

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
February 19, 2018
PAGE MEMORIAL BUILDING

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

Pledge of Allegiance.

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

Absent: None

Staff present: Pearl Goodemoot, Brenton Listerman, Jesse Trout, Jim Valentine

Visitors present: Bonnie Mattson of J-Ad Graphics, Patti Caudill

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

PUBLIC COMMENT

There was no public comment on agenda items.

MINUTES

Motion by McCloud, support by Thomas to approve minutes of January 22, 2018 and special meeting minutes for February 3, 2018. Motion carried.

BILLS

Motion by McCloud, support by Walkington to approve expenditures equal to or less than \$3,000.00 for the period 1/1/2018 thru 1/31/2018. Motion carried.

Motion by Thomas, support by Jaquays to approve payment of invoices in excess of \$3,000.00 items as follows:

- a) Automated Process Equipment - \$4,957.00 – December Board of Review Changes (*paid*)
- b) Modern Design Electrical - \$4,994.00 – Major Street Lighting (*paid*)

Motion carried.

CONSENT AGENDA

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

- a) Zoning Administrator Report for January 2018
- b) Lake Odessa Arts Commission meeting minutes for November 13, 2017 and January 29, 2018
- c) Lake Odessa Downtown Development Authority minutes for November 9, 2017

Motion carried.

STAFF REPORTS

Police Report: Listerman reported an event with a group of Girl Scouts where the girls earned their investigatory badges. Listerman attended a supervisor's training and the Michigan Police Chiefs Conference.

DPW Report: Trout asked council to look at the lights north of M-50 on 4th Avenue and make a recommendation for a brighter light or a warmer light.

Finance Report: Goodemoot had no update.

COMMITTEE REPORTS:

Personnel/Finance Committee: Banks reported that employee evaluations are being completed.

Recreation/Special Projects Committee: Jaquays updated council on the visit to the vacant building across the street from Carl's Supermarket. The cost to rehabilitate the building would be very expensive.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Banks presented the Part-Time Village Manager posting to council for review. Valentine discussed the timeline options for council. Motion by Brighton, support by Walkington to approve the posting, with the budget changed to \$4.2 million and the application deadline changed to March 9, 2018. Motion carried.

Council discussed the Fuel Policy Resolution #2018-5, Vehicle Use Policy Resolution #2018-9 and the Employee Dignity Policy Resolution #2018-10. Council tabled the resolutions for further review.

Motion by Brighton, support by Walkington to adopt Multibank Securities Resolution #2018-5. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None. The resolution is as follows:

BE IT RESOLVED that each of the following has been duly elected or appointed and is now legally the title set opposite his/her name:

Karen Banks, Village President
Pearl Goodemoot, Village Clerk / Treasurer

I, Pearl Goodemoot, Village Clerk / Treasurer of the Village of Lake Odessa hereby certify that said organization is duly and legally organized and existing and that a quorum of the Village Council of said Organization attended a meeting held on the 19th day of February 2018 at which the following resolutions were duly adopted, and that such resolutions are in full force and effect on this date and do not conflict with the Code of Ordinances of said organization. I further certify that I have the authority to execute this Non-Corporate Resolution on behalf of said Organization, and that the Village Council of the Organization which took the action called for by the resolutions annexed hereto has the power to take such action.

RESOLVED,

FIRST: That the named Authorized Persons of this organization or Karen Banks or Pearl Goodemoot be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the "Organization"), to establish and maintain one or more accounts with Multi-Bank Securities, Inc.(herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with;

- (a) **THIS PARAGRAPH PERMITS CASH TRANSACTIONS IN SECURITIES** any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;
- (b) **THIS PARAGRAPH PERMITS CASH AND MARGIN TRANSACTIONS IN SECURITIES** any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales;

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including

authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

SECOND: That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the Organization directly

THIRD: That the person signing this Non-corporate Resolution on behalf of the Organization be and hereby is authorized, empowered and directed to certify to the Brokers: (a) a true copy of these resolutions; (b) specimen signatures of each and every person by these resolutions empowered; (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to the Brokers) that the Organization is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the Organization or otherwise.

FOURTH: That the Brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision. nor shall the fact that any person hereby empowered ceases to be an Authorized Person of the Organization or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

FIFTH: That in the event of any change in the office of powers of persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower the persons thereby substituted.

SIXTH: That the Authorized Persons of the Organization be, and hereby is, authorized and empowered to countersign items as aforesaid.

SEVENTH: That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to open public hearing at 7:23pm on the 2018-2019 Fiscal Year Budget.
Motion carried.

There was no public comment.

Motion by McCloud, support by Jaquays to close public hearing at 7:27pm on the 2018-2019 Fiscal Year Budget. Motion carried.

Motion by Walkington, support by Thomas to adopt Fiscal Year 2018-2019 Budget Resolution #2018-7. Motion carried with the following roll call vote: Yes: Brighton, Rudisill, Walkinton, Banks, Thomas; No: Jaquays, McCloud. The resolution is as follows:

WHEREAS anticipated revenues for the Village of Lake Odessa (“the Village”) for the Fiscal Year 2018-19 will total \$4,220,236.00; and

WHEREAS a budget has been prepared for the expenditure, distribution and allocation of such revenues during Fiscal Year 2017-18 totaling \$4,328,819.00, as set forth in the attached Exhibit A; and

WHEREAS a public hearing with regard to said budget was duly noticed and held by the Lake Odessa Village Council (“Village Council”) on February 19, 2018, in accordance with Michigan statute, and opportunity was given to all present to comment upon the same; and

WHEREAS the Village Council is now satisfied that the Fiscal Year 2018-19 budget as originally proposed is reasonable and in the best interest of the government of the Village;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Village Council hereby adopts the aforementioned budget, subject to such changes as may subsequently be found to be necessary by the Village Council as a result of changes in anticipated receipts and/or unanticipated changes in expenditures which are either unavoidable or determined by the Village Council to be in the best interest of the Village, and which can be met out of surplus funds or a reallocation of budget expenditures.

BE IT FURTHER RESOLVED that it is the express intent of the Village Council that the aforementioned budget shall be adopted and managed by appropriation accounts.

Exhibit A Begins:

Exhibit A - Resolution 2018-7

Village of Lake Odessa

2018 - 2019 Budget

Revenue

General Fund	\$ 795,103.00
Major Street Fund	\$ 177,000.00
Local Street Fund	\$ 109,400.00
General Highway Fund	\$ 214,740.00
Water Fund	\$ 2,909,100.00
Car Show Fund	\$ 2,204.00
Arts Commission Fund	\$ 12,689.00
Total Revenue	<u>\$ 4,220,236.00</u>

Expenses

General Fund	\$ 812,164.00
Major Street Fund	\$ 169,100.00
Local Street Fund	\$ 49,885.00

General Highway Fund	\$ 173,850.00
Water Fund	\$ 3,105,571.00
Car Show Fund	\$ 2,075.00
Arts Commission Fund	\$ 16,174.00
Total Expenses	<u>\$ 4,328,819.00</u>

Exhibit A ends.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to adopt the General Appropriations Act Resolution #2018-8. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None. The resolution is as follows:

The Lake Odessa Village Council resolves:

Section 1: Title

This resolution shall be known as the Village of Lake Odessa General Appropriations Act.

Section 2: Chief Administrative Officer

The Lake Odessa Village Manager shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act. In the absence of a Village Manager, the Village President shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Lake Odessa Clerk/Treasurer shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearing on the Budget

Pursuant to MCL 141.412, notice of public hearing on the proposed Fiscal Year 2018-19 budget for the Village of Lake Odessa was published in a newspaper of general circulation, and a public hearing on said proposed budget was held by the Lake Odessa Village Council on February 19, 2018.

Section 5: Estimated Revenues

Estimated Village revenues for Fiscal Year 2018-19, including a general operating millage of 10.7711, a street repair millage of 4.8272, and various miscellaneous revenues shall total \$4,220,236.00.

Section 6: Millage Levy

The Lake Odessa Village Council shall cause to be levied and collected the general property tax on all real and personal property within the Village upon the current tax roll an amount equal to 15.68780 mills, including a general operating millage of 10.7711 and a street repair millage of 4.8272.

Section 7: Estimated Expenditures

Estimated general fund expenditures for Fiscal Year 2018-19 for the various activities of the Village shall total \$4,328,819.00.

Section 8: Adoption of Budget by Reference

The Fiscal Year 2018-19 general fund budget of the Village is hereby adopted by reference, with revenues and expenditures as indicated in Sections 5 and 7 above.

Section 9: Adoption of Budget by Account

The Lake Odessa Village Council adopts the Fiscal Year 2018-19 budget by appropriation account. The Village officials responsible for expenditures authorized in the budget may expend Village funds up to, but not to exceed,

the total appropriation authorized for each appropriation account, and may make transfers among the various line items contained therein. However, no transfers of appropriations for line items related to wages or salaries may be made without Village Council approval by budget amendment.

Section 10: Appropriation not a Mandate to Spend

Appropriations will be deemed maximum authorizations to incur expenditures. The Fiscal Officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any order for expenditures that exceed appropriations.

Section 11: Transfers

Transfers of any unencumbered balance, or any portion, in any appropriation account to any other appropriation account may not be made without amendment of this resolution; except that the Chief Administrative Officer may transfer to the Local Street Fund an amount not to exceed 50% of the total appropriation authorized in the Major Street Fund, in accordance with the laws of the State of Michigan. The Village Council shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfer. Under no circumstances may the total general fund budget be changed without prior approval of the Village Council.

Section 12: Periodic Fiscal Reports

The Fiscal Officer shall make available to the Village Council at the end of each month a report of financial operations, including, but not limited to:

- a. a summary statement of the actual financial condition of the general fund at the end of the previous month;
- b. a summary statement showing the receipts and expenditures for the previous month and for the current fiscal year to the end of the previous month.

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against and no payment shall be made from any appropriation account unless there is a sufficient balance in the account and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or the Village Council that the actual and probable revenues in any account will be less than the estimated revenues upon which appropriations from such account were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Village Council recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues or both.

Section 15: Violations of this Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in 1978 PA 621.

Effective Date: This resolution shall take immediate effect.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Rudisill to adopt the Six-Year Capital Improvement Plan as presented. Motion carried.

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

Motion by Thomas, support by Walkington to adopt the FY 2018-2019 DDA Budget as presented. Motion carried.

Motion by Thomas, support by Jaquays to approve the Walker, Fluke & Sheldon Audit Engagement as presented. Motion carried.

Motion by McCloud, support by Thomas to adopt Lakewood Wastewater Authority Rules and Regulations Concurrence Resolution #2018-11. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None. The resolution is as follows:

WHEREAS, the Lakewood Wastewater Authority (the “Authority”) has been incorporated by the Village of Lake Odessa, the Village of Woodland, the Township of Odessa, and the Township of Woodland, each located in Ionia County or Barry County, Michigan (the “Constituent Municipalities”), pursuant to Act 233, Public Acts of Michigan, 1955, as amended (“Act 233”); and

WHEREAS, Act 233 provides that the Authority may adopt rules and regulations by resolution of its governing body and with concurrence by resolution of the Constituent Municipalities; and

WHEREAS, Rules and Regulations for Wastewater Collection and Treatment System Use were adopted by the Authority on May 5, 2013, and concurred in by the Constituent Municipalities; and

WHEREAS, in order to comply with applicable state and federal laws and regulations, the Authority must adopt new Rules and Regulations for Wastewater Collection and Treatment System use; and

WHEREAS, the Authority has previously presented and the Village concurred in new Lakewood Wastewater Authority Rules and Regulations for Wastewater Collection and Treatment System Use; and

WHEREAS, after circulating the Rules and Regulations for Wastewater Collection and Treatment System Use, the Authority has determined it is necessary to correct certain omissions and make certain requested revisions; and

WHEREAS, revised Rules and Regulations for Wastewater Collection and Treatment System Use (the “Rules and Regulations”) have been provided to the governing bodies of the Constituent Municipalities for their respective examination and review; and

WHEREAS, now, the Village Council is prepared to provide its concurrence with the Rules and Regulations by resolution.

NOW, THEREFORE, BE IT RESOLVED as follows:

The Village Council of the Village of Lake Odessa hereby concurs with the new Rules and Regulations, as approved and adopted in the form attached hereto.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded to the extent of the conflict.

RESOLUTION DECLARED ADOPTED.

Council received Janet Thomas’s resignation from the Arts Commission.

Motion by McCloud, support by Thomas to approve a plan from Automated Process Equipment Corporation to construct an entry door, ramp and stairs on the north side of their building within the Lincoln Street right-of-way. Motion carried.

MISCELLANEOUS CORRESPONDENCE
Correspondence from Sharon Durkee was received.

TRUSTEE COMMENTS

McCloud had no comment.

Jaquays had no comment.

Thomas said she is glad the snow is gone and stated that she appreciates the DPW for all their hard work.

Brighton had no comment.

Rudisill had no comment.

Walkington stated that she read Jesse Trout's comment in his DPW Report and wanted to thank him and the staff for being part of the process in finding a new Village Manager.

Banks seconded Brandy's comments and thanked Jim Valentine for being part of the process.

PUBLIC COMMENT

There was no public comment.

Motion by Thomas, support by Jaquays to adjourn the meeting at 7:49pm.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer