

**VILLAGE OF FIFE LAKE
COUNCIL MEETING MINUTES
FEBRUARY 2, 2015**

Meeting called to order at 7:14pm by President Leedy

Roll Call:

Present: McGough, Deike, Hayes, Tummel, Fisk, Roesemeier, Leedy

Absent: Clerk Caverson, Treasurer Jasper

Others: Public

Pledge of Allegiance

Approval of the Agenda:

Roesemeier asked for the following additions to the agenda for Appointments under updated F. Leedy added Resolution. 15-01 added to updated G.

Deike moved. Supported by Roesemeier

Special order of business-none

Consent agenda-Treasurer provided reports (and bookkeeper provided reports generated from Quickbooks). Treasurer had left a note with questions for bookkeeper (\$39.99 in question which as for the payroll file cabinet/receipt provided, sidewalk and park accounts corrections need to be made in the same month rather than the date you enter, transfers checked for wording changes, state funds were deposited, made transfer to reconcile accounts). Transfer sheets need to be labeled for which month they apply with a report generation dates a footnote for reference.

Questions on bills and transfers were discussed and explained.

Roesemeier moved with support by Hayes to accept the January Treasurer's report . roll call vote: Fisk-Y, Tummel-Y, Deike-Y, Roesemeier-Y, Hayes-Y, McGough-Y, Leedy-Y.

Motion to pay bills and approve Transfers by Hayes, supported by Roesemeier

Discussion: McGough asked about the Remodeling Specialists certificate of insurance before we pay the bill and Leedy confirmed we have it on file as it came with the LED downpayment invoice. Deike confirmed with Leedy we have the grant funds in our account. McGough also asked if Bob Sturdavant was licensed: Leedy confirmed he is a licensed builder and electrician. Fisk confirmed that all criteria of the bid spec was met by Remodeling Specialists

Unanimously carried by Roll Call: McGough-Y, Deike-Y, Roesemeier-Y, Fisk-Y, Tummel-Y, Hayes-Y, Leedy-Y

Minutes: Leedy apologized for not signing the January minutes and will sign the copy that ends up in the files. Corey Caverson asked for Chris Forsythe's name is put in the minutes. Leedy read a letter from Caverson asking for this correction, and other corrections as well as noting the dates of her term that Caverson feels is accurate. Leedy addressed Caverson's request that we remove the statement that "charges could be filed" in regard to missing documents. Leedy noted that any charges could be at the discretion of the Village and we elected not to pursue an investigation otherwise Leedy would have called the Sheriff's department as the initial action to this. Instead, Leedy sought advice from our attorney, Prosecuting Attorney's office and brought this to council for a corrective action plan, rather than seeking charges at this time. That does not mean charges could not be filed, but rather we made a plan to move forward and correct the problem. Roesemeier pointed out that the statement in the letter that accusations were made, was inaccurate as none were made. Information was presented and a solution was sought to the document control issues.

Motion by Roesemeier supported by Fisk to approve minutes with the addition of Chris Forsythe's name. Unanimously carried.

Guests: GT County Commissioner Bob Johnson along with Road Commissioner Carl Brown gave an overview of County happenings. Roads, bridges and dams were discussed. Brown gave an overview of the success of the millage projects for 2014. The first year focus was on arteries leading into and out of the greater Traverse City area such as Supply and Fife Lake Roads. Fisk asked what we can do as Council members to help along the greater road funding problems. Brown replied with attending or sending a letter of opinion is very helpful. George Gauld asked about gravel roads and Brown explained the Township would need to participate in a program with the county for brine and any upgrades other than grading and maintaining. Johnson noted the meeting for the Community Police Officer program with the participating Townships is the 5th at 3pm. Johnson encouraged participation in meeting by all citizens.

Communication: FEMA training invitation was discussed, State fire withholding program supplied a new list. Claim denial for Front Street homeowner's tree was presented.

Hayes read a resignation by Treasurer Vicky Jasper (to be entered into the records), effective immediately. Hayes has Jasper's keys to the office.

McGough read a letter from Betty Hyde of 121 Boyd St. regarding the history of Jasper's time as Treasurer and thanking her for her time.

McGough gave his opinion that the Clerk and Treasurer are not guilty of any wrongdoing. Leedy asked if McGough is asking for an investigation to be opened by the Sheriff's Department. McGough declined. Roesemeier reiterated that no accusations were made at the prior meeting where missing records were discussed, and does not feel it is in the Village's best interest to pursue such an investigation. Leedy agreed and that is why she did not pursue one. Fisk reminded us that we are dealing with public money and trust and our job is to reduce our liability and risk to the Village.

Hayes felt Leedy should have gone to Caverson and Jasper prior to publicly discussing this at

a meeting. Leedy stated handling this situation in the way in which she was advised by our attorney, and also noted if Jasper and Caverson were concerned they could have reached out to Leedy as communication goes both ways. McGough feels communication issues are ongoing. Deike respects the hurt feelings of Jasper and Caverson but they missed 2 meetings in a row where they could have addressed their concerns directly with Council. Leedy stated this was clearly an agenda item in the packets ahead of time.

Deike moved with support by Tummel to accept Jasper's resignation.

Discussion: Roesemeier feels more discussion should happen with Jasper and asked Hayes if she spoke with Jasper. Hayes said the letter was dropped off but she did not speak with her. Leedy reminded all that we had a Finance Committee meeting with Jasper 4 days prior and nothing was mentioned.

Motion carries with one nay: Roesemeier opposed.

Leedy asked how we want to post the job, if we are using the MML job description. Treasurer position that is currently being done is similar but not exactly like MML, but Clerk position has been being done very differently to what the MML job description describes. Consensus was to have the Personnel Committee (meeting on the 12th) develop the job descriptions for both Treasurer and Clerk and bring to the next Council meeting.

Roesemeier moved with support by Fisk to take no action to post or fill position of Treasurer until next meeting where Personel Committee provides a recommended job description. To maintain checks and balances, Leedy will sign checks, deposits and transfers. Fisk as Pro Tem will sign authorizations. Johnson will continue to do the books as she has been.

Carried unanimously by roll call: Roesemeier-Y, Fisk-Y, Tummel-Y, Deike-Y, Hayes-Y, McGough-Y, Leedy-Y

Public Comment: Bob Menzies Merritt St. stated he did not feel blame or accusations occurred by anyone at the last meeting except for by McGough.

Adam Miller 403 Shelby St. addressed that Jasper's letter referred to the public forum he hosts, at two different points. Miller stated all information on the forum is minutes, agendas and recordings of meetings with all public allowed to view and state opinions. He monitors comments for appropriateness and encourages debate and discussion to instill more community involvement. He does not allow name calling and takes issue with Jasper's characterization of attacking public officials is inaccurate in his opinion and he is not comfortable with that.

Noreen Broering of 618 E. State St spoke of Jasper and Caverson and their honesty has never been questioned and she has never worked with 2 finer people.

Zoning: Zoning Administrator Scott Billings updated the ramp from Boyd St has been removed as requested and the Barber's permit is final as they have paid the fee.

Street: Miller gave a report of plowing. Used Gravelly previously approved was sold before he could secure it. He found another gently used one to present to Council for consideration of a purchase price of \$2900 with 608 hours. He can interchange all parts with the old one we still have. Ours lasted 12,000 hours.

Deike moved to allow Miller the additional funding for a total of \$2900 to purchase this Gravelly as presented, supported by Roesemeier. Unanimously carried by roll call: Tummel-Y, McGough-Y, Deike-Y, Roesemeier-Y, Hayes-Y, Fisk-Y, Leedy-Y

Miller asked permission to purchase a starter for JCB tractor for AIS to come install it for around \$700. Miller would like to have hydraulics and oil serviced while they are here. He does not have a price for the service but it could be \$2000. Leedy asked Miller to contact another company to ensure that price is within reason. Miller will call around.

McGough moved to have the service done, not to exceed \$2000 with support by Roesemeier. Unanimously carried by roll call vote: Hayes-Y, McGough-Y, Roesemeier-Y, Deike-Y, Tummel-Y, Fisk-Y, Leedy-Y

DDA: Budget is on the agenda. Minutes in packet is for the October quarterly meeting.

Planning: no report

FLAUA: Fisk gave report. January meeting was cut short due to a procedural issue relating to commissioner seats. Only necessary business was conducted with the remaining agenda items tabled until clarification could occur relating to the procedural issue. More support for the USDA project would be appreciated. Roesemeier asked if they are not receiving support. Fisk noted there have been elements which have caused diversions from pursuing the project.

Parks-no report

Finance-Met and are on the agenda

Memorial-no requests

BATA-moving stop to the Village Market (from Janet St). Still will be 2 stops daily and BATA will look at adding a 3rd stop later.

Caverson FOIA-Mrs. Caverson responded with a written reply as requested (in packet). Leedy read the reply note, as well as a reply from our Attorney Hammersley to verify statements made in the Caverson reply. Hammersley's letter clarified mis-statements in points made in Caverson's reply note. Roesemeier feels we are in a situation where the Village must pay this bill. Deike has done some research with a lawyer she knows as well as MML and does not like the answers we are getting, as had Caverson handled this differently we would not have incurred these expenses. If Council has to pay this, then there needs to be a consequence for Clerk Caverson as this was done as a Clerk without authorization from

Council. Tummel feels the attorneys deserve to get paid as they did the job expected of them on Council behalf. Deike is not sure what we can or cannot backcharge Caverson for. Fisk noted Caverson may not have been entitled to some of these documents but Council did not have the chance to determine as Caverson initiated this on her own falsely representing the office of Clerk, without approval from Council. Leedy noted as she stated she was acting in official capacity inaccurately so her feeling is the charges could be backcharged to Caverson. Leedy agreed the attorneys need to be paid as they worked on behalf of Council as best they could. Fisk and Roesemeier asked how we avoid this in the future but as Leedy stated, the attorney received the FOIA request 8 days before the Village did. Law allows a 5 day window and Hayes was the only other Council to receive a copy of this FOIA so we could have been in violation of the law if our attorney had not acted as they did. Roesemeier moved to make payment arrangements to the attorney to begin paying the debt but Leedy noted we already moved to pay it in our bill pay portion of this meeting.

Leedy moved to invoice Caverson for the entire attorney bill created by Caverson's FOIA request, supported by Tummel.

Discussion ensued as to how to compel Caverson to pay. McGough feels the bill was padded. Fisk noted the amount of attorney fees incurred as a violation.

Motion carries by split 5/2 roll call vote: Tummel-Y, Fisk-Y, Deike-Y, Hayes-N, McGough-N, Roesemeier-Y, Leedy-Y

Deike would like this be placed in Caverson's personnel file as being a rogue action not supported by Council. Leedy will verify the amount due is it was between \$2300-2400.

Furnace: Hayes has not gotten ahold of him. Leedy suggested Hayes send a text to Hicks.

As Agreed Upon Practice: Postponed, no update

Appointments: Roesemeier pointed out we may have inaccurate terms. Leedy agreed that it appears records have not been updated since at least January 2014. Linda Forwerck had done a full trace of all DDA appointments and Leedy feels her dates are correct. We will correct our terms and bring back to next meeting. McGough asked that Magee be contacted relating to DDA appointments but Leedy confirmed she had spoken with Magee via phone before the packets were sent out and a letter was sent out after, thanking him for his service.

Resolution 15-01: Caverson did not want to sign the resolution as a name was missing from the vote. Leedy sent an electronic copy while on the road to Caverson within a few minutes of being notified of this, and Deike went ahead and corrected the form to ensure this could be handled timely. Leedy signed the resolution in absence of Caverson at the meeting.

Social Host Awareness Proclamation: Leedy read the proclamation.

Deike moved with support by Fisk that we sign the stated proclamation. Unanimously carried with a suggestion by Roesemeier to publish in the Voice newspaper.

Trail Town Proclamation: Noreen Broering presented the proclamation.

Roesemeier moved to accept the Proclamation in support of the Trail Town designation, supported by Tummel. Unanimously carried.

Memo of Understanding with the North Country Trail: Broering presented the MOU.

Roesemeier moved to approve the Memo of Understanding, supported by Deike.

Discussion: Roesemeier asked about any liability and Broering will verify there will be none to the Village.

Motion unanimously carried.

Broering mentioned a ceremony to be held in June and will advise and publish the proclamation. Roesemeier commended Broering for her work on this.

DDA BUDGET:

Roesemeier moved to accept the 2015 proposed DDA budget as presented, supported by Fisk. Discussion: Tummel asked about the sidewalk fund and how it gets decided. Unanimously carried

Village Budget:

Roesemeier moved to accept the DDA budget as presented, supported by Hayes. Unanimously carried by roll call: Roesemeier-Y, Fisk-Y, McGough-Y, Tummel-Y, Fisk-Y, Deike-Y, Leedy-Y

Clerk Appointment: Caverson's letter read during minutes stated her term should not end until March 1, 2016. Leedy researched this based on Hayes inquiring after the last meeting and passed this information on to Hayes. The Village resolution records the term as being every 2 years following the election, that makes it March 1 of each odd year. So this term expires March 1, 2015 unless we pass a resolution with 2/3 vote to change the term.

Caverson had asked last year, for a reappointment and Council trusted that as Clerk/keeper of the records, the request was timely, so Council voted to approve the appointment. In hindsight, this was done in error. Hayes asked if we should rescind the appointment made in 2014. Hayes stated we should work on cleaning up terms for all offices. McGough stated Linda Forwerck wants DDA appointments postponed (which was already decided in this meeting) as she feels Minder was appointed illegally. Roesemeier would like to table Clerk appointment.

Roesemeier moved to extend our meeting for no more than 15 minutes, with support by Hayes. Carried unanimously.

Hayes feels Caverson should have the chance to apply for Clerk since she wasn't aware her

term was up. Leedy heard nothing from Caverson until Saturday before this meeting, questioning any terms or appointments. Hayes disputed this as Hayes had contacted Leedy right after the last meeting -Leedy received the text and replied to the text from Hayes as stated above but heard nothing from Hayes or Caverson after Leedy's reply to Hayes, until 2 days before the meeting.

Since the job was posted (by Leedy, not the Clerk). Leedy stated Clerk Caverson has not been doing any Village postings of any sort, taking accurate minutes or signing resolutions which are the 3 most basic functions of the Clerk's job, aside from the job description dispute about bookkeeping. Caverson has had every opportunity to contact Leedy about concerns or problems and does not do so.

Leedy moved to clarify the terms of the office of Clerk of the Village of Fife Lake ending February 28 of the odd years, following the November election in continuation of the term set forth by the council at the time this position was made appointed versus elected. Motion supported by Fisk.

Discussion: McGough doesn't understand how we can change in the middle of what he heard was Clerk's term. Fisk and Leedy reiterated prior discussion that this last reappointment was not done accurately or timely and therefore does not constitute a change in the term originally set forth for the Clerk's position.

Motion carried with a split vote 5/2 by roll call: Fisk-Y, Deike-Y, Tummel-Y, McGough-N, Hayes-Y, Roesemeier-N, Leedy-Y

Hayes moved to table the appointment of the Clerk until March Meeting, supported by Roesemeier.

Discussion: Tummel asked if we need a Clerk, but Leedy stated she is not present at the meeting to take minutes and has not been posting meetings, minutes etc. Leedy will continue to fill in for the jobs not being done. Roesemeier suggested delegating and Leedy has been, but Leedy elected to do the minutes so as save further frustration with statements made by Council member which staff might find unsettling.

Motion carried with a 4/3 split vote by roll call vote: Roesemeier-Y, Hayes-Y, Tummel-N, Deike-Y, Fisk-N, McGough-Y, Leedy-N

DDA Appointments-Postponed to clarify terms

Public Comment-Teresa Monroe of Shippy Rd thanked Council for the hard work. She also reminded we are voted in by the people for the people and doesn't feel it is fair that taxpayers foot the bills incurred by elected and appointed officials.

Board Comments- Tummel thanked the 3 Clerk applicants and apologized for not voting on this tonight.

Deike noted that due to her expecting another child, she will be at the March meeting but not

in attendance at the April meeting.

Roesemeier moved to adjourn the meeting adjourned by at 9:45pm.

Respectfully submitted,

A handwritten signature in black ink on a light gray rectangular background. The signature reads "Lisa Leedy" in a cursive script.

Lisa Leedy
Village President (in absense of Clerk)