

**Bellaire Village Council
Meeting Minutes
October 2, 2019**

1. **Call to Order:** President Bennett called the meeting to order at 7:00 PM.

2. **Roll Call Attendance:**

Present: President Dan Bennett, Council Trustees David Ciganick, Eldon McPherson, Trish Drollinger, Bryan Hardy, Pat Boyd and Helen Schuckel.

Absent: None

Staff Present: Cathy Odom, Treasurer, Lori Lockett, Clerk, Bill Drollinger, Chief of Police & Brad Keiser, DPW Supervisor.

Also Present: Terry VanAlstine, Jennifer Hodges, Dale Snook, Dennis Spillane, Marguerite Karabin, Eric Seguin, Christy Wilson & Amanda Kik.

3. **Approval of Agenda:** The agenda was approved with additions.

Motion by Schuckel, seconded by McPherson, to approve the agenda with the addition of new business item h, Waterline Project-Gourdie Frasier, item I, Glacial Hills Board-Council Rep, item j, Waterline-EJFHC, item k, Sale of Fixed Asset-Tires & item l, Fleis & Vandenbrink Invoice. Motion carried by voice vote.

4. **Conflict of Interest:** Trustee Drollinger noted a conflict with new business item f, Planning Commission Appointment-Bill Drollinger.

5. **Consent Agenda:** The consent agenda was approved.

Motion by Hardy, seconded by Ciganick, to approve the consent agenda as presented. Motion carried by voice vote.

6. **Public Comment on Agenda Items:** None presented.

7. **Old Business**

a) **DDA Update:** Amanda Kik updated Council on the status of the capital fundraising champagne. She also noted that they are looking for investment opportunities and some of the possible investors are asking about the Village offices moving out of the building. She stated that the DDA discussed having Council determine their needs for new offices.

b) **County Update:** Terry VanAlstine informed Council that except for a financial director and a sheriff's department deputy, the County employment needs are mostly filled. They recently hired four employees at the road commission so there should be no problem with winter maintenance. The hydrology study is moving forward. The County is looking at an online reservation system and accepting credit cards at Barnes Park. The bank building removal is in progress. The majority of the commissioners are looking at option F for the county campus, which keeps everything at their current location at an estimated cost between 22-25 million. There would be additional cost for the renovation of the administration building.

c) **Crusecom:** As of today, Crusecom now has 47 employees and are in compliance with their reporting requirements to keep their tax abatement status. The deadline to file the reports to the State of Michigan is October 15, 2019. Clerk Lockett will forward the information to the assessor who will then file the appropriate forms with Treasury. Trustee Ciganick asked if there was a particular day where this count is taken. Clerk Lockett noted that this date was chosen so there is enough time to gather the information for the reports before they are due on October 15. No further action was taken.

d) **Sewer Project:**

- **De-obligation of Funds:** Treasurer Odom noted that Council previously decided to halt the loan process with the USDA for the sewer project. If we are not going to move forward with the loan, Council has to formally de-obligate the funds that were set aside for the project. A draft letter was presented for approval if this is how we are going to proceed.

Motion by Drollinger, seconded by Hardy, to approve the letter to the USDA and send it in. Motion carried by voice vote.

- **Bond Anticipation Note:** Treasurer Odom informed Council that the bank agreed to send a letter to Bond Counsel extending the due date for the BAN, which will give us the time needed to set up a Revenue Bond for repayment. We now have to decide on the terms of the new bond. Treasurer Odom was told that there will be no penalty for early payoff. A ten year term with possible early payoff was discussed. The cost for the development of the new bond will be approximately \$2,500. She also noted that Tom Traciak from Baker & Tilley (Umbaugh), who was hired to be our financial advisor for the loan, said his costs for the project will be reduced to \$6,500 because we are not moving forward with the loan. President Bennett asked if these costs included attorney fees and they do not. There is also a final invoice from Fleis & Vandenbrink.

Motion by Drollinger, seconded by McPherson, to check into a bond for a ten (10) year term for the repayment of the bond anticipation note. Motion carried by voice vote.

- e) **Water/Sewer Rates:** President Bennett explained that our next rate study is scheduled for January 2020, which leaves us with two options. We can approve the rates previously discussed and then address it again in January when the new rate study is completed or we can wait until after the January rate study and address the rates at one time. One other option we are looking into for the waterline project is a special assessment. He noted that the DPW can provide the services for the waterline project in house. Treasurer Odom presented the rate study previously completed. The rates presented include the USDA loan. She explained that she doesn't have the capability to remove it from the study, but we want to make sure we still have funds to complete some of the sewer projects that are needed. The study that will be completed in January will reflect more accurate expenses. She also explained that we would be eligible to have a special assessment due to the nature of the waterline project. An ordinance, resolution and a public hearing would be required if we want to pursue this option. We are in the beginning stages of looking into the idea, but wanted to let Council know that it is also an option. Mr. Keiser explained that we have to excavate all 550 service lines. A cost comparison discussion between a special assessment and water rate increase occurred. Mr. Keiser also reminded Council that the rates were supposed to be approved in March because they were used to support the 2019-20 sewer budgets. Trustee Ciganick stated that due to the shortfall in the sewer for this year's budget, he advocates for the increase the rates now. We need to start saving now for these projects.

Motion by McPherson, seconded by Ciganick, to approve the increase in rates presented. Motion carried by voice vote.

- f) **DPW Supervisor Phone:** This was discussed at last month's meeting and information was obtained. The First Net program has a cost of \$39.99 a month and provides unlimited talk, text & data. An upgrade for the phone will be from \$200-\$300 dollars. Discussion of allowing him to use this as both a personal and business phone so he can eliminate using two phones. He can transfer his own number to this phone.

Motion by Drollinger, seconded by Boyd, to approve the purchase of the First Net program and upgraded phone for the DPW Supervisor. Motion carried by voice vote.

8. New Business:

- a) **Lovett Lane Access Request:** Mr. Spillane would like to request that Lovett Lane, which is included in the plat off of Genessee St., have the trees removed for everyone in the plat and those on the west side of Genessee St. can gain access to the river. President Bennett noted that this is a road right-of-way, not a public access. Mr. Spillane noted that it goes all the way to the water's edge. When asked if it is classified as a wetland, Mr. Keiser noted that we would need permits if Council decided to clear it. He also noted that our water main runs underneath Lovett Lane and crosses under the river in that location. Trustee McPherson said there is also no parking in that area. It was noted that there is currently no funds left in the budget for tree removal for this year. Trustee Drollinger stated that we have several roads that are like this and they also don't have river access. Mr. Spillane explained that this road is being used to access one piece of property and we are clearing the snow for that piece of property. He said it doesn't seem right that we are maintaining a road for one person and no one else can use it. Mr. Keiser said the Village plows several roads that only have one house on it. Mr. Spillane said he is not asking for a ramp, all he would like to see are some trees come down. He said Ms. Shafer from ACD would approve it because they wouldn't be

chipped too far below the surface. Trustee McPherson noted that if the trees come down, we may have to consider something to avoid erosion. Chief Drollinger stated we would also have to place a sign at the road stating that the road ends to avoid creating a hazard for the public. Mr. Keiser said there are 14 other roads that dead-end at a waterway, if this one is done, how many more will we have to do. He also noted that once cleared, there will be ongoing expenses to keep it maintained. Mr. Spillane asked how he is, as an owner of a lot in the plat, supposed to access the river if this is not done. It was noted that there are several access sites that are already developed within the Village that can be used. Mr. Spillane explained that this is part of the inherent value of the property that he has in the plat. Mr. Keiser said we are trying to build a kayak launch in Richardi park, which is already developed, and based on the hoops we are having to go through to get that completed, he believes that gaining access to the river will be more extensive than just cutting down trees. There was no further discussion and no further action was taken.

- b) **Bridge Consultant:** Mr. Eric Seguin from Prein & Newhof engineering firm introduced himself and explained that his company would like to put together a proposal for the Village bridge inspections. Mr. Keiser explained that Village bridge inspections are required every couple of years. The Craven Dam bridge also requires an underwater inspection. Our previous engineers provided our bridge inspection services, we had an audit of our records and it didn't go well. Our files in house and online were not in proper order and we now need to get it corrected and bring it up to standards. The auditors, the Spicer Group and Federal Highway Service, suggested we hire a bridge consultant who can help get everything in order and who will also take care of the inspections. We were not fined, but needs to be taken care of over the next year. Jennifer Hodges from Gourdie Frasier also said they would like to provide the services need for the bridge inspections. She explained that they have services in house and subcontractor services that can provide what is needed. Her company would also like to put together a proposal for the Village.

Motion by Bennett, seconded by Drollinger, to hire Gourdie Frasier to provide our bridge inspection services. Motion carried by voice vote.

- c) **Committee Structure:** President Bennett presented a new committee structure and it is ready for approval.

Motion by McPherson, seconded by Hardy, to approve the committee structure as presented. Motion carried by voice vote.

- d) **Ordinance #02 of 2019, Alcohol in Richardi Park:** Council has already addressed and approved the changes for alcohol in park; however, it needs to be approved by ordinance. The ordinance was not on last month agenda so it is being presented today and is ready for approval. All forms associated with alcohol being allowed in the park have already been approved.

Motion by Drollinger, seconded by McPherson, to approve Ordinance #02 of 2019 as presented. Motion carried by roll call vote. Ayes: Drollinger, McPherson, Boyd, Ciganick, Hardy, Schuckel & Bennett. Nays: None

- e) **Resolution #22 of 2019-State Trunk Line Contract:** This is a contract between the Village and the State to cover services we provide along M-88 Hwy. We provide snow plowing, snow removal and maintenance services. The previous contract, which was our first with them, was for a period of one year. This one will be for five (5) years. Who is eligible to sign the contract must be approved by resolution.

Motion by Hardy, seconded by McPherson, to approve resolution #22 of 2019, the state trunk line contract. Motion carried by roll call vote. Ayes: Hardy, McPherson, Boyd, Ciganick, Drollinger, Schuckel & Bennett. Nays: None.

- f) **Planning Commission Appointment-Bill Drollinger:** Bill Drollinger's appointment to the Planning Commission expires in November and he would like to serve another term. President Bennett would like to reappoint Bill Drollinger to the Planning Commission.

Motion by Hardy, seconded by Boyd, to reappoint Bill Drollinger to the Planning Commission for another three year term. Motion carried by voice vote with one abstention from Trustee Drollinger

- g) **ZBA Appointment-Leslie Meyers:** Leslie Meyers' term on the ZBA expires in November and she would like to serve another term. President Bennett would like to reappoint Leslie Meyers to the ZBA.

Motion by Boyd, seconded by Hardy, to reappoint Leslie Meyers to the ZBA for another three year term. Motion carried by voice vote.

- h) Waterline project-Gourdie Frasier:** Jennifer Hodges from Gourdie Frasier presented the capital improvement plan (CIP) they were hired to provide for our water main and service line replacement. She provided a brief synopsis of the plan. The intent was to address the new lead and copper regulations. They went through the inventory, identified needs and created a priority list. They separated it into five (5) areas and dealt with age and condition of the pipe. They provided maps and costs for repair or replacement of the needed areas. They also provided funding options in the plan. She did explain that if our rates reach a \$50.00 threshold, we would be available for 75% grant opportunities. Mr. Keiser explained that all of the items in the plan are not mandated. The only thing mandated is the lead service line portion. This is a complete water line CIP and goes beyond the lead replacement requirements. Trustee Ciganick stated that we referenced a \$2,500 service line replacement cost and asked how many service lines are in the Village. Mr. Keiser noted we have 550 service lines. He also noted that this number may be on the high side. We kept track of the cost of one we just recently replaced and it came in under 2,000. Trustee Ciganick noted that our concern is that when you tap into that number of goosenecks which is where the lead occurs, it comes off the main, you're possibly disturbing the mains that are already antiquated in many cases which is what was driving our greater interest in potentially doing far more than just what is being mandated by the state.
- i) Glacial Hill Board-Council Rep:** President Bennett was approached about having Trustee Boyd representing the Village on the Glacial Hills Board replacing Trustee McPherson. He currently represents Forest Home Township. The Township has several others interested in serving on the Board so it would not be difficult to replace him as their representative. President Bennett explained, to make him aware, that Trustee Boyd could have a potential conflict on some of the items he may have to approve due to the nature of his business and the financial benefit it may create.

Motion by Ciganick, seconded by McPherson, to approve Trustee Boyd as the Village representative on the Glacial Hills Board. Motion carried by voice vote.

- j) Waterline-EJFHC:** Mr. Keiser explained that in 1987, the water line for the East Jordan Family Health Center (EJFHC) was run off of Broad St. running through the property where the second building is located. When the second building was built, they tapped into the EJFHC line. That line broke last week for the second time and this time it was not repairable. The owner of the second building offered to pay to have a brand new line put into his building if the Village was willing to re-tap the main so he could have water in his building and we agreed. Now the EJFHC building doesn't have water and they would like to know if we would offer them the same courtesy. They do have a tap, but they would have to run it off of the second building property. They would like to run their own line off of Depot St. They paid for a tap previously, but would like the Village to consider allowing them to re-tap the main in a different spot at no cost. Mr. Keiser noted that they have already paid for a tap but it was not properly installed back then. They are trying to correct a wrong and are willing to pay for the new line going into their building.

Motion by Drollinger, seconded by Ciganick, to allow them to re-tap to the main at no cost. Motion carried by voice vote.

- k) Sale of Fixed Asset-Tires:** The DPW has a couple sets of tires that we cannot use. One was for the holder and one for the old Tahoe. Mr. Keiser would like permission to sell them.

Motion by Ciganick, seconded by Boyd, to allow Mr. Keiser to move forward and sell the two sets of snow tires at a reasonable amount of money at his discretion. Motion carried by voice vote.

- a) Fleis & Vandenbrink Invoice:** We have received a final bill for the work done by Fleis & Vandenbrink for the sewer project in the amount of 35,460.24. It was noted that the bill we received was for \$53,203.65 but they are willing to waive \$17,743.41 for additional services if we agree to pay the \$35,460.24 balance. The work is backdated from March of last year. President Bennett met with our attorney and he noted that it could cost the Village \$10-12,000 in attorney fees to fight it. President Bennett noted that we should have taken our own sets of minutes of the meetings with them. Ms. Hodges explained that before additional services are performed, an additional service contract should have been presented for Council approval before the work is done, which the Village doesn't have. We are also entitled to get a complete breakdown of time and materials, hours, who worked on the project, their hourly rate and the scope of the work they did. A general invoice is not sufficient. It was also noted that before we pay the final bill, we need to make sure we have a copy of all of the documents we are entitled to have. They are called all of the instruments

of use, CAD files, the drawings, bases of design or any information they had to use as an instrument of tool to conduct their work. Mr. Keiser noted that some of this additional service occurred because they didn't do the job correctly the first time. We, as a Village, had to pay out of pocket expenses to re-camera a section of line because we knew the problem was not where they said it was. We paid them for the camera work they set up, and then had to pay for another camera job to show their work was incorrect. We had to pay for their inspector to inspect our sand filters. Ms. Hodges said a letter should be prepared outlining what we need before the final bill is paid and she would be willing to work with us on it. She noted that it could go to mediation and the bill may be negotiated but there could be legal expenses.

Motion by McPherson, seconded by Schuckel, to send a letter outlining items we require from Fleis & Vandenbrink, asking for clarification and details for our files before the final bill is paid. Motion carried by voice vote.

9. Discussion Items:

- b) **County Property Taxes:** This is on the agenda to inform Council that Antrim County may be going to the Tax Tribunal to dispute the bank property being placed back on the tax roll. If they proceed and win we will have to pay them back for the taxes they paid to us. Terry VanAlstine said he will have more information tomorrow, but the County may choose not to proceed with this action.
- c) **County Committee Vacancies:** The County is seeking Interest Notification Forms for several positions. If anyone is interested in serving contact the County Administration Office.

10. Department/Committee Reports:

- a) **Committee Reports:** Committee minutes were included in packets for review for those committees that have met.
- b) **Clerk/Zoning Administrator:** A written report was presented. She informed them that a public hearing for the Master Plan has been scheduled for November 5, 2019. On November 6, 2019 a representative from the RRC will discuss the requirements for certification and a resolution of willingness to complete the tasks outlined in the baseline report. The Planning Commission is holding a public hearing on October 8, 2019 to address amendments to the zoning ordinance. A letter was sent to address the special use permit requirements for Mr. Miner's business. The revenue sharing requirements for the Treasury Department will be ready for the next meeting. Trustee Ciganick reviewed the redevelopment plan and looked at the communities that have prepared themselves for this plan. Many of them, like Kalkaska, have many empty store fronts. The emphasis for an RRC is the downtown area and we have very little potential for redevelopment. He is looking forward to hearing what the RRC representative has to say next month and to ask these questions of him when he's here. We are a vibrant community right now. Maybe we prepare ourselves for possible future problems, but he thought this may not be us at this time. Clerk Luckett noted that at the time this was brought up, it was because there was not an RRC in Antrim County and because Bellaire is the County seat, it was thought that we should actively pursue this. There was also a push to use these available funds, once certified, for redevelopment of the community hall. There was also discussion about the County property. She said that because this is part of the MEDC, if certified, it opens up funding opportunities. There are many requirements that have to be done. If we move forward, we have to approve a resolution stating that we will comply with the requirements and there is also a timeline that will have to be followed.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** Chris Thompson has been busy cleaning sewers.
- e) **Police Department:** None presented.
- f) **Planning Commission:** None presented.

11. Closing Member/Public Comment:

- **Trustee McPherson:** Trustee McPherson asked about handicap parking spots in the parking lot by the food pantry. It was noted that the County leases that lot and maintains it. Chief Drollinger noted that he thought there was, at one time, one spot.
- **Trustee Ciganick:** Trustee Ciganick noted that when Amanda Kik said it was time for the Village to come up with a plan for moving out, he said it might be time for the Village to come up with an official position as to how we actually feel about project. He said he has advocated from the beginning that it is a great idea to restore the community hall as long as it doesn't cost us anymore than the current cost of us occupying this space, which is about \$25,000 a year. To buy or build a place for us to move is costly and it is time to put it in black & white stating our official position. Trustee Hardy noted that we are already in their budget with Trustee Boyd noting they want to know our needs for square footage, etc. Trustee Hardy noted that the two groups have to come together and develop a checklist of needs. Mr. Keiser also noted that we need clarification of their plans. If they are buying the building, that may generate funds for us to move or build new office space. Discussion of what committee will handle this occurred and dates to meet will be determined.
- **Marguerite Karabin:** Mrs. Karabin again asked about the property at 309 N. Maple and if there was a way to have him clean up his property. She said she reviewed the nuisance ordinance and asked about enforcing it. Chief Drollinger noted that this has been addressed several times and all of the property owner's vehicles are registered and there are no regulations about how they have to be parked on a property. Values of surrounding property were discussed.
- **Holly Wilson:** Holly Wilson owns the Bellaire Bed & Breakfast and would like to be allowed to have pigmy goats on her property. She said they will be taken care of, they are smaller than dogs and they will not be noisy. She said there will not be any males. Trustee Drollinger said that parameters can be set like we did for the chickens. We do not allow roosters. It was noted that it is not a matter of just approving that they be allowed. We have an ordinance that will have to be amended. Classifying them as pets was also discussed.

12. Adjourn: Meeting adjourned at 8:44 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____