

VILLAGE OF LAKE ODESSA

MINUTES  
REGULAR COUNCIL MEETING  
January 23, 2017  
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00pm by President Pro Tem McCloud.

Pledge of Allegiance.

Council present: Janet Thomas, Mel McCloud, Mike Brighton, Charles Jaquays, Mike Rudisill, Brandy Walkington

Absent: Karen Banks

Staff present: Mark Bender, Pearl Goodemoot, Brenton Listerman

Visitors present: None

Motion by Rudisill, support by Jaquays to approve the absence of Banks. Motion carried.

Motion by Rudisill, support by Walkington to approve the agenda as presented. Motion carried.

**PUBLIC COMMENT**

There was no public comment on agenda items.

**MINUTES**

Motion by Thomas, support by Brighton to approve minutes of the December 19, 2016 regular meeting. Motion carried.

**BILLS**

Motion by Rudisill, support by Thomas to approve expenditures equal to or less than \$1,500.00 for the period 12/01/2016 thru 12/31/2016. Motion carried.

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

- a) Consumers Energy - \$1,714.43 – Streetlights (*paid*)
- b) Homeworks - \$3,729.00 – Iron Removal Plant (*paid*)
- c) Alexander Chemical Corporation - \$1,896.50 – Iron Removal Plant (*paid*)
- d) Clorwell Electrical Contractors - \$3,118.00 – Water Tower Hook-Up
- e) CDW Government - \$3,412.45 – Police Vehicle Laptop
- f) Peerless Midwest - \$1,550.00 – Water Maintenance
- g) Cruisers West, LLC - \$4,943.00 – Police Vehicle
- h) MI Rural Water - \$2,775.00 – Well Head Admin
- i) Williams & Works - \$2,784.75 – Master Plan & Rec Plan

Motion carried.

**CONSENT AGENDA**

Motion by Thomas, support by Brighton to approve the consent agenda, as follows:

- a) Lake Odessa Zoning Report for December 2016
- b) Lakewood Wastewater meeting special minutes for December 14, 2016
- c) Lake Odessa Library meeting minutes for November 16, 2016
- d) Arts Commission meeting minutes for December 12, 2016
- e) Downtown Development Authority meeting minutes for November 10, 2016
- f) Fire Board special meeting minutes for December 30, 2016

Motion carried.

**MANAGER'S REPORT**

Police Report: Bender reported that Brenton Listerman will be starting days and Officer Roth will be starting nights.

DPW Report: Bender reported that the new DPW Supervisor is working well and he will be taking a water exam in May to obtain an additional water certification.

Finance Report: Bender informed council that the water rate study showed that due to the diligence of council in approving small incremental water rates increases of 3% in previous years, only 1.5% increase is needed at this time to maintain the system.

**COMMITTEE REPORTS:**

Personnel/Finance Committee: There was no update.

Recreation/Special Projects Committee: There was no update.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

Motion by Brighton, support by Thomas to adopt MDOT Performance Resolution #2017-1. Motion carried with the following roll call vote: Yes: Jaquays, Thomas, Brighton, Rudisill, Walkington, McCloud; No: None; Absent: Banks. The resolution is as follows:

**RESOLVED WHEREAS**, the (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: DPW Superintendent

**RESOLUTION DECLARED ADOPTED.**

Motion by Thomas, support by Jaquays to adopt Street Administrator Resolution #2017-2. Motion carried with the following roll call vote: Yes: Jaquays, Thomas, Brighton, Rudisill, Walkington, McCloud; No: None; Absent: Banks. 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 as the single Street Administrator for the City or Village of in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Motion by Rudisill, support by Walkington to adopt Water Rate Resolution #2017-3. Motion carried with the following roll call vote: Yes: Jaquays, Thomas, Brighton, Rudisill, Walkington, McCloud; No: None; Absent: Banks. 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: \$3.50 per 1,000 gallons or portion thereof
  
- 2) Non-Resident Water Rates
  - a) Service demand charge: \$15.00 per quarter
  - b) Usage charge: \$7.00 per 1,000 gallons or portion thereof

- 3) Flat Rate Non-Metered
  - a) Service demand charge: \$15.00 per quarter
  - b) Residential Usage charge (based on REU 13,000 gallons): \$45.50
  - c) Commercial Usage charge (based on REU 13,000 gallons): \$91.00
  
- 4) Turn-On and Turn-Off Fees
  - a) At customer request: \$10.00
  - b) When necessitated by non-payment: \$20.00
  
- 5) Connection Fees
  - a) 2" service: \$1,500 plus \$27.50 per linear foot
  - b) 1 1/2" service: \$1,500 plus \$24.50 per linear foot
  - c) 1" service: \$1,500 plus \$22.00 per linear foot
  - d) 3/4" 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 \$35 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.**

**MISCELLANEOUS CORRESPONDENCE**

There was no correspondence.

**TRUSTEE COMMENTS**

Brighton had no comment.

Rudisill had no comment.

Walkington had no comment.

Jaquays had no comment.

Thomas had no comment.

McCloud had no comment.

**PUBLIC COMMENT**

There was no public comment.

Motion by Jaquays, support by Thomas to adjourn the meeting at 7:12pm.

Respectfully submitted,

Pearl Goodemoot  
Village Clerk / Treasurer