

**CITY OF EVART
REGULAR VIRTUAL COUNCIL MEETING
Tuesday, January 19, 2021 @ 8:00PM**

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

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
Sandy Szeliga, City of Evart, Osceola County MI attending remotely

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

Guests (per Zoom ID): Roger Elkins, Angela Hunter, Ralph Carlson, Angie Kopriva, Laurie Chase, John, Cathie Crew, 231****096.

Citizens' Comments: none

Approval of Agenda

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

Approval of Consent Agenda

B. Regular Virtual Council Minutes – January 4, 2021

C. Vendor's List - \$246,929.68 (*includes tax disbursements*)

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

Unfinished Business

D. Draft Ordinance – Housing Code

Ms. Dvoracek continues to explore avenues to create an appeals board and is in discussion with Sue VanderPol, Osceola County Coordinator. Postponed.

E. Riverside Park Improvements

City staff is still gathering estimates. Postponed.

F. Noise Ordinance

The revised language is under review by Municode. Postponed.

New Business

Items for Action

G. 2019-2020 City of Evart Audit Presentation – *Angie Kopriva of Baird, Cotter & Bishop*

Ms. Kopriva presented the results of the audit which resulted in an "unqualified opinion". She advised council that this is good and means the City "passed" the audit. She reviewed graphs of the past five years of the water and sewer funds as well as the general fund. After addressing questions from council,

she praised Finance Director Pepper Lockhart for her efforts and assistance with the audit despite being new in the position.

H. Request to Revise Marijuana Ordinance

Ms. Dvoracek reminded council that concerns have been raised about the language of the present ordinance, although it has been revised twice already. Dickinson & Wright recommend improving the overall organization and clarity of the ordinance by separating land use (zoning), recreational and medical marijuana, and police power. The Evert Planning Commission has suggested making some changes to zoning issues which would require amending the marijuana ordinance and the zoning ordinance simultaneously. They have recommended that processing licenses no longer be allowed in C-2. Funds have not been budgeted to address revising the ordinance, so Ms. Dvoracek asked councils' permission to proceed. Motion by Mr. Duffy to authorize Ms. Dvoracek to spend \$5,000 in addition to her discretionary \$3,000 for a total of \$8,000 to address the issue with Dickinson & Wright. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor.

I. Proposed Letter of Intent to Purchase City Owned Property

Ms. Dvoracek reported that the Vitro building has been sold to ZP 6251, LLC and that the company has submitted a letter of intent to purchase the two parcels of city property that lie directly south of the building. Since the Pere Marquette Trail crosses the properties, a survey is required of both parcels to obtain a new legal description. The Trail will not be moved. She also requested permission to negotiate a development agreement with ZP 6251, LLC. Motion by Mr. Hildebrand to authorize Ms. Dvoracek to sign the letter of intent, obtain the necessary surveys and begin negotiations for a development agreement with ZP 6251, LLC. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor.

J. Executive Session (To Discuss Legal Opinion)

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 Sarah Dvoracek, Assistant City Manager Mark Wilson, City Attorney White, Chief Beam and City Clerk Fiebig." Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor. Council moved into executive session at 8:35pm.

Motion by Mr. Hildebrand to end the executive session. Support by Mayor Emerick. Motion passed with a roll call vote; all were in favor. The executive session ended at 9:10pm.

Motion by Mayor Emerick to reconvene council in open session. Support by Mr. Duffy. Motion passed with a roll call vote; all were in favor. Open session reconvened at 9:11pm.

Motion by Mr. Hildebrand to forward the letters regarding issues at the Housing Commission to the Michigan State Police and the appropriate department of the Michigan Department of Treasury. Support by Mr. Elliott. Motion passed with a roll call vote: Mr. Hildebrand, Mr. Duffy, Mr. Elliott and Mayor Emerick voted yes. Ms. Szeliga voted no.

Ms. Szeliga requested that council remove a member of the Housing Commission. City Attorney White advised that the Housing Commission must pass a resolution regarding such an action and then present the resolution to council. No action taken.

Department/Informational Reports (No Action Needed)

K. Accounts Payable Report (1/5/2021 – 1/19/2021)

L. Payroll Reports (1/5/2021 – 1/19/2021)

M. Summary of Funds – December 2020

N. Ewart Are Fire Department Minutes – December 8, 2020

City Attorney Report/Comment: Mr. White had no comments.

City Manager Report/Comment: Ms. Dvoracek had nothing to add to the comprehensive update she sent to council via email last week.

Finance Director Report/Comment:

O. December 2020 Monthly Report

Department of Public Works Report/Comment

P. December 2020 Monthly Report

Police Department Report/Comment

Q. December 2020 Monthly Report

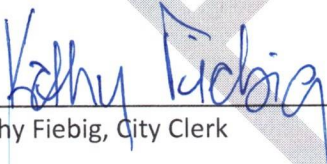
Downtown Development Authority Report/Comment

Mr. Kehoe advised council that he just emailed them his monthly report. He continues to work through the Redevelopment Ready Community (RRC) application process. He stated that he has fielded several questions regarding the availability of preservation grant funds for the Depot and believes that the City must complete the process of becoming a Certified Local Government for such funding to be possible. He would like to do a short presentation at one of the council meetings in February.

Citizens' Comments: none.

Motion by Mr. Hildebrand to adjourn the meeting. Support by Mayor Emerick. Motion passed with a roll call vote; all were in favor.

The meeting was adjourned at 9:27pm.



Kathy Fiebig, City Clerk