Council have been researching water and sewer connection fees for the last couple of months. The Water and Sanitation Committee met on March 11, 2021 and is recommending the development of a Right-of-Way (ROW) Ordinance and ROW permit application. They also set the associated fee schedule. The connection fee for new water and sewer connections will be \$300.00. The property owner/developer would be required to hire a contractor to complete the tap-in. The Village DPW would inspect before any holes are filled in. There is also a meter fee for water under a separate schedule which would require a plumbing permit through the Oceana County Building Department. This process would require administrative work only (processing the ROW permit application) and would not tie up the Village DPW employees to conduct tap-in services.

The first step in the process is to adopt Chapter 1021, the Road Right-of-Way Permits Ordinance. This Ordinance gives the Village of Shelby the authority to create a Right-of-Way permit application. Following the adoption of the ROW Permit Ordinance, Village Council must adopt the ROW permit fee schedule and the Right-of-Way permit application. The application requires a contactor to have a minimum of \$1,000,000.00 in liability insurance coverage and \$500,000.00 in worker's compensation coverage. Updated copies of these documents will be kept on file in the Clerk's office. In addition to tap-in fees, the ROW permit application would cover above ground work in the ROW, replacing existing sewer and water laterals and disconnecting/capping water and sewer laterals as part of a

demolition process. Bill Glover asked for a clarification of Section 1021.6 to include the public street right-of-way.

Damian Omness moved to adopt Ordinance number 1-21. (See attached) Seconded by: John Sutton.

#### Roll Call Vote:

Ayes: Omness, Sutton, Crothers, Zaverl, Glover, Harris, and Inglis. Motion Carried 7-0.

Bill Harris moved to adopt Resolution number 23-21. (See attached) Seconded by: Damian Omness.

#### Roll Call Vote:

Ayes: Harris, Omness, Sutton, Crothers, Zaverl, Glover and Inglis. Motion Carried 7-0.

#### 13. COMMITTEE REPORTS:

#### a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission meeting of March 16, 2021 was cancelled due to lack of Agenda items. They will meet again on April 20, 2021 to review the proposals for the Zoning Ordinance rewrite project.

#### b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

#### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

#### d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Parks, Recreation, and Buildings Chair Damian Omness reported that Stovall Construction has committed to donating labor for the Getty Park Project.

#### e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

#### f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

#### g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$40,503.86.

Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Sutton, Zaverl, Harris, Omness, and Inglis.

Motion Carried 7-0.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 8:07 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the April 12, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



March 22, 2021

# **RESOLUTION**

No. 21-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to authorize Steve Waltz, Shelby Police Chief, Crystal Budde, Shelby Village Clerk/Treasurer, and Paul Inglis, Shelby Village President, to sign the Oceana County Law Enforcement Mutual Aid Agreement.

Moved: <u>Dan Zaveri</u> Seconded: <u>Steve Crothers</u>

Yes: Zaver, Crothers, Sutten,	Glover,	Harris,	omness,	andinglis.
No:				
ABSENT:				

**RESOLUTION No. 21-21 Declared ADOPTED.** 



March 22, 2021

# **RESOLUTION**

No. 22-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to authorize the Village Administrator to approve line-item budget amendments within village budgets if they do not increase the total amount of the approved budget.

Moved: Steve Crothers
Seconded: John Sutten

ves: Crothers, Sutten, Zaver, Glover, Harris, Omness & Inglis.

RESOLUTION No. 22-21 Declared ADOPTED.



March 22, 2021

# **RESOLUTION**

No. 23-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to approve the Right-of-Way Permit Application and to adopt the fee schedule attached as Exhibit A.

Moved: Bill Harris

Seconded: Damian omness

Yes: Harri	5,0mness,5	utten, Cr	others, 70	werl, G	lover, 3 ingis.
No: 🔇					
ABSENT:					

**RESOLUTION No. 23-21 Declared ADOPTED.** 

### VILLAGE OF SHELBY OCEANA COUNTY, MICHIGAN ORDINANCE NO. 1-21

#### THE VILLAGE BOARD OF THE VILLAGE OF SHELBY HEREBY ORDAINS:

1. Part 10, Title 2, Chapter 1021 of the Code of Ordinances of the Village of Shelby, Michigan, Section 1021.01 through 1021.18 is adopted to read as follows:

#### CHAPTER 1021

#### Road Right-of-Way Permits

#### Sec. 1021.1 Damaging streets; excavation and obstructions generally.

No person shall make any excavation in or cause any damage to any street in the village, except under the conditions and in the manner permitted in this chapter. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this chapter, but this provision shall not be deemed to prohibit the following:

- (1) Such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises.
- (2) The planting of trees and shrubs as permitted in chapter 1022.

#### Sec. 1021.2 Authority to make additional regulations.

The village administrator may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street obstructions, and house moving, which regulations shall be subject to the approval of the village council. No person shall fail to comply with any such regulations.

#### Sec. 1021.3 Permits generally; bond, insurance and deposit requirements.

Where permits are authorized in this chapter, they shall be obtained upon application to the village administrator or duly authorized representative upon such forms as the village administrator shall prescribe, and there shall be a charge for each such permit as set by the village council from time to time, except as otherwise provided by resolution of the council. Such permit shall be revocable by the village administrator for failure to comply with this chapter, rules and regulations adopted pursuant to this chapter, and the lawful orders of the village administrator or duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the village in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than an amount as established by the village council. A duplicate executed copy or photostatic copy of the original of such insurance policy, approved as to form by the village administrator, shall be filed with the clerk. Where cash deposits are required with the application for any permit under this article, such deposit shall be in the amount set from time to time by the village council, except as otherwise specified in this chapter, and such deposit shall be used to defray all expenses to the village arising out of the granting of the permit and work done under the permit or in connection therewith. Six months after the completion of the work done under the permit, any balance of such cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs and expenses of the village, the deficit shall be paid by the applicant.

#### Sec. 1021.4 Permit for street openings.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the village administrator or duly authorized representative. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 1021.3. The village administrator may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this chapter shall be complied with.

#### Sec. 1021.5 Backfilling.

All trenches in a public street or other public place, except by special permission, shall be backfilled in accordance with regulations adopted pursuant to this chapter. Any settlement shall be corrected within eight hours after notification to do so.

#### Sec. 1021.6 Utility poles.

Utility poles may be placed in such street right-of-ways as the village administrator shall prescribe and shall be located thereon in accordance with the directions of the village administrator. Such poles shall be removed or relocated as the village administrator shall from time to time direct.

#### Sec. 1021.7 Maintenance of installations in street.

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pole, conduit or other structure in, under, over or upon, any street which is adjacent to or a part of his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the village to keep the structure and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and make harmless the village against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, or upon the street, or being unfastened, out of repair or defection during such ownership or control.

#### Sec. 1021.8 Underground utilities to be installed prior to paving of street.

Whenever the village council shall determine to pave or resurface any street, the village administrator shall, not less than 30 days prior to commencement of construction, serve notice upon all public utilities requiring them to install all necessary underground work in advance of the paving or resurfacing.

#### Sec. 1021.9 Installation and payment of costs of sewer and water connections.

When the paving or resurfacing of any street shall have been ordered or declared necessary by the village council, such sewer and water connections as are necessary shall be installed in advance of such paving or resurfacing, and the cost thereof shall be charged against the premises adjacent thereto, or to be served thereby, and against the owner of such premises. Where such paving or resurfacing is financed in whole or in part by special assessment, the cost of such sewer and water connections may be made chargeable against the premises served or adjacent thereto, as part of the special assessment for such paving or resurfacing. Where such paving or resurfacing is financed otherwise than by special assessment, the cost of the sewer and water connections so installed shall be a lien on the premises adjacent thereto, or to be served thereby, and shall be collected as provided for assessments on single lots.

#### Sec. 1021.10 Determination of necessity for sewer and water connections.

The necessity for sewer and water connections shall be determined by the village administrator, which determination shall be based upon the size, shape and area of each abutting lot or parcel of land, the lawful use of such land under the zoning regulations of the village, the character of the locality and the probable future development of each abutting lot or parcel of land. The village administrator shall give written notice of the intention to install such sewer and water connections and to charge the cost of the connections to the premises to each owner of land abutting the street to be furnished with such connections, as shown by the records of the village assessor. Any owner objecting to the installation of any such sewer or water connection shall file his objection in writing within seven days after service of such notice with the village administrator, who shall,

after considering each such objection made in writing, make a final determination of the sewer and water connections to be installed.

# Sec. 1021.11 Openings in streets prohibited within two years of paving or resurfacing.

No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of two years after the completion of any paving or resurfacing thereof. If a street opening is necessary as a public safety measure, the village administrator may suspend the operation of this section as to such street opening.

#### Sec. 1021.12 Building operations obstructing street or sidewalk.

- (a) *Permit, deposit and bond.* No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to the street, or for any other purpose, without first obtaining a permit from the village administrator and posting a cash deposit and filing an insurance policy as required by section 1021.3.
- (b) *Pedestrian passage*. At least five feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians, and if the building operations are such that such a free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

#### Sec. 1021.13 Barricades and warning lights for excavations and obstructions.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with prescribed warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart, and warning lights parallel to the flow of traffic shall be not over 15 feet apart.

#### Sec. 1021.14 Shoring and bracing of excavations.

All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

#### Sec. 1021.15 Moving buildings or large equipment.

No person shall move, transport, or convey any building, machinery, truck or trailer more than eight feet eight inches wide or higher than 13 feet six inches above the surface of the roadway, or longer than 50 feet, into, across, or along any street or other public place in the village, without first notifying the Village Administrator and making any necessary permits and paying any fees. In addition, clearance shall be obtained from the police department approving the proposed route through the village streets and the time of

moving, together with an estimated cost to the police department due to the moving operations. The applicant shall deposit with the village the total estimated cost to the police department and department of public service, plus a cash deposit as required by section 1021.3. The permit fees shall be as established by the village council from time to time.

#### Sec. 1021.16 Removal of encroachments and obstructions by village.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting landowner when made or permitted by him or suffered to remain by him otherwise than in accordance with the terms and conditions of this chapter.

#### Sec. 1021.17 Temporary street closings.

The village administrator shall have authority to temporarily close any street, or portion thereof, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. The village administrator shall cause suitable barriers and signs to be erected on such street, indicating that the street is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street except as may be necessary incidentally to any street repair or construction work being done in the area closed to the public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the village administrator.

#### Section 1021.18 Demolition; Water/Sewer Disconnection.

No person shall demolish any structure without disconnecting any water and/or sewer lateral from the water and/or sewer main, which shall be undertaken only upon written permission of the Village Administrator. The request to the Village Administrator shall be made together with a \$50 application fee and a \$500 deposit fee. The deposit fee shall be used to cover any expenses incurred by the Village for inspection and correction, with the balance be refunded to the applicant.

Ayes:			
Nays:			

#### **CERTIFICATE**

Date: March Ja, 2021

Crystal Budde Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

# VILLAGE OF SHELBY NOTICE OF ADOPTION

#### TO: ALL PERSONS INTERESTED

Please take notice that on March 22, 2021, the Village Board of the Village of Shelby amended Part 10, Title 2, Chapter 1021 of the Code of Ordinances of the Village of Shelby, Michigan, Section 1021.1 through 1021.17, summarized as follows:

- 1. Section 1021.1 is adopted to provide that no person shall make any excavation in a street or damage a street, except as permitted by this Chapter.
- 2. Section 1021.2 is adopted to provide that the village administrator may make regulations concerning openings and excavation in a street.
- 3. Section 1021.3 is adopted to provide that the village administrator may issue permits, under specified conditions, for the opening and excavations in a street.
- 4. Section 1021.4 is adopted to prohibit street openings and excavations without a written permit.
- 5. Section 1021.5 is adopted to require backfilling of any street openings and excavations without a written permit.
- 6. Section 1021.6 is adopted to provide that the village administrator may prescribe the location of utility poles.
- 7. Section 1021.7 is adopted to provide regulations relating to the maintenance of installations in a street.
- 8. Section 1021.8 is adopted to provide notice to public utilities prior to paving or resurfacing of a street.
- 9. Section 1021.9 is adopted to provide for the installation and payment of costs of sewer and water connections.
- 10. Section 1021.10 is adopted to provide for a determination of necessity for sewer and water connections.
- 11. Section 1021.11 is adopted to prohibit the opening of streets within two years of paving or resurfacing of a street.
- 12. Section 1021.12 is adopted to require permits for obstructing any street or sidewalk.

- 13. Section 1021.13 is adopted to require barricades and warning lights for excavations and obstructions.
- 14. Section 1021.14 is adopted to require shoring and bracing for excavations in a street.
- 15. Section 1021.15 is adopted to prohibit the moving of a building or large equipment on a street without a permit.
- 16. Section 1021.16 is adopted to permit the removal of encroachments and obstructions in a street and assess the cost of such.
- 17. Section 1021.17 is adopted to authorize the village administrator to temporarily close a street.
- 18. Section 1021.18 is adopted to require disconnection of the water and sewer laterals upon demolition of any structure.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Village Clerk in the Village Hall, 218 N. Michigan Avenue, Shelby, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: April 1, 2021

VILLAGE OF SHELBY

Crystal Budde Village Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF April 12, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, and Damian Omness.

Absent: Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Interim DPW Supervisor Jeremiah Helenhouse, Police Chief Steve Waltz, and CEDAM Fellow Emily Stuhldreher.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

#### a.) March 22, 2021

Bill Glover moved to approve the minutes of the Regular Council Meeting of March 22, 2021 as prepared.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.
Absent: Bill Harris.

### 5. ADDITIONS TO THE AGENDA:

Street Sweeper – New Business item f.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that he had placed an order through the MiDeal Road Salt Program for the next winter season. The order is a commitment to purchase, and the Village will be unable to cancel the order. With an April 6, 2021, purchase order deadline, VA Selner made the decision to order after consulting with Councilman Crothers (Finance Committee Chair) and Village President Inglis. Purchasing the salt directly through MiDeal program provides the Village a substantial cost savings. In the future, this item will come to Village Council for approval before the order is placed. Up until this point, the Village purchased salt through the Oceana County Road Commission. In the 2019-2020 winter, 332 tons of salt was purchased for a total of \$27,174.08. This total includes an 8.5% overhead

fee charged by the County. Not including vehicle depreciation and employee time to collect the salt from Hart, the estimated annual cost savings by ordering directly through MiDeal is \$3,449.36.

Village Clerk/Treasurer Crystal Budde and VA Selner met with the Village's Auditor Eric VanDop over Zoom for the Village's Fiscal Year 2020-2021 Audit Entrance Conference on Tuesday, April 6. The audit process will continue over the next couple of months and will be completed by July.

VA Selner reported that the Village of Shelby did not fall within the fundable range for the Drinking Water Asset Management Grant.

VA Selner had been informed of a grant opportunity through the Michigan Economic Development Corporation (MEDC) for water related infrastructure. The program is designed to assist local governments in making necessary improvements to existing public infrastructure systems. Eligible activities include upgrading existing public infrastructure systems either by replacing deteriorating or obsolete systems or by adding needed capacity to existing, but burdened systems. The grant program requires a 10% match of the total project cost. Applications are due May 31, 2021. VA Selner will work with the Water and Sanitation Committee and Don DeVries in the coming weeks to determine if the Village should pursue this grant opportunity.

The environmental report for the USDA Loan Application (Peterson Farms project) is nearly complete. Due to the time it has taken to complete the environmental report, VA Selner will need to repost the USDA Loan Application Intent to Apply in the newspaper and update the Village's Water Fund financial information before submitting the application. He will inform Council when the application has been formally submitted.

This week staff has met to discuss the Employee Handbook/Personnel Policy update project. VA Selner plans to develop a more complete draft to bring back to staff for discussion in the next couple of weeks. Following staff discussion/edits, a Personnel Committee meeting will be scheduled to review the proposed Employee Handbook.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that, during the month of March, the Police Department had started to address instances of blight that officers had seen while out on patrol. Currently there are 11 cases in process. Chief Waltz noted that 3 of the 11 cases have made efforts to clean up their property. Officers have had verbal contact with property owners/tenants in an effort to afford them the opportunity to abate the blight before enforcement actions are taken. Letters are currently being sent out to those where contact has been made, but there has been little or no cleanup of the property.

Interim DPW Supervisor Helenhouse reported that the Harvey Street pump will be installed on Tuesday, April 13. The DPW recently had their first change of a lead service line into a home last week. The job went very well and has been completed.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

#### 11. OLD BUSINESS: No Old Business.

#### **12. NEW BUSINESS:**

#### a.) Ordinance Recodification Proposal

The Ordinance Committee met twice to discuss the Ordinance Recodification project. After reviewing the three proposals, the Committee is recommending Village Council approve the proposal from American Legal Publishing. All three proposals would provide a much-needed review and update to the Village's Codified Ordinances. The benefits of working with American Legal Publishing is their familiarity with the Village's codes and they can do the project at the lowest cost (\$6,800.00). They also provide free model ordinances covering nearly any municipal topic to replace outdated ordinances or to cover an area for which the Village may not have an ordinance.

Damian Omness moved to authorize VA Selner to sign the Codification Agreement dated March 24, 2021 by and between American Legal Publishing and the Village of Shelby. Seconded by: John Sutton.

Roll Call Vote:

Ayes: Omness, Sutton, Zaverl, Glover, Crothers, and Inglis.

Motion Carried 6-0. Absent: Bill Harris.

### b.) Crystal Budde Wage Increase

Chapter 242.04 and Chapter 246.02 in the Shelby Codified Ordinance states that the Clerk and Treasurer "Shall receive compensation as recommended by the Village Manager or President and shall be determined by resolution or contract annually." VA Selner reported that this has not been regularly practiced in the past as indicated by the following wage history:

March 12,2018 - \$.50 pay increase (\$16.00 per hour to \$16.50 per hour)

April 23, 2018 - Clerk/Treasurer position created (\$16.50 per hour to \$18.00 per hour)

November 13, 2018 - \$1.00 pay increase (\$18.00 per hour to \$19.00 per hour)

May 2020 - Former Administrator Rob Widigan gave a \$1.00 increase (\$19.00 per hour to \$20.00 per hour)

After reviewing the wage study conducted by MML for the Clerk/Treasurer position, VA Selner is recommending a 2.5% wage increase moving the hourly wage from \$20.00 per hour to \$20.50 per hour (\$41,600.00 to \$42,640 annually). The average pay for communities with a population under 2,500 that responded to the MML wage survey was \$53,687.00. The average pay for general law Villages with a population under 2,500 that responded to the MML wage survey was \$47,369. The pay increase equals 7.06% of Fiscal Year 2021-2022 budgeted General Fund Revenue. In the 2020-2021 Fiscal Year, the Clerk/Treasurer salary was 7.31% of budgeted General Fund Revenue. The Personnel Committee met on Monday, April 5, 2021, and is recommending approval of the 2.50% wage increase effective March 25, 2021.

Bill Glover moved to approve a 2.5% wage increase for Crystal Budde, Village Clerk/Treasurer, setting her wage at \$20.50 per hour, effective March 25, 2021. Seconded by: John Sutton.

Roll Call Vote:

Ayes: Glover, Sutton, Crothers, Omness, and Inglis.

Nays: Zaverl.

Motion Carried 5-1. Absent: Bill Harris.

# c.) Jeremiah Helenhouse Temporary Wage Adjustment

Jeremiah Helenhouse was promoted to acting DPW Supervisor until a permanent replacement for the position is hired. He will have all the responsibilities of the DPW Supervisor except disciplinary responsibility. All discipline will be conducted by the Village Administrator in coordination with information provided by the DPW Supervisor. The Village submitted a memorandum of understanding to the Union representing the DPW department allowing Jeremiah to take a temporary leave from his position of DPW Laborer to serve as acting DPW Supervisor for 90 days, beginning March 29, 2021 and ending June 27, 2021. Mr. Helenhouse's wage must be moved to a salaried position while holding the DPW Supervisor position. He will not be entitled to overtime and will get paid \$53,000.00 annually, effective April 12, 2021. The Personnel Committee will re-evaluate this situation in early June. The Personnel Committee met on April 5, 2021 and is recommending the Village Council to approve the temporary wage adjustment for Jeremiah Helenhouse.

John Sutton moved to approve a temporary wage adjustment for Jeremiah Helenhouse as acting DPW Supervisor, setting his wage at \$53,000.00 annually, effective April 12, 2021 and ending June 27, 2021, at which time his Supervisory status will be re-evaluated. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Sutton, Omness, Crothers, Glover, and Inglis.

Nays: Zaverl.

Motion Carried 5-1.
Absent: Bill Harris.

# d.) Oceana County Community Foundation Grant - Discussion

The Oceana County Community Foundation's Spring 2021 grant application is open until April 19, 2021. The grant limit is \$5,000.00. Village Community Development Fellow Emily Stuhldreher would like to apply for the grant on behalf of the Village of Shelby for funding downtown improvements to include two signs and one shade structure. The grant would cover the cost of one downtown wayfinding sign (location to be determined, but preferably at the pavilion along the Rail Trail) and one welcome sign for the new pocket park. Additionally, the grant would cover a 20ftx10ftx12ft shade structure that will be located at the new pocket park.

# e.) Sunday Alcohol Sales

On December 13, 2010, Village Council passed a resolution prohibiting Sunday morning alcohol sales pursuant to MCL 436.2111. Cherry Hill Supermarket is requesting that the Village Council consider a resolution reversing the prohibition of Sunday morning alcohol sales. If Village Council moves forward with the rescission of the original resolution and provides a resolution to allow AM Sunday sales, Cherry Hill Supermarket will be able to refile an application for Sunday morning alcohol sales.

Damian Omness moved to adopt Resolution Number 27-21. (See attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Omness, Crothers, Sutton, Zaverl, and Inglis.

Nays: Glover.

Motion Carried 5-1
Absent: Bill Harris.

#### 13. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will be meeting on Tuesday, April 20 at 6:30 P.M. to discuss the Zoning Ordinance rewrite proposals and set a Public Hearing for the deletion of the demolition permit request from the Village's zoning requirements.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$48,273.93.

Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Sutton, Zaverl, Omness, and Inglis.

Motion Carried 6-0. Absent: Bill Harris.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 7:30 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried. Absent: Bill Harris.

Council minutes are not official until approved at the April 26, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



#### April 12, 2021

#### RESOLUTION

No. 27-21

# TO REVERSE THE PROHIBITION OF LIQUOR SALES ON SUNDAY MORNING

# VILLAGE OF SHELBY, OCEANA COUNTY, MI

At a Regular Meeting of the Common Council of the Village of Shelby, Oceana County, Michigan, on April 12, 2021, the following Resolution was offered.

**WHEREAS**, the State of Michigan passed MCL 436.2111 et. seq. allowing for the sale of alcoholic beverages between the hours of 7:00 a.m. and 12:00 noon on Sundays, and;

**WHEREAS**, the Village of Shelby had decided that the Village of Shelby did not wish to allow for the sale of alcoholic beverages (beer, wine, and sprits) between the hours of 7:00 a.m. and 12:00 noon on Sunday, and;

WHEREAS, the Village of Shelby passed Resolution # 121310 (attached as Exhibit A) prohibiting the sale of alcoholic beverages (beer, wine, and spirits) on Sunday mornings between the hours of 7:00 a.m. and 12:00 noon on December 13, 2010, and;

**WHEREAS**, the Village of Shelby has decided to rescind the December 13, 2010, Resolution prohibiting Sunday morning alcoholic beverage sales;

**NOW, THEREFORE, BE IT RESOLVED,** the Village of Shelby does herby reverse the prohibition on Sunday morning sales of alcoholic beverages (beer, wine, and spirits) between the hours of 7:00 a.m. and 12:00 noon.

**BE IT FURTHER RESOLVED,** the Village of Shelby does herby approve the sale of alcoholic beverages (beer, wine, and spirits) between the hours of 7:00 a.m. and 12:00 noon on Sunday.

, and the same arm and 12.00 hoor on Sanday.
Moved: Damian omness
Seconded: Steve Crothers
s: Omness, Crothers, Sytton, Zaveri, and inglis
o:Glover
SENT: Harris

I, Crystal Budde, Clerk do hereby certify that the foregoing is a true and original copy of a Resolution duly made and passed by the Common Council of The Village of Shelby at their regular meeting held on the 12th day of April 2021, in the Village of Shelby, Oceana County, State of Michigan, with a quorum present.

Crystal Budde, Clerk/Treasurer

Village of Shelby

**RESOLUTION No. 27-21 Declared ADOPTED.** 

**ADOPTED ON:** April 12, 2021

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF April 26, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Interim DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

#### a.) Monday, April 12, 2021

Bill Glover moved to approve the minutes of the Regular Council Meeting of April 12, 2021 as prepared.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Planning Commission met on Tuesday, April 20, 2021 to discuss the four proposals the Village received to assist with the Zoning Ordinance rewrite. The Planning Commission decided to invite McKenna and Williams & Works to present their proposals and answer a set of questions to help determine which firm to select. This has been scheduled as a Special Planning Commission meeting on Tuesday, May 4, 2021 at 6:30 P.M.

VA Selner met with staff on Tuesday, April 27 to continues to work through the draft Personnel Policy.

The DPW crew continue to prepare the new downtown Pocket Park for redevelopment. There is a page on the Village website (under the "Residents" tab) where residents can provide input on ideas to consider for the new pocket park. A Parks, Recreation, and Buildings Committee meeting will be scheduled to finalize plans before the redevelopment begins.

8. DEPARTMENT HEADS' REPORTS: Nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS: No Old Business.

#### 12. NEW BUSINESS:

#### a.) Water/Sewer Connection Fee Schedule Amendment

After several months of discussion, Village Council, with the recommendation from the Water and Sanitation Committee, adopted a new Right-of-Way Permit Ordinance; Road Right-of-Way permit application; and, associated fee schedule for water and sewer connection on March 22,2021. Much of the discussion focused on the cost burden for new single-family residential homes and the cost/time it would take the Village's DPW staff to make the connections. The fee schedule that was adopted did not consider commercial, industrial, or multi-family developments that could require a 2" or greater connection into the Village of Shelby water and sewer system.

The purpose of the new connection fee is to have new users "buy in" to the existing water/sewer system. All new customers' use of the existing water infrastructure reduces the existing capacity and may also lead to the need for construction of new water/sewer infrastructure. A common objective of connection fees is for growth to pay for growth. Money collected through connection fees from new developments for their share of the cost of capacity is more equitable than raising rates on all customers to pay for capital improvements that are needed primarily to serve the new customer or increase on demand. For these reasons, the Water & Sanitation Committee is recommending an amendment to the recently passed water/sewer fee schedule to include a step increase to water connections greater than 1.5" and for sewer connections greater than 6".

Steve Crothers moved to adopt Resolution Number 28-21. Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Crothers, Harris, Sutton, Zaverl, Omness, and Inglis.

Nays: Glover.

Motion Carried 6-1.

#### b.) MEDC Water-Related Infrastructure (WRI) Grant

The MEDC Water-Related Infrastructure (WRI) program is designed to assist local governments in making necessary improvements to existing public infrastructure systems. Eligible activities include upgrading existing public infrastructure systems either by replacing deteriorating or obsolete systems or by adding needed capacity to existing, but burdened systems. Don DeVries and VA Selner are recommending the Village pursue this opportunity to seek grant funding for replacement of the Industrial Lift Station; the Harvey Lift Station; and, Well 2. The estimated project costs are \$750,000.00.

The minimum project cost to be eligible for the grant is \$500,000.00 and the maximum is \$2 million, with a total available funding of \$15 million. The Water and Sanitation Committee met on April 22, 2021 and has recommended Village Council authorize Don DeVries and VA Selner to apply for and submit the MEDC WRI Grant committing the Village to a 25% local match.

Damian Omness moved to authorize Brady Selner, Village Administrator and Don DeVries, Fleis & VandeBrink Engineer, to apply for and submit the MEDC Water-Related Infrastructure Grant application committing the Village of Shelby to a local match of 25%. Seconded by: John Sutton.

Roll Call Vote:

Ayes: Omness, Sutton, Zaverl, Crothers, Glover, Harris, and Inglis.

Motion Carried 7-0.

#### c.) RRC Public Participation

Per the RRC requirements, Communities must adopt a Public Participation Plan and report on the plan annually. The purpose of a Public Participation Plan is to have a documented public engagement strategy to outline what residents, officials, and other stakeholders can expect from the Village. Public Participation Plans help communities establish clear expectations for public engagement, ensuring all groups are represented in decision making processes.

Damian Omness moved to adopt the Public Participation Plan as required by the MEDC RRC Certification process.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

#### 13. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission met on Tuesday, April 20, 2021 at 6:30 P.M. to discuss the zoning rewrite proposals. They will meet for a Special Meeting on Tuesday, May 4, 2021 at 6:30 P.M. to meet with representatives from Williams & Works and McKenna to review proposals from both firms in order to make a recommendation to the Village Council.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

- **14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of bills in the amount of \$67,154.28
- **15. ADJOURNMENT:** Damian Omness moved to adjourn the meeting at 7:21 P.M. Seconded by John Sutton.

Voice Vote: All in favor. Motion Carried.

Council minutes are not official until approved at the May 10, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



April 26, 2021

# **RESOLUTION**

No. 28-21

RESOLVED BY THE COUNCIL OF THE VILLAGE OF SHELBY to amend the Department of Public Works fee schedule, attached as Exhibit A.

Moved: Steve Crothers

Seconded: Bill Harris

ves: Crothers, Harris, Sutten, Zoverl, Omness, and Inglis.
No: Glover
ABSENT:

RESOLUTION No. 28-21 Declared ADOPTED.

ADOPTED ON: April 26, 2021

# EXHIBIT A Department of Public Works Fee Schedule

FEE NAME	FISCAL YEAR
	2021-2022
Public Works	
Right-of-way permit (work in right-of-way)	\$50.00 ea.
Sewer Lateral (replace existing)	\$50.00 ea.
Water Lateral (replace existing)	\$50.00 ea.
Sewer	
Tap fees (new)	\$300.00 ea.
1"	<u> -</u>
1 ½"	-
2"	-
4"	-
6"	\$2,713
Water	
Meter fees	
1"	Cost + 30%
1 ½"	Cost + 30%
2"	Cost + 30%
3"	Cost + 30%
4"	Cost + 30%
6"	Cost + 30%
Tap fees (new)	\$300.00 ea.
1"	
1 ½"	\$5,056
2"	\$8,146
3"	\$30,899
4"	\$39,326
6"	\$58,990
8"	\$81,462
10"	\$109,552

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF May 24, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Pro-Tem Bill Harris.

## 2. ROLL CALL:

Answering the roll call: Bill Glover, Steve Crothers, Dan Zaverl, John Sutton, Damian Omness, and Bill Harris.

Absent: Paul Inglis.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Interim DPW Supervisor Jeremiah Helenhouse, Police Chief Steve Waltz, and CEDAM Fellow Emily Stuhldreher.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

## a.) May 10, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of May 10, 2021 as corrected.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that a Finance and Insurance Committee meeting will be scheduled the first week of June to discuss the 2021/2022 budget status for the first quarter and any amendments that may be needed. Village Council will review the information at the June 14, 2021 Council meeting.

The Oceana County Board of Commissioners plans to hold a Public Hearing on Thursday, June 10, 2021 to hear comments on the establishment of a Countywide Brownfield Redevelopment Authority (BRA). It is anticipated that the establishment of the BRA will be approved. The Village of Shelby will need to adopt a local resolution in order to participate. Participating in the Brownfield Authority simply means the Village of Shelby can review and consider local approval of any Brownfield plan in its jurisdiction as presented by potential developers. Specific terms of the plan and tax increment financing are determined separately for each plan at the local and County levels.

The Village has received its Priority Health Policy Renewal documents from Lenz-Balder Insurance. VA Selner is in the process of reviewing the options. Village Council will consider and approve the updated policy terms at the July 12, 2021 Council meeting.

VA Selner reported that the Village of Shelby has been awarded a grant from the Oceana County Community Foundation to assist with the redevelopment of the downtown pocket park. The grant will cover the cost of one downtown wayfinding sign (to be placed near the pavilion); one welcome sign for the new pocket park; and, a shade structure for the new park.

Williams & Works has started the Zoning Ordinance audit and will likely present the results at the next regularly scheduled Planning Commission meeting. The Planning Commission will determine meeting days and times for the project coordination and discuss a public participation strategy, if desired.

Fleis & VandenBrink has removed the replacement of Well number 2 from the DWSRF application. EGLE required a hydrology study prior to the submission of the application. Typically, these studies take around four months to complete. The application is due July 1, 2021. The Village is still pursuing the Well number 2 replacement under the MEDC WRI grant. There will be a Public Hearing on the DWSRF project at the June 28, 2021 Council meeting.

**8. DEPARTMENT HEADS' REPORTS:** Nothing to report.

#### 9. CORRESPONDENCE:

## a.) Shelby Township Notice of Master Plan Update

The Village of Shelby received notice that the Shelby Township Planning Commission is in the process of updating its Master Plan. The purpose of the notice is to advise of the Township activity and to invite the Village's cooperation, comments, and participation in their process pursuant to Section 39 of the Michigan Planning Enabling Act.

#### **10. CITIZEN PARTICIPATION:**

Richard Raffaelli stated his support for the Village's grant application for the MEDC WRI grant opportunity and the importance of maintaining the Village's infrastructure.

He also reported to the Village Council that Shelby Township has painted its building and cleaned the outside of their office. He hopes this will set an example for other business owners in town to do the same. He believes that Shelby Village needs to focus its efforts on downtown beautification. Mr. Raffaelli also believes that the Village is quickly fading out and needs to bring business back downtown.

Sharon Hallack, Oceana Herald Journal journalist, asked if the process of becoming a Redevelopment Ready Community (RRC) would help with downtown beautification. Village Fellow Emily Stuhldreher explained that becoming an RRC would absolutely help open the Village up to more grant opportunities that would focus on the downtown; but, becoming an RRC is a time-consuming process.

## 11. OLD BUSINESS:

#### 12. NEW BUSINESS:

## a.) CDBG Water Related Infrastructure Grant Application

One of the requirements of the MEDC WRI Grant is to have Village Council adopt an authorizing resolution committing the Village of Shelby to the local match and to name the authorized local official to submit and certify the Michigan CDBG Application and to execute any additional documents required to carry out and complete the grant.

Steve Crothers moved to adopt Resolution 33-21 Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

## b.) Set Public Hearing for 2021 Tax Millage Rates

The Village of Shelby is required to conduct a Public Hearing in order to adopt its allowable Tax Millage for the 2021 tax year.

Dan Zaverl moved to set the Public Hearing to receive comments regarding the 2021 Tax Millage Rates for Monday, June 14, 2021, at 6:45 P.M. at the Shelby Village Hall, 218 N. Michigan Ave., Shelby, Michigan 49455.

Seconded by Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

#### 13. COMMITTEE REPORTS:

## a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission met on Tuesday, May 18, 2021 to discuss whether they should meet in person or via Zoom for the Zoning Ordinance Rewrite meetings. The meetings will be held in person at the Shelby Village Hall. The preliminary meeting will take place on June 15, 2021, at 6:30 P.M.

#### b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

## d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report. The Parks, Recreation, and Buildings Committee will be meeting next week.

## e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

The Finance and Insurance Committee will meet sometime next week to review first quarter budget amendments.

## f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

## g. ORDINANCES - Chair Bill Glover, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$29,084.49.

Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Sutton, Zaverl, Omness, and Harris.

Motion Carried 6-0. Absent: Paul Inglis.

15. ADJOURNMENT: Steve Crothers moved to adjourn the meeting at 7:18 P.M.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

Council minutes are not official until approved at the June 14, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



## May 24, 2021

## **RESOLUTION**

No. 33-21

## VILLAGE OF SHELBY, OCEANA COUNTY, MI

At a Regular Meeting of the Common Council of the Village of Shelby, Oceana County, Michigan, on May 24, 2021, the following Resolution was offered.

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Water-Related Infrastructure (WRI) Competitive Funding Round; and

WHEREAS, the Village of Shelby desires to request \$850,000 in CDBG funds to replace two sewer lift stations and one well; and

WHEREAS, the Village of Shelby commits to a 25% local match from its Water and Sewer Funds in the amount of \$25,000 and \$187,500, respectively; and

**WHEREAS**, the proposed project will benefit all residents of the project area and 57.59% of the residents of the Village of Shelby are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

**NOW, THEREFORE, BE IT RESOLVED,** that the Village of Shelby herby designates the Village Administrator as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

Moved: Steve Crothers
Seconded: John Sutten
res: Crothers, sutton, Zaver, omness, Glover, & Harris
No: <u>(</u>
ABSENT: Paul Inglis.

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF June 14, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



## 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Pro Tem Bill Harris.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Steve Crothers, Bill Harris, Dan Zaverl, and Damian Omness.

Absent: Paul Inglis

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Interim DPW Supervisor Jeremiah Helenhouse, CEDAM Fellow Emily Stuhldreher and Police Chief Steve Waltz.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

## a.) May 24, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of May 24, 2021 as corrected.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

5. ADDITIONS TO THE AGENDA: No Additions to Agenda.

#### 6. PRESIDENT'S REPORT:

President Pro Tem Bill Harris read a letter of resignation from Council Trustee Robert Glover. Mr. Glover is resigning from his role as Trustee effective immediately.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Village of Shelby has received its Priority Health Policy Renewal documents from Lenz-Balder Insurance and the Finance and Insurance Committee has reviewed the options. Village Council will consider the policy renewal at the July 12, 2021 Council Meeting.

The Village has been awarded the Technical Assistance grant for the Village's Zoning Ordinance rewrite through the MEDC.

There will be a Public Hearing to hear comments on the EGLE DWSRF Project Plan, prepared by Fleis & VandenBrink, at the June 28, 2021 Council meeting. A copy of the draft Project Plan is available at the Village Hall if any Council member or resident would like to review it.

The CDBG Water Related Infrastructure grant has been Submitted. The Village will be notified of WRI Funding Round results not later than June 15, 2021.

#### **8. DEPARTMENT HEADS' REPORTS:**

Chief Waltz reported that Officer Joe Von Drak completed a three-day Survival Spanish class at Ludington Police Department. This training opportunity was at no cost to the Village. Officer Von Drak reported to Chief Waltz that this was a very beneficial class that will help him to serve the community more efficiently.

Almost all of the blight complaints that the Police Department has encountered so far have been resolved. The property at 552 Fowler Street that burned in 2018 is finally being cleaned up and appears to be about 80% complete. This should be totally cleaned up within two weeks.

This shipping container at 285 Session Road has been removed. The Police Department is still working on a few properties with respect to Blight and Ordinance violations; but overall, Chief Waltz is happy with the progress.

Interim DPW Supervisor Jeremiah Helenhouse had nothing to report.

#### 9. CORRESPONDENCE:

## a.) Oceana County Planning Commission

The Oceana County Planning Commission is in the process of reviewing, updating and/or adjusting their Master Plan during the 2022 calendar year. The County Planning Commission is seeking input, suggestions, comments, and, ideas from Townships, Cities, and Villages within Oceana County on how they might change or alter Oceana's Master Plan. They are also exploring the idea of possibly creating a County Master Plan that incorporates the plans of other interested municipalities within Oceana County. The County is seeking feedback from local municipalities by August 15, 2021. VA Selner plans to speak with the Planning Commission for input and will bring this item back to the full Council for discussion.

#### 10. CITIZEN PARTICIPATION: No Citizen Participation

#### 11. OLD BUSINESS: No Old Business.

#### 12. NEW BUSINESS:

## a. Public Hearing for 2021 Tax Millage Rates

Council recently set the Public Hearing for the 2021 Tax Millage Rates for June 14, 2021. However, the notice for the Oceana's Herald-Journal was not sent before the publication deadline. The Public Hearing will need to be set for Monday, June 28, 2021 at 6:45 P.M. The Village of Shelby is required to conduct a Public Hearing in order to adopt its allowable Tax Millage for the 2021 tax year.

Dan Zaverl moved to set a Public Hearing to receive comments regarding the 2021 Tax Millage Rates for Monday, June 28, 2021 at 6:45 P.M. at the Shelby Village Hall, 218 N. Michigan Ave., Shelby, Michigan 49455.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

#### b.) First Quarter Budget Status and Amendments

The Village is three months into Fiscal Year 2021/2022. The following information provides a status update and necessary budget amendments for the Village's current fiscal year. This information will be provided to the Finance and Insurance Committee and Village Council on a quarterly basis. The objective of the practice is to ensure the Village remains within budget and to adjust the budget if necessary.

Some of the major budget items to note for the first quarter include:

- 1. Revenue increase in the Sewer and Water Funds from connection fees and Right-Of-Way permits from the Shelby Trails development.
- 2. Revenue increases in General Fund from the sale of the DPW Truck number 2 and Police Cruiser.
- 3. Amendment to the Getty Park expense (and General Funds Reserve Transfer) due to the delay in the Project Agreement.
- 4. Amendment to Local Streets Contractual Services (and Local Streets Fund Reserve Transfer) due to delaying the MDOT Category B Grant until next Fiscal Year.

The Sewer Fund requires additional amendments; however, VA Selner is waiting until the second quarter to make the changes to review the 2020/2021 audit and to determine if the Village receives the CDBG WRI grant. The Finance and Insurance Committee has reviewed the amendments and are recommending approval.

Steve Crothers moved to approve Resolution 35-21. (See attached) Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Sutton, Zaverl, and Harris.

Motion Carried 5-0. Absent: Paul Inglis.

## c.) Ladder Community Center Request

The Ladder Community Center would like to host a Christian Concert on Saturday, July 17, 2021. They are seeking permission for the use of Memorial Park and the electricity from 5:00 P.M. to 8:30 P.M. They are also asking for permission to close Maple Street between State Street and Third Street during the hours of 5:00 P.M. and 8:30 P.M. The Ladder will be providing a community picnic serving hot dogs, chips, cookies, and drinks. This will be the Ladder's fifth anniversary celebration as a thank you to the community for the support they have received over the past five years.

Steve Crothers moved to allow the Ladder Community Center the use of Memorial Park; the electricity; and, to close Maple Street between State Street and Third Street during the hours of 5:00 P.M. and 8:30 P.M. on Saturday, July 17, 2021.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

## d.) Acceptance of Robert Glover Resignation

Dan Zaverl moved to accept the resignation of Council Trustee Robert Glover. Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Paul Inglis.

#### 13. COMMITTEE REPORTS:

## a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will meet on Tuesday, June 15, 2021 at 6:30 P.M. A Public Hearing will be held for a text amendment for the removal of the demolition zoning permit requirements.

## b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

#### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Committee Chair Dan Zaverl asked Interim DPW Supervisor Jeremiah Helenhouse when the school lights would be shut down and if the DPW could repaint the parking lines on Michigan Avenue. Mr. Helenhouse responded that the school lights would be shut off and that that DPW planned to work on the parking lines this week.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation and Buildings Committee met on June 1, 2021. A Pocket Park design was approved; play structure ideas discussed; gift catalog discussed; the need for repairs to the DPW bathroom was discussed; and, a walk through with the DPW at Getty Field to note any needed repairs should be conducted.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers approved the payment of the bills in the amount of \$58,137.45. Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Zaverl, Omness, and Harris.

Motion Carried 5-0. Absent: Paul Inglis.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 7:14 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.
Absent: Paul Inglis.

Council minutes are not official until approved at the June 28, 2021 Council meeting.

Approve

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY SPECIAL COUNCIL MEETING OF Monday, June 28 2021 at 5:30 P.M. COUNCIL PROCEEDINGS



## 1. CALL TO ORDER:

The special meeting of the Common Council of the Village of Shelby was called to order at 5:35 P.M. by President Paul Inglis.

## 2. ROLL CALL:

Answering the roll call: John Sutton, Steve Crothers, Paul Inglis, Bill Harris, and Damian Omness. Absent: Dan Zaverl.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, and DPW Laborer Greg MacIntosh.

- 3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.
- 4. ADDITIONS TO THE AGENDA: No Additions to Agenda.
- 5. CORRESPONDENCE: None.
- 6. PUBLIC PARTICIPATION: None.

## 7. SPECIAL MEETING BUSINESS:

#### a.) DPW Personnel Matter

Greg MacIntosh has been demoted from his position as DPW Supervisor and placed on probation starting his new role as DPW Laborer effective December 29, 2020. The Village elected its right to extend the probationary period to 180 days. The probationary period ended on June 27, 2021. After considering the performance of Greg MacIntosh during the 180-day period, VA Selner is recommending termination of employment. The Personnel Committee met on June 21, 2021 and are recommending the same action.

John Sutton moved to terminate Greg MacIntosh's employment with benefits and pay until July 31, 2021.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Harris, Omness, and Inglis.

Motion Carried 5-0. Absent: Dan Zaverl.

**8. ADJOURNMENT:** John Sutton moved to adjourn the meeting at 5:51 P.M. Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Absent: Dan Zaverl.

Council minutes are not official until approved at the July 12, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF July 12, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Paul Inglis, Dan Zaverl, Bill Harris, and Damian Omness. Absent Steve Crothers.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, CEDAM Fellow Emily Stuhldreher, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

## a.) Special Meeting of June 28, 2021

John Sutton moved to approve the minutes of the Special Council Meeting of June 28, 2021 as prepared.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers.

## b.) Regular Meeting of June 28, 2021

Damian Omness moved to approve the minutes of the Regular Council Meeting of June 28, 2021 as prepared.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers.

# 5. ADDITIONS TO THE AGENDA: No Additions to Agenda.

**6. PRESIDENT'S REPORT:** President Inglis stated he would be making some changes to the agenda and reported that the Village staff posted the vacant Council seat on the Village's Facebook page. Only one letter of interest was received from Mike Termer. Mike lives in the Village of Shelby at 363 Orchard View and is currently the pastor at Newman Christian Community Church located on M20. Mr. Termer has a bachelor's degree in business management as well as specific training in facilitation, leadership, and organizational administration. He was employed for a number of years as a Human Resource

Manager and started his own company as a Business Analyst. President Inglis recommended the appointment of Mike Termer to the vacant Council Trustee seat with a term ending November 20, 2022.

Bill Harris moved to appoint Mike Termer to the Village Council with a term ending November 20, 2022.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Harris, Omness, Sutton, Zaverl, and Inglis.

Motion Carried 5-0. Absent: Steve Crothers.

## 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Oceana County Board of Commissioners approved the development of a County Brownfield Redevelopment Authority (BRA) at their meeting on July 8, 2021. To utilize the brownfield incentives offered through the County BRA, the Village will need to pass a resolution opting in. Opting in will satisfy one of our last remaining requirements for the Redevelopment Ready Community (RRC) certification.

VA Selner is continuing to investigate the feasibility of forming a Village of Shelby DDA and/or creating a downtown façade program. VA Selner and Fellow Emily Stuhldreher will work with Mishelle Comstock, President Shelby State Bank, to discuss the façade program. VA Selner plans to speak with downtown business owners to gather input and determine what type of program would be most appealing to them. The Village will continue to work through the action items identified in its 2020 Master Plan as it relates to downtown redevelopment.

A strategic planning session has been tentatively scheduled for the Village's July 26, 2021 Council meeting.

The shade structure for the pocket park has been ordered, and the DPW is scheduled to begin work on the park next week.

The Village plans to contract Saniweep, Inc. to complete the street sweeping this year while the Village determines a long-term solution for the street sweeping needs. DPW Supervisor Jeremiah Helenhouse and VA Selner are currently analyzing the cost effectiveness of the Village's four options:

- 1. Repair the Village's existing sweeper.
- 2. Buy a new sweeper.
- 3. Rent a sweeper.
- 4. Contract with a company to complete street sweeping.

The DPW crew will no longer come in on Saturday and Sunday to do their daily rounds. This was

determined after verifying with ELGE that it is not required. This operational change will save the Village approximately \$6, 800.00 per year in overtime wages.

#### 8. DEPARTMENT HEADS' REPORTS:

CEDAM Fellow Emily Struhldreher reported that she is working on forming a DDA; the shade structure for the pocket park has been ordered; and, she is still working on the way finding sign that will be placed by the rail trail.

Chief Waltz reported that there has been no new larceny to vehicle complaints for a week. 383 Pine Street has been purchased by Tim Horton and there is already a dumpster on site so that property should be cleaned up soon.

DPW Supervisor Jeremiah Helenhouse reported that he was able to locate a volute for the Harvey lift station and that is being repaired right away.

#### 9. CORRESPONDENCE:

## a.) Cherry Central

President Inglis received notice from Melanie LaPerriere, President/CEO Cherry Central, that there will be a total shutdown of the Company's Oceana Foods' drying facility located at 168 Lincoln Street in Shelby effective August 31, 2021. This is due to the second consecutive year of significantly diminished cherry crops. Cherry Central's board hopes to eventually reopen the facility and remains in the process of exploring the facility's options. The shutdown is thus currently expected to be temporary but is indefinite and will continue until no earlier than at least August 1, 2022, when ramp up for the next year's cherry season would occur. 74 employees will be affected which is the entire workforce of the facility. All affected employees have been notified of their layoff dates and that their layoffs are indefinite.

## b.) National Association of County & City Health Officials (NACCHO)

President Inglis received a letter from Lori Tremmel Freeman, Chief Executive Officer of NACCHO, requesting a letter of support for the Community Based Survey of Supports for Healthy Eating and Active Living (CBS HEAL), which is being conducted by the U.S. Centers for Disease Control and Prevention (CDC) Division of Nutrition, Physical Activity, and Obesity. The CBS HEAL National Survey is a web-based study that seeks to gather information in healthful eating and active living for residents. NORC at the University of Chicago, an independent survey research firm, is working with the CDC to conduct the survey. NACCHO is encouraging participation in the survey. The survey includes questions on the communitywide planning documents of local governments; and, policies that improve the built environment to support physical activity, such as nutrition standards for government facilities or policies that provide incentives to locate supermarkets or farmers markets in areas of need.

VA Selner will research the information requested in the survey and report to Council if Shelby should participate.

#### 10. CITIZEN PARTICIPATION:

Phil Morse, Oceana County Commissioner, representing Oceana County, introduced himself and related that the Oceana County Planning Commission is not seeking to gain control with the proposed shared Master Plan with communities in Oceana County but to share control with Villages and Townships to make the process easier and smoother for everyone.

Curt Trott, who resides at 320 Harrison Street, asked if the DPW would be getting to the weeds that are in and along the sidewalks throughout town. VA Selner responded that there was a back order on the weed killer but that he would talk to DPW Supervisor Jeremiah Helenhouse to get an update on the matter.

#### 11. PRESENTATION:

## a.) 2021 Fiscal Year Audit – Eric P. VanDop

The Village's auditor Eric VanDop, Brickley DeLong, presented the 2021 Fiscal Year audit to the Village Council. The 37-page document, prepared by Brickley DeLong, reflects the financial condition of the Village of Shelby. The audit shows that the net position of all governmental activities increased by \$131,873.00 over the previous year. The General Fund balance increased by \$49,463.00; the total net position in the Sewer Fund decreased by \$40,261.00; and, the total net position in the Water Fund increased by \$25,598.00. Mr. VanDop noted that the Sewer Fund unrestricted balance needs to be watched closely as it has a current balance of \$67,968.00. He advised that the balance can be increased by one of two options. One option is to refinance the bond, which could result in an end to the bond covenant. The covenant requires that the Village put away approximately \$53,000.00 per year in a restricted account. The other option is to perform a rate study to evaluate the sewer rates.

## 12. OLD BUSINESS:

#### a.) 207 N. Michigan Avenue Easement

La Conasupo received an easement from the Village of Shelby in 2010 after it was discovered that a portion of their building was on Village property. The purpose of the easement was to permit the identified encroachment and for the purpose of constructing an access ramp for ingress and egress to the building on Village property. La Conasupo is requesting that the 2010 Easement be restated and expansion of the size of the easement to construct certain improvements within the easement area be allowed. The improvements include replacing the roof overhang/ramp and adding a concrete pad. The Village did make two amendments to the proposed easement. The Village added language prohibiting parking in the easement area and removed the need for "mutual written agreement of all parties, including mortgagees." Amendments to the easement can be made by written agreement signed by the Village and the property owner. The proposed improvements will enhance the appearance of the back of their building.

Bill Harris moved to authorize Paul Inglis, Village President, and Brady Selner, Village Administrator, to sign the Easement Agreement for the property located at 203 N. Michigan Avenue, Shelby, Michigan 49455 (parcel number 046-115-005-00) for the purpose of constructing a concrete pad and for the construction and maintenance of an access ramp for ingress and egress. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Harris, Omness, Sutton, Zaverl, and Inglis.

Motion Carried 5-0. Absent: Steve Crothers.

#### 13. CLOSED SESSION:

## a.) Legal Options for Selling Water and Sewer Outside Village Limits

Bill Harris moved to go into Closed Session at 7:19 P.M. for the purpose of discussing attorney/client confidential information regarding the Village's legal options for selling water and/or sewer outside of the Village limits.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Harris, Omness, Sutton, Zaverl, and Inglis.

Motion Carried 5-0. Absent: Steve Crothers.

The Village Council went back into Open Session at 8:03 P.M.

## 14. OLD BUSINESS CONTINUED:

## b.) Ferric Chloride Purchase

Ferric chloride is purchased about every eight months for use at the wastewater facility (lagoon system). It is time to replenish the inventory of ferric chloride for use over the next eight months. Quotes have been obtained for the chemical and are as follows:

PVS, Detroit, Michigan

\$5,100.00 for 4,000 gallons

Haviland, Grand Rapids, Michigan

\$6,320.00 for 4,000 gallons

Webb Chemicals, Muskegon, Michigan

\$6,480.00 for 4,000 gallons

The Village has used PVS in the past and DPW Supervisor Jeremiah Helenhouse is recommending the Village use their services again.

Damian Omness moved to authorize the Village Administrator to purchase 4,000 gallons of Ferric Chloride from PVS, Detroit, Michigan for use at the Shelby Wastewater facility for a total price of \$5,100.00.

Seconded by: Dan Zaverl.

Roll Call Vote:

Ayes: Omness, Zaverl, Sutton, Harris, and Inglis.

Motion Carried 5-0.
Absent: Steve Crothers.

#### 15. NEW BUSINESS: No New Business.

#### **16. COMMITTEE REPORTS:**

## a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The July Planning Commission meeting will most likely be cancelled due to lack of agenda items. The Planning Commission will meet with Williams and Works in August for the preliminary Zoning rewrite meeting.

## b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Don DeVries with Fleis & VandenBrink was able to increase the number of service lines to be replaced in the EGLE Drinking Water State Revolving Fund Project Plan.

## c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, vacant:

Dan Zaverl asked about the Sixth Street sidewalk project. VA Selner will be working on this within the next month.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Committee will meet with the school on August 10, 2021 at 7:00 P.M.

## e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

The Sewer Fund is slim and will need attention. VA Selner will be gathering all options to bring to the Council in the near future.

## f. PERSONNEL: Chair: John Sutton, Damian Omness:

The DPW full time vacant position has been posted in the Oceana's Herald-Journal and applications will be accepted until the end the of day on Friday, July 16, 2021.

#### g. ORDINANCES – Chair vacant, Dan Zaverl:

Nothing to report.

# **17. PAYMENT OF BILLS:** Bill Harris moved to approve the payment of bills in the amount of \$59,739.17. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Harris, Omness, Sutton, Zaverl, and Inglis.

Motion Carried 5-0. Absent: Steve Crothers.

# 18. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 8:25 P.M.

Motion Carried. Absent: Steve Crothers.	
Council minutes are not official until approved at the July 26	, 2021 Council meeting.
	Approved
Criptal Giddle	July, 26,202
Minutes Respectfully Submitted by Crystal Budde, Village Cle	erk/Treasurer / Date

Seconded by: John Sutton.

# VILLAGE OF SHELBY SPECIAL COUNCIL MEETING OF July 26, 2021 at 5:00 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The Special Meeting of the Common Council of the Village of Shelby was called to order at 5:09 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, and Damian Omness.

Absent: Mike Termer.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

## a.) July 12, 2021

Bill Harris moved to approve the minutes of the Regular Council Meeting of July 12, 2021 as prepared. Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Absent: Mike Termer.

## 5. STRATEGIC PLANNING SESSION: Al Vanderberg & John Shay

The strategic planning session led by Al Vanderberg, Ottawa County Administrator, and John Shay, Ottawa County Deputy Administrator, began with the Council and those in attendance listing what they believed the Village's strengths, weaknesses, opportunities, and threats were in order to gather what the majority believed to be the most important areas of concern or needs for improvement in the Village. Downtown development was the common consensus for the greatest need and opportunity for the Village of Shelby. Mr. Vanderberg and Mr. Shay will create a report from the information gathered at the strategic planning session and will present it to Council once it is complete.

#### 6. ADDITIONS TO THE AGENDA: No Additions to Agenda.

#### 7. PRESIDENT'S REPORT:

President Inglis notified the Council that the City of Montague recently passed a Resolution Declaring a Climate Emergency and Restoration of a Safe Climate to Create an Ecologically, Socially, and Economically Responsible Community. This provides for the public peace, health, safety, and welfare of

persons and property in the community, and seeks to lead efforts in the community to create an ecologically, socially, and economically responsible community.

No action was taken on this item. President Inglis presented the information to the Village Council and action can be taken at a later date if they choose to do so.

President Inglis reported that he met with Shelby Township Supervisor Richard Raffaelli and Mr. Raffaelli indicated that he and the Township will not be moving forward with the options of purchasing water from the Village of Shelby until the USDA responds to the application for funding that Shelby Village applied for. Mr. Raffaelli would like to hold a joint Township and Village Special meeting (possibly on August 16, 2021) to discuss the options and receive community feedback on the same. President Inglis agreed that a joint Township/Village meeting with the public would be beneficial.

#### 8. ADMINISTRATOR'S REPORT:

VA Selner reported that the Planning Commission will have their kick-off meeting for the zoning ordinance re-write project on August 17, 2021. At this meeting, they will review the zoning ordinance audit completed by Williams & Works and discuss the timeline and goals for the project. The project will be completed through a 75% grant from the MEDC Technical Assistance Program.

The DPW has begun work on the downtown pocket park and will continue to work on it as time permits.

VA Selner anticipates having the first draft of the new Employee Handbook to the Personnel Committee the last week of July. Following the initial review by the Personnel Committee, edits will continue to be made until the document is ready for full Village Council approval.

VA Selner reported that he attended the MME Summer Conference July 21 through July 23. The conference included several informative sessions and provided an opportunity to touch base with professional mentors and seek advice regarding the current activities and projects in the Village of Shelby.

- 9. DEPARTMENT HEADS' REPORTS: Nothing to report.
- 10. CORRESPONDENCE: Reported under President's Report.
- 11. CITIZEN PARTICIPATION: No Citizen Participation.
- 12. OLD BUSINESS: No Old Business.

#### 13. NEW BUSINESS:

#### a.) American Rescue Act Resolution

Non-entitled local governments can now request their American Rescue Plan Act (ARPA) funding from the Michigan Department of Treasury. The recommended due date to apply is July 27, 2021. The Village of Shelby's allotment of ARPA funds is \$210,593.00 and will be paid to the Village over two

years. The money can be spent to account for revenue loss caused by the pandemic and on water, sewer, and broadband infrastructure. Final guidelines are still being developed related to eligible costs. The Village has until 2024 to allocate funding. The Village will seek input from stakeholders prior to allocating any money. Although not required, it is considered best practice to have Village Council authorize staff to file the application for the receipt of the ARPA funds.

Damian Omness moved to authorize Brady Selner, Village Administrator, to sign and submit the Village of Shelby's Coronavirus Local Fiscal Recovery Fund Grant amounting to \$210,593.00. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Omness, Crothers, Sutton, Zaverl, Harris, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

## b.) Brownfield Redevelopment Authority

The Village of Shelby has the opportunity to join Oceana County's Brownfield Redevelopment Authority (BRA). The Brownfield Redevelopment Financing Act (1996 Public Act 381, as amended) authorizes Brownfield Redevelopment Authorities to approve plans that help revitalize, redevelop, and reuse contaminated, blighted, functionally obsolete, or historic areas. The BRA would encourage remediation of sites that are environmentally distressed by providing developers with a means to recover eligible remediation costs to develop the property. Many times, these properties need brownfield incentives to encourage developers to redevelop them from blight into viable community assets. An Oceana County BRA enables local units of government to review and approve Brownfield Plans under the administration of one countywide authority and board. The countywide BRA will only operate in communities that explicitly choose to be members of the authority through the adoption of a local resolution. Participating in the County BRA will satisfy the need to have a development incentive for RRC certification.

Damian Omness moved to adopt resolution number 48-21. (See attached) Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Omness, Crothers, Sutton, Zaverl, Harris, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

#### c.) Generator Planned Maintenance Agreement

The Village's Planned Equipment Maintenance Agreement is due to expire on July 31, 2021. Cummins has inspected and maintained the Village's generators at the Industrial Drive lift station and water well house for at least three years. To ensure uninterrupted service, it is recommended that the Village Administrator be authorized to sign the Planned Maintenance Agreement extending the agreement for another three years.

John Sutton moved to authorize Brady Selner, Village Administrator, to sign the Cummins Planned

Maintenance Agreement at a cost of \$2,763.41 for a three-year term. Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Sutton, Omness, Crothers, Zaverl, Harris, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

#### d.) IT Right Service Agreement

The Police Department recently completed its LEIN audit. The results of the audit required work related to IT including intrusion detection, event logging, and the creation of a local network map. LEIN also requires the IT service to have criminal justice information system clearance. IT Right was contacted to inquire about providing the necessary services. Based on the proposal we received, VA Selner requested a quote for providing IT services for the entire network in the Village. IT Right could provide IT service to the Village for \$5,800.00 per year as part of a three-year contract. There is a \$2,000.00 initial setup cost in the first year. The one-time cost is for IT Right to make sure the Village's equipment is connected properly and to make sure the Village follows "best practices". The results of the system audit will be provided to the Village to make any necessary changes over time. The yearly cost would include unlimited IT support for any project under eight hours. Large projects, such as setting up a new server or large email migration projects, would be at an additional cost. The Village also received a proposal from Corporate Technologies. They provide similar services as IT Right, but at a noticeably higher price. IT Right also has the expertise to continually assist the police department as it relates specifically to LEIN requirements.

The Finance and Insurance Committee met on July 19 and recommended that the Village enter into a contract with IT Right to provide IT services. The benefits of this include assessing our current network (and providing feedback on how to improve it), increasing network security, and having unlimited 24/7 IT assistance. These benefits would be provided at a lower cost than the Village currently pays. Over the last three years, the Village has spent \$25,622.53 for IT services from the Computer Refinery. This is an average of \$8,840.00 per year. In addition to this cost, the Village also pays IT Right for offsite back up at a cost of \$1,364.00 per year. Under the proposed IT Right contract, offsite backup would be included in the \$5,800.00 price.

Bill Harris moved to authorize Brady Selner, Village Administrator, to sign Quote numbers ITRQ20030 and ITRQ20027 for IT Right, Bath, Michigan to provide IT services to the Village of Shelby under a three-year contract for \$5,800.00 a year plus a \$2,00.00 initial set up fee effective immediately. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Sutton, Zaverl, Omness, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

## e.) Ladder Community Center Yard Sale

The Ladder Community Center would like to conduct a yard sale event on Saturday, August 28, 2021

from 9:00 AM to 3:00 PM. They will be renting out areas in their back lot, side lots, and triangle lot. The Ladder is seeking permission to close a section of 2nd Street between Michigan Avenue and State Street from 8:00 AM to 4:00 PM for the event.

Steve Crothers moved to allow the closure of 2nd Street between North State Street and North Michigan Avenue from 8:00 AM to 4:00 PM on August 28, 2021 for the purpose of enabling the Ladder Community Center to host a community yard sale event. Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Absent: Mike Termer.

## f.) Blower Motor Replacement

The Village replaced the electric motor in blower number one in March. After installing the new motor, DPW staff noticed a loud knock in the pump and kept getting an over current fault code. Kennedy Industries was contacted to conduct a diagnostic test. The results indicated the blower in lagoon one threw an internal bearing and completely scored the inside of the pump making it non-repairable. The total cost of a new blower is \$12,655.00 and the labor cost for Kennedy Industries to install the new blower is \$3,595.00 for a total of \$16,250.00. This equipment is essential to the operation of the Village's wastewater treatment plant; therefore, the new blower should be ordered and installed as soon as possible.

Damian Omness moved to authorize Brady Selner, Village Administrator, to sign quote number 0041101 from Kennedy Industries, Wixom, Michigan for the purchase of a Gardner Denver Blower and for Kennedy Industries to provide two field service technicians onsite to install the new Denver Blower at a total cost of \$16,250.00.

Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Omnes, Harris, Sutton, Crothers, Zaverl, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

#### **14. COMMITTEE REPORTS:**

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will meet on August 17, 2021 at 6:30 PM to begin the zoning rewrite process.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Upcoming meetings will be scheduled in the next two weeks.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

**15. PAYMENT OF BILLS:** Bill Harris moved to approve the payment of bills in the amount of \$32,227.44. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Sutton, Zaverl, Omness, and Inglis.

Motion Carried 6-0. Absent: Mike Termer.

**16. ADJOURNMENT:** Steve Crothers moved to adjourn the meeting at 8:12 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Absent: Mike Termer.

Council minutes are not official until approved at the August 9, 2021 Council meeting.

Approved

Approved

Ougust 9,302

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF August 9, 2021 at 5:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 5:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, and Damian Omness.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, Police Chief Steve Waltz, and CEDAM Fellow Emily Struhldreher.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

## a.) July 26, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of July 26, 2021 as prepared.

Seconded by: Damian Omness.

Voice Vote: All in favor. Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

#### 6. PRESIDENT'S REPORT:

President Inglis apologized for singling out Cherry Hill Supermarket for comments made back in March 2020 at the beginning of the Covid pandemic when stating that the lack of enforcing mask wearing for employees and customers could ultimately have a negative effect on the store economically. He gave Cherry Hill kudos for being the only supermarket in Shelby and to everyone for working so hard to stay open and persevere in serving the community throughout the pandemic.

President Inglis read Proclamation Number 01-21 wherein, the Village of Shelby shall provide for the public peace, health, safety, and welfare of persons and property in the Village, and seeks to lead efforts in the community to create an ecologically, socially, and economically responsible community. (See attached)

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Shelby Rotary Club and Chamber of Commerce have expressed interest in

donating a water bottle filling station for the Downtown Pocket Park. The Village plans to contribute the cost of the necessary infrastructure to bring water to the park.

The Personnel Committee met on August 5, 2021, to begin the review of the Employee Handbook. The Committee will meet again on August 19 to continue to review the proposed handbook.

VA Selner has received the results from the strategic planning session. He will begin to work on an action plan and will have it completed as part of the Fiscal Year 2022-2023 Budget.

The Parks, Recreation, and Buildings Committee will have a joint meeting with the school on August 10, 2021 to discuss capital improvement planning for Getty Field, field maintenance, and to provide a Getty Park project update.

Richard Raffaelli, Shelby Township Supervisor, has proposed a joint Fall Apple Festival to be held in the Village. The Township would provide \$5,000.00 and requests Village Council to do the same. The two entities would form a committee with the hope that, once the festival is established, the Committee would take it over and organize it in the future as an annual event. The consensus of the Council was to wait and put together an event for next year.

The Village of Shelby and Shelby Township will hold a joint meeting on August 30, at 6:30 P.M. to discuss the Peterson Farms watermain extension project. The location of this meeting still needs to be determined. The Environmental Report is expected to be completed next week, and VA Selner hopes to have the USDA application submitted by no later than the end of August.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that a subject has been arrested who is believed to be responsible for the larcenies from vehicles that took place within the Village of Shelby over the last two months.

DPW Supervisor Jeremiah Helenhouse reported that the Harvey lift station has been repaired and he is hopeful that there will be no further issues between now and next year when the lift station is set to be reconstructed.

9. CORRESPONDENCE: No Correspondence.

#### **10. CITIZEN PARTICIPATION:**

John Adams, 1243 W. M-20, New Era, Michigan, provided Council with an informative packet of public opinions on climate change in Oceana County. He also read a letter of support for communities to adopt a resolution regarding climate control from Representative Scott VanSingel. Curt Trott, 320 Harrison Street, Shelby, Michigan, thanked the DPW for the quick response in cleaning up the weeds throughout town on the sidewalks and on the sides of the streets.

## 11. OLD BUSINESS: No Old Business.

#### 12. NEW BUSINESS:

## a.) DPW Vehicle Purchases

The Fiscal Year 2021/2022 budget included \$70,000.00 for the purchase of two new DPW trucks. The new trucks will replace the Ford F-350 dump truck and the Ford F-250 work order truck. After this purchase, the DPW fleet will be updated with the exception of one plow truck. The Village will likely be able to sell the trucks for the price we purchased them for after about five years due to the State bid pricing. Three bids were received for each truck.

## Quotes for 2022 DPW truck:

Signature Ford F250 (State bid) \$29,871.00
Berger Chevrolet 2500 (State bid) \$30,053.00
Meyers Chevrolet 2500 \$32,744.00

Quotes for 2022 Truck with Dump Bed (4x2) Regular cab and 3-yard dump):

Signature Ford F350 (State bid) \$42,714.00 Berger Chevrolet 3500 (State bid) \$38,897.00 Meyers Chevrolet 3500 \$44,900.00

Fleet vehicles ordered through the State bid price will likely not be delivered until well after January 2022. The 3500 with the dump bed from Meyers Chevrolet was built on August 2, 2021 and could be delivered in September of 2021. Each vehicle will need to have emergency lighting installed, and that totaled \$888.00 for the 2021 Ford purchased last year. Exact quotes for lighting will be gathered at a later date once the vehicle is ordered.

Dan Zaverl moved to authorize Brady Selner, Village Administrator, to purchase the 2022 Ford F250 Regular Cab 4x4 pickup and 8" box from Signature Ford, Owosso, Michigan and the 2022 Chevrolet Silverado 3500HD 2WD Regular Cab 146 WB, 60 CA work truck from Berger Chevrolet, Grand Rapids, Michigan for \$29,781.00 and \$38,897.00 respectively. Seconded by: Mike Termer.

#### Roll Call Vote:

Ayes: Zaverl, Termer, Harris, Omness, and Inglis. Nays: Sutton and Crothers.

Motion Carried 5-2.

# b.) Engineering Contract - MEDC WRI Grant

The Village has been invited to proceed in the application process for the MEDC Water Related Infrastructure (WRI) grant. As part of the MEDC WRI grant process, the Village of Shelby needs to enter into a contract for engineering services specific to the work described in the WRI grant application. The Village has been authorized by the MEDC to incur costs in the amount of \$124,000.00 for Fleis & VandenBrink to complete the engineering and design on the WRI project. There will continue to be grant administration items on upcoming Village Council agendas as the Village proceeds in the application process.

Steve Crothers moved to authorize Paul Inglis, Village President, and Brady Selner, Village Administrator, to sign the Fleis & VandenBrink Engineering, Inc. Professional Services Agreement for the MEDC Water Related Infrastructure project.

Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Crothers, Harris, Sutton, Termer, Zaverl, Omness, and Inglis.

Motion Carried 7-0.

## c.) School Crossing Guard - Discussion Only

VA Selner recently met with Tim Reeves, Superintendent of the Shelby Public School District, regarding the most recent crossing guard bill in the amount of \$7,347.60. This year's invoice was slightly less than last year. The school would prefer that the Village take on the responsibility but will continue to provide the service under the current arrangement. Taking this on would reduce the cost of the service; however, this would place the scheduling responsibility on the Village. If crossing guards were not available, Village staff would need to fill in. Each year, the invoice fluctuates due to the fringe benefits of school employees. With the upcoming school construction project, there is potential to reduce or change the locations of the crossing guards once the project is completed. VA Selner will evaluate this over the next year. If the Village decides to maintain the current arrangement, the Village will need to accept the fluctuations in invoices from year to year and understand that it will be a yearly operating expense.

#### 13. COMMITTEE REPORTS:

## a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will be meeting on Tuesday, August 17, 2021 at 6:30 P.M. to begin the Zoning Ordinance rewrite project.

## b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

## c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Nothing to report. Committee Chair Dan Zaverl asked DPW Supervisor Jeremiah Helenhouse to look at the manhole cover by the Shelby State Bank as it appears to be falling in.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation, and Buildings Committee will have two meetings on Tuesday, August 10, 2021. The first Committee meeting will be held at 5:00 P.M. at the Village Hall. The other meeting will be conducted at 7:00 P.M. at the Superintendent's office with members of the Shelby School Board and Superintendent Reeves.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES - Chair Mike Termer, Dan Zaverl:

Nothing to report.

14. PAYMENT OF BILLS: Steve Crothers moved to approve the payment of the bills in the amount of

\$94,660.32.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Sutton, Termer, Zaverl, Harris, and Inglis.

Motion Carried 7-0.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 6:52 P.M.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the August 23, 2021 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



August 9, 2021

## **PROCLAMATION**

No. 01-21

WHEREAS, the Village of Shelby shall provide for the public peace, health, safety, and welfare of persons and property in the Village, and seeks to lead efforts in our community to create an ecologically, socially, and economically responsible community; and

WHEREAS, climate change impacts the Great Lakes region, America, and the world; and

WHEREAS, restoring a safe and stable climate begins by tackling issues at the local level to directly benefit our local community; and

WHEREAS, the scope of action necessary to stabilize the climate requires public awareness, engagement, and deliberation to develop effective, just, equitable, and compelling programs and policies; and

NOW THEREFORE, WE, the Village of Shelby Council, does herby proclaim that the Village of Shelby commits to a village wide effort to reduce the impact of climate change by ensuring decisions made the council are considered through the lens of climate change.

Paul Inglis/President

Proclamation No. 01-21 Declared ADOPTED.

ADOPTED ON: August 9, 2021

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, August 23, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, and Damian Omness.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, Police Chief Steve Waltz, and CEDAM Fellow Emily Struhldreher.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

## 4. MINUTES:

## a.) August 9, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of August 9, 2021 as corrected.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Shelby Village DPW will be installing infrastructure to bring water to the Pocket Park. Community stakeholders are working to raise enough money to cover the cost of a water fountain and water bottle filling station that will be placed in the park.

The Personnel Committee met on August 19, 2021 to continue the review of the draft Employee Handbook. They will meet again on September 2 to continue the review. The Committee is approximately halfway through the document.

Fleis & VandenBrink is working on the design engineering for Getty Park. The plans will be reviewed with the Parks, Recreation and Buildings Committee sometime after Labor Day.

The Planning Commission met on August 17 to begin the Zoning Ordinance rewrite project. The next step will be to review the draft language for the general provisions section of the ordinance.

The Village of Shelby is ranked 7th and 8th on the updated Fiscal Year 2022 Draft Intended Use Plan for the EGLE Drink Water State Revolving Fund Project. The project will cost approximately \$4,085,000.00 with an estimated grant/loan forgiveness amount of \$2,541,000.00 leaving an estimated loan amount of \$1,544,000.00. EGLE will provide the Village comments on the Project Plan submittal by no later than November 5, 2021. The MDOT Category B grant will be coordinated with the Project Milestone schedule to ensure the watermains are replaced prior to the roads being resurfaced.

The joint meeting with Shelby Township to discuss the Peterson Farms watermain extension project and the Shelby Ridge project will be held at the Shelby High School library on August 30, 2021 at 6:30 P.M.

- **8. DEPARTMENT HEADS' REPORTS:** Nothing to report.
- **9. CORRESPONDENCE:** No Correspondence.

#### 10. CITIZEN PARTICIPATION:

John Adams, 1243 West M-20, asked when the Proclamation regarding Climate Control would be available on the Village's website. Clerk/Treasurer Budde informed him that the approved minutes are typically on the Village website within the next 24 hours. Mr. Adams also asked the Village Council to consider adopting a Resolution to declare a climate emergency and restoration of a safe climate. Mr. Adams encouraged the Village Council to consider switching to LED lighting and electric lawn mowers, weed whips, chainsaws, and vehicles.

Mishelle Comstock, Shelby State Bank President, thanked CEDAM Fellow Emily Struhldreher for her hard work and all that she has done in the Village of Shelby and wished her much luck in the next chapter of her career.

#### 11. PRESENTATION:

## a.) Community Development Fellow Report – Emily Struhldreher

Emily Struhldreher presented an overview of the projects and work that she has been doing during the fifteen months that she has been working for the Village of Shelby. The Village of Shelby was awarded a grant for a fellow through the Community Economic Development Association of Michigan (CEDAM). Fellows are placed in communities engaged or certified in Redevelopment Ready Communities (RRC) for fifteen months and work on a variety of projects to expand organizational capacity, increase local collaboration, and remove barriers to development. Emily was involved in three major projects during her time in the Village. The Pocket Park Project, located on Michigan Avenue, will include a shade structure, 2 benches, 2 picnic tables, and a water bottle filling station. \$9,800.00 was secured in grants and donations for the project. Construction has begun on the Pocket Park. Emily came on board during the last phase of the grant application process for the Getty Park project. However, she was able to be involved and presented to the Trust Fund Board along with former Village Councilperson Andy Near and Mishelle Comstock, President of Shelby State Bank. The Village was given a number 1 priority from the Department of Natural Resources Trust Fund Board and awarded \$300,000.00 for the Getty Park Project. Emily was able to increase full alignment with RRC best practices criteria from 20% to 82%. The Village should reach full alignment after the Zoning Ordinance Rewrite project is complete. Emily was

also able to update the Village's Master Plan; obtain \$16,590.00 from the MEDC to cover 75% of the Zoning Ordinance Rewrite Project; and, begin the initial steps of creating a Façade Grant Program/DDA for future downtown development.

#### 12. OLD BUSINESS:

## a.) Fall Apple Festival

At the August 9, 2021 Council meeting, VA Selner had reported to the Village Council that Shelby Township Supervisor Richard Raffaelli wanted to host some form of Fall festival with the Village in the Village of Shelby. The Council was not willing to hold an event this year due to the lack of time to properly plan and promote an event. They also had concerns that a fall event would be in competition with surrounding communities and their festivals and events that would be held during the same time. Mr. Raffaelli informed the Council that the planning of a Fall Festival was already in the works. Shelby Township has committed \$5,000.00 for the event and the Shelby Public Schools have also committed a financial donation. Mr. Raffaelli asked that the Shelby Village commit \$5,000.00 plus assistance from the Village DPW. Any members of Council that would like to participate in the planning and implementation of the event are more than welcome but are not expected to do so. Village resident Mary Lulich is the Chair of the Volunteer Committee for the planning and implementation of the event. A date in mid-October is planned for the festival and the Committee is hoping to have a car show, pie baking contest, craft show, tractor show, small rides, face painting, and so forth.

Bill Harris moved to commit to contributing \$5,000.00 for the Fall Festival in the Village of Shelby. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Sutton, Termer, Omness, and Inglis.

Nays: Zaverl.

Motion Carried 6-1.

#### 13. NEW BUSINESS:

## a.) Light Installation at Fifth Street and State Street

Additional lighting in the crosswalk of State Street and Fifth Street was requested by Shelby Public Schools crossing guards as the crosswalk is outside of the cone of light currently to the south of the crosswalk. A new light would be installed above the crosswalk in the northwest corner of the intersection. The cost is \$100.00 for the installation of the light as well as the monthly electric usage by the new light.

Damian Omness moved to authorize Brady Selner, Village Administrator and Crystal Budde, Village Clerk/Treasurer, to complete the Consumers Energy Authorization for Change in Standard Lighting Contract (company owned) Form 547 for the purpose of installing a light at the State Street and Fifth Street intersection.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Omness, Crothers, Sutton, Termer, Zaverl, Harris, and Inglis. Motion Carried 7-0.

# b.) Joe VonDrak Early Vacation Payout Request

Officer Joe VonDrak is requesting an early payout of his vacation time for closing expenses related to a home purchase. Normally, vacation payout is done in the first pay period preceding the anniversary date of the employee. His anniversary date is January 15th. This request is coming before Village Council for approval because it is a deviation from the Personnel Policy.

John Sutton moved to authorize Crystal Budde, Village Clerk/Treasurer, to execute an early payout of 80 hours of vacation time for Joe VonDrak, totaling \$1800.00, during the pay period ending August 29, 2021.

Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Sutton, Termer, Crothers, Harris, Omness, and Inglis.

Nays: Zaverl.

Motion Carried 6-1.

#### **14. COMMITTEE REPORTS:**

# a. PLANNING COMMISSION: Chair Ex-Officio: Ross Field, Paul Inglis:

The Planning Commission met on Tuesday, August 17, 2021 and began the work of the Zoning Ordinance rewrite project. Andy Morse with Williams & Works was present for the meeting. Ross Field is now the Planning Commission Chair and Samantha Near is continuing her role as Planning Commission Secretary.

### b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

# c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Nothing to report.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation, and Buildings Committee had two very good meetings last week. A number of items were discussed including: a timeline for the Getty Park project, Getty field maintenance, DPW bathroom repairs, and suggestions for use of other parks in the Village. The Committee had a very positive meeting with members of the Shelby School Board and Shelby Public School District Superintendent Tim Reeves regarding the use of Getty Park by the school.

#### e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

# f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee continues to review the draft Personnel Policy. The Committee will meet again Thursday, September 2 to continue the review.

# g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

**15. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$32,385.08.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Sutton, Termer, Zaverl, Harris, and Inglis. Motion Carried 7-0.

**16. ADJOURNMENT:** Mike Termer moved to adjourn the meeting at 7:48 P.M. Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the September 13, 2021 Council meeting.

Approved 

Crystal Budds September 13, 2021

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, SEPTEMBER 13 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: John Sutton, Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, and Damian Omness.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

### 4. MINUTES:

# a.) Monday, August 23, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of August 23, 2021 as prepared.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

# b.) Monday, August 30, 2021

Steve Crothers moved to approve the minutes of the Joint Meeting of August 30, 2021 between the Village of Shelby and Shelby Township.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported he recently discovered and verified with the Village attorney that the Village of Shelby is unable to use Village funds to contribute to a festival event. The Village is still committed to this event and sees it as a great opportunity to bring people downtown. VA Selner is in the process of reaching out to several local businesses to ask if they would be interested in sponsoring the event.

The intent is to continue to seek sponsorships in an effort to come up with the Village's commitment of \$5,000.00.

VA Selner will be working with Andy Campbell, Bakertilly Municipal Advisors, to move forward with refinancing the Village's existing USDA Sewer Bond. In conjunction with the refinance, the Village will also revisit the sewer rate study that was conducted in 2018 as part of the SAW Grant. The Water and Sanitation and Finance Committees will have meetings scheduled soon to begin discussion on those items.

VA Selner met with Don DeVries, Fleis and VandenBrink, and Paul Bristol, USDA Loan Officer, on September 7, 2021 to discuss the items needed to finalize the USDA application for the potential Peterson Farms watermain extension. It is anticipated that the application will be submitted by the end of September.

The Village of Shelby Planning Commission will be holding a Special Meeting on Wednesday, September 29, 2021 to review the draft language for the general provision section of the Zoning Ordinance re-write. The time frame of the meeting will be finalized in the coming week.

#### 8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse had nothing to report.

Police Chief Steve Waltz reported that Crossing Guard training was done on August 30, 2021.

9. CORRESPONDENCE: No Correspondence.

#### **10. CITIZEN PARTICIPATION:**

John Adams, 1243 West M-20, again urged Council to take action with carbon footprint changes. He suggested that changes be made to the Village's LED lighting and electric lawn equipment. Mr. Adams also recommended that the Council consider creating an AD HOC Committee to focus on climate control and making the Village of Shelby a safer climate environment.

Phil Morse, Oceana County Commissioner representing the Village of Shelby, asked the Council if a decision has been made regarding the watermain extension for Peterson Farms and for the potential housing development outside of the Village. President Inglis explained that no decision had yet been made and no action will be taken until the Village has received a response from the USDA for its application for funds.

Jodi Nichols, Business Development Coordinator for Lake and Oceana Counites, The Right Place, Inc., thanked the Village Council for giving her the opportunity to serve as Grant Coordinator for the MEDC WRI project.

#### 11. OLD BUSINESS: No Old Business.

#### 12. NEW BUSINESS:

# a.) Love Inc. Alley Sale Event Approval

Love Inc. would like to host a tent sale on Friday, October 1 or Friday, October 8 out of the back of their building in the alley. They are seeking permission close a portion of the alley behind their building from 9:00 AM to 5:00 PM during the tent sale.

Steve Crothers moved to allow the closure of the alley behind Love Inc. on either Friday, October 1, or Friday, October 8, from 9:00 AM to 5:00 PM to enable Love Inc. to sell furniture on a cash and carry basis. Be it further resolved that Love Inc. will inform Village staff when the date is finalized. Seconded by: Mike Termer.

#### Roll Call Vote:

Ayes: Crothers, Termer, Sutton, Zaverl, Harris, Omness, and Inglis. Motion Carried 7-0.

# b.) Environmental Assessment Contract – MEDC WRI Grant

The Village has been invited to proceed in the application process for the MEDC Water Related Infrastructure (WRI) grant. As part of the MEDC WRI grant process, the Village of Shelby needs to hire an Environmental Consultant to complete an environmental assessment at each project location. The Village of Shelby has been authorized by the MEDC to incur costs in the amount of \$5,300.00 for Triterra to complete the Environmental Assessment – NEPA Review for the WRI project. This expense will be reimbursed by the grant.

Damian Omness moved to authorize Brady Selner, Village Administrator, to sign the contract with Triterra for completion of the Environmental Assessment – NEPA Review as part of the MEDC Water Related Infrastructure project in the amount of \$5,300.00. Seconded by: Mike Termer

### Roll Call Vote:

Ayes: Omness, Termer, Sutton, Crothers, Zaverl, Harris, and Inglis. Motion Carried 7-0.

# c.) Certified Grant Administrator Contract – MEDC WRI Grant

The Village has been invited to proceed in the application process for the MEDC WRI grant. As part of the MEDC WRI grant process, the Village of Shelby needs to hire a Certified Grant Administrator to assist the Village in complying with all CDBG grant administration requirements. The Village of Shelby has been authorized by the MEDC to incur costs in the amount of \$10,000.00 for Jodi Nichols, Business Development Coordinator with The Right Place, to act as the Certified Grant Administrator for the WRI project. This expense will be reimbursed by the grant.

Steve Crothers moved to authorize Brady Selner, Village Administrator, to sign the contract for Jodi Nichols, Business Development Coordinator with the Right Place, to work as the Certified Grant

Administrator for the MEDC WRI project in the amount of \$10,000.00. Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Termer, Zaverl, Harris, Omness, and Inglis.

Motion Carried 7-0.

# d.) Second Quarter Budget Status and Amendments

The Village is six months into Fiscal Year 2021/2022 and will need to approve the second quarter budget amendments. Some of the major budget items to note for the second quarter include:

- 1. Revenue increase in the General Fund from the MEDC TA Grant and pocket park grants and donations.
- 2. Increase in Planning Commission Professional Services to account for the full amount of the zoning ordinance rewrite project.
- 3. Increase in Parks and Recreation Project costs to account for the full amount of the pocket park project. The Village contribution after grants and donations is about \$6,500.00.
- 4. Balanced Sewer Fund expenditures through internal budget amendments. Specifically, moving \$30,000.00 from Sewer Engineering Services to other line items within the budget.
- 5. Revenue increases in the Equipment Replacement Fund from the sale of the DPW Truck #2 and the police cruiser. The money is to be moved from General Fund miscellaneous revenue to the Equipment Replacement Fund miscellaneous revenue.

Steve Crothers moved to approve the Fiscal Year 2021/2022 second quarter Budget Amendments as presented.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Sutton, Termer, Zaverl, Harris, and Inglis.

Motion Carried 7-0.

# **13. COMMITTEE REPORTS:**

a. PLANNING COMMISSION: Chair Ex-Officio: Ross Field, Paul Inglis:

The September Planning Commission meeting was moved to September 29, 2021 at 5:30 PM to review and continue work on the Zoning Ordinance rewrite.

# b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

# c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Committee Chair Dan Zaverl asked VA Selner when the repairs to the sidewalk on Sixth Street would be done. VA Selner explained that the project would be done next Spring, but he is waiting for quotes from the Village Engineer on the cost of the sidewalk project.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Nothing to report.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Committee met for a work session to continue to review the draft of the proposed Personnel Policy. The Committee plans to meet again next week to continue its review of the policy.

g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$135,305.44.

Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Crothers, Termer, Sutton, Zaverl, Harris, Omness, and Inglis.

Motion Carried 7-0.

**15. ADJOURNMENT:** Damian Omness moved to adjourn the meeting at 7:41 PM Seconded by:

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the October 11, 2021 Council meeting.

Approved 7

October 13, 2021

<u>Crystal Budde</u> Octob Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, OCTOBER 11, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, Damian Omness, and John Sutton.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

#### 4. MINUTES:

# a.) Monday, September 13, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of September 13, 2021 as prepared.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

# **6. PRESIDENT'S REPORT:**

President Inglis reported that two businesses are reopening in the Village of Shelby under new management. Darrel Mercer purchased the former Uncle Mikes. Mr. Mercer lives on Sixth Street in the Village of Shelby, and he will be doing automotive repair. The former Koposky's Car Wash has also been purchased and is now A&A Car wash. The new owner purchased the property in January of 2021 and resides in Hart.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Village will receive the first payment of the ARP funds by October 28, 2021. The Village's current award amount is \$210,593.00. The first payment will be equal to 50% of the total award amount. The second payment will be distributed approximately 12 months after the first payment. The final award amounts might be increased based upon funds returned by other non-entitlement units. The funds returned may result in a small, additional payment to each accepting NEU in late 2021.

Construction has begun for the Shelby Trails apartment complex. The project will take approximately one year to complete. The contractor hopes to have the building framed by November 2021.

A Water & Sanitation Committee meeting has been scheduled for Wednesday, October 27 at 3:30 P.M. to discuss the USDA Sewer Bond refinance, sewer rate study, and possible sewer rate increase. Andy Campbell, Baker Tilly Municipal Advisors, will be at the meeting to provide information and answer questions.

The USDA application was submitted on October 7, 2021. Once a response from the USDA is received, VA Selner will inform Council.

The press release for the MEDC Water Related Infrastructure Grants was released on September 28th. The Village of Shelby was one of eleven communities receiving a portion of the \$15 million to upgrade water and sewer systems statewide. The Environmental Assessment – NEPA review is currently underway and the design engineering and bid documents should be completed by February 2022.

Fleis & VandenBrink continues to work on the drawings for the Getty Park project. The Parks, Recreation and Buildings Committee plans to have a meeting late October to begin finalizing the design components. Based on an update received from the National Park Service, VA Selner is hopeful that the funding for the Village's project will be approved sometime in the early part of 2022.

Progress continues to be made on the downtown Pocket Park. DPW staff installed the water infrastructure for the water bottle filling station and Kirk Seabolt has one-half of the concrete work completed. The pathway should be completed by October 15th.

#### 8. DEPARTMENT HEADS' REPORTS:

Police Chief Steve Waltz had nothing to report.

DPW Supervisor Jeremiah Helenhouse had nothing to report.

**9. CORRESPONDENCE:** No Correspondence.

#### **10. CITIZEN PARTICIPATION:**

John Adams, 1243 W. M-20, New Era, Michigan, provided the Council with an information packet on a recent carbon neutrality plan and again requested that the Village Council consider creating an Ad-Hoc Committee to create a more environmentally friendly plan for Village residents.

11. OLD BUSINESS: No Old Business.

# **12. NEW BUSINESS:**

#### a.) 2021 Halloween Trick or Treating Hours

The Shelby Village Council sets the hours for Trick or Treating on Halloween each year. Halloween is not a Village orchestrated event; it is not a recognized holiday. The Village's function is to set the

hours for porch lights to be on by those who wish to participate and for the kids to search out the litup homes.

Dan Zaverl moved to set the hours of Trick or Treating in the Village of Shelby from 6:00 P.M. to 8:00 P.M. on Sunday, October 31, 2021. Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

# b.) Sixth Street Sidewalk Replacement

The replacement of the Sixth Street sidewalk has been on the Capital Improvement Plan (CIP) for a couple of years. The design engineering and bidding will take place in the current fiscal year with construction completed in the 2022 Fiscal Year. The Township is willing to collaborate with the Village to complete the portion of the project within the Township limits. The Shelby Township Board committed up to \$40,000.00 to complete the project. The Township requested that a handrail be installed as part of the project and shared their concerns with the \$6,000.00 in engineering costs for their portion of the project. They felt that adding their part of the sidewalk would not increase the engineering costs by \$6,000.00. VA Selner discussed the items with the Village engineer, and he indicated that 15% of the project cost is used to develop a budgetary number for the engineering (which includes 7%-8% for design and 7%-8% for site supervision during construction). He anticipates this project will be much lower than 15% because consistent site supervision is not necessary during a sidewalk construction project. The invoice that the Village will receive will be based on actual time spent on the project. The engineer is recommending no railing due to the continued upkeep and maintenance, but it can be added if the Village and Township request it. The additional cost for a hand railing would be \$28,000.00 for the Village and \$13,500.00 for the Township. This is based off recent bids completed by Fleis & VandenBrink for a two-row metal railing. The installed unit prices were between \$80.00 and \$100.00 per foot. There is 310 foot of sidewalk in the Village limits and 150 foot of sidewalk in the Township and the price is based on \$90.00 per foot. An alternative to a railing would be to widen the sidewalk for safety. The width would be increased from five foot to seven or eight foot. This would add some additional cost with more concrete and a higher retaining wall but would be much less than a railing that would require additional maintenance.

Dan Zaverl moved to authorize Don DeVries, Fleis & VandenBrink Engineering, to complete the design engineering and bid documents for the sidewalk replacement on Sixth Street. Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Zaverl, Crothers, Termer, Harris, Omness, Sutton, and Inglis. Motion Carried 7-0.

#### **13. COMMITTEE REPORTS:**

# a. PLANNING COMMISSION: Chair Ex-Officio: Ross Field, Paul Inglis:

The Planning Commission met with Andy Morre, Williams & Works, to discuss the Zoning

Ordinance rewrite and will meet again in late October. VA Selner will request a Special Planning Commission Meeting for late October.

# b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

The Water & Sanitation Committee will be meeting on October 27, 2021 to consider the performance of a sewer rate study.

# c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

The Streets and Sidewalks Committee will meet Wednesday, October 13th to discuss the road repaving plan and the long-term solution to the Village's street sweeping.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation and Buildings Committee will meet in late October to review the design for Getty Park. The Pocket Park is coming along nicely and should be wrapped up very soon.

# e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

## f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee will be scheduling a work session in the near future to continue its review of the proposed updated Personnel Policy.

# g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

# **14. PAYMENT OF BILLS:**

# a.) September 27, 2021

Steve Crothers moved to approve the payment of the bills of September 27, 2021 in the amount of \$44,838.29.

Seconded by: Damian Omness.

### Roll Call Vote:

Ayes: Crothers, Omness, Termer, Zaverl, Harris, Sutton, and Inglis. Motion Carried 7-0.

# b.) October 11, 2021

Steve Crothers moved to approve the payment of the bills of October 11, 2021 in the amount of \$81,705.46.

Seconded by: Dan Zaverl.		
Roll Call Vote: Ayes: Crothers, Zaverl, Termer, Harris, Omness, Sutton, and Ingli Motion Carried 7-0.	S.	
<b>15. ADJOURNMENT:</b> Steve Crothers moved to adjourn the meeti Seconded by: Mike Termer.	ing at 7:20 P.M.	
Voice Vote: All in favor. Motion Carried.		
Council minutes are not official until approved at the October 25	, 2021 Council meet	ing.
	Approved	abla
Crystal Budds	October 25, 20	21
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/7	Treasurer	Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, OCTOBER 25, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Damian Omness, Bill Harris, and John Sutton.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

### 4. MINUTES:

# a.) October 11, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of October 11, 2021 as prepared.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

# **6. PRESIDENT'S REPORT:**

President Inglis was pleased to report that, by all reports, the Farm to Table 2021 Harvest Festival on Saturday, October 23rd was a huge success. He was informed by the Harvest Festival Committee that nearly 1200 people attended the festival with over 700 people served at the Pig Roast. Mr. Richard Raffaelli, Shelby Township Supervisor, advised Mr. Inglis that there were 22 vendors who had a variety of offerings for purchase and 19 of them related that they earned more money than they ever had at similar events. Cotton candy vendor Jim Draper stated he made more money at the festival than he made over 5 -6 days at this year's Oceana County Fair. Shelby Public Schools raised \$1,000.00 from the sale of elephant ears with the proceeds going toward feeding the Community at Thanksgiving.

In addition to the presence of 22 food, farm market and commercial vendors and the Pig Roast, there was music, square dancing, an antique car show, kid's games and contests, local arts and crafts booths and the Shelby Chamber of Commerce Apple Pie Auction. The Shelby High School Marching Band entertained the attendees early in the day as well.

It took numerous folks and organizations to sponsor, plan, and prepare for such a successful event despite the short period of time they had to do so. Sponsors include:

Shelby Township, Village of Shelby, Shelby Chamber of Commerce, Shelby Public Schools, Shelby Floral, Lewis Farms, J & H Fleming, Dad's Automotive, Peterson Farms, Eagle Towing, Hart Lions Club, Van's Body Shop, Gale's Agency, Cherry Hill Market, Oceana Golf Club, Benona Shores Golf Club, Pizza Factory, Stovall Construction, Universal Electronics, Windridge Textile, West Michigan Insurance, A&M Management L.L.C., Wickstra Realty, Shelby Optimist Club, Raffaelli Family Fund, Shelby State Bank, Pixel Grafix Studio, and Fleis & VandenBrink.

Special thanks and recognition go to Richard Raffaelli, Shelby Township Supervisor and Chief Operating Officer for Peterson Farms. Mr. Raffaelli did not just "talk the talk" but he believed in the impact that a fall festival would have on our community and he and his committee made the event possible through their persistence and perseverance and unlimited energy. The other key members of the Fall Festival Committee who deserve special attention are: Mary Lulich, Committee Chairperson; Tracy Blamer, Director of Procurement for Peterson Farms, who kept her foot on the gas to ensure that everything was on time and in place; Tim Harvell, Customer Improvement Supervisor, Peterson Farms; Brian Swisher, Vice President of Operations, Peterson Farms; Chris Wenk, Production Scheduler, Peterson Farms; Adriana Lopez, Production Clerk, Peterson Farms; Tim Reeves, Superintendent, Shelby Public Schools; and, Alyssa Coulter, Shelby High School student.

President Inglis expressed his sincere appreciation to Jeremiah Helenhouse, Village DPW Supervisor and his crew and Steve Waltz, Village Chief of Police, and his staff for all the behind-the-scenes effort that they exerted in order to prepare the Village's Business District for the Community party without hindering local businesses.

President Inglis was informed by Jim Fessler, the gentleman who provided the pig for the meal, that without the assistance of Jeremiah and his crew, he would not have been prepared to feed the 700 people in a timely manner. The efforts of Village Administrator Brady Selner should not go unnoticed as he quickly turned to the local business community, Shelby Optimist Club and Fleis & VandenBrink to solicit \$4,250.00 on behalf of the Village to assist the Village in meeting its commitment and the Festival Committee in meeting its financial needs after he learned that Village funds could not be used for the event.

President Inglis thanked his fellow Shelby Optimist Club members who not only approved of a monetary donation to the Village in support of the festival, but also showed up in full force to serve the 700 folks who enjoyed the pig roast. Next year's Fall Festival Chairperson will be Tim Harvell, a local resident and graduate of Shelby Public Schools, who has indicated that the event will be held in September and will be even bigger and better and include a talent show.

Finally, President Inglis expressed his gratitude to the Shelby Village Council for their support of what he felt had a positive impact on the Shelby Community and will continue to gather momentum in the

years to follow. It has been suggested that the Village could legally earmark American Rescue Plan (ARP) funds to support the Fall Festival in 2022.

In a related matter, Parks and Recreation Committee Chairperson Damian Omness has agreed to take the lead in planning for the International Children's Day Festival on April 30, 2022 in the Village of Shelby.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Village of Shelby has received its first payment of the American Rescue Plan funds in the amount of \$105,296.50.

Shelby Township is planning to repave a portion of Shelby Road using \$650,00.00 appropriated from the State of Michigan. The appropriation has been advocated for by Senator Bumstead's office. The plan is to repave from N. State Street three miles east into the Township. The Township is willing to use some of the appropriated funds to complete about one mile of Ferry Street within the Village limits so long as there are no objections from the Village. The project would also include a new "Welcome" sign at the Village limit line. This is in the preliminary stages and no action is needed at this time.

The USDA has completed a preliminary review of the application for the proposed Watermain Extension project and has requested some minor corrections/clarifications. VA Selner is working to have those items addressed and back to the USDA by October 29th.

The Planning Commission will hold a Special Meeting on Wednesday, October 27, at 5:30 P.M. to continue the Zoning Ordinance update. They will briefly discuss the revisions to Chapter 3, General Provisions and review the zoning district chapters and permitted/special uses.

The path through the Pocket Park is complete. The next step is for the DPW to prepare the park for the landscaping which will be installed next Spring. Starting this year, the Pocket Park will serve as the location of the Village's Christmas display. A tree lighting event is in the process of being organized.

#### 8. DEPARTMENT HEADS' REPORTS:

Chief Waltz had nothing to report.

DPW Supervisor Jeremiah Helenhouse reported that the first delivery of road salt was delivered. Approximately two tons of road salt was delivered for the upcoming winter.

#### 9. CORRESPONDENCE:

a.) Community Development Block Grant

President Inglis received a letter from Senator Jon Bumstead congratulating the Village of Shelby on receiving the Community Block Grant from the Michigan Economic Development Corporation. The Village received a \$637,500.00 grant with a \$212,500.00 match that will help with the replacement of a well and lift station.

# **10. CITIZEN PARTICIPATION:**

John Adams, 1243 W. M-20, New Era, Michigan, provided the Council with an information packet regarding wind turbines and China and climate change.

# 11. OLD BUSINESS: No Old Business.

# **12. NEW BUSINESS:**

# a.) Street Sweeping Agreement/Quote

A long-term solution is needed for street sweeping. The Village's 2005 Elgin Pelican Sweeper needs approximately \$7,400.00 of repairs (estimate from last year – likely more expensive now). The equipment is worth approximately \$11,000.00. The cost of a new street sweeper is heavily dependent on the model and used street sweepers range from \$30,000.00 and \$40,000.00. The Village has the following options:

- 1. Repair the existing street sweeper
- 2. Purchase a new street sweeper
- 3. Purchase a used street sweeper
- 4. Rent a street sweeper
- 5. Contract for street sweeping

Based on the options listed above and after discussion at the Streets and Sidewalks Committee meeting held on October 13, 2021, it has been recommended that the Village contract for street sweeping services. Based on his analysis, VA Selner also believed it is the most economical option. In addition, this option does not take DPW staff away from the other tasks they need to complete every day/week.

The SaniSweep Agreement/Quote locks in the price for street sweeping over the next three years. The price is based on the estimate of needing 19 hours to complete all the curbed streets, but each time they come out, they will sweep all curbed Village streets for \$2,850.00 regardless of the time it takes. This will become a yearly budgeted expense from the Local and Major Street funds.

Dan Zaverl moved to approve the quote/agreement for SaniSweep, Inc., Grand Rapids, Michigan, to complete street sweeping services for the Village of Shelby for a three-year period at a locked-in price of \$2,850.00 per sweep of all curbed Village Streets. Be it further resolved that the scheduling be set by Village staff, but in no case shall sweeping exceed three times per fiscal year. Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Zaverl, Termer, Crothers, Omness, Harris, Sutton, and Inglis.

Motion Carried 7-0.

#### 13. COMMITTEE REPORTS:

# a. PLANNING COMMISSION: Chair Ex-Officio: Ross Field, Paul Inglis:

Andy Moore will be in attendance at the Special Planning Commission meeting on Wednesday, October 27, 2021 at 5:30 P.M. to continue a discussion of the Zoning Ordinance rewrite.

# b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

The Water and Sanitation Committee will meet on Wednesday, October 27th at 3:30 P.M. to discuss the USDA Sewer Bond refinance, sewer rate study, and possible sewer rate increase.

# c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Nothing to report.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation, and Buildings Committee met on October 19th for a Getty Park Project update. The Village is still waiting on the final signed agreement which could be done by January of 2022. The Committee also discussed a Community Event in April as well as the upcoming Christmas Tree Lighting event.

# e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

#### f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee met on Wednesday, October 19th to continue the review of the proposed Personnel Policy. The Committee hopes to finish its review in the next Committee meeting.

# g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

# **14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$35,518.73.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Termer, Zaverl, Harris, Sutton, and Inglis.

Motion Carried 7-0.

<b>15. ADJOURNMENT:</b> Dan Zaverl moved to adjourn the meeting a Seconded by: Steve Crothers.	at 7:08 P.M.	
Voice Vote: All in favor. Motion Carried.		
Council minutes are not official until approved at the November	8, 2021 Council	meeting.
	Approved	abla
Crystal Budds	November 8, 2021	
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer		Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, NOVEMBER 8, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Bill Harris, and John Sutton.

Absent: Damian Omness.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

**3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

# a.) October 25, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of October 25, 2021 as prepared.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Absent: Damian Omness.

**5. ADDITIONS TO THE AGENDA:** No Additions to Agenda.

**6. PRESIDENT'S REPORT:** Nothing to report.

### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Christmas Tree Lighting Celebration will be held on December 4, 2021 at 7:00 P.M at the new Pocket Park. There will be hot cocoa, cookies, entertainment provided by the Shelby High School and Oceana Singers and Santa will also be in attendance. The Village is planning a Christmas window display competition to get downtown business involved. Any downtown businesses will be welcome to participate. A \$20.00 or equal donation will be required to buy into the competition. The business with the best Christmas-themed window or sidewalk display will win all the entry donations. Voting will occur during the event.

The Planning Commission will meet on November 9th at 6:30 P.M. to discuss the Site Plan Review and Special Land Use sections of the Zoning Ordinance.

The Grant Agreement has been received for the Village's MEDC Water Related Infrastructure (WRI) grant. VA Selner is in the process of reviewing the agreement and will likely sign it the week of November 8th. A minor adjustment has been made to the project schedule. VA Selner plans to bid the project between March 1, 2022 and April 1, 2022 with construction to begin June 1, 2022.

Richard Raffaelli, Shelby Township Supervisor; Rob Splane, City of Hart Administrator; and, VA Selner are working together to schedule a meeting with SAFEbuilt to determine if it is feasible to utilize SAFEbuilt for joint Community rental inspection and code enforcement needs. At this time, VA Selner is considering several options to establish the best way to implement and administer the Village's rental inspection ordinance that was adopted March of 2020.

VA Selner reported that he met with John Wilson, Getty Park Consultant, on November 2nd to discuss the conceptual plan for the Getty Park Project. They developed a list of options for the Parks, Recreation, and Buildings Committee to consider to ensure the total project cost remains in the vicinity of \$646,000.00. The Committee will have a meeting on November 29th to discuss the options. Following the meeting, Fleis & VandenBrink will finalize the drawings and begin working on the Plans, Specifications, and Bid (PSB) Documents. VA Selner remains optimistic that the Village will have the Grant Agreement by December or January, 2022.

#### 8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse and Police Chief Steve Waltz had nothing to report.

#### 9. CORRESPONDENCE:

# a.) Shelby Township Master Plan Update

VA Selner received a letter from Shelby Township stating that a draft of the Township's Master Plan Update is complete and inviting the Village's cooperation, comments, and participation in the process. The Township Master Plan is available for review on the Township's website: www.shelbytownshipoceana.com

# **10. CITIZEN PARTICIPATION:**

Shelby Public Schools Superintendent Tim Reeves presented the current plans for the new Shelby Elementary School. The new school will have 3 separate wings: one wing for Kindergarten and First grade; one wing for Second and Third grade; and, one wing for Fourth and Fifth grade. The new school will also include a front driveway loop and parking for parent drop off and pickup as well as a back loop for bus pickup and drop off. They hope the new driveways will alleviate some of the traffic issues they are having in the current school year.

Phil Morse, Oceana County 6th District Commissioner, stated that he will be running for State Representative in 2022. He enjoys representing his community and he hopes that he will be able to continue to do that in a new capacity.

Curt Trott, 320 Harrison, asked about the brush growing up around the "Welcome to Shelby" sign near the US-31 exit. VA Selner will look into who does the clean up there, but it is not the Village.

Sharon Hallack, Oceana's Herald-Journal correspondent, asked about the welcome sign at the north end of town that has been missing for some time. The Shelby Chamber of Commerce is in the process of making repairs to the sign and will put it back up when it is finished according to Mishelle Comstock, President, Shelby State Bank.

# **11. OLD BUSINESS:** No Old Business.

#### **12. NEW BUSINESS:**

# a.) Dykema Engagement Letter - USDA Sewer Bond Refinance

The Village's unrestricted sewer fund balance has been slowly decreasing over the last several years. Within the next two years, there will likely be a negative fund balance if changes are not implemented. The USDA Sewer Bond Ordinance, requiring a \$52,900.00 per year payment into the Sewer Repair, Replacement, and Improvement (RRI) Account, is one of the primary reasons for the consistent reduction of fund balance. In addition, sewer rates have not been increased to keep up with costs associated with the sewer fund. The proposed solution is to refinance our current USDA Sewer Bond with a bond issued by Shelby State Bank as well as implementing a 10% sewer rate increase. There was a sewer rate study completed as part of the Village's SAW Grant in December of 2018, but the proposed sewer rate increase was never adopted by Village Council. Since that rate study, several circumstances have changed including discussion around refinancing the USDA Sewer Bond and the MEDC WRI grant award.

It is recommended by VA Selner and the Water and Sanitation Committee that Village Council refinance the existing bond to a 15-year term. This would increase the yearly bond payment by approximately \$30,000.00 but would save the Village approximately \$800,000.00 over the life of the bond. A sewer rate increase would be necessary as the current financials would not support the bond payment. It should be noted that, regardless of the bond refinance, a sewer rate increase is needed. For this reason, a full rate study is warranted to make sure there is a plan for the future. However, to get the debt component determined, a 10% increase in the sewer rate is proposed to cover the cost of the increased bond payment.

Bill Harris moved to authorize Brady Selner, Village Administrator, to sign the Dykema Gossett PLLC Engagement Letter to serve as bond counsel for the Village of Shelby in connection with the issuance of sewer bonds for a cost not to exceed \$22,000.00 which is to be rolled into the cost of the refinance. Seconded by: Steve Crothers.

#### Roll Call Vote:

Ayes: Harris, Crothers, Termer, Zaverl, Sutton, and Inglis.

Motion Carried 6-0. Absent: Damian Omness.

# b.) Shelby Area District Library Board Reappointment

Tiffany Haight, Library Director of the Shelby Area District Library, notified Shelby Village Clerk/Treasurer that Melissa Dyer's term on the Shelby Area District Library Board of Trustees expires on December 31, 2021. Melissa has agreed to serve another term. The Library Board respectfully

requests that the Village Council re-appoint Melissa Dyer to a three-year term beginning January 1, 2022 and ending December 31, 2024.

Steve Crothers moved to reappoint Melissa Dyer, 347 Elliott Street, Shelby, Michigan, to the Shelby Area District Library Board of Trustees for a three-year term beginning January 1, 2022 and ending December 31, 2024.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Damian Omness.

# **13. COMMITTEE REPORTS:**

# a. PLANNING COMMISSION: Chair Ex-Officio: Ross Field, Paul Inglis:

The Planning Commission will meet on November 9, 2021 at 6:30 and will discuss the Site Plan Review and Special Land Use sections of the Zoning Ordinance for the ordinance rewrite.

# b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

#### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

VA Selner reported that the Shelby Township Board discussed the Sixth Street sidewalk project at a recent meeting and still has concerns about not including a handrail along the sidewalk. VA Selner will reach out to the Township regarding the possibility of ending the sidewalk at Sunset Terrace Street.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Parks, Recreation, and Buildings Committee will be meeting on November 29th to discuss the Getty Park project.

# e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:

Nothing to report.

# f. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee met on Monday, November 8th to continue its review of the Personnel Policy and to discuss Chief Waltz's one year anniversary of hire as well as VA Selner's upcoming employment review and evaluation.

# g. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

14. PAYMENT OF BILLS: Steve Crothers moved to approve the payment of the bills in the amount of

\$63,252.13.

Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Crothers, Termer, Zaverl, Harris, Sutton, and Inglis.

Motin Carried 6-0.

Absent: Damian Omness.

**15. ADJOURNMENT:** Bill Harris moved to adjourn the meeting at 7:47 P.M.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the November 22, 2021 Council meeting.

Approved

<u>Crystal Budds</u> Nover Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

# VILLAGE OF SHELBY REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 13, 2021 at 6:30 P.M. COUNCIL PROCEEDINGS



#### 1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:30 P.M. by President Paul Inglis.

#### 2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Damian Omness, Bill Harris, and John Sutton.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

# **3. PLEDGE OF ALLEGIANCE:** All stood for the Pledge.

#### 4. MINUTES:

# a.) November 22, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of November 22, 2021 as prepared.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

# b.) <u>December 6, 2021</u>

Damian Omness moved to approve the minutes of the Special Council Meeting of December 6, 2021 as prepared.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

#### 5. ADDITIONS TO THE AGENDA:

Property Foreclosure - to be placed under New Business.

# **6. PRESIDENT'S REPORT:** Nothing to report.

#### 7. ADMINISTRATOR'S REPORT:

VA Selner reported that Clerk/Treasurer Crystal Budde and he have begun to develop the first draft of

the budget. Salaries and fringe benefits have been calculated and they have begun to work through all other revenue and expenditure line items. A Finance and Insurance Committee meeting will be scheduled for the end of December to review the first draft of the budget.

The Village has received the Legal and Editorial Research and Report for the Village Ordinances. There is a 60-day review period to respond to the comments found in the report. An Ordinance Committee meeting will be scheduled to begin reviewing and responding to the items identified in the report. The Village must have the responses completed and returned to American Legal Publishing by February 3, 2022.

To date, the Planning Commission has had four meetings regarding the Zoning Ordinance Rewrite. There will be no meeting in December, but the Planning Commission will meet in January to continue the project.

VA Selner reported that the Christmas Tree Lighting Event was a success. Thanks to Damian Omness, Kelly Omness, Crystal Budde, DPW Staff, and all who sponsored and donated to make the event possible. Hometown Pharmacy was the winner of the window display competition and was awarded a gift basket from Woodland Farm Market. VA Selner and staff are looking forward to making it bigger and better next year.

VA Selner met with Julia Turnbull, the Village's RRC Planner. The Village is nearing completion of RRC Certification with just a few items to complete. The major item will be completion of the Village's Zoning Ordinance rewrite to ensure RRC best practices. In addition, the Village still needs to implement online payments for development/zoning requests; conduct a joint meeting with the Planning Commission and Village Council; and, obtain a copy of the bylaws for the County Brownfield Redevelopment Authority. Once certified, the Village will have annual requirements to complete in order to remain in compliance.

#### 8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse reported that the Christmas Tree at the Pocket Park was donated by Doug and Michelle Pider.

Chief Waltz had nothing to report.

#### 9. CORRESPONDENCE:

# a.) Letter from Senator Jon Bumstead

A letter was received from Senator Jon Bumstead stating that the Michigan Senate passed Senate Bill 565 on December 2, 2021. The bill utilizes Restricted and Federal funding totaling \$3.3 billion dollars, which will go toward the protection of natural water sources, dams, drinking water, and many other initiatives. Local communities will see a major benefit from the investment in water infrastructure made under the bill. It includes \$340 million in total payments to local governments, but most of the \$3.3 billion in funding will be made available to local communities through a variety of grant programs.

# b.) Email received from Shelby Public Schools Superintendent Tim Reeves

Shelby Public Schools Superintendent Tim Reeves sent an email to Village President Paul Inglis thanking Chief Waltz and the Shelby Police Department for the extra support offered to the school as they navigated the recent negative school communications. The immediate and constant attention that was given to the school helped to keep kids safely and securely in school and reinforce a higher level of normality within the buildings.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS: No Old Business.

# **12. NEW BUSINESS:**

# a.) Fiscal Year 2021/2022 Third Quarter Budget Amendments

The Village is nine months into Fiscal Year 2021/2022. The information is intended to provide a status update; to identify internal amendments made to department budgets; and, to identify budget amendments requiring Council approval. Some of the major budget items to note for the third quarter include:

- 1. Revenue increase in the General Fund from higher than budgeted property tax revenue.
- 2. Increase in miscellaneous revenues including reimbursement for the damage at Memorial Park; Rotary Club and Community Foundation donations for downtown Pocket Park amenities; and, the Fall Festival sponsorship money.
- 3. Wage adjustments in the Clerk, Administrator, DPW, and Parks Departments. DPW wages were higher than normal in the Parks Department due to the work involved with the Pocket Park and the absence of a part-time DPW position.
- 4. Higher than anticipated health insurance costs in the Police Department. The part-time wages were amended to account for the increase in health insurance costs.

Steve Crothers moved approve the Fiscal Year 2021/2022 third quarter Budget Amendments as presented.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Termer, Zaverl, Harris, Sutton, and Inglis.

Motion Carried 7-0.

# b.) Employee Handbook and Wage Scale Update

After several months, the Employee Handbook is ready for consideration by Village Council. The Personnel Committee has spent several months reviewing, discussing, and making edits to the document. The Employee Handbook has been recommended by the Personnel Committee for adoption. Once adopted by Village Council, all other agreements and Personnel Policies will be

rescinded. Some notable changes from the Village's current policies:

- 1. Moving to a single PTO bank accrued per pay period.
- 2. A change in retirement benefits. Setting a 4-year vesting period (for new hires) and increasing the Village's maximum contribution to 6%.
- 3. Allowing new hires to begin at a higher wage step if qualifications warrant the increase. Authorizes the Village Administrator to start an employee at Step 2 or 3. Any step above 3 would require Personnel Committee approval.
- 4. Paying full-time police officers 2,184 hours per year (12-hour shift schedule).
- 5. Adding continuation of shift language for the Department of Public Works.
- 6. The addition of one holiday.
- 7. Providing time and one-half pay for part-time police officers.
- 8. Allowing temporary status change under extenuating circumstances.
- 9. Addition of Family or Medical Leave Policy (FMLA).
- 10. Providing maximum reimbursement amounts to Travel Expense Policy.
- 11. Giving the authority to Department Heads to terminate/suspend employees with Village Administrator approval and giving the Village Administrator authority to terminate Department Heads with Personnel Committee approval.
- 12. Purchasing policy authorizes the Village Administrator to dispose of obsolete equipment with the requirement to notify Village Council within 30 days and adds critical infrastructure supplies as a pre-approved expense.
- 13. Addition of Cellular Telephone Reimbursement Policy for employees that require the use of their cell phones.

In addition to updating Personnel Policies and job descriptions, wage scales have been created. Individual wages will not be changed as part of this process. The wage scales will be used for new hires and possible step increases for current employees after an annual evaluation that reflects positive results.

The goal of the update is to encourage greater employee longevity; provide clear expectations for all employees; and, explain all available benefits offered to employees. Village staff and the Personnel Committee believe the new Employee Handbook will accomplish those goals.

The consensus of the Village Council is to take more time for Council members to thoroughly review the proposed Employee Handbook and to take action at the next Regularly Scheduled Council meeting.

# c.) 2022 Village Council and Planning Commission Schedule

To maintain compliance with the Open Meetings Act, Village Council must adopt the 2022 Village of Shelby Council and Planning Commission meeting schedules. The schedules will be posted at the Village Hall; shared with the media; on the Village website; and, on the Village's Facebook page. It is proposed to begin the Village Council meetings at 6:00 P.M. as opposed to 6:30 P.M., and the November Planning Commission meeting was set for November 8th, 2022 to avoid a conflict with opening day of the 2022 deer hunting season.

Steve Crothers moved to adopt the proposed 2022 meeting schedules for the Village of Shelby Council and Village of Shelby Planning Commission.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

# d.) Foreclosed Property - 046-618-003-00

Per MCL 211.78m (6), any unsold foreclosed property shall be transferred to the Village in which the property is located prior to year-end. The Village may object in writing to the transfer. If the Village does not object in writing, then the property will be transferred on or before December 21st. If the Village objects to the property transfer, then the property will be transferred to the Oceana County Land Bank Authority for future planning or sale. Parcel 046-618-003-00 which is located on Sessions Road is unsold foreclosed property that is landlocked.

Steve Crothers moved to object to the transfer of property (parcel number 046-618-003-00) to the Village of Shelby and to approve the transfer of said parcel to the Oceana County Land Bank Authority for future planning or sale.

Seconded by: Dan Zaverl.

Roll Call Vote:

Ayes: Crothers, Zaverl, Termer, Omness, Harris, Sutton, and Inglis.

Motion Carried 7-0.

#### 13. COMMITTEE REPORTS:

# a. PLANNING COMMISSION: Chair and Ex-Officio: Ross Field, Paul Inglis:

Nothing to report. The Planning Commission meeting in December was cancelled and they will be meeting January 18, 2022.

# b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Nothing to report.

#### c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Mike Termer:

Nothing to report.

# d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

Parks, Recreation, and Buildings Committee Chair Damain Omness thanked everyone for the work they did to get ready for the Christmas Tree Lighting. It is planned to make next year bigger and better.

- e. FINANCE and INSURANCE: Chair: Steve Crothers, Bill Harris:
- **f.** Nothing to report.
- g. PERSONNEL: Chair: John Sutton, Damian Omness:

The Personnel Committee met on December 6, 2021 to review VA Selner's annual evaluation of his employment. He had a great evaluation and the hope is that he will continue his employment with the Village of Shelby for a few more years.

h. ORDINANCES – Chair Mike Termer, Dan Zaverl:

Nothing to report.

**14. PAYMENT OF BILLS:** Steve Crothers moved to approve the payment of the bills in the amount of \$125,689.59.

Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Crothers, Termer, Zaverl, Omness, Harris, Sutton, and Inglis.

Motion Carried 7-0.

**15. ADJOURNMENT:** Bill Harris moved to adjourn the meeting at 7:56 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the December 28, 2021 Council meeting.

A	approved	abla	
Crystal Budde	December 2	28, 2021	
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Trea	asurer		Date