

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, FEBRUARY 26, 2024 at 6:00 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 6:00 P.M. by President Paul Inglis.

2. ROLL CALL:

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

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

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

4. INVOCATION: Invocation was shared.

5. MINUTES:

a.) February 12, 2024

Steve Crothers moved to approve the minutes of the Regular Council meeting of February 12, 2024 as presented.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

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

7. PRESIDENT'S REPORT: Nothing to report.

8. ADMINISTRATOR'S REPORT:

VA Selner reported that the Village staff continues to struggle to get Consumers Energy to properly disconnect the power at Getty Park. Until the issue is resolved, it will unfortunately cause further delays.

VA Selner will be presenting an amendment to the Village Council regarding the installation of the playground equipment. In a meeting with the MEDC CDBG staff, it was made clear that the Village would be unable to move forward with the community build. This will increase the cost of the project by \$41,950.00.

Bid opening for the First Street project is scheduled for March 12, 2024 at 2:00 P.M.

The new computers at the Village Hall and DPW garage will be installed in late March. They have received the new computers but have not yet provided a firm installation date.

9. DEPARTMENT HEADS’ REPORTS:

DPW Supervisor Jeremiah Helenhouse had nothing to report.

Chief Roesler had nothing to report.

10. CORRESPONDENCE:

a.) Community Foundation

A statement was received from the Community Foundation regarding funds for the Getty Park project. The current balance of the funds donated for the Getty Park Renovation project through the Community Foundation for Oceana County (CFOC) is \$126,755.00.

11. CITIZEN PARTICIPATION: No Citizen Participation.

12. PUBLIC HEARING:

a.) Proposed 2024/2025 Fiscal Year Budget

President Inglis opened the Public Hearing for the proposed 2024/2025 Fiscal Year Budget at 6:10 P.M. The proposed 2024/2025 Fiscal Year Budget was reviewed by the Village Council at the Special Work Session as well as at the Regular Council meeting of February 12, 2024. Some key adjustments that have been made are:

1. The updated budget includes both revenue and expenses in the Water Fund for the completion of Well 2.
2. The fulltime park maintenance employee is budgeted to work half the year-from August 2024 to the end of February 2025.
3. Money was added to the Police Department budget for the purchase of the in-car cameras and updated body cameras.
4. Funds were added to have Fleis & VandenBrink complete a Project Plan for the EGLE DWSRF process and Wellhead Protection Program.
5. Repaving Sixth Street was removed from the budget. The money remains in the budget for the purpose of adding a sidewalk/pathway from the Hart-Montague Trail to Getty Park.
6. Add the cost of the Lagoon Mixer replacement in the Sewer Fund.
7. The Getty Park project has been updated to account for the first contractor pay request

from McCormick Sand.

8. Money has been added to cover the cost of finalizing the Water and Sewer Ordinance rewrite.
9. Added money for the purchase of School Zone signage.
10. Interest revenue was adjusted to be 10% less from the previous fiscal year.

President Inglis closed the Public Hearing at 6:15 P.M.

13. OLD BUSINESS: No Old Business.

14. NEW BUSINESS:

a.) 2024/2025 Fiscal Year Budget Adoption

Steve Crothers moved to adopt Resolution 11-24. (See Attached)

Seconded by: John Sutton.

Roll Call Vote:

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

Nays: Zaverl.

Motion Carried 6-1.

Councilman Zaverl noted that he voted against the 2024/2025 Fiscal Year Budget due to the fact that he is not in agreement with adopting a Budget reflecting a deficit fund balance.

b.) Fourth Quarter Budget Amendments

The Village's 2023/2024 Fiscal Year Budget has been completed and final budget amendments are needed. Some of the major budget items to note for the fourth quarter include:

1. Final adjustments to interest revenue.
2. Getty Park project adjustments. Most of the work will be completed in the 2024/2025 fiscal year.
3. Water and Sewer revenue adjustments. Higher than originally budgeted.

Mike Termer moved to approve the 2023/2024 Fiscal Year Fourth Quarter Budget Amendments as presented.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

c.) Utilities Ordinance Adoption

The Village agreed to a Cost Sharing Agreement with Perdue Farms to set up an Industrial Pretreatment Program (IPP). A portion of this project included amending the Village's Sewer Ordinance to add the necessary IPP language. Since the entire Utilities Ordinance was outdated and in need of a rewrite, the Village committed to hiring an attorney to rewrite both the Water and Sewer Ordinances. The updated ordinances now include the necessary IPP language, but also better reflect the Village's day-to-day operations regarding the utilities. The Village staff worked with George Davis, an attorney who specializes in water and sewer matters, to draft new chapters. The Ordinance Committee also had a chance to review the draft of the Ordinance and did not have any major questions or concerns. If the language is adopted, the next step will be to create the necessary forms and fee schedules that are noted in the new language.

To move the larger Ordinance Rewrite project with the General Code forward, there is a section of the Sewer Ordinance on pages 87 and 88 that will need to be updated with the actual numbers once the engineer is further along with the IPP process.

Damian Omness moved to adopt Ordinance 01-2024. (See Attached)
 Seconded by: Curt Trott.

Roll Call Vote:

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

Motion Carried 7-0.

d.) General Code Legal and Editorial Analysis

The Village of Shelby has completed its review of the Legal and Editorial Analysis portion of the General Code Project. The purpose of this analysis was to identify duplications and inconsistencies between or within various sections of the Code or Michigan Statutes; to provide for practical recommendations to make the Village legislation more enforceable; to suggest appropriate fines, fees, penalties; and, to suggest ways to modernize the Village's legislation.

The Ordinance Committee met multiple times to review all responses to the Legal and Editorial Analysis and recommended moving forward in the process. Once the Village's responses are submitted, the next step in the process is the final edit of the manuscript and submission of the draft. Using the online platform, General Code will submit a draft of the Code for final review by the Village Council. With this submission, the editorial work on the project will be complete. If the Village requires additional changes, further charges will apply. After the draft is received, a comprehensive index, disposition list, derivation table, and code adoption legislation will be provided. Once approved by the Village Council, the newly adopted Code will be online using ECode360. This will be accessible through the Village Website. Once the new Code is complete and online, the next phase of the project will be to update all forms and fees referenced in the Code.

John Sutton moved to authorize Village Administrator Brady Selner to submit the Legal and Editorial Analysis for the General Code Project.
 Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Sutton, Crothers, Termer, Zaverl, Omness, Trott, and Inglis.
Motion carried 7-0.

e.) Encroachment Agreement

The owner of the building located at 179 N. Michigan Avenue requested authorization to construct an ADA ramp in front of his building. An Encroachment Agreement has been drafted by Parmenter Law to allow for the construction of the ramp under specific parameters, some of which are highlighted below:

1. Maintenance and its associated costs would be the responsibility of the Grantee.
2. No further encroachments except those identified in the site plan would be allowed.
3. Upon termination of the Agreement, the Grantee is responsible for the removal of the improvements at his sole cost and expense.
4. The Grantee must indemnify and hold the Grantor harmless for any liability for damages arising and must carry liability insurance and name the Village of Shelby as additional insured.

Mike Termer moved to approve the Encroachment Agreement by and between the Village of Shelby and Marco Suarez, of 179 North Michigan Avenue, Shelby, Michigan 49455. Be it further resolved to authorize the Village President and the Village Clerk to sign the Encroachment Agreement.
Seconded by: Damian Omness.

Roll Call Vote:

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

f.) EGLE DWSRF Project Plan and Well Head Protection

The Village of Shelby submitted its Intent to Apply for the 2025 funding round of the EGLE Drinking Water State Revolving Fund (DWSRF) Program. The next step in the process would be to have Fleis & VandenBrink submit a Project Plan by June 1, 2024. The Water and Sanitation Committee met with Don DeVries on Wednesday, February 21, 2024, to discuss the process. The Committee is recommending that the Village Council authorize Fleis & VandenBrink to submit a Project Plan and updated Wellhead Protection Plan for the 2025 EGLE DWSRF funding round. If the Village's project were to be funded, construction would not occur until Spring of 2026.

Damian Omness moved to authorize Fleis & VandenBrink Engineering to submit a Project Plan and updated Wellhead Protection Plan for the 2025 EGLE DWSRF Program.
Seconded by: Mike Termer.

Roll Call Vote:

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

g.) Household Hazardous Waste Contribution

The Household Hazardous Waste Disposal Program is a cyclical cost that the Village has been a part of since approximately 2014. The goal is to provide a way for residents to dispose of hazardous material safely and easily so that they do not end up in lakes, streams, groundwater, or public water supplies. The requested amount from the Village of Shelby is based on the following calculation: Population Based on 2020 Census: 1964 people x .40/person = \$785.60. Last year the Village committed \$550.00.

Dan Zaverl moved to participate in the 2024 Manistee, Mason, and Oceana County Household Hazardous Waste Program and to authorize Crystal Budde, Village Clerk/Treasurer, to make payment in the amount of \$550.00 to support the event. Be it further resolved to authorize Village Administrator Brady Selner to sign the 2024 Contract and Agreement for Services by and between the Village of Shelby and the Manistee, Mason, and Oceana Conservation Districts.
Seconded by: Damian Omness.

Roll Call Vote:

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

h.) Interim Manger Contract

To assist with the Village Administrator transition, VA Selner reached out to three managers that provide Interim Manager Services. Two of the three were not available and did not submit a proposal. The one proposal the Village received was from Gregg Guidance LLC. The Village President and Personnel Committee Chair met with Gregg and Jae Guetschow to discuss the proposal. Following the meeting, they requested that a formal contract be drafted for consideration by the Village Council. The formal start date of the contract is March 11, 2024. It is anticipated that Jae Guetschow will work between 16 and 24 hours a week at \$90.00 per hour, plus round-trip mileage reimbursement. Additional hours could be approved by written consent of the Village President.

John Sutton moved to approve the Interim Manager Agreement by and between the Village of Shelby and Gregg Guidance LLC, 720 High Street, Charlotte, Michigan 48813. Be it further resolved to authorize the Village President and the Village Clerk to sign the Agreement.
Seconded by: Mike Termer.

Roll Call Vote:

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

15. COMMITTEE REPORTS:

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

Nothing to report.

b. WATER & SANITATION: Chair: Mike Termer, John Sutton:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Curt Trott:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, Steve Crothers:

The Parks, Recreation, and Buildings Committee met to discuss fund-raising efforts for the Getty Park project and some ideas for upgrades that could be made at some of the smaller parks in the Village.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Mike Termer:

Nothing to report.

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

Nothing to report.

g. ORDINANCES – Chair Curt Trott, Dan Zaverl:

Nothing to report.

16. PAYMENT OF BILLS: Steve Crothers moved to approve the payment of the bills of February 26, 2024 in the amount of \$81,237.20.

Seconded by: Curt Trott.

Roll Call Vote:

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

Motion Carried 7-0.

17. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 7:38 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the March 11, 2024 Council meeting.

Approved

Crystal Budde

March 11, 2024

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date