

VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF July 13, 2020 at 6:30 P.M.
COUNCIL PROCEEDINGS Via Zoom



1. CALL TO ORDER:

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

2. ROLL CALL:

Answering the roll call: Jim Wyns, Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Andy Near, and Bill Harris.

Staff present: Village Administrator Robert Widigan, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Greg MacIntosh, and Police Chief Bob Farber.

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

4. MINUTES:

a.) June 22, 2020

Councilman J. Sutton moved to approve the minutes of the Regular Council meeting of June 22, 2020 as corrected.

Seconded by: Councilman S. Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

5. ADDITIONS TO THE AGENDA:

a.) Michigan State Grant Application Approval – Chief Farber

6. PRESIDENT'S REPORT:

President Inglis reported that, after speaking with his family and friends, he has made the decision to run for Shelby Village Council President for another 2-year term. Also, it has been discussed that, though several tasks/projects are being completed, in-person Council meetings are missed. President Inglis asked for the Council's opinion regarding future meetings in-person as opposed to via Zoom. VA Widigan reminded Council that the Village Council is unable to meet in the Village Hall due to the current Executive Order; however, the Village Council could meet outdoors if they choose to do so. The Council is not opposed to outdoor meetings if it is feasible to do so.

7. ADMINISTRATOR'S REPORT:

VA Widigan reported that the Michigan Department of Treasury hosted a joint webinar, "Cares Act Funding for Municipalities Explained – Michigan Treasury Webinar," on Thursday, July 9, 2020. The

topics included updates, guidance, and instructions on Cares Act Funding for local governments, including water utility assistance, first responders hazard pay premiums, and public safety and public health payroll expenditures.

Emily Stuhldreher has been working fulltime at the Village Hall since Monday, June 22, 2020. Since then, VA Widigan and she have had several meetings with numerous stakeholders and business owners:

- She has researched a sundry of downtown plans and corridor plans to coordinate between the Village Master Plan.
- She has met with Mishelle Comstock at Shelby State Bank to begin discussions regarding a façade grant program for local village businesses.
- Met with John Wilson to begin working on the revitalization of the historic Getty Park.
- She is working on a plan to re-develop the main alleyway in Shelby, in partnership with local businesses, to connect downtown to the William Field Memorial Hart-Montague Rail Trail.

The Village of Shelby is accepting applications for the part-time position of Administrative Assistant. This appointed person works along-side the Clerk/Treasurer and Administrator for the Village.

VA Widigan reported that Andy Moore with Williams & Works is wrapping up a final draft of the Master Plan, to include a Downtown Plan. Once completed, Mr. Moore will attend Planning Commission meetings where they can review it together and make any final adjustments before adoption.

The Police Chief position will be posted with the MML, Michigan Association of Chiefs of Police, Michigan Sheriff's Association, and MCOLES by Monday, July 13, 2020 (today). It will also be sent out to the local papers and posted on the Village's Facebook page.

VA Widigan reported he has accepted employment with the City of Lansing as their next Finance Director and will begin work on August 10, 2020. He has put together a list of four prospective Interim Managers, including Bryon Mazade, that will be contacted to discuss the Interim Village Administrator position to ensure a smooth transition.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Greg MacIntosh reported that two of the DPW employees will be gone August 8th thru the 25th due to their National Guard requirements. He is confident that Kirk Seabolt and he can handle the DPW tasks. However, he is still in search of a part-time employee to help with the mowing.

Chief Farber reported that the Police Department is still handling most complaints over the phone when it allows. In cases that the department needs to go on site for a complaint, the officers are wearing all necessary PPE. Chief noted that any calls or complaints that come to them regarding any issues with residents' not complying with the most recent Executive Order that requires the wearing of masks will be handled. Chief Farber plans to first educate all individuals about the Order and is hopeful that it will not need to go further than that.

9. CORRESPONDENCE:

a.) Michigan State Treasurer – Grants Available.

The State of Michigan Treasurer announced two new grant programs that will provide an overall total of \$300 million to help first responders receive premium hazard pay and reimburse local governments for payroll costs incurred due to the COVID-19 pandemic.

b.) Letter from Senator Jon Bumstead

Senator Jon Bumstead sent a letter stating that, on July 1, 2020, Governor Whitmer signed Senate Bill (SB) 690 into law. This supplemental appropriation allocates almost \$880 million in federal funds to support numerous COVID-19 responses throughout our state. Of the \$880 million of Federal CARES Act funding, \$200 million is allocated to counties, cities, villages, and townships to reimburse eligible public safety and public health payroll expenditures addressing the COVID-19 pandemic.

c.) August Revenue Sharing Payments.

Governor Whitmer and legislative leaders reached a budget agreement to address the State's current year budget situation. The plan will eliminate the August statutory revenue sharing payments, but it will fully replace it plus an additional 50%. The replacement funds will be coming from the federal CARES Act dollars.

10. CITIZEN PARTICIPATION:

Jodi Nichols reported to the Village Council that there will be two grants available for small business owners between July 15, 2020 and August 5, 2020. The Small Business Restart grant is for businesses with 50 or fewer employees and will focus on woman and minority owned businesses. There is also a grant opportunity for agricultural businesses. Both grant options offer up to \$20,000.00 for businesses. Ms. Nichols also commended VA Widigan for his work while in the Village of Shelby and for all his hard work on economic development in Shelby.

Mishelle Comstock commended VA Widigan for the numerous improvements made while in Shelby and thanked the Shelby Village Council for giving Mr. Widigan the opportunity to work in the Village. Ms. Comstock is eager for the next Village Administrator to continue moving Shelby forward.

11. PRESENTATION:

a.) 2019/2020 Fiscal Year Audit – Eric VanDop, CPA

Village auditor Eric VanDop, Brickley DeLong, presented the 2019/2020 Fiscal Year audit findings to the Village Council. The only recommendations Mr. VanDop had were that the Village continue to make improvements with limiting the number of year-end adjustments that are needed and that the Village improve internal controls over the preparation of formal year-end financial statements. The Village of Shelby is a small organization with limited resources and personnel which makes this audit comment fairly common.

The total net position of all governmental activities increased by \$101,550.00; the General Fund fund balance decreased by \$10,994.00; the total net position of the Sewer Fund decreased by \$39,042.00; and, the total net position in the Water Fund increased by \$12,985.00.

12. OLD BUSINESS: No Old Business.

13. NEW BUSINESS:

a.) Dykema Engagement Letter

Since the Fall of 2019, EGLE (Michigan Department of Environment, Great Lakes, and Energy), the USDA (United States Department of Agriculture), and MDARD (Michigan Department of Agriculture and Rural Development) have been working with the Village of Shelby and Peterson Farms to evaluate the feasibility of extending the Village's water main from the Village of Shelby north to Peterson Farms (Oceana Acres Residential Development).

Peterson Farms currently owns a total of nine apartment buildings that were recently constructed. Three apartment buildings are located near the intersection of Oceana Drive and Baseline Road and six buildings are located at the northeast corner of 88th Avenue and Baseline Road. Currently, the buildings use water from wells that were drilled for each building. Peterson Farms is now seeking to purchase water from the Village of Shelby's Type 1 water system.

In October of 2019, Fleis & VandenBrink conducted a feasibility study for the Village extension of its water main to the apartment buildings and determined the predesign construction cost estimate is \$2.6 million. The State of Michigan and Peterson Farms paid for the feasibility study for the potential project. Based on the estimated water usage and rates, the annual revenue of \$26,147.00 from the Oceana Acres apartments would cover the estimated annual operation, maintenance, and replacement costs of \$25,000.00.

VA Widigan requested authorization to sign an engagement letter for the retention of Dykema Gossett, PLLC as legal counsel to the Village of Shelby in connection with the improvement to the Village's water system. Dykema has suggested fixed fees and, for the first phase, the fee would be \$7,500.00. Dykema has noted that the fee would be "payable out of the bond proceeds or out of grants provided by the State or Federal Government" to protect the Village of Shelby from paying any of the fees to bond counsel from its General Fund. In the event that bonds are not issued or grants are not available, then Dykema would cap their fees, payable from the Village's funds, at \$2,500.00; so that, in no event would the Village be out-of-pocket for more than \$2,500.00. Peterson Farms has

stated that, if by chance, the Village is subject to the \$2,500.00 fees from Dykema Gossett, that Peterson Farms will guarantee to pay the fees on behalf of the Village of Shelby.

Councilman B. Harris stated he is very nervous with moving forward with a motion without having more time to review the details of the project. He felt the Council should have had more time to review all the information of the project and he had been made aware of it before tonight's meeting. VA Widigan stated that he did not come to the Council with more information previously as the State of Michigan was not making the process easy and he was not confident that the project would move on to this step at that time. Mr. Widigan had just received the call that the State of Michigan was giving them approval to move forward with the project on Thursday, July 9, 2020. By signing the engagement letter, this does not commit the Village to the project itself; it simply gives VA Widigan the authorization to retain Dykema Gossett, PLLC as legal counsel to the Village of Shelby in connection with the improvements to the Village's water system.

Councilman A. Near moved to authorize the Village Administrator to agree to and accept the Engagement Letter which confirms the retention of Dykema Gossett, PLLC as legal counsel to the Village of Shelby in connection with proposed improvements to the Village's water system to provide potable water to the labor housing constructed by Peterson Farms. The fees set forth in the engagement letter would be payable out of the bond proceeds or out of grants provided by the State or Federal Government.

Seconded by: Councilman D. Zaverl.

Roll Call Vote:

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

Motion Carried 7-0.

b.) RRC Baseline Report

The next formal step in the process of the Village becoming a Redevelopment Ready Communities (RRC) is to review the baseline report and to pass a resolution to continue with RRC. Upon passage of the resolution, the Village can gain access to RRC technical assistance tools such as the RRC Online Library, guidance from its RRC Planner, and matching technical assistance funds to help with the cost of larger projects if needed.

Councilman S. Crothers moved to adopt Resolution #2020-07-13-01, a resolution authorizing the implementation of recommendations necessary to receive a Redevelopment Ready Communities certification from the Michigan Economic Development Corporation (MEDC).

Seconded by: Councilman J. Sutton.

Roll Call Vote:

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

Motion Carried 7-0.

c.) Michigan State Treasurer Grant

The State of Michigan announced two grant programs that will provide first responders premium

hazard pay and will reimburse local governments for payroll costs incurred due to the COVID-19 pandemic. Cities, villages, townships, counties, public airport operators, and certain ambulance operators can be reimbursed up to \$1,000.00 per eligible employee, with no single applicant receiving more than \$5 Million. Applications will be funded on a first-come, first-served basis.

Councilman B. Harris moved to authorize VA Widigan to immediately apply/sign for the State of Michigan First Responder Hazard Pay Premiums Program.

Seconded by: Councilman S. Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

d.) COVID-19 Supplemental Funding Grant

Chief Farber is requesting authorization to apply for the 2020 COVID-19 Supplemental Funding Program provided by the State of Michigan. The State of Michigan is authorizing grant funds up to \$3,927.00 to local government in order to aid with expenses related to PPE, cleaning, temperature scanners, and technical equipment related to COVID-19.

Councilman J. Wyns moved to authorize Chief Bob Farber and VA Widigan to apply for the State of Michigan 2020 COVID-19 Supplemental Funding Grant for up to \$3,927.00.

Seconded by: Councilman S. Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

14. COMMITTEE REPORTS:

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

The Planning Commission will meet via Zoom on Tuesday, July 21, 2020 to review the updates to the Village of Shelby Master Plan.

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

Nothing to report.

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

Nothing to report.

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

Councilman A. Near reported that he put down a sample of coating on a section of the

basketball court at Getty Park. He is planning to check on the durability of that section in the coming days.

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

Nothing to report.

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

Several meetings will be coming soon in the process of filling the Village Administrator and Administrative Assistant positions and the Police Chief opening.

g. ORDINANCES – Chair Steve Crothers, Dan Zaverl:

Nothing to report.

15. PAYMENT OF BILLS:

a.) June 8, 2020

Councilman J. Wyns moved to approve the payment of bills of June 8, 2020 in the amount of \$137,485.33.

Seconded by: Councilman S. Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

b.) July 13, 2020

Councilman J. Wyns moved to approve the payment of bills of July 13, 2020 in the amount of \$37,960.47.

Seconded by: Councilman J. Sutton.

Roll Call Vote:

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

Motion Carried 7-0.

16. ADJOURNMENT: Councilman S. Crothers moved to adjourn the meeting at 8:46 P.M.
Seconded by: Councilman D. Zaverl.

Roll Call Vote:

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

Motion Carried 7-0.

Council minutes are not official until approved at the July 27, 2020 Council meeting.

Approved

Crystal Budde 7-27-2020
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer Date