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Village of Hesperia, Michigan  
Regular Council Meeting  
February 11, 2019  
7:30 PM

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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: Kristin DenBesten, Carol Kochans, Mike Maynard, Joyce McDonald, Jim Smith, J.R. Derks, Mike Farber

Also present: Clerk Burrell, Interim Chief Hull, Bonnie Robinson, Debra Pagan, Bill Rumsey, Terry Beardsley and Bob Henry

**Set/Amend the Agenda:**

By Unanimous Consent, the agenda was amended to include the following items: to discuss Village Attorney, approval of Public Hearing minutes, scheduling of Public Hearing for Proposed Budget.

**Brief Public Comment on Agenda Items only**

**Motion** by McDonald **Seconded** by Smith (motion CARRIED)  
Motion to approve the minutes of the Public Hearing held on January 14, 2019  
All in Favor

**Motion** by McDonald **Seconded** by Smith (motion FAILED)  
Motion to approve the minutes of the Regular Council Meeting held on January 14, 2019  
**DISCUSSION:** Maynard disagreed with the minutes. He said the minutes were wrong and inconsistent. Derks said that he was marked as voting and he was actually absent. Derks asked if the meetings were recorded. Clerk Burrell said that she did. Maynard, DenBesten and Kochans said that they do not remembering voting to go into closed session. Derks requested that the recording be reviewed and the minutes re-done.  
Yeas: McDonald, Smith, Farber  
Nays: DenBesten, Kochans, Maynard, Derks

**Motion** by McDonald **Seconded** by Smith (motion CARRIED)  
Motion to approve the minutes of the Special Village Council Meeting held on February 4, 2019  
All in Favor

**Motion** by Derks **Seconded** by Maynard (motion CARRIED)  
Motion to approve payment of invoices for January 2019 for \$26,491.95, to rescind any previous motions on how we pay bills from this day forward, all bills are paid after council approval.  
**DISCUSSION:** Derks said that for 50 plus years, the council would go over bills for accountability. He feels like there is no accountability the way the invoices are paid now. Derks said the council is the assembly and they should have the final say. The finance committee approves the invoices and gives their recommendation to the council. Derks appreciate President Farber's efforts but wants more accountability. He apologized to council for not calling a finance committee meeting but he said that he spoke with DenBesten and it was decided that since over half of the bills were already

paid, there was not need to have a meeting. President Farber mentioned that if the invoices are paid after the due date, we might incur late fees. Derks said that those could be waived if the vendors were asked. Smith asked why a finance committee meeting was not called in February. Derks said that he already explained that. Smith said that there were still more invoices to approve so a meeting should have been called. McDonald mentioned that she was on the Finance Committee with Doris Delong and after Chairperson Delong passed away, the finance committee (McDonald/Biggart) decided to continue with the same method of paying the invoices. McDonald said that if there was a question on an invoice, it was brought up and the question was answered. President Farber said that is the way that it has been done for the past few councils and if the council wants to change it, that is fine. President Farber explained that all the invoices that were paid, were for vendors and the issue of accountability was not there in regards to a couple invoices which he explained reasons why. Clerk Burrell explained that the way she was taught to pay invoices was by the due date to avoid any late fees.

All in Favor

### **Announcements/Correspondence:**

President Farber said he received a letter from Julie Burrell from The Right Place regarding Safe Route to School Initiative. He asked for a volunteer if anyone was interested. They are requesting a representative from the Village. The meeting is at February 27<sup>th</sup> at 4:00 PM at Hesperia Schools.

### **Committee Reports:**

#### **Ambulance:**

#### **Dams, Parks, Civic & Recreation:**

#### **Technology:**

**Personnel:** McDonald said that they met on January 15, 2019 regarding MERS benefits. Clerk is working with our MERS Representative. Jeremy Stevens is Operator in Charge of sewer and he is also in charge of the water. Fred Hull is acting Interim Chief of Police. Maynard inquired if a mentor was contacted for Jeremy. McDonald stated not at this time. President Farber also mentioned that we were waiting for weather to break before getting the mentor in place.

**Marihuana:** They had a meeting on January 21, 2019. The ordinance was discussed and the recommendation was to send a copy of Medical Marihuana Ordinance 19-02 back to all council members. A letter will be included stating that they should look over the ordinance line by line. If they had any questions or concerns, they should contact the clerk. The clerk will submit questions to Zaneta Adams and if requested, can set up a teleconference between the individual council member, clerk and Attorney Adams. McDonald asked the clerk if any questions were received back and she answered that she had received two packets back but no questions. McDonald said that a question was brought up about minors purchasing medical marihuana. McDonald that she believed that would fall under state regulations and guidelines but would check with Zaneta Adams.

#### **Streets, Sidewalks, Equipment:**

**Water & Sewer:** A meeting was held on January 17, 2019 regarding the old manual carwash on and PFAS. A letter was sent to Denver Township to have them contact Randy Walsh. President Farber spoke with Randy Walsh and he ultimately would like to connect into the village's sewer system and said that he would do whatever it took to be in compliance.

#### **Finance, Budget & Insurance:**

#### **Ordinance:**

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

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

**Police Report:**

33 Calls for Service, 5 arrests, 5 traffic citations. There were a few incidents at Hesperia Schools including one fighting incident. They are working on implementing the new lockout system. Had incident on South Street that knocked down a few mail boxes. If anyone calls regarding them, have them contact the police department.

**President/DPW/Zoning Report:**

DPW has been doing maintenance on some of the equipment. They are doing day to day duties and snow removal. Kochans inquired why Jeremy Stevens was not giving the DPW report. President Farber explained that he is not the head of the DPW. He is the operator in charge of sewer and water. Kochans inquired about the mentor if he was in place. McDonald apologized that she had not had a chance to reach out to him. Kochans asked if someone be put in place by next meeting and President Farber said that he would try. Kochans asked if the mentor would be a paid position. Yes, it would be and it would come out of the Water/Sewer fund. It was mentioned that the snow plow drivers should drive a little slower for public safety reasons.

**Unfinished Business:**

**New Business:**

**Motion by Derks Seconded by Maynard**

**(motion CARRIED)**

Motion to purchase a Ford F250 pickup from Fremont Ford in the amount of \$29,225.00 with \$17,200.50 from the Equipment Fund and \$12,324.50 from General Fund Cash

Discussion: Maynard said there was 70,000 miles on the old DPW pickup. Derks inquired what was being done with the new one. The new pickup will be used as a daily work truck and the old one would be used for plowing and picking up brush. It would be approximately three to six weeks for delivery of new truck

Yeas: DenBesten, Kochans, Maynard, McDonald, Smith, Derks, Farber

Nays: None

**Motion by Derks Seconded by DenBesten**

**(motion CARRIED)**

Motion to accept Resolution for budget amendment to move funds from General Fund to Equipment Capital Outlay Fund to purchase new pickup for DPW

Yeas: DenBesten, Kochans, Maynard, McDonald, Smith, Derks, Farber

Nays: None

VILLAGE OF HESPERIA  
RESOLUTION #2019-02

**A RESOLUTION AMENDING THE VILLAGE OF HESPERIA  
2018/2019 FISCAL YEAR BUDGET**

**WHEREAS**, The Village of Hesperia is a trustee of Village funds and;

**WHEREAS**, The Village of Hesperia is responsible as a fiduciary for the proper handling of these funds and;

**WHEREAS**, The Village of Hesperia is required to balance the Fiscal Year 2018/2019 Budget;

**NOW THEREFORE BE IT RESOLVED**, there will be a \$12,324.50 shortfall of funds due to the pending purchase of a new vehicle for the Department of Public Works.

**NOW THEREFORE BE IT FURTHER RESOLVED**, Village of Hesperia Council directs the Village Clerk to amend the Equipment fund budget for the Fiscal Year 2018/2019 by:

INCREASE: 640-000-699-102 TRANSFER IN FROM CASH FROM \$0.00 TO \$12,324.50

INCREASE: 640-522-970 CAPITAL OUTLAY FROM \$44,410.00 TO \$56,734.50

Motion by Derks, Seconded by DenBesten, and therefore adopted by the Village of Hesperia at a regular council meeting held on February 11, 2019

Yeas: DenBesten, Kochens, maynard, McDonald, Smith, Derks, Farber

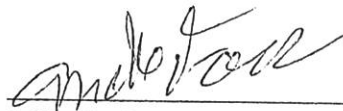
Nays:

Absent:

Motion Carried:  YES  NO



Vicki R. Burrell, Village Clerk



Mike Farber, Village President

**RESOLUTION DECLARED ADOPTED**

I hereby certify this is a true and complete copy of a resolution adopted by the Village Council of the Village of Hesperia at a Regular Council Meeting held on February 11, 2019.

February 11, 2019



Vicki R. Burrell, Hesperia Village Clerk

**Motion by Maynard Seconded by Kochans**

**(motion CARRIED)**

Motion to dismiss the village attorney, Williams, Hughes & Cook LLC effective immediately for the Legal Counsel for the Village of Hesperia.

**DISCUSSION:** Maynard said that the bills are way too high, almost \$25,000.00 for the year. Kochans said that in February, March and April, she sent three letters asking for clarification on waiving the sewer and water bills and she never received a response. President Farber asked if they had a firm in mind. Derks responded that he had several and had done some studying on different attorneys. They should specialize in municipality. Derks said that Doug Hughes has served us really well for over 25 years but he believes that we should get a new direction and we need to do it soon. Derks said that we are not finding closure with and wants more direct answers from the attorney than what we are getting. Derks believes that Williams, Hughes is out of touch. McDonald inquired what would happen to the current lawsuit that we were involved in. President Farber stated that we would have to have someone in place to resume lawsuit. Derks asked when the next date was. President Farber replied that there is a deposition soon and the trial sometime in July. The new counsel would have to get up to speed or perhaps drop the lawsuit. Both Derks and Farber said that is up to the council. President Farber said that we the village got involved because someone was trying to take both of the islands. It will be the village's property or one of the two property owners property. It will be resolved. We would like to retain ownership of the island, and unfortunately, that costs money to do so. McDonald stated that it would be expensive to bring a new lawyer up to speed with the lawsuit. McDonald said the council should consider holding off until the matters on the table are resolved. She suggested holding off for three to six months and then revisit hiring new legal counsel. It will cost to change legal counsel, so there still be legal fees involved. Maynard mentioned that the carwash had their meter unhooked and inquired why. President Farber said that their meter is still connected but the water has been turned off. President Farber said that he received a call from the new owner asking if they could get out of paying the sewer portion and Farber explained that they could not because the water needs to enter the sewer system because of the chemicals in the water. President Farber said that we have a resolution ready to adopt a new ordinance for water so it can be put on their property taxes, but the previous council did not want to pass it. Maynard said that we would like to resolve the water/sewer issue. President Farber explained that all residents are being charged as of March 2016. Derks said that the new lawyer would be able to come up to speed fairly quickly once they received all of the documents. President Farber would prefer to postpone this for 30 days until the next meeting, so that members of the council can go to Hughes' office and review the water and sewer issue and come back with a recommendation. President Farber said it would be very expensive to switch at this point. Derks said it's time to get a new direction.

Yeas: DenBesten, Kochans, Maynard, Derks

Nays: McDonald, Smith, Farber

Absent:

President Farber said that the village needs to hire a new attorney soon due to the upcoming trials. Derks asked Farber if he wanted the committee's recommendation or if he would like them to come to the council meeting. Farber said it should go to Legal Committee.

**Motion by Farber Seconded by Derks**

**(motion CARRIED)**

Motion to schedule a Public Hearing for the proposed 2019/2020 Fiscal Year Budget on March 11, 2019 at 7:00 PM.

Yeas: DenBesten, Kochans, Maynard, McDonald, Smith, Derks, Farber

Nays: None

**Public Comment:**

Terry Beardsley spoke on hiring Fred Hull as the police Chief. Debra Pagan said that we should hire Fred Hull as well because she believes we are wasting time and money on advertising. She asked if the council could make a motion to hire him. President Farber said that it would go to the Personnel Committee. Derks explained to Debra that it was not on the agenda so a motion could not be made. She inquired how to get it on the agenda. It was explained that a motion was made to advertise for the position. She wanted to know if anyone else has applied for the position. Yes, others have applied and the ad runs through February 19, 2019. Debra mentioned that the snow plow drivers are going too fast and should slow down. She said she also requested to disconnect the meter on her vacant land and was told it could not be done. She said that other land owners have had their meter disconnected. President Farber said it has not been done for at least the past three councils. Debra wanted to know if she can stop paying her water bill. President Farber said he could not advise her on that. She wrote a letter to the council in October and never received a response. President Farber said he could not give her an answer because the council has not resolved the sewer/water issue. Derks asked her to give the council some time to resolve this and we would get back to her. Is it for only for empty lots or for property with houses? President Farber said that he did not know and that is the reason he has not responded. Debra inquired about getting her water tested for PFAS. She was advised to call health department for testing. Debra asked if the public comments could be earlier in the meeting. McDonald explained that they have to follow the agenda and the public comments are at the end of the meeting.

**Miscellaneous:**

**Motion** by Kochans **Seconded** by McDonald  
Motion to adjourn.  
All in Favor  
Meeting adjourned at 9:05 PM

**(motion CARRIED)**

Respectfully submitted,



Vicki R. Burrell  
Hesperia Village Clerk

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