



**CITY OF EVART
REGULAR COUNCIL MEETING
July 21, 2014**

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

Present: **Mayor** - Eric Schmidt; **Council** - Dan Elliott, Casey Keysor, Gregg Sherman; **City Clerk** – Seraphim Bieri; **City Manager** – Zack Szakacs; **City Treasurer** – Sarah Dvoracek (aka Bigelow).

Absent: Councilman BJ Foster

Guests: < some unidentified > Jonathon Hartoon, Travis Douglas, Melora Theunick – Director LDFA, James White – City Attorney, Buck Vallad – Director DPW, Al Benson, Patrick Muczynski

Citizenry Comments:

<<**Al Benson**>> concerned that recent enforcement of “no vehicle access” at Riverside Park prohibits long established Shuffle Board users from accessing their weekly matches. Many players are physically challenged, most over 70, many over 80 and decade-plus of precedent shows that no pedestrians have been endangered, no pathways destroyed. **Chief Backing** explains that it is simply enforcement of preexistent ordinance, one which Park Hosts needed enforced to curtail others’ abuse of park resources. Consistency of enforcement is what in play. **City Manager** alludes to the attempt to arrange for a “shuttle service” to Shuffle Board courts, although acknowledges that driver’s other commitments have proven that to be impractical. **Sherman** suggests an “Handicapped Access” sign might allow for adjacent parking/direct access; **City Manager** seeks City Attorney’s research into alternative solutions. **Elliott** points out the paved trail was built to “street standards”; **DPW Director Vallad** agrees, citing 12” of crushed concrete as foundation (superior to some of Evert’s actual streets) – adding that only the very edges might crumble and that is essentially irrelevant; the Park path is 100% capable of vehicular traffic. **City Clerk** suggests creation of a City-issued Handicapped Access credential; **City Manager** recommends a window-hanger. **Vallad** reminds Council the Shuffle Board players are assets who do maintenance and painting for the courts. **Mayor** points out that these are citizens who actually use and enjoy a City resource (and a solution should be found). **Keysor and Szakacs** conclude with recommendation that a designated access path be created in conjunction with City passes. Treasurer is to confer with Park Hosts for path. **Sherman** calls upon Chief of Police to weigh in as to if the route/pass idea seems appropriate; she enthusiastically endorses it.

Moved by Keysor, seconded by Sherman to amend the agenda ...

...adding to New Business City Manager’s request for Resolution in support of EEOC policy so DIG Grant can continue to move forward

Passed unanimously

Moved by Elliott, seconded by Keysor approved the minutes of July 7, reflecting Bieri’s adjustments to page 1 type-o’s (“manger” to Manager / “stopped” to stop) ...

Passed unanimously

The LDFA - Director Melora Theunick reporting

1) Theunick asks for approval of LDFA fiscal budget (six page breakdown presented); Mayor requests a verbal overview. Among details offered, is LDFA's allocation of grass cutting reimbursement to the City (City Manager remarking that it was last year's bill); Theunick revealing LDFA cost-cutting comes in part by limited use of Airport air conditioning and reduced telephone costs. Adds dismay at lack of courtesy from City Hall to "plop" a \$900 bill at their feet (web) without, as they always do, first presenting a forthcoming shared-expense for review and feedback. Ultimately therefore, that expense has not been addressed in the presented Budget. Qualifies that omission by noting that while Budget allocated \$4,000 for the sign project, should that cost less, those dollars can go toward web. **Moved** by Keysor, seconded by Sherman to approve LDFA Budget as presented ... **Passed** unanimously

2) Theunick informs Council that residents were initially offered the sign project, but they turned it down; thinks the Facebook reference looks great. She notes that DDA stopped electrical service to the East "Welcome to Ewart" sign, so she cut the West (saving \$25/mth). As cost saving gesture, offers several volunteers to aide in demolition of old signs; Szakacs declines offer, since they'd not be covered by Workers Comp.

3) Brief discussion of ongoing need for vent work at Airport despite several promises of repair. Vallad suggests use of formalized Work Order so project isn't overlooked.

The DDA – Director Al Weinberg not in attendance

Szakacs reminds Council Weinberg is taking month of July off. Says DIG Grant is moving along with Rick Stout (Fleis & Vandenbrink, Grand Rapids) predicting a start at end of July lasting through all of August.

Unfinished Business:

- **Backhoe & Front Loader**

DPW Director Buck Vallad notes they'd been unable to coordinate Committee schedules so he met with all individually. Addressed Elliott's initial remarks about "not having been a true lease" – clarifying that the goal at the time had been building of equity; now with \$20,000 less being spent, DPW can replace aged equipment (with bonus of service agreement included and high end CAT products). (3-page summation presented, \$10,836.70 annual total expense) Deal calls for every five (5) years renewal of lease from Michigan CAT of Novi, MI with new equipment. First payment not until next July (for which the Budget already accounted for \$30-thousand). **Moved** by Sherman, seconded by Keysor to approve new lease program ... **Passed** unanimously

- **Radio Communications System**

DPW Director Buck Vallad revisits core problem: radios no longer work on a narrow bandwidth; Fire Department has a spare connection on repeater, Ryan Travis (FD) clarifies that what is available is the other side of their repeater. Mayor asks what happens if FD needs this; "then we go shopping". (2-page summation presented, \$7,451.80 cost, reflecting \$10-thousand savings with use of Fire Department repeater). Keysor inquires if this will mean budget savings from reduced cell phone usage by DPW. Vallad says no, but less distracted DPW drivers.

Moved by Sherman, seconded by Keysor to approve new communications system ... **Passed** unanimously

- **National Flood Insurance**

City Manager explains the need for Council Resolution to complete City's commitment to flood plain regulation/enforcement/recognition, illustrating the unified commitment of the City and County to federal guidelines (building permit issues, insurance designations, recovery resources, etc). "Intergovernmental Agreement" addressing Resolutions and an Ordinance. "No building permits without flood plain enforcement." Anna Herrera will be given Council's Resolution-empowered documents and she in turn, will draft final documents. The three presented (under cover letter from Szakacs dated 7/16/14), being pre-approved by White. **Moved** by Keysor, seconded by Sherman to authorize City Manager's signatures ...

Roll Call Vote

Ayes: Elliott, Keysor, Schmidt, Sherman

Nays: (none)

Abstentions: (none)

Passed 4 - 0

- **Water Ordinance Revisions**

City Attorney Jim will generate, incorporating OHM Consultants' language.

- **Teamsters' Contract**

Final language being worked through.

New Business:

- **"Welcome to Evert" Sign Agreement with Nestle**

a) Cover letter dated 7/15/14 from City Manager attached to 13-page packet from Nestle detailing location of West end of town "Welcome Sign" (to be placed on Nestle/Ice Mountain owned land). Szakacs notes he received contract with dates/terms left blank. Upon calling Arlene she said "99 years"; White says he hasn't yet reviewed closely but recommends instead "25 year increments with THE CITY's option to renew in 25 year increments", therein allowing control to rest with City Hall versus Nestle.

b) Elliott asks if (page 3, insurance reference) has been addressed; Szakacs quotes Arlene "just generic boilerplate language, nothing to be concerned with". Elliott presses the point asking if a conversation's taken place with our insurance to confirm that Nestle is covered; City Manager says we just need to say "add additional insured"; Elliott wants to be certain Szakacs makes that telephone call.

c) LDFA Director asks if everyone is 100% happy with the spot since it is behind a telephone pole. Wonders if corner of Industrial Park might be preferential.

d) Elliott asks if MDOT (Michign Dept of Transportation) has signed-off on locale; Szakacs says it is outside their area, but Vallad and Elliott agree that MDOT will nonetheless want "a vote" and that needs to predate construction. MDOT manager is currently on vacation. Mayor wants to move forward with Nestle component of project.

e) City Manager concludes that the best choice would be waiting with Nestle agreement in order to pursue answers to insurance, MDOT, duration questions.

f) Szakacs adds that Arlene in conjunction with proffering the 99 year term, says a proposal will be forthcoming from Ice Mountain and that Evert could extend the term in conjunction with that. **Moved** by Sherman, seconded by Elliott to approve the proposed Nestle language contingent upon MMRA insurance's answers, MDOT's endorsement and the 25 year options to extend at City' discretion ...

Roll Call Vote

Ayes: Elliott, Keysor, Schmidt, Sherman

Nays: (none)

Abstentions: (none)

Passed 4 -0

- **Changing Garage Sale Ordinance**

City Manager cover letter dated 7/17/14 with red language to be deleted/amended advocates for an end to the money the City spends issuing permits, when the previous year's efforts resulted in more than 200 permits but merely \$23.00 revenue (before deducting paper, ink, employee time expenses).

- a) Discussion revolved around City Attorney's and Mayor's concerns about perpetual Garage Sale "abusers". Chief of Police and others note that (a) precedent suggests that isn't a problem (b) language remains in Ordinance to deal with this (c) Blight Ordinance addresses any perpetual unsightliness (such as abandoned signage, which to date, has been her only complaints pertaining to yard sales).
- b) Mayor questions "Is the current system broken? Why change?"
- c) Keysor insists the number of sales per household seems unimportant as long as neighbors are not distressed. Bieri adds it is a source of resident income potentially drawing Hersey, Reed City (etc.) shoppers and their dollars to Evert.
- d) City Attorney transitions upon hearing Chief's confidence in being able to control new Ordinance, suggesting that the changes make fiscal and relationship sense.
- e) Mayor counters, suggesting policy stand, but all fees be waived for an experimental year; Szakacs and Treasurer point out that defeats the "busy work" and "fiscal savings" issues they are trying to resolve with the language change in the first place.

Moved by Keysor, seconded by no one to save money by changing the Ordinance language ... **MOTION DIES**

- **Change to BS&A Software for City Hall**

Treasurer details the archaic failings of current Fund Balance software (by way of Tyler Tech; Evert's contract since 1987; purchased in 2001 for \$1500) used for Payroll, Accounts Payable/Receivable, General Ledger, Cemetery, Water/Sewer. The competitor BS&E (currently used by Evert for Dog Licensing and Taxes) is superior in not only ease of entry and cross reference, but report generation (existing – unable to meet many departments' and auditor requirements), but aide/customer service response times and attitudes, and added ability to offer residents on-line access to Utility billing and the City's ability to go paperless by emailing Water/Sewer bills (options Fund Balance has promised but failed to deliver for several years). Dvoracek consulted statewide with municipal colleagues as well as with Osceola County which currently utilizes BS&A. Zero negative feedback, instead "rave reviews", paired with company's offer of 100% refund within first year upon dissatisfaction, prompt Treasurer's measured request for the \$30,240 investment in Evert's future. Company's retention rate is 99% (affordability accounting for the dropped contract). Annual costs are just shy of \$2,300 inclusive of any/all software upgrades.

- a) DPW Director throws 100% support into the move citing endless frustration at reports he has been unable to generate under current system. Notes recent request for a list of residential and commercial customers, took City Hall's Jennie a week to generate.
- b) Elliott notes that several years ago BS&A was behind in its technology, wonders if they've matured/caught up.
- c) Treasurer reiterates "no horror stories", adding it could tie together city departments (Work Orders could be readily paperless and tracked LDFA to Cemetery to DPW), DPW currently deals with Work Order Invoicing (ie for frozen pipe reimbursements) by filling a manila folder with reminder notes; this new system generates 30-day reminders.

- d) Treasurer also notes that since the Water Department stands to benefit most directly, that Budget can underwrite the bulk of expense without compromising the General Fund.
- e) She reserves the right to inspect the software at the scheduled July 30 onsite demonstration, inviting any interested Council members to attend (10a-1p).

Moved by Sherman, seconded by Keysor to approve the switch ...

Passed unanimously

- **Economic Opportunities Policy for Section-3 Covered Contracts**

Szakacs reminds Council of the DIG Grant need for HUD conformity. Presents 7-page detail which addresses Evert's encouragement of any/all contractors to employ low income residents among their work staff.

Moved by Sherman, seconded by Elliott to authorize ...

Roll Call Vote

Ayes: Elliott, Keysor, Schmidt, Sherman

Nays: (none)

Abstentions: (none)

Passed 4 -0

- **City Manager – Zack Szakacs reporting**

- 1) **Flag Pole restoration to Riverside Park**

Moved by Sherman, seconded by Keysor to approve the installation ...

Passed unanimously

- 2) **Ventra**

Peter Ballard (company manager) met with Zack and DPW Director Vallad; think 12-15 million gallons will be made up in the water and evaporation; he brought up some questions which Szakacs will first run through the Committee then bring to Council. (Rain Garden)

- 3) **Well Head Quarterly Meeting**

Brochures will soon be done, all is moving forward.

- **Treasurer - Sarah Dvoracek reporting**

Submission of Summary of All Funds – as of 6/1/14; and Vendor List.

Moved by Keysor, seconded by Sherman to accept Vendor List as submitted

Passed unanimously

- **Police Department – Chief Kendra Backing reporting**

1) City Manger's cover letter dated 7/15/14 detailing Chief's (7/14/14) ballot language for proposed Public Safety millage (November 2014). Chief Backing requests approval. Szakacs clarifies that \$29,000 the city pays Fire Department could be affected, putting more money into General Fund allowing for potential hiring of a part-time Officer or secretary or to underwrite additional officer training.

Moved by Schmidt, seconded by Keysor to approve ballot language ...

Passed unanimously

2) Written report submitted detailing police dog and officer attendance at explosives/narcotics training; Chief's attendance at annual conference focused on social media, law enforcement standards and "Project Safekids"; two interns now support the Evert PD; Blight enforcement has found general communitywide support with voluntary compliance generally being achieved.

- **Department of Public Works – Director Buck Vallad reporting**

1) The auctioning off of five pieces of equipment went well toward the goal of creating an equity pool from which new mower can be purchased.

2) Pine Street project underway successfully, although one structure which they thought needed replacing turns out to go nowhere so it was removed and it accounts for a good deal of the unwanted “infiltration” so soon, this will be curtailed (unexpected bonus).

>> Vallad asks if anyone has seen the millings which were re-purposed as road material at the Cemetery (1st entrance leading toward building).

3) Adds that although roadway (6 mile) is not City responsibility, perceptually Evert is held responsible due to route to Forest Hill Cemetery; advocates that \$8,000 (or \$25,000 for the entire road) should be considered to address the pothole riddled route. Notes that 1200 feet serve as the direct access to new Riverside East Park entrance from U.S. 10.

>>Describes 25% of project being underwritten by the county; township (i.e. Vicki Cushman) doubts her voters would endorse contributing due to new roof going onto Township Hall but her spouse felt he knew well-to-do contributors who many help underwrite the project.

>>Szakacs asks if Council is willing to have him chase this possibility of repaving roadway. Sherman asks where within the Budget would the dollars come. Vallad responds “General Fund” (clarifying that Act 51 dollars cannot apply).

>>Vallad suggests that if they undertake 300 feet, consider it the new park’s “driveway” budget’. Sherman empathizes but reminds council “it is a tough Budget year”. Treasurer concurs. City Manager points to the \$23,000 in the Riverside Park fund. Vallad states he is not asking for dollars tonight. Sherman concludes by requesting City Manager illustrate the source of funding for the project.

4) Road Closure Permit Application – draft presented for Council input. Final would be in triplicate. Elliott questions if we really need to demand a \$25 application fee; Vallad “it can always be waived on case-by-case basis”. Elliot emphasizes preference for no fee language. Some concern that city-sanctioned closures would fall under this application/fee schedule; “no”. Bieri asks if they really would, for instance, charge the family that had recently appeared before Council with neighbor’s endorsement requesting a closed block for wedding reception; “yes”. Sherman suggests they wouldn’t anticipate charging the “Vacation Bible School” that just petitioned for an August road closure. DPW expresses concern that without a fee (etcetera) written into the application, there is no way to recoup dollars for careless damage done to (expensive) barricades. Bieri suggests a simple sentence to the effect of “If damage is done to City barricades in the process of closure, you agree to reimburse all damages.” Vallad emphasizes this was a draft designed for input and he welcomes additional.

5) Written report addressing emergency repair of Ice Mtn well #5 in June; generation of 2013 Consumer Confidence Report (water), forthcoming DEQ proposed changes.

- **City Attorney – Jim White reporting**

Nothing to address. Congratulations was offered for his personal legal victory this week.

Point made that the Evert Tax Board of Review meets tomorrow in Council Chambers. Police Flyer commended for “snappy presentation”.

Moved by Schmidt, seconded by Keysor ...
... Adjournment at 8:12 p.m.
Passed unanimously