EDWARDSBURG VILLAGE COUNCIL MINUTES
April 18, 2022

The meeting of the Edwardsburg Village Council was called to order at 7:00 pm by President Pro-Tem Kellen VanHulle, those in attendance were Paula Ralph (Clerk), Meryl Christensen (Treasurer) and Trustees Sam Garwood, Nancy Stoner, Terry Bidwell, Jay Penny, and Laura Hughes. Absent: President Dennis Peak

Approval of Agenda: Motion made by Bidwell, seconded by Hughes to approve the agenda as presented. All in favor. Motion carried.

Public Comments:

- County Commissioner Roseann Marchetti provided the board with topics of interest within the county. A complete transcript of the minutes can be found at www.casscountymi.org.
- Jack Coleman for State Representative introduced himself.
- Pat Bellaire had a few questions regarding the Resolution of Intent that were answered during Unfinished Business regarding the Iron Filtration Plant.

Approval of Minutes: Motion made by Bidwell, seconded by Stoner to approve the minutes of the 03/21/22 Regular board meeting. All in favor. Motion carried.

Approval of Revenue/Expenditure Report: Motion made by Penny, seconded by Bidwell to approve the Revenue/Expenditure Report for the period of 04/01/2021 to 03/31/22 as presented. Roll call vote. All in favor. Motion carried.

Approval of Check Register Report: Motion made by Bidwell, seconded by Hughes to approve the Check Register Report checks #35626-35693 , grand total of $55,195.92. Roll call vote. All in favor. Motion carried.

Treasurer's Report: The March 2022 (unaudited) report indicated that for the month receipts totaled $56,367.15 and the status of the certificates of deposit and savings accounts.

UNFINISHED BUSINESS

Iron Filtration Plant: Andy Campbell, CPA with Baker Tilly Municipal Advisors, explained that they have been working with the village to talk through how to borrow for the potential upcoming project. Baker Tilly's role is to advise the best routes financially, where to get the money and what the options are to borrow the money and how it will be paid back. The Village

is looking to borrow approximately 2.6 million dollars. Final borrowing amount will need to be set by mid-June. The Village will need to decide if they will contribute any money and what the dollar amount will be. The quickest way to get the funds is to go to the open market with a bank option. It does however limit the length of time to no longer than 20-year bonds. Basically, the sale of bonds will take place and mid-June and the closing will be in mid-July. The Notice of Intent Resolution (Appendix B) is to start the process from the bond issue point of view and lays out the parameters. Steve Mann from Miller Canfield is our bond attorney who will draft all the legal paperwork.

COMMITTEE REPORTS

Presidents Report: None

Invoices for Approval: Motion made by Bidwell, supported by Hughes to pay Kotz Sangster Wysocki P.C. $365.50 (101-104-826) for legal fees. Roll call vote. All in favor. Motion carried.

DPW Report: Tower cleaning is scheduled for the week of April 26th. Full system flush is scheduled for May 2nd.

Cemetery Board: The DPW chipped a headstone while digging a grave. The family has been contacted and would like it to be replaced. Clerk Ralph is getting quotes and will check with the insurance company as far as the deductible.

Enforcement Officer/Zoning Administrator: Sent several blight letters and the information regarding Ontwa Township Clean up days hoping that will take care of some of the blight.

Building/Electrical/Plumbing/Mechanical Reports: Building Permits: 4 permits issued; $710.00.00 fees collected. Electrical Permits: 2 permits issued; $479.00 fees collected.

Police Board: Police Chief Doug Westrick provided the statistics for the month of March 2022 within the village, they are as follows: Calls for Service totaled 172, total Traffic Crashes 4.

Ambulance Board: Ambulance Administrator Dennis Closson provided the Agency Activity Summary report for the month of March 2022. Total number of incidents was 102. Edwardsburg 16, Ontwa 50, Mason 3, Jefferson 2, Porter 1, Dowagiac 3, Cassopolis 4, Penn Twp. 1, Niles City 7, Three Rivers 8, St. Joseph 6, and Watervliet 1.

Motion was made by Hughes, supported by Bidwell to adopt the Edwardsburg Ambulance Authority Articles of Incorporation. Roll call vote. All in favor. Motion carried.

Fire Board: None

Parks Administrator: The DNR Passport Grant Application was submitted.

Water Commissioner:

- Motion made by Penny, supported by Garwood to purchase two (2) laptop computers for the water department including an annual subscription to Office 365 not to exceed $2,000.00. Roll call vote. All in favor. Motion carried.

Street Administrator: The 2022 road contracts were presented. Maple Street from M-62 to Barber Street and Barber Street from Maple Street to Center Street will be repaved. The spur line owned by Universal Forest Products will be removed and Canadian National will upgrade their crossing on Maple at the same time. Claire Street from Main Street to Taylor Street and Taylor Street from Claire Street to 300' East will also be repaved. Section Street and Elkhart Road that were repaved in 2020 & 2021 will have a bio seal put on them this summer also. This will extend the life of the streets. Total cost of street contracts for 2022 is $68,236.44. Motion made by Bidwell, seconded by Stoner to approve the street contracts listed above. Roll call vote. All in favor. Motion carried. Motion made by Hughes, supported by Bidwell to pay ELF Excavating $2,000.00 to remove the spur line on Maple Street. Roll call vote. All in favor. Motion carried.

Building & Grounds: Clerk Ralph got three (3) bids to mill and replace the parking lot at the Village Hall. Bidders were Arnt Asphalt, Baily Asphalt and the Cass County Road Commission. The CCRC was the low bid of $51,437.30. Motion made by Stoner, supported by Bidwell to hire Cass County Road Commission to mill and replace the Village parking lot. Roll call vote. All in favor. Motion carried.

Equipment Supervisor: None

Recycling/Refuse Administrator: None

Planning Commission: None

Chamber of Commerce: Will meet on Wednesday, May 4th at noon.

NEW BUSINESS

Treasurer – Delinquent Water/Refuse Assessments: Treasurer Christensen reported that there are 75 delinquent special assessments that will be put on the Village Summer Taxes.

Adopt Resolution #2022-03: Motion made by Bidwell, seconded by Stoner to adopt Resolution 2022-03 (Appendix A). This resolution sets a Public Hearing for Monday, May 16, 2022, at 7:15, during the regular May Village Council meeting. Roll call vote. All in favor. Motion carried.

Annual Exemption to PA 152: Motion made by Stoner, seconded by Bidwell to exercise the right to opt out of the PA 152. Roll call vote. All in favor. Motion carried.

Resolution Notice of Intent: Motion made by Penny, supported by Bidwell to adopt the Resolution Notice of Intent (Appendix B). The notice will be published in the South Bend Tribune on Friday, April 22, 2022. Roll call vote. All in favor. Motion carried.

Adjournment: With no objection President Pro-Tem VanHulle adjourned the meeting at 8:30.

ANNOUNCEMENTS:

- Next Village Council Meeting – Monday, May 16th @ 7:00 p.m.

Respectfully submitted,

Paula S. Ralph, Clerk
Village of Edwardsburg

Appendix A

RESOLUTION NUMBER 2022-03
RESOLUTION TO CONFIRM SPECIAL ASSESSMENTS

A RESOLUTION BY THE VILLAGE COUNCIL OF THE VILLAGE OF EDWARDSBURG ESTABLISHING A PUBLIC HEARING TO CONFIRM AN ASSESSMENT ROLL FOR DELINQUENT BILLS PAYABLE TO THE VILLAGE FOR MISCELLANEOUS SERVICES PROVIDED

WHEREAS, the Village Council of the Village of Edwardsburg provides various miscellaneous services to certain residents and property owners on a cost fee basis; and,

WHEREAS, certain Village Ordinances give the Village authority to special assess the monies not provided for the special services rendered; and,

WHEREAS, said Ordinance further provides that any collection charges remaining delinquent for a period of six (6) months or more shall be specially assessed against said premises; and,

WHEREAS, the Village Council of the Village of Edwardsburg has been provided by its Treasurer, a listing of the properties subject to lien by virtue of delinquent charges of six (6) months or more, including applicable penalties; and,

WHEREAS, the Village Treasurer has reported such delinquencies to the Village Council as a proposed special assessment roll, which roll has been filed with the Office of the Village Clerk; and,

NOW, THEREFORE, BE IT RESOLVED that a public hearing to confirm the assessment roll shall be held on Monday, the 16th of May 2022 at 7:15 pm to meet, review, and hear any objections to the assessment roll; and,

BE IT FURTHER RESOLVED that notice of said hearing and the filing of said roll shall be given to each record owner of, or part in interest in, property to be assessed whose name appears upon addressed to the record owner or party in interest at the address shown on the tax roll at least ten (10) days before the date of the hearing.

BE IT FURTHER RESOLVED that said notice shall also be published once in a newspaper of general circulation within the Village. The publication shall be at least ten (10) days before the date of the hearing.

Resolved this 18th day of April, 2022.

_____	_____
Kellen VanHulle,	Paula S. Ralph,
Village President Pro-Tem	Village Clerk

Appendix B

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE REVENUE BONDS AND DECLARATION OF INTENT TO REIMBURSE (WATER SUPPLY SYSTEM IMPROVEMENTS)

VILLAGE OF EDWARDSBURG
County of Cass, State of Michigan

Minutes of a regular meeting of the Village Council of the Village of Edwardsburg, County of Cass, State of Michigan, held on the 18th day of April, 2022, at 7:00 p.m., Eastern Daylight Time.

PRESENT: Trustees _____

_____

ABSENT: Trustees _____

The following preamble and resolution were offered by Trustee_____ and supported by Trustee _____:

WHEREAS, the Village of Edwardsburg, County of Cass, State of Michigan (the "Village"), intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Two Million Six Hundred Thousand Dollars ($2,600,000) for the purpose of paying all or part of the cost to acquire, construct, furnish and equip additions, extensions and improvements to the Village's water supply system, consisting generally of construction of an iron filtration water plant, including a water plant building, filtration equipment, underground piping, piping and accessories, an electrical package and an HVAC package, and a 16" diameter well and well house building, including installation of a pump and motor, piping and accessories, and electrical, together with all necessary sites, structures, equipment, interests in land, appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the Village intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the Village for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Village Clerk is hereby authorized and directed to publish a notice of intent to issue bonds a newspaper of general circulation in the Village.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form appearing at Appendix A attached hereto.

3. The Village Council of the Village does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the electors residing in the boundaries of the Village of this Village's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The Village makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the Village reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the Village.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is $2,600,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Village's use of the proceeds of the debt to be issued for the Project to reimburse the Village for a capital expenditure made pursuant to this resolution.

5. The Village hereby retains the law firm of Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the financing of the proposed Project.

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

AYES: Members _____

_____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

_____
Paula Ralph
Village Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Edwardsburg, County of Cass, State of Michigan, at a regular meeting held on the 18th day of April, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____
Paula Ralph
Village Clerk

Appendix B

APPENDIX A

[NOTE: NOTICE TO BE PUBLISHED AS 1/4 PAGE DISPLAY ADVERTISEMENT]

NOTICE TO TAXPAYERS AND ELECTORS OF THE
VILLAGE OF EDWARDSBURG AND THE USERS OF THE
VILLAGE'S WATER SUPPLY SYSTEM OF INTENT TO ISSUE BONDS
AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the Village of Edwardsburg, County of Cass, State of Michigan (the "Village"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Two Million Six Hundred Thousand Dollars ($2,600,000), in one or more series as shall be determined by the Village Council, for the purpose of paying all or part of the cost to acquire, construct, furnish and equip additions, extensions and improvements to the Village's water supply system, consisting generally of construction of an iron filtration water plant, including a water plant building, filtration equipment, underground piping, piping and accessories, an electrical package and an HVAC package, and a 16" diameter well and well house building, including installation of a pump and motor, piping and accessories, and electrical, together with all necessary sites, structures, equipment, interests in land, appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the Village from the operations of said water supply system. Said revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds, payment of outstanding bonds, and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable within twenty-five (25) from the date of issuance of each series and will bear interest at the rate or rates to be determined at a private or public sale but in no event to exceed the maximum permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE VILLAGE UNLESS A VALID PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE IS FILED WITH THE VILLAGE CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF A VALID PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE VILLAGE VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Paula Ralph
Village Clerk

38922730.1/101520.00034