

VILLAGE OF LAKE ODESSA
REGULAR COUNCIL MEETING
January 12, 2015
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00 p.m. by President Banks.
Pledge of Allegiance.

Council present: Janet Thomas, Mike Brighton, Patti Caudill, Karen Banks, Charles Jaquays, Mike Rudisill, Mel McCloud

Absent: None

Staff present: Mark Bender, Pearl Goodemoot

Visitors present: Carolyn Mayhew of the Jordan Lake Trail Committee

Motion by McCloud, support by Thomas to approve the agenda as presented. Motion carried.

PUBLIC COMMENT

Carolyn Mayhew of the Jordan Lake Trail Committee inquired about the MDOT grant submission and let council know that the Jordan Lake Trail meetings are set for the fourth Tuesday of the month at 6:30pm to be held at the Lake House Café.

MINUTES

Motion by McCloud, support by Thomas to approve the regular meeting minutes for December 15, 2014. Motion carried.

BILLS

Motion by Rudisill, support by Caudill to approve expenditures equal to or less than \$1,500.00 for the period 12/01/2014 thru 12/31/2014. Motion carried.

Motion by McCloud, support by Jaquays to approve payment of invoices in excess of \$1,500.00 items as follows:

- a) Consumers Energy - \$1,887.30
- b) Fuelman - \$1,508.56
- c) Superior Asphalt - \$2,075.25
- d) O'Mara Plumbing Heating & Cooling - \$1,930.00
- e) Dickinson Wright - \$2,212.00
- f) Miller, Johnson, Snell & Cummiskey - \$2,165.62

Motion by Rudisill, support by Caudill rescind payment to Ionia County Road Commission in the amount of \$2,635.67 and issue a check for the correct amount of \$5,271.35. Motion carried.

Motion carried.

CONSENT AGENDA

Motion by Caudill support by Rudisill to approve the consent agenda, as follows:

- a) Lake Odessa Zoning Report for December 2014
- b) Lakewood Wastewater meeting minutes for December 17, 2014
- c) Lake Odessa Area Arts Commission meeting minutes for December 8, 2014
- f) Lake Odessa Downtown Development Authority meeting minutes for November 13, 2014

Motion carried.

MANAGER'S REPORT

Police Report: Bender had nothing to report.

DPW Report: Bender updated council on the DPW's work with snow removal.

Finance Report: Bender reported that the preliminary draft budget was distributed to council. Bender is also working on the Capital Improvement plan and discussed potential projects.

COMMITTEE REPORTS:

Personnel/Finance Committee: There was no report.

Recreation/Special Projects Committee: There was no report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Motion by McCloud, support by Jaquays to open public hearing at 7:26pm on Ordinance #2015-1 Lake Odessa Floodplain Management. Motion carried.

There was no public comment.

Motion by Caudill, support by Rudisill to close public hearing at 7:29pm on Ordinance #2015-1 Lake Odessa Floodplain Management. Motion carried.

Motion by McCloud, support by Caudill to adopt Ordinance #2015-1 Lake Odessa Floodplain Management as presented. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None.

Motion by McCloud, support by Thomas to adopt Resolution #2015-1 MDOT Performance Resolution. Motion carried with the following roll call vote: Yes: Brighton, Rudisill, Caudill, McCloud, Jaquays, Thomas, Banks; No: None. The resolution is as follows:

RESOLVED WHEREAS, the Village of Lake Odessa 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 utility 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. Any work performed for the GOVERNMENTAL AGENCY will be solely as 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 its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims 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 will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. 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.

4. The GOVERNMENTAL AGENCY It 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.

5. With respect to any activities authorized by 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.

6. 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.

7. 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 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: Mark Bender, Village Manager and Tom Pollock, DPW Supervisor.

RESOLUTION DECLARED ADOPTED.

Motion by Jaquays, support by Thomas to adopt Resolution #2015-2 Street Administrator Resolution. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None. The resolution is as follows:

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

THEREFORE, BE IT RESOLVED, that this Honorable Body designate Dennis Brinks as the single Street Administrator for the City or Village of Lake Odessa in all transactions with the State Transportation Department as provided in Section 13 of the Act.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to adopt Resolution #2015-3 Water Rate Resolution. Motion carried with the following roll call vote: Yes: Brighton, Rudisill, Caudill, McCloud, Jaquays, Thomas; No: None. The resolution is as follows:

WHEREAS, Section 34-54 of the Code of Ordinances, Village of Lake Odessa, Michigan, provides that rates and fees to be charged for service furnished by the Lake Odessa water supply system shall be as set by resolution of the Village Council; and

WHEREAS, the Village Council has reviewed existing rates and fees;

NOW, THEREFORE, BE IT RESOLVED that the following rates and fees are hereby established:

- 1) Resident Water Rates
 - a) Service demand charge: \$15.00 per quarter
 - b) Usage charge: \$3.35 per \$1,000 gallons or portion thereof
- 2) Non-Resident Water Rates
 - a) Service demand charge: \$15.00 per quarter
 - b) Usage charge: \$6.70 per \$1,000 gallons or portion thereof

- 3) Turn-On and Turn-Off Fees
 - a) At customer request: \$10.00
 - b) When necessitated by non-payment: \$20.00

- 4) Connection Fees
 - a) 2" service: \$1,500 plus \$27.50 per linear foot
 - b) 1 ½" service: \$1,500 plus \$24.50 per linear foot
 - c) 1" service: \$1,500 plus \$22.00 per linear foot
 - d) ¾" service: \$1,500 plus \$20.00 per linear foot
 - e) Commercial/Multiple Dwelling connections (1" and larger): add \$350.00 per residential unit
 - f) Service larger than 2" (if available): negotiable

- 5) Meter Installation Fees
 - a) Current cost to restock inventory on all materials used for installation of meter

- 6) Final Reads
 - a) At customer request: \$10.00

- 6) Late Fee
 - a) Any bill not paid when due shall be deemed delinquent and be subject to a delinquency charge equal 10% of the amount of the bill or \$5.00, whichever sum is greater. No additional interest shall accrue.

- 7) Cash Deposit for Responsible Tenants
 - a) Deposit of \$300, refundable when responsibility of the account is transferred to a new party

- 8) Non-Sufficient Fund Check Fee
 - a) Fee of \$25 per check, in addition to the applicable late fee.

- 9) Billing Schedule
 - a) Water charges shall be billed quarterly and due and payable to the village on the last day of billing month: January 31, April 30, July 31, and October 31.

BE IT FURTHER RESOLVED that the above-referenced rates, fees, and billing schedule shall become effective 30 days after the adoption of this resolution.

RESOLUTION DECLARED ADOPTED.

Motion by Jaquays, support by McCloud to ratify the following appointments made by President Banks:

President Pro-tem: Mel McCloud
Personnel Committee: Karen Banks, Michael Brighton
Recreation Committee: Charles Jaquays, Mel McCloud
Motion carried.

Motion by McCloud, support by Caudill to approve the budget amendments as presented. Motion carried.

MISCELLANEOUS CORRESPONDENCE
There was no miscellaneous correspondence.

TRUSTEE COMMENTS
McCloud had nothing to report.

Jaquays had nothing to report.

Thomas had nothing to report.

Brighton had nothing to report.

Rudisill had nothing to report.

Caudill had nothing to report.

Banks had nothing to report.

PUBLIC COMMENT

There was no public comment.

Motion by Thomas, support by Jaquays to adjourn. Motion carried; meeting adjourned at 8:03pm.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer