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Village of Hesperia, Michigan  
Regular Council Meeting  
August 13, 2018

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**Call to Order:** President Farber called this Regular Council Meeting to order at 7:30 PM in the Village Hall. Pledge of Allegiance was recited. Roll Call was taken with a quorum noted.

**Roll Call:** Members Present: Jayne Biggart, Carol Kochans, Mike Farber, Joyce McDonald, Jim Smith, Arthur Raymond

Also present: Clerk Burrell, Bill Rumsey, Bonnie Robinson, Eileen Nelson, Dale Twing, Al Daniels, Al Seng, Lou Nemastil, Bill Thorne, Charles Yob, Gina Yob, Dennis Pellegrini, Michelle Bieri, Lil Eitnrear, Sally Kraley, Bucko McGahan, Earl Frazier, Larry Clark, Mike Kraus, Chief Fitzgerald, Jake Allen

**Set/Amend the Agenda:**

**Motion** by Raymond **Seconded** by McDonald (motion CARRIED)  
Motion to set agenda as presented  
All in favor

**Brief Public Comment on Agenda Items**

Lou Nemastil spoke to the council regarding the water ordinance and asked the board to think about it prior to voting

**Motion** by McDonald **Seconded** by Kochans (motion CARRIED)  
Motion to approve the minutes of the Village Council Meeting held on July 9, 2018  
All in favor

**Motion** by McDonald **Seconded** by Biggart (motion CARRIED)  
Motion to approve payment of invoices for July 2018 for \$42,835.28  
All in favor

**Announcements/Correspondence:** McDonald brought up the letter that the council received from Drain Commissioner Twing regarding the East Enders Drain. President Farber gave the floor to Commissioner Twing. He explained that he received two complaints on the drain and that it should be cleaned out. He had it inspected and found that yes, there was vegetation growing in it but nothing that would prevent it from draining properly. He does not want to charge the residents of the area approximately \$10,000 to clean it out when it does not need it. His recommendation was not to clean it out at this time.

## **Committee Reports:**

### **Ambulance:**

**Dams, Parks, Civic & Recreation:** Chairperson Kochans and Council member Biggart are working on re-treesing Vida Weaver Park. Chairperson Kochans is speaking with community members regarding getting quotes for security systems in Weaver Park due to recent vandalism.

**Technology:** Chairperson Biggart said she would like to schedule a meeting with Mary Lulich from Pixel Grafix, our website host. President Farber stated that Clerk Burrell was working on getting a meeting set up. Council member Kochans inquired about Verizon contract. President Farber said that it is in the hand of the lawyers.

### **Personnel:**

### **Streets and Sidewalks:**

### **Water & Sewer:**

**Finance, Budget & Insurance:** Council member McDonald mentioned that our insurance is coming up for renewal in October. Council member Raymond mentioned that it was a very small market and that is usually why you would stay with someone who is recommended by the MML. President Farber sent it to committee.

### **Ordinance:**

### **Grants, Fund Raising, Chamber-Interact:**

### **Village Hall, Village Facilities & Lighting:**

**Police & Zoning Reports:** Chief Fitzgerald reported the following: Calls for Service: 40 Arrests: 3 Traffic Citations: 4 Traffic Accidents: 2. Zoning: 3 including an inquiry about putting up a pole barn and one to burn a house down. He referred the party to the fire department and thought it could be used as a training exercise. The new computer has been installed and the old one was reworked by IT Right. It is nine years old and they will see how it operates. Not sure it will be able to handle the Records Management System or not. Firewall is in place. We received one of the cards from AT & T and are waiting on the other one for the laptops in the vehicles. The State Records Management System is currently being built and should be up and running in the next few months. All radios are accounted for. The chief has met Superintendent White and a meeting with the school board and a safety meeting are scheduled in August. He has training set up for some of his officers. He mentioned a list of items that the police department needs including rain coats, reflective vest, winter jackets and a first aid kit for the SUV. Council member McDonald asked for the chief to prioritize the list of items. The water pump in the police cruiser went out last week and it should be repaired sometime this week. He proposed a question to the council about keeping Interim Chief Farber on for the next few months. The Chief said that Bob would like to see some of the projects through and would like to continue to help out. Interim Chief Farber has been a great asset and has done a wonderful job for the village.

**PRESIDENT/DPW Report:** President Farber said that we received the permit back from the DEQ for Well #1. Bill Thorne said that Well #1 is ready and waiting for the water sample to come back before going back online. President Farber mentioned that the sewer ponds were tested earlier this year and they need to be cleaned out. The DPW is cleaning the top vegetation off of the ponds and would like to get it cleaned out this fall. Bill is working on getting estimates to get the pond cleaned out.

### **Unfinished Business:**

**Motion** by Farber **Seconded** by McDonald **(motion FAILED)**

Motion to change Section 52-01 of the Water Ordinance to the description that our lawyer recommended and re-wrote.

Discussion: Raymond said that the proposed change is for people to opt out of the RTS serve charges. That ordinance has been spelled out and has been in force for many years and see no reason at this time to modify that. There were several people that were allowed to opt out without the vote of the council. As such, we should turn this proposal down. President Farber said that our counsel told us that we could not collect on these if the proposal is turned down. He asked Council member Raymond if that is what he wanted to do? His response was that he thought it might be time for us to look for another corporate counsel. President Farber said that we could not collect in court unless this is passed. Council Member McDonald said it would be beneficial if President Farber read the proposed ordinance to the public. President Farber read proposed ordinance to the public. He said that by changing the ordinance, we will have the ability to collect the RTS and gives the customers the option to opt out. McDonald asked that if the customer opts out, they will have to pay a new hook up fee. President Farber stated yes, that was correct. After the roll call vote, Council member Raymond said "Moving right along, I believe the next item on the agenda is", at this time President Farber called Council member Raymond out of order.

Yeas: McDonald, Farber

Nays: Biggart, Kochans, Raymond, Smith

**Motion** by Farber **Seconded** by Smith **(motion FAILED)**

Motion to forgive past due RTS water/sewer invoices

Yeas: McDonald, Smith, Farber

Nays: Biggart, Kochans, Raymond

### **New Business:**

Charles Yob Presentation on Medical Marihuana

Gina Yob gave presentation regarding bringing a medical marihuana facility to Hesperia. A dispensary, grow & processor can be all in one facility. It could potentially bring in 40 to 50 new jobs; will increase indirect business for the Village. \$5,000 per permit can be charged for each aspect of the dispensary. They are looking at the property located at 9 E. Michigan Avenue. They would put approximately \$200,000 to \$300,000 of improvements into the building. Michigan has 83 counties and as far as medical marihuana cardholders per 1,000, Oceana County is the 10<sup>th</sup> highest in the state, Newaygo County is 30<sup>th</sup> highest and Lake County is 6<sup>th</sup> highest. President Farber thanked them for their time and presentation.

**Motion** by Farber **Seconded** by McDonald **(motion CARRIED)**

Motion to send Medical Marihuana Proposal(s) to the Ordinance Committee and to Legal Counsel.

Yeas: Biggart, Kochans, McDonald, Raymond, Smith, Farber

Nays: None

**Motion** by McDonald **Seconded** by Smith **(motion CARRIED)**

Motion to bring Peggy Miller back as Village Treasurer part time 12 to 15 hours per week at \$15.00 per hour.

Discussion: Council Member Kochans said that Peg was ready to retire and that we should allow her to do that. She thinks that we should look for someone with more longevity in mind.

McDonald said that when she spoke with Peggy, she would like to come back, part time for approximately 12 to 15 hours per week. Clerk Burrell said that Peg has a lot of knowledge that she would benefit from, and that they have a good working relationship. Biggart wanted to know if she was enthusiastic about coming back and we said that she was. McDonald discussed that Clerk Miller does want to come back part time without the responsibilities of a full time position.

Yeas: Biggart, McDonald, Raymond, Smith, Farber

Nays: Kochans

**Motion** by McDonald **Seconded** by Smith **(motion CARRIED)**

Motion to advertise for full time DPW Supervisor at \$22.00 to \$25.00 depending on experience and licenses.

Yeas: Biggart, Kochans, McDonald, Raymond, Smith, Farber

Nays: None

**Motion** by Farber **Seconded** by Smith **(motion CARRIED)**

Motion to sign the Mutual Aid Agreement for the Newaygo County Law Enforcement Agency.

Discussion: Raymond wanted to know if we had a current agreement that was in place at this time that was expiring. Chief FitzGerald did not know. Raymond suggested to send it to our legal counsel. McDonald asked why send it to legal counsel if it was OK for the surrounding police departments, it should be OK for us to sign. President Farber agrees with McDonald.

Kochans wanted to know why we were using the system that Oceana County is using and not the one Newaygo County is using. Chief FitzGerald said that the price was higher and they weighed all of the options and the State Records Management System seems to be a better fit for us.

President Farber explained that we are not blanket deputized in Oceana County but if our officers are requested to go to a scene, they are automatically deputized for that incident.

Yeas: Biggart, Kochans, McDonald, Smith, Farber

Nays: Raymond

**Motion** by Smith **Seconded** by Raymond **(motion CARRIED)**

Motion to accept bid from Asphalt Paving, Inc. to resurface Main Street from M-120 to Division Street Bridge in the amount of \$59,800.

Discussion: Biggart inquired if this was the most economical option. Kochans inquired about patching of O.J. Morse and if this was the cheapest way. Yes, it is the most economical way instead of grinding the street down and starting over. If that was done, it would triple the cost of the estimate. President Farber mentioned that we have to spend approximately \$13,000.00 of the Act 51 monies per Jacob Stella from H & S and that are we are able to use it on our main street because there is parking on it. Kochans inquired if there was money in the budget. The money is in the budget.

Yeas: Biggart, Kochans, McDonald, Raymond, Smith, Farber

Nays: None

**Motion** by Smith **Seconded** by Raymond **(motion CARRIED)**

Motion to purchase a new Kubota RTV-1100CWL-H tractor for \$27,125.00 from Pell's

Discussion: Kochans asked if this was a wise purchase. Yes, additional attachments can be added and a snow blower will work better than a snow plow. There is money in the budget in the equipment fund.

Yeas: Biggart, Kochans, McDonald, Raymond, Smith, Farber

Nays: None

**Public Comment:**

Al Seng asked about the improvement to the Hesperia V & S store and if they would receive a break on the taxes. President Farber spoke on this matter.

Eileen Nelson spoke about Alpha Street being paved and how that Oceana County did not give us any attention.

**Motion** by McDonald **Seconded** Kochans by to adjourn. **(motion CARRIED)**

Meeting adjourned at 9:19 PM

Respectfully submitted

Vicki R. Burrell  
Hesperia Village Clerk

**“Village of Hesperia is an equal opportunity provider and employer”**