

**CITY OF EVART
REGULAR VIRTUAL COUNCIL MEETING
May 17, 2021 @ 8:00PM**

The meeting was called to order by Mayor Chris Emerick at 8:01pm.

Present (via roll call): Sean Duffy, City of Evart, Osceola County MI, attending remotely
Dan Elliott, City of Evart, Osceola County MI, attending remotely
Chris Emerick, City of Evart, Osceola County MI, attending remotely
Matt Hildebrand, City of Evart, Osceola County MI, attending remotely
Sandra Szeliga, City of Evart, Osceola County MI, attending remotely

Present (City staff): City Manager Sarah Dvoracek, Finance Director/Treasurer Pepper Lockhart (Meeting Co-Host), Communications Director Melissa Rohen (Meeting Co-Host), Chief of Police John Beam Jr., City Attorney James White, City Clerk Kathy Fiebig

Guests (per Zoom ID): Laurie Chase, Cathie Crew, Janet's iPad, Evart Farmers Market, iPhone, John Tanner (OHM Engineering), Scott, Karen, Ralph Carlson, Jennie, Ashlee's iPhone

PUBLIC HEARING: Community Development Block Grant/Water Related Infrastructure

The public hearing was called to order by Mayor Chris Emerick at 8:02 pm. Mr. Tanner from OHM Engineering advised council that it was necessary to revise the requested amount as the original request was too low: the minimum request is \$500,000. Mr. Hildebrand asked if it would make sense to request the maximum allowed rather than limiting the amount. Mr. Tanner replied that any work done with this grant funding must benefit the entire community, so the projects included in the request had been carefully chosen. He also believes that moderating the amount of the request increases the chances of approval. Since the amounts published for tonight's hearing have been changed, council decided to hold a second public hearing on this matter on Thursday, May 27, 2021 at 12:30pm. There were no public comments and no action was taken. Mayor Emerick closed the public hearing at 8:24pm.

Public Hearing: Approval of the 2021-2022 Fiscal Year Budget

The public hearing was called to order by Mayor Chris Emerick at 8:24pm. Ms. Lockhart advised council that no changes had been made since the last budget workshop and mentioned that she would be adding language to paragraph 3 in the resolution to reflect the 2-mill fire district millage. There were no public comments. Mayor Emerick closed the public hearing at 8:25pm.

Citizens' Comments: none

Approval of Agenda

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

Approval of Consent Agenda

- B. Regular Virtual Council Minutes – May 3, 2021
- C. Special Council Meeting Minutes – May 6, 2021
- D. Requesting approval for budget amendments
- E. Vendor's List \$135,338.24

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

Unfinished Business

F. Schedule another Public Hearing for Rental Inspection Program (*postpone*)

G. Riverside Park Improvements (*postpone*)

H. Housing Commission Request

Mayor Emerick stated that she has reviewed the available information and has discussed the matter with City Attorney White. Her recommendation is to remove the entire board and appoint a new slate. Ms. Szeliga reminded council that the Housing Commission had requested in January to have Donald Maddern removed for unprofessional behavior. Mr. White pointed out the only oversight the City has for the Housing Commission is the ability to appoint and remove Commission members. The City attempted to address the issues that have been raised by contacting HUD, the State of Michigan and the Michigan State Police. There has been no response from any of the agencies. Ms. Szeliga stated that an internal investigation of the complaints from three former employees had shown no evidence of any illegal or unethical actions and that the complaints were found to be unsubstantiated. She believes that the matter should have been handled internally with no involvement from the City. She requested that the City pay all legal expenses incurred by the Housing Commission, and again asked that Mr. Maddern be removed. Mr. White stated that the City had offered to work with the Housing Commission to investigate the complaints, and the Commission refused. Mr. Hildebrand pointed out that the City had submitted a FOIA request to the Commission and that request was denied. He finds that concerning and believes that council is not being given all of the information available. The only recourse left is to remove and replace the Commission members. Motion by Mayor Emerick to remove and replace all current members of the Housing Commission. Support by Mr. Hildebrand. Motion passed with a roll call vote. Mr. Hildebrand, Mr. Duffy, Mr. Elliott and Mayor Emerick were in favor; Ms. Szeliga was opposed.

New Business

Items for Action

I. 4th of July Activities – Discussion

Council briefly discussed whether it is appropriate to try to hold the typical festivities this year. Currently, MI COVID restrictions are more restrictive than the CDC's. Mr. Hildebrand would like to have a recommendation from Mark Watkins, County Emergency Response Director, before moving forward. Council would like to hear what the Chamber is planning for fireworks, as well. Mayor Emerick will ask the Chamber to make a presentation regarding their plans.

J. Attitude Wellness, LLC Marihuana Application Renewal (Provisioning Center, Processor and Grow)

Attitude Wellness (Lume) has submitted three requests for license renewals (provisioning, processor and grow). Ms. Dvoracek said that due to evolving directions from the Department of Environment, Great Lakes and Energy (EGLE) and the fact that the City ordinance is vague on testing requirements (wastewater runoff, stormwater runoff and air quality reports), she recommends approving these renewals on a conditional basis, allowing Lume 30 days to complete further testing. The City must be certain that the wastewater system is not being compromised by any of these operations. Motion by Mr. Hildebrand to conditionally approve the three licenses for thirty (30) days or until the City receives the additional testing results. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor.

K. Request to Purchase New Server for City Hall

The current server has been in use since 2014 and had a five (5) year life expectancy at that time. The City is now running out of room, in part due to the amount of storage space used by

the SAW grant. The City's IT firm, IT Right, has recommended purchasing a new server at a cost of \$5,426.30. Mr. Hildebrand asked Ms. Dvoracek to check with IT Right about the possibility of Cloud storage. Motion by Mr. Hildebrand to approve the purchase of a new sever for the amount specified. Support by Mayor Emerick. Motion passed with a roll call vote; all were in favor.

L. Request to Maintain the Evert Area Joint Fire Department Financials

Ms. Lockhart was approached by Evert Fire Chief Shane Helmer who requested that the City take over the management of the Fire District's financial matters, to include payroll, invoicing and all reports. Ms. Lockhart estimates that after the initial set up has been completed, the cost would be \$300 monthly. The City has the necessary software already. Motion by Mr. Duffy to approve Mr. Helmer's request. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor.

M. Resolution 2021-13 Adopting the 2021-2022 Fiscal Year Budget

Ms. Lockhart stated that there have been no changes made to the proposed budget since the council work session. She will add language to the third paragraph of the resolution stating that due to the passage of the millage proposal it is a 2-mill contribution now from the City rather than the 1 mill previously in place. Motion by Mr. Hildebrand to approve Resolution 2021-13 with the stated language correction in paragraph three. Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor.

N. Resolution 2021-14 Approve the Community Development Block Grant for Water Related Infrastructure including Wastewater Treatment Plant Improvements

Mr. Tanner of OHM Engineering again advised council that the initial grant request had asked for \$453,750 with a 25% match from the City in the amount of \$151,250. The grant requires a request of at least \$500,000 so the grant will need to be modified. OHM will review potential projects to add to the grant in order to meet the minimum. Council will hold a second public hearing with the new amounts on Thursday, May 27, 2021 at 12:30pm via Zoom. No action taken.

O. First Amended Interlocal Agreement for the Evert Area Joint Fire Department and Joint Administrative Fire Board

Ms. Dvoracek sent council the red-lined version to allow them to review the changes that have been made. Mr. White has reviewed the document and sees no issues. Motion by Mr. Elliott to approve the agreement. Support by Mr. Hildebrand. Motion passed with a roll call vote; all were in favor.

P. Depot Wood Floor Refinishing Bids

Interim Public Works Administrator Fiebig presented two bids and remarked that they are remarkably similar. Mr. Hildebrand noted that the WoodCraft bid reflected a higher square footage amount which would account for the higher price. He asked Ms. Fiebig to verify the square footage. She will do so. Mayor Emerick pointed out that the WoodCraft bid is a local contractor and the other is a contractor from the Grand Rapids area. No action taken.

Department/Informational Reports (No Action Needed)

Q. Accounts Payable Report (5/4/2021 -5/17/2021)

R. Payroll Report (5/4/2021 -5/17/2021)

S. Summary of all Funds – April 2021

City Attorney Report/Comment

Mr. White is working with Ms. Dvoracek on a land swap agreement with ZP 6251 LLC, the new owners of the Vitro building. They are also working on some Lume property issues.

City Clerk Report/Comment

Ms. Fiebig noted that Karen Bluhm, County Clerk, has just announced that there will be no election in August for City of Evart. Ms. Fiebig will be attending an election review interview with members of the audit department of the MI Bureau of Elections on Tuesday, May 18.

City Manager Report/Comment

T. Evart Car Club – 2021 Car Show Canceled – FYI

Ms. Dvoracek and staff have been interviewing candidates for the Director of Public Works and she hopes hire a director soon.

Finance Director Report/Comment

U. Michigan Department of Treasury – Audit Deficiency Corrections 20/21 Fiscal Year – FYI

V. Monthly Report – April 2021

Department of Public Works Report/Comment

W. Monthly Report – April 2021

Ms. Fiebig mentioned that a sinkhole had appeared at the intersection of 4th and N. Cedar. It is an issue with one of the storm drains and has been temporarily repaired. Ms. Fiebig and Lead Water/Wastewater Operator Patrick Muczynski have agreed that it would be wise to wait until Point Broadband has completed their boring operations before opening up the street to assess the situation.

Police Department Report/Comment

W. Monthly report – April 2021


Chief Beam and City staff will be interviewing several well qualified individuals on Friday for the open patrol position.

Downtown Development Authority Report/Comment

Ms. Dvoracek stated that the Director's position has been posted and will remain open until filled.

Citizens' Comments: none

Motion by Mayor Emerick to adjourn. Support by Mr. Hildebrand. Motion passed with a roll call vote; all were in favor. The meeting was adjourned at 10:01pm.



 Kathy Fiebig
 City Clerk