# EDWARDSBURG VILLAGE COUNCIL MINUTES

**May 17, 2021**

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

**Approval of Agenda:** Motion made by Hughes, seconded by Stoner to approve the agenda. 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.

**Approval of Minutes:** Motion made by Bidwell, seconded by Hughes to approve the minutes of the 4/19/2021 Regular board meeting. All in favor. Motion carried.

**Approval of Revenue/Expenditure Report:** Motion made by VanHulle, seconded by Bidwell to approve the Revenue/Expenditure Report for the period of 04/01/2021 to 4/30/2021 as presented. All in favor. Motion carried.

**Approval of Check Register Report:** Motion made by Bidwell, seconded by Stoner to approve the Check Register Report checks #34817-34880. Roll call vote. All in favor. Motion carried.

**Treasurer's Report:** The April 2021 (unaudited) report indicated that for the month receipts totaled $73,573.83, and the status of the certificates of deposit and savings accounts.

**Public Hearing:** At 7:15 Trustee Bidwell made a motion to close the regular meeting and open the Special Assessment public hearing, supported by Trustee VanHulle. All in favor. Motion carried. Treasurer Christensen reported that there are 81 sewer assessments past due that will be put on the Village tax bills. No one was in the audience to speak to this so President Peak asked for council discussion. Being none, Trustee Bidwell made a motion to close the Special Assessment public hearing at 7:20 and open the Truth in Taxation public hearing. All in favor. Motion carried. President Peak explained Truth in Taxation and asked for any public comment and for council discussion. Being none, Trustee Bidwell made a motion to close the Truth in Taxation public hearing at 7:22 and reopen the regular Village Council meeting. All in favor. Motion carried.

## UNFINISHED BUSINESS

**Alley Vacation:** Homeowners are still in the process of getting the survey's completed and presented to the Village Council.

## COMMITTEE REPORTS

**Presidents Report:** President Peak reported that interviews were held last week for the Street Superintendent opening and Whitney Smith has been hired.

**Invoices for Approval:** None

**Cemetery Board:** None

**Enforcement Officer/Zoning Administrator:** None

**Building/Electrical/Plumbing/Mechanical Reports:** Building Permits: 1 permit issued; $195.00 fees collected.

**Police Board:** Police Chief Doug Westrick provided the statistics for the month of April 2021 within the village, they are as follows: Calls for Service totaled 222, total Traffic Crashes 3. A complete transcript of the police board minutes can be found at www.edwardsburg.net

**Ambulance Board:** Ambulance Administrator Dennis Closson provided the Agency Activity Summary report for the month of April 2021. Total number of incidents was 90. Edwardsburg 21, Ontwa 32, Jefferson 3, Porter 1, Dowagiac 4, Niles Twp. 5, Cassopolis 3, Niles City 6, Sturgis 2, Three Rivers 4, St. Joseph 6, and Watervliet 3. A complete transcript of the ambulance board minutes can be found at www.edwardsburgambulance.org

**Fire Board:** None

**Parks Administrator:** None

**Water Commissioner:** None

**Street Administrator:** None

**Building & Grounds:** None

**Equipment Supervisor:** None

**Recycling/Refuse Administrator:** None

**Planning Commission:** None

**Chamber of Commerce:** None

## NEW BUSINESS

**Resolution 2021-02 Pay Scale:** Motion made by Bidwell, supported by Garwood to adopt Resolution 2021-02. Roll call vote. All in favor. Motion carried. (See Appendix A)

**Resolution 2021-03 Category B Grant:** Motion made by Bidwell, supported by VanHulle to adopt Resolution 2021-03. Roll call vote. All in favor. Motion carried. (See Appendix B)

**Truth In Taxation Resolution of Intent:** Motion made by VanHulle, supported by Hughes to adopt Resolution of Intent. Roll call vote. All in favor. Motion carried. (See Appendix C)

**Resolution Approving Refunding Contract:** Motion made by VanHulle, supported by Hughes to adopt Resolution Approving Refunding Contract. Roll call vote. All in favor. Motion carried. (See Appendix D)

**Adjournment:** With no objection President Peak adjourned the meeting at 8:05.

**ANNOUNCEMENTS:**

- **Next board meeting will be on Monday, June 21, 2021, at 7:00 p.m.**
- **The office will be closed Friday, May 28th – Monday, May 31st.**
- **Memorial Day Parade – Monday, May 31st.**

Respectfully submitted,

Paula S. Ralph, Clerk
Village of Edwardsburg

Appendix A

# Resolution 2021-02
# Establishing Scheduled Wage Increases for Staff

VILLAGE OF EDWARDSBURG, COUNTY OF CASS, STATE OF MICHIGAN

At a regular meeting of the Edwardsburg, County of Cass,
State of Michigan, held in said Village on May 17, 2021, there were:

Present:
Absent:

WHEREAS the Village of Edwardsburg currently employs trained personnel who are responsible for the maintenance, billing and administration associated with local community amenities such asutility services (water, sewer and trash removal), streets, alleys, sidewalks, trees and parks,

WHEREAS the Village of Edwardsburg desires to encourage employee retention by providing equitable compensation, benefits and imposing a plan for the future financial planning/ stability of its employees,

NOW THEREFORE be it resolved that the Village of Edwardsburg shall arrange for full-time employees to receive scheduled impartial wage increases to occur on the first pay period following the anniversary of that employee's hire-date. These incremental increases shall be projected and included in the annual budget, providing that the increased expenses do not jeopardize the financial condition or integrity of the Village:

a) Base Rate of $17 .00 /Hour Plus Scheduled Increases:
   i. $0.75/hour following 6 months of service
   ii. $0.75/hour for each hire-date anniversary from 1-5 years
   iii. $0.50/hour for each hire-date anniversary from 6-25 years
   iv. New hires could be placed at a higher lever of service based on experience, not to exceed the level of 5 years of service without the approval of the board.
   v. The Village Council has the right to modify the pay scale as they see fit.

b) An additional $0.50/ hour shall be added to the base rate for each required water license attained as well as for holding a valid CDL license.

New rates effective June 1, 2021.

Adopted May 17, 2021

Yeas:

Nays:

Dennis Peak, Village President

Paula S. Ralph, Village Clerk

| Years of Service | Rate | Scheduled Increase |
|---|---|---|
| New | 17.00 | 0.75 |
| 1/2 | 17.75 | 0.75 |
| 1 | 18.50 | 0.75 |
| 2 | 19.25 | 0.75 |
| 3 | 20.00 | 0.75 |
| 4 | 20.75 | 0.75 |
| 5 | 21.50 | 0.50 |
| 6 | 22.00 | 0.50 |
| 7 | 22.50 | 0.50 |
| 8 | 23.00 | 0.50 |
| 9 | 23.50 | 0.50 |
| 10 | 24.00 | 0.50 |
| 11 | 24.50 | 0.50 |
| 12 | 25.00 | 0.50 |
| 13 | 25.50 | 0.50 |
| 14 | 26.00 | 0.50 |
| 15 | 26.50 | 0.50 |
| 16 | 27.00 | 0.50 |
| 17 | 27.50 | 0.50 |
| 18 | 28.00 | 0.50 |
| 19 | 28.50 | 0.50 |
| 20 | 29.00 | 0.50 |
| 21 | 29.50 | 0.50 |
| 22 | 30.00 | 0.50 |
| 23 | 30.50 | 0.50 |
| 24 | 31.00 | 0.50 |
| 25 | 31.50 | 0.50 |

Appendix B

# Village Of Edwardsburg
# RESOLUTION NO. 2021-03

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RESURFACING OF MAPLE STREET AND PART OF BARBER STREET FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM.

WHERAS, the Village of Edwardsburg is applying for $120,000.00 in funding through MDOT from the Transportation Economic Development Category B Program to construct resurfacing on Maple Street and part of Barber Street.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the Village has authorized Paula S. Ralph, Clerk, to act as agent on behalf of the Village to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the Village attests to the existence of, and commits to, providing at least $60,000.00 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the Village commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

**ADOPTED THE 17TH DAY OF MAY 2021**

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|---|---|
| Paula S. Ralph | Dennis Peak |
| Village Clerk | Village President |

Appendix C

**RESOLUTION OF INTENT**
Village of Edwardsburg
Cass County, Michigan

**WHEREAS,** the council of the Village of Edwardsburg in order to maintain the operations of the Village of Edwardsburg, County of Cass, proposes to levy the maximum allowable of 7.6628 operating mills by holding a hearing, which will generate revenues of $182,346.00

**WHEREAS,** without a hearing due to the Truth in Taxation Rollback, 7.4719 operating mills would be levied, which would generate revenues of $179,819.00

**THEREFORE,** by passing the resolution of intent additional revenues of $2,527.00. will be generated.

**NOW THEREFORE, BE IT RESOLVED,** that this Council adopted the resolution and sent copies of the same to County Clerk's Office, Equalization Office, and the Ontwa Township Clerk's Office.

**ADOPTED THE 17TH DAY OF MAY, 2021**

| | |
|---|---|
| Paula S. Ralph | Dennis Peak |
| Village Clerk | Village President |

# Appendix D

Village of Edwardsburg
County of Cass, State of Michigan

RESOLUTION APPROVING REFUNDING CONTRACT

Minutes of a regular meeting of the Village Council of the Village of Edwardsburg, County of Cass, State of Michigan, held on May 17, 2021, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Trustees: Samual Garwood, Nancy Stoner, Terry Bidwell, Jay Penny, Laura Hughes and Kellen VanHulle

ABSENT: Trustees: None

The following preamble and resolution were offered by Trustee Kellen VanHulle and supported by Trustee Laura Hughes:

WHEREAS, the Board of Public Works (the "Board of Public Works"), has been established by the County of Cass (the "County"), under the terms of Act 185, Public Acts of Michigan, 1957, as amended ("Act 185"), with authority to acquire and finance water supply and sewage disposal system improvements for public corporations within the County; and

WHEREAS, the County through its Board of Public Works previously entered into certain contract(s) with the Village of Edwardsburg, County of Cass, State of Michigan (the "Village") to acquire, construct and finance sanitary sewer system improvements; and

WHEREAS, the County through its Board of Public Works did enter into that certain contract with the Village dated August 1, 2005 (the "Contract"), under which the County issued its Cass County Sanitary Sewer System (Village of Edwardsburg Section) Bond (Limited Tax General Obligation) dated May 17, 2006 (the "Prior Bonds"); and

WHEREAS, the Village desires to request the County to exercise its right to call the Prior Bonds for redemption and issue bonds to provide for the refunding of the Prior Bonds; and

WHEREAS, a Refunding Contract, dated as of June 1, 2021 (the "Refunding Contract"), has been prepared pursuant to authority of Act 34, Public Acts of Michigan, 2001, as amended, and Act 185 providing for the implementation of such refunding program and is on file with the Village Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of Refunding Contract. The Refunding Contract between the County of Cass, by and through its Board of Public Works and the Village providing for the issuance of refunding bonds in the principal amount of not to exceed One Million Three Hundred Fifty Thousand Dollars ($1,350,000) (the "Refunding Bonds"), is hereby approved and the Village President and the Village Clerk are authorized and directed to execute the Refunding Contract for and on behalf of the Village.

2. Ratification of Covenants; Limited Tax Pledge. The Village does hereby ratify and confirm its covenants in the Contract and confirms its covenant in the Refunding Contract to levy ad valorem taxes against all taxable property in the Village to the extent necessary to meet the obligations of the Village thereunder and does further indicate its purpose and intent to make such a levy as necessary to meet such obligations, such levy, if necessary, to be within constitutional and statutory tax rate limitations.

3. Effective Date of Refunding Contract. The Refunding Contract shall become binding and effective in accordance with its terms upon the approval thereof by resolution of the Board of Commissioners of the County and execution of the Contract for the County by the Board of Public Works.

4. Authorization of Village Officials. The Village President, the Village Clerk and the Village Treasurer are each hereby authorized to execute on behalf of the Village any closing document or certificate as may be required by the County or the purchaser of the Refunding Bonds.

5. Tax Covenant. The Village hereby covenants to take all action within its control to the extent permitted by law necessary to maintain the exclusion of the interest on the Refunding Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings and expenditure and investment of proceeds of the Refunding Bonds and moneys deemed to be proceeds of the Refunding Bonds.

6. Approval of Official Statement. The Village President, the Village Clerk and the Village Treasurer is each individually hereby authorized and directed to approve the circulation of a preliminary official statement and a final official statement describing the Refunding Bonds and to execute a final official statement on behalf of the Village.

7. Continuing Disclosure Undertaking. If required, the Village shall enter into an undertaking for the benefit of the holders and beneficial owners of the Refunding Bonds (the "Undertaking"); provided, however, that the terms of the Undertaking are subject to completion and modification prior to delivery of the Refunding Bonds by the authorized officer of the Village executing the Undertaking as such authorized officer shall deem necessary to comply with law or market requirements. The Village President, the Village Clerk and the Village Treasurer each is authorized to execute and deliver the Undertaking after completion and modification as provided in this resolution.

8. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is being retained by the County to act as bond counsel for the Refunding Bonds.

9. Registered Municipal Advisor. Bendzinski & Co., Municipal Finance Advisors is being retained by the County to act as registered municipal advisor for the Refunding Bonds.

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

AYES: Trustees: Samual Garwood, Nancy Stoner, Terry Bidwell, Jay Penny, Laura Hughes and Kellen VanHulle

NAYS: Trustees: None

RESOLUTION DECLARED ADOPTED.

Paula S. Ralph
Village Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Village Council of the Village of Edwardsburg, County of Cass, Michigan, at a regular meeting held on May 17, 2021, 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 267.

Paula S. Ralph
Village Clerk

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