

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
March 21, 2016
PAGE MEMORIAL BUILDING

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

Pledge of Allegiance.

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

Absent: Mike Rudisill

Staff present: Mark Bender, Pearl Goodemoot, Dennis Brinks

Visitors present: Carolyn Mayhew, Carrie Johnson and Bill Hudson of the Jordan Lake Trail Committee

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

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

PUBLIC COMMENT

There was no public comment.

MINUTES

Motion by McCloud, support by Jaquays to approve minutes of the February 15, 2016 regular meeting. Motion carried.

BILLS

Motion by McCloud, support by Thomas to approve expenditures equal to or less than \$1,500.00 for the period 2/01/2016 thru 2/29/2016. Motion carried.

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

- a) Consumers Energy - \$1,675.91 – Streetlights (*paid*)
- b) Homeworks - \$2,830.00 – Iron Removal Plant (*paid*)
- c) Ionia County Treasurer - \$2,772.50 – Trailer Taxes (*paid*)
- d) Ionia County Economic Alliance - \$1,749.00 – Economic Development
- e) Fishbeck, Thompson, Carr & Huber - \$34,516.05 – 2016 Cap Imp Proj.
- f) Williams & Works - \$2,742.12 – Well No. 7

Motion carried.

CONSENT AGENDA

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

- a) Lake Odessa Zoning Report for February 2016
- b) Lakewood Wastewater meeting minutes for February 16, 2016
- c) Lake Odessa Library minutes for February 3, 2016
- d) Arts Commission minutes for February 8, 2016

Motion carried.

MANAGER'S REPORT

Police Report: Bender reported that everything was routine.

DPW Report: Bender reported that a DPW Laborer position had opened and was posted as well as the Beach Director position.

Finance Report: Bender reported everything was routine.

COMMITTEE REPORTS:

Personnel/Finance Committee: There was no update.

Recreation/Special Projects Committee: Bender reported that the DNR Grant application is in progress.

UNFINISHED BUSINESS

President Banks explained that the ratification of the DPW Contract would require an Executive Session and moved the agenda item to after the Public Comment period.

NEW BUSINESS

Motion by Caudill, support by Jaquays to open public hearing for DNR Trust Recreation Fund Grant Application and the MI Recreation Passport Grant Application at 7:10pm. Motion carried.

Carolyn Mayhew of 12412 Jordan Lake Road commented that it will be nice to see the planned improvements.

Motion by McCloud, support by Thomas to close public hearing for DNR Trust Recreation Fund Grant Application and the MI Recreation Passport Grant Application at 7:14pm.

Motion by Jaquays, support by Thomas to adopt Resolution #2016-8 Michigan Natural Resources Trust Fund Authorizing Resolution. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Caudill, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, The Village of Lake Odessa supports the submission of an application titled “Municipal Beach Improvements and Renovations” to the Michigan Natural Resources Trust Fund for development of beach improvements and renovations at 1310 Jordan Lake Street, and

WHEREAS, the proposed application is supported by the Village of Lake Odessa’s 5-Year Approved Parks and Recreation Plan, and

WHEREAS, the Village of Lake Odessa has made a financial commitment to the project in the amount of \$104,000 matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Tom Sheidt	\$3,000.00
Total	\$3,000.00

WHEREAS, No significant opposition to the project or the grant application was voiced at the Public Hearing, and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Village Council of the Village of Lake Odessa hereby authorizes submission of a Michigan Natural Resources Trust Fund for \$300,000, and further resolves to make its financial obligation amount of \$104,000 (26%) of a total \$404,000 project cost, during the 2017-2018 fiscal year.

RESOLUTION DECLARED ADOPTED.

Motion by Caudill, support by Thomas to adopt Resolution #2016-9 Michigan Natural Resources Certifying Officer. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Caudill, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, The Village of Lake Odessa desires to make improvements to the Lake Odessa Municipal beach which includes development of beach improvements and renovations, and

WHEREAS, The estimated cost of the project is \$404,000 which exceeds the financial feasibility of Village revenues, and

WHEREAS, A grant of \$300,000 may be available from the Michigan Natural Resources Trust Fund program through the Michigan Department of Natural Resources, and

WHEREAS, improvements are consistent with the Capital Improvement Plan, and

WHEREAS, The Village population is 51% low to moderate income and will benefit greatly by the grant assistance, and

WHEREAS, No costs may be incurred before formal grant award, environmental review, and written authorization to incur costs is received from the Michigan Department of Natural Resources, and

WHEREAS, No significant opposition to the project or the grant application was voiced at the Public Hearing, and

WHEREAS, Mark L. Bender, Village Manager, is the duly authorized person to sign and submit the grant application forms of the Michigan Department of Natural Resources;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Village Council of the Village of Lake Odessa does herewith authorize Mark L. Bender, Manager to submit the application for the Michigan Natural Resources Trust Fund for Lake Odessa Municipal Beach Improvements.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Jaquays to adopt Resolution #2016-10 Recreation Passport Authorizing Resolution. Motion carried with the following roll call vote: Yes: Brighton, Caudill, McCloud, Jaquays, Thomas, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, The Village of Lake Odessa supports the submission of an application titled “Municipal Beach Parking Lot Improvements” to the Michigan Recreation Passport Grant Program for development of municipal beach parking lot improvements and renovations at 1310 Jordan Lake Street, and

WHEREAS, the proposed application is supported by the Village of Lake Odessa’s 5-Year Approved Parks and Recreation Plan, and

WHEREAS, the Village of Lake Odessa has made a financial commitment to the project in the amount of \$15,000 matching funds, in cash and/or force account; and,

WHEREAS, No significant opposition to the project or the grant application was voiced at the Public Hearing, and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Village Council of the Village of Lake Odessa hereby authorizes submission of a Michigan Recreation Passport Grant Program for \$45,000, and further resolves to make its financial obligation amount of \$15,000 (25%) of a total \$60,000 project cost, during the 2017-2018 fiscal year.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to adopt Resolution #2016-11 Michigan Recreation Passport Certifying Officer. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Caudill, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, The Village of Lake Odessa desires to make improvements to the Lake Odessa Municipal beach which includes development of parking lot improvements, and

WHEREAS, The estimated cost of the project is \$60,000 which exceeds the financial feasibility of Village revenues, and

WHEREAS, A grant of \$45,000 may be available from the Michigan Recreation Passport Grant program through the Michigan Department of Natural Resources, and

WHEREAS, improvements are consistent with the Capital Improvement Plan, and

WHEREAS, The Village population is 51% low to moderate income and will benefit greatly by the grant assistance, and

WHEREAS, No costs may be incurred before formal grant award, environmental review, and written authorization to incur costs is received from the Michigan Department of Natural Resources, and

WHEREAS, No significant opposition to the project or the grant application was voiced at the Public Hearing, and

WHEREAS, Mark L. Bender, Village Manager, is the duly authorized person to sign and submit the grant application forms of the Michigan Department of Natural Resources;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Village Council of the Village of Lake Odessa does herewith authorize Mark L. Bender, Manager to submit the application to the Michigan Recreation Passport Grant Program for Lake Odessa Municipal Beach Parking Lot Improvements.

RESOLUTION DECLARED ADOPTED.

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Motion by McCloud, support by Thomas to adopt Resolution #2016-12 MERS Resolution. Motion carried with the following roll call vote: Yes: Brighton, Caudill, McCloud, Jaquays, Thomas, Banks; No: None; Absent: Rudisill. The resolution is as follows:

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

- I. Employer Name: Village of Lake Odessa Municipality #: 3402
- II. Effective Date: If this is an amendment of an existing Adoption Agreement (Defined Benefit division number 10), the effective date shall be the first day of March, 2016.
- III. Eligible Employees: Only those employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate: Village Manager and Treasurer; These employees are subject to the same personnel policy
- IV. Provisions: Valuation Date: N/A
- V. Appointing MERS as the Plan Administrator: The employer hereby agrees to the provisions of this MERS Defined Benefit Plan Adoption Agreement and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event any conflict between MERS Plan Document and the MERS Defined Benefit Plan, the provisions of the Plan Document control.
- VI. Modification of the Terms of the Adoption Agreement: If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.
- VII. Enforcement:
 1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired, and prohibits the use of the Employer's required current service funding to finance unfunded accrued liabilities.

2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. In accordance with the Constitution and this Agreement, if at any time the balance standing to the Employer's credit in the reserve for employer contributions and benefit payments is insufficient to pay all service benefits due and payable to the entities retirees and beneficiaries, the Employer agrees and covenants to promptly remit to MERS the amount of such deficiency as determined by the Retirement Board within thirty (30) days notice of such deficiency.
4. The Employer acknowledges that wage and service reports are due monthly, and the employee contributions (if any) and Employer contributions are due and payable monthly, and must be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment, the terms of which are incorporated herein by reference.
5. Should the Employer fail to make its required contribution(s) when due, the retirement benefits due and payable by MERS on behalf of the entity to its retirees and beneficiaries may be suspended until the delinquent payment is received by MERS. MERS may implement any applicable interest charges and penalties pursuant to the MERS Enforcement Procedure for Prompt Reporting and not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. The Employer acknowledges that changes to the Employer's MERS Defined Benefit Plan must be made in accordance with the MERS Plan Document and applicable law, and agrees that MERS will not administer any such changes unless the MERS Plan Document and applicable law permit same, and MERS is capable of administering same.

RESOLUTION DECLARED ADOPTED.

Motion by Caudill, support by Brighton to approve the IT Service Right Contract for information technology services in the amount of \$4,300.00. Motion carried.

Motion by McCloud, support by Thomas to approve the DPW Truck Purchase from Michigan Truck & Trailer in the amount of \$134,893.00. Motion carried.

Motion by McCloud, support by Thomas to set Arbor Day in Lake Odessa for May 5, 2016. Motion carried.

Motion by McCloud, support by Thomas to approve President Banks and Clerk, Pearl Goodemoot as authorized signers on the Shared Resources and Mutual Assistance Agreement with the Lakewood Wastewater Authority. Motion carried.

Motion by Caudill, support by Brighton to approve Jennifer Hess as an authorized signer on the Arts Commission Checking account at Union Bank. Motion carried.

MISCELLANEOUS CORRESPONDENCE

There was no miscellaneous correspondence.

TRUSTEE COMMENTS

McCloud had no comment.

Jaquays had no comment.

Thomas had no comment.

Brighton had no comment.

Rudisill had no comment.

Caudill reminded council of the upcoming meeting regarding fire department funding on Wednesday at 7:00pm and wished everyone a Happy Easter.

Banks had no comment.

PUBLIC COMMENT

Carolyn Mayhew reminded council of the upcoming 5k race on June 25 at 8:00 a.m. and requested use of the gator and police services. President Banks asked if Mayhew had spoken with the police and Mayhew said that another individual is handling the race and she will make contact.

Motion by McCloud, support by Jaquays to go into closed session at 7:40 p.m. to discuss the ratification of the DPW contract.

Motion by McCloud, support by Thomas to go into open session at 7:47 p.m.

Motion by McCloud, support by Caudill to ratify the DPW Contract as presented. Motion carried.

Motion by McCloud, support by Jaquays to adjourn. Motion carried; meeting adjourned at 7:57 p.m.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer