

The Council for the Village of Hillman met in regular session on Tuesday, June 18, 2024, at 6 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 Dave Hornbacher. Trustees: Stephen Orlandi, Thomas Bouchey, Johnathon Smith, Velma Brown. Employees: Dave Post, Brenda South, Jan McMurray. Visitors: Judy Nichols, Ron Floer, James Stoddard, Bruce Brown.

The meeting opened with the pledge of allegiance and was called to order at 6 p.m. by President Hornbacher.

A motion was made by Trustee Orlandi and supported by Trustee Bouchey to approve the agenda as presented. All in favor. Motion carried.

A motion was made by Trustee Brown and supported by Trustee Smith to approve the minutes of the June 4, 2024 Council meeting as written. All in favor. Motion carried.

A motion was made by Trustee Bouchey and supported by Trustee Orlandi to pay the bills and additional bills with checks numbered 36812 through 36850. All in favor. Motion carried.

President Hornbacher presented Ordinance 2024-03 to the council for passage. Manager Dave Post explained that this was adopted at the May 7th meeting but the publication date was not met. **A motion was made by President Hornbacher and supported by Trustee Orlandi to rescind the motion of May 7th, 2024 to adopt Ordinance 2024-03 Presque Isle Electric and Gas Franchise Agreement due to failure to meet publication deadline. All in favor. Motion carried.**

A motion was made by Trustee Orlandi and supported by Trustee Smith to adopt Ordinance 2024-03 Presque Isle Electric and Gas Franchise Agreement. Yeas: Hornbacher, Brown, Smith, Bouchey, Orlandi. Nays: None, Abstain: None. Motion carried.

(Franchise Ordinance 2024-03 Printed at end of Minutes)

James Stoddard representing the Hillman VFW presented a letter of request to designate Hillman the VJ Day Capital of Michigan: Veterans Appreciation. This will be submitted to MDOT so that signs can be made and put up at 3 locations in Hillman.

A motion was made by President Hornbacher and supported by Trustee Brown to designate Village of Hillman the VJ Day Capitol of Michigan: Veterans Appreciation. All in favor. Motion carried.

Manager Dave Post reported that Habitat for Humanity would like to close on the sale of lot #24, they accepted the purchase agreement, did ask for a warranty deed rather than a quit claim deed. The Village attorney contacted them and clarified some questions they had about a quit claim deed, they have agreed to accept the quit claim deed and a date will be set for closing, President Hornbacher will sign. There will be a regional planning workshop here in Hillman on Tuesday, June 25th from 6-8:30 p.m. The Habitat Board presented a Memorandum of Understanding for the Council to sign. **A motion was made by Trustee Orlandi and supported by Trustee Brown to agree to have the President and Clerk sign the Memorandum of Understanding between Habitat for Humanity and the Village of Hillman. All in favor. Motion carried.**

An Ad has been placed in the paper for a new Emerick Park Manager, there have been 3 applicants as of today. Manager Dave Post will be out of the office from June 19th through the 21st to attend the MML Workers Compensation and Property Liability Board meetings.

Secretary/Bookkeeper Jan McMurray reported that the auditors will be doing the Village audit on July 1st.

Clerk/Treasurer Brenda South reported a complaint from a resident about motorized vehicles driving on the bike/walk paths. The woman was almost hit by a 4-wheeler driving on the walk path, she fell into the weeds along the path to keep from getting hit. It was suggested to post “no-motorized vehicles allowed” along the walk paths, but it was stated that snowmobiles used the paths in the winter. It was also suggested to ask Hillman Township about posting signs on their portion of the walkways.

Trustee Orlandi reported that the pocket parks flowers look very nice, some work has been done on the town clock.

Manager Dave Post reported that the DPW have been working on the residential water leads audit due in October. Huron Engineering has been working on getting some grant information together.

Judy Nichols reported that the mill has had some issues with breakers blowing when using roasters/crock pots. The mill board requested that the Village do some

upgrading of the electrical system. President Hornbacher will contact Hardies Electric to see if he can check this out.

Manager Dave Post reported that he had attended the Chamber of Commerce Board meeting this morning and the carnival that had been booked for VJ Day cancelled. The event is back down for 1 day only.

**PRESQUE ISLE ELECTRIC & GAS CO-OP
NATURAL GAS FRANCHISE AGREEMENT**

**VILLAGE OF HILLMAN
COUNTY OF MONTMORNECY, MICHIGAN
ORDINANCE NO. 2024-03**

THE VILLAGE OF HILLMAN ORDAINS:

AN ORDINANCE granting to PRESQUE ISLE ELECTRIC & GAS CO-OP, its successors and assigns, a non-exclusive, revocable right to lay, maintain, and operate natural gas main/pipelines on, along, across, and under the roads, alleys, bridges and other public places and to conduct a local natural gas business in the Village of Hillman, Montmorency County, Michigan for a period of 30 years.

SECTION 1: GRANT NATURAL GAS FRANCHISE

Consent is hereby given to Presque Isle Electric & Gas Co-op, a corporation organized under the laws of the State of Michigan (the “Company” or PIE&G), to lay, maintain, operate and use natural gas main/pipelines and other necessary equipment in the roads and other public places in the Village of Hillman and a non-exclusive, revocable franchise is hereby granted to transact local business by conveying, supplying, and selling natural gas for a period of thirty (30) years from the date of the publication of this ordinance.

The Company shall make available an electronic copy of its Rates, Rules, and Regulations for the Clerk of the Village of Hillman in accordance with its standard practice.

SECTION 2: USE OF ROADS OR OTHER PUBLIC PLACES

The Company shall not unnecessarily obstruct passage on any roads or other public places and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before.

The Company shall use due care in exercising the privileges herein contained and shall be liable to the Village for all damages and costs which may be recovered against the Village arising from the default, carelessness, or negligence of the Company or its agents.

No road or alley shall be opened for the laying of trunk lines or lateral mains except upon application to the State Highway Commission, the Road Commission having jurisdiction, or the Village.

SECTION 3: RATES

As a member-owned, member-regulated, and not-for-profit cooperative utility, PIE&G's rates shall be set by its democratically elected Board of Directors based generally on industry standard Cost of Service, Revenue Requirement, and Gas Cost Recovery (GCR) principles. Whenever a change in rates or terms of service is required, PIE&G shall provide an announcement to the Village thirty (30) days prior to the effective date and make available the formula and financial information used in its computations.

Within sixty (60) days of the rate announcement, the Village shall have the right to choose instead the rate as set by the MPSC in PIE&G's Regulated Natural Gas Division. If at any time PIE&G has no MPSC regulated natural gas rates, either party may submit any rate issues to the MPSC pursuant to 1919PA 419 (MCL 460.54). In any period during which the parties may be awaiting a decision by the MPSC, it is hereby agreed PIE&G may implement its announced rate until a decision is rendered.

If either PIE&G or the Village desires to submit any such rate questions to the MPSC, both parties hereby agree that such request by one constitutes a joint submission pursuant to MCL 460.54. If either party refuses to execute a joint submission, the parties hereby agree that this provision shall be enforceable by order of the local circuit court having jurisdiction. In the event a court order is required, the non-consenting party shall pay all costs and attorney fees associated

with enforcing this provision. In addition the parties agree that PIE&G shall be entitled to recover from the Village rate payers pro-rata based on consumption,

PIE&G's direct costs including attorney fees, consultant fees and administrative costs incurred as a result of the Village's decision to seek any MPSC ruling.

PIE&G shall always have the right, at its sole discretion, to temporarily charge a lesser rate than indicated by its announced rate or formula.

In the event Michigan law provides for member regulation of PIE&G's gas rates during the term of this franchise, it is the intention of the parties that this section would be superseded, and member regulation would control.

SECTION 4: FORCE MAJEURE

The Company shall not be liable for failure to furnish natural gas service or for any breach of the Company's obligations hereunder if such failure is caused in any part by acts of God, labor problems, shortages of supply, accidents, equipment breakdown, governmental regulation, or any other causes or contingencies not within the control of the Company.

SECTION 5: EFFECTIVE DATE, ACCEPTANCE

In case of conflict between this ordinance and any other ordinances or resolutions, this ordinance shall control.

SECTION 6: EFFECT AND INTERPRETATION

In case of conflict between this ordinance and any other ordinances or resolutions, this ordinance shall control.

SECTION 7: SUCCESSORS AND ASSIGNS

The words "Presque Isle Electric & Gas Co-op" and "the Company" wherever used herein, are intended to include PIE&G and its successors and assigns. The invalidity or unenforceability of any provision of this Ordinance shall not impair the validity of any other provision or term.

CLERK'S CERTIFICATION

THE UNDERSIGNED, Brenda South, Clerk of the Village of Hillman, certify that the above Ordinance No. 2024-03 entitled "Natural Gas Franchise Agreement" was adopted by the Hillman Village Council at a regular meeting held June 18, 2024 and that vote was as follows:

FOR: Orlandi, Bouchey, Smith, Brown, Hornbacher

AGAINST: None

ABSTAIN: None

Village Clerk

A motion was made by Trustee Smith and supported by Trustee Bouchey to adjourn the meeting. All in favor. Motion carried. The meeting adjourned at 6:27 p.m.

Dave Hornbacher, President

Brenda South, Clerk/Treasurer