



**CITY OF EVART
REGULAR COUNCIL MEETING**

January 5, 2015

*TEXT with strike-out line was unanimously removed by Council 2/2/15 from the official DRAFT Minutes prepared by City Clerk Bieri.
In accordance with Michigan regulation, these edits must be shown ("strike-out" being the recommended method) in the APPROVED Minutes.
The below now stands as the OFFICIAL Approved Minutes of 1/5/15.*

Meeting called to order at 7:00 p.m.

Present: **Mayor** - Eric Schmidt; **Council** – Dan Elliott, BJ Foster, Casey Keysor, Gregg Sherman; **City Clerk** – Seraphim Bieri; **City Manager** – Zack Szakacs; **Treasurer** Sarah Dvoracek

Absent: none

Guests: James Holihan, Maryann Borden, Jim White – City Attorney, Ralph Carlson, Patrick Muczynski, Loren Steig, Roger Elkins, Antonio Coleman – Cadillac News, Todd Elkins, Troy Blakeslee

Overview of Motions:

MOVED by Foster, seconded by Keysor to amend the Agenda...
Passed unanimously

MOVED by Foster, seconded by Sherman to approve minutes with changes detailed Mayor and Elliott ...
Passed unanimously

MOVED by Sherman, seconded by Keysor to name City Manager as Interim DPW Director ...

ROLL CALL VOTE:

Ayes -- Elliott, Keysor, Foster, Schmidt, Sherman Nays -- (none)

Passed unanimously

MOVED by Foster, seconded by Sherman to replace both DPW garage doors...

Passed unanimously

MOVED by Sherman, seconded by Keysor adopting resolution #2015-1 "Performance Resolution for Governmental Agencies"...

ROLL CALL VOTE:

Ayes -- Elliott, Keysor, Foster, Schmidt, Sherman Nays -- (none)

Passed unanimously

MOVED by Foster, seconded by Keysor nominating Elliott for Region 8-A Rural Task Force...

Passed unanimously

MOVED by Foster, seconded by Keysor to accept Vendor List ...
Passed unanimously

MOVED by Schmidt, seconded by Keysor to accept Bieri's recommended 2015 calendar changes ...
Passed unanimously

MOVED by Sherman, seconded by Keysor to adjourn at 8:03 p.m....
Passed unanimously

Citizenry Comments:

~~<<Roger Elkins>> ... submits a 1-pager summary and thanks the City's elected officials for job performance and dedication in situations which have not been easy (loss of local industry); emphasizes his pride in being an Ewart resident. Reminds all he is a County Commissioner via Cedar Township, is available to Council and that the county's website has changed to include all details of agendas and items reaching the Commissioners.
<<Troy Blakeslee>> ... stands firmly in opposition to the decision to let DPW Director Buck Vallad go, emphasizing Vallad's worth and local roots. City Manager corrects his misimpression that there had been a 3-2 vote for dismissal, as no vote was ever taken.
<<Bill Bradley>> ... asks to speak later in the meeting as to water issues; Mayor points out he did not submit a request to be added to the agenda so Mr. Bradley agrees to do such for a forthcoming meeting.~~

Moved by Foster, seconded by Keysor to amend the agenda ...
Adding to "New Business" Bieri's call for Council review of her meeting date options for City Council in 2015 (unless City Manager prefers addressing this as part of his Report this evening) ... Passed unanimously.

Moved by Foster, seconded by Sherman to accept the minutes of 12/1/14 ... (a) omitting at Mayor's request, the assumptive "clearly yes" phrase following "no comment" (page 1), and ... (b) by City Manager's request, having Elliott clarify the auditors which were sought by the Fire Department (page 3, item2).

~~Elliott: detailed that there was not time to put the audit out for bid, initially he'd sought Baird, Cotter & Bishop as reported, but they proved unwilling as it was not part of the pre-negotiated City contract, so at the last minute in the interest of time Weinlander, Fitzhugh (601 Beech Street, Clare, MI, corporate office - Bay City), which has an excellent reputation for township and school audits, has been contracted with the expectation that their audit will take place this coming week.~~

Passed unanimously

The LDFA - Director Melora Theunick, not in attendance
The DDA - Director Al Weinberg, not in attendance

Unfinished Business:

• **Landlord Tenant Ordinance**

Szakacs reports that a letter will be submitted to Council January 19 as to some new concepts with new ideas of how to approach this endeavor.

• **Commission/Committee Appointments**

Mayor alludes to post-Council conversations with City Clerk who had had concerns about delayed appointments as 2015 approached. She reminds Schmidt and City Attorney that they had agreed at the final December meeting to check their respective notes for confirmation that previous Council had converted all appointments to a fiscal pattern. While documentation was not researched, conversation this evening involving White and current Council and past City Manager Elkins suggests that that was the intent and that as of this juncture, the City shall consider all such "cycles" to be as of the Fiscal Year (July-June). Bieri asked if she was to include appointments which specifically name alternate months (citing Cemetery/April)... "yes".

Finally, Bieri urges Council as a whole to focus on the list of pending openings so that come June, nominations are not left solely on the shoulders of the Mayor and City Manager.

New Business:

• **Lorn Steig (Cyclone Car Wash, US 10) – Water/Sewer Rate Concerns**

Submits detailed 1-pager identifying himself as the property's new owner and several areas of concern as to equity of water/sewer rates when meter size is involved and when revenue from Ice Mountain is a probable revenue source. Additionally he offered his credentials as an elected "clean things up" public servant in neighboring Reed City, his longstanding admiration for Evert's "welcoming attitude" to business and enterprise, his life-pattern as a tool and die consultant and entrepreneur locally and in Traverse City, with proven business acumen in industry and real estate.

- 1) Being newly "on the inside" of Evert (as the new owner of a business within city limits), he seeks insight into the means of citizens questioning policies and procedures. "Just as you're doing, speaking out at Council..."
- 2) Deeply questions appropriateness of charging different rates based on meter size if the consumption is the same as a smaller meter user. Ultimately he is advised that removing his 2-inch line might be his easiest means of saving expense.
- 3) Expresses concern that the shortsightedness of the new Water/Sewer Rates indicates a dramatic 180-degree change in "attitude" toward business.
- 4) Is wary that all forms of government in the face of restrictive economics, out of habit, tend to seek additional revenue instead of restricting spending, and described Council's explanation that the loss of Dean's and Ventra money, while lamentable, is parallel to him personally going up to random doors and knocking to demand money be given to him because his personal bank account fell below expected norms.
- 5) Steig asks what makes Evert uniquely unable to survive the economic crisis which has also hit surrounding communities. Szakacs calls upon DPW's Muczynski to explain the "Big Rapids sized water and sewer systems which Evert was burdened with and which demand maintaining".
- 6) Mayor asks if he'd been made aware pre-purchase, of the Water/Sewer situation... "no"; Mayor details use of consultants to derive current policy/pricing.
- 7) Steig condemns his native Reed City as being the antithesis of how Evert has behaved up until now. He describes them as running from change and/or

improvements of any sort, but cautions that this Water/Sewer issue makes Evert look like it no longer cares about the individual resident and business owner.

8) **Keysor** emphasizes that Council is very open to suggestions; Steig offers to help and **Szakacs** invites him to attend the Water/Sewer Committee meetings.

● **DPW Restructuring / Labor Relations Committee Recommendations**

Mayor asks if all Council received the email sent by Szakacs. The recommendations at that point were discussed in generalities and not distributed.

- (a) **Szakacs** alludes to Evert's rate of paying the Teamsters as being below the national average: 66-cent increase is to be considered.
- (b) He emphasizes his confidence in, and the DPW's Dale Martin's (streets) and Patrick Muczynski's (water/sewer) own willingness, to take lead roles under the direction of Szakacs himself going into the future.
 - (c) Szakacs stresses that the expense of the labor force is the only "control" the City has to exercise; Mother Nature rules the extent of winter overtime costs, concluding that if this system doesn't work, the City can readily revert to a DPW Director role.
- (d) **Elliott** is aggressively in favor of linking the review of this to the Annual Budget where clear criteria within the Lead positions can be defined, where the Lead positions can be advertised and a candidate pool might surprise us in a positive way, and in the process, we might address what he sees as a serious drought in DPW leadership/guidance/experience that has long plagued the City and, he suggests, has lead to large expenses to retain consultants when a qualified Director would more wisely serve the City's long term needs at a long term significant cost savings. Adding that he believes that many serious public works issues are looming and will require more than simple management.
- (e) **City Manager** corrects Elliott to understand these are not "management" but "Lead Operator" positions, and as such, can easily be reversed. **Elliott** has significant doubts as to the ease of a reverse maneuver and recommends that as a protection, Council specifically name the City Manager as the DPW Director. **Sherman** acknowledges that unions of years past might have created problems in this scenario, but in today's era, granting these lead roles is a positive toward "ownership" and commitment to job performance. **City Attorney** agrees that Elliott's call for Szakacs being designated as the supervisor is wise.
- (f) **Szakacs** points out that until recently, Evert's DPW has routinely employed "Leads", adding that Muczynski is highly educated in his field and Szakacs would want him to take over (he is the only one with full licensing) but that both men are hesitant to leave their union contract in order to assume a higher position.
- (g) Resident **Blakeslee**, alluding to Elliott's concerns about Evert being seriously "under-served" by the hiring of less qualified-affordable DPW leadership, questions how the city is going to be in good standing with a non-specialized City Manager at the helm.
- (h) The **Mayor** and **Keysor** circled the conversation back to appeasing Elliott with a vote to name the City Manager as the DPW Director with the goal of a six month trial which coincides with the new Fiscal Budget, at which time a long term plan can be reviewed and enacted.

Moved by Sherman, seconded by Keysor to name City Manager as interim DPW Director, allowing for his designating of Lead Operators to address the two divisions within DPW ...

ROLL CALL VOTE:

Ayes: Elliott, Keysor, Foster, Schmidt, Sherman

Nays: (none)

Abstentions: (none)

Passed with 5 – 0 majority

• ~~DPW Council Action Request – Garage Door(s) Replacement~~

~~Szakaacs clarifies to Mayor that the doors/motors in question are not those repaired several weeks earlier and that these (overhead doors at DPW shop/ \$9,686 vs. budgeted amount of \$1,800) are not only poorly functioning but pose a safety risk “as is”.~~

~~Moved by Foster, seconded by Sherman to replace both doors as requested for the \$9,686.00 ... Passed unanimously. Sherman questions what is to be done with old doors, “we scrap.” Discussion clarifies that recouping scrap metal costs versus merely discarding is preferable.~~

• ~~State highway Right-of-Way Resolution – City Manager, reporting~~

~~Szakaacs in letter dated 12/31/14 shares Michigan’s call for highway permitting and Resolution request. Moved by Sherman, seconded by Keysor to adopt Resolution 2015-1 “Performance Resolution for Governmental Agencies” as submitted by Lansing ...~~

~~ROLL CALL VOTE:~~

~~Ayes: Elliott, Keysor, Foster, Schmidt, Sherman~~

~~Nays: (none)~~

~~Abstentions: (none)~~

~~Passed with 5 – 0 majority~~

• ~~Region 8-A rural Task Force – City Manager, reporting~~

~~Szakaacs in letter dated 12/24/14 shares the County Road Commissioner’s letter of 12/16/14 in which he is seeking a representative to serve. Elliott details how he came to serve and by default served far longer than desired and had hoped to step aside with Evert’s DPW Director Vallad in the wings, but with current changes and with Evert in forthcoming years standing to benefit from local advocacy, he would be willing to be named if Council was willing. He cites a missed chip-sealing opportunity for High Street, for lack of a local voice at the time. Moved by Foster, seconded by Keysor to nominate Elliott ...~~

~~Passed unanimously~~

• ~~Treasurer - Sarah Dvoracek, reporting~~

~~Submission of Revenue & Expense Report 7/1/14-12/31/14, Manual Check Report through 1/5/15, and Vendor List ...~~

~~Moved by Foster, seconded by Keysor to accept Vendor List ...~~

~~Passed unanimously~~

• ~~City Manager’s Report – Zack Szakaacs, reporting~~

~~An emergency structural repair at 6th/Cedar for the sewer lines went well and was handled expertly. The Fire Department’s request (dated 1/5/15) for the closure of River Street between 4th & 5th Streets from 8 a.m. to 5 p.m. both January 12th and 13th is to accommodate State Police training.~~

• ~~Determination of 2015 Council Meeting Dates – Seraphim Bieri, reporting~~

~~City Clerk offered an alternative to the routine “Monday Nights – unless Holiday”. Having observed that it would mean a meeting the week of Christmas 2015 and that could compromise attendance, she offered: Tues 12/1 and Mon 12/14. All endorsed the adjustment so that publication of dates could take place sooner vs. later.~~

~~Moved by Schmidt, seconded by Keysor to accept Bieri’s December recommendation ...~~

Passed unanimously
Council confirmed its intent to meet on MLK Day, Presidents Day and the day after
Opening Day of Deer Season.

- **Police Department — Chief Kendra Backing, not in attendance**

Szakacs summarizes job posting status, noting only one applicant surfaced for the part time officer post (clarifying that part time vs. full time officers are always more difficult to find). He also puts Council on alert that due in no part to difficulties, a full time officer may be leaving soon.

- **Department of Public Works — City Manager, reporting**

Notes that there is a Run Water Advisory as of today, confirms with reporter in audience that the Cadillac News has indeed added it to their headlines. Szakacs emphasizes that the City makes the announcement as a courtesy to residents since it “serves their best interest” to spend a little on water and save a lot on repairs.

- **City Attorney — Jim White, reporting**

Is working on Ordinance and Police Department items. Wants to publically acknowledge the stellar job performance of the DPW in downtown Evart despite the holidays and sudden onset of snow.

Moved by Sherman, seconded by Keysor ...
... Adjournment at 8:03 p.m.
Passed unanimously