

FIFE LAKE AREA UTILITY AUTHORITY (FLAUA)

Regular Meeting - Minutes

Wednesday, February 16, 2022, 6:00 p.m. 231-879-3565  
Fife Lake Township Hall, 134 Morgan Street, Fife Lake, MI 49633

**CALL TO ORDER:** Vice President Marilyn Hayes called the meeting to order at 6:03 p.m.

**ROLL CALL:** Vice President Hayes called Roll.

**Present:** Vice President Marilyn Hayes, Treasurer Jodi Thayer, Secretary Leigh Gifford and Commissioners Ron Broering, Tom Hempsted, Dave McGough and David Gill. A quorum was established.

**Absent:** President Tom Gray, Commissioner Jim Gifford.

**Others in Attendance:**

Mr. Ray Ravary, Compliance Officer  
Ms. Kay Held, Recording Secretary

**APPROVAL OF AGENDA:**

**Board Action:**

Mr. Broering made a motion to approve the Agenda as presented. Mr. Gill seconded the motion.  
VOTE: YEAS: All. NAYES: None. Motion carried.

**ACCEPTANCE OF MINUTES:**

**Acceptance of Regular Meeting Minutes of January 19, 2022:**

Correct meeting date in the heading from January 19, 2021 TO January 19, 2022.

**Board Action:**

Mr. Broering made a motion to accept the Minutes of the January 19, 2022, Regular Meeting as amended. Mr. Hempsted seconded the motion.  
VOTE: YEAS: All. NAYES: None. Motion carried.

**TREASURER'S REPORT:**

**Treasurer's Report – Financial Report of January, 2022, and Payment of Bills:**

The January, 2022, Treasurer's Report was distributed in advance of the meeting for Board review.

Treasurer Thayer also reported on the following:

The budget year-to-date should be at approximately 16%. Income is currently at 17.09%.

Licenses & Permits are at 45%. We received the EGLE (formerly DEQ) invoice, to be paid by March 1. This was for our groundwater discharge permit annual fee of \$3,650, which is similar to the prior two years.

Insurance is at 93% as we paid that at the last meeting for the year.

Office Supplies at 28% already (\$911); a purchase may have been incorrectly entered in this category. Treasurer Thayer will investigate.

Ms. Thayer reported that everything else is in line.

**Board Action:**

Mr. Broering made a motion to approve the Financial Report as presented. Mr. Gill seconded the motion.  
VOTE: YEAS: All. NAYES: None. Motion carried.

**Payment of Bills: January, 2022, Bills Payable:** There was Board discussion regarding Bills Payable. An updated A/P was distributed in advance of the meeting.

Mr. Ravary clarified the \$200 Webstaurant purchase was an auto flusher for the toilet. This should be moved into the Parts category.

**Board Action:**

Mr. Gill made a motion to approve the January, 2022, bills as presented. Mr. Broering seconded the motion.

ROLL CALL VOTE: L. Gifford-Y, Hempsted-Y, Gill-Y, McGough-Y, Hayes-Y, Thayer-Y, Broering-Y. Motion carried.

**GUESTS:** None.

**COMMITTEE REPORTS:**

**Personnel Committee:** No meeting. No report.

Mr. Houghton's hours are being monitored for the threshold with which to provide him insurance. Mr. Jacob Shively has been working and riding with Mr. Houghton.

**Steering and Operations Committee:** No meeting. No report.

**Compliance Officer/FVOP Report:** The Compliance Officer Report was distributed in advance of the meeting. Mr. Ravary also reported on the following:

He spoke with the Solar Bee Corporation about the battery. He will test it when he is able to get it above water. The battery is six years old, with an expected life span of 5-9 years. Solar Bee gave a quote of \$2,900 to look at it. Mr. Ravary believes those funds can be better spent on a bigger boat to access the pond. Come spring he will investigate replacement of the battery. The cost is approximately \$850.

As indicated in his report, there has been an issue on Howard Street Alley where a resident has parked cars in the alley or, most recently, plowed a large pile of snow (with an object now in the middle of it), making the alley impassable. This is a problem for several reasons, in particular, the ability to access and check/monitor the manhole and access for EMS, fire and police if necessary. Previously, this manhole cover had been knocked off. Photos are available.

This is considered a seasonal road and, therefore, is not maintained in the winter by the Village. He, along with Village President and FLAUA Board Member David McGough each spoke with the resident who does not want people driving down the alley. There is a sign that says No Thru Traffic. However, it is a public right of way and cannot be blocked. Police were brought in once as vehicles were parked in the center of the alley, also making it impassable. In the future, Board Members will respond initially over law enforcement.

The Village experienced a similar issue in the past with this road, resulting in the No Thru Traffic sign. Board opinions varied about the situation but were in agreement that while it is not a through road and it is not maintained, it is a public roadway and cannot be blocked.

There was extensive Board discussion; Messrs. McGough and Broering will be visiting the site.

**CITIZEN COMMENT:**

Mr. Kevin Mannor, 516 Howard Street Alley, Fife Lake, MI 49633:

Mr. Mannor arrived to speak to the Board about the above discussed residential alley and blocking of the alley. Mr. Mannor indicated residents there do not want traffic through that alley or people driving through in the middle of the night. There are several houses with children and grandchildren who play in that area. He is also upset with FLAUA and the Compliance Officer, stating he revs his engine going down the alleyway at 6:00 a.m. Mr. Ravary objected that he is revving his engine.

Mr. Mannor purchased a \$20k tractor to maintain it in the winter and has been plowing it for three years. The Village will not provide any funds for maintenance. Utility trucks also create ruts in the road. He stated that he and his neighbors wanted to block the road, subsequently plowing a bank to deter people from using it as a means to go through. He stated he is not aware of a manhole on the alley, just on 5<sup>th</sup> Street. Mr. Ravary informed him there is a manhole on both Howard Street Alley and Howard Street, also explaining that he drives down the street and alley to make sure manhole covers are secure with no overflows, and that he monitors the entire system daily.

Mr. Ravary indicated he knocked on the door of the resident whose car(s) were blocking the alley, with no response. The alley is a public thoroughfare; however, is not maintained. It is one of several. Mr. Broering indicated the Village has been asked to maintain this and other seasonal roads; however, it cannot be done for one but not the others. He referenced the Hayes subdivision where a great deal of funds was spent to be in compliance with the county codes in order for those streets to be maintained.

The Village got involved at 2<sup>nd</sup> Street and near the library as hazards were created.

Mr. Mannor stated he called and left several messages for Mr. Ravary, and never got a call back. He then approached the Village and was referred to FLAUA. Mr. Ravary stated he received no messages from Mr. Mannor. He further stated he is on call for the FLAUA with calls at any time of day or night and does not ignore his phone. He provided his personal and emergency FLAUA numbers to Mr. Mannor.

Emergency vehicle access was also discussed.

While there were disagreements, Mr. Mannor was advised it is not his alley and a public thoroughfare cannot be blocked. He can choose to plow it open if he wishes, but he cannot plow it shut. The Village accommodated residents by putting up the No Thru Road signs in an attempt to limit traffic. Mr. Mannor believes previously the Village plowed one end of the alley closed.

Mr. Mannor was advised there is a Road Abandonment process he can approach the Village about. The Board does not believe the Village will abandon any roads. The Village passed an Ordinance 10-12 years ago that they will no longer close any Village roads or alleys.

Mr. Mannor stated he came to the meeting looking for a resolution, not an issue.

In closing, the FLAUA asked Mr. Mannor not to plow the alley shut. Mr. Mannor asked that Mr. Ravary not go through at 6 a.m. and rev his engine as it wakes him up. Mr. Ravary starts his day at 6 a.m.

Each was asked to attempt to accommodate each other.

Mr. Mannor thanked the Board for listening.

#### **NEW BUSINESS:**

##### **Explore New Legal Counsel:**

This was tabled until next meeting. Mr. Ravary will finalize his suggestions for input. Ms. Thayer is waiting to hear from our Insurance Agent, Mr. Paul Olson.

##### **Office File Meeting Packets:**

Recording Secretary Kay Held turned over 2021 Meeting Packets to Compliance Officer for permanent record at the plant. This is a practice that began a few years ago.

#### **OLD BUSINESS:**

##### **Asset Management Plan:**

There was Board discussion about long-term needs. This was tabled to next meeting. Compliance Officer Ravary will have an updated Asset Management Plan next meeting.

##### **Asset List:**

Compliance Officer Ravary and Treasurer Thayer are working on this and have started an inventory list.

#### **COMMUNICATIONS:**

The Compliance Officer referenced Prein & Newhof Engineering in his report regarding prospective grants and loans that may be available. Mr. Brad Slater of Prein & Newhof stopped by and dropped off a grant booklet (Guide to Infrastructure Financing). It is geared primarily to municipalities; however, there may be programs of interest applicable to FLAUA. The State pays 93% of the grant.

This book will be shared with the Village. It should also be shared with the Townships.

**CITIZEN COMMENT:** None.

**OUTSTANDING TASK LIST:**

The Outstanding Task List was reviewed. New items were added for individual and Board follow-up. Additional follow-up/resolution includes:

Treasurer Thayer verified the State of Michigan \$306 fee paid 11/23/21 was for training for Compliance Officer spraying license recertification.

Ms. Thayer followed-up on a prior inquiry whether we need to itemize the recently purchased \$1,500 lawn mower on our insurance policy equipment list. Mr. Paul Olson responded it is not necessary based on the amount paid and that it is covered under the umbrella portion of the policy.

Ms. Thayer followed up on a Vans Lane lawsuit lien question of when/if/how many years before we need to renew it to avoid its expiration. Her research states the following: A Judgment lien in Michigan is attached to a debtor's property for 5 years; a Small Claims lien is for 10 years and can be renewed. The understanding is that this settlement is a 10-year lien. FLAUA is charging 10% of the settlement on resident's tax bill over a 10-year period. The lien attaches to the property for five years; however, is subject to the life of the judgment. It may be renewed and must be paid by the judgment debtor upon conveyance, sale or refinance of the property.

**BOARD COMMENT:**

Treasurer Thayer spoke with H&R Block on an issue. Ms. Emily Escajeda called to ask if Ms. Thayer had emailed her requesting monies (\$9,950) be sent to Ms. Thayer's personal account. She absolutely had not done so.

After not receiving financial reports, etc., and speaking with Ms. Escajeda again today (2/16/22) it was realized that no email communications were being seen. Upon investigation it was discovered that whoever issued the request for funds created a filter on Ms. Thayer's computer so that any emails for FLAUA Billing went into an unused existing folder on her computer and are evidently being monitored.

Ms. Thayer phoned the National Cyber Security Communications and Integration Center (they are Federal), who suggested she call the local FBI. She placed a call today to the local FBI office and will call again tomorrow per request. There has been no loss; however, she will be pursuing and seeing this through.

She also phoned Wells-Fargo. The initial email requesting wired funds provided a legitimate Wells-Fargo routing number, Wells-Fargo branch address and actual account number. It is not in Ms. Thayer's name.

Ms. Thayer advised Ms. Escajeda to phone if any requests do not seem appropriate, even if the email looks legitimate.

Mr. Ravary stated the Michigan Township Participating Plan is holding a cyber security program in next couple weeks.

**ADJOURNMENT:**

Mr. Broering made a motion to adjourn the meeting. Ms. Thayer seconded the motion.

The meeting adjourned at 7:12 p.m.

**Submitted by: Kay Z. Held, Recording Secretary**