

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
December 19, 2016
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00pm by President Banks.

Pledge of Allegiance.

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

Absent: None

Staff present: Mark Bender, Pearl Goodemoot

Visitors present: Bonnie Mattson of J-Ad Graphics, Kim Aguirre of 1738 Jordan Lake Avenue, Jesse Trout and family, Carolyn Mayhew of the Jordan Lake Trail.

Motion by Rudisill, support by Jaquays to approve the revised agenda adding letter I) *Resolution 2016-18 West MI International Lease Agreement* under New Business. Motion carried.

Bender introduced the new DPW Superintendent, Jesse Trout and his family. Council introduced themselves. Trout will begin work at the village on January 9, 2017.

PUBLIC COMMENT

There was no public comment on agenda items.

Carolyn Mayhew of the Jordan Lake Trail introduced herself and updated council on the progress of the grants, fundraising and the conditional commitments required in order to build the trail. Anticipated trail construction schedule is late 2017 summer or early fall.

Kim Aguirre of 1738 Jordan Lake Avenue inquired about the alley surrounding her house and whether or not it will be vacated. Bender stated that the attorney explained that it would be costly and not advantageous for the village to do so but it would be at council's discretion.

MINUTES

Motion by McCloud, support by Jaquays to approve minutes of the November 21, 2016 regular meeting. Motion carried.

BILLS

Motion by McCloud, support by Rudisill to approve expenditures equal to or less than \$1,500.00 for the period 11/01/2016 thru 11/30/2016. Motion carried.

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

- a) Consumers Energy - \$1,749.48– Streetlights (*paid*)
- b) Homeworks - \$3,868.00 – Iron Removal Plant (*paid*)
- c) Fahrner Asphalt Sealers, LLC - \$9,543.80 – Crackfill (*paid*)
- d) CDW Government - \$1,550.00 – Police Docking Station
- e) CDW Government - \$3,412.45 – Police Vehicle Laptops
- f) Ionia County Drain Commissioner - \$5,993.97 – County Drain Assessment
- g) DJ McQuestion - \$117,991.11 – 2016 Cap. Imp. Project (*paid*)
- h) Mercantile Bank - \$10,444.50 – 2006 Bonds (*paid*)
- i) US Bank \$17,650.00 – 2009 Bond (*paid*)
- j) Principal Financial - \$2,167.01 – Retirement Reimbursement (*paid*)

Motion carried.

CONSENT AGENDA

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

- a) Lakewood Wastewater meeting minutes for November 9, 2016
- b) Zoning Report for November 2016
- c) Arts Commission meeting minutes for October 10 & November 21, 2016 and 2017 meeting schedule
- d) Downtown Development Authority FY 2017-2018 Budget and 2017 meeting schedule

Motion carried.

MANAGER'S REPORT

Police Report: Bender reported on Shop with a Cop.

DPW Report: Bender reported on the new downtown sidewalk snow removal managed by volunteers, Mel McCloud and Daryl Hartzler.

Finance Report: Bender informed council of upcoming budget dates announced in the memo from Goodemoot.

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 McCloud, support by Brighton to approve the Second Amendment to Joint Fire Protection Agreement as presented. Motion carried.

Motion by McCloud, support by Thomas to approve the Fire Department Lease Agreement as presented. Motion carried.

Motion by Rudisill, support by Thomas to approve the Fire Department Closing Agreement as presented. Motion carried.

Motion by Rudisill, support by Walkington to approve the Fire Department Exhibit D Bill of Sale as presented. Motion carried.

Motion by Brighton, support by Jaquays to appoint Mark Bender to the Lakewood Wastewater Authority for a term to expire December 31, 2019. Motion carried.

Motion by Rudisill, support by Walkington to ratify the following President Banks' appointments: Mel McCloud as President Pro Tem for a term to expire October 2017; Karen Banks and Mike Brighton to the Personnel/Finance Committee for terms to expire October 2017; Mel McCloud and Charles Jaquays to Recreation/Special Projects Committee for terms to expire October 2017; William Walker to the Jordan Lake Improvement Board for a term to expire December 31, 2017, Martha Smith, Karen Banks and Janet Thomas to the Arts Commission for terms to expire October 2019; Darwin Thompson to the DDA for a term to expire October 2020. Motion carried.

Motion by Banks, support by Brighton to approve the budget amendments as presented. Motion carried.

Motion by Brighton, support by Rudisill to approve the 2017 council meeting schedule. Motion carried.

Motion by Brighton, support by Walkington to adopt Resolution 2016-18. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None. The resolution is as follows:

WHEREAS, VILLAGE OF LAKE ODESSA (the "Lessee") is a validly existing political subdivision of the State of **MICHIGAN** (the "State"), existing as such under and by virtue of the Constitution, statutes and laws of the State;

WHEREAS, the Village Council of the Lessee (the "Governing Body") has the power under the laws of the State to lease or purchase personal property for use by the Lessee; and the Governing Body has determined, and hereby

determines, that it is in the best interests of the Lessee to enter into a Master Vehicle Lease Agreement (State and Local Government) dated and effective as of **DECEMBER 16, 2016** (the "MVLA") with **WEST MICHIGAN INTERNATIONAL, LLC** which, together with any successor, affiliate or assignee (including BMO Harris Bank N.A.), is referred to as "Lessor," and that Schedule A Even Payments – (SLG) dated and effective as of **DECEMBER 16, 2016** that is attached and makes reference to the MVLA (the "Schedule A"), which MVLA and Schedule A will be assigned to BMO Harris Bank N.A. ("Assignee") pursuant to an assignment by Lessor to Assignee (such MVLA, Schedule A and Assignment are herein together referred to as the "Lease") for the purpose of financing the acquisition of the vehicles (the "Vehicles") described in the Schedule A, and that the use of such Vehicles is essential to the Lessee's proper, efficient and economic operation;

WHEREAS, the Governing Body has taken the necessary and appropriate steps under applicable law, including, without limitation, any public bidding requirements, to arrange for the acquisition and financing of the Vehicles under the Lease;

WHEREAS, the Lease terminates, and the Lessee's obligations thereunder are extinguished, if the Governing Body fails to appropriate money for the ensuring fiscal year for the payment of the amounts due in such fiscal year;

WHEREAS, there has been presented to the Governing Body the form of the Lease, including Schedule A, which the Lessee proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing of the Vehicles; and it appears that the Lease and its Schedule A are in appropriate form and are appropriate instruments for the purposes intended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

Section 1. That all actions of the Lessee in effectuating the Lease are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease.

Section 2. That sums be and herby are allocated from the budget of the Governing Body for the fiscal year ending on 2018 thru 2027 sufficient to meet all obligations of the Lessee under the Lease, including without limitation Semi-Annual Rentals in the amount of \$6,268.94, with advanced rental payment of \$50,000 at time of delivery.

Section 3. The Governing Body hereby approves the acquisition by the Lessee of the Vehicles described in Schedule A, such acquisition to be financed by Lessor/Assignee pursuant to and in accordance with the terms of the Lease, which will be a valid, legal and binding obligation of the Lessee enforceable in accordance with its terms. The form and content of the Lease are in all respects authorized, approved and confirmed and the Village Manager of the Lessee, or his designee is authorized, empowered and directed to execute and deliver the Lease and all documents and agreements related thereto or executed in connection therewith for and on behalf of the Lessee in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate.

Section 4. Pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986 (the "Code"), the Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code and the Lessee represents it will not designate more than ten million dollars (\$10,000,000) of obligations issued by the Lessee in the calendar year in which the Lease and Exhibit A thereto are executed and delivered as such "qualified tax-exempt obligations." The aggregate face amount of all tax-exempt obligations issued or to be issued by the Lessee and all subordinate entities thereof during calendar year 2017 is not reasonably anticipated to exceed ten million dollars (\$10,000,000).

RESOLUTION DECLARED ADOPTED.

MISCELLANEOUS CORRESPONDENCE

There was no correspondence.

TRUSTEE COMMENTS

Brighton asked everyone to have a Merry Christmas and welcomed Trout and his family.

Rudisill asked everyone to have a Merry Christmas and welcomed Trout and his family.

Walkington wished everyone Happy Holidays and welcomed Trout.

McCloud asked everyone to have a Merry Christmas and welcomed Trout and his family.

Jaquays wished everyone a Merry Christmas and welcomed Trout.

Thomas wished everyone a Merry Christmas and welcomed Trout and his family.

Banks reminded council members of the Dec. 28 deadline for submitting budget requests, wished everyone a Merry Christmas and welcomed Trout and his family.

PUBLIC COMMENT

There was no public comment.

Motion by Jaquays, support by Thomas to adjourn the meeting at 7:33pm.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer