

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, JANUARY 24, 2022 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 6:02 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.) December 28, 2021

Steve Crothers moved to approve the minutes of the Regular Council Meeting of December 28, 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 Ordinance Committee will meet next week to get an update on the Ordinance rewrite and to discuss how to effectively complete the project. The Village was given additional time to review the Legal and Editorial Research and Report. Comments on the draft are now due back to American Legal Publishing by March 4, 2022.

IT Right was at the Village Hall and DPW garage on January 20th and 21st completing IT upgrades. The improvements will increase network security and make it easier for staff to collaborate.

The Village Council 2022/2023 budget work session has been rescheduled for February 14, 2022. The additional time will allow staff to make final edits to ensure Village Council has a thorough and complete draft budget to review prior to the public hearing on February 28th. The Finance and

Insurance Committee met on January 11th to review a preliminary draft budget.

The Planning Commission met on January 19, 2022 to review Chapter 13 - Site Development Requirements and Chapter 14 - Zoning Board of Appeals edits to the District Chapters, and the updated zoning map. The goal is to have the new Zoning Ordinance adopted by early Fall.

DPW Supervisor Jeremiah Helenhouse and VA Selner have a meeting scheduled with Don DeVries on Thursday, January 27, 2022 to review the design for the EGLE Drinking Water State Revolving Fund (DWSRF) project. The submission of final plans and specifications is due February 9, 2022, and Part 1 and Part 2 of the DWSRF application are due February 15, 2022. Andy Campbell (Baker Tilly), Jim Kiefer (Dykema), and Don DeVries (Fleis & VandenBrink) will assist the Village throughout the process.

The transaction for the USDA Sewer Bond refinance was completed on Thursday, January 13, 2022. The Shelby State Bank bond has been issued, and the USDA Sewer Bond was paid off. Dykema Gossett, PLLC is finalizing the bond transcripts and will file the necessary report with the Michigan Department of Treasury.

8. DEPARTMENT HEADS’ REPORTS:

DPW Supervisor Jeremiah Helenhouse reported that EGLE will be in the Village on Thursday, January 27, 2022 to take some water samples in order to test for asbestos.

Chief Steve Waltz had nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION:

New Era Police Chief Roy Straight thanked Chief Waltz, Officer David Krause and granddaughter, and Officer Joe VonDrak and daughter for their help in delivering the Christmas gifts and food for “Roy’s Kids.” He stated that he could not have gotten it done without them and that the Village has a great Police Department and Chief.

Richard Raffaelli, Peterson Farms CFO and Shelby Township Supervisor, advised that he was unable to be at the meeting of VA Selner’s employment review; however, he thought VA Selner was doing a stellar job in the Village. Mr. Raffaelli also informed the Council that Shelby Township was awarded \$650,000.00 for road work. The Township would like to repave Ferry Street from the Township west to Oceana Drive. The Township is asking that, in exchange for the Township using their funds to repair the road, the Village allocate \$40,000.00 to the downtown area and include the purchase of planters in the Village’s downtown business district.

The consensus of the Council was to make a determination after the scheduled Special Council work

session on February 7th.

11. OLD BUSINESS:

a.) DPW Vehicle Purchase

On August 9, 2021, Village Council authorized the purchase of the 2022 Chevrolet Silverado 3500HD 2WD Regular Cap 146 WB, 60 CA work truck, from Berger Chevrolet in the amount of \$38,897.00. The truck was delivered to Berger Chevrolet and is ready to be upfitted, but the cost of the dump body has increased by \$900.00. The original bid was \$28,047.00 for the cab and chassis and \$10,850.00 for the dump body. The dump body from Arista Truck System, Inc. is now \$11,750.00 bringing the total cost of the truck purchase to \$39,797.00. Even with the increase, Berger Chevrolet remains the lowest bid. The delay in truck delivery caused the price increase for the dump body because Berger does not order the necessary upfitting components until the truck is delivered. VA Selner made an effort by asking Berger to bear the cost of the increase, but they will not do so. The Village could pursue legal options, but that cost could quickly surpass the \$900.00 price increase and VA Selner is uncertain that the Village would have a strong legal position. VA Selner recommended the purchase at the increased price for the dump body. The truck would be ready for pick-up in approximately four weeks.

Mike Termer moved to authorize Brady Selner, Village Administrator, to purchase the 2022 Chevrolet Silverado 3500HD 2WD Regular Cab 146 WB, 60CA Work Truck, from Berger Chevrolet, Grand Rapids, Michigan in the amount of \$39,797.00, an increase of \$900.00 from the previous authorized purchase price.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

12. NEW BUSINESS:

a.) Randy Mahoney Wage Step Request

Randy Mahoney has shared interest in returning to the Village of Shelby to fill the Deputy Clerk/Treasurer position. After speaking with Clerk/Treasurer Crystal Budde, VA Selner is comfortable hiring Randy to fill the position, but has requested that he begin at the top of the pay scale. Section 4.00 of the Village’s Employee Handbook states that employees seeking to begin at Step 4 or Step 5 on the pay range require approval from the Personnel Committee and Village Council. While Randy was employed with the Village, he received \$18.50 per hour, paid holidays, and paid time-off. He was given 5 days of PTO on January 1, 2020, and an additional 10 PTO days on his anniversary date, April 10, 2020, for a total of 15 days. Step 5 on the Deputy Clerk/Treasurer pay scale is \$18.90 per hour. He would work 16 hours per week which is 8 hours less than his predecessor. The Personnel Committee is recommending that Randy start at step 5 of the Pay Scale and to consider his previous time with the Village of Shelby for the purposes of PTO accumulation. His four-year anniversary date would be September 18, 2022, if his previous time with the Village is approved as continuous service.

John Sutton moved to approve the request from Randy Mahoney to begin at Step 5 of the Village of Shelby Deputy Clerk/Treasurer wage scale of \$18.90 per hour. Be it further resolved to approve Randy Mahoney to resume employment as a continuation of service from his original start date of April 10, 2017. His previous term of service shall be used to calculate his PTO accrual according to Section 5.00 Paid Time Off in the Employee Handbook.
Seconded by: Bill Harris.

Roll Call Vote:
Ayes: Sutton, Harris, Termer, Crothers, Omness, and Inglis.
Nays: Zaverl.
Motion Carried 6-1.

b.) Check Signatory Authorization

Kelly Omness was named as a signatory on the Village bank accounts. The Village payroll and accounts payable checks require two designated signatures to sign checks. Since Kelly is no longer employed with the Village, her name will need to be removed as a signatory on the Village bank accounts. It is also requested that Village Council approve bypassing the 90-day waiting period and add Randy Mahoney as a signatory on the Village bank accounts.

Steve Crothers moved to remove Kelly Omness as a signatory on the Village of Shelby bank accounts effective January 24, 2022. Be it further resolved to add Randy Mahoney as a signatory on the Village of Shelby bank accounts effective January 24, 2022.
Seconded by: John Sutton.

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

c.) Public Hearing Date

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 notice of the Public Hearing on the proposed budget (6 days prior to 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 28, 2022, at 6:15 PM.

Steve Crothers moved to set the Public Hearing for the purpose of receiving comments on the Village of Shelby 2022-2023 Fiscal Year Budget on Monday, February 28, 2022, at 6:15 PM.
Seconded by: Mike Termer

Roll Call Vote:

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

13. COMMITTEE REPORTS:

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

The Planning Commission met last week on Wednesday, January 19, 2022 to continue working on the Zoning Ordinance rewrite project. The Planning Commission is set to meet again on February 15, 2022 at 6:00 P.M.

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 have his crew plow closer to the curbs.

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

Committee Chair Damian Omness reported that he has a meeting via zoom set for February 1, 2022 regarding the upcoming International Children’s Day Celebration. A potential fundraising event is being discussed with Shelby Public Schools. More information will be available soon.

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

Met last week to review the proposed draft budget document.

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

Met last week to discuss Randy Mahoney returning as the Deputy Clerk/Treasurer.

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

The Ordinance Committee will meet next week to discuss how best to proceed with the Village Ordinance Codification project.

14. PAYMENT OF BILLS:

a. January 10, 2021

Steve Crothers moved to approve the payment of the bills of January 10, 2022 in the amount of \$36,553.72.
Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

b.) January 24, 2021

Steve Crothers moved to approve the payment of the bills of January 24, 2022 in the amount of \$45,044.71.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Steve Crothers moved to adjourn the meeting at 7:20 P.M.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the February 14, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, FEBRUARY 28, 2022 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, Paul Inglis, Dan Zaverl, Damian Omness, Bill Harris, and John Sutton.

Absent: Steve Crothers.

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 7, 2022 - Special Meeting (Budget Work Session)

Damian Omness moved to approve the minutes of the Special Council Meeting of February 7, 2022 as presented.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers.

b.) February 14, 2022

Dan Zaverl moved to approve the minutes of the Regular Council Meeting of February 14, 2022 as presented.

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 asked all in attendance to take a moment of silence in memory of Roger Schultz.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that, beginning March 16, 2022, he will be holding remote office hours. On March 16th, he will be at the Brown Bear from 11:00 A.M. to 1:00 P.M. and will rotate to a new downtown location every month. Everyone is welcome to stop by with questions, conversations, or ideas. He is welcoming anyone who has the time to stop in and say hello.

VA Selner had a meeting with the Norton Shores Department of Public Works Superintendent to discuss snow removal procedures. Though it is near the end of winter, his intention is to develop a document for next year to help facilitate a common understanding of what to expect during the winter season.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that residents have been great this winter about following the street parking rules. Very few parking tickets have been written this winter.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. PUBLIC HEARING:

a. Fiscal Year 2022/2023 Village Budget

President Inglis opened the Public Hearing regarding the Fiscal Year 2022/2023 Village Budget at 6:15 P.M.

The proposed budget identifies \$709,602.00 in General Fund expenses including \$50,000.00 to fund improvements to downtown and \$20,000.00 to finish design engineering and bidding for the Getty Park project. Revenues for 2022 -2023 are estimated at \$689,602.00, including \$50,000.00 of the Village's American Rescue Plan Act (ARPA) funds. The General Fund budget will require a \$20,000.00 fund balance transfer to cover the Village's match required for the Getty Park project and to balance the budget. The General Fund balance at Fiscal Year-end 2021 was \$588,306.00, up from \$538,843.00 in 2020. The anticipated General Fund balance at Fiscal Year-end 2022 is \$654,412.00.

Some highlights of budgeted projects and improvements are:

1. Village Hall improvement to replace all light fixtures to LED.
2. Website Upgrade - To increase transparency and to improve communication with residents, businesses, and visitors.
3. Getty Park - Finishing up the design plan and the creation of the bid packet for the Getty Park project.
4. Zoning Ordinance Update - The Planning Commission began the zoning ordinance rewrite project August 2021, and it will continue through the upcoming fiscal year.
5. The Village began its General Law Ordinance update in the previous fiscal year and will

finalize the updated Ordinance this fiscal year.

6. Agenda Management Software - With the purchase of tablets in 2020, an agenda management software was placed in last year's budget to increase efficiency in agenda development and to ensure the tablets are used to their full potential.

7. Pocket Park - The Downtown Pocket Park will be completed in Fiscal Year 2022 - 2023. The DPW will install the shade structure, benches, picnic tables, and water bottle filling station. \$5,000.00 was placed in this budget to complete the landscaping throughout the park.

The Major and Local Streets is established by the Michigan Department of Transportation (MDOT). Major Streets Fund projected revenue is \$312,450.00 and Local Streets Fund Projected Revenue is \$291,200.00. With a fund balance of over \$860,000.00 in Major Streets and \$1,150,000.00 in Local Streets, the Village intends to take an aggressive approach on street repaving projects in the upcoming years. Some of the highlights of the upcoming projects are:

1. Sixth Street Sidewalk - The sidewalk replacement has been designed and bid for completion. Shelby Township will be sharing in the cost of this project as a portion of the sidewalk falls outside the Village limits.
2. Street Line Repainting - The Village has included \$5,000.00 in both the Local and Major Streets Funds to hire a contractor to repaint all street lines, cross walks, parking spaces, and curbs in the Village.
3. First Street and Ferry Street - Shelby Township has offered to allocate a portion of its street funding to complete First Street and Ferry Street within the Village.
4. MDOT Category B Grant - In 2020, the Village received an MDOT grant to resurface five roads throughout the Village. The project was held off until 2022 to coordinate with the EGLE Drinking Water State Revolving Fund (DWSRF) project.

The Water and Sewer Funds are Enterprise Funds. They stand alone as separate operating funds. The sole revenue in these funds are the utility rates charged to customers using the water/sewer system. Some highlights in these funds are:

1. Water Rate Increase - The Village Council passed a resolution in December of 2020, increasing water rates effective March 1, 2021, and 5% every fiscal year for five years.
2. EGLE Drinking Water State Revolving Fund (DWSRF) - The Michigan Clean Water Plan allocated \$207 million for drinking water quality projects. The Village will receive \$1,921,000.00 in loan forgiveness to replace up to 667 lead service lines throughout the Village. In addition, the Village received a \$621,000.00 grant to replace 12,500 feet of watermain. The total project cost for all the water infrastructure improvements is \$4,085,000.00 with \$2,541,000.00 to be covered by loan forgiveness/grant. The remaining \$1,544,000.00 will be covered by a low interest bond.
3. Future Watermain Replacement - After completion of the DWSRF bond process, the Village

will investigate the feasibility of replacing all watermain older than 1949 utilizing the USDA Water & Waste Disposal Loan & Grant Program and/ or other grant opportunities.

4. CDBG MEDC Water Related Infrastructure Grant - The Village received a grant to replace the Harvey Street lift Station, the Industrial Drive Lift Station, and to drill a new well to replace Well #2. The total project cost is estimated at \$850,000.00. The Village committed to a 25% match equaling \$212,500.00. A portion of this match, \$37,500.00 will come from the Water Fund.

5.Improvements at Lagoons - All aeration diffuser membranes at the lagoons have reached their useful life. \$40,000.00 has been budgeted to replace this infrastructure.

The Equipment Fund sees revenues primarily generated from the rental rates for the use of the public works vehicles and equipment by the various departments and funds of the Village. The Equipment Fund has a very well-funded fund balance. Highlights in this fund are:

1. New Plow Truck - The Capital Improvement Plan calls for replacing the 1999 Sterling 5-yard plow truck with underbody scraper blade with a similar plow truck. Upon recommendation from the DPW Supervisor, the Village plans to refurbish the 1999 Sterling plow truck as opposed to purchasing a new truck. The estimated cost is \$110,000.00.

2. Ford F-250 - Due to supply chain delays, the 2022 F-250 work order truck was not ready last fiscal year. \$25,000.00 has been carried over to this fiscal year to purchase the truck.

President Inglis closed the Public Hearing at 6:26 P.M.

12. OLD BUSINESS:

a.) General Code Ordinance Proposal

On April 12, 2021 Village Council approved the American Legal Publishing Codification proposal. Since beginning the project, it has not progressed as planned, and the Ordinance Committee and VA Selner have been unsatisfied with the service provided by American Legal Publishing to date. The main concern is the lack of facilitation American Legal Publishing has provided to assist with the completion of the project. Substantial amount of time has been and will continue to be required from staff and Parmenter Law, Village legal representative, in order to finish the project.

Due to the negative experience thus far, VA Selner is recommending that the Village terminate the contract with American Legal Publishing and to begin working with General Code to complete the project. VA Selner believes that the Village will be better situated in the future by working with General Code for the recodification and future supplementation of the Village code.

It is difficult to quantify, but VA Selner anticipates that working with General Code will save substantial staff time, and more importantly, it will require less billable time from Parmenter Law to review the Ordinance. General Code provides an online platform that makes facilitating the review process much easier. This process will allow VA Selner to involve the attorney only when absolutely necessary.

Mike Termer moved to authorize Brady Selner, Village Administrator, to terminate the contract with American Legal Publishing. Be it further resolved to authorize Brady Selner, Village Administrator, to sign the General Code Proposal for Codification Services dated February 25, 2022.
Seconded by: Bill Harris.

Roll Call Vote:

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

Motion Carried 6-0.

Absent: Steve Crothers.

13. NEW BUSINESS:

a.) MERS Employee Retirement Plan Clarification

A Benefit Education Specialist from MERS was at Village Hall on Tuesday, February 22, 2022, to provide information on the Village's retirement plans. During the visit, it was discovered that the Village is administering the plans differently than the plan provisions and adoption agreements MERS had on file. There were two adoption agreements from when the Village initially switched to MERS on August 13, 2018. The first plan provided immediate vesting for all employees hired before October 1, 2018 and the second plan provided a five-year cliff vesting for all employees hired after October 1, 2018. It came to VA Selner's attention that all employees hired since 2018 have been hired under immediate vesting and he was unaware there was a second plan that was intended for employees hired after October 1, 2018.

Operating under the presumption that the Village only had one MERS plan that covered all current employees, the Village Council adopted a new MERS plan provision and adoption agreement that had a four-year cliff vesting for employees hired after January 1, 2022, to match the Village's newly adopted Employee Handbook.

To fix the inconsistencies in the Village's MERS plans and to apply them as intended, Village Council should approve the revised adoption agreements. Moving forward, the Village will have two MERS plans:

1. Division 700023 will cover "Full-Time hired prior to 01/01/2022" with immediate vesting provision for all past and future contributions.
2. Division 700024 will cover "Full-Time hired after 01/01/2022" with a cliff vesting (over 4 years) for all future contributions.

Damian Omness moved to authorize Brady Selner, Village Administrator, to sign the Municipal Employees' Retirement System (MERS) Defined Contribution Plan Adoption Agreements (700023 and 700024) dated February 28, 2022.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 6-0.

Absent: Steve Crothers.

b.) Hazardous Waste Disposal Program

This is a cyclical cost for the Household Hazardous Waste Disposal Program that the Village has been a part of since approximately 2014. The goal is to provide a way for residents to dispose of hazardous materials safely and easily so that they do not end up in our lakes, streams, groundwater, or public water supplies. The requested amount from the Village of Shelby is \$785.60. Last year the Village contributed \$550.00.

Dan Zaverl moved to participate in the 2022 Manistee, Mason, and Oceana County Household Hazardous Waste Program and to authorize Crystal Budde, Village Clerk/Treasurer, to contribute \$500.00 to support the event. Be it further resolved to authorize Brady Selner, Village Administrator, to sign the 2022 Contract and Agreement for services by and between the Village of Shelby and Manistee, Mason, and Oceana Conservation Districts.

Seconded by: Damain Omness.

Roll Call Vote:

Ayes: Zaverl and Omness

Nay: Termer, Harris, Sutton, and Inglis.

Motion Lost 2-4.

Absent: Steve Crothers.

It was requested that Clerk/Treasurer Crystal Budde request the number of Village residents who have used the Household Hazardous Waste program in the past.

c.) Fourth Quarter Budget Status and Amendments

The Village’s Fiscal Year 2021/2022 is complete. This information is intended to provide a final status update and identify final budget amendments requiring Village Council approval. Some of the major budget items to note for the fourth quarter include:

- 1. Water and Sewer sales ended the year much higher than the budgeted numbers. This was due in part to conservative budgeting and a result of the rate increases.
- 2. The Sewer Fund saw a great deal of activity due to the bond refinance and MEDC WRI Project.
- 3. All funds and departments besides the Sewer and Equipment Funds ended the year with revenues above expenses.

Damian Omness moved to approve the Fiscal Year 2021/2022 Fourth Quarter Budget Amendments as presented.

Seconded by: Bill Harris.

Roll Call Vote:

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

Motion Carried 6-0.
Absent: Steve Crothers.

d.) Fiscal Year 2022/2023 Budget Adoption

Damian Omness moved to adopt Resolution Number 12-22. (See Attached)
Seconded by: Dan Zaverl.

Roll Call Vote:
Ayes: Omness, Zaverl, Termer, Harris, Sutton, and Inglis.
Motion Carried 6-0.
Absent: Steve Crothers.

14. COMMITTEE REPORTS:

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

The Planning Commission met on February 16, 2022 to continue the work on the review of the signs and parking portion of the Zoning Ordinance rewrite project. Planning Commission will meet again on March 15, 2022 at 6:00 P.M.

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 met prior to the Council meeting on February 28, 2022 to discuss the Getty Park Grant; details of applying for an additional grant; and, the upcoming International Children's Day event.

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: Damian Omness moved to approve the payment of the bills in the amount of \$68,508.12.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 6-0.

Absent: Steve Crothers.

16. ADJOURNMENT: Damian Omness moved to adjourn the meeting at 7:49 P.M.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers.

Council minutes are not official until approved at the March 14, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF March 14, 2022 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, Paul Inglis, Dan Zaverl, Damian Omness, Bill Harris, and John Sutton.

Absent: Steve Crothers.

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.) February 28, 2022

John Sutton moved to approve the minutes of the Regular Council meeting of February 28, 2022 as corrected.

Seconded by: Damian Omness.

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 reported that he had received an email from John Adams stating that he will be stepping down from his positions on the OCCAC and the Shelby Ad-Hoc Committee. He believes that the current Shelby Ad-Hoc Committee members will be well-suited for leading the group.

President Inglis replied to Mr. Adams that he was under the impression that the Ad-Hoc Committee concept was working and explained that VA Selner was in the process of converting all the lighting in the Village Hall offices to LED lighting.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that he will be at the Brown Bear from 11:00 AM to 1:00 PM on Wednesday, March 16, 2022. Everyone is welcome to stop by with questions, conversation, or ideas.

The Village's EGLE (Drinking Water State Revolving Fund (DWSRF) Project Plan has been approved and

Fleis & VandenBrink published the bid documents. Bid opening and award will be on April 8, 2022. The bid tabulation will be on the April 11, 2022 Council Agenda for consideration. The Village of Shelby plans to select the 20-Year bond term.

John Wilson, Parks Consultant, and VA Selner had several meetings over the last couple of weeks to finalize the plans regarding the CDBG Public Gathering Spaces Initiative grant application. The plan is to enhance the playground, add a splash pad, add a fire feature to the pavilion, and add pathway lighting at Getty Park. If awarded both grants, the Village's contribution is estimated to be around \$200,000.00 not including future donations. Additionally, the MDNR has indicated that the Village should have a Grant Agreement no later than April 16, 2022.

The Planning Commission will meet on March 15, 2022 at 6:00 PM to continue the Zoning Ordinance rewrite. They will be discussing Chapter 15 - Administration and Enforcement. In addition to discussion of the zoning rewrite, they will be reviewing the plans for the Shelby Elementary School. This review will be informational only as local zoning has no jurisdiction over school projects.

Michigan Treasury has released updated projections for Constitutional Revenue Sharing. Due to the delay in the certification of the 2020 Census, there was a need to adjust disbursement amounts to the Village. Treasury was unable to finalize inputting new population data due to the long delay in the State receiving it from the US Census. This resulted in every community continuing to be paid based on their 2010 population. Since communities are eligible to receive their adjusted payment going back to October of 2020, anyone that grew in population has been "underpaid" for that period and any community that declined in population has been "overpaid" since that time. The Village of Shelby's population declined, and the Village will have funds withheld from its April revenue sharing payment, and possibly the June and August payments as well in order to account for the adjustment. The Village's revenue sharing will be decreased by \$21,139.00. MML is lobbying on behalf of local units of government to maintain the funding levels communities previously received. Any necessary adjustments to the Village's Fiscal Year 2022/2023 budget will be made during the first quarter budget review in June.

The Shelby Township Board voted at their March meeting to no longer contribute to the replacement of their portion of the sidewalk on Sixth Street. VA Selner recommended moving forward with replacing the Village's portion as soon as possible. He will be discussing with Don DeVries, Village Engineer, how to best design the sidewalk that will create the best possible transition between the Village's share of sidewalk and the portion that is in Shelby Township.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse had nothing to report.

Chief Waltz reported that sentencing had taken place in an attempted murder case that took place in the Village last year. Chief Waltz praised officer Krause for a great job on the investigation of that case.

9. CORRESPONDENCE:

a.) Shelby Township Notice of Master Plan Adoption

Pursuant to the Michigan Planning Enabling Act, the Shelby Township Board notified Shelby Village of the adopted new Township Master Plan. The approved Master Plan can be viewed on the Township website, www.shelbytownshipoceana.com.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS:

a.) Hazardous Waste Disposal Program

Village Council postponed action on a contribution to the Manistee, Mason, and Oceana Counties Hazardous Waste Disposal Program at its February 28th meeting in order to obtain additional data on past years of financial participation in the event. The number of Village residents that used the program in the last five years are listed below:

2017 - 20 residents

2018 - 14 residents

2019 - 7 residents

2020 - 10 residents

2021 - 7 residents

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

Dan Zaverl moved to participate in the 2022 Manistee, Mason, and Oceana 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 Brady Selner, Village Administrator to sign the 2022 Contract and Agreement for Services Village of Shelby and Manistee, Mason, and Oceana Conservation Districts.

Seconded by: Damian Omness.

Roll Call Vote:

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

Nay: Termer.

Motion Carried 5-1.

Absent: Steve Crothers.

12. NEW BUSINESS:

a.) Village Hall Light Replacement

Consumers Energy was contacted in early January to discuss the Village's participation in their Energy Efficiency Rebate Program. A contractor that participates in the program provided a quote to complete the lighting upgrade at Village Hall. After the Consumers Energy rebate, the total project cost is \$4,318.75. Upgrading to LED lighting will save the Village an estimated \$86.95 per month with a return on investment in 4.14 years. This project will also greatly improve the appearance of the Village Hall.

Mike Termer moved to authorize Brady Selner, Village Administrator, to sign the Michigan Energy Business Solutions Quote dated March 6, 2022 in the amount of \$4,318.75.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 6-0.

Absent: Steve Crothers.

13. COMMITTEE REPORTS:

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

The Planning Commission will meet on March 15, 2022 at 6:00 PM and will continue to work on the Zoning Ordinance rewrite. Chapter 15 - Administration and Enforcement will be reviewed and discussed. The Commissioners will also be reviewing the plans for the new Shelby Elementary School. This will be informational only; local zoning has no jurisdiction over school projects.

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

Nothing to report.

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

The Township is no longer interested in contributing to the cost of replacing its portion of the Sixth Street sidewalk. The consensus is that the Village will replace the sidewalk within the Village limits. VA Selner was authorized to have the Village Engineer, Don DeVries, design the sidewalk in order to create the best possible transition between the Village portion and the Shelby Township portion.

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

Damian Omness reported that the planning for the International Children's Day Event on April 30th continues. Some of the downtown businesses are interested in doing promotions during the event.

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: Damian Omness moved to approve the payment of the bills in the amount of \$118,207.89.

Seconded by: Mike Termer

Roll Call Vote:

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

Motion Carried 6-0.

Absent: Steve Crothers.

15. ADJOURNMENT: Damian Omness moved to adjourn the meeting at 6:58 PM.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers.

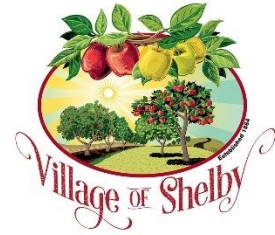
Council minutes are not official until approved at the April 11, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF, April 11, 2022 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, Paul Inglis, Dan Zaverl, Bill Harris, and John Sutton.
Absent: Steve Crothers 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.) March 14, 2022

Bill Harris moved to approve the minutes of the Regular Council meeting of March 14, 2022 as prepared.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers and Damian Omness.

5. ADDITIONS TO THE AGENDA:

a.) EGLE DWSRF Project Discussion Only

6. PRESIDENT'S REPORT: Nothing to report.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that he will be at Fresh Point Nutrition from 9:00 A.M. to 11:00 A.M. on Wednesday, April 13th. All are welcome to stop by with questions, conversations, or ideas.

The MEDC WRI Project will be out for bid by the end of April or early May. Construction on the two lift stations and well number 2 is anticipated to begin in early June.

The Michigan House and Senate passed a budget supplemental bill (SB 565) on March 24, 2022. The bill calls for \$4.7 billion in total investments that will benefit numerous areas, including local government, water infrastructure, roads, bridges, transit and mobility, housing, broadband, and parks

and recreation. Additionally, money was included to hold Villages and Cities harmless from the loss in constitutional revenue sharing due to population decline accounted for in the 2020 Census.

Fleis & VandenBrink has started the design work on the Sixth Street sidewalk. The existing sidewalk will be removed and rebuilt at grade. It will be designed at 6-feet wide instead of 5-feet to give a little more room between the road and the new retaining wall.

Progress on the draft Snow and Ice Control Procedure continues to be made. A Streets and Sidewalks Committee meeting will be scheduled the week of April 18th to discuss the plan. VA Selner plans to have the document to Village Council for consideration at the April 25th Council meeting.

Williams & Works was contacted to provide a proposal to assist with visioning exercises for the Village's downtown. It is in the preliminary stages, but we plan to hold a community input session with charettes to guide the future of downtown. After the visioning exercises are complete, the façade grant program will be implemented, and planters will be purchased.

The draft Fund Balance Policy is almost complete. VA Selner anticipates bringing the policy to the Finance Committee for discussion the week of April 18th. Having this policy in place will be instrumental in guiding the Village's financial decisions in the future.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Helenhouse had nothing to report.

Chief Waltz had nothing to report.

9. CORRESPONDENCE:

a.) Oceana County Emergency Management Department

Oceana County Emergency Management, with assistance of the West Michigan Shoreline Regional Development Commission (WMSRDC), is updating the Oceana County Hazard Mitigation Plan. The plan allows Oceana County, and local municipalities that participate in the planning process, the ability to apply for funding to lessen or prevent the effects of natural hazards. The plan is required by the Federal Emergency Management Agency (FEMA) to be updated every five years. A point of contact will need to be appointed for each community who participates.

President Inglis appointed Village Administrator Brady Selner as the point of contact for the Village of Shelby.

b.) Letter from Senator Jon Bumstead

Clerk/Treasurer Budde and President Inglis both received a letter from Senator Jon Bumstead stating that the Michigan Legislature approved Senate Bill 565 to make significant investments in water infrastructure, roads and bridges, broadband, and provide assistance to local governments:

1. Water State Revolving Funds - \$1.265 billion
2. Dam Safety and Infrastructure - \$250.0 million
3. State and Local Parks - \$450.0 million
4. State and Local Road and Bridge Program - \$316.7 million
5. Broadband - \$250 million
6. Non-Entitlement Unit Funding - \$322.1 million
7. 2020 Census City, Village, and Township Revenue Sharing - \$45.4 million.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. PUBLIC HEARING:

- a.) MEDC CDBG Public Gathering Spaces Initiative Grant

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

In March 2022, the Community Development Block Grant program initiated the Public Gathering Spaces (PGS) grant program for low to moderate income communities. The delay by the National Park Service (NPS) has provided Shelby the opportunity to enhance our pavilion/restroom building, provide lighting along a large portion of the pathway in the park, enhance the gazebo to serve as a bandshell, and provide the community with two unique park amenities: a splash pad and a universally designed playground. With the award of the Land and Water Conservation Fund (LWCF) and hopefully the award of the MEDC funds, Getty Park will have an accessible pathway to pickleball courts, tennis and basketball courts, pavilion/restroom building (with fire feature), splash pad, universally designed playground, POW Camp Memorial, open play space, natural landscaping, and lighting along a good portion of the pathway on the southern end of the park.

The project scope of the Village funding request through the Community Development Block Grant – PGS program is for construction assistance on the following amenities:

1. An accessible restroom/pavilion facility.
2. Purchase and installation of a universal designed playground (Universal Design is the design and composition of an environment so that it can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability).
3. Construction of a splash pad.
4. Construction of a gazebo/band shell.
5. Outdoor lighting to complement these amenities, assist with participant safety, and to increase the seasonal offerings in Getty Park.

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

John Wilson, Shelby Village Parks Consultant believed this project will be significant for the Village of Shelby and that the park will bring people to the downtown. Shelby is a diamond in the rough and by shinning it up, things will improve.

Laura St. Lewis, Disability Network West Michigan, State Street, Hart, Michigan. is in favor of the project. The playground will be accessible for everyone, not just children who can walk. Many times, children in wheelchairs are left out and it is great that this plan will provide a play area for all children.

Brad Hastings, Advocacy and DDA Coordinator, Disability Network West Michigan, stated he has been in communication with John Wilson and VA Selner throughout this project and wanted to speak in favor of the project and give his support. If the plan is approved and funds are granted, Shelby will have the most accessible park in Oceana County. This park will allow for all children, including those with disabilities, the opportunity to come to the park and use this space. The ADA has requirements for play areas that dictate how many elements need to be accessible. The Village's playground plan far exceeds the requirements and provides children without disabilities to play with children with disabilities.

Gary McKeen, 247 56th Avenue Mears, Michigan, serves on the Oceana County Parks and Recreation Commission and supports the grant application for the improvements to Getty Park. He stated that John Wilson is doing a great thing in helping Shelby apply for the funding for Getty Park. Getty Park has a long history, and it is a park that needs to be preserved but it needs to be improved in order to be a great spot for everyone in the community.

Councilman Mike Termer asked Mr. McKeen if the County Parks and Recreation Commission does anything to help promote the parks in Oceana County. Mr. McKeen responded that they do have park maps of Oceana County parks; however, he would like to create better maps with more information of the Oceana County parks and to include local community parks for residents and guests. Mr. McKeen wished the Village much success with the park project.

Mishelle Comstock, Shelby State Bank President and Chief Executive Officer, echoed what the other speakers said. This is a phenomenal opportunity for the Village to expand the park and really make it a great space for the community.

President Inglis closed the Public Hearing at 6:30 P.M.

12. OLD BUSINESS:

a.) Fall Festival Financial Contribution

Shelby Township had previously asked the Village Council to commit \$5,000.00 of the Village's

American Rescue Plan (ARP) funds for the Fall Festival event this year. VA Selner is confident that it is acceptable for the Village to allocate ARP funds for the event; however, it should be noted that ARP funds should be used on one-time expenses due to the fact that they are not a typical source of revenue. VA Selner will put this item on the agenda for the next Village Council meeting.

13. NEW BUSINESS:

a.) EGLE DWSRF Bond Authorizing Ordinance

Dykema Gossett PLLC has prepared the required Bond Authorizing Ordinance for the issuance and sale of junior lien revenue bonds to pay part of the cost of improving the water distribution and production system in the Village of Shelby. The Notice of Intention to Issue Revenue Bonds and Right to Petition for Referendum was posted in the Oceana's Herald-Journal on February 24, 2022. More than 45 days have elapsed since February 24, 2022, and no petition for referendum in regard to this matter has been filed with the Village.

Bill Harris moved to adopt Ordinance No. 2022-1, an Ordinance to Provide for the Issuance and Sale of Junior Lien Revenue Bonds to pay part of the cost of improving the water distribution and production system in the Village of Shelby.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Steve Crothers and Damian Omness.

b.) EGLE DWSRF Project Discussion

Bid opening for the ELGE DWSRF project was Friday, April 8, 2022. Four bids were received for Contract A – Water System Improvements, and three bids were received for Contract B – Lead Service Line Replacement. The low bid for Contract A came in approximately \$400,000.00 above the engineer's estimate. The exact numbers will be available when Don DeVries completes the bid tabulation.

Under this year's EGLE DWSRF program, no additional money will be given if bids are higher than the amount requested. Village Council will need to determine how they wish to move forward with the project. The three options are:

1. Cut the project scope to bring the project within the approved EGLE award amount.
2. Use cash from the Village's fund balance(s) to cover the funding gap.
3. Combination of 1 and 2.

VA Selner reported there is a possibility of increasing the bond amount that the Village is borrowing and covering the additional costs that way. He is still waiting to hear if this is an option for the Village and will have this item on the agenda for the next Village Council meeting.

c.) MEDC CDBG Public Gathering Spaces Authorizing Resolution

Mike Termer moved to adopt Resolution No. 16-22. (See attached)
Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 5-0.

Absent Steve Crothers and Damian Omness.

14. COMMITTEE REPORTS:

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

The Planning Commission met on March 15, 2022 to continue its review of the draft Zoning Ordinance rewrite and to review plans for the new Shelby Elementary School. The next Planning Commission meeting is set for April 19, 2022 at 6:00 PM.

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 met prior to the Council meeting. VA Selner reported that he is still waiting to hear back from Weesies for a landscaping plan for the Pocket Park. Lochlan Kelley is in need of a project for his Eagle Scout badge and would like to build flower boxes and a checker/chess board for use at the Pocket Park. Committee Chair Damian Omness reported that the planning for the International Children’s Day celebration is coming together, and everything is set for the event.

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:

a.) March 28, 2022

Bill Harris moved to approve the payment of the bills of March 28, 2022 in the amount of \$117,437.01.
Seconded by: Dan Zaverl.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Steve Crothers.

b.) April 11, 2022

Mike Termer moved to approve the payment of the bills of April 11, 2022 in the amount of \$44,148.54.
Seconded by: John Sutton.

Roll Call Vote:

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

Absent: Steve Crothers and Damian Omness.

16. ADJOURNMENT: Bill Harris moved to adjourn the meeting at 7:13 PM.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

Absent: Steve Crothers and Damian Omness.

Council minutes are not official until approved at the April 25, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF APRIL 25, 2022 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, Bill Harris, and John Sutton.

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.) April 11, 2022

Bill Harris moved to approve the minutes of the Regular Council meeting of April 11, 2022 as corrected. Seconded by: Steve Crothers.

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 Streets and Sidewalks Committee met on April 20th to discuss the draft Snow and Ice Control Procedure. Suggested changes will be discussed with the DPW Supervisor and sent back to the Committee members for final review. It is anticipated that the document will be ready for consideration at one of the Village Council meetings in May.

The shade structure has been installed at the Pocket Park. The picnic tables and benches will be installed next week. Kudos to the Department of Public Works is warranted for all their hard work on this project.

The Children's Day Celebration will be held Downtown Shelby on April 30th from 12:00 P.M. to 5:00 P.M. Downtown will be closed from Hometown Pharmacy to Fourth Street. The event will include bounce houses; a climbing wall; arts and crafts; books and puppet shows; costumed characters; and, more. A big thank you to the event sponsors: Shelby State Bank, The Shelby Optimist Club; the Oceana Hispanic Center; The Shelby Rotary Club; Fleis and VandenBrink Engineering; Shelby Public Schools; and, other community partners. In addition, several downtown restaurants will be offering specials

for the duration of the event.

The timesheets module has been installed and is now being used for payroll. This program will save substantial time on payroll and will serve as a useful tool in the budget development process.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that the Village Dump Day will be held on May 14 at the Shelby Optimist Club between 9:00 A.M. and 1:00 P.M. He also reported that blight cleanups are going well. They still have a few to address; overall, everyone is getting things cleaned up.

VA Selner reported on behalf of DPW Supervisor Helenhouse that the Industrial Lift Station is currently running on one pump. One of the pumps had damage to the impeller and is currently not operating. With the Industrial Lift Station rebuild scheduled to be completed later this year, it is not planned to be repaired at this time.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS:

a.) 2022 Fall Festival Financial Contribution

The 2022 Fall Festival will be held on October 1, 2022 from 12:00 P.M. to 7:00 P.M. Shelby Township has requested the Village to contribute \$5,000.00 from its allocated American Rescue Plan Act (ARPA) funds. This will be the last year Shelby Township contributes to the event. The additional municipal contributions will ensure another successful event so that it can become self-sufficient in year three and beyond. Based on the Final Rule, this would be a lawful expenditure of ARPA dollars.

Damian Omness moved to contribute \$5,000.00 from the Village of Shelby's American Rescue Plan Act funds for the 2022 Fall Festival event.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

12. NEW BUSINESS:

a.) EGLE DWSRF Bid Approvals

The Intent to Apply for EGLE's Drinking Water Revolving Fund (DWRf) program was submitted to EGLE on January 28, 2021. Since that time, the Village of Shelby has worked through the Third Quarter Project Milestone Schedule and is nearing the EGLE Order of Approval date set for May 16, 2022. The next step is for Village Council to tentatively award the construction bids for the projects 7605-01 (Lead Service Line Replacement) and 7606-01 (Watermain Replacement). Both bids came in higher than the

estimates and this year EGLE is not extending additional funding to cover the differences.

To complete the full project scope, VA Selner recommended utilizing the fund balance from Local and Major Streets to cover the difference in the bid amounts and engineering/legal costs. The alternative would be to reduce the project scope. Due to price increases, the Village already needed to cut back the number of lead service line replacements to match the grant amount from EGLE from 660 to 425. It is most advantageous to replace as many lead service lines as possible.

Steve Crothers moved to adopt Resolution Number 18-22. (See Attached)
Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

Steve Crothers moved to adopt Resolution Number 19-22. (See Attached)
Seconded by: Damian Omness.

Roll Call Vote:

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

Nays: Termer.

Motion Carried 6-1.

c.) Fund Balance Policy

Village Council requested a Fund Balance Policy to be drafted to assist with fiscal accountability and to help guide future financial decisions. The Finance and Insurance Committee met on April 20, 2022 to review the draft Fund Balance Policy and has recommended the policy be adopted as written. VA Selner was informed after the Finance and Insurance Committee that the Village had an existing Fund Balance Policy. If this policy is adopted, the former policy would be rescinded.

The minimum and maximum fund balances for each fund are as follows:

General Fund minimum balance 50% and maximum fund balance 150%

Major Streets Fund minimum balance 70% and maximum fund balance 200%

Local Streets Fund minimum balance 70% and maximum fund balance 200%

Sewer Fund minimum balance 30% + debt and maximum fund balance 100% + debt

Water Fund minimum balance 30% + debt and maximum fund balance 100% + debt

Equipment Fund minimum balance 100% and maximum fund balance N/A

Steve Crothers moved to adopt the Fund Balance Policy as written and to be included annually in the Village of Shelby budget document beginning with the Fiscal Year 2023/2024 Budget. Be it further resolved to repeal the former Village of Shelby Fund Balance Policy adopted June 26, 2012.
Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

13. COMMITTEE REPORTS:

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

The Planning Commission met on April 19, 2022 to review Chapter 14 - Special Land Uses in the proposed Zoning Ordinance. The Planning Commission will meet on May 17, 2022 at 6:00 P.M. to continue to review the definitions in the proposed Zoning Ordinance.

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:

Committee Chair Damian Omness informed the Council that everything is set for the upcoming Children's Day Celebration. There will be inflatables, a rock-climbing wall, food vendors, music, storytelling and puppets, and the library is doing a book giveaway.

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

The Finance and Insurance Committee members met with the Village's auditor Eric VanDop for an annual entrance conference. The Village's annual audit will take place the week of May 2, 2022.

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 April 25, 2022 in the amount of \$44,172.66.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 7:09 P.M.
Seconded by: Damian Omness.

Voice Vote: All in favor.
Motion Carried.

Council minutes are not official until approved at the May 9, 2022 Council meeting.

Approved

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



April 25, 2022

No. 18-22

**A RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS**

WHEREAS, the Village of Shelby wishes to construct improvements to its existing water treatment and distribution system; and

WHEREAS, the water system improvements project formally adopted on June 28, 2021 will be funded through the state of Michigan's Drinking Water Revolving Loan Fund (DWRP) program; and

WHEREAS, the Village of Shelby has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$1,224,278.00 from Apex Excavating & Underground, LLC.; and

WHEREAS, the Village's engineer, Fleis & VandenBrink has recommended awarding the contract to the low bidder.

NOW THEREFORE BE IT RESOLVED, that the Village of Shelby tentatively awards the contract for construction of the proposed water system improvements project to Apex Excavating & Underground, LLC. contingent upon successful financial arrangements with the DWRP.

Yeas: Crothers, Omness, Termeri Zaveri, Harris, Sutton, and Inglis.

Nays:

Abstain:

Absent:

I certify that the above Resolution was adopted by the Village Council on April 25, 2022.

BY: Crystal Buddle Clerk/Treasurer
Name and Title (please print or type)

Crystal Buddle
Signature

4-25-2022
Date



April 25, 2022

No. 19-22

**A RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS**

WHEREAS, the Village of Shelby wishes to construct improvements to its existing water treatment and distribution system; and

WHEREAS, the water system improvements project formally adopted on June 28, 2021 will be funded through the state of Michigan's Drinking Water Revolving Loan Fund (DWRP) program; and

WHEREAS, the Village of Shelby has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$3,399,462.40 from Hallack Contracting; and

WHEREAS, the Village's engineer, Fleis & VandenBrink has recommended awarding the contract to the low bidder.

NOW THEREFORE BE IT RESOLVED, that the Village of Shelby tentatively awards the contract for construction of the proposed water system improvements project to Hallack Contracting contingent upon successful financial arrangements with the DWRP.

Yeas: Cruthers, emness, Zaveri, Harris, Sultan, and Inglis
Nays: Termer
Abstain: A
Absent: A

I certify that the above Resolution was adopted by the Village Council on April 25, 2022.

BY: Crystal Budde Clerk/Treasurer
Name and Title (please print or type)

Crystal Budde
Signature

April 25, 2022
Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF May 9, 2022 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, 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.) April 25, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of April 25, 2022 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 he had a conference call to confirm the loan, loan forgiveness, and grant amounts for the Village's EGLE Drinking Water State Revolving Fund (DWSRF) projects. The EGLE Order of Approval is set for May 16, 2022 with the bond closing set for June 6, 2022. The Village will pay its first interest payment on October 1, 2022 and the first principal payment on October 1, 2023. Contract B (lead service line replacement) will begin in June. Due to supply chain delays, Contract A (watermain replacement) will likely not begin until September or October. The Village's MDOT Category B grant expires September 30, 2022. VA Selner will be requesting a one-year extension to coordinate with the watermain project.

There is a delay in getting the Village's Michigan Economic Development Corporation Water Related Infrastructure (MEDC WRI) project out to bid. Well number 2 requires a restrictive covenant to be recorded with the Oceana County Register of Deeds for any property owner within the 100-foot isolation area of the well. The anticipated June 1, 2022 construction start date will be extended

accordingly.

The Village of Shelby has been selected to be a part of the Right Place's regional application for the MEDC's Revitalization and Placemaking Grant. VA Selner has a meeting next week to discuss the Village's Getty Park Project with the Right Place. This is another opportunity to receive additional funding for Getty Park. The Village's subgrant application is due May 23, 2022 and the regional application is due June 3, 2022.

The lights at the Village Hall have been replaced as part of the Consumers Energy rebate program.

The Water and Sanitation Committee met on May 4, 2022 to discuss a proposed housing project just north of the Village limits. Peterson Farms intends to build four 6-plexes and twelve, 800 square foot single-family homes. Water and sewer from the Village's system is being requested. This project is separate from the watermain extension to the Oceana Acres apartments on Baseline Road, but the agreements for both projects will likely be very similar. Parmenter Law is drafting the agreement which will be reviewed by Shelby Township and the Water and Sanitation Committee before coming to the Village Council for consideration.

VA Selner reported that he hopes to have the Snow and Ice Removal Procedure completed soon. He needs to connect with the Oceana County Road Commission to develop a memorandum of understanding for mutual aid before the policy can be completed.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse reported that EGLE will be on site Wednesday, May 11, 2022 for the tri-annual well house inspections. This is a standard procedure that is required by EGLE to ensure that the Village is following guidelines and protocols.

Chief Waltz reported that 215 Pine Street had a large amount of garbage out by the road and that will be taken care of within the next few days.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION:

a.) Dave Spitler

Dave Spitler, Oceana County Road Commission Board Member addressed the Council and related that he had been appointed to the Road Commission Board to fill a vacancy last year. They have come to the next election cycle and the vacancy he filled is up for re-election. Mr. Spitler is running non-partisan and will be on the November ballot. He has been on the Oceana County Board of Road Commissioners for a little over a year and hopes that he can continue to serve those in Oceana County. Mr. Spitler also stated that he appreciates everything that the Village Council is doing in the Village of Shelby. It is hard to keep things going in a small community and the Village Council is doing positive things. He also praised VA Selner and stated that he has been an excellent resource for the Shelby Trails project.

11. OLD BUSINESS: No Old Business.

12. NEW BUSINESS:

a.) La Conasupo Easement Violation

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 the Village property. At the July 12, 2021, Village Council meeting, the 2010 easement was amended to expand the size of the easement to construct certain improvements within the easement area. The improvements included replacing the roof overhang/ramp and adding a concrete pad.

At the November 22, 2021 Village Council meeting, an amendment was approved specifically permitting the placement of a dumpster enclosure and shed within the easement. The amendment also included language that required the shed to be removed upon the Grantee's vacation of its property or the termination of the easement. On April 25, 2022, VA Selner inspected the property and found the improvements to be inconsistent with the approved easement. There are three options for the Village Council to consider:

1. Terminate the entire easement.
2. Remove the violation and maintain the approved easement.
3. Amend the easement to be consistent with what the improvements are.

VA Selner recommended that the owners remove the violation and proceed with the approved amendments.

Elizabeth Suarez, owner La Conasupo, stated that she has invested a great deal of money into the business. She asked that the Village Council not request her to remove the addition as she is using that for storage and does not have it in her budget to do that. She stated that an engineer has inspected the area and is pleased with the addition. Much discussion ensued.

Mike Termer moved to allow an amendment to the easement agreement between the Village of Shelby and La Conasupo contingent on the information regarding fire lanes from Fire Chief Jack White. Seconded by: Damian Omness.

Roll Call Vote:

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

Nays: Harris.

Motion Carried 6-1.

13. COMMITTEE REPORTS:

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

The Planning Commission will be meeting on Monday, May 16, 2022 at 6:00 P.M. to review the definitions portion of the Zoning Ordinance Rewrite.

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

The Water and Sanitation Committee met on May 4, 2022 to discuss the request for Village water and sewer for the Peterson Farms proposed housing project. VA Selner will be presenting a proposed agreement once the Village attorney has completed it.

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 Damian Omness reported that, due to the weather, the Children's Day Event did not go as planned. Some businesses still took part and offered specials and activities for the kids. Shelby District Library had activities available for the kids as well. He hopes to schedule the event next year later in the summer. President Inglis commended Damian for all his work related to the Children's Day Event.

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 \$46,134.29.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 7:13 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the May 23, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, MAY 23, 2022 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 6:03 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.) May 9, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of May 9, 2022 as corrected.

Seconded by: Mike Termer.

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:

The Planning Commission met on May 16, 2022 and discussed Chapter 2 (Definitions) of the draft Zoning Ordinance. The next few meetings will be for reviewing the full and completed draft. The Planning Commission will revisit several areas of the Ordinance to ensure the language matches desired outcomes.

Clerk/Treasurer Budde and VA Selner met with Lenz-Balder Insurance to review the Village's 2022 health insurance plans. If the Village maintains its current plans, the Village will see an 8.2% increase in premiums. The Finance and Insurance Committee will meet to review this in further detail.

The Village received its Worker's Compensation coverage renewal for the period July 1, 2022, to June 30, 2023. This year, the Fund has been authorized to distribute \$14 million of surplus for the Fund years June 30, 2011 – 2019. The Village's share of the distribution is \$10,679.00 which is applied to this year's annual premium of \$13,547.00. The total cost of the renewal is \$2,873.00.

The Village staff has begun preparing to sell the old Ford dump truck. The minimum bid has been set and the bidding opportunity will be published in multiple locations. The truck should be sold within the next few weeks.

The Ford F-250 that was ordered in August of 2021 is scheduled for production the week of June 6, 2022. It is anticipated that the truck will be delivered within the next couple of months.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse reported that the Harvey lift station has lost another pump. That pump was sent in for repair and will be done as soon as possible.

Chief Steve Waltz had nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS:

a.) Peterson Farms Proposed Housing – Discussion Only

Following further discussion regarding the extension of water and sewer to the proposed housing development just north of the Village limits, it was agreed that annexing the development to the Village of Shelby should be considered and is the most beneficial option. The specific details will continue to be worked out in the following weeks and presented to both the Shelby Township Board and the Village Council as necessary.

Richard Raffaelli, Shelby Township Supervisor, believed this will be a win for everyone. The Village of Shelby will have the opportunity to increase its tax base and the two government agencies will be working together to provide affordable housing that is much needed in Oceana County.

Kittie Tuinstra, Dogwood Community Development, stated she believes this is a win for everyone and a great plan to provide much needed housing in the area.

12. NEW BUSINESS:

a.) Oceana County Housing Needs Assessment

Dogwood Community Development has received several proposals for consultants to conduct a Housing Needs Assessment for Oceana County. They have narrowed their search to Bowen National Research. With a consultant selected, they are applying for an Oceana County's American Rescue Plan Act (ARPA) grant. In addition, they are gathering support from other local communities within Oceana County. The total base cost for the study is \$24,000.00 but there are options to add additional services. VA Selner recommended that the Village of Shelby contribute \$2,000.00 to have a Community Profile completed specific to the Village of Shelby.

Kittie Tuinstra stated that there is a massive need for housing in Oceana County. An assessment will point out what type of housing is needed in each community within Oceana County. Much discussion ensued.

Damian Omness moved to authorize Brady Selner, Village Administrator, to provide a letter of support to Dogwood Community Development in support of the Oceana County Housing Needs Assessment performed by Bowen National Research.
Seconded by: John Sutton.

Roll Call Vote:

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

b.) Set Public Hearing For 2022 Tax Millage Rates

Pursuant to the General Property Tax Act, Act 206 of 1893, the Village of Shelby is required to conduct a Public Hearing to adopt its allowable tax millage for the 2022 tax year.

Steve Crothers moved to set a Public Hearing to receive comments regarding the 2022 Tax Millage Rates for Monday, June 13, 2022, at 6:15 P.M. at Shelby Village Hall, 218 N. Michigan Avenue, Shelby, Michigan 49455.
Seconded by: Damian Omness.

Roll Call Vote:

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

c.) MDNR LWCF Project Agreement Resolution

The Village has received the Project Agreement from the Michigan Department of Natural Resources (MDNR) for the Getty Park Project. The next step is for Village Council to accept the terms of the Project Agreement and to appropriate the required match. Once the Village has heard back from the two other Getty Park grant opportunities, park design will be completed and bid documents prepared. The anticipated timeline is for site preparation to begin this fall and construction to begin in Spring 2023.

Damian Omness moved to approve Resolution number 24-22 (See Attached)
Seconded by: Mike Termer.

Roll Call Vote:

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

d.) Street Line Painting

The Oceana County Road Commission (OCRC) was contacted to see if there is an opportunity to coordinate street line painting. It is possible for Michigan Pavement Markings to do the Village's road line striping at the same time they do the County roads. The County will have their roads started just after Memorial Day, or possibly sooner. This is separate from the downtown pavement marking proposal that was received and considered by the Streets and Sidewalks Committee. Due to the nature of that work, the price will remain the same regardless of coordination with the OCRC. In the Fiscal Year 2022 -2023 budget, \$10,000.00 was budgeted for street line repainting. VA Selner recommended Michigan Pavement Markings complete the long line striping in conjunction with the Oceana County roads. The Village will be billed separately and at the same rate as the County. The pavement markings for downtown will be considered separately.

Mike Termer moved to authorize Village Administrator, Brady Selner, to spend up to \$5,000.00 for Michigan Pavement Markings, LLC to complete centerline painting on all necessary Village of Shelby streets.

Seconded by: Dan Zaverl.

Roll Call Vote:

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

Motion Carried 7-0.

13. COMMITTEE REPORTS:

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

The Planning Commission met on Monday, May 16, 2022 and reviewed the definitions portion of the draft Zoning Ordinance.

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 will be meeting in the near future. Items of discussion will include a cleanup near the Rail Trail and discussion of the Soccer Park. Waiting on a sketch plan from Weesies for the landscaping of Pocket Park.

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

The Finance and Insurance Committee will be meeting to review the Health Insurance renewal information.

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 \$49,104.76.
Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT:

Steve Crothers moved to adjourn the meeting at 7:14 P.M.
Seconded by: Mike Termer

Voice Vote: All in favor.

Motion Carried.

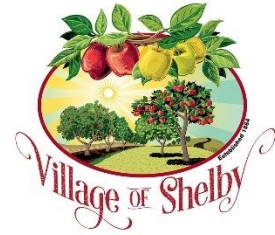
Council minutes are not official until approved at the June 13, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, JUNE 13, 2022 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, 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.) May 23, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of May 23, 2022 as corrected.

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 will meet the week of June 20, 2022 to review a full draft of the Zoning Ordinance.

The Finance and Insurance Committee will meet the week of June 20 to review the Village health insurance plans.

The Organizational Analysis of the Village's General Law Ordinance was submitted to General Code. VA Selner will have a brief phone conference with General Code next week to ensure that everyone is on the same page prior to moving forward to the Legal and Editorial Analysis stage of the project.

Parmenter Law has been working to draft an updated easement to match the work that was completed at La Conasupo. Once the draft is complete, VA Selner will send a copy to Elizabeth Suarez and her attorney for review. He anticipated that it will be ready for consideration at the June 27th

Council meeting.

VA Selner submitted a grant application at the end of May to seek additional funding for the Village's downtown revitalization efforts. The funding request was to gather robust community input on the future of downtown Shelby and for implementation of a façade grant program. He anticipates hearing back from the County at the end of June or early July.

VA Selner reported that he will be on a family vacation at the time of the next Village Council meeting on June 27th. He will be available during the meeting to answer any questions that might come up.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that a new part-time officer, Chad Skiba, was sworn in last week. He will be helping to cover needed shifts. Chief Waltz related that he has heard nothing but great things about Mr. Skiba.

DPW Supervisor Jeremiah Helenhouse reported that he has hired a part-time DPW Laborer to do the mowing of the parks. Jason LaFever will start work on Tuesday, June 14.

9. CORRESPONDENCE:

a.) Letter of Support – MEDC Revitalization and Placemaking Program

President Inglis wrote a letter of support for the Village of Shelby's request for funding for assistance from the Michigan Economic Development Corporation's (MEDC) Revitalization and Placemaking (RAP) Program for its "Renovation of Getty Park" project.

10. CITIZEN PARTICIPATION:

Curt VanderWall introduced himself to the Village Council and public in attendance at the Council meeting. Mr. VanderWall is running for State Representative from the 102nd House District which covers Mason County, Oceana County, five municipalities in Manistee County and nine municipalities in Muskegon County.

11. PUBLIC HEARING:

a.) 2022 Village of Shelby Tax Millage Rate

President Inglis opened the Public Hearing regarding the 2022 Village of Shelby Tax Millage Rate at 6:10 P.M.

In accordance with the Uniform Budgeting Account Act, PA 2 of 1968 on all real and personal property in the Village of Shelby, the Village Council will need to approve the Village's 2022 tax millage rate. The proposed mills are as follows:

General Operation:	10.8439 Mills
Local Street:	4.3374 Mills

Total Mills: 15.1813 Mills

President Inglis closed the Public Hearing at 6:13 P.M.

12. OLD BUSINESS: No Old Business.

13. NEW BUSINESS:

a.) 2022 Village of Shelby Tax Millage Rate

Steve Crothers moved to adopt Resolution 26-22. General Operating Mills of 10.8439 and Local Street Mills of 4.3374. Total Mills of 15.1813.
Seconded by: Bill Harris.

Roll Call Vote:
Ayes: Crothers, Harris, Zaverl, Omness, Sutton, and Inglis.
Nays: Termer.
Motion Carried 6-1.

b.) First Quarter Budget Amendments

The Village is three months into Fiscal Year 2022/2023. Budget Amendments are performed on a quarterly basis. The objective of this practice is to ensure the Village has remained on budget and to adjust the budget as the Fiscal Year carries forward. Some of the major budget items to note for the first quarter include:

1. Revenue increase in the Personal Property Tax Reimbursement in the General Fund and Local Streets Fund.
2. Accounting for the sponsorship revenue and expenditures for the International Children’s Day event.
3. \$1,000.00 increase in the overall Parks and Recreation Department budget for irrigation at the Downtown Pocket Park.
4. Removed \$2,750.00 from Professional Services in the Parks and Recreation budget. ADA report for the Village Parks will be postponed.
5. Correcting a typo in the Water Fund Payroll W/H Retirement account number.

The additional revenue from the Property Tax Reimbursement will be maintained as a surplus in this budget and used in later amendments if required.

Steve Crothers moved to approve the Fiscal Year 2022/20223 First Quarter Budget Amendments as presented.
Seconded by: John Sutton.

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

c.) Pocket Park Landscaping

Many of the amenities in the downtown pocket park have been installed. The water bottle filling station, bike rack, and sign will be installed soon. Rob Weesies provided a quote to have traditional landscaping installed in the park. The total cost for the landscaping is \$4,825.73 with an additional \$800.00 - \$1,000.00 to have irrigation installed. The design does include the removal of the existing junipers and replacing them with smaller junipers. The Parks, Recreation and Buildings Committee met prior to the Council meeting for approval.

Damian Omness moved to authorize Village Administrator Brady Selner to sign the proposal from Weesies Brothers, Montague, Michigan for the installation of landscaping and irrigation in the downtown Pocket Park at a total cost not to exceed \$6,500.00.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

14. COMMITTEE REPORTS:

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

The Planning Commission will meet next week to review the rough draft of the proposed Zoning Ordinance Rewrite.

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 Chair Damian Omness reported that he met with John Wilson to discuss the groundbreaking event for Getty Park which will take place on August 6, 2022 at Getty Park.

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:

The Ordinances Committee met last week to review the Organizational Analysis provided by General Code. The next step will be for the Committee to review an online draft. Overall, General Code appears to be doing a great job on the project.

15. PAYMENT OF BILLS: Steve Crothers moved to approve the payment of the bills in the amount of \$60,220.83.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 7-0.

16. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 6:49 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the June 27, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, June 27, 2022 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, Bill Harris, and Steve Crothers.

Staff present: 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.) June 13, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of June 13, 2022 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 he received an email from Ron Maynard, Executive Director, Oceana County Economic Alliance, with an invitation to attend a meet and greet for Sara Lucas on Tuesday, June 28, 2022. Ms. Lucas is the newly appointed Director of the new Michigan Office of Rural Development. It is officially under MDARD but is being positioned as its own office. President Inglis will be attending on behalf of the Village, as VA Selner has a prior commitment.

7. ADMINISTRATOR'S REPORT:

President Inglis reviewed VA Selner's Administrators Report.

Parmenter Law has provided VA Selner with a draft of the updated easement to match the work that was completed at La Conasupo. He has sent a copy to Elizabeth Suarez and her attorney to review. Additionally, a survey of the property with the new improvements is being completed. Once the survey is completed and if La Canasupo is agreeable to the amended language, it will be placed on the Village Council Agenda; likely, July 11th or July 25th.

The updated project start date for the lead service line replacement is this August. The watermain replacement will be held off until Spring of 2023. Hallack Contracting has indicated that the earliest the Village will receive the watermain is this October. The two lift stations were put out for bid. Responses are due no later than July 14, 2022 at 2:00 P.M. VA Selner will continue to work through the need to have restrictive covenants signed by residents with property within the 100-foot radius of the new well. As soon as this is completed, the well will be put out for bid.

Progress continues to be made organizing the groundbreaking event for Getty Park. Save the dates will be sent to several community stakeholders next week. VA Selner is working with Eric VanDop to confirm what items the Village can lawfully purchase for the event. Once VA Selner has confirmed this, he will update Village Council on the budget to verify Village Council is comfortable with the numbers. The F-250 ordered last summer was delivered on Friday, June 24th. DPW decals will be installed Monday, June 27th and it will be upfitted with lights as soon as possible. The DPW truck fleet is now completely updated.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that the dogs that have been running at large throughout the Village are still an issue. The owners have made the decision to surrender the dogs.

DPW Supervisor Jeremiah Helenhouse reported that the water has been installed at the Pocket Park and the staff will be working on running the electricity ran next week. Getty Soccer field is still in need of attention, and they are continuing to work on that.

9. CORRESPONDENCE:

a.) Bill Harris Resignation

President Inglis received a letter of resignation from Councilman Bill Harris. Mr. Harris will be resigning from his seat on the Village Council effective June 28, 2022 due to the fact that he will be moving out of the Village of Shelby.

10. CITIZEN PARTICIPATION:

Mark Olmstead, Shelby Public Schools new Superintendent, addressed the Council. He is looking forward to continuing to support and help the Village with any upcoming projects and/or events.

Phil Morse addressed the Council. Mr. Morse is running for Re-election as Oceana County Commissioner representing the Village of Shelby. He was present for the meeting to get the word out that the new Sheriffs Office/Jail will be on the August Ballot. The proposed facility would be located South of Polk Road. It is likely that the current facility will be demolished and made into a parking lot.

11. OLD BUSINESS: No Old Business.

12. NEW BUSINESS:

a.) Authorize Health Insurance Renewal

The Village of Shelby's Health Insurance Policy is up for renewal. The new policy term begins August 1, 2022. There was an 8.2% total increase in the Priority HMO Gold 1000 and Priority HSA HMO 2350/0% plans. VA Selner is recommending maintaining the Village's existing health insurance options. The insurance carrier did add \$50.00 and \$100.00 to the single and family deductibles for the Priority HSA HMO plan. The Fiscal Year 2022/2023 Budget includes \$105,840.00 for employee health insurance premiums. The budgeted amount is still much higher than the proposed rates of \$85,755.96. VA Selner intentionally budgeted conservatively to cover the cost of any premium increase.

Steve Crothers moved to renew the Priority Health Insurance Priority HMO Gold 1000 Plan and Priority HSA HMO 2350/0% Plan for a Policy Term beginning August 1, 2022 and ending July 31, 2023. Be it further resolved to renew the Deta Dental Plan and VSP Vision Plan for a Policy Term beginning August 1, 2022 and ending July 31, 2022.

Seconded by: John Sutton.

Roll Call Vote:

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

Nays: Zaverl.

Motion Carried 6-1.

13. COMMITTEE REPORTS:

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

The Planning Commission did not meet in June. The next Planning Commission meeting will be in July to review the draft of the Zoning Ordinance rewrite.

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 work on the planning for the Groundbreaking Event for Getty Park continues. The event will take place rain or shine.

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: Bill Harris moved to approve the payment of the bills in the amount of \$69,915.49.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Bill Harris moved to adjourn the meeting at 6:39 P.M.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the July 11, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF JULY 11, 2022 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 6:01 P.M. by President Paul Inglis.

2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, 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.) June 27, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of June 27, 2022 as corrected.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Damian Omness.

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

6. PRESIDENT'S REPORT: President Inglis made some minor changes that had been made to the Committee Board assignments.

Water and Sanitation Committee – Chair John Sutton, Co-Chair Steve Crothers
Streets and Sidewalks Committee – Chair Dan Zaverl, Co-Chair Mike Termer
Parks, Recreation, and Buildings Committee – Chair Damian Omness, Co-Chair John Sutton
Finance and Insurance Committee – Chair Steve Crothers, Co-Chair Mike Termer
Personnel Committee – Chair John Sutton, Co-Chair Damian Omness
Ordinance Committee – Chair Mike Termer, Co-Chair Dan Zaverl.

President Inglis also appointed John Sutton as President Pro-Tem.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that Michigan Pavement Markings was in the Village on July 1, 2022 repainting the centerlines throughout the Village. The repainted centerlines provided a much-needed update.

Progress continues at the Pocket Park. The DPW crew has connected the water bottle filling station to the Village's water supply and will be pouring additional concrete soon to install the bike rack and area for trash cans. Weesies Landscaping has our project on their schedule for late August or early September.

VA Selner will be attending the MME summer conference July 19 through the 22nd. The conference includes several informative sessions and provides an opportunity to catch up with professional mentors to seek advice on the many projects the Village has ongoing.

The audit for the 2021/2022 Fiscal Year has been completed. Clerk/Treasurer Budde and VA Selner met with Brickley Delong for the Village's exit interview on July 7th. Overall, the Village of Shelby remains in a strong financial position. The General Fund balance increased by \$58,000.00. The audit will be presented at the July 25th meeting.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse and Chief Waltz had nothing to report.

9. CORRESPONDENCE:

a.) Senator Jon Bumstead – Letter

President Inglis received a letter from Senator Jon Bumstead stating that with the recent passing of Senate Bill (SB) 565, now PA 53 of 2022, Michigan now has a way to make critical improvements to water and many other infrastructure needs. Money appropriated under PA 53 will have a major impact on communities and municipalities around the state. There was an allocation of \$1.9 billion toward water infrastructure that will be dispersed through the State Revolving Fund (SRF). Drinking water projects can include:

- Lead service line replacement
- Treatment plan upgrades
- Distribution system improvements

Clean Water projects can include:

- Wastewater treatment upgrades
- Elimination of combined sewer system overflows
- Pumping station improvements
- Non-point source pollution projects

10. CITIZEN PARTICIPATION:

Brian Hosticka, Whitehall, Michigan – Mr. Hosticka stated that he is running on the Democrat Party ticket for the 102nd Michigan House seat. He was formerly an Assistant Prosecutor with the Muskegon County Prosecutor's office. He maintained his own law office in Whitehall and owned and operated the White Lake Dairy Treat.

11. OLD BUSINESS: Old Business.

12. NEW BUSINESS:

a.) Downtown Pavement Markings

On April 20, 2022, the Streets and Sidewalks Committee met to discuss repainting the Village's downtown pavement markings. Three companies were contacted, but the Village only received one quote to have the work completed. The recommendation from the Streets & Sidewalks Committee at that time was not to move forward until additional quotes were received. VA Selner was unable to get additional quotes, but the Village contacted the Oceana County Road Commission and was able to get the Village's long lines striped while Michigan Pavement Markings LLC were in Oceana County completing the County roads.

Due to the nature of work to repaint the lines downtown, the price is much higher than repainting centerlines. After seeing the results of the centerline repainting, VA Selner recommended the Village move forward and have Michigan Pavement Markings LLC repaint the downtown pavement markings for a price not to exceed \$6,000.00.

Mike Termer moved to authorize Village Administrator Brady Selner to spend up to \$6,000.00 for Michigan Pavement Markings, LLC, Bryon Center, Michigan to repaint the downtown pavement markings.

Second by: Dan Zaverl.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Damian Omness.

b.) Employee Handbook Amendment – CDBG Procurement Policy & Section 3 Policy

Since the MEDC WRI grant is funded through the CDBG, there are specific policies and procedures that are required to be implemented by the local unit of government prior to grant close out. VA Selner plans to bring a couple of these items to Village Council for consideration over the next couple of months. The policies up for consideration will be included in the Village's Employee Handbook for ease of location if and when the Village has another CDBG funded grant. The amendment states that these CDBG policies will be included as amendments and will be used when there is a CDBG grant or project.

Steve Crothers moved to amend Section 10.13 of the Village of Shelby Employee Handbook as written and attached (Version 14-7/11/2022) effective July 11, 2022.

Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Zaverl, Inglis.

Nays: Termer

Motion Carried 4-1.

Absent: Damian Omness.

13. COMMITTEE REPORTS:

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

The Planning Commission will have a special meeting in July to complete its review of the proposed Zoning Ordinance Rewrite. The date of the meeting is yet to be determined. VA Selner will get that date out to the Planning Commissioners as soon as possible.

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

August 6th Groundbreaking event is scheduled to begin at 3:00 P.M. with a ribbon cutting ceremony. A short celebration will take place immediately after the ribbon cutting ceremony.

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 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 \$62,203.32.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Damian Omness.

15. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 6:49 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Absent: Damian Omness.

Council minutes are not official until approved at the July 25, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, JULY 25, 2022 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 6:03 P.M. by President Paul Inglis.

2. ROLL CALL:

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

Absent: Mike Termer.

Staff present: Village Administrator Brady Selner, DPW Supervisor Jeremiah Helenhouse, and Police Chief Steve Waltz.

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

4. MINUTES:

a.) July 11, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of July 11, 2022 as corrected.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

Absent: Mike Termer.

5. ADDITIONS TO THE AGENDA:

Item 13b CBG Excessive Force Policy will be removed from the agenda.

6. PRESIDENT'S REPORT: Nothing to report.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that, in early July, the State voted to approve the Omnibus Budget (HB 5783) for the upcoming Fiscal Year. In total, nearly \$76 billion in State and Federal funds were allocated across the state departments and to various special projects. This is important for the Village of Shelby as this budget included one of the largest increases in revenue sharing in the last two decades resulting in a 6% increase totaling \$16 million to fund a 5% ongoing and 1% one-time increase. In addition, there was \$87 million allocated for local roads with \$31 million coming to Villages and Cities. There was also \$75 million for blight elimination grants that VA Selner plans to research to find out if the Village of Shelby qualifies.

On June 20th, VA Selner sent La Conasupo the draft easement amendment to review and provide comments. To date, VA Selner has not received any feedback. As soon as the terms of the amendment are agreed upon, it will be presented to the Village Council for consideration.

Parmenter Law is working with the Shelby Township and Oceana County attorneys to develop the documents needed to proceed with the annexation of property just north of the Village limits for the proposed housing development. Prior to Village Council making a formal decision, VA Selner will be sure to provide a cost-benefit analysis to ensure the Village would receive enough revenue to cover the cost of additional services that would need to be provided.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse had nothing to report.

Chief Waltz had nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION:

Sharon Hallack, Oceana County resident, stated that the proposed Excessive Force Policy did not sit right with her. She knows that it is required in order to receive federal grant dollars; but, she does not believe it should be necessary. Sharon would like to know what qualifies as excessive force and what is the relevance to getting the funding for the water project. President Inglis agreed that these were all great questions and VA Selner plans to have as much information as possible for the next Council meeting when this item will be on the agenda.

11. PRESENTATION:

a.) 2021/2022 Fiscal Year Audit – Eric VanDop, CPA

Village Auditor Eric VanDop presented the Council with an overview of the Fiscal Year 2021/2022 audit. The General Fund revenues for the fiscal year were \$683,361.00; up approximately \$61,000.00 from the previous year. The bulk of the increase is due to the State Revenue Sharing increase that took place. The fund balance for the General Fund at year end was \$646,609.00. The Sewer Fund has an unrestricted net position at year-end of \$592,911.00. This is mainly due to the bond refinance and elimination of bond covenants that the Village had with the old bond for the Sewer Fund. The Water Fund has an unrestricted net position of \$402,061.00. This is down slightly from last year, but there are a number of big projects in this fund that are ongoing. The final debt payment on the old water bond is set to be paid off in October.

12. OLD BUSINESS: No Old Business.

13. NEW BUSINESS:

a.) MEDC WRI Grant Lift Station Bid Approval

Bid opening for Contract A: Lift Stations (part of the MEDC WRI grant) was held on Thursday, July 14,

2022. The Village received three bids and Jackson-Merkey Contractors, Inc was the low bid at \$794,550.00 which is \$194,550.00 above the estimated project cost. The Village of Shelby has three options:

- 1. Approve the bid from Jackson-Merkey.
- 2. Postpone approving the bid until information on cost reduction is received.
- 3. Deny all bids, redesign the lift stations, and rebid.

VA Selner recommended that the Village Council approve the bid at the current amount with an understanding that the Village will consider cost reductions to the project if those modifications do not jeopardize the integrity of the final product. These decisions will be made in consultation and coordination with Fleis & VandenBrink.

The Village’s unrestricted cash in the Sewer Fund at the end of the 2021/2022 Fiscal Year was \$537,931.00. The minimum fund balance set by Village Council is \$254,487.00. Completing the lift station work under the current price would likely place the Village under its minimum by as much as \$100,000.00; however, VA Selner recommended proceeding for the following reasons:

- 1. There are no other major capital expenses in the Sewer Fund for several years.
- 2. Upgrading the Village’s lift stations is critical, and the cost will only increase.
- 3. There is a positive outlook for getting an industrial user to connect into the sewer system. This would increase revenue by approximately \$20,000.00 per year.

Damian Omness moved to award the contract for construction of the Harvey Street and Industrial Lift Stations to Jackson-Merkey Contractors, Inc. Muskegon, Michigan for a price of \$794,550.00 with an understanding that the Village will work with Jackson-Merkey and Fleis & VandenBrink to reduce the cost of the project by approximately \$40,000.00 - \$50,000.00 without eliminating any key components of the project.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Mike Termer.

b.) Michigan Avenue Intersections at Third and Fourth Street

With Michigan Pavement Markings coming to repaint the lines downtown, it provides an opportunity to consider a solution to the blind corner at the Michigan Avenue and Third Street and Michigan Avenue and Fourth Street intersections. The Streets and Sidewalks Committee met on July 19th and recommended removing one parking space at each intersection on the east side of Michigan Avenue. There was a great deal of discussion at the meeting, and the recommendation passed 2-1.

No action was taken by Council.

14. COMMITTEE REPORTS:

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

Nothing to report. Planning Commission will meet in August.

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

Groundbreaking event on August 6th. A celebration to take place afterward with bounce houses and a rock-climbing wall. Pocket Park is set to have the landscaping completed late August or early September.

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 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 \$57,587.49.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Mike Termer

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

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Absent: Mike Termer.

Council minutes are not official until approved at the August 8, 2022 Council meeting.

Approved

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF AUGUST 8, 2022 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, 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.) July 25, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of July 25, 2022 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:

President Inglis stated that the Groundbreaking event that took place on Saturday, August 6, 2022 was a great success. He offered a special thank you to Damian Omness, John Wilson, Village Administrator Brady Selner and his staff, the DPW staff, and all the guest speakers at the event.

Steve Crothers added that the event was well planned, and he believes that the updates to Getty Park will make it an awesome space for community recreational activities.

John Sutton stated that he had a number of great memories at Getty Park playing ball over the years and the park has always been a meeting place for friends and family. It is great that the Park is getting updated for families to continue to enjoy the space.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that the DPW dump truck (truck #3) was sold for \$2,500.00. There are additional vehicles and equipment the Village intends to sell in the coming weeks.

The attorney representing La Conasupo contacted VA Selner and provided requested changes to the easement amendment. Those changes have been forwarded to the Village attorney for review. Both parties are looking to have the amendment in front of the Village Council soon.

Shelby Township submitted a CDBG application to seek funding for construction of the watermain to Baseline Road. VA Selner continues to work with Shelby Township Supervisor Richard Raffaelli to draft an intergovernmental agreement identifying the terms for extending water beyond the Village limits. Once the draft is completed, a Water and Sanitation Committee meeting will be scheduled to review and discuss it.

With completion of the Fiscal Year 2021/2022 audit, VA Selner has updated the Village's Fund Balance Policy. A Finance and Insurance Committee meeting will be scheduled within a couple of weeks to review the updates.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Jeremiah Helenhouse had nothing to report.

Chief Waltz had nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION: No Citizen Participation.

11. OLD BUSINESS:

a.) CDBG Excessive Force Policy

Since the MEDC WRI grant is funded through a CDBG, there are specific policies and procedures that are required to be implemented by the local unit of government prior to grant close out. Resolution 33-22 states that the Village of Shelby will not pursue excessive force against lawful, non-violent civil rights demonstrators and directs the Police Chief to implement the resolution by amending applicable police department procedures.

Much discussion ensued regarding the language modifications to Resolution Number 33-22.

Damian Omness moved to adopt Resolution Number 33-22 as amended. (See attached)
Seconded by: Steve Crothers.

Roll Call Vote:

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

Nays: Termer.

Motion Carried 5-1.

12. NEW BUSINESS:

a.) Lagoon Membrane Purchase

The Asset Management Plan for the Wastewater Treatment Plant (WWTP) and Lift Station completed in 2018 has been used to determine the capital improvement plan for the Village of Shelby's sewer system. The Fiscal Year 2022/2023 proposed improvements included the replacement of the membranes on the aeration diffusers in Cell 1A at the Wastewater Treatment Plant. The Asset Management Plan originally called for replacement of the entire diffuser but after further inspection, only the membranes need to be replaced. The diffusers have not reached their useful life. The cost for all the materials is estimated at \$8,000.00. The quote for the membrane and clamps is \$5,904.00. DPW estimates an additional \$2,000.00 for the hoses and rope. There are no labor costs associated with this work. It will be completed by DPW staff.

John Sutton moved to authorize Brady Selner, Village Administrator, to sign quote number 00013337 from Environmental Dynamics International, Columbia, Missouri, in the amount of \$5,904.00 for the purchase of membranes and clamps to be used for the replacement of membranes on diffusers in Cell 1A at the Shelby Wastewater Treatment Plant.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 6-0.

b.) Blower Number 2 Replacement

The Village replaced the blower number 1 motor in March of 2021 and the blower number 1 in July 2021. Recently, blower number 2 has worn out and requires replacement. The blower number 2 motor has also been removed and is being inspected by Jones Electric Co. The price for this replacement will be provided soon. This equipment is essential to the operation of the Village's Wastewater Treatment Plant and should be replaced and installed as soon as possible. After all equipment is replaced, the useful life is expected to be 25 years.

Steve Crothers moved to authorize Brady Selner, Village Administrator, to sign quote number 0047752 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 \$17,850.00.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 6-0.

13. COMMITTEE REPORTS:

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

The Planning Commission will meet on August 16, 2022 at 6:00 P.M. to review the final draft of the proposed Zoning Ordinance rewrite.

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

Damian Omness thanked John Wilson, DPW staff, and all the volunteers for all their help with the Groundbreaking event at Getty Park. Pocket Park should be wrapped up soon. Weesies Brothers is expected to start the landscaping within the next week or two.

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 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 \$64,683.64.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 6-0.

15. ADJOURNMENT: Steve Crothers moved to adjourn the meeting at 7:25 P.M.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the August 22, 2022 Council meeting.

Approved

Crystal Budde

August 22, 2022

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



August 8, 2022

RESOLUTION

No. 33-22

PEACEFUL PROTEST POLICY

A RESOLUTION OF THE VILLAGE OF SHELBY, ADOPTING A POLICY PROHIBITING THE USE OF FORCE AGAINST LAWFUL, NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.

WHEREAS the Congress of the United States has passed the Armstrong/Walker "Excessive Force" Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in lawful, nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS the Village of Shelby has received a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker "Excessive Force" Amendment;

AND WHEREAS the use of excessive force against lawful demonstrators may cause the Village to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE VILLAGE OF SHELBY, MICHIGAN:

It is POLICY of the VILLAGE OF SHELBY that the use of force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the VILLAGE.

The VILLAGE will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from public areas near a facility or location which is the subject of such lawful, nonviolent civil rights demonstrations within jurisdictions.

The VILLAGE Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

Moved: Damian Omness

Seconded: Steve Crothers

Yes: Omness, Crothers, Zaverl, Sutton and Inglis

No: Termon

ABSENT: ⓪

RESOLUTION No. 33-22 Declared ADOPTED.

ADOPTED ON: August 8, 2022

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, AUGUST 22, 2022 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, 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.) August 8, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of August 8, 2022 as prepared.

Seconded by: Dan Zaverl.

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 preconstruction meeting for the Contract A (Lift Stations) is scheduled for August 25, 2022. Work will begin early in September.

A Streets and Sidewalks Committee meeting will be scheduled soon to confirm the repaving plan for the next Fiscal Year. There will also be a discussion on downtown streetscape improvements; specifically, purchasing planters.

A meeting will be scheduled in the near future to discuss a Fair Housing Ordinance – a requirement associated with the CDBG funding to consider adopting the International Property Maintenance Code (IPMC). The IPMC would replace the Village's existing Blight Ordinance.

The Shelby Township attorney is drafting the agreement for the extension of water to Baseline Road.

VA Selner anticipates the draft will be completed by early next week. A Water and Sanitation Committee meeting will be scheduled shortly after to discuss the draft.

The golf cart used by DPW had an electrical fire that totaled the vehicle. The purchase of a new golf cart was covered by the Village's liability insurance minus the \$250.00 deductible. The \$10,200.00 expense shows on this week's Report to Finance. The check from MML has already been received.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that the Department will be participating in the Active Shooter Training (Alice) next Tuesday at the Shelby High School. This is a great training for the school staff members in order to know the best ways to respond in the instance that there is ever an active shooter in the school. Chief Waltz also reported that officer Joe VonDrak will be resigning from his position. Chief Waltz will be posting the vacant full-time position. In the meantime, shifts will be covered by the part-time officers as best as they can. The Oceana Sheriff's office will respond to calls at the times that the Village does not have coverage.

9. CORRESPONDENCE:

a.) Letter of Interest – Curt Trott

Village Resident Curt Trott has submitted a letter of interest for the open seat on the Village Council. Curt has lived in the Village for most of his life and worked for the Village for 39 years in the Department of Public Works.

The Council agreed to post the notice of the vacant Council seat on the Village Facebook Page with a deadline for submitting letters of interest no later than September 9, 2022.

b.) Letter from Shelby Township

VA Selner received a letter from Shelby Township Supervisor, Richard Raffaelli stating that it is Shelby Township's intent to negotiate a final agreement of the water main extension project within 60 days of the draft agreement.

10. CITIZEN PARTICIPATION:

Oceana County Commissioner Phil Morse spoke briefly on a couple of items. He stated that he sees the value of housing in Oceana County and anything that can be done to provide additional housing would be great for Oceana County. Mr. Morse also asked the Village Council for feedback regarding the Crystal Valley Dam. The Dam is in terrible condition and will need to be repaired or it will need to be removed. The cost to repair it is approximately one-half a million dollars. Members of the Village Council asked for more information regarding the housing needs in Oceana County and the Crystal Valley Dam. Mr. Morse will get more details on both items to the Village Council.

11. OLD BUSINESS: No Old Business.

12. NEW BUSINESS:

a.) Fund Balance Policy Amendment

The Finance and Insurance Committee met on Thursday, August 18th to receive the yearly update on the Fund Balance Policy. The table within the policy gets updated upon completion of the audit every year, and these updated numbers are reported to the Finance and Insurance Committee. The Village Council would typically not see the updated policy until the following Fiscal Year budget is developed; however, the Committee is recommending an amendment to the policy. The recommended amendment is to set a maximum fund balance in the Equipment Fund. The recommended maximum is 300% of the most recent audited Fiscal Year expenditures.

Mike Termer moved to amend the Fund Balance Policy setting a maximum fund balance for the Equipment Fund at 300% of the most recent audited fiscal year expenditures.
Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Termer, Crothers, Sutton, and Inglis.

Nays: Zaverl.

Motion Carried 4-1.

Absent: Damian Omness.

b.) Blower Motor Number 2 Replacement

Blower Motor number 2 has worn out and requires replacement. Jones Electric Co. has provided a quote for \$5,0000.00, up from \$3,100.00 from when Blower Motor number 1 was replaced in March of 2021. This equipment is essential to the operation of the Village's Wastewater Treatment Plan and should be replaced and installed as soon as possible. After all the equipment is replaced, the useful life is expected to be 25 years.

Mike Termer moved to authorize Brady Selner, Village Administrator, to sign quote number NW819222 from Jones Electric Company, Muskegon, Michigan for the purchase of a Baldor Motor at a cost of \$5,000.00.
Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Damain Omness.

13. COMMITTEE REPORTS:

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

The Planning Commission met on August 16, 2022 to review the final draft of the Zoning Ordinance rewrite. The Planning Commission is set to meet September 20, 2022 at 6:00 P.M. and will continue the review.

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

Nothing to report.

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 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 \$15,887.41.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 5-0.

Absent: Damian Omness.

15. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 6:55 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Absent: Damian Omness.

Council minutes are not official until approved at the September 12, 2022 Council meeting.

Approved

Crystal Budde

September 12, 2022

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, SEPTEMBER 12, 2022 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 6:15 P.M. by President Paul Inglis.

2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, 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.) August 22, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of August 22, 2022 as presented.

Seconded by: John Sutton.

Voice Vote: All in favor.

Motion Carried.

5. ADDITIONS TO THE AGENDA:

a.) Appointment to Vacant Council Seat – Old Business

6. PRESIDENT'S REPORT: Nothing to report.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that Weesies has begun installing the landscaping at the Pocket Park. It should be completed next week. Following the completion of the landscaping, the signs and donor recognition plaques will be purchased and installed.

VA Selner is working on preparing all the information for an Ordinance Committee meeting and a Water and Sanitation Committee meeting. The Ordinance Committee will discuss a Fair Housing Ordinance – a requirement associated with the CDBG funding and consider adopting the International Property Maintenance Code (IPMC). Discussions with the City of Hart have started again regarding the feasibility of sharing an employee to administer blight enforcement and the rental inspection program. The Water & Sanitation Committee will be reviewing the draft Wholesale Water agreement between the Village of Shelby and Shelby Township. Parmenter Law is reviewing the draft and will return it with

the Village's edits. The Committee will also consider an agreement to share the cost of setting up an Industrial Pretreatment Program with the new industrial user. Cost proposals from Fleis & VandenBrink and Davis & Davis Law Office PLC have been received. Once VA Selner receives the proposal from Trace Analytical Laboratories, he will request Parmenter Law to draft an agreement.

Engineered drawings and bid documents are being finalized with a meeting tentatively scheduled for November to review plans for the Getty Park Renovation project. The project should be out for bid by January 2023.

VA Selner reported that the 2022 Fall Festival will take place on October 1. The Village is looking forward to hosting the Fall Festival in downtown Shelby.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz had nothing to report.

DPW Supervisor Jeremaiah Helenhouse had nothing to report.

9. CORRESPONDENCE:

a.) Getty Park Funding with the Right Place

The Village of Shelby has been awarded an additional \$552,500.00 in grant funds for the Getty Park Renovation project. These additional funds are part of the Revitalization and Placemaking (RAP) Program through the Right Place, Inc. in collaboration with the Michigan Economic Development Corporation (MEDC).

10. CITIZEN PARTICIPATION:

Oceana County Parks and Recreation Commission member Gary McKeen spoke briefly on the possibility of partnering with the Hart, Shelby, Pentwater, and Walkerville Rec Clubs to provide more opportunities for kids in Oceana County. The County Parks and Recreation Commission is not looking to run anything. They are hoping to possibly get a meeting with all the Rec Clubs in Oceana County in order to discuss expanding the amount of teams who are able to participate in Youth Recreation programs.

11. OLD BUSINESS:

a.) Vacant Council Seat

Curt Trott had submitted a letter of interest to fill the vacant Council seat on August 11, 2022. At the Council meeting of August 22, 2022, the consensus of the Council was to allow time for any other interested parties to submit a letter of interest with a deadline of no later than September 9, 2022. No other letters of interest were submitted.

President Inglis recommended that the Village Council appoint Curt Trott to fill the vacancy on the

Village of Shelby Council until the November 8, 2022 General Election.

Damian Omness moved to appoint Curt Trott, 320 Harrison Street, Shelby, Michigan to fill the vacancy on the Village of Shelby Council until the November 8, 2022 General Election.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 6-0.

12. NEW BUSINESS:

a.) 2023 Road Replacement

The Fiscal Year 2022/2023 Budget stated that the Village would confirm the road replacement schedule during the current fiscal year for work to be performed the following year. Supply chain issues have caused several of the Village's 2022 planned projects to be delayed to the following year. In addition to the EGLE DWSRF and MDOT Category B Grant projects, the Streets and Sidewalks Committee recommends the Village replace the following roads in 2023:

1. First Street (if successful with MDOT grant- Village will pay 30% for its portion)
2. Ferry Street
3. Fourth Street (from Michigan Avenue to Pine Street)
4. Pine Street (middle portion not included in MDOT Category B Grant)
5. Fifth Street

VA Selner will work with Fleis & VandenBrink to coordinate the additional repaving with the existing MDOT and EGLE projects.

Dan Zaverl moved to approve the 2023 Road Repaving Schedule and to authorize Fleis & VandenBrink to complete the design engineering.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 6-0.

b.) Fiscal Year 2022/2023 Second Quarter Budget Status and Amendments

The Village is six months into Fiscal Year 2022/2023. Some of the major budget items to note for the second quarter include:

1. Higher than anticipated Personal Property Tax Reimbursements.
2. Budget adjustments in both Major and Local Streets to account for delays in MDOT Category B grant work. This work will begin in Fiscal Year 2023/2024.
3. Budget adjustment to account for delay in Sixth Street sidewalk reconstruction. Work will

begin Fiscal Year 2023/2024

4. Increase in MEDC WRI grant project to account for higher than anticipated bids.
5. Increase in Gasoline-Oil by \$6,000.00 to cover high gas prices.

Steve Crothers moved to approve the Fiscal Year 2022/2023 Second Quarter Budget Amendments as presented.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 6-0.

c.) VA Evaluation and Contract Amendments

VA Selner requested a Closed Session for the purpose of his employment evaluation and contract discussion.

Mike Termer moved to go into Closed Session at 6:46 P.M. for the purpose of discussing the employment evaluation and contract amendments for Brady Selner.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 6-0.

The Village Council returned to Open Session at 7:47 P.M.

Damian Omness moved to adopt the Employment Agreement by and between the Village of Shelby and Brady Selner, as amended, effective September 12, 2022. Be it further resolved to apply a 10% merit adjustment to the Village Administrator's base salary increasing the salary to \$82,500.00 per year effective September 1, 2022.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 6-0.

13. COMMITTEE REPORTS:

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

The Planning Commission met on August 16, 2022 and began to review the final draft of the Zoning Ordinance rewrite. The Planning Commission will meet again on September 20, 2022 to continue to review that document.

b. WATER & SANITATION: Chair: John Sutton, Steve Crothers:

The Water and Sanitation Committee will be meeting in the near future to review and discuss a number of items for upcoming projects.

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

Nothing to report.

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

Pocket Park should be completed soon.

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 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 \$90,719.84.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 6-0.

15. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 8:02 P.M.

Seconded by: Steve Crothers.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the September 26, 2022 Council meeting.

Approved



Crystal Budde

September 26, 2022

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, SEPTEMBER 26, 2022 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 6:01 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 Steve Waltz.

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

4. MINUTES:

a.) September 12, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of September 12, 2022 as presented.

Seconded by: Mike Termer.

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 Weesies completed the landscaping at the Pocket Park. Staff will continue to work on the last few items related to this project, but the space is beginning to get a lot of use.

Council members received an updated Handbook for General Law Village Officials in their packets. These will replace the handbook from 2006 that each had member previously received.

VA Selner is working to add and/or change his Administrator’s Report to better reflect and communicate the upcoming projects in the Village.

8. DEPARTMENT HEADS’ REPORTS:

Nothing to report.

9. CORRESPONDENCE: No Correspondence.

10. CITIZEN PARTICIPATION:

Oceana County Commissioner Phil Morse stated that the County Board had approved a Housing Needs Assessment Study. The study will be paid for with the County's ARP Funds and will be performed by the consulting firm Bowen National Research. It will give provide an idea of what type of housing and how much housing is needed throughout the County. The Village can contribute financially and receive a detailed analysis specifically for the Village of Shelby. There will be a meeting at the West Michigan Research Station North of Hart on October 4, 2022 at 4:00 P.M. to discuss the areas of the County that have not yet been connected to the True Stream Fiber Internet and what steps to take to ensure every area of Oceana County has the option of connecting to the new broadband network. Everyone is welcome to attend this meeting.

Senator John Bumstead encouraged VA Selner to inquire about funds from the State of Michigan for any façade improvement and/or any other upcoming projects. There is a great deal of dollars available for many projects.

11. OLD BUSINESS:

a. 207 N. Michigan Avenue Easement Amendment - Discussion

In July of 2021, the Village Council approved an amendment to an existing easement with the La Conasupo to allow them to construct improvements within the easement area. The improvements included replacing the roof overhang/ramp and adding a concrete pad. The addition of the concrete pad was the reason for expanding the easement. In November of 2021, an amendment was approved specifically permitting the placement of a dumpster enclosure and shed within the easement. On April 25, 2022, VA Selner inspected the property at 207 N. Michigan Avenue and found that the improvements that were being made were inconsistent with the easement that had been approved by the Village Council at the November 22, 2021 meeting. On May 9, 2022, the Village Council made the decision to amend the easement to be consistent with the most recent improvements that had been made. Most recently, it was requested that the Village Council consider further expanding the easement to encompass the entire concrete pad. La Conasupo intends to use the concrete pad for loading and unloading.

The consensus of the Council is to expand the grant of easement to encompass the entire concrete pad. VA Selner will get the easement amendment completed and bring it back to Council for consideration.

12. NEW BUSINESS:

a.) Village Hall Façade Improvement

Many of the businesses in the downtown are making façade improvements. Village Hall needs updating as well. Staff reached out to several painting companies; however, only two companies have delivered quotes. M & K Painting and Wallpaper from New Era had the lower of the two bids. The quote in the amount of \$2,965.38 includes painting the brick building, steel roof, and the iron railing.

It does appear that the work will not be done until early Spring of 2023; however, by authorizing VA Selner to sign the quote now, the Village will be able to lock in the quote and put the work on the schedule for early Spring.

Mike Termer moved to authorize Village Administrator, Brady Selner, to sign Quote #185 from M & K Painting and Wallpaper, New Era, Michigan for the painting of the Village Hall building, steel roof, and iron railing at a cost of \$2,965.83.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

b.) Adoption of the International Property Maintenance Code (IPMC)

The Ordinance Committee met on September 22 and recommended the Council adopt the International Property Maintenance Code (IPMC) by reference. Once the General Law Ordinance Project is completed, it will take the place of several chapters of the Village's existing ordinance. Amendments can be included in the adopting ordinance where further specification is preferred. VA Selner recommended adopting the code by reference without amendments. This will allow it to get added to the General Code online draft. The Village Council can determine later what chapters can be removed and whether they prefer additional amendments.

Mike Termer moved to adopt Ordinance Number 01-22. (See attached)

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

13. COMMITTEE REPORTS:

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

The Planning Commission is set to meet on October 18, 2022 at 6:00 P.M. They will continue to review the final draft of the Zoning Ordinance rewrite and set the Public Hearing for it. The final draft should be to the Council by December for approval.

b. WATER & SANITATION: Chair: John Sutton, Steve Crothers:

The Water and Sanitation Committee will meet as soon as possible to review the water extension agreement and review the sewer rate study that was conducted by Baker Tilly.

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 is scheduled to meet with members of Shelby Public Schools Wednesday to discuss the current Inter Governmental Agreement by and between the Shelby Public Schools and the Village of Shelby.

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 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 \$144,017.73.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 6:52 P.M.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the October 10, 2022 Council meeting.

Approved

Crystal Budde

October 11, 2022

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date

VILLAGE OF SHELBY
OCEANA COUNTY, MICHIGAN
ORDINANCE NO. 01-22

THE VILLAGE BOARD OF THE VILLAGE OF SHELBY HEREBY ORDAINS:

1. Part 6, Chapter 630 of the Code of Ordinances of the Village of Shelby, Michigan, Section 630.01 through 630.02 is adopted to read as follows:

CHAPTER 630

International Property Maintenance Code

Sec. 630.01 Adoption of Property Maintenance Code by reference; copies on file.

Adoption of the Property Maintenance Code by reference. That a certain document, three copies of which are on file in the office of the Village Clerk of the Village of Shelby, being marked and designated as the International Property Maintenance Code, 2021, as published by the International Code Council, Inc. be and is hereby adopted as the Property Maintenance Code of the Village of Shelby, in the State of Michigan; for the control of buildings and structures as provided; and each and all of the regulations, provision, penalties, conditions in terms of the International Property Maintenance Code, 2021 and as amended in the future, are hereby referred to, adopted, and made part hereof as if fully set out in this chapter with the additions, insertions, deletions and changes, if any, prescribed in 630.02.

Sec. 630.02 Amendments

The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1: Village of Shelby

Section 302.4: eight inches

Section 304.14: May 1 to October 31

Section 602.3: October 1 to May 1

Section 602.4: October 1 to May 1

Ayes:

Nays:


Effective Date

This ordinance shall become effective in the Village of Shelby following the adoption by the Village Council and ten (10) days following publication.

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Shelby, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Shelby, at a regular meeting of the Village Board on the 26 day of September 2022, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: September 26, 2022


Crystal Budde
Village Clerk

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

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, OCTOBER 10, 2022 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 Steve Waltz.

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

4. MINUTES:

a.) September 26, 2022

Steve Crothers moved to approve the minutes of the Regular Council meeting of September 26, 2022 as presented.

Seconded by: Dan Zaverl.

Voice Vote: All in favor.

Motion Carried.

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

6. PRESIDENT'S REPORT:

President Inglis commended all those who took part in putting together the Harvest Festival that took place on October 1st in downtown Shelby. Tim Harvell, Harvest Festival Committee Chair, did a wonderful job of planning family friendly activities for the event. The turn out was great and he hopes to see the event again next year. President Inglis thanked the DPW for all of their hard work as well as the Police Department personnel for their support.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that Hallack Contracting Inc. has all of the bonding and insurance documents fully executed and Apex Excavating is working to complete their bonding and insurance for the upcoming water main and service line replacement project. The water main is expected to arrive at the end of October; however, Hallack will not begin construction until Spring of 2023.

The preconstruction meeting was held on August 25th and the Contract A: Lift Stations contract has been executed. The contract price is \$746,382.00. Jackson-Merkey Contractors has all of the bonding

and insurance documents fully executed. Work is set to begin by mid-January, starting with the Industrial Lift Station.

The final design is being prepared by Fleis & VandenBrink for the Getty Park renovation. A meeting will be scheduled in November to review the design and provide feedback prior to finalizing and preparing the bid packet. The MEDC (Michigan Economic Development Corporation) PGS (Public Gathering Spaces) grant will go before the Michigan Strategic Fund for formal approval at their October 25, 2022 meeting. The Environmental Assessment is in process and should be completed by the end of November.

The road work associated with the MDOT Category B grant is built into Contract A of the EGLE DWSRF (Drinking Water State Revolving Fund) project. Hallack Contracting Inc. will be completing the work. Don DeVries is putting together cost estimates for the additional roads that will be repaved in 2023.

The Village is coordinating with the Oceana County Road Commission and Shelby Township to apply for a MDOT Category A grant to repave First Street. Information regarding this application will be on the agenda later in October.

Don DeVries is working on the design for the Sixth Street Sidewalk reconstruction. It is about 50% complete and should be ready for review by the middle of October. The project will be put out for bid this winter with construction to begin Spring of 2023.

VA Selner reported that the 2022 Harvest Festival was a great success. He thanked all of the event organizers, sponsors, and DPW Staff.

VA Selner is expecting the Legal and Editorial Analysis for the Zoning Ordinance Update by the end of November.

The draft agreement is almost complete for the Intergovernmental Collaboration with Oceana Acres. A Water and Sanitation Committee meeting will be scheduled in order to review the draft agreement.

VA Selner had a meeting with the Village's RRC (Redevelopment Ready Community) contact to discuss final steps for RRC certification. Once the Zoning Ordinance re-write is complete, the Village will have a few more items to update before satisfying every requirement. The Village should be RRC Certified by the Spring of 2023.

8. DEPARTMENT HEADS' REPORTS:

Chief Waltz reported that he is watching vehicles parked on Cherry Street. He has seen no major issues as of yet but will continue to keep an eye on it.

DPW Supervisor Jeremiah Helenhouse had nothing to report.

9. CORRESPONDENCE:

- a.) Shelby Acres Housing Designs

Included in the Council packets were a number of design plans for the Shelby Acres Housing plan. This was informative only and to give an idea of the homes that would be built in the development.

10. CITIZEN PARTICIPATION:

a.) Richard Raffaelli, Shelby Township Supervisor, thanked DPW Supervisor Jeremiah Helenhouse and the DPW Staff for all the work they did for the Harvest Festival. He purchased pizza for them last week as a token of appreciation. Mr. Raffaelli also stated that some dirt has begun to be moved at the location of the Township Park that will be located on Buchanan Road. He stated that the Shelby Public School is not committed to using the Township soccer field for the school's soccer program. There is no issue if the school decides to use the Getty Field as they have in the past.

11. OLD BUSINESS:

a.) Oceana County Housing Needs Assessment

Dogwood Community Development received several proposals for consultants to conduct a Housing Needs Assessment for Oceana County. They narrowed their search to Bowen National Research and have been awarded an Oceana County ARPA grant to assist with the study. The total base cost for the study is \$24,000.00, but there are options to add additional services. VA Selner recommended that the Village of Shelby contribute \$2,000.00 to have a Community Profile completed specific to the Village of Shelby.

Steve Crothers moved to contribute \$2,000.00 for the purpose of conducting a Community Profile, specifically for the Village of Shelby, as part of the larger Bowen National Research Housing Study. Seconded by: Jonn Sutton.

Roll Call Vote:

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

Nays: Zaverl.

Motion Carried 6-1.

12. NEW BUSINESS:

a.) 2022 Halloween Trick or Treating Hours

The Shelby Village Council sets the hours for trick or treating each year. The hours are set to provide guidance to homeowners so they can prepare for the costumed visitors coming to their home and so the families can plan to visit the homes in the Village to obtain the treats being passed out. 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 seek the lit-up homes.

The consensus of the Council was to allow Village Staff to set the date and times for trick or treating.

b.) Fair Housing Policy

Since the MEDC WRI grant is funded through the CDBG, there are specific policies and procedures that are required to be implemented by the local unit of government prior to grant close out. The Ordinance Committee met on September 22, 2022 to discuss the Fair Housing Policy and did recommend approval.

Damian Omness moved to approve Resolution Number 44-22. (See attached)
Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 7-0.

c.) Reschedule November 14th Village Council Meeting

The first Village Council meeting in November is scheduled for November 14, 2022, which is one day before opening day of deer season. President Inglis has requested that the Village Council reschedule the November 14, 2022 meeting to November 7, 2022. To be compliant with the Open Meetings Act, a rescheduled regular meeting of a public body must have a notice posted at least 18 hours before the meeting. The Village staff will post a notice well in advance of the 18-hour requirement.

Steve Crothers moved to reschedule the Monday, November 14, 2022 Village Council meeting to Monday, November 7, 2022 at 6:00 P.M.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

13. COMMITTEE REPORTS:

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

The Planning Commission will meet again on November 2, 2022 at 6:00 P.M to continue the review of the draft Zoning Ordinance rewrite.

b. WATER & SANITATION: Chair: John Sutton, 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 a meeting with some of the members of the

Shelby Public Schools Board as well as Superintendent Mark Olmstead. The meeting went well and he will have more to report later.

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 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 \$53,576.10.

Seconded by: Mike Termer.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT: Mike Termer moved to adjourn the meeting at 7:06 P.M.

Seconded by: Damian Omness.

Voice Vote: All in favor.

Motion Carried.

Council minutes are not official until approved at the October 24, 2022 Council meeting.

Approved

Crystal Budde

October 24, 2022

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date



October 10, 2022

RESOLUTION

No. 44-22

FAIR HOUSING POLICY

A RESOLUTION OF THE VILLAGE OF SHELBY, ADOPTING A FAIR HOUSING POLICY PROHIBITING DISCRIMINATION IN HOUSING AND/OR REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, OR DISABILITY.

WHEREAS, the Village of Shelby, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters; and,

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Article I (Section 2) "...no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin..." (Section 4) "...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief..." (Section 9) "...Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state..." and,

WHEREAS, the Congress of the United States has provided that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States" and has established by law the following provisions:

"... it shall be unlawful:

- a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin ..."

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND VILLAGE COUNCIL OF THE VILLAGE OF SHELBY, MICHIGAN, AS FOLLOWS;

SECTION 1 - DECLARATION OF POLICY

- a. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village of Shelby Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

- b. It is the policy of the Village of Shelby that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village/City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
- c. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

SECTION 2 - DEFINITIONS

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this SECTION and as used in this Ordinance.

- a. **DISCRIMINATE** - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.
- b. **HOUSING ACCOMMODATION** - The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
- c. **REAL PROPERTY** - The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village of Shelby Michigan.
- d. **REAL ESTATE BROKER** - The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.
- e. **FINANCIAL INSTITUTION** - The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
- f. **OWNER** - An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
- g. **DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS** - "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

SECTION 3 - PROHIBITED ACTS

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Village of Shelby, Michigan:

- a. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.
- b. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
- c. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
- d. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.
- e. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
- f. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- g. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
- h. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

Moved: Damian Omness

Seconded: Mike Termer

Yes: Omness, Termer, Crothers, Zaveri, Suttin, Trotta, and Ingli's

No: 0

ABSENT: 0

RESOLUTION No. 44-22 Declared ADOPTED.

ADOPTED ON: October 10, 2022

CERTIFIED

Crystal Budde
Crystal Budde, Clerk