

The Council for the Village of Hillman met in regular session on Tuesday, October 1, 2019 at 7 p.m. in the evening in the east-end conference room of the Hillman Community Center at 24220 Veterans Memorial Highway, Hillman, Michigan. Present: President McIntire, Clerk/Treasurer Brenda South. Trustees: Wilbur Funk, Velma Brown, Jonathon Smith, Bruce Brown. Employees: Dave Post, Jan McMurray. Visitors: Dave Morrison, Deputy Dan Loeder (Montmorency County Sheriff Department).

The meeting opened with the pledge of allegiance and was called to order at 7 p.m. by President McIntire.

A motion was made by Trustee Velma Brown and supported by Trustee Wilbur Funk to approve the agenda as presented. All in favor. Motion carried.

Manager Dave Post questioned in the minutes that he was asked to call the firm in Grand Rapids about bridge lights. A motion was made by Trustee Wilbur Funk and supported by Trustee Velma Brown to approve the minutes of the September 16, 2019 meeting with correction. All in favor. Motion carried.

A motion was made by Trustee Wilbur Funk and supported by Trustee Bruce Brown to approve paying the bills and additional bills with checks numbered 33209 through 33227. All in favor. Motion carried.

Deputy Loeder did not have anything to report to the Council, he was thanked for attending and left the meeting.

Mr. Dave Morrison attended the meeting reporting that he had turned over \$3000 to Wings of Mercy as a result of the 5K Run and activities held on the 4th of July weekend at Hillman Airport. Mr. Morrison went on to report that he has held one meeting for next year's event but suffered a stroke and is unable to continue as coordinator of this event. Mr. Morrison is looking for someone to take over to coordinate the event for next year. An organization from Alpena called "Friends Together" may be interested in assisting as they do many fundraising events for their organization and this would be advantageous for both organizations. Mr. Morrison requested the Village Council continue support for this event whoever takes over. The Council members thanked Mr. Morrison for all of his work and wished him well.

President McIntire presented Resolution 2019-03 to the Council regarding ACH a requirement of the Michigan State Treasury. This policy is for automatic transfers for funds to the Village. All parties handling funds must be approved by the Council. **A motion was made by Trustee Bruce Brown and supported by Trustee Velma Brown to adopt Resolution 2019-03 Automated Clearing House (ACH) and Electronic Transactions. All in favor. Motion carried.**

**RESOLUTION 2019-03
AUTOMATED-CLEARING HOUSE (ACH) AND ELECTRONIC
TRANSACTIONS**

At a regular meeting of the Village of Hillman Council held in the east-end conference room of the Hillman Community Center, 24220 Veterans Memorial Highway, Hillman, Michigan on October 1st, 2019 at 7:00 p.m.

Present: Myron McIntire, Wilbur Funk, Velma Brown, Jonathon Smith, Bruce Brown. Absent: None

The following resolution was offered by Trustee Bruce Brown and seconded by Trustee Velma Brown.

WHEREAS, on December 30, 2002, the Governor of the State of Michigan approved Act No. 738 of the Public Acts of 2002 authorizing the use of electronic transactions by designated officers of the local government; and

WHEREAS, the Village of Hillman Council deems that it is in the best interest of the Village of Hillman to make certain financial transactions by using electronic transactions as described in the Act;

NOW, THEREFORE, BE IT RESOLVED, that the following policy shall govern the use of electronic transactions:

- (a) The Treasurer or electronic transaction officer (ETO) shall be responsible for establishing all ACH arrangements for the local unit;
- (b) The Treasurer or ETO shall draft a written policy to be followed in accordance with the act and presented to the governing body;
- (c) The Treasurer or ETO shall be responsible for payment approval, accounting, reporting, and generally overseeing compliance or shall appoint an employee to perform such duties;

**VILLAGE OF HILLMAN
MONTMORENCY COUNTY, MICHIGAN
ORDINANCE NO. 2019-01**

VILLAGE OF HILLMAN NUISANCE VEGETATION ORDINANCE

An ordinance to secure the public health, safety, and general welfare of persons and property within the Village of Hillman by requiring the removal and control of dead or diseased trees or shrubs, noxious or poisonous weeds, and grass, weeds, brush, and vegetation exceeding a certain height; to provide for enforcement hereof; to provide penalties for the violation hereof; to provide a savings clause; and to provide an effective date for the ordinance.

The Village of Hillman, Montmorency County, Michigan ordains:

Section 1: Title and Purpose.

This ordinance shall be known and hereafter cited as the Village of Hillman Nuisance Vegetation Ordinance. The purpose of this ordinance is to prevent, reduce or eliminate various types of nuisance vegetation within the Village of Hillman in an effort to maintain and improve the aesthetic appearance of property, to protect property values, and to secure the public health, safety, and general welfare of persons and property within the Village.

Section 2: Unlawful Activities.

No person, land occupant, corporation, or association of any kind shall permit or maintain the presence of the following items upon land located within the Village of Hillman:

- (A) Dead or diseased trees or shrubs;
- (B) Noxious or poisonous weeds; or
- (C) Grass, weeds, brush, or vegetation, which is not a food item or planted for some useful or ornamental purpose, which exceed nine (9) inches in height.

Section 3: Violations and Penalties.

- (A) Any person, land occupant, corporation, or association of any kind who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised

Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“Public Act 236”).

- (B) The Village of Hillman Manager, the Village of Hillman President the Village of Hillman Director of the Department of Public Works, and officials and employees as may be authorized by the Village of Hillman Council are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.
- (C) A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.
- (D) Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
- (E) A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses direct and indirect, to which the Village has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Village.
- (F) In addition to ordering a defendant to pay a civil fine and costs, the court may issue enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.
- (G) If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

(H) Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

(I) In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

Section 4: Saving Clause.

If any section, paragraph, clause or provision of this ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this ordinance, which shall remain in full force and effect.

Section 5: Effective Date.

This ordinance shall take effect 20 days after its adoption by the Village of Hillman Council.

Section 6: Publication; Recordation; Authentication.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Village of Hillman, and qualified under state law to publish legal notices, within 15 days after its adoption; this ordinance shall be recorded on the record of ordinances book of the Village; and the Village Clerk and the Village President shall authenticate this ordinance by placing her or his official signature upon the ordinance.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Village Council of the Village of Hillman at a regular meeting held on the 1st day of October, 2019.

I further certify that the following Council members were present at the meeting: Bruce Brown, Jonathon Smith, Velma Brown, Wilbur Funk, Myron McIntire, and that the following Council members were absent: None.

I further certify that Council member Velma Brown moved for adoption of the ordinance, and that the motion was supported by Council member Bruce Brown.

I further certify that the following Council members voted for the adoption of the ordinance: Bruce Brown, Jonathon Smith, Velma Brown, Wilbur Funk, Myron McIntire, and that the following Council members voted against its adoption: None.

Dated: October 1, 2019

Brenda South
Village of Hillman Clerk

CERTIFICATION AS TO PUBLICATION, RECORDATION, AND AUTHENTICATION

We, Myron McIntire, Village of Hillman President, and Brenda South, Village of Hillman Clerk, do hereby certify that the above ordinance was published in the Montmorency County Tribune on the 16th Day of October, 2019, that the ordinance has been recorded in the Village record of ordinances book on the 16th day of October, 2019, and that the ordinance is hereby authenticated by the placement of our signatures below.

Myron McIntire
Village of Hillman President

Dated: October 1, 2019

Brenda South
Village Clerk

Dated: October 1, 2019

President McIntire reported that he and Manager Dave Post met with representatives of Sunrise Communications regarding their Franchise Agreement. **Trustee Wilbur Funk** commented that after reading the agreement he had questions about Section 2, rights and privileges, authority and easement access to construct in right of ways. **Trustee Funk** said he did not feel that the Village should give this authority to Sunrise after the last dealings with them ended with the Village having to pay for all the removal of their lines from State Street. "I do not trust this man" stated Trustee Funk. **Manager Dave Post** said that Section 9

states that everything must be approved by the Village Council. After some discussion the agreement will be reviewed before bringing to the table for a vote. The issue was tabled. **President McIntire** set Trick or Treat hours for Halloween for 5-7:30 p.m. on October 31st. **Manager Dave Post** said that the radio will be playing music during trick or treat hours and the Chamber will have their “trunk or treat” on State Street.

Manager Dave Post reported the sewer discharge has been completed. An e-mail from Denise Cline (NEMCOG) indicated that they will pay 75% of the RRC costs and the Village will pay 25% or \$6500. A budget meeting should be scheduled due to the power plant closing. **President McIntire** explained that the power plant representatives offered the Village \$3000 a month for a “ready to serve fee” for the cooling pond water. When the plant did need water the fee would reduce to actual usage. **Trustee Wilbur Funk** suggested that the Village take the money now, Trustee Bruce Brown and Jonathon Smith agreed that taking the money now was the best solution. A budget meeting was scheduled for November 5th before the Council meeting. **Manager Dave Post** reported that he had checked about Act 51 funds and they can be used for the bridge lights. Discussion began about what type of lighting was needed to light the bridge. Some of the Council thought the bridge should be outlined with lights, bids from both companies only highlight the bridge with up lighting. **Manager Dave Post** suggested that President McIntire and Trustee Funk take over the decision for bridge lighting. **Manager Dave Post** reported that he had written an application for planning commission members and council members to use when applying for these positions. **A motion was made by Trustee Wilbur Funk and supported by Trustee Velma Brown to approve the application for Planning Commission members and Council Members. All in favor. Motion carried.** **Manager Dave Post** reported that he and DPW Supervisor John Burr had been working on the Lead and Copper testing/reporting, stating that the State of Michigan is setting municipalities up for failure with these requirements. **Manager Dave Post** reported that the annual Chamber Dinner is October 16th and asked for those wishing to attend make reservations tonight. Seven members of the Council will attend the dinner. **Manager Dave Post** reported working on the biosolids reporting, also the E-Vip report is due on December 1st. DDA records was the next issue with a decision to keep or destroy the records. It was decided to leave things as they are and keep the records until budget issues are resolved. A meeting with Fleiss and Vanderbrink has been scheduled for Thursday, at 10:00 a.m. The next issue presented by Manager Dave Post was the bandshell check list requested by the Council. After review the Council agreed to the check list which will be added to all bandshell applications.

Secretary/Bookkeeper Jan McMurray reported a refund from MML of \$1380 for Dividend and Workers Compensation of \$54.

Clerk/Treasurer Brenda South reported a mis-communication from the assessor caused some confusion with settlement with Montmorency County. Board of Review changes were not given to the Village Treasurer so no changes were made in the Village reporting but those changes were sent to Montmorency County making the Village's taxes different than the county. The situation was resolved with the help of technical support and the Village balanced with the County.

President McIntire reported for the Hillman Fire and Ambulance reporting 56 runs for the month. Some delinquent accounts have been sent to collections. The local Head Start class visited the station for a field trip. No date has been set for the Med Control meeting. The Hillman Fire Department reported 9 runs for the month and 59 for the year. The new truck has some cracks in the body, someone from Wisconsin was sent to look it over, this body has been repaired once already. There has been a request for permanent firefighters who would be on duty. The board will discuss this suggesting it be a millage request.

Trustee Wilbur Funk reported that park fees are up \$1000 from last year with fees totaling \$17,631 for the year. Manager Tom Hunt is over his allotted hours so Trent who is part-time will be doing some work at the park until it closes. President McIntire stated that if there is no work at the park Trent should be sent down to the DPW shop. There is a broken picnic table at the Brush Creek Mill park. The DPW workers are finished working on the Horseshoe pits. The Brush Creek Mill agreement has been reviewed and signed.

A motion was made by Trustee Wilbur Funk and supported by Trustee Jonathon Smith to adjourn the meeting. All in favor. Motion carried. The meeting adjourned at 8:50 p.m.

Myron McIntire, President

Brenda South, Clerk/Treasurer