

VILLAGE OF LAKE ODESSA

MINUTES  
REGULAR COUNCIL MEETING  
May 21, 2018  
PAGE MEMORIAL BUILDING

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

Pledge of Allegiance.

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

Absent: Brandy Walkington, Janet Thomas, Mel McCloud

Staff present: Pearl Goodemoot, Jesse Trout, Bryan Rader, Julie Salman

Visitors present: Daryl Hartzler, Kristine Marquoit, Judy Scheidt, Vito Fraccarolli, Arturo Fraccarolli, Brian and Deb Moras, Robert Cusack, Christopher Yonkers

Motion by Jaquays, support by Brighton approve the absence of Janet Thomas, Mel McCloud and Brandy Walkington. Motion carried.

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

PUBLIC COMMENT

There was no public comment on agenda items.

MINUTES

Motion by Jaquays, support by Brighton to approve minutes of April 16, 2018 and May 3, 2018. Motion carried.

BILLS

Motion by Rudisill, support by Jaquays to approve expenditures equal to or less than \$3,000.00 for the period 4/1/2018 thru 4/30/2018. Motion carried.

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

- a) Valley Truck Parts, Inc. - \$7,750.34 – Truck #6 Transmission, Brake & Drivetrain Repair (*paid*)
- b) MML Worker's Compensation Fund - \$10,549.00 – Worker's Compensation (*paid*)
- c) Mercantile Bank - \$98,190.00 – 2006 MTF & CIP Bond (*paid*)
- d) US Bank - \$40,850.00 – 2009 CIP Bond (*paid*)
- e) SLC Meter - \$46,921.35 – Water Meters (*paid*)
- f) BB&T Government Finance - \$17,249.62 – 2009 CIP Bond

Motion carried.

CONSENT AGENDA

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

- a) Zoning Administrator Report for April 2018
- b) Lake Odessa Library Meeting minutes for March 28, 2018
- c) Arts Commission minutes for February 12, 2018 and April 9, 2018
- d) Downtown Development Authority minutes for February 8, 2018
- e) Planning Commission minutes for February 26, 2018

STAFF REPORTS

Police Report: There was no additional report.

DPW Report: There was no additional report.

Finance Report: There was no update.

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 Brighton, support by Rudisill to adopt MERS Resolution #2018-13. Motion carried with the following roll call vote: Yes: Jaquays, Brighton, Rudisill, Banks; No: None; Absent: Walkington, Thomas, McCloud. 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 May, 2018.
- 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: Treasurer, DPW Superintendent;
- 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 Jaquays, support by Brighton to approve the Village Manager Employment Agreement as presented. Motion carried. Banks administered the oath of office to Salman.

Motion by Brighton, support by Jaquays to approve the street closures for the Car Show and Art in the Park on August 4, 2018. Motion carried.

President Banks explained that the appointments of Julie Salman to the Planning Commission and Tree Board are required by ordinance.

Motion by Brighton, support by Rudisill to ratify President Banks' appointments of Daryl Hartzler to the Planning Commission for a term to expire October 2020 and Al Hamp to the Planning Commission for a term to expire October 2018. Motion carried.

Motion by Brighton, support by Rudisill to approve the Michigan Municipal League Liability and Property Pool Insurance Renewal proposal as presented with the renewal premium amount of \$28,382.00. Motion carried.

Motion by Brighton, support by Jaquays to approve additional water meter purchases up to \$25,000.00. Motion carried.

Motion by Jaquays, support by Brighton to add Julie Salman to all Village of Lake Odessa bank accounts. Motion carried.

**MISCELLANEOUS CORRESPONDENCE**

Correspondence was received from Jim Valentine.

**TRUSTEE COMMENTS**

Jaquays had no comment.

Brighton welcomed Village Manager, Julie Salman.

Jaquays also welcomed Salman.

Rudisill inquired when the police department issue will be addressed.

Banks responded that council does not have the luxury of time and asked other council members to make phone calls to other municipalities who have contracted with county sheriff's departments. Banks also presented a study on police services from Michigan State University to council and had additional copies for the public to review. Banks also congratulated the 2018 graduates.

**PUBLIC COMMENT**

Kristine Marquiot inquired about the rezoning of the Dairy Queen property.

President Banks asked to meet with Marquiot after the meeting.

Hartzler asked council to build on things that never change and stated he was proud to be part of this community and he appreciated the elected officials.

Arturo Fraccarolli questioned the validity of the Planning Commission hearing on 1401 Virginia Street with a three-to-one vote and discussed the majority and super-majority.

Banks asked to meet with Fraccarolli after the meeting.

Vito Fraccarolli asked if the handles on the doors at the beach pavilion could be updated and a new drinking fountain could be installed. Fraccarolli also inquired about a maintenance system for the floating dock.

Trout stated that maintenance is performed as needed.

Motion by Jaquays, support by Brighton to adjourn the meeting at 7:32pm.

Respectfully submitted,

Pearl Goodemoot  
Village Clerk / Treasurer