



**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF September 14, 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.

2. ROLL CALL:

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

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

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

4. MINUTES:

a.) August 24, 2020

Jim Wyns moved to approve the minutes of the Regular Council meeting of August 24, 2020 as corrected.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

b.) Special Meeting September 3, 2020

Steve Crothers moved to approve the minutes of the Special Council meeting of September 3, 2020 as presented.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 7-0.

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

6. PRESIDENT’S REPORT: President Inglis reported that he did not want to disparage anyone; however, he wanted to correct some misinformation that was published in the Oceana’s Herald-Journal on August 27th after the August 24th Shelby Village Council meeting. President Inglis wished to reiterate what he stated at least three other times; that is, Village officials did not first learn of the proposed water main extension project from the Village of Shelby to Peterson Farms’ farmworkers’ apartment

buildings in June of 2020. In fact, President Inglis knew about the concept in October of 2019 when former Village Administrator Rob Widigan asked him for his thoughts regarding the feasibility of providing the water to the apartment units. President Inglis advised VA Widigan that the proposed project seemed to be a beneficial one; however, he advised Mr. Widigan to only explore the details of the project to include cost information. He was told explicitly not to incur any costs or commit the Village to the project in any manner without consulting with the Village Council or, at a minimum, the Water and Sanitation Committee or Finance Committee.

President Inglis did some further research to verify in his own mind whether there was any knowledge or discussion of the issue by and between any member of the Council since Mr. Widigan called President Inglis in October of 2019 to describe what was being considered with regard to the extension of the water main from the Village of Shelby to Peterson Farms' farmworkers' apartment buildings. Between October 2019 and July 2020, not one member of the Council including President Inglis had been informed of the status nor details of the proposed project including cost figures during discussions/meetings, email correspondence, and phone calls between Mr. Widigan, engineers with Fleis & VandenBrink, legal counsel with Dykema Gossett, EGLE, MEDC, The Right Place, a representative(s) for Peterson Farms or Senator Bumstead's staff. That is why Council members expressed surprise and concern at the Council meeting of July 13, 2020 when the details of the proposal became public. If the Council had been kept better informed of the details and progress of the talks, perhaps the vote to move forward with the USDA loan application, recognizing that the Village of Shelby is not and will not be pledging its full faith and credit or assuming any responsibility to pay any loan debt back to the USDA, would have passed by more than a 4-3 vote at its August 10th Council meeting. In fact, if President Inglis had not voted to break the tie vote, the Village would not be discussing the subject this evening.

It appeared to the Council members that the residents and taxpayers of the Village of Shelby were the last to be informed of the proposed extension of the Village's water main to the Peterson Farms' farmworkers' apartment buildings. In addition to the correction regarding when the Village Council knew about the water main extension project, the language in the Herald-Journal that stated "included in that figure (the cost of legal fees) would be the legal work previously provided" should have read "included in that figure would be necessary legal work provided by Dykema."

7. ADMINISTRATOR'S REPORT:

Interim VA Cousins reported that the pavement markings at the school crossings had been updated prior to school opening. The Sixth Street blinking light was tested and adjusted to work during busy crossing periods; however, the lights will be off when they are not needed.

VA Cousins met with Tim Reeves, Shelby Schools Superintendent, to introduce himself and discuss a few items (one being the crossing guard invoice). They plan to meet monthly (or more often when needed) to maintain an open and continuous flow of information and cooperation between the School District and the Village.

The government agencies that may be affected or involved in the proposed Peterson Farms Water Main Extension have been contacted; so, all are aware of the project. This will ensure a smooth progression of the project if the Council determines to continue to move forward.

The Parks, Recreation, and Buildings Committee met late last month to review basic safety procedures for the Parks Department. They also recommended that the Council adopt policies concerning bad weather during use of the soccer field and the safe movement of the soccer goals.

The Village has received four applications for the vacant Police Chief position. Fourteen applications have been received for the vacant Village Administrator position. The Personnel Committee has a meeting scheduled this week to start the review and selection process. Due to privacy requests, the names of the applicants will not be published until they have agreed to an interview by the Village Council.

The data showing the past due water customers has been transferred to the Mid-Michigan Community Action Agency. Once they pair the list up with their food assistance recipients, the Village will receive payments to put toward the past due bills. Checks are expected about the middle of October.

Interim VA Cousins reported that the Water and Sanitation Committee met last Wednesday to review the report prepared by the Michigan Rural Water Association earlier this year. The Committee discussed options for the Village to take regarding water rates, noting that there have been meetings with the DPW Supervisor and Fleis & VandenBrink to review the Village's Capital Improvement needs with regard to the water and sanitation system; then, bring recommendations back to the Committee for further study prior to a recommendation being made to Council.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Greg MacIntosh reported that he received the results from the lead and copper testing and that the tests showed zero results in action level. This is a good result and shows the Village had no evidence of lead and copper in the water. Mr. MacIntosh also reported that there had been a possible lightning strike at the lagoons, and he has a technician from WendeMuller coming out to the site to examine the issue and determine the needed repairs.

Chief Farber reported that he has been purchasing the equipment for the approved CESF (Coronavirus Emergency Supplemental Funding). Vehicle modems and accessories have been ordered and he is waiting for their arrival, at which time he will schedule the installation. PPE items have been ordered but he had a little struggle with ordering needed supplies because some sites are spiking the prices up from what the rates should be. Chief also reported that he is also still working on the final vehicle information for the purchase of a new DPW Ford F250 pickup truck with plow and new Police SUV.

9. CORRESPONDENCE:

a.) Hart Township – Notice of Public Hearing regarding a proposed ORV Ordinance

The Village received notice that Hart Township will be holding a Public Hearing on October 13, 2020 at 7:00 P.M. to consider a request to create an ORV Ordinance and limited use of golf carts on public streets in Hart Township.

10. CITIZEN PARTICIPATION:

Jodi Nichols, member of the Oceana County Economic Alliance, and representative of The Right Place,

spoke on behalf of the proposed water main extension for Peterson Farms' apartment buildings. She is anxious for the presentation as she believes this project is of utmost importance. Housing is critical for not only the Village of Shelby but for Oceana County as well in order to attract adequate labor to the area. It was shown from the Community Assessment that was performed last year that housing was one of the largest concerns for Village residents.

11. OLD BUSINESS:

a.) Water Main Extension to Peterson Farms

The Village Council had received the Feasibility Study from Fleis & VandenBrink regarding the proposal to extend Village water north of the Village limits to the Peterson Farms Residential Development on Baseline Road. Don DeVries, Fleis & VandenBrink, presented the study to Council and answered questions regarding the proposal. The \$8,000.00 study was paid for by Peterson Farms and the United States Department of Agriculture (USDA). The USDA and the Michigan Economic Development Corporation (MEDC) have also committed \$1.6 million toward the \$2.7 million capital project for the extension of the water main. This leaves \$1.1 million to be committed by a loan, additional grants, or other means for the project to move forward. Peterson Farms has asked that the Village apply for a loan from the USDA which will help determine what, if any, additional grants are available. The application process does not commit the Village to borrowing the funds. However, there will be costs of approximately \$25,500.00 to process the loan application. The Village Council has made it clear that no Village funds are available for the project.

If the Village wishes to proceed through the application process, Interim VA Cousins recommended that the Village require an escrow fund to be created and funded by any or all of the following: Peterson Farms, EGLE, MEDC, MDARD, and other state or federal departments. The escrow fund shall be opened with deposits of \$25,500.00 for the application process at which time the Village of Shelby will enter the USDA application process. This step realizes that the Village of Shelby will NOT be responsible for the loan – another avenue will be pursued.

Jim Wyns moved to authorize the Interim Village Administrator to create an escrow fund to be used to cover the costs associated with an application to the USDA to determine final loan details for construction of a water main from the Village of Shelby water system to Peterson Farms. The escrow fund shall be opened with deposits of \$25,500.00 from any or all of the following: Peterson Farms, EGLE, MEDC, MDARD, other state or federal departments, and other economic development entities. The USDA loan application will be started after the escrow fund deposits reach \$25,500.00, at which time, the Village of Shelby will begin the USDA application process. If escrow fund is not sufficient, the Village of Shelby will notify the depositors. If, at the end of the application process, there is a balance, the monies will be refunded to the depositors in an equitable manner.
Seconded by: Bill Harris.

Roll Call Vote:

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

Motion Carried 7-0.

Richard Raffaelli, CEO of Peterson Farms, thanked the Village Council for seeing the importance of the water main extension and for approval of taking the next steps in this project.

b.) Shelby Public Schools Crossing Guard Invoice

The Village Council had asked the Interim Administrator to investigate the invoice received for the school crossing guard services for the 2019/2020 school year and report back to Council with details as to the increase in the invoice. The invoice appeared to be \$2,000.00 higher than the previous year. The crossing guard program in Michigan states that a local unit of government providing law enforcement services in the community is responsible for the training of school crossing guards. It, however, is silent on what entity has to provide and pay them. Most crossing guards in Michigan are supplied by the local government. Some, as in Shelby, are hired by the school district. As for pay, some local governments pay the guards and others share the expense. The local government, regardless of who the guards work for, is required to train them. In Shelby, the school district hires and pays the guards and bills the Village for their wages, retirement contributions and taxes paid by the school district. The Village receives a bill each June for the previous school year. Shelby Public Schools Superintendent Tim Reeves explained to Mr. Cousins that this year's invoice included required retirement contributions as the employees performing the crossing guard duties were included in the district's retirement plan. Classes ended early due to Covid-19, but all school employees were paid for the rest of the year even if they were sequestered at home. The school district is anxious to take themselves out of the crossing guard program; so, if the Village wants it, it is theirs. The school district has the staff available to provide crossing guard duties when a sub is needed. If the Village is the employer, they are going to have to staff the crossing guards with its police officers. It may cost more to have the school provide the guards; but, it appears to be a great deal less hassle for the Village.

Interim Village Administrator Cousins recommended two actions: 1) Authorize payment of the June 2020 invoice; and, 2) Direct the Administrator to have discussions over the Winter concerning shared costs for the crossing guard with the school district (Mr. Cousins also suggested that the Village make sure the training is accomplished so even when a sub is needed, they are competent to provide for the safety of the children).

Steve Crothers moved to authorize the Administrator to pay the Shelby School District invoice for crossing guard services for the 2019-2020 school year in the amount of \$7,495.61.
Seconded by: John Sutton.

Roll Call Vote:

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

Nays: Zaverl.

Motion Carried 6-1.

12. NEW BUSINESS:

a.) Resolution of Support for the DNRTF Ballot Initiative

On the 2020 ballot in the general election will be the request for public support to update and expand the Michigan Natural Resources Trust Fund (MNRTF) guaranteeing investment in conservation and outdoor recreation, protecting Michigan's natural resources and invigorating local economies.

Jim Wyns moved to adopt Resolution #2020-09-14-01 supporting the Ballot Proposal to Amend the Michigan Natural Resources Trust Fund.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

b.) Soccer Goal Safety and Education Policy

The Parks, Recreation, and Buildings Committee met on numerous occasions this summer to create and fine-tune two policies that they now recommend the Council adopt and put into use. One is the policy to instruct and inform users of the soccer field as to the movement of the soccer goals. Attempting to relocate the goals without proper training and safety considerations could result in an injury to a user of the field. Following the policy and having the safety notice posted on the goals will work as a deterrent to improper movement of the soccer goals.

c.) Parks Severe Weather and Lightning Policy

A severe weather policy is issued in an effort to prevent injury or loss of life due to a severe weather event during use of the field. The Village's MML insurance loss-control representative is in the process of a final review of the policies; we expect they will be approved as written.

John Sutton moved to adopt the Soccer Goal Safety and Education and Severe Weather and Lightning Policies and distribute the policies to all renters of the recreation fields in the Village of Shelby.

Seconded by: Andy Near.

Roll Call Vote:

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

Motion Carried 7-0.

d.) Coronavirus Relief Local Government Grants (CRLGG)

The Michigan Department of Treasury sent out checks at the end of August that were to replace the shortfall in the Village's State Revenue Sharing payment for August (the Village received \$12,724.00). Because Federal Funds were used for this payment, we must justify and report that the monies are used for Covid items (spent between March 1, 2020 and December 31, 2020) and pay back any unused funds. The Village is required to send a signed agreement to the State by September 23, 2020 acknowledging both the funds received and the process to follow to determine what (if any) funds need to be returned to the State in January. Not all of the details of this program have been released as of September 11th; we will have a better understanding of the specifics regarding the funding soon.

Dan Zaverl moved to authorize the Administrator to submit the necessary forms and accounting reports for the Village of Shelby to participate in the CRLGG Program regarding the \$12,724.00 Coronavirus Relief funds received from the Michigan Department of Treasury.

Seconded by: Jim Wyns.

Roll Call Vote:

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

Motion Carried 7-0.

13. COMMITTEE REPORTS:

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

The Planning Commission meeting of September 15, 2020 was cancelled due to lack of agenda items. The Planning Commission will meet on October 20, 2020 at 6:30 P.M. via Zoom to review the proposed Village Master Plan.

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

Committee Chair Bill Harris reported that the Village of Shelby Water Rate Study is under review and the Committee will be bringing a recommendation to Council in the near future.

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

Nothing to report.

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

Committee Chair Andy Near reported that Emily Stuhldreher; Mishelle Comstock, Vice President of Shelby State Bank; and, he are preparing for their presentation to the MDNR for the Trust Fund Grant for Getty Park.

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

Nothing to report.

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

Committee Chair John Sutton reported that the Personnel Committee will be meeting on Thursday, September 17, 2020 at 4:30 P.M. to review the applicants applications for the Police Chief and Village Administrator positions.

g. ORDINANCES – Chair Steve Crothers, Dan Zaverl:

Nothing to report.

14. PAYMENT OF BILLS: Jim Wyns moved to approve the payment of the bills in the amount of \$50,770.39.

Seconded by: Steve Crothers.

Roll Call Vote:

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

15. ADJOURNMENT: Dan Zaverl moved to adjourn the meeting at 8:47 P.M.
Seconded by: Andy Near.

Roll Call Vote:

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

Motion Carried 7-0.

Council minutes are not official until approved at the September 28, 2020 Council meeting.

Approved



Crystal Budde

September 28, 2020

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date