

APPROVED MINUTES OF THE VILLAGE OF UNIONVILLE COUNCIL MEETING
HELD ON DECEMBER 20, 2021

President Matt Prime called the December 20, 2021 regular council meeting to order at 7:00 pm.

Council Present: Jeff Anker, Andrew Armstead, John Katnik, Matt Prime, Jon Townsend, and Dave VanHove.

Council Absent: Vicky Balzer

Others Present: Clerk Jessica VanHove, Treasurer Leila Rish, DPW Supervisor David Yoder, and Deputy Clerk Dottie Zube.

Guests Present: Ken Currey of the American Legion Post 421 and Ken Lind of Lind & Lind Insurance.

APPROVAL OF MINUTES: **Motion** by VanHove, second by Katnik to approve the November 15, 2021, unapproved minutes as corrected. 6 Yeas. 0 Nays. 1 Absent. Motion carried.

PUBLIC COMMENT:

- Ken Currey of the American Legion Post 421 present at the meeting requesting that the No Parking signs be replaced on the east side of Merry Street so that people attending events at the American Legion do not park on resident's properties near the Legion Hall. The current signs are small and no longer reflective.
- Ken Lind – Lind & Lind Insurance representing EMC Insurance, present at the meeting to discuss the Village's general insurance renewal. Ken states that everything is going well with our insurance.

BUDGET ADJUSTMENTS: **Motion** by Katnik, second by Armstead to approve the following budget adjustments as presented by the Clerk. 6 Yeas. 0 Nays. 1 Absent. Motion carried.

| ACCOUNTS | FROM | TO | DIFFERENCE | REASON |
|---|---------|----------|-----------------|-----------------------|
| General Fund | | | | |
| 101-299-727-00 Office Supplies | \$1,200 | \$1,500 | \$300 | AP Checks |
| 101-299-815-00 Due & Subscriptions | \$675 | \$737 | \$62 | Increase in MML Dues |
| 101-299-860-00 Mileage | \$100 | \$170 | \$70 | Training Mileage |
| 101-691-920-00 Utilities-Park | \$3,500 | \$4,200 | \$700 | Increase in utilities |
| Major Street Fund | | | | |
| 202-451-811-00 Contracted Services-Construction | \$8,000 | \$13,000 | \$5,000 | Phelps St. Paving |
| Local Street Fund | | | | |
| 203-451-811-00 Contracted Services-Construction | \$8,000 | \$39,000 | \$31,000 | Phelps St. Paving |
| | | | \$37,132 | |

AUTHORIZE PAYMENT OF BILLS: **Motion** by Katnik, second by Townsend to pay the December 2021 accounts payables of \$311,844.86. 6 Yeas. 0 Nays. 1 Absent. Motion carried.

NEW BUSINESS:

- Appointment of Pro-Tempore: **Motion** by Townsend, second by Armstead to accept the President's recommendation and to appoint John Katnik as President Pro-Tempore. 6 Yeas. 0 Nays. 1 Absent. Motion carried.
- Performance Resolution for MDOT Annual Construction Permit: It was moved by Trustee VanHove, supported by Trustee Anker to adopt the Performance Resolution for MDOT Annual Construction Permit.
Roll Call Vote: Anker-Yea, Armstead-Yea, Balzer-Absent, Katnik-Yea, Townsend-Yea, VanHove-Yea, and Prime-Yea. 6 Yeas. 0 Nays. 1 Absent. Resolution passed. This resolution will be attached to the end of the minutes as permanent record.

TREASURER REPORT: Treasurer Leila Rish reported on the Village's account balances. The water vendor received \$552.50 in November. The 7-month Huntington National Bank CD was cashed out on December 6 for use in the general checking at Independent Bank.

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FIRE DEPARTMENT: Treasurer Leila Rish reported on the ACW-Unionville Fire Department Financial Report. Since the last Fire Board Meeting was November 4, there was no board activity to report to the Council. The next Fire Board meeting is February 3, 2022, at 7pm at the Columbia Township Library. Trustee VanHove, Village representative on the ACW-Unionville Fire Department board, put forth a recommendation that the Village of Unionville withdraw from the ACW-Unionville Fire Department. Trustee VanHove is basing his recommendation on the fact that Columbia Township levies an Emergency Services tax of 0.995 mils for all Columbia Township residents to cover the cost of Fire and Ambulance Services. Unionville residents are also Columbia Township residents and pay the same Emergency Services tax to Columbia Township as those residents living outside of the Village. Village residents ought to receive Fire services the same as they already do for ambulance service without an additional fee allocated to the Village of Unionville residents. For the 2021-2022 fiscal year, the Village of Unionville paid \$14,009 with Columbia Township reimbursing the Village \$4,331. This equals to \$9,678 coming out of the Village's general fund for the Village's share of being an entity of the ACW-Unionville Fire Department.

POLICE: The monthly Police report was made available to the Council. There was continued discussion on blight in the downtown area. The council was informed that the Police Chief issued two tickets for blight violations.

DPW: DPW Supervisor Dave Yoder reported to the council that the DPW has been getting equipment ready for snowplowing. They will be bringing the castle from the park into the DPW shop to be refinished during the winter. In response to Mr. Currey's request for new No Parking signs on Merry Street, Dave will check on pricing for new signs and will also assess what other signs will need to be purchased throughout the village including a few street signs that are missing. He will report back to the council at the January meeting.

PARK: Trustee Anker reported that the pickleball courts are schedule to be started in the spring of 2022.

WATER/SANITARY SEWER/STORM SEWER: The two USDA water bonds of \$246,257.41 were paid off on December 1.

INSURANCE: Trustee VanHove discussed with the board the possibility of changing how the Village offers health, eye and dental insurance to Village employees. He will be working with the Village employees to find the best plans and costs to benefit both the Village and the employees.

ZONING: A zoning permit for 2803 Cass Street for the demolition and construction of an accessory building was approved by the Zoning Administrator.

PUBLIC COMMENT: No public comment received.

ADJOURN: **Motion** by Katnik, second by Armstead to adjourn the December 20, 2021, regular meeting at 9:18 pm. 6 Yeas. 0 Nays. 1 Absent. Motion carried.

Next Regular Meeting: January 17, 2022, at 7:00 pm at the Village Hall.

Jessica VanHove
Village Clerk

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the Village of Unionville
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

- 5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
- 6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: _____

 Village Clerk _____

 Street Administrator _____

 DPW Supervisor _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Board of Trustees

 (Name of Board, etc)
 of the Village of Unionville of Tuscola

 (Name of GOVERNMENTAL AGENCY) (County)

at a Regular meeting held on the 20 day
 of December A.D. 2021.

Signed  Title President