

Vermontville Village Council
February 14, 2013

Call to Order: 7:00pm

Roll Call:

Present: Jason Sheridan, Sue Villanueva, Ruth Wineman, Mark Jorgensen, Garry Patrick, Charles Viele

Also Present: Monte O'Dell, Shari Carney, Kelly Williams, Kathy Laseur, Joe Harvey, Virginia Harvey, Mary Beth Gilbert, Blake and Jennifer Upright.

Pledge

Jen- Independent Bank

Jen spoke about direct deposit possibilities at the bank. She said for \$30/month the bank could do up to 75 transactions per month for the Village. After 75 transactions there would be a 40 cent per item charge. She said in the first year 75 transactions is usually a good beginning number. The bank currently accepts utility bills. Another option would be to start collecting tax bills at tax time for customer convenience at the bank. Councilman Sheridan asked about what happens after 75. Jen explained that the bank would keep an eye on the trend. If the Village consistently went over 75, the next package is 250 transactions. The per month fee would increase at 250 transactions. Jen will work with Steve Hallead on watching the trends.

Mary Beth- Eaton County Recycling Program

This is a free event for residents. It will be on Saturday, March 23, 2012 at the Village garage from 9-1. She will be doing the advertising in several newspapers. Vermontville will need to advertise in its local papers. Universal Recycling is also a free service. They leave 20 foot containers and pick them up. The Village may want to look into that.

Councilman Jorgensen made a motion to approve. Councilwoman Villanueva seconded. All ayes- motion carried.

Public Comment:

Greg Wendorf is expanding his scooter store to include repairs. President Wineman visited his store- looks good. Councilman Sheridan ok'd the building through the planning commission. He is checking to see if a special land use permit will be needed.

Councilman Jorgensen talked about the fact that in January another bounced fee came about. He is concerned as a citizen. He is afraid that if a vendor is asked to come in and do work, the vendor comes in, then has a check that bounces, next time the vendor is asked to help, the vendor will not come. The Village reputation needs to improve.

Treasurer Kelly Williams stated it was a misunderstanding. She offered to call the vendor and is offering to pay the charge out of her pay.

Consent Agenda: Councilman Jorgensen asked that treasurer's report be discussed separately. Councilman Patrick asked the wording "Commission Meeting Agenda" be changed to "Council Meeting Agenda." Councilman Patrick made a motion to approve minutes and bills. Councilman Jorgensen seconded. All ayes, motion passed.

Treasurer Kelly Williams presented her report to the council. The council asked that major/local streets be separated on the treasurer's report. The number on the street account was added wrong. Treasurer Williams said it was an error in her report, not the reconciliation. The CD's- nothing major was coming due. The red items were maturing soon or have matured. Treasurer Williams was going to speak with Jen from Independent bank about new rates. President Wineman asked about not having the account numbers on the reports- it was approved at the last meeting. Treasurer Williams will fix. Councilman Jorgensen asked about the missing original CD. Treasurer Williams explained that Eaton Federal reissued the CD. There was a discussion about the CD. The document had been missing, but in January was reissued. Councilman Jorgensen inquired as to why in the course of two years, Treasurer Williams never acted on it. Treasurer Williams stated it was never put on the report. Councilwoman Villanueva asked which CD it was. It was a sewer CD. Treasurer Williams was asked if there were any more missing CD's. She said all CD's have been reconciled and accounted for. Kay Marsh was asked if she recalled any other CD's in any other financial institutions. She said, no. Councilman Sheridan made a motion to accept the treasurer report after the changing of the major/local street totals. No support. Motion died.

Attorney- Resolution

Attorney Mark Nettleton spoke. He followed up with President Wineman and Laurie Tamez, CPA in respect to the treasurer. He presented a draft of the resolution. He stated the closed meetings act was like attorney/client privilege, what is said in there cannot be discussed. He stated Treasurer Kelly Williams spoke with the press about it. The county prosecutor will decide what to do with that. The attorney explained that with the resolution the council could adopt it, reject it, or table it. The attorney read the resolution to all present. Councilman Patrick made a motion to accept the resolution as written. It was supported by Councilman Jorgensen. Councilman Sheridan stated he was not sure it was all Treasurer William's fault. He knows she has been trying, but not sure she is capable. Councilman Sheridan feels he could have helped more. Does not believe that willful neglect should describe the way she has handled her duties. Councilwoman Villanueva disagreed. Councilman Jorgensen stated that a CPA was brought in. What else could have been done? All council people agreed that Treasurer Williams works hard and has the best interest at heart, but because Treasurer Williams missed meetings, the council did not have reports to know what was going on. Councilman Sheridan shared a story of how a person can love a job and really want to do it, but sometimes is just not able to. The attorney explained that willful neglect was knowing what you have to do, but not doing it. Nonfeasance was doing the job, but not in the right way. Councilwoman Villanueva said errors were not brought to their attention until the previous clerk resigned. The total cost of the bounced checks/ the attorney/ the CPA was \$16550.52. Councilman Patrick asked at what number does one say something is wrong? There were 35 bounced checks in one year. Councilman Patrick's vote is not personal. If Councilman Sheridan did not know what was going on, Councilman Patrick is sorry. Councilman Patrick understands, but sees it as being responsible to the village. He must act in the best interest of the village. He holds no animosity towards Treasurer Williams. Treasurer Williams excused herself from the meeting at 8:30 p.m. Councilman Sheridan understands and agrees. He is saddened it has come this far. He realizes that no checks should have bounced. He wants to know when she was talked to about it. President Wineman said Treasurer Williams was talked to about it many times. Councilman Sheridan said it must be beyond

her task skill. Councilman Viele stated he felt she was capable, but has seen she is not. He will go along with the resolution because it needed to be done. A roll call vote was taken. All ayes- motion carried. The definition of “immediately” was asked of Mr. Nettleton. Mr. Nettleton told the council it was up to them to define a time frame. President Wineman said an expectation of a reasonable amount of time, with Monday being a holiday, would be Tuesday, the close of business. According to the resolution, she can resign or the council can decide to have contact with the governor to start the removal from office process. A recall cannot be done until she has been in office for six months. Councilman Patrick made a motion to have Tuesday, February 19 at the close of business be when the resignation had to be in. Councilman Viele seconded. President Wineman said a letter would be sent by certified mail, regular mail, and a copy put in the treasurer’s box at the Village office. Roll call vote taken. All ayes- motion carried. The attorney was thanked for his time.

Committee Reports

Water/Sewer – Councilman Patrick and Monte O’Dell were looking into the contract from Terry’s Excavating for the 10% hold back on the work done. The dye test still needs to be completed.

Ordinance- Councilman Sheridan stated he has taken pictures of about half the village. When finding violations, he will send the information to the clerk to send citations. There has been an issue of semi-trucks parking in the road. Councilman Sheridan will look into this.

Street/Drains/Sidewalks- Councilman Viele has noticed dead trees. It can be a danger to the public. Monte O’Dell to look into the basement drain on East Main.

Buildings and Grounds- The pavilion is in motion. The planning commission met with the builder. The drawing was shown at the council meeting. Councilman Patrick made a motion to proceed with the pavilion as presented. Councilman Viele supported the motion. All ayes- motion carried.

Technology –The Excel updated versions have been put on the Village computers. The printer had a different cable put on and is now working much better. The Village now has a two line phone system to better serve the Village residents.

Health & Safety-Security lights for the festival to be discussed.

Personnel – President Wineman talked about having an increase of 1.7% in wages for DPW and Deputy Clerk. The personnel committee supported this. President Wineman also met with Terry Samann about what he thought were unnecessary expenses and rising costs and having to resubmit the 2011 taxes.

DPW Report – Monte O’Dell

- Paradigm Design is sending an invoice for the Safe Route to Schools. The township has not replied.
- DPW had two water main breaks in January, both on Maple Street. Those are old sets of lines.
- Councilman Patrick went with Monte to a Pottersville MML class on planning and zoning for villages and cities. Stated it was very good and informative.
- Judy took care of the water/sewer increase of 1.7% on the bills per COLA.
- Diamondale chipper report- chipper payment comes out of leaf account.

- Consumers Power has a grant program that pays to change lights from regular to LED. The LED's are supposed to be less expensive to run.
- Oil Company- shocking- have insurance from shocking company in case anything results from their test.
- Monte will put dye in the wet wells to look for leaks- none found yet.

Planning/zoning – As discussed earlier the pavilion was ok'd by the council. Mr. Johnny Miller and Mr. Gene Fisher came in with the plans as shown to the council. Mr. Miller and Mr. Fisher will be going to obtain the architect stamp on the design.

Presidents Report-

- President Wineman has had three letters of interest for the council position. The ad-hoc committee will meet on February 20, 2013 at 6 p.m. to determine a council appointment. The person will begin in March. The chair will be Councilman Jorgensen. Councilman Viele and Councilwoman Villanueva will be the additional ad-hoc committee members.
- The fireworks for the Syrup festival will again be at the Bible church. It will be the same show as last year. The insurance rates have gone up. Monte O'Dell and President Wineman will monitor the site of the fireworks. Motion asked for to give permission to the president to deal with the contractor to proceed. Councilman Sheridan made the motion, Councilwoman Villanueva supported. All ayes- motion passed.
- Quit claim deed regarding cemetery- township owns property. Called Jack Owen. He told President Wineman to go to the county. One year ago the cemetery was given to the township. Mr. Owen is checking into legalities. The quit claim deed will be tabled until next month due to needing a definition of what the quit claim deed entails.

Old Business

The recommendations need more clarification. Checking into whether an elected official can be required to have posted hours/days. Clarify the two-four hour days. What does this mean? Include the village garage in the recommendations, add documents that are to be stored at the village office, add "endorse" after the word "stamped" under the village receipts paragraph.

New Business

Appoint a treasurer instead of electing? May have public meeting about this. Motion made by Councilman Patrick and seconded by Councilman Viele to pay for the refilling of the 2011 taxes for the DPW. All ayes- motion passed.

Councilman Jorgensen made a motion to accept the COLA of 1.7%. Councilman Patrick seconded the motion. All ayes- motion passed.

President Wineman stated a motion needed to be made for the employees to pay 20% of their health insurance for 2012 and 2013. Vision and dental would be covered 100%. Councilman Jorgensen motioned to accept this and to have the employees reimbursed for vision and dental that had been taken out in 2012. Councilman Viele seconded. All ayes- motion passed.

Public Comment

Greg Wendorf asked if business owners could be a part of the council. It was explained to him that, according to state law, a person must be a resident of the Village in order to be on the council. If a business owner was a resident, he/she could run for a council position.

President Wineman said she has looked into recommendations across the board of villages. There are implied and expected laws. The Village hired a CPA to gain direction. The COLA of 1.7% will be retroactive to January 1, 2013.

Mrs. Harvey asked about the amount of the last bounced check. She also asked if we had the 1098 CD report.

Councilman Patrick asked Councilman Sheridan about the master plan being updated every 5 years. Councilman Sheridan said it was updated last year.

Adjournment

Councilman Sheridan motioned to adjourn. Seconded by Councilwoman Villanueva. All ayes, motion passed. Meeting adjourned 10:25pm