

VILLAGE OF LAKE ODESSA  
REGULAR COUNCIL MEETING  
October 17, 2011  
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00 p.m. by President Pro-Tem McCloud.

Pledge of Allegiance.

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

Absent: None

Staff present: Pearl Goodemoot, Mark Bender, Tom Pollock

Public present: Helen Mudry of J-Ad Graphics

Motion by McCloud, support by Caudill to approve the absence of Banks and Rudisill. Motion carried.

Motion by Caudill, support by Jaquays to approve the agenda as presented. Motion carried with Banks and Rudisill absent.

#### PUBLIC COMMENT

There was no public comment.

#### MINUTES

Motion by Caudill, support by Jaquays to amend the regular meeting minutes for September 19, 2011. Motion carried with Banks and Rudisill absent.

#### BILLS

Motion by Caudill, support by Brighton to approve all expenditures for the period 09/01/11 thru 09/31/11. Motion carried with Banks and Rudisill absent.

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

\$2,334.03 to Consumer's Energy, \$2,261.30 to Fuelman, \$3,462.00 to Tri-County Homeworks; \$14,550.00 to Walker, Fluke & Sheldon; \$2,140.00 to Shook Asphalt Company, Inc. Motion carried.

#### CONSENT AGENDA

Motion by Caudill, support by Brighton to approve the consent agenda, as follows: September 2011 Zoning Administrator Report, Lake Odessa Community Library August 2011 meeting minutes and financial statements, Lakewood Wastewater Authority September 21, 2011 meeting minutes, Lake Odessa Fire Department July 19, 2011 meeting minutes, financials and September 2011 Chief's Report, Lake Odessa Area Arts Commission September 20, 2011 meeting minutes. Motion carried with Banks and Rudisill absent.

#### MANAGER'S REPORT

Police Report: Bender reported that the police department is ready for Halloween and will be checking candy at the Page Building.

DPW Report: Pollock reported that the DPW is getting ready for leaf season. Two tree grants were obtained – one from Eaton County Conservation District and one from Consumer's Energy which will allow for 45 trees to be planted before November 1, 2011.

Finance Report: No report.

Manager's Report: Bender had nothing to report.

#### COMMITTEE REPORTS:

Personnel/Finance Committee: No Report.

Recreation/Special Projects Committee: No Report

#### UNFINISHED BUSINESS

Bender explained the Wolverine Engineers & Surveyors, Inc. and presented the credit memo from Joe White.

Motion by Thomas support by Caudill to pay Wolverine Engineers & Surveyors, Inc. in the amount of \$72,847.21 for farmer's market services. Motion carried with Banks and Rudisill absent.

NEW BUSINESS

Motion by Caudill, support by Jaquays to open Public Hearing to close out the Jordan Lake Avenue Grant Project # MSC 209171-ICE at 7:17pm. Motion carried with Banks and Rudisill absent.

Bender reported the Jordan Lake Avenue project was 100 % complete that the Village had received and expended the \$650,000 in Community Development Block Grant (CDBG) grant funds and there were no problems with the project. There was no public in attendance for questions, and no questions from Council Members.

Motion by Caudill, support by Jaquays to close Public hearing for the Jordan Lake Avenue Grant at 7:20pm. Motion carried with Banks and Rudisill absent.

Motion by Jaquays, support by Caudill to officially close the Jordan Lake Avenue Grant. Motion carried with Banks and Rudisill absent.

Motion by Jaquays, support by Thomas to adopt Resolution #2011-16. Motion carried with the following roll call vote: Yes: Jaquays, Thomas, Brighton, Caudill, McCloud; No: None; Absent: Banks, Rudisill. The resolution is as follows:

**WHEREAS**, the operation, maintenance, alteration, repair and management of the Lake Odessa water system ("the system") is under the supervision and control of the village council; and

**WHEREAS**, pursuant to Ordinance 34-53, the village council may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the system, and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system; and

**WHEREAS**, it is the opinion of the village council that it is advisable and necessary to adopt a policy to assure the efficient management and operation of the system, and to promote the public health, safety and general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the following Water Policy be and is hereby adopted, said policy to take immediate effect.

VILLAGE OF LAKE ODESSA  
WATER POLICY

METERING:

- A. All water meters shall be furnished by the Village of Lake Odessa Water Department. The Water Department reserves the right to stipulate the size, type and make of the meter to be used in any connection.
- B. If a homeowner requests a new water meter to replace a properly functioning meter or if a meter that has been damaged due to negligence of the homeowner (i.e., a frozen meter) they will be charged the cost of the new meter and the associated Department of Public Works' labor.
- C. Per Michigan Penal Code Act 328 of 1931 it is illegal for any unauthorized person to alter, tamper with, relocate, willfully damage, bypass or interfere with the water meter's proper operation.
- D. If there are circumstances that prevent the water department from obtaining a correct meter reading, an estimated bill will be generated based on the history of water usage.

WATER BILLING INFORMATION

- A. The Village of Lake Odessa Water Department may request information such as a customer's mailing address and phone number for billing and contact purposes.
- B. When water delinquent charges exceed six months, the amount will be added to the tax roll of the property as a special assessment (Ord. Sec. 34-54 (c)).

- C. If a property owner wishes to have a tenant responsible for the water bill, the water department must be notified in writing and the written notice shall include a copy of the lease or rental agreement of the affected premises. In order to establish water service in a tenant's name, a cash deposit is required in the amount as set by resolution of the village council (Ord. Sec. 34-54 (c)).

#### RESPONSIBILITY OF THE OWNER:

- A. Every person whose property is supplied with water by the Village of Lake Odessa Water Department shall be required to properly maintain – at his or her own expense – the service pipe from the curb stop valve to his or her premises, including all fixtures there in provided for the delivering or supplying water for any purpose. “Properly maintain” in this instance shall mean that no water shall leave the service pipe prior to its route through the water meter. The Water Department will perform no repair to services between the curb stop and the meter.

#### VILLAGE RESPONSIBILITY

- A. The Village of Lake Odessa Water Department shall be required to maintain the water main, the portion from the water main to the stop valve and the meter only.

#### WATER SERVICE CHARGES, RATES & FEES:

- A. Service demand charges, water rates and turn on, turn off, non-payment fees are set by resolution by the Village Council.
- B. All water charges shall be due and payable to the Village of Lake Odessa on the 30<sup>th</sup> day of the billing month: January 30<sup>th</sup>, April 30<sup>th</sup>, July 30<sup>th</sup>, and October 30<sup>th</sup>. The “Amount Due” shall be printed on the water bill.
- C. Any bill not paid on or before the due date shall be deemed delinquent and be subject to delinquency charge equal to ten percent of the amount of the bill or \$5.00, whichever sum is greater (Ord. Sec. 34-54 (b)) and shall be mailed a “Shut-Off” notice requesting payment within 15 days and shall include the scheduled shut off date for the first Monday following expiration of the 15 day period.
- D. Non-sufficient Fund checks shall be charged fee of \$25.00. If the check is not reimbursed within 2 days the water will be shut off immediately. Two NSF checks in any 12 month period will result in checks no longer being accepted for payment on water bills.
- E. Any time the Department of Public Works is called on a non-working day – a Saturday, Sunday, public holiday or after 5:30pm and before 7:00am on working days – due to a property owners' request, the property owner will be charged for this service. This charge is calculated at the overtime pay rate for the individual responding to the request.

#### DISCONTINUATION OF WATER SERVICE FOR NON-PAYMENT

- A. The Village of Lake Odessa Water Department shall have the right to discontinue water service to any premises for which charges for service are not paid within 45 days of the billing date. When service is discontinued because of delinquent payment, service shall not be reestablished until all water charges, delinquency charges and the turn off/turn on charges as established by Village Council Resolution (Ord. Sec. 34-54 (c)).
- B. The Department of Public Works (DPW) employees cannot accept payment at the time of shut off. DPW employees can only accept a “Paid” receipt from the Village Clerk.

#### PAYMENT AGREEMENTS

- A. A signed payment agreement between the water customer and the Village of Lake Odessa can be made in person at the Page Building during regular business hours. A down payment of one-half

of the water bill is required and the remaining balance will be paid in two monthly installments equal to one-quarter of the bill. If payments are not paid on time, or if the water customer fails to pay the regular quarterly water bill on time during the duration of the agreement, the Village of Lake Odessa Water Department will shut off water service without further notice to the customer.

**RESOLUTION DECLARED ADOPTED.**

Pollock explained the breakdown of the tree truck and the necessary costly repairs. Pollock then explained the purchase options for used bucket trucks. Council discussed. Motion by Brighton, support by Caudill to purchase the 1982 Oshgosh for \$22,000.00. Motion carried with Rudisill and Banks absent and opposition from McCloud and Jaquays.

**MISCELLANEOUS CORRESPONDENCE**

There was no miscellaneous correspondence.

**TRUSTEE COMMENTS**

Jaquays had no comment.

Thomas announced the Kiwanis Halloween party will be held on Saturday, October 29 from 4:00pm to 6:00pm.

Brighton had no comment.

Caudill inquired about the MML Conference and told everyone Happy Halloween.

McCloud thanked Pollock and the Police Department for the assistance with the Fall Festival.

**PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 7:56pm.

Respectfully submitted,

Pearl Goodemoot  
Clerk / Treasurer