

Newberry Village Council  
Regular Meeting Minutes  
February 18, 2019  
302 East McMillan Ave.  
6:00 p.m.

**Present:** President Stokes, Trustees: Dishaw, Freese, Hendrickson, Hitts.

**Absent:** Brown, Hardenbrook.

**Also Present:** Superintendent WWTP – Blakely, Director of Human Resources & Community Engagement - Watkins, Clerk – Schummer, Treasurer – Medelis, Fire Chief – Wendt, Sterling McGinn, Scott Ouellette, Robert Stevens, Kip Cameron, Rose Anderson, Linda Anderson, Rebecca Handa, Bruce Lane.

**Call to Order:** President Stokes called the meeting to order at 6:00 p.m. at the Village of Newberry Administration Building. The Pledge of Allegiance was recited.

**Approval of Agenda:** Moved by Dishaw, support by Freese, **CARRIED**, to approve the agenda with the following addition: Add to Unfinished Business - #4 – Update of Special Session. Ayes: All. Absent: Brown, Hardenbrook.

**Minutes:** Moved by Dishaw, support by Hitts, **CARRIED**, to approve the January 21, 2019, regular session minutes as written. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.

**Village President’s Announcements:** President Stokes stated that she would be attending the Elected Official Academy Core Leadership Weekender, February 22-23, in Frankenmuth. She received a grant to pay for the class, and stated she would pay for her own transportation and lodging.

**Public Comments on Agenda Items:** Linda Anderson, Rebecca Handa, Scott Ouellette, Kipp Cameron, Terese Schummer, Bruce Lane.

**Submission of Bills and Financial Updates:**

- 1.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Freese, **CARRIED**, to approve the January 2019 bills as presented, in the amount of \$79,870.70. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.
- 2.) Water & Light monthly bills for January 2019: Moved by Dishaw, support by Hitts, **CARRIED**, to accept the recommendation of the W&L Board to pay the January Electric and Water Funds in the total amount of \$176,500.23. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.
- 3.) Christmas Lights Fund – as of 01/31/2019 - \$14,522.24.
- 4.) Treasurer’s Report – January 2019 – Treasurer Medelis gave the report. The Council accepted the report as presented. Medelis stated that his Treasurer office hours are 8:00 a.m. – 10:00 a.m. Wednesday and Thursdays, however, if needed he would come to the office anytime.

**Petitions and Communications:**

- 1.) Legal Memo from Jeff Jocks, Village Attorney – Room Orientation. Moved by Dishaw, support by Hitts, **CARRIED**, that the room orientation for Village meetings remain as is. Discussion followed. Ayes: Dishaw, Hitts, Hendrickson. Nays: Stokes, Freese. Absent: Brown, Hardenbrook.
- 2.) Legal Memo from Jeff Jocks, Village Attorney – Village Committees. A brief discussion of the Memo was held.

**Introduction and Adoption of Ordinances and Resolutions:** None.

**Reports of Boards:**

- 1.) Water & Light Board Meeting from Tuesday, February 12, 2019: Dishaw gave the report. Discussion regarding how the seats are filled on the W&L Board was held. The attorney clarified that a customer that resides outside of the Village must fill the “at large” W&L Board seat that is currently open.
- 2.) Planning Commission Meeting: Cancelled.

**Reports of Village Officers and Management:**

- A.) Fire Chief: Fire Chief John Wendt gave the report. He stated the Department would be having a fundraiser, to buy equipment, on April 13<sup>th</sup> at the Elks.
- B.) Ordinance Enforcement Officer: Absent.

- C.) Director of Human Resources & Community Engagement: Watkins gave a verbal as well as a written report.
- D.) Superintendent of Wastewater Treatment Plant: Blakely gave a verbal as well as a written report.
- E.) Superintendent of Water & Light: Joe Lively – Working Foreman, submitted a written report.
- F.) Assistant Village Manager: Absent.
- G.) Superintendent of Parks and Recreation: Absent.
- H.) Village Manager: Absent.

**Committee Reports:**

- 1.) Management Committee: Stokes gave the report. The Feb. 7, 2019 meeting minutes were submitted. Moved by Dishaw, support by Freese, **CARRIED**, to proceed with the evaluation process for the Village Manager. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook.
- 2.) Finance Committee: Dishaw gave the report. The Feb. 12, 2019 minutes were submitted.
- 3.) DPW/WWTP Committee: Hendrickson gave the report. The Feb. 14, 2019 meeting minutes were submitted.

**Unfinished Business:**

- 1.) Deficit Elimination Plan: Moved by Dishaw, support by Hitts, **CARRIED**, to approve the revised deficit elimination payback schedule for sewer fund DEP from 3 to 5 years. Ayes: All. Absent: Brown, Hardenbrook.
- 2.) Water & Light Board – Vacancy Notification: A notification will be in the paper this week.
- 3.) Rules of Procedure: Moved by Dishaw, support by Hitts, **CARRIED**, to discuss the Rules of Procedure. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook. Moved by Freese, support by Dishaw, **CARRIED**, to defer the Rules of Procedure to the Management Committee. Ayes: All. Absent: Brown, Hardenbrook.
- 4.) Update on Special Session: Hitts reported that the scope of work was sent to the selected attorney, Peter Wendling, by Village Attorney Jocks on February 14, 2019. A letter of engagement will be forwarded for Hitts and Watkins to sign and then Wendling will begin work.

**New Business:**

- 1.) Creation of Ad Hoc Committees: Moved by Hendrickson, support by Freese, **CARRIED**, to create an Ad Hoc Parks and Recreation Committee. Discussion followed. Ayes: All. Absent: Brown, Hardenbrook. Hardenbrook will be chair with Freese and Stokes as members and Hendrickson as alternate. The notion to start an Ad Hoc Policy Committee was tabled. Moved by Dishaw, support by Freese, **FAILED**, to create an Ad Hoc Committee to oversee Ordinance #29, 36 and A. Discussion followed. Ayes: None. Nays: All. Absent: Brown, Hardenbrook.
- 2.) Council Member Absences: Discussed.
- 3.) Confidential Legal Memo from Jeff Jocks, Village Attorney – Closed Session.

**Closed Session:** Moved by Hitts, support by Freese, **CARRIED**, to go into closed session at 8:24 p.m., to discuss confidential legal memo from Village Attorney. Roll Call Vote - Ayes: Dishaw, Freese, Hendrickson, Hitts, Stokes. Nays: None. Absent: Brown, Hardenbrook.

**Return to Open Session:** Moved by Freese, support by Hitts, **CARRIED**, to return to open session at 9:19 p.m. Roll Call Vote - Ayes: Dishaw, Freese, Hendrickson, Hitts, Stokes. Nays: None. Absent: Brown, Hardenbrook.

**Council Action:** Moved by Freese, support by Hendrickson, **CARRIED**, to direct the Village Attorney to move forward with reopening the Waste Water Treatment Plant litigation in an effort to resolve the issues discussed in closed session. Ayes: All. Absent: Brown, Hardenbrook.

**Closed Session:** Moved by Freese, support by Dishaw, **CARRIED**, to move into closed session at 9:26 p.m. to discuss a contract. Roll Call Vote - Ayes: Dishaw, Freese, Hendrickson, Hitts, Stokes. Nays: None. Absent: Brown, Hardenbrook.

**Return to Open Session:** Moved by Freese, support by Hendrickson, **CARRIED** to go back into open session at 9:33 p.m. Roll Call Vote: Dishaw, Freese, Hendrickson, Hitts, Stokes. Nays: None. Absent: Brown, Hardenbrook.

**Council Action:** Moved by Freese, support by Hitts, **CARRIED**, to approve the Master Power Purchase and Sale Agreement Confirmation Letter for Capacity, as presented. Ayes: All. Absent: Brown, Hardenbrook. Moved by Freese, support by Hitts, **CARRIED**, to approve the Master Power Purchase and Sale Agreement Confirmation Letter for Firm (LD) Energy, as presented. Ayes: All. Absent: Brown, Hardenbrook. Stokes stated they agreed to a new contract with Consumers Energy so the Village will be able to purchase power at a lower rate.

**Public Comment:** Comment heard from: Scott Ouellette, Kip Cameron, Linda Tucker, Bruce Lane, Rebecca Handa.

**Comments by Council Members:** Comment heard from Dishaw and Freese.

**Adjourn Meeting:** Moved by Hitts, support by Dishaw, **CARRIED**, to adjourn the meeting at 9:47 p.m. Ayes: All. Absent: Brown, Hardenbrook.

These minutes are unofficial until voted on at the next meeting.

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Terese Schummer, Clerk

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Lori A. Stokes, Village President