

Fife Lake Village  
Council Meeting Minutes  
January 4, 2016

Meeting called to order: 7 pm

**Roll call:** Present: Fisk, Hayes, Roesemeier, Kelley (name change Shomin), Miller, Leedy

Absent: Deike

Others: Martin Miller D.P.W., Valerie Houser-Treasure. Marcia Eby – Deputy Clerk, Marvin Radtke –Interim Zoning Administrator, Bob Johnson- Grand Traverse County Commissioner.

**Approval of Agenda:** Motion by Roesemeier to approve the agenda as presented  
Seconded by Fisk. Motion carried

**Pledge of Allegiance**

**Special Order of Business:** none

**Consent Agenda Items:** Miller made a motion to approve the Consent agenda items as presented. Seconded by Fisk. **Roll Call:** Kelley-Y, Hayes-Y, Fisk-Y, Roesemeier-Y, Miller-Y, Leedy-Y. Motion Carried.

**Police/ Public Safety Report:** No one present.

**Guest:** Bob Johnson- Grand Traverse County Commissioner, He said that a budget was passed. He said that a lot of work needs to be done this year with regard to the budget. Animal Control has been moved under the Sheriff, which resulted in a 4 percent budget cut. There are looking a possibly putting a millage on the August ballot for a Veterans Operating Fund as the counties of Grand Traverse and Benzie pay roughly \$75,000 a year to fund this program. Bob said that the County settled a case in which a person died in jail of a drug overdose a couple years ago. Roesemeier asked Bob if there was some corrective action put in place so that no one else dies in the jail. Bob said procedures are being reviewed. Roesemeier also suggested that the Veterans utilize 3rd Level Crises Center if needed.

**Public Comment:** Bob Sturdavant commented that at the last meeting there was texting on the phone from a council member and he thought it was in bad taste. Hayes made a comment that the packet now comes on the phone and that it was possible that is what was going on. Tim Minder-107 Merritt Street. DDA board member, he referenced the packet page 210. He was concern about a merger between the Village Attorney and another firm. He said the merger with Sondee, Racine and Doren. He said that Peter Doren is representing Linda Forwerck in a matter between him and the DDA. Tim would like a formal response from the Village about this as he feels that it to be a conflict of interest. He would also like a reimbursement to the village of all the monies paid to the attorney regarding this issue. He submitted letter to Council about this. Linda Forwerck 116 Front Street said that she is no longer using Peter Doren as she thought that this

matter was settled. She said that Rural Fire has been using him since she has not been using him. She said she thought that the village was done with this.

### **New items**

#### **Resolution 16-01 Hiring Administrator – repeal prior appointed ZA**

Fisk made a motion of approve Resolution 16-01 as presented. Miller seconded it. Kelley questioned if this was being done the right way and feels it violates our zoning ordinance. Leedy said that this resolution will repeal the previous appointed zoning administrator. Kelley asked if it would amend the ordinance, Leedy said no. **Roll Call:** Roesemeier-Y, Hayes-Y, Miller-Y, Fisk-Y, Kelley-N, Leedy-Y. Motion carried.

**Recommend to hire Administrator/ Employment Agreement:** Motion made by Miller to hire Marvin Radtke as a part time Administrator as per the Personnel Committee recommendation. Fisk seconded it. Roesemeier discussed the process in which the decision was made to hire Marvin. Leedy said that references were checked and told council what was said of him. **Roll Call:** Hayes-N, Fisk-Y, Kelley-N, Roesemeier-Y, Miller-Y, Leedy-Y. Motion Carried.

**Attorney/ Legal Service Bids:** Leedy said that several responses came in. Miller said that he has not been overly happy with the current attorney. He has not been happy with the current attorney's response time Miller made a motion to hire David Bieganowski as the new attorney for the Village. Supported by Fisk. Roesmeier asked how much he would charge to get current with what is going on in the Village. Dave who was in the audience said that there are not a lot is issues going on. He felt it would not be a lot of review at this time. He said that there would be some work to transition, looking over the ordinance and things like that as issues arise. **Roll Call:** Kelley-Y, Hayes-Y, Roesemeier-Y, Fisk-Y, Miller-Y, Leedy-Y. Motion Carried.

**Auditor Bids:** Leedy said that three responses came back. Bids were opened publicly at the meeting. They were from Baird Cotter Bishop, Gabridge & Company, and Dennis Garland & Niergarth. Discussion among Council about all three firms. Miller felt that with Gabridge & Co. the Village would save 10,000 dollars over 5 years. DDA chair Motion was made by Miller to use Gabridge & Company to do the Audit. Fisk seconded it. Discussion: Linda Forwerck was asked about what she thought regarding the audit from the DDA. She suggested stay with the current auditor. **Roll Call:** Fisk-Y, Roesemeier-Y, Kelley-Y, Miller-Y, Hayes-Y, Leedy-Y. Motion carried.

**Set budget & truth in taxation hearing:** Motion by Hayes to set the hearing on February 1, 2016, 15 minutes before the meeting. Seconded by Kelley. Motion carried.

**Key Policy Change:** Leedy said that there was the amended policy in the packet. Motion by Fisk to accept the amended policy as amended. Seconded by Miller. **Motion carried.**

**Council Committee Assignments:** Copy in the packet. Kelley was assigned to the Policy Committee. No changes by anyone with the committees they are currently on.

**Appointments ( ZBA, Planning , DDA):** Discussion on open seats on DDA, ZBA, and Planning. Leedy said that our Clerk went through the Council minutes to see what the minutes reflect the terms were as the term dates were not accurate. Motion by Roesemeier to appoint Linda Deeren to the Planning Commission for a three year term to 2019. Seconded by Fisk. **Motion Carried.**

Discussion on DDA showing two spots open based on review of past Council minutes. Linda Forewerk DDA chair showed conflicting appointments according to her records. Hayes made a motion to table the DDA appointment to the February 1, 2016 council meeting. Kelley seconded it. Hayes-Y, Fisk-Y, Kelley-Y, Roesemeier-Y, Miller-N, Leedy-N. Motion carried.

**Mark's Tree Service:** Leedy explained that they were the successful bidder to do tree work for the Village. He sent a letter saying that we owed him \$4,000. He has done \$1,600 dollars worth of work that he has never invoiced us for. All work completed other than that has been paid in full. The bid reflected a list of work, but that the bid clearly stated not all the work would necessarily be done and was at the Village's discretion. He has also had his insurance lapse several times, which was a violation of the terms of the bid award. The contractor was required to be insured for the duration of the contract. The street committee has discussed this multiple times. We worked with him and awaited his reinstatement of insurance each time. He was paid for Pierce Street trees including change orders. The ball park trees were done for \$1,100 dollars. He did not do the trees behind the Township Hall or Municipal building. He was to chip the bark which was included in his base bid, which has not been completed by his company. He did not finish the contract. At a prior council meeting, council agreed to pay another company to chip the dump and take the amount from Mark's Tree Service's remaining invoices. Leedy asked the council how they would like to proceed. Miller asked if he has been paid for all the work that has been currently done. Leedy said that not everything has been paid as the \$1600 was not invoiced. She said that another company had to come in and chip up the wood at the dump site which he was contracted to do at an extra \$3000. Mark's Tree Service letter states that he thinks he needs \$5,000 to settle the contract but would take \$4,000. He said in the letter that he needs to get paid or he will contact his lawyer. Roesemeier asked with council consensus if this matter was within Marvin Radtke scope to handle this. Marvin said he would look into it.

### Updated items

**Copier Bids:** Two other bids were received. One from Syscom, and one from Great Lakes Business System. She said that Syscom equipment was refurbished. Great Lakes Business Systems were 96 cents higher per monthly total. The first bid from Michigan Office Supply was the lowest with a 5 year lease. With this company you can trade up if needed. The copier will be a Xerox. Toner supplied for up to 2000 copies. Motion by Fisk to accept the lease agreement from Michigan Office Supply. Seconded by Roesemeier. **Roll Call:** Fisk-Y, Roesemeier-Y, Kelley-Y, Miller-Y, Hayes-Y, Leedy-Y. Motion Carried.

**Equipment Bids- Dump Truck:** Leedy said that last month council accepted the bid for the truck without the sander. It has been advertised all along with the

sander as per Martin's list. Mr. Beaver presented the bid last month with the sander. Leedy asked council how they would like to proceed. Discussion among council. Motion by Roesemeier to sell the dump truck with the sander for 2,000 dollars. Seconded by Miller. **Roll Call:** Hayes-Y, Miller-Y, Fisk-Y, Roesemeier-Y, Kelley-Y, Leedy-Y. Motion Carried.

**DDA Update on Council recommendations-joint session:** Leedy said that the joint meeting is on the 19<sup>th</sup> of this month at 6 p.m. Linda has asked of clarification on the agenda. Leedy stated it would include the same items discussed at the Council special meeting in July. Leedy would like to make a recommendation to utilize a facilitator for all to stay on track during the meeting. Motion by Kelley to have the new Village Attorney Facilitate the Joint DDA/ Council meeting on January 19, 2016. Seconded by Fisk, **Roll Call:** Kelley-Y, Hayes-Y, Fisk-Y, Roesemeier-Y, Miller-Y, Leedy-Y. Motion Carried.

### **Committee Reports**

**D.D.A.:** Linda Forwerck and Kris Benke gave the annual DDA report that was in the packet. Linda asked if the DDA chair person is bonded though the Village. Leedy said that only the Treasurer is as per our insurance company that only the Treasurer handles funds. Linda stated both she and Treasurer handle funds. Leedy said that the DDA chair is to only be a second signer the checks and not to handle funds as per our MML insurance provider. Kris is bonded but Linda is not. Linda said that the police officer will be attending the joint meeting. Under Business Matters Linda said that 1-5 has been taken care of. Linda requested a copy of the Conflict of Interest Policy from the Village. Linda presented a DDA budget and hope it to be adopted during this meeting. Leedy asked if the DDA board had adopted, Linda said no it goes to Council first. Linda asked for Council approve tonight. Leedy noted it was not on the agenda and we just got it so we can add it to the February agenda. Linda addressed Council concerns about late payments on administration fees by DDA. Linda apologized for misstating the bill had been paid when it had not. She contacted Mellon Bank to have bills sent to DDA PO Box. Linda stated the bond payment was mailed on the 28<sup>th</sup> and Mellon Bank received the bond payment on Oct 1<sup>st</sup> but was not processed until Oct 2. She stated payments are not considered late until they are 30 days past due. Linda will make sure Council will get check register and bank statements once a month. Linda handed the Village Treasurer for bond fee reimbursement for the bill the Village paid. Linda asked for a drop box set up at the Village. Linda asked the Council if they would put the legal matters that have taken place in the last year about her to rest. She asked for a motion regarding this. Roesemeier said that we lack the power to control the public and what the public says. Roesemeier said that nothing is coming from Council regarding this matter. Fisk stated we have issues that the DDA needs to clean up to reduce the risk to the Village. Leedy stated we are not interested in spending more legal bills to address a closed matter. Miller said that at this point nothing is active toward the legal matter. He said that if something new comes forward we may need to address it. Leedy said at this point the legal issue is over. Dave Bieganowski, attorney

cautioned such a motion would be purely symbolic and most boards would not do so. Kelley stated as a new board member and close relative to Linda that it feels there are still unresolved issues. Leedy stated the joint meeting should hopefully clear up any unresolved issues.

**Zoning:** report in packet

**Street:** Nothing to report

**Policy Committee:** Purchasing Policy in packet. Leedy mentioned that she was not sure if this was the most current one. She said that she would check into it. Hayes asked that the Policy be looked over by the committee. Leedy asked if she had anything specific but Hayes just felt it was time to go over it

**Planning:** no December meeting

**Fife Lake Area Utility Authority:** a copy was passed out at the meeting. Fisk said it was a synopsis of the last year's highlights.

**Finance:** minutes in packet

**Personal Committee:** minutes in packet

**Park:** nothing

**Ad hoc.** Roesemeier said no request.

**Communication:** nothing

**Public Comment:** Deb Rogers 114 State Street. She said that there was talk about putting cameras up to watch the recycle bins. Asked if anything was done about that. She said that there was a litter of kittens in the bin. She said that these kittens were too small to get in the bin on their own. She said she was lucky enough to be able to reach in to get them. Bob Johnson 367 Voice Rd, Kingsley. He mentioned that if there was interest in Council training in Robert Rules or other type training he could set something up. He felt that a refresher was needed. Valerie Housour-Village Treasurer, - Bates Street, said that she became certified in AWR330 - Emergency Management Process. Marvin Radtke Village Administrator: He thanked the Council for his position. He said he understands there may be reservations and he feels diversity on Council is good, that we can focus our energy for our common goal. He is open and approachable and stressed that communication is fundamental. He felt that the job would be a challenge but was looking forward to it. Council thanked him. Dave McGough- 514 Bates, He said that he has been on Council and the DDA board. He mentioned that communication came up again tonight he said that he feels there was a failure to communicate who was on the boards and who wasn't. He felt that there were a couple of people who are out to attack Linda DDA chair and he said that he hoped this will stop.

**Board Comments:** Mary Kelley said that she voted against Marvin because she didn't quite understand the policy of the zoning ordinance. She said she had nothing against Marvin. She welcomed him aboard. She also wanted to say that we are put her by the public and that we need to do things in a good and professional way. She said it is important how the public views us. She says when she sees aggressive behavior and strong words it makes her sad. She said we are all adults and we need to act like adults. Martin Miller D.P.W. said that he followed up on the AI Sanitation request made a couple of months ago. They asked if the signage was in place, which it is. Martin suggested possible increasing the dumpsters to 4 or going to a twice a week pickup. They were not in favor of either on. They suggested that we enforce the \$500 dollar fine. If we turn them in we must follow through with consequences. We have nothing to do with the recycle bins. Leedeey suggested that Martin get with Marvin about this issue.

Roesemeier made a motion to adjourn at 9:28 pm

Respectfully Submitted

Marcia Eby