

## MINUTES



**Monday, April 20, 2020**  
**7:00 P.M. CONFERENCE CALL**  
**Dial-in number: (646) 749-3122**  
**Access code: 941-158-501**  
**Spring Lake, Michigan**

Pursuant to Executive Order No. 2020 – 48, the Village of Spring Lake will conduct its business via conference call to mitigate the spread of COVID-19.

### **1. Call to Order**

President **Powers** called the meeting to order at 7:00 p.m.

### **2. Pledge of Allegiance** (flag was displayed on webinar)

### **3. Roll Call**

**Present:** Duer, Hanks, Miller, Petrus, Powers, Van Strate.

**Absent:** TePaste

Motion by **Duer**, second from **Petrus**, to excuse the absence of Council member TePaste.

Yes: 6

No:0

### **4. Approval of the Agenda**

Motion by **Duer**, second from **Petrus**, to approve the agenda as amended with the addition of item 6.E.

Yes: 6

No: 0

### **5. Consent Agenda**

- A. Approved the payment of the bills (checks numbered 61093 to 611033 and electronic payments 109 to 114) in the amount of \$346,297.83.
- B. Approved the minutes for the March 9, 2020 work session and the March 16, 2020 regular Council meeting.
- C. Approved the appointment of Ms. Sarah Lisman to the Historic Conservation Committee with a term expiring November 2020.

- D. Approved Resolution 2020 – 07, a resolution approving continued basic operations of the Village during COVID-19.
- E. Approved the replacement of five (5) fire hydrants by Northern Pipeline Contractors.
- F. Approved the temporary closure of School/Exchange in the event of seasonal flooding and to rent signage for 6 months from Give ‘em a Brake for a cost not to exceed \$3,326.
- G. Approved budget adjustments as presented for fiscal year 2019/2020.

Motion by **Duer**, second from **Petrus**, to approve the Consent Agenda as presented.

Yes: 6                      No: 0

## 6. General Business

### A. COVID – 19 Related Topics

**Subject:** Various topics related to the pandemic will be discussed.

Manager **Burns** updated Council on the latest Covid statistics and shared that she and SLT Manager Gallagher were working on a plan to gradually work our way back into business as usual. **Burns** reported that she had received a number of requests from residents/property owners who wanted to be given a letter deeming their project essential. **Burns** said she was not comfortable making those determinations so she had invited the residents/property owners to join tonight’s meeting to discuss their requests with Council and the Village Attorney. President **Powers** asked Village Attorney Sullivan if the Village Manager and/or Village Council were empowered to provide any manor of exemption or weaver of the Governor’s order? Attorney **Sullivan** said that was not the way he read the Executive Orders. **Sullivan** said that the Governor’s first Executive Order referred them to the Cyber Infrastructure division of Homeland Security for guidance on what was essential and not essential, but it did not put a municipality in a position to say to a business or individual what was, or was not, essential. **Sullivan** said that the Village could make a determination as to what was essential for the governmental entity, to make sure that the water and sewer continued to run and those basic infrastructure things were done, but in all other respects, the Village was the same as all other employers, they were told to stay home. **Sullivan** explained that, unfortunately, the Executive Order was not as clear as many people would like it to be, but it was clear in that the Village and the Village personnel were not the ones to make a

determination for an individual whether their activity was essential or not essential. If someone did something without a permit, it would have to be determined by the OCSO whether a citation would be issued or not. **Sullivan** said individuals should consult their own counsel for guidance as to their particular request. **Petrus** asked for clarification on issuing permits. **Burns** explained that the Village contracted with Michigan Township Services for permitting and inspections related to building, electrical and mechanical. At this time, MTSM employees were laid off so there was no one to issues permits or make inspections. **Sullivan** explained that if there was an emergency situation, the individual could hire a contractor to make the essential repair but not to do more, that was the individual making that determination, not the Village. **Duer** asked if the individual would then be cited? **Sullivan** said that if, in fact, it was something that needed to be fixed, a citation would probably not be successful, unless the individual used the emergency fix as an entryway to do nonessential work. **Council** discussed this and agreed that the Village had no role in determining whether a third party was essential or not.

**Burns** shared that the Ottawa County Sheriff's office reported an increase in vehicular traffic on the roads, drinking and driving and domestic violence. **Burns** also shared that if anyone needed assistance with food or shelter, by dialing 211, the United Way would help any way they could. **Burns** reported that there had been several cases of vandalism around the Village late last week and the Ottawa County Sheriff's Office was working on solving that right now. **Burns** asked Council if they had any Covid related questions. **Petrus** said that Ottawa County was doing an excellent job with their daily communications which was enough to keep her updated. **Burns** said we were so fortunate to have Nick Bonstell, Ottawa County, Brian Sipe, SL Fire Chief, and the staff that we do keeping everyone updated.

## **B. Adoption of Ordinance 362 - DDA Boundary Amendment**

**Subject:** On January 20, 2020 Village Council adopted Resolution 2020 – 01 which set a date of February 17, 2020 for a public hearing on the adoption of a proposed ordinance amending the boundaries of the downtown district to add the lands described in the DDA Proposed Expansion. Expansion of the district has no financial impact to the Village (-0- SEV & Taxable Value) other than allowing revenues and expenditures for the redevelopment of the site to run through the DDA.

Ordinance No. 362 is an ordinance to adopt and approve the sixth amendment to the restated and amended Spring Lake Downtown Development Authority Plan and Tax Increment Financing Plan pursuant to the provisions of Michigan Act 197 or 1975, as amended ("Act 197").

**Council** has no additional discussion.

Motion **Duer**, second from **Petrus**, to adopt Ordinance 362, an ordinance to adopt and approve the sixth amendment to the restated and amended Spring Lake Downtown Development Authority Plan and Tax Increment Financing Plan pursuant to the provisions of Michigan Act 197 or 1975, as amended (“Act 197”).

Yes: 6                      No: 0

### C. Crossing Guard Wages

**Subject:** The Village employees two crossing guards who have worked for the Village since 2004. They have not been working since Executive Order 2020 – 05 temporarily closed school. Executive Order 2020 – 35 closed schools for the remainder of school year (thru June 5, 2020). It is recommended that the Village continue to keep the employees on payroll until the traditional scheduled end of school versus making them apply for unemployment.

**Burns** explained that because the Village was a direct pay to unemployment, and the amount the Crossing Guards received was pretty insignificant, she recommended that they be paid until the end of the school year rather than have them apply and wait for unemployment.

**Council** had no further discussion.

Motion **Duer**, second from **Petrus**, to adopt Resolution 2020 - 08, a resolution providing for the continued payment of wages for school crossing guards thru June 5, 2020.

Yes: 6                      No: 0

### D. Temporary Amendment to the Personnel Policy

**Subject:** With the onset of Covid-19 in March, staff’s ability to use vacation time by the end of the fiscal year (06/30) has been greatly impacted. Management recommends a temporary modification to the policy, allowing staff to utilize their vacation time prior to 12/31/20 or to be paid for their unused time. **Burns** explained that she was asking Council to allow a one-time temporary modification to the personnel policy. **Burns** said this would ease the burden of all employees having to take their vacations in June.

President **Powers** asked if something more formal needed to be added to the Employee Handbook or a communication to the employee’s that the current agreement had been amended. Attorney **Sullivan** said that a Resolution would be enough.

Motion **Duer**, second from **Petrus**, to adopt Resolution 2020-09, a resolution providing for the temporary extension of Section 6.15 of the Village's Personnel Manual which regulates full-time employees' use of vacation time.

Yes: 6                      No: 0

#### **E. 2019 Municipality State Trunkline Contract**

**Burns** explained that this was a housekeeping item that allowed the Village to collect from MDOT for the maintenance work on M-104. **Petrus** asked if this covered all costs. **Burns** said that it did not cover all the costs but there was a budget that they had to work with and if all the funds had not been spent from the total budget, they could ask for more money for additional projects.

Motion by **Duer**, second from **Petrus**, to approve the 2019 Municipality State Trunkline Contract.

Yes: 5                      No: 0                      Abstain: 1  
(Van Strate, lost audio)

#### **7. Department Reports**

- A. Village Manager** – No additions to the Managers report.
- B. Clerk/Treasurer/Finance Director** – No additions to the Finance report.
- C. DDA**
- D. OCSO (none included)**
- E. Fire (none included)**
- F. DPW**
- G. Water**
- H. Sewer**

**8. Old Business and Reports by the Village Council** – There was no Old Business.

**9. New Business and Reports by Village Council** – There was no New Business.

**10. Status Report: Village Attorney** – No additions to the Attorney's report.

#### **11. Statement of Citizens**

Kurt Cleghorn, 220 Barber St., asked how anyone could get any work done on their home when the Village office and Michigan Township Services were closed and permits could not be obtained? He needs to replace his roof and asked if permits were not necessary during this time. President **Powers** said that

permitting had not been suspended so people were still held to all the rules for construction, however, should someone be facing a spewing sewer pipe, they should call a contractor and get the work done and notify the Village of their issue so when the Governor's order was lifted, they could address the it at that time. Mr. Cleghorn, said that no reputable contractor would risk doing work in the Village without a permit.

## 12. Adjournment

Motion by **Duer**, second from **Petrus**, Village Council adjourned the meeting at 7:44 p.m.

Yes: 5                      No: 0                      Abstain: 1  
(Van Strate, lost audio)

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Mark Powers, Village President

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Maryann Fonkert, Deputy Clerk