

**CITY OF EVART
REGULAR VIRTUAL COUNCIL MINUTES
Monday, December 21, 2020 @ 8:00PM**

The meeting was called to order by Mayor Chris Emerick at 8:00pm.

Present (via roll call): Sean Duffy, Dan Elliott, Mayor Emerick, Matt Hildebrand, Sandy Szeliga

Present: City Manager Sarah Dvoracek, Assistant City Manager/Director of Public Works Mark Wilson, Finance Director/Treasurer (Meeting Host) Pepper Lockhart, Chief of Police John Beam, City Attorney James White, City Clerk Kathy Fiebig

Guests: Ryan Douglas, John and Angela Hunter, Cathie Crew, Karen Higgins

Citizens' Comments: none

Approval of Agenda

Motion by Mayor Emerick to approve the agenda as presented. Support by Ms. Szeliga. Motion passed with a roll call vote; all were in favor.

Approval of Consent Agenda

B. Regular Virtual Council Minutes – December 7, 2020

C. Special Virtual Council Minutes – December 3, 2020

D. Vendor's List (12/7/2020) \$26,881.70

E. Vendor's List (12/21/2020) \$74,302.95

Motion by Mayor Emerick to approve the Consent Agenda as presented. Support by Mr. Hildebrand. Motion passed with a roll call vote; all were in favor.

Unfinished Business

F. Draft Ordinance – Housing Code

G. Riverside Park Improvements

Both items were postponed.

New Business

H. Resolution 2020-21 Approving Council Meeting Schedule and Mayor Pro Tem (*follow up*)

Motion by Mr. Hildebrand to approve Resolution 2020-21. Support by Mayor Emerick. Motion passed with a roll call vote; all were in favor.

I. Resolution 2020-22 To Amend the Purchasing Policy (*follow up*)

Motion by Mr. Hildebrand to approve Resolution 2020-22. Support by Mayor Emerick. Motion passed with a roll call vote; all were in favor.

J. Request to Approve the 2021 Health Insurance Renewal Plan for Non-Union and POLC Union Employees

Ms. Dvoracek explained that the City deals with three different coverage groups with the health insurance plan: non-union city employees, the Teamsters, and the Police Union. Each group contributes a cost share percentage with non-union employees and the Teamsters contributing 12% and the Police Union 10%. However, the Teamsters participate in the Teamsters Union Healthcare Plan, not the City's. A letter of understanding is required with each union before their share can be increased, and the Police

Union's percentage is set in their current contract which expires in 2022. The City has not raised this percentage for several years, and due to increasing costs it is advisable to do so. Motion by Mr. Hildebrand to increase the cost share percentage to 20% for non-union employees and to pursue a letter of understanding with both unions to contribute in an equitable manner in 2022. Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor.

K. MERS Agreement Addendums (Defined Benefit Plan & Hybrid Plan)

Earlier this year Council dissolved the Local Finance Development Authority (LFDA) then merged the LFDA retirement plan into the City's division plan. This created three divisions. The Municipal Employees Retirement System (MERS) has requested that the City update and verify the participation requirements for each plan: the Defined General Plan (General and POLC) and the Hybrid Plan. Ms. Dvoracek noted that the Defined Benefit Plan has been closed to new employees as of December 31, 2012. All new full-time employees hired on or after December 21, 2012 are included in the Hybrid Plan. She requested that Council approve both the Defined Benefit Plan Adoption Agreement Addendum and the Hybrid Plan Adoption Agreement Plan Addendum as presented. She asked for authority to sign and submit both addendums to MERS. Motion by Mr. Duffy to approve both plan addendums and to authorize Ms. Dvoracek to sign and submit. Support by Mr. Hildebrand. Motion passed with a roll call vote; all were in favor.

L. Recommendation to Create Special Advisory Board

Ms. Dvoracek asked Council to consider forming an advisory committee to work toward implementing the development agreement that was approved recently. Mayor Emerick and Mr. Hildebrand have volunteered to serve on such a committee, and Ms. Dvoracek suggested inviting 3-5 members of the public to serve as well. Council believes it is appropriate to ask a member of the school board and a school staff employee to join the committee. It was noted that these individuals might not be residents of Evart. Preference will be given to City residents to fill the remaining positions. Motion by Ms. Szeliga to authorize Ms. Dvoracek to begin recruiting for this advisory committee with these stipulations. Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor.

M. Request to Schedule Work Session for Strategic Goal Planning for 2021

Motion by Mayor Emerick that Council meet on Monday, January 25 at 7:30pm for a work session for 2021 Strategic Goal Planning. Support by Ms. Szeliga. Motion passed with a roll call vote; all were in favor.

N. First reading of Major Changes in Recodification Project

1. New Dog Ordinance Language (Proposed)

Mr. White cautioned Council that he considers some of this language to be vague, particularly concerning vicious dogs since there is no definition of "vicious". Mr. Hildebrand pointed out the requirement for a six-foot fence, which may not always be necessary and does not seem to allow underground invisible fences. It was noted that allowing each person to own three dogs

could be problematic in households with multiple adults. Mr. White questioned the barking dog issue, and Chief Beam related the procedure followed by officers to verify such complaints.

"Nuisance dog" is also vague and would be difficult to enforce. Mr. Elliott noted that kennels aren't addressed at all and thinks the county may oversee kennels.

2. New Special Events Language (Proposed)

Mr. Wilson questioned whether drones can be prohibited. He believes that FAA regulations allow drones and that the City can't over rule that.

3. New Noise Ordinance Language (Proposed)

Mr. White warned that noise ordinances are typically difficult to enforce. Chief Beam is researching decibel meters with that in mind. Mr. Hildebrand suggested that all school events and any events at the fairgrounds be exempt.

4. New and Revised Weeds, Grass Language (Proposed)

There was discussion around the parameters for larger properties as these are called out by location per attorney advice. There was some discussion about changing this to an acreage amount.

Mr. White asked Ms. Dvoracek to ask the attorneys about this, as at some point these larger lots could be subdivided and then should be mowed.

5. New Camping Prohibited Language (Proposed)

Mr. White suggested allowing three days of camping on private residential property rather than one. Mr. Hildebrand would prefer to just strike this section entirely.

Mr. Wilson will follow up on all issues in preparation for a second reading at the next regular meeting.

O. Executive Session pursuant to MCL.15.268 Section 8. (h) to privately discuss with our city attorney a memorandum of advice as permitted under Section 8. (h) of the Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act which exempts from public disclosure information or records subject to the attorney-client privilege.

Motion by Mayor Emerick: "I move that the Evert City Council meet in executive session pursuant to MCL 15.268(h) to discuss material exempt from disclosure, more particularly a written legal opinion from the City's attorney, which is exempt pursuant to MCL 15.243(1)(g). I request the attendance of the following city staff members to executive session: City Manager Dvoracek, Assistant City Manager Wilson, Finance Director Lockhart, Chief Beam and City Clerk Fiebig. Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor. Council moved to closed session at 9:03pm.

Motion by Mr. Hildebrand to end the executive session. Support by Ms. Szeliga. Motion passed with a roll call vote; all were in favor. Executive session ended at 9:47pm.

Motion by Mayor Emerick to reconvene council in open session. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor. Council resumed open session at 9:47pm.

Department/Informational Reports (No Action Needed)

P. Accounts Payable Report (12/1/2020-12/8/2020)

Q. Accounts Payable Report (12/9/2020-12/21/2020)

R. Payroll Reports (12/9/2020-12/21/2020)

S. Revenue & Expense Report – November 2020

T. Summary of Funds – October 2020

U. Summary of Funds – November 2020

V. Updated Board and Commissions

W. Fire Board Minutes – November 2020

X. December 2020/January 2021 Holiday Schedule

City Attorney Report/Comment: none

City Manager Report/Comment

Y. Monthly Report – November 2020

Finance Director Report/Comment: none

Department of Public Works Report/Comment

Z. Monthly Report – November 2020

Police Department Report/Comment

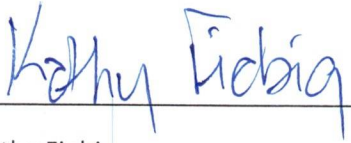
Z1. Monthly Report – November 2020

Downtown Development Authority Report

Z2. Downtown Development Authority Report

Citizens' Comments: none

Motion by Mayor Emerick to adjourn. Support by Mr. Hildebrand. Motion passed with a roll call vote. The meeting adjourned at 9:53pm.

A handwritten signature in blue ink that reads "Kathy Fiebig". The signature is written in a cursive style and is positioned above a horizontal line.

Kathy Fiebig
City Clerk

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