

# MUIR VILLAGE COUNCIL

## President

Douglas Hyland

## President Pro-Tem

Laura Stewart

## Trustees

Jessica Anthony

Jeremy Cameron

Jason Herbstreith

Derek Kacos

Dan Parker

## Treasurer

Jim Newman

## Clerk

Susan Craft

## DPW Employees

Lyndon Randall

Dylan Erridge

## April 10, 2018 REGULAR MEETING

- I. **CALL TO ORDER:** The Muir Village Council met Tuesday, April 10, 2018. Meeting called to order at 7:00 p.m. by President Doug Hyland.
- II. **PLEDGE OF ALLEGIANCE:** The meeting was opened with the pledge of allegiance to the flag.
- III. **ROLL CALL AND ESTABLISHMENT OF QUORUM:** Roll was called and a quorum reported.  
**PRESENT:** President Doug Hyland, Trustees: Jeremy Cameron, Jason Herbstreith, Derek Kacos, Laura Stewart  
**ABSENT:** Trustees: Jessica Anthony, Dan Parker  
**VILLAGE PERSONNEL PRESENT:** Clerk Susan Craft, Treasurer Jim Newman, DPW Supt. Lyndon Randall
- IV. **APPROVAL OF AGENDA:** **BOARD ACTION:** Motion by Trustee Stewart, supported by Trustee Kacos, to approve the agenda.  
**MOTION CARRIED**
- V. **APPROVAL OF MINUTES:** **BOARD ACTION:** Motion by Trustee Kacos, supported by Trustee Stewart, to approve the minutes of the March 13, 2018 regular meeting.  
**MOTION CARRIED.**
- VI. **APPROVAL OF ACCOUNT PAYABLE/BILLS:** **BOARD ACTION:** Motion by Trustee Stewart, supported by Trustee Cameron to approve the Disbursements and Accounts Payable in amount of \$22,757.51  
**MOTION CARRIED.**
- VII. **TREASURER'S REPORT:** as written **BOARD ACTION:** Motion by Trustee Stewart, supported by Trustee Kacos to increase the budgeted expenses for the Equipment Fund by \$3,300 which was the amount of the insurance replacement equipment.  
**MOTION CARRIED.**
- VIII. **RECOGNITION OF GUESTS IN ATTENDANCE:** Junior Trumble, Ron Bennett, Gary Bennett
- IX. **PUBLIC COMMENTS:** None
- X. **COMMITTEE REPORTS:**
  1. **Street Committee:**
    - i. **MPM Bids:** Discussion on street projects proposed. DPW would like to replace the culvert across Liberty before paving and remove one tree. **BOARD ACTION:** Motion By Trustee Kacos, supported by Trustee Cameron to accept the Mid Michigan Paving bid of \$99,500 for Liberty St. from M21 to Superior and skip patching on Plain St., including the additional DPW work of culvert replacement and tree removal.  
**Roll Call Vote:**  
Ayes: Trustee Cameron, Trustee Herbstreith, Trustee Kacos, Trustee Stewart, President Hyland  
Nays: None  
Absent: Trustee Anthony, Trustee Parker  
**MOTION CARRIED**
    - ii. **County Bid for Crack Seal:** Tabled until next meeting
  2. **Cemetery Committee:** nothing

2. **Fire & Safety Committee:** nothing
3. **Finance Committee:**
  - i. **Investment Policy: BOARD ACTION:** Motion by Trustee Stewart, supported by Trustee Kacos to accept the Investment Policy as presented.  
**Roll Call Vote:**  
Ayes: Trustee Herbstreith, Trustee Kacos, Trustee Stewart, Trustee Cameron, President Hyland  
Nays: None  
Absent: Trustee Anthony, Trustee Parker  
**MOTION CARRIED**
  - ii. **Purchasing Policy: BOARD ACTION:** Motion by Trustee Kacos, supported by Trustee Stewart to approve the Purchasing Policy as presented.  
**Roll Call Vote:**  
Ayes: Trustee Kacos, Trustee Stewart, Trustee Cameron, Trustee Herbstreith, President Hyland  
Nays: None  
Absent: Trustee Anthony, Trustee Parker  
**MOTION CARRIED**
  - iii. **ACH Policy: BOARD ACTION:** Motion by Trustee Kacos, supported by Trustee Cameron to accept the ACH Policy as presented with the corrected date of April 10, 2018.  
**Roll Call Vote:**  
Ayes: Trustee Stewart, Trustee Cameron, Trustee Herbstreith, Trustee Kacos, President Hyland  
Nays: None  
Absent: Trustee Anthony, Trustee Parker  
**MOTION CARRIED**
  - iv. **CIP 2018-19-** in process
4. **Ordinance Committee:**
  - i. **Consumers Energy Franchise Ordinance: BOARD ACTION:** Motion by Trustee Kacos, supported by Trustee Herbstreith to enact Ordinance #31 Consumers Energy Company Gas and Electric Franchise Ordinance  
*ORDINANCE NO. 31  
CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE  
AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN, for a period of thirty years.*  
*THE VILLAGE OF MUIR ORDAINS:*  
  
*SECTION 1. GRANT, TERM. The VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN, for a period of thirty years.*  
*SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.*  
*SECTION 3. CONDITIONS. No street, alley, bridge, highway, waterways, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.*

*SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein granted, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.*

*SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.*

*SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Village, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.*

*SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Village for gas and/or electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said Village, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village acting by its Village Council, or by said Grantee.*

*SECTION 8. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.*

*SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said Village.*

*SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas and/or electric ordinance adopted by the Village Council on August 2, 1988 entitled:*

*AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the VILLAGE OF MUIR, IONIA COUNTY, MICHIGAN, for a period of thirty years. and amendments, if any, to such ordinance whereby a gas and/or electric franchise was granted to Consumers Energy Company.*

*SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after sixty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.*

**Roll Call Vote:**

Ayes: Trustee Cameron, Trustee Herbstreith, Trustee Kacos, Trustee Stewart, President Hyland

Nays: none

Absent: Trustee Anthony, Trustee Parker

**MOTION CARRIED**

5. **Parks & Recreation Committee:** nothing

6. **Personnel Committee:**

- i. **Dylan Erridge 1 year anniversary-vacation-step raise BOARD ACTION:** Motion by Trustee Herbstreith, supported by Trustee Stewart to award Dylan Erridge pro-rated vacation time of 10 hours from the anniversary date of April 3, 2018 to June 30, 2018.

**MOTION CARRIED**

Personnel Committee will meet regarding the Step Raise amount and the Step Raise will be retroactive to April 3, 2018. Discussion was held on a proposed CDL class and testing.

**BOARD ACTION:** Motion by Trustee Herbstreith, supported by Trustee Cameron to have the Village pay for the CDL license class and testing with the understanding that if there is a failure to pass then future classes will be at employee expense. **MOTION CARRIED**

**8. Water & Sewer Committee:**

- i. **Rate Study 4/6/2018:** The rate study done by Mike Engels, MRWA and Village staff was presented to council. The Sewer Rate passed by resolution last year for 7/1/2018 was found to be adequate. Discussion was held on the differences encountered in the Water Rates.

**BOARD ACTION:** Motion by Trustee Kacos, supported by Trustee Herbstreith to amend the 7/1/2018 water rates by moving the Water RR rate of \$1.50 to Water RTS and an additional \$.35 to Water RTS, thus raising the 7/1/2018 Water RTS rate to \$11.85 and eliminating the Water RR rate. Rate to be effective 7/1/2018.

**Roll Call Vote:**

Ayes: Trustee Herbstreith, Trustee Kacos, Trustee Stewart, Trustee Cameron, President Hyland

Nays: None

Absent: Trustee Anthony, Trustee Parker

**MOTION CARRIED**

**XII. BUSINESS TO DISCUSS:** No new business

**XIII. TABLED ITEMS:**

1. Generator for Lift Station- DPW still working on quotes
2. Low/Mod Income Survey – still in process
3. Grant status – awaiting decisions

**XIV. DPW REPORT:** as written with the addition of a tree list, news on the semi-truck accident damaging village property, and an update on the siren status. Council questioned the anticipated date of removal of Well #1 building.

**XV. CORRESPONDENCE:** Franchise Agreement for Charter Communication- no comments

**XVI. MEMBER COMMENTS:**

**Anthony:** absent

**Cameron:** question about phone boxes on property

**Herbstreith:** none

**Kacos:** question on status of striping

**Parker:** absent

**Stewart:** none

**Craft:** none

**Newman:** none

**Randall:** none

**Erridge:** absent

**Hyland:** Annual Trail Meeting April 11, 2018 at 7 PM in St. Johns, Clean-up Day 4/21/18 7-11. All Councils meeting in Westphalia was well attended. The Muir/Lyons Wellhead Protection Team won an award at the MRWA Conference.

Dog Waste Stations **BOARD ACTION:** Motion by Trustee Cameron, supported by Trustee Stewart to purchase two Dog Waste Stations for the CIS Trail-park area.

**MOTION CARRIED**

**XVII. ADJOURNMENT:**

**BOARD ACTION:** Motion by Trustee Stewart, supported by Trustee Cameron to adjourn at 8:20 PM

**Motion Carried**

Meeting adjourned 8:20 PM

Respectfully submitted by:  
Susan Craft Muir Village Clerk