

**Village of Elberta Michigan  
Council Meeting Minutes  
January, 20, 2011**

The regular meeting of the Elberta Village Council was held at the Community Building, Thursday, January 20, 2011.

Present: R.Manville, S.Bower, Jenks, L.Manville, Thorsen, and Holmes.

Absent: Stapleton

Guests: Paul Schram, Scott Gest, Connie Manke, Arthur Melendez, Jennifer Wilkens and guest, Ken Bonney and Carl Noffsinger.

**APPROVAL OF MINUTES:**

Motion by Holmes supported by L.Manville to approve the minutes of the regular meeting of December 18, 2010. Yeas - 6.

**APPROVAL OF AGENDA:**

Motion by Jenks supported by Soper to approve the proposed agenda. Yeas - 6.

**PUBLIC COMMENT:**

Arthur Melendez reported on the Elberta Public Art Project. The Project would consist of at least 10 pieces of art along M-168. Melendez also said that the art could be placed in other areas of the Village if the M-168 location wasn't acceptable. The Project was discussed at length.

**CORRESPONDENCE:**

**APPROVAL OF BILLS:**

Motion by L.Manville supported by Holmes to approve the bills for December 1 to December 31, 2010 in the amount of \$23,839.03 (accounting checks) and \$14,841.95 (payroll). Yeas - 6. L.Manville explained that the payroll amount for December was inflated due to the meeting pay that is disbursed at that time.

Department heads were heard from.

R.Manville asked Council members research wind turbines and come to the February meeting with their opinions.

Employee Relations Committee: R.Manville discussed the recent Employee Relations Committee meeting. He said the chain of command for employee relations/issues was outlined. Problems would first be brought to the Village President. If he is unable to resolve the problem it would be turned over to the committee and then finally to the whole Council.

Connie Manke said that the Master Plan Advisory Committee was going to meet on February 4,

2011 at 8am at the Library Building. The committee plans to meet on the first Friday of each month. Holmes reminded Manke that meetings must be posted ahead of time.

Manke asked about the use of the LSS for a public hearing concerning the Master Plan on February 21. The Council felt as long as the building was open that it would be ok.

AGENDA:

1.D/A Revenue Issues - Scott Gest. R.Manville said there were several issues with ELHC concerning monies thought to be owed to the Village. He said that he had met with Scott Gest to discuss the issues. R.Manville said that he had also met with the Village's attorney, Joe Quandt concerning the matter. R.Manville said that a letter had been sent to Gest outlining the debt. He said that the Council had received a letter from Quandt with his opinions concerning the matter. The first issue dealt with a clause in the original Purchase Agreement between ELHC and the Village giving the purchaser Right of First Refusal on the MDOT property. Upon purchase of the property the purchaser would pay the Village \$10,000. ELHC purchased the property in July of 2010. The \$10,000 has not been paid. Secondly there is \$5000 owed to F&V for services provided during the recent sewer project. The work provided by F&V was to ultimately benefit ELHC's waterfront development. The third issue was the \$2100 owed to the Village Attorney. The invoices referenced Gest's name in many of the billings. R.Manville also said that the Village is retaining grant funds from Gest's engineer on the Brownfield Waterfront Project until the matter is resolved.

Scott Gest spoke to the Council at length concerning the issues. He said it was correct that the Village had assigned their Right of First Refusal to his company. Gest reported that Koch also had a First Right of Refusal on the MDOT property issued at an earlier date than the Purchase Agreement. He said that the purchase of Koch allowed his company the Right of First Refusal on the property through the Koch transaction. Gest said that his company felt that the Village should still have the \$10,000. He said the Village was loaned \$60,000 to finish the remainder of the LSS Project. Gest suggested the \$10,000 be applied to the loan which isn't due until 2015.

Gest said that F&V hadn't fulfilled what they said they would do. He felt that many false claims were made by F&V and they over billed the Village. Gest said that he had hard copy to prove what they promised they would do and what they actually did. Gest was asked by the Council if he would provide the copies. He said that he would

Gest said that he would pay the legal fees. He said much of the billing was because of the problems ELHC had with DH2K, the Village's contractor of choice.

The Council discussed the issues with Gest at length. Gest said that he would pay the legal fees. He believes that the fees charged by F&V are bogus. Gest pointed out that he had written the Enhancement Grant for the M-168 Project and he was instrumental in getting COG to assist the Village in updating the Master Plan. R.Manville pointed out that Gest needs the cooperation of the Village. He said that things weren't done properly in the past. The Council thought it would be a benefit to all concerned if Gest and R.Manville met with F&V to hash it out. Motion by L.Manville supported by Jenks to table the 1<sup>st</sup> two items until the February meeting and to accept

Gest's offer to pay the legal fees and to continue withholding the grant funds. Yeas - 6.

2. D/A P&R - LSS. Jennifer Wilkens reported on the "Whine in the Park" event proposed by P&R in conjunction with Shiver by the River. Jenks said that P&R would donate \$500 to the Village for the expenses incurred in the reopening of the LSS. K.Bonney said that the dumpster is locked for winter. He was assured that all trash generated by the event would be taken off site. The Council discussed the use of the LSS for the "Whine in the Park" event at length. Motion by Holmes supported by L.Manville to open the LSS for the February 19th for Whine in the Park event. Yeas - 6.

3.D/A Remainder of Appointments. R.Manville explained that there were several appointments that still need to be made. He said that trees should be removed from the P&R/Trees department heading. R.Manville also said that he would like to see Jenks added to the Municipal Buildings committee. He said that Scott Gest should be reappointed to the BV Trail, Mike Jones as representative of the Village Council to the F/E Chamber, Laura Manville and Sharyn Bower to the Budget Committee and Laura Manville as Deputy Clerk and Bower as Deputy Treasurer. Motion by Soper supported by Jenks to approve the appointments as proposed by R.Manville. Yeas - 6.

Public Comment was heard.

Motion to adjourn was accepted.

Sharyn Bower, Village Clerk