

VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF August 24, 2020 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: Jim Wyns, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Andy Near, and Bill Harris.

Staff present: Interim Village Administrator Bill Cousins, Village Clerk/Treasurer Crystal Budde, and Police Chief Bob Farber.

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

4. MINUTES:

a.) August 10, 2020

Jim Wyns moved to approve the minutes of the Regular Council meeting of August 10, 2020 as corrected.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Wyns, Crothers, Zaverl, Sutton, Near, Harris, and Inglis.

Motion Carried 7-0.

5. ADDITIONS TO THE AGENDA:

a.) Statement by Jim Wyns.

Finance and Insurance Committee Chair Jim Wyns stated that he was unaware of exactly what would be expected of him as the Chair of the Finance and Insurance Committee and he believed that he had not been doing his job correctly as he was unaware of any bills that the Village of Shelby received pertaining to the Peterson Farms Watermain Extension project. He asked that the Village Clerk/Treasurer get a copy of the report to finance that provided the information on those invoices.

6. PRESIDENT'S REPORT: Nothing to report.

7. ADMINISTRATOR'S REPORT:

Interim VA Cousins reported that he reviewed a recently submitted zoning application to install a 10' x 16' storage shed in the rear yard of a resident's home. The house has an in-ground swimming

pool with a “pool house” (shed that contains the pumps, heater, and chemicals). The Village’s zoning ordinance allows one shed or accessory building on a residential lot (the Village does allow a second one if one of the storage buildings is for the use of vehicle storage). Other communities in the area either do not limit the number of accessory buildings (instead they limit the square footage allowed) or allow two on residential lots. There appears to be a few properties in the Village that have two accessory buildings. With the permission of the Council, Interim VA Cousins will request to the Village Planning Commission to consider updating the zoning ordinance.

The State of Michigan has published PFAS (per-and-poly-fluoroalkyl substances) limits in municipal water systems. The Village had samples taken recently. The Village samples all showed “non-detect”, which is a good result. The Village will need to sample again in late December or January.

The department heads are now meeting regularly to review Village activities, coordinate efforts regarding grants and budget items, and to be sure we are functioning smoothly. We will meet weekly to share information and work out any issues that may come up within each department.

Sue DeVries of the Michigan Economic Development Corporation (MEDC) met with Emily Stuhldreher and Interim VA Cousins to review MEDC programs the Village of Shelby might use to improve its downtown. The MEDC has a number of grants involving improvements such as creating/rehabilitating second floor apartments to expand housing in the downtown (50% match), developing or rehabbing a public space through a crowd-funding grant (50% match) and façade grants for downtown buildings. These are items that may not be useful today but can become very important as the Village economy improves in the future.

Jodi Nichols, representing the Oceana County Economic Alliance, met with Interim VA Cousins to discuss economic development opportunities that are available to the Village of Shelby when it is needed. Mr. Cousins and Ms. Nichols will remain in close contact to be sure Shelby is aware of any programs that may be available.

Interim VA Cousins reported that he watched the August 19th DNR Trust Fund grant hearing to preview the presentation that the Village of Shelby will make at the Trust Fund’s October meeting. It was helpful to see how others make their presentations and the reaction by the Trust Fund Board so the Village can tweak its presentation in October.

8. DEPARTMENT HEADS’ REPORTS:

Chief Farber reported that he has worked well with Interim Village Administrator Bill Cousins and that it has been very informational, with open communication on projects needing to be completed and what is needed to make that happen. Chief Farber has completed the grant application for Coronavirus Emergency Supplemental Funding (CESF), after reviewing it with VA Cousins. Information has been gathered in order to apply for the USDA Grant to make the purchase of a new DPW F-250 truck with plow and a new Police SUV. The department is still responding to complaints in the Village with not much change as reported last month.

9. CORRESPONDENCE:

a.) Letter from Senator Jon Bumstead – Transportation Grant

The Village of Shelby received a letter of congratulations from Senator Bumstead for receiving a grant from the Transportation Economic Development Fund for road funding. The \$136,750.00 will certainly help with road improvements in the Village.

b.) Letter from Senator Jon Bumstead – Watermain Extension Support

The Village Council received a letter of support from Senator Bumstead for the watermain extension project between the Village of Shelby and Peterson Farms. The proposed watermain extension will be a huge economic benefit for the Village of Shelby as well as Oceana County as a whole. The watermain extension is a vital component for expanded housing opportunities. The additional infrastructure provided by expanded housing will help bring more families into the County and drive economic growth.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS:

a.) Booster Tank Repair

The Village's water booster tank at the Valley pump station has a leak. The leak has been temporarily plugged; however, the tank needs to be properly repaired. The DPW obtained estimates for the first stage of the repair which is to access the interior of the tank and determine the scope of the repairs or if the tank needs to be replaced. The Water and Sanitation Committee reviewed the quotes from the following companies that would access the interior of the tank, clean the interior, and determine the damage and repair cost:

Peerless Midwest -	\$5,415.00 (Outsource the confined space entry)
Nelson Tank -	\$2,400.00 (have personnel that fit through the current opening)
Dixon Engineering -	\$3,410.00 (have personnel that fit through the current opening)
FHC -	\$5,400.00 (Replace hatch with a larger one)

Bill Harris moved to authorize the Interim Village Administrator to contract with Nelson Tank of Watertown Township, Michigan to clean and investigate the leak at the Valley pump station booster tank to determine needed repairs to the same.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Wyns, Zaverl, Sutton, Near, and Inglis.

Motion Carried 7-0.

b.) Watermain Extension to Peterson Farms Property

The Village was contacted approximately one year ago with a proposal to extend municipal water to the Peterson Farms apartment buildings on Baseline Road. Their wells, installed when the apartments were built, have been determined to not meet Michigan water safety requirements due to their location with respect to the fruit processing operation at the Baseline Road location. Peterson Farms indicated that utilizing a municipal water system would resolve their issues and keep the residents safe.

August 3, 2020 was the first day of employment in Shelby for Interim VA Cousins. However, he attended the July 28, 2020 Water and Sanitation Committee Meeting to discuss the Peterson Farms request. The construction project was estimated to cost \$2.7 million and MEDC and EGLE had pledged a total of \$1.6 million toward the project with Peterson Farms pledging to cover the balance. It appeared from the discussions that the Committee or the Council may not have been fully involved in the discussions from last year to the present. At that meeting, the Committee recommended that Council direct the Village Administrator to start the application procedure to obtain a \$1.1 million USDA loan for the project. The Village Council adopted that motion on August 10, 2020 but made it clear that no Village funds were to be expended on the project.

At the application meeting via Zoom last week, it was revealed that the application process alone would cost the Village about \$25,500.00. At that point, Interim VA Cousins had asked that all parties hold their position until he had conferred with Council. He reviewed all of the documents in the Peterson Farms document and recommended to the Village Council that, if the increased residential demand in the area provides economic improvement to the Village of Shelby economy, they move forward with the next steps; if it does not, then he would recommend terminating the process now. If the Village of Shelby Council is in full support of the project (with the position that the Village of Shelby cannot assume financial liability for the project), they should do one or more of the following:

- a.) Authorize the Administrator to continue to work on the project.
- b.) Establish an escrow fund to be created and funded by any or all of the following: Peterson Farms, EGLE, MEDC, MDARD and other State partners. The escrow fund is to be used to cover costs associated with the application process (and VOS staff time?). The escrow fund shall be opened with deposits of \$25,500 at which time the Village will enter into the USDA application process. This step acknowledges that the Village will not be responsible for the loan – another avenue will be pursued.

- c.) Peterson Farms funds the \$1.1 million for the project.

There was a great deal of discussion regarding if and how the Village should move forward with the project.

Bill Harris moved to allow Interim VA Bill Cousins to request Don DeVries with Fleis & VandenBrink to attend the next Village of Shelby Council meeting on September 14, 2020 to explain the details of the feasibility study for the Peterson Farms watermain extension.

Seconded by: Andy Near.

Roll Call Vote:

Ayes: Harris, Near, Wyns, Crothers, Zaverl, Sutton, and Inglis.

Motion Carried 7-0.

12. NEW BUSINESS:

a.) Purchase of Benches & Bike Racks Downtown

Interim VA Cousins' requested that the Council approve the purchase of three bike racks, two benches, and two trash receptacles for the downtown. One bike rack, one trash receptacle, and one bench would be located at the Pizza Factory. One bike rack to be located at the Post Office; one bike rack and one bench are to be located at the Matrix Gym; and one trash receptacle is to be placed at the Pavilion on the Rail Trail.

John Sutton moved to authorize the Interim Village Administrator to purchase three bike racks, two benches, and two trash receptacles up to \$4,200.00.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Wyns, Zaverl, Near, Harris, and Inglis.

Motion Carried 7-0.

b.) Grant Request to Purchase Police and DPW Vehicles

The Police Department and the DPW need to replace vehicles:

- A. The Police Department's 2014 Ford Explorer has 191,000 miles on it and is ready to be retired.
- B. The DPW has two 2004 pickup trucks that are all but worn out.

The Interim Village Administrator is seeking authorization to apply for grants to replace the vehicles noted above through the USDA Grant process. After an informal discussion with Katherine Farwell of USDA, the Village appears eligible to qualify for a grant of 55% of the cost of purchasing new vehicles. The Village budgeted \$40,000.00 to replace vehicles this fiscal year. The expected final delivery price (State Purchase Plan) for the replacement vehicles are:

Police – Ford Explorer Interceptor AWD (with all accessories) -	\$43,000.00
DPW – Ford F-250 with Boss plow (and necessary accessories) -	\$36,000.00
Total for both	\$79,000.00

Jim Wyns moved to authorize the Interim Village Administrator to apply for grants for a new police cruiser and a DPW truck through the USDA Grant process. Final purchase decisions will be made by the Village Council at a later date.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Wyns, Crothers, Zaverl, Sutton, Near, Harris, and Inglis.

Motion Carried 7-0.

c.) 2020 Coronavirus Emergency Supplemental Funding

The 2020 Coronavirus Emergency Supplemental Funding (CESF) Grant enables the Village of Shelby to make purchases and then submit requests for 100% reimbursement of them. The grant requires matching funds. The project end date is September 30, 2020 and all purchases and installations must be made prior to that date. Applicants selected for the grant will receive a final award letter and grant agreement documents on or before October 15, 2020.

Jim Wyns moved to authorize Chief Bob Farber to make purchases to be reimbursed by the 2020 Coronavirus Emergency Supplemental Funding (CESF) Grant in the amount of \$3,927.00.
Seconded by: John Sutton.

Roll Call Vote:

Ayes: Wyns, Sutton, Crothers, Zaverl, Near, Harris, and Inglis.

Motion Carried 7-0.

d.) Cooperation Agreement with Disability Network West Michigan Accessibility

The Parks, Recreation, and Buildings Committee has discussed the need for a review of all Village Parks to determine their level of accessibility; create budget and time requirements for improvements that will assure that parks are more inclusive and able to meet Americans with Disabilities Act standards. The Disability Network of West Michigan (DNWM) presented a plan to the Committee whereby they would provide an accessibility evaluation of each of our parks and determine what actions are necessary to upgrade them to meet the 2010 ADA Standards for Accessible design. The DNWM would also provide technical assistance and guidance to the Village as each park is renovated to meet ADA Standards.

Andy Near moved to approve the agreement by and between the Village of Shelby and the Disability Network West Michigan for the purpose of improving Shelby Village Parks so they are more inclusive and safer for all visitors not to exceed \$2,750.00. The Interim Village Administrator is directed to sign and execute the agreement.

Seconded by: Jim Wyns.

Roll Call Vote:

Ayes: Near, Wyns, Crothers, Sutton, Harris, and Inglis.

Nays: Zaverl.

Motion Carried 6-1.

13. COMMITTEE REPORTS:

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

The August Planning Commission meeting was cancelled due to lack of agenda items. The Planning Commission will meet again on September 15, 2020 to discuss the Master Plan and

and consider the vacant position on the Commission.

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

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Jim Wyns:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Andy Near, John Sutton:

Parks, Recreation and Buildings Chair Andy Near reported that they had finally received the correct Certificate of Insurance from Shelby Public Schools naming the Village of Shelby as Additional Insured.

e. FINANCE and INSURANCE: Chair: Jim Wyns, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Andy Near:

Deadline for resume submissions for the Police Chief position is Friday, September 4, 2020. The Personnel Committee will be meeting soon to review those resumes.

g. ORDINANCES – Chair Steve Crothers, Dan Zaverl:

Nothing to report.

14. PAYMENT OF BILLS: Jim Wyns moved to approve the payment of the bills in the amount of \$158,769.70.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Wyns, Crothers, Zaverl, Sutton, Near, Harris, and Inglis.

Motion Carried 7-0.

15. ADJOURNMENT: Jim Wyns moved to adjourn the meeting at 8:50 P.M.

Seconded by: Dan Zaverl.

Roll Call Vote:

Ayes: Wyns, Zaverl, Crothers, Sutton, Near, Harris, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the September 14, 2020 Council meeting.

Approved

Crystal Budde

September 14, 2020

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date