

Hopkins Village Council Regular Council Meeting
Monday Oct 11th, 2021

1. Call to order was at 7:30 Pm by President Weick
2. Roll Call taken present Weick Alberda Osborn Buist Kennedy Williams Sebright VanderWall Swainston. Absent None
3. Pledge of allegiance
4. Approval of agenda VanderWall moved, Osborn supported, CARRIED to approve the agenda with the additions of DDA Replacement, Loan Payoff, Halloween, 6-21 Sewer issue, Letter from Orton, Tooman Hale PC, ARPA, Agenda Setting Rules, Complaint Letter.
5. Approval of Minutes Sebright moved Buist supported CARRIED to approve the minutes from the regular meeting on Sept 13th, 2021.
6. Approval of Minutes: Buist moved Osborn supported CARRIED to approve the minutes from the Sept 21, 2021, special meeting.
7. Approval of Minutes: VanderWall moved, Kennedy supported CARRIED to approve the minutes for the Oct 4th, 2021, Special Hearing Meeting.
8. Approval of Financial Report: Osborn moved VanderWall supported CARRIED to approve the financial report for Sept 2021
9. Williams moved, Sebright supported CARRIED to ad submission of bills to the agenda.
10. Approval of Bills, VanderWall moved Kennedy Supported, CARRIED to approve the bills from Sept 14th to Oct 11th, 2021
11. Maintenance Report, Jim Bala gave his monthly report
12. Commissioner report, Dale Dugan gave his monthly commissioners report

13. Public Comment- None

14. Discussion on No Parking Signs
The council will look at adopting an ordinance at the next council meeting.

15. Compost Area/Concrete Discussion
President Weick call the Weick Bros to come out and look at the compost area to see what they can use. DPW supervisor Bala will be calling John Langlois about the removal of the concrete.

16. Library Rep request
President Weick asked the council to look for anyone that may be interested in being a library representative

17. Discussion on Goodell ST Billing
VanderWall moved, Williams supported to table this until next month

19. 2022 Budget

Clerk Alberda gave the council an update on the proposed 2022 budget. He will be emailing out the proposed budget this month to all council members.

20.. Charter Update

Charter Secretary VanderWall gave an update on how the charter commissions progress is coming.

21.Tree Removal

President Weick asked DPW supervisor Bala to get two estimates on a tree removal on Selby St.

22.DDA Replacement

Sebright moved. Osborn supported. CARRIED to have Charles Ybema become a member of the DDA.

23.Loan Payoff

VanderWall moved. Kennedy supported CARRIED, to have clerk Alberda payoff the current street loan.

24.Halloween

Council discussed the resident's question about when Halloween will be held. Council said that Halloween will be Oct 31st.

25. 6-21 Sewer Issue

Trustee VanderWall gave his comments on the September 21st special meeting. Attached to these minutes are his letter to the council as requested by VanderWall. VanderWall moved. Osborn supported CARRIED to refer this issue to the council lawyer for final recommendation to be taken.

26.Letter from Attorney Orton

President Weick read the letter from attorney Orton. Weick asked this letter be given to the council attorney for review.

27.ARP A Covid Money

Treasure Swainston said she is working on the reporting that needs to be done for the ARPA money. She will be attending the Oct 20th ARPA meeting also online.

28. Agenda Setting Rules Resolution

Trustee VanderWall will be looking into a policy for agenda setting.

29. Complaint Letter

Trustee VanderWall gave his opinion on the letter written to the council by Clerk Alberda.

President Weick also gave his opinions on the letter. After President Weick read his opinion on the letter he told the council he would be resigning as President of the council effective November 8th, 2021, preceding the meeting.

30. Public Comment: Chad Henig gave comments

31. Around the Table. Council members were given time for remarks.

32. VanderWall moved, Osborn supported CARRIED that the locks on the doors to the village council be changed. Keys will be handed out to only those who need access to the Village Hall/ Township Hall.

33. Public Comment -None

34. Adjournment: Buist Moved, Kennedy supported to adjourn the meeting at 9:50 PM

~~• we have to supply sewer to our residents~~

To: Hopkins Village Council
From: Jonathon VanderWall, Trustee; President Pro Tempore
Re: Sewer Connection for 620 West Main
Date: 10/7/2021

Dear Council Members,

Following the special meeting that took place on September 21, 2021, I was uneasy about the decision what was made. Much information was presented to the council at that time, none of which, by our own admission, did we fully understand. Though a compromise was reached on the payment of the excavation, an additional bill will be coming for the asphalt work. My intention in this letter is to address all the work that has been done and the mishandling of the entire situation.

Please understand at the outset of this that my sole intent here is to see that the Charter and Ordinances of the Village of Hopkins are applied equally and equitably, following the oath of office that I took when I was elected as a Trustee of the Village.

CHARTER

To begin, the current active Charter for the Village of Hopkins was created and amended prior to the installation of the current sewer system. The Charter's language spells out a hypothetical situation in which a sewer system would be installed. Because of this, Chapter 7 Section 22 begins by saying that *"the council may establish, construct and maintain sewers..."*. As we have learned, may is 'permissive'. In this case it is necessarily permissive because of the reality that the sewer system was not a reality at the time these words were penned, namely 1921. All further mentions of the construction of the sewer system are referenced in this same manner.

The council, at the time of the sewer construction, had the option to decide how it would pay for said construction too, according to Chapter 7 Section 23. It 'may' do it by general tax or by special assessment. Records indicate that each household in the village was charged a rate based on the property's road frontage, a fee which was allowed to be paid over a certain number of years. Residents were also charged, at the time of connection, a tap fee that was to be paid to the Village of Hopkins upon tapping into the system, establishing what we now know as the "sewer fund".

This language changes, however, to the word 'shall' when it begins to talk about what would happen for the construction of the system itself. For instance, in chapter 7 section 24, when the council decided to construct the sewer system, it 'shall' construct a map and have a plan. In section 25 of the same, the council 'shall' declare by resolution to designate the assessment. Section 28 of the same states that *"the owners and occupants of lots and premises shall have the right to connect to the [sewer] at their own expense, by means of private drains, with the public sewers, and drains..."* The right to connect is present; the direction of the expense as well as the source of payment is also clear. This is not a matter of 'may', it is a 'shall' statement.

Over the course of the last 2 weeks, I have had several conversations with residents of the Village of Hopkins that were present at the time of construction. They confirmed to me that this is, in fact, how

A key element of this that was under question at the September 21 meeting was the word “owner” as well. In the entirety of the ordinance book as well as the charter, “owner” is universally directed to one who owns the property in question. It would be completely incongruent to interpret “owner” in a part of one section of the Ordinances or the Charter to mean something other than what it has meant for the entirety of the rest of the document. In this case, then, it is clear that the “owner” is responsible for all costs associated with hooking up to the City Sewer. The question that this might raise, though not one for the council’s deliberation, is which owner: the owner of the lot that is being sold or the owner of the lot once it is sold. Some of this, I think, will be vetted out as we talk about past precedent below.

Additionally, the council discussed the purpose of the \$4,100 Tap Charge which was assessed to the owner of 620 West Main Street. This is clearly spelled out in Part 86.004 as part of “*the cost of making and inspecting the tap.*” This is unrelated to any work of lateral installation and is therefore a moot point in this conversation. However, as this is a regular fee that is assessed to all new homeowners and those connecting to the public sewer, it is inappropriate for the Council to consider this in any way a part of the payment for the work of lateral installation.

RESOLUTIONS

During the meeting, President Weick brought up a recent resolution, 2021-004, which was made by the council and involves sewer tap charges. In that statement, he suggested that this resolution supersedes all previous statements contained within the Ordinance 86.004. To some extent, this is true. However, it is only true insofar as it pertains to the content of the resolution. The rest of the Ordinance remains unchanged as do the parts of the Ordinance surrounding 86.004. The purpose of this Ordinance, which President Weick reminded the council that I made the motion for, was to adjust the Tap Charge to a new level that is congruent with current charges elsewhere and makes sense for our system and the Village of Hopkins in general. All other language within Ordinance 86.004 would remain the same.

DEFINITIONS

Before we move on, it is important that we have some collective understanding of the definitions of the elements of this issue that we are talking about.

A Sewer Lateral is defined as “*is the wastewater connection between the building’s wastewater facilities and a public sewer system.*” It also carries the definitions “*a privately-owned pipeline connecting a property to the District Sewer*” and “*the sewer pipe connecting a structure to a wastewater treatment collection system or a municipal or commercial sewer main line.*”¹ All given definitions of a Sewer Lateral indicate that it is the entire connection between a building and the Public Sewer which is located under the road or in a right of way. In every case, the lateral is “privately owned” and is also the owner’s responsibility to keep clean and clear. As we will see below, this has been the normal operating precedent for the Village of Hopkins as well. Further investigation indicates that, as these are private pipelines, the cost for their installation is borne by the property owners. In a rare case where two residents share a lateral for some reason, the cost is then split between the two residents.

An easement is defined as “*a right to cross or otherwise use someone else’s land for a specified purpose.*” The lateral that was installed to connect the 620 Main Street Property to the City Sewer was placed through an easement. To be clear, the Village of Hopkins did not seek an easement through

¹ <https://www.lawinsider.com/dictionary/sewer-lateral>

lateral. However, it was the Church itself that paid the bill for the work even though the Village was aware of the issue at the time. It would be entirely incongruent for the Village to pay for lateral installation while also charging residents for maintenance and the cleaning out of blockages in their own laterals and in the Public Sewer to which they are connected.

Additionally, if the Village was supposed to be paying for these things as a matter of regular practice, we would be budgeting for it. Particularly in the case of President Weick's property split, which happened in July of 2020, there should be a place in the budget in 2021. There is no place in the budget for this nor was there any discussion about its potential in our budget conversations at the end of 2020.

LOGIC

Considering what I have laid out here so far, it makes no logical sense whatsoever for the Village to be responsible for any of the payment of any lateral installation service at all. It would be fiscally possible for the Village to handle this expense for any single home development. But if we were to extrapolate this out to any major development, it would effectively bankrupt the village. Because the Village has not been bankrupted in the past, we can logically deduce that the Village has not and did not pay for individual lateral service to residents during the initial installation or any subsequent expansions of the sewer system. Certainly we can assume that in the 425 agreement currently being negotiated, we are not planning on paying for lateral services out on 12th street; the township isn't planning on that either.

Further, the lack of any evidence of bills paid by the village for installation of lateral services, when necessary, for residents is, in all actuality, evidence of the reality that the Village itself has not paid for or even received these bills in the past. This is further confirmed by the developer of both Mankin and Grant Street expansions that footed the bill for sewer extension and lateral installation prior to the sale of any lots. Almost all references of sewer construction and installation within the Village Charter and the Ordinance book, outdated as they may be, also include references to general taxes and/or special assessments on the properties in question which only further strengthens the logical argument that the Village should not be paying these bills.

There have been multiple references to the notion of Village expansion in these conversations. It is completely illogical for the Village to set a new precedent of paying these bills if it was also counterintuitive to future expansion possibilities. Even the notion of compromise, in this event, sets a dangerous tone for future challenges to the village with new properties, home builds, and expansions. The President and the Council should be deeply concerned about this as it pertains to future expansions, something that we are indirectly considering right now with the current 425 agreement with Hopkins Township. This agreement could potentially see a vast amount of infrastructure added to the area, making expansion in the designated areas much more feasible, only to be negated by setting a new precedent with this issue.

LEGAL COUNSEL

In the documents for the September 21, 2021 special meeting provided by Clerk Alberda, there were several correspondences between the Clerk and the Village Lawyer. Referencing the aforementioned Ordinance, parts 85 and 86, the lawyer stated, asked, and/or recommended the following things:

elected by the residents of the Village of Hopkins to work in the best interest of the Village as a whole. President Weick, who is also the seller of the property in question, has sought to move the village to pay this bill and, I can only assume, the asphalt bill to follow, breaking with legal counsel, precedent, the ordinances of the Village of Hopkins and its Charter.

CONFLICT OF INTEREST

It is here that I wish to bring up the notion of a conflict of interest in this situation. President Weick has stated that there is no conflict-of-interest present for him. He made a reference to the “devaluing” of his property due to the easement granted. His actions, including the addition of another connection to the lateral “just in case”, as well as some statements that he has made seem to indicate otherwise. I offer the following as evidence of a conflict of interest:

- President Weick is the seller, and therefore the developer of the newly created 620 West Main street property. As the seller, he has a financial interest in the outcome of this decision. As the developer, it is possible that he could be the one to have to pay for the infrastructure for the new property that he has split.
- President Weick was shown to be in communication with the purchaser of the property, 620 main street, in emails that were provided to the Village Council upon request. The email, dated April 9, 2021, indicates that President Weick told Kayla Adrianson that “[the Village] responsibility is to get the Sewer line to your property line.” Given the wording of the Charter and the Ordinances of the Village of Hopkins, as well as the interpretation of said documents by our lawyer, this statement is false. He has continued to maintain this to be true despite much evidence and counsel to the contrary.
- President Weick allowed for an easement on his property, stating that it devalued his property and thus constituted evidence of no conflict of interest. He also stated that he asked for a “Y” to be put in, incase there was a desire to split his property again at a later date. This would provide a person or familial financial benefit to him in the future if, as he has stated, “his family wanted to divide up his property at a later date” or “after he is gone”.
- A decision by the Village Council to not pay this bill would send the bill to the new property owner and may constitute legal action against President Weick thereby giving him a vested interest in the outcome of the decision. Such legal action may, given the evidence, also constitute an abuse of an elected office for personal benefit.
- President Weick has consistently brought information about this topic up in “around the table” conversations that are not recorded and therefore off the record which is suspicious, at best, particularly when specific motions are needed for action to be taken.

In the event of a Conflict of Interest, any officer or trustee should recuse themselves from the discussion and are thus relegated to the position of “public” for the duration of time that the topic is discussed. In this case, Terry should have handed off the presiding powers of the meeting to the President Pro Tempore. At worst, he should have sat silently and listened offering no input unless asked; at best he should have removed himself from the table. It is an egregious error on behalf of the council that President Weick has presided and been allowed to preside over these discussions, having the advantage of giving input to the council and regularly cutting off conversation and discussion from council members. This alone could possibly, legally disqualify all of the discussions that have taken place so far.

pay, using public funds, for unapproved work on private property and for the benefit of private citizens. This is simply unacceptable. Further, it would force the Village Council to further consider the implications of future expansions and limit them to virtually nothing in order to save itself from bankruptcy.

Should the Council wish to amend these ordinances, resolutions, or even the Charter itself, there are appropriate, ethical, and orderly ways to go about doing this and these can be pursued at the discretion of the Council moving forward. Simply circumventing them by deciding not to practice them is both wrong and illegal.

The Village Council needs to act upon this immediately. I am requesting that President Weick put this on the Agenda for our October 11, regular meeting.



Jonathon VanderWall <jonathonvanderwall@gmail.com>

Excavation Work; 608 & 620 West Main

2 messages

Jonathon VanderWall <jonathonvanderwall@gmail.com>

Fri, Oct 1, 2021 at 8:52 PM

To: weick@att.net

Bcc: Mike Alberda <malberda@sbcglobal.net>, Eric Alberda <ealberda@hotmail.com>

Hello,

I am writing to inquire about work that was recently completed at 608 West Main Street here in Hopkins. The work was to install a Sewer Lateral through an easement on 608 West Main Street. I need to know who called for and authorized that work so that we can have it for the Village Council's documentation.

Thank You

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Jonathon VanderWall, Trustee, President Pro Tempore
Hopkins Village Council
616-901-9229

haleyweickbros@gmail.com <haleyweickbros@gmail.com>

Fri, Oct 8, 2021 at 1:40 PM

To: jonathonvanderwall@gmail.com

Cc: Gary <weick@att.net>

Jonathon,

Weick Brothers was working with Jim Bala and Terry Weick. We do not recall who informed us to commence work on the project and that it was approved by the town council.

Thanks,

Haley Weick**Office Manager****haleyweickbros@gmail.com****Phone: (269) 793-0221**



Jonathon VanderWall <jonathonvanderwall@gmail.com>

Letter from Clerk's Office

3 messages

Village of Hopkins Clerk <villageofhopkinsclerk@gmail.com>

Tue, Oct 5, 2021 at 9:57 AM

To: Ben Williams <williben77@gmail.com>, Brad Sebright <brad.stoddardoil@gmail.com>, Craig Osborn <cmosborn210@sbcglobal.net>, Dawn Buist <dmbuist@gmail.com>, John VanderWall <Jonathonvanderwall@gmail.com>, Mary Swaintson <swainstonme53@gmail.com>, "Tabitha Kennedy" <tabithakennedy@yahoo.com>, Terry Weick <weickstaxidermy@charter.net>

Dear Council,

I am writing this letter to address some concerns that I have regarding the last few meetings as well as incidents that have occurred outside our meetings. In an effort to remain as transparent as possible, I felt the need to share my concerns to the council as a whole through this letter. As you all know much of this started at the September 13, 2021, Regular Meeting during the discussion of Bills and then again during the Round Table discussion. I asked what I thought was a simple and appropriate question about a bill during the Bills section of the agenda. I felt that the Bill portion of the agenda was the appropriate time to bring up discussion on the bill. After discussion was had the bill payment motion was made and we moved on to the other agenda items. Then during the Round Table discussion President Weick picked up the Weick's Brother Bill and pushed it towards the center of the table and made mention of how he did not like how the bill was presented. I felt that this was a very disrespectful comment and action by President Weick. President Weick made me feel as if he did not trust me to do my job duties by his actions and comments that night. That began what has been a very stressful past few weeks. His requests along with many requests from others these past few weeks have resulted in over 25 hours of uncompensated additional work for me in a 10-day period above and beyond the typical 25 hours I spend doing regular Clerk duties each month, further adding to stress regarding this situation. Additionally, on the night of the September 21, 2021, Special Meeting, President Weick asked to speak to me outside in private prior to the start of the meeting. While outside he asked if I was going to surprise him with anything and that he would bite back if I did present anything he didn't know about. This was after I sent the entire Council the meeting packet containing **ALL** of the information, I had gathered for everyone for that meeting to make sure everyone on the Council had all of the information. I felt that this was very inappropriate for President Weick to say and felt as if he was trying to intimidate me as Clerk. I feel that I try to inform everyone as best as I can of all relevant information, based on the packet I put together for that meeting and other information I have shared on past meetings. In an effort to continue my transparency to the entire Council I want to pass along the following information to all Council Members.

Because I feel as if President Weick was attacking me for what I thought I was supposed to be doing (as well as the large increase in additional uncompensated hours I have been working); I will be forwarding all information that does not directly involve my statutory job duties to their respective Council Member(s), Department(s), Committee(s), and/or President Weick for the respective person(s) to handle. I will be handling all duties that are required of the Clerk and nothing more. Below is a synopsis of what our current Charter states the Job duties of the Clerk are (for full disclosure of my job duties please see the following Sections of our current Charter: 4.5, 4.6, 4.7, and 4.8)

Clerk Job Duties:

Attend Village Meetings

Keep Village Document, papers, files, and records of the Village

Record and/or cause to be recorded Village proceedings, resolutions, and ordinances

Administer Oaths and affirmations

Pay Bills and track budget expenses

Maintain Accounting Records

This letter is not meant to be a confrontation to anyone on the Village Council, and I hope that no one perceives it as such. I will continue to do my best to work with each and everyone of you as I have in the past. The intent of this letter is to bring up my concerns from the past few weeks, as well as give a proper explanation as to **why** I am restricting my work solely to the statutory job duties of my position.

Thank You,
Mike Alberda
Village of Hopkins Clerk

Jonathon VanderWall <jonathonvanderwall@gmail.com>

Tue, Oct 5, 2021 at 9:47 PM

To: Village of Hopkins Clerk <villageofhopkinsclerk@gmail.com>

Cc: Ben Williams <williben77@gmail.com>, Brad Sebright <brad.stoddardoil@gmail.com>, Craig Osborn <cmosborn210@sbcglobal.net>, Dawn Buist <dmbuist@gmail.com>, Mary Swainston <swainstonme53@gmail.com>, "Tabitha Kennedy" <tabithakennedy@yahoo.com>, Terry Weick <weickstaxidermy@charter.net>

Mike,

Thank you for bringing this to our attention.

This is DEEPLY concerning to me. There should be absolutely no excuse or place for any sort of threatening or harassing behavior on the Village Council.

I am officially requesting that this be put on the Agenda for our next meeting.

[Quoted text hidden]

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May Grace and Peace be yours in abundance...

Jonathon VanderWall
Lead Pastor



Jonathonvanderwall@gmail.com
(616) 901-9229

"To him who is able to keep you from falling and to present you before his glorious presence without fault and with great joy—to the only God our Savior be glory, majesty, power and authority, through Jesus Christ our Lord, before all ages, now and forevermore! Amen." -- Jude 1:24-25

Terry Weick <weickstaxidermy@charter.net>

Wed, Oct 6, 2021 at 7:01 AM

Reply-To: Terry Weick <weickstaxidermy@charter.net>

To: Jonathon VanderWall <jonathonvanderwall@gmail.com>

When it comes time to adjust the agenda at the meeting , you can make a motion to do so.Thank you

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Terry Weick

Hopkins Village President

With this letter I inform all. That I will be resigning for The Hopkins Village President position, effective November 8th 2021 preceding the meeting. I will hand in all keys ,and as Charter Chapter II sec. 15 States, " Give back all records and paperwork to my successor as requested". I regret any inconvenience this will cause, and do my best to take care of any unfinished business.

Your current President,

Terry Weick
10-11-21