

# Village of Pentwater

65 S Hancock St., PO Box 622 Pentwater, Michigan 49449  
(231) 869-8301 Website: [www.pentwatervillage.org](http://www.pentwatervillage.org)

## Regular Meeting of Village Council MEETING MINUTES FEBRUARY 14, 2022 PARK PLACE 310 NORTH RUSH STREET

### I. CALL TO ORDER

President Jeff Hodges called the regular meeting of the Pentwater Village Council to order at 6:00 pm. from Park Place Meeting Center at 310 North Rush Street.

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

Present: Dave Bluhm, Jared Griffis, Don Palmer, Claudia Ressel-Hodan, Jeff Hodges.

Absent: Michelle Angell-Powell and Dan Nugent.

Also, present: Village Manager Chris Brown, Clerk/Treasurer Rande Listerman, Chief Laude Hartrum & Zoning Administrator Keith Edwards.

### IV. PUBLIC COMMENTS – On the agenda

*Heather Douglas – 818 1<sup>st</sup> St.* I support the vacating of First Street. I own the house that is right there. He has my full support.

*Chris Conroy 560 S. Hancock St. #21* – I noticed an Agenda Item in the Treasurer’s Report regarding broadcasting a meeting. I want to encourage Council to not just broadcast meetings but make those two-way interactive. I also want to reference the letter that I and Amy LaBarge sent in that is included in your packet. We appreciate you are now acting on the Opinion from Attorney General Dana Nessel #7318 which encourages State meetings to be interactive for all the public and it is encouraging all local municipalities to follow suit. We know that Pentwater Township has purchased the meeting OWL Pro and uses the services of Mark Shotwell for their set up and take down. We encourage you to investigate that as an option. We also know that other municipalities like the City of Grand Haven broadcast every single Council meeting and Planning Commission meeting. It shows openness and transparency allowing the residents and non-residents alike to allow you to have their emails added to a list, so the agendas can be distributed in advance. The Service Club has also opted to have their meetings via zoom. So social and local municipalities are making meetings available via remote mediums for both broadcast and interactive comments. If funding is an issue the LaBarge family has offered a gift for funds needed to provide the equipment.

### V. APPROVAL OF THE AGENDA

President Hodges requested an approval of the agenda. *Motion* by Griffis supported by Palmer to approve the agenda with two additions under New Business Item (J). To direct the Personnel Committee to conduct an Exit Interview with Keith Edwards and Item (K). Direct Personnel Committee to include Police, DPW and Office Staff in evaluation of the Village Manager.

VOICE VOTE: YES: 4 NAYS: 1. ABSENT: Angell-Powell and Nugent.

Motion approved 4 - 1.

## **VI. CONSENT AGENDA**

- A. Approval of Minutes: Regular Council Meeting on January 10, 2022.
- B. Disbursements Village: Accounts Payable -\$61,733.63; Payroll \$30,985.99
- C. Disbursements from Township: Fire Department – \$1,904.61
- D. Commission & Board Reports: Planning Commission.
- E. Requests for Village Property use:
  - a. Marina – Service Club - Start of Summer Party June 5, 2022; Noon – 8 P.M.
  - b. Water Tower Property – Garden Club Plant Sale, June 18, 2022; 9 A.M. to 1 P.M.

*Motion* by Palmer second by Ressel-Hodan to approve the consent agenda items as presented with one correction Minutes should be dated January 10, 2022.

ROLL CALL VOTE: AYES: Bluhm, Griffis, Ressel-Hodan, Palmer and Hodges.

NAYS: 0. ABSENT: Angell Powell and Nugent. Consent agenda items approved 5 - 0.

## **VII. ANNOUNCEMENTS**

- A. Comments from the President.

Happy Valentine's Day. I appreciate you sharing the love. I want to welcome our Senator Jon Bumstead who is attending this evening.

## **VII. CORESPONDENCE**

- o All correspondence directed to the Village Clerk is received and filed and emailed on to the Village Council.

The following citizens sent correspondence to the Village Clerk for the Village Council:  
Emeli Bowers, Robert & Nancy Puskowski and Amanda Lewandowski.

## **VIII. VILLAGE DEPARTMENT REPORTS**

*Reports are in the meeting packet and posted on [www.pentwatervillage.org](http://www.pentwatervillage.org).*

- A. Village Manager - Report submitted in writing.
- B. Clerk/Treasurer - Report submitted in writing.

*Motion* by Ressel-Hodan, supported by Palmer to approve the financials as presented.  
ROLL CALL VOTE: AYES: Angell Powell, Bluhm, Griffis, Nugent, Ressel-Hodan, Palmer and Hodges.  
NAYS: 0. ABSENT: Angell-Powell and Nugent. Consent agenda items approved 5 - 0.
- C. Police Chief – Report submitted in writing.
- D. Fire Chief – Report submitted in writing.
- E. Zoning Administrator – Report submitted in writing.

Discussion was held regarding the letter from Chairperson Bruce Koorndyk on behalf of of the Planning Commission regarding the Public Hearing and Marijuana Establishments.

*President Hodges* believes the Council did initiate the process by having the Village Attorney Brian Monton draft a Licensing Ordinance and the Zoning Amendment. After the Council approved the Licensing Ordinance in July of 2021 the Village Attorney presented the Zoning Amendment to the Planning Commission to hold a public hearing.

*Village Manager Chris Brown* stated that the Village Attorney said Council procedurally did exactly what was supposed to be done.

*Zoning Official Keith Edwards* stated I did help Mr. Koorndyk draft the letter and it was in a response to a comment the Village Attorney made. There are a couple of Ordinances involved in the Marijuana Retail issue. One is the Marijuana Licensing Ordinance. That appears to have been done according to your procedure as far as we know. We only deal with the Zoning Ordinance. Relative to the Zoning Ordinance Amendment it is my understanding the Village Attorney Brian Monton felt that there was not a formal motion by the council to initiate a Zoning Ordinance Amendment through the Planning Commission. In a subsequent meeting, I believe it was Commission Angell-Powell that requested that the Planning Commission hold a public hearing and that the motion failed. As far as the Planning Commission is concerned, at this time according to Chapter 20.01 and 20.22 paragraph A in the Zoning Ordinance it appears just a formal motion by the Council is needed to send this issue to the Planning Commission. That was our understanding it could be a misunderstanding. I believe what Mr. Monton said was an initiation is a formal motion by council. Perhaps Mr. Monton can straighten this out for us.

*President Hodges*, have you talked to any other attorneys about this?

*Zoning Official Keith Edwards*, your council does not have any other attorneys on retainer that I know about.

*Trustee Don Palmer*, was there an attorney asked a question by the Planning Commission?

*President Jeff Hodges*, I was told by a Planning Commission member that they talked to an attorney. Obviously, the Planning Commission cannot hire an attorney.

*Zoning Official Keith Edwards*, the Planning Commission cannot do this without at least the approval of the Village Manager.

*President Jeff Hodges*, I was told by Bruce Koorndyk that they had talked to a different attorney and got an opinion on this situation. If Bruce wants to share anything.

*Chairman Bruce Koorndyk* stated he had a conversation off to the side and I was not representing the Planning Commission. It was just a question of whether we could be correct in our analysis. Basically, it all started with the Village Attorney comments.

*Trustee Dave Bluhm* thinks it is critical we get input from the Planning Commission. There has been a lot of research done on this issue. The Zoning Amendment Ordinance that was drafted that we all saw may not be the right amendment. Unless we get this in front of the

Planning Commission, and we figure how to integrate this with the Master Plan that we are doing and get this addressed then we are not doing our job. This is important to get the feedback. If we need to have an action next month to request the Planning Commission hold the Public Hearing, then I think we should do that. If we are marching down the road to a referendum, I look at it as good information for the public that will ultimately be voting on whether it get approved or not. I think it is the Planning Commission duty to review this the right way and propose an alternative to what is out there if they feel it is necessary.

F. Rec Director - Report submitted in writing.

*Rec Director Kate Anderson* -Highlighted the Basketball Clinics success and wanted to publicly thank Dan Nugent, Jason Vanderstelt and Grey Jaeb for volunteering to help with the program.

Soccer signups are currently underway with Friday, March 4<sup>th</sup> being the final day for signups.

Kate announced that Rec and North End Park Donation Letters are mailed out, we've already received \$450.00 in donations and has opened up the donation platform to be year-round. She wanted to thank our community members, local and surrounding businesses and everyone who continues to donate to our program and can't wait to see all the great opportunities our children and residents will have because of it. For more information on how to donate, please visit the Village Website at [pentwatervillage.org](http://pentwatervillage.org) or contact Kate at 231-869-8301 ext. 4 or [kanderson@pentwatervillage.org](mailto:kanderson@pentwatervillage.org)

The Donation Banners will be displayed at the North End Park on the Basketball and Tennis Fences until the Summer Ball season begins.

2021-2022 Can Drive Donations: \$1135.45, thank you Kevin Eitniear for returning the cans throughout the year.

Kate participated in a six-month managerial program by the Michigan Municipal League, the Women in Government 16/50 Project. 28 women in the entire State were selected for the program and asked if she could attend the Graduation Banquet in March during the MML's Annual Conference.

G. Library - Trustee Valerie Church McHugh one of our goals in our strategic plan to attend the local government meeting so we can be informed about what is going on and give support to our communities. The library has partnered with the Health Department to distribute COVID 19 tests. Also, we are receiving masks to distribute to the community, and we have partnered with the Health Department to hold some vaccination clinics right here in Pentwater. Director Barker has also written some grants to assist community members with Broadcasting which includes hotspots.

## **IX. PUBLIC HEARING**

- A. Vacate of a portion of First Street between Clymer Street and Washington Street.  
President Hodges opened the Public Hearing at 6:57 P.M.  
No Public Comment.  
President Hodges closed the Public Hearing at 7:01 P.M.

## **X. COMMITTEE REPORTS**

- A. Building & Grounds - No meeting, no report.

- B. Finances - Report submitted in writing.
- C. Ordinances - No meeting, no report.
- D. Personnel - Report submitted in writing.  
Set a Special Council Meeting for Annual Reviews on February 25<sup>th</sup>, 2022, at 5:30 P.M.
- E. Planning/Economic Development - No meeting, no report.
- F. Services - Report submitted in writing.  
Motion by Palmer, supported by Griffis to approve the Village Manager and the Administrative Staff to seek application for funding opportunities for a new Water Well.  
ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.  
NAYS: 0. ABSENT: Angell-Powell and Nugent.  
Motion approved 5 - 0.

**XI. UNFINISHED BUSINESS**

- A. Leaf Vac Truck.  
Motion by Palmer, supported by Griffis to seek bids from interested parties to pick up the Village of Pentwater leaves.  
ROLL CALL VOTE: YES: Griffis, Palmer, Ressel-Hodan.  
NAYS: Bluhm and Hodges. ABSENT: Angell-Powell and Nugent.  
Motion approved 3 - 2.  
Discussion:  
*Trustee Palmer* - I appreciate what you brought to the table Chris, but I feel we need to have more information on bids to pick up leaves by an outside company. I also would love to hear any comments from personnel that pick up the leaves.

**XII. NEW BUSINESS**

- A. Set Public Hearing – 2022-2023 Budget Truth in Taxation, Monday, March 14, 2022, at 6:20 P.M.  
*Motion* by Palmer, supported by Griffis to set the Public Hearing for the 2022-2023 Budget and Truth in Taxation Hearing on Monday, March 14<sup>th</sup>, 2022 @ 6:20 P.M.  
  
ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.  
NAYS: 0. ABSENT: Angell-Powell and Nugent.  
Motion approved 5 - 0.
- B. Resolution No. 2022-02-02 Vacate of a portion of First Street between Clymer St. and Washington St.  
*Motion* by Palmer, supported by Ressel-Hodan to approve Resolution No. 2022-02-02 Vacate of a portion of First Street between Clymer Street and Washington Street.  
  
Discussion:  
*Trustee Palmer* - 1. What are we giving up? 2. Who are we giving it too? 3. And what are we getting in return if anything?

*Village Manager Chris Brown* - You are getting nothing. When we vacate a street it's one, we do not have in use. In terms of utilities there are no real need to place them in the future. It may add more value to the lot for taxation in the future if the owner goes to circuit court to combine the lot.

*Trustee Dave Bluhm* - Is the easement for the full width of the vacated property?

*Zoning Official Keith Edwards* - You are maintaining an easement so if you need to add any water or sewer lines you have the ability to do so. You are also released from the burden of maintaining any street. You also do not have to put one in if requested.

*President Hodges* - The third question was who benefits. Heather spoke today does Heather have any property touching the borders?

*Heather Douglas* - No.

*President Hodges* - She just supports it as a neighbor.

*Village Manager Chris Brown* - The water line is a service line the owner is responsible for a service line.

*Trustee Claudia Ressel-Hodan* - I wanted to make sure about the easement to any future property that would be sold behind there. Apparently, that would be up to the seller per law to create an easement before he could sell the property.

*Zoning Official Keith Edward* - The people that owned the property to the right maintain the ability to use that lot for access if they want to. Mr. Young will own four lots adjacent to the creek right away. This property is 135 feet long from Washington Street. Two of the lots on the north side cannot be used as two lots because they are not large enough. So, they can only be used as one lot. The only other one that remains is west of his existing house which he intends to retain as well. There really is no access from Clymer; the house on Clymer has a portion in the right-a-way.

ROLL CALL VOTE: YES: Bluhm, Griffis, Ressel-Hodan and Hodges.

NAYS: Palmer. ABSENT: Angell-Powell and Nugent.

Motion approved 4 - 1.

C. Resolution No. 2022-02-03 Installment Purchase Agreement Police Vehicle.

*Motion* by Ressel-Hodan, supported by Palmer to approve Resolution No. 2022-02-03

Installment Purchase Agreement for the 2022 Ford Interceptor in the amount of \$32,490.00

Discussion:

*Trustee Griffis* - I still do not know why we would borrow money to pay for a vehicle when we pay rents to the fund to buy a vehicle.

*Clerk/Treasurer Listerman* - The Police Department does not pay into the Equipment Fund

with MDOT rates. The Police Department contributes to the Motor Pool which Council budgets funds for both car replacement and Repair and Maintenance on both cars each year.

*Trustee Griffis* - So the Motor Pool is insufficient to pay for the Police Car.

*Clerk/Treasurer Listerman* -No, it is not necessarily insufficient it just is a more prudent way with the low interest rate to not drain the Police portion of the Motor Pool Funds.

*Village Manager Chris Brown* - If the CPI keeps going up and interest rates hit 4 -5 % you are absolutely right it would not be prudent. With this low interest rate, it is a savings to finance the car. As rates go up, the rates will go up for the Village investments too. This vehicle blew an engine, so it is an unforeseen event where we needed to replace the car earlier than the budget allowed. So, we could be caught short in the overall fund balance.

*Trustee Jared Griffis* - I support the purchase of the new vehicle. I just don't care for the financing.

ROLL CALL VOTE: YES: Bluhm, Palmer, Ressel-Hodan and Hodges.

NAYS: Griffis. ABSENT: Angell-Powell and Nugent.

Motion approved 4 - 1.

#### D. Capital Asset Policy Update.

*Motion* by Palmer, supported by Bluhm to approve the Capital Asset Policy as presented.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

#### E. Planning Commission Re-Appointment – Chris Conroy.

*Motion* by Palmer, supported by Bluhm to re-appoint Chris Conroy to the Planning Commission with a term ending December 2024.

Discussion:

Trustee Claudia Ressel-Hodan thanked Chris for her hard work.

Everyone agreed, and also thanked Chris.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

#### F. Zoning Board of Appeals Re-Appointment – Nancy Ceton and Jim Young.

*Motion* by Palmer, supported by Bluhm to re-appoint Nancy Ceton and Jim Young to the Zoning Board of Appeals terms ending January 2025.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

G. Resolution No. 2022-02-04 Charitable Gaming Licenses for Friends of the Pentwater Hart Trail.

*Motion* by Griffis, supported by Palmer to approve Resolution No. 2022-02-04 Charitable Gaming Licenses for Friends of the Pentwater Hart Trail.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

H. 2021-2022 Roslund Prestage & Company Audit Engagement Letter.

*Motion* by Griffis and supported by Palmer to approve the 2021-2022 Engagement Letter with Roslund Prestage & Company for the annual audit in the amount of \$12,860.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

I. 2021-2022 Audit Consulting Agreement.

*Motion* by Palmer, supported by Ressel-Hodan to approve the 2021-2022 Audit Consulting Agreement Engagement Letter with Vredevelde Haefner, LLC up to \$500 in fees. If the fees will be higher than \$500 the Village Clerk/Treasurer will report back to the Village Council.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.

J. Exit Interview with Keith Edwards.

*Motion* by Palmer, supported by Ressel-Hodan to have the Personnel Committee conduct an exit interview with Zoning Official Keith Edwards.

Discussion:

*Trustee Jared Griffis* - The purpose of this interview is to assess what we are doing well and what we should be looking for in the next hire.

*President Jeff Hodges* - I have already conducted an exit interview with Keith Edwards.

*Trustee Palmer* - I have already had a discussion with Keith.

*Trustee Dave Bluhm* - The Personnel Committee will get with Keith to set a time that works for him.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan and Hodges.

NAYS: 0. ABSENT: Angell-Powell and Nugent.

Motion approved 5 - 0.



K. Direct Personnel Committee to include Police, DPW and Administrative Staff in evaluation of the Village Manager.

Motion by Griffis, supported by Ressel-Hodan to direct the Personnel Committee to have one on one interview with Police, DPW and Administrative Staff in the evaluation of the Village Manager.

Discussion was held regarding the process of conducting the interviews.

ROLL CALL VOTE: YES: Bluhm, Griffis, Palmer, Ressel-Hodan.

NAYS: Hodges. ABSENT: Angell-Powell and Nugent.

Motion approved 4 - 1.

### **XIII. PUBLIC COMMENTS:**

*Glen Beavis, 7158 North Crescent Drive* - I have 3 points I would like to run through.

1. It is nearly impossible to hear any of you. There is plenty of room for improvement with the sound system.

2. I want to address the via Zoom or Electronic meetings. I am now the Deputy Clerk at the Township. I am an employee of the board, and I am not speaking on behalf of the board. Glen shared the equipment they are using at the Township Board meetings and the process the Township uses for conducting their meetings.

3. We researched the OMA and Dana Nessel opinion letter, and we are not seeing where it talks about public comments via zoom. Mr. Beavis asked President Hodges to find that legal language and pass it onto the Township. We do not recognize this as illegal and quite frankly I think the citizens of the community find great benefit in this.

*Senator Jon Bumstead* - While you were talking about possible dredging money I contacted the DNR Director while you were meeting to see if there was a way to get funds for Pentwater. We will work on this over the next couple of months. It is budget cycle now and I wanted to let you know we will stay in contact regarding this issue.

Senate Bill 565 which I sponsored is for Water Lead line cleanup etc. 3.3 billion Federal Dollars. The Bill passed the Senate 33-0. The House will take it up in the next couple of weeks. There could be dollars available for some of your projects as well. Also, working on a Bill for the 100% Disable Veterans Tax Exemption that fixes the local dollars that funding. I want to make sure, the Cities, Villages and Townships are fully funded. I have a State Park Package that is three bills and it maybe four bills before we are done. My Bill will use some Federal dollars. The State Park Endowment Fund will make out in about 30 years. The fund has a balance of approximately \$800,000.00. That is the money that comes from oil and gas leases on State lands. It originally went into the DNR Trust Fund which max out at \$500,000 in 2013. Now the money goes into the State Park Endowment Fund. Back to the State Trust Fund. That money can be used to apply for DNR Trust Fund Grants. I think Village of Pentwater and Pentwater Township have received some of the funds over the years. If we max that fund out it will give us funds to maintenance the parks forever. It will be closed to \$80,000,000. The second Bill package by Senator McBroom takes \$250,000,000 of the Federal Funds and brings all our State Park needs immediately to be address over a two-year period. Once this backlog is taken care of then we will have the endowment fund that can take care of the maintenance forever. We would never have to address this issue again. So, if we are going to spend the Federal dollars then let's spend them on something that will be there forever. This is a win win package. I think it is good for everybody. The third package is McDonald's Bill and that is

\$150,000,000 for Local, County and State Parks. It is a one-time grant program. No matching dollars it is just a grant. Those are several of the packages we are working on. We are a busy office. I like to tell people if we are going to spend all these federal dollars let spend it on projects that will be there forever.

*Phil Morris, 1921 Oak Ave. New Era-* Phil is a County Commissioner and the Principal of New Era Christian School. I want to introduce myself as a candidate for State Representative of the 102<sup>nd</sup> District which is now Northern Muskegon County, most of Oceana most of Mason and the Southwest portion of Manistee County. I am looking forward to having a great time on the campaign trail. What I stand for is Christian, Constitutional, Conservative Values. Those are my priorities and the principals on which I will make my decisions. I am genuine and a man of character. Education is my number one goal. As the Principal of the school, I have colleagues in the public and private school system. I see things are broken, we are at a crisis level bleeding teachers and we do not have those numbers coming out of the colleges. Something has to change. We cannot keep putting band aids on. We need to get down to the foundation and see what is really going on in our schools. Just because I work in a private school, I am pro public school as well. We need strong public schools for our children. 80-90% of our students are in public schools. Thank you for your time.

#### **XIV. COUNCIL COMMENTS:**

*Trustee Claudia Ressel-Hodan* - In December, we had what seemed to be an excellent workshop, discussing important matters for the running of the Village. However, unless this discussion is put into action items, and we meet again to make decisions, the workshop did not really meet any goals. While committees were briefly discussed it was inconclusive. I have been waiting since I was elected in 2018, for the committee I am chair of to be sanctioned within the ordinance, as an official committee with a mission. Therefore, this is why, this committee does not meet or report. If my entire term of office is to be chair of a committee that has no mission, no goals then I believe an opportunity is being missed to utilize a dedicated village servant in effective ways. I am asking the Village President to put this on the agenda.

*Trustee Dave Bluhm* – I would like to share the committee met on the channel shoaling. We do not have a formal name yet. We are leaning towards protect Pentwater Harbor or Pentwater Channel Committee. We had 15 attendees at the meeting. It was a spirited discussion. Obviously, we will not know exactly where we are on this until soundings can be done in the spring. A good deal of the discussion we had revolved around fund raising. It is really refreshing to hear others advocating for us. Jon and others out there. We talked about private and public partnerships. Buying a dredge. It became really clear to us we need to look at this in not only a short term, but a long-term solution. Encourage and implore our Council to look at how we can be a leader in this as well as the Township. It is critical for the area.

#### **XV. CLOSED SESSION**

None.

#### **XVI. ADJOURNMENT**

Motion by Palmer, supported by Griffis to adjourn.  
President Hodges adjourned the meeting 8:27 P.M.

Respectfully submitted,

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Rande Listerman, MiCPT, CPFA, CPFIM, MiPMC  
Clerk/Treasurer

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Date