

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
February 25, 2019
PAGE MEMORIAL BUILDING

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

Pledge of Allegiance.

Council present: Karen Banks, Mike Brighton, Mike Rudisill, Brandy Walkington, Kay Hartzler, Charles Jaquays, Mel McCloud

Absent: None

Staff present: Pearl Goodemoot, Jesse Trout, Julie Salman

Visitors present: Jesse Morgan and Haley Savola with Hubbell, Roth and Clark, Inc., Darryl Hartzler, Jennifer Salgat, Carolyn Mayhew, Carrie Johnson, Troy Slater, Greg Minshall with ENG Engineering

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

PUBLIC COMMENT

Greg Minshall from ENG Engineering presented council with drawing plans for the Jordan Lake Trail.

Banks inquired about the start of the project. Minshall stated the project will start in September 2019.

McCloud inquired about the Village's responsibility of the trail.

There was no public comment.

MINUTES

Motion by Walkington, support by Rudisill to approve minutes of January 28, 2019 and special meeting minutes for January 29, February 7 and February 13, 2019. Motion carried.

BILLS

Motion by McCloud, support by Rudisill to approve expenditures equal to or less than \$3,000.00 for the period 1/1/2019 thru 1/31/2019. Motion carried.

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

- a) C&D Hughes - \$428,342.68 – MEDC ICE Project (*paid*)
- b) United States of America - \$37,372.50 – USDA Loan (*paid*)
- c) Fishbeck, Thompson, Carr & Huber - \$11,863.00 – MEDC Ice Project
- d) Detroit Salt Company - \$3,111.16 – Salt
- e) IT Right - \$4,300.00 – IT Service Contract

CONSENT AGENDA

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

- a) Zoning Administrator Report for January 2019
- b) Lake Odessa Library meeting minutes for October 24 and November 28, 2018

STAFF REPORTS

Manager's Report: Salman updated council on the year end budget.

DPW Report: Trout had nothing additional to report.

Police Report: Salman reported that there are four positions open in the police department that are posted.

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 Walkington to approve Water Rates Resolution #2019-3. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Hartzler, Brighton, Rudisill, Walkington, Banks; 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 per quarter:

Meter Size in Inches	Rate
5/8 & 3/4	\$21.81
1	\$38.78
1 1/2	\$87.26
2	\$155.12
3	\$349.03
4	\$620.50
6	\$1,396.12
8	\$2,481.99

- b) Usage charge: \$3.61 per 1,000 gallons or portion thereof

- 2) Non-Resident Water Rates
a) Service demand charge per quarter:

Meter Size in Inches	Rate
5/8 & 3/4	\$21.81
1	\$38.78
1 1/2	\$87.26
2	\$155.12
3	\$349.03
4	\$620.50
6	\$1,396.12
8	\$2,481.99

- b) Usage charge: \$7.22 per 1,000 gallons or portion thereof

- 3) Flat Rate Non-Metered
a) Service demand charge: \$21.81 per quarter
b) Residential Usage charge (based on REU 13,000 gallons): \$46.93
c) Commercial Usage charge (based on REU 13,000 gallons): \$93.86

- 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 ½" service: \$1,500 plus \$24.50 per linear foot
 - c) 1" service: \$1,500 plus \$22.00 per linear foot
 - d) Commercial/Multiple Dwelling connections (1" and larger): add \$350.00 per residential unit
 - e) 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.

Motion by McCloud, support by Walkington to open public hearing at 7:29pm on the 2019-2020 Fiscal Year Budget. Motion carried.

There was no public comment.

Motion by Jaquays, support by Hartzler to close public hearing at 7:31pm on the 2019-2020 Fiscal Year Budget. Motion carried.

Motion by McCloud, support by Jaquays to adopt Fiscal Year 2019-2020 Budget Resolution #2019-4. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Hartzler, Rudisill, Walkington, Banks; No: Brighton. The resolution is as follows:

WHEREAS anticipated revenues for the Village of Lake Odessa ("the Village") for the Fiscal Year 2019-20 will total \$2,267,347; and

WHEREAS a budget has been prepared for the expenditure, distribution and allocation of such revenues during Fiscal Year 2019-20 totaling \$2,073,287, 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 25, 2019, 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 2019-20 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.

Effective Date: This resolution shall become effective February 25, 2019.

RESOLUTION DELARED ADOPTED.

Motion by Rudisill, support by Brighton to adopt General Appropriations Act Resolution #2019-5. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Hartzler, 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 2019-20 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 25, 2019.

Section 5: Estimated Revenues

Estimated Village revenues for Fiscal Year 2019-20, including a general operating millage of 10.7204, a street repair millage of 4.8045, and various miscellaneous revenues shall total \$2,267,347.

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 15.5249 mills, including a general operating millage of 10.7204 and a street repair millage of 4.8045.

Section 7: Estimated Expenditures

Estimated general fund expenditures for Fiscal Year 2019-20 for the various activities of the Village shall total \$2,073,287.

Section 8: Adoption of Budget by Reference

The Fiscal Year 2019-20 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 2019-20 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 Rudisill, support by Walkington to adopt the Capital Improvement Plan as presented. Motion carried.

Motion by Walkington, support by Hartzler to approve the budget amendments as presented. Motion carried.

Motion by McCloud, support by Jaquays to refer proposed zoning amendments to the Planning Commission for public hearing. Motion carried.

Motion by Rudisill, support by Walkington to adopt Deferred Compensation Matching Contribution Resolution #2019-6. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Hartzler, Brighton, Rudisill, Walkington, Banks; No: None. The resolution is as follows:

WHEREAS, the Village of Lake Odessa ("Village") established the Village of Lake Odessa Deferred Compensation Plan (the "Plan"), effective April 1, 1986, as restated effective October 15, 2018; and

WHEREAS, the Plan is administered by KDP Retirement Plan Services, Inc., and the Summary Plan Description is on file at the Village offices; and

WHEREAS, the Village's fiscal year and the Plan year end on February 28 (Feb. 29 in leap years).

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Plan is re-adopted in its entirety, effective March 1, 2019.

BE IT FURTHER RESOLVED, that during the 2019-20 fiscal year (March 1, 2019 to February 29, 2020), for each employee who participates in the Plan and contributes a percentage of their compensation to the Plan, the Village will contribute an equal amount up to a maximum of 10 percent (10%) of said employee's compensation.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Walkington to approve expenditure of \$3,395.00 for a Kubota broom attachment from Williams Farm and Machinery. Motion carried.

Motion by McCloud, support by Walkington to approve pursuing an appraisal of the property east of McDonald's. Motion carried.

MISCELLANEOUS CORRESPONDENCE
Council received correspondence from WOW.

TRUSTEE COMMENTS
McCloud had no comment.

Jaquays had no comment.

Hartzler had no comment.

Brighton had no comment.

Rudisill had no comment.

Walkington had no comment.

Banks had no comment.

PUBLIC COMMENT
There was no public comment.

Motion by McCloud, support by Jaquays to adjourn the meeting. Motion carried. Meeting adjourned at 7:47 p.m.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer