

**VILLAGE OF FRUITPORT  
REGULAR COUNCIL MEETING  
September 17, 2018**

**1. Call to Order**

President Roger Vanderstelt called the meeting to order at 7:00pm

**2. Pledge**

**3. Prayer**

**4. Roll call**

Present: Roger Vanderstelt, Donna Pope, Amy Haack, Jay Bolt, Jeff Guiles and Bill Overkamp who arrived at 7:04pm Absent: Carl Rothenberger Also present: Jeremy Statler, DPW Supervisor and Brian Michelli, Fruitport Township Public Safety Director

**5. Approval of previous meeting minutes from September 10<sup>th</sup> special council meeting**

Motion made by Amy to approve the minutes from the September 10<sup>th</sup> special council meeting, supported by Jeff. With a unanimous vote, the motion carried.

**6. Approve the agenda for the September 17<sup>th</sup> Council meeting**

Motion made by Amy to approve the agenda, supported by Donna. With a unanimous vote, the motion carried.

**7. Public Comment**

None

**8. Correspondence (Ann)**

None

**9. Reports from Officers (Each Council Member)**

**Donna** gave an update on the library. They are working on the wording of the library millage for the November ballot.

**Amy** received a request from Jennifer Michaels who is a member of the Friends of the Library Group. Jennifer would like to have a temporary information box in Pomona Park with information about the library millage. Amy asked if council supported that idea. Council gave support.

**Jay** provided information on a 9-1-1 Surcharge increase. The surcharge will increase from \$.042 to \$2.75 per month for all landlines and mobile phones. This item will be on the November ballot. A discussion took place about why the funding is necessary.

Jay gave an update on the Planning Commission. The PC has finished up Chapters 7-9. The next meeting is October 9<sup>th</sup>. He expects all work to be finalized by December and that a public hearing will take place in the spring.

Jay also advised that Connie Smith is going to work on compiling the data from the Master Plan survey.

Bill had nothing to report.  
Jeff had nothing to report.  
Roger had nothing to report.

**10. Lions' Club Old Fashioned Christmas**

Fred Yonkers, Lions Club, provided a letter requesting permission to hold the 14<sup>th</sup> annual Old-Fashioned Christmas. Fred advised he will provide the Village insurance policy for the event prior to the event. Motion made by Donna to approve the event as described in the letter, supported by Amy. With a unanimous vote the motion carried.

**11. Speed trailer contribution**

Brian Michelli provided additional information about the Village's contribution towards the new speed trailer. Brian advised that the trailer can perform speed studies, it can be used for events and that the township will cover all maintenance costs. He would like the Village to consider a larger amount for the donation. Motion made by Roger to increase the Village's contribution from \$1000.00 to \$2000.00, supported by Jeff. Roll call AYES: Pope, Haack, Overkamp, Bolt, Guiles and Vanderstelt NAYES: None

**12. Kayak launch**

Jeremy is working with Prein and Newhoff on the kayak launch draft design. He anticipates having additional information at the next council meeting.

**13. Boat Launch information station**

Jeremy gave an update on the information station. Currently the DPW crew is in the process of installing the station. The picnic table has been ordered and the new cash box will be ordered.

**14. Park Street Chip and Seal update**

Jeremy advised that the chip and seal has been completed. The striping will take place in conjunction with County road work.

**15. 2020 3<sup>rd</sup> Ave project**

Roger gave a brief overview and asked Amy to review a financial spreadsheet that she created with the council. Amy distributed the spreadsheet and reviewed all the items with the council. She stated this is presented for discussion purposes only. All information should be verified by a finance professional. Jeremy reviewed the same information with a correction on the potential cost. Jeremy provided an informational packet "You Get What You Pay For" Special Assessments Fund Public Improvements. He encouraged the council to read it. Amy advised that we need to get a professional financial planner to discuss the project with the council. Discussion took place on the next steps. The next special council meeting is to be determined later.

**16. Park Street parking area quote**

Roger reviewed a quote for paving a parking area on the north side of park just after the bank driveway. The cost is \$5328.00 for the asphalt company and an additional \$1400.00 for 45 yards

of gravel. Total cost \$6728.00. A discussion took place and it was determined to table until the next meeting.

**17. Motor Vehicle Ordinance**

Brian Michelli explained the Michigan Motor Vehicle Ordinance. Without the ordinance motor vehicle fines go to the state and county. If adopted the greater amount of the collection would go to the Village. A contract between the Village and the Township Public Safety is required. It was determined that the ordinance be reviewed by the Village attorney and that Heidi Tice, Township supervisor will be contacted to provide the contract. This will be reviewed again at the next council meeting.

**18. Budget review**

Ann gave a status update on the items discussed at the March budget meeting. Copies of the budget items were distributed to the council. She advised we currently have \$10,871.64 of additional MDOT funds that were not part of the budget. A breakdown of the costs associated with the new park property was discussed. There is additional donor money remaining to allocate to the new park property.

**19. Deferred Compensation Plan 457**

Ann gave an overview of a Deferred compensation plan provided by Municipal Employees Retirement System for our full-time employees. She advised that a resolution is needed to provide the service. Amy made a motion to sign the MERS Uniform 457 Supplemental Retirement Program Resolution (see attached), supported by Jeff. Roll call AYES: Pope, Haack, Overkamp, Bolt, Guiles and Vanderstelt NAYES: None

**20. Public Comment**

Brian Michelli gave additional information about the 9-1-1 surcharge. He also advised that there is a resource officer that covers the schools daily.

**21. Warrants**

Motion made by Jeff to approve the warrants, supported by Bill. Roll call AYES: Haack, Overkamp, Bolt, Guiles, and Vanderstelt NAYES: None  
Donna left at 9:00pm

**22. Adjourn**

Bill made a motion to adjourn the meeting at 9:02pm, supported by Jeff. With a unanimous vote, the motion carried.

Respectfully submitted by,

Ann LaCroix  
Clerk

Sent 9-18-18

## MERS Uniform 457 Supplemental Retirement Program Resolution



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711

[www.mersofmich.com](http://www.mersofmich.com)

This Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document.

**WHEREAS**, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

**WHEREAS**, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

**WHEREAS**, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

**WHEREAS**, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

**WHEREAS**, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

**WHEREAS**, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

**WHEREAS**, the Participating Employer is an Employer as defined in the Plan;

**WHEREAS**, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

**WHEREAS**, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

## MERS Uniform 457 Supplemental Retirement Program Resolution

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- I. The Participating Employer adopts the Plan for its Employees.
- II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.
- III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.
- V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.
- VI. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.
- VII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.
- VIII. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

## MERS Uniform 457 Supplemental Retirement Program Resolution

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**BE IT FINALLY RESOLVED:** This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held on

September 17, 2018. \_\_\_\_\_ Ann M. LaCusis  
(Signature of authorized official)

Municipality name: Village of Fruitport

**Received and Approved by the Municipal Employees' Retirement System of Michigan**

Dated: \_\_\_\_\_, 20\_\_\_\_ (Authorized MERS signatory)