

**OFFICIAL MINUTES OF MAYVILLE  
VILLAGE COUNCIL MEETING  
AUGUST 4, 2020  
(Official Minutes)**

The Village Council of Mayville, Michigan held a Regular Meeting at the Mayville Fire Hall on August 4, 2020. The meeting was called to order at 7:02 p.m. by President Barbara Valentine, with the following officers and Trustees present: Susan Atkinson, William Barkowska, Steve Charette and Sue Marlow.

**Absent** – None

**Employees Present** – Clerk Kayla Reed

**Guests** – 1

**Pledge of Allegiance** -

**Action Items** - (Motion Needed)

- a) **Resolution Authorizing Issuance of Bond Anticipation Note, Series 2020 -**  
Moved by Atkinson 2nd by Charette to Adopt the Resolution Authorizing Issuance of Bond Anticipation Note, Series 2020.

At a regular meeting of the Village Council of the Village of Mayville, Tuscola County, Michigan, held on August 4, 2020.

PRESENT: Sue Atkinson, William Barkowska, Steve Charette, Sue Marlow, and

President Barbara Valentine

ABSENT: None

The following resolution was moved by Atkinson and supported by Charette:

RESOLUTION AUTHORIZING ISSUANCE OF  
BOND ANTICIPATION NOTE, SERIES 2020

WHEREAS, pursuant to Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”), the Village Council of the Village of Mayville (the “Village”) has previously determined to undertake public improvements to its sewage disposal system consisting of acquiring and constructing upgrades to the existing wastewater collection system and lagoon treatment system (the “Project”); and

WHEREAS, the Village is authorized to issue one or more series of bonds (the “Bonds”) under Act 94 and use the proceeds of the sale of the Bonds to pay all or part of the cost of public improvements such as the Project; and

WHEREAS, pursuant to Act 94, the Village has published a notice of intent to issue the Bonds in the amount of not to exceed \$6,000,000 in the Tuscola County Advertiser on January 11, 2020, and all rights of referendum relating to the notice of intent and the issuance of the Bonds have expired; and

WHEREAS, the Village is in need of funds to pay a portion of the preliminary costs of the Project prior to the issuance of the Bonds; and

WHEREAS, the Village is authorized under Section 413 of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34), to issue short-term municipal securities in anticipation of the proceeds of the Bonds and to use the proceeds of short-term municipal securities for, among other things, the purpose to which the proceeds of the Bonds may be applied; and

WHEREAS, Mayville State Bank (the “Purchaser”) has agreed to lend to the Village the sum of \$415,000, maturing and payable with interest on the balance from time to time unpaid as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE

VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, as follows:

1. AUTHORIZATION OF NOTE - PURPOSE. A short-term municipal security in the form of a note in the aggregate principal sum of Four Hundred Fifteen Thousand Dollars (\$415,000) (the “Note”) shall be issued and sold to the Purchaser for the purpose of paying prior to the issuance of the Bonds a portion of the preliminary costs of the Project. The cost of the Project is presently estimated to be \$7,160,000, and, after giving credit to an anticipated federal grant, the portion thereof to be financed with the proceeds of the Bonds is presently estimated to be \$5,241,000.

2. NOTE DETAILS. The Note shall be designated “Bond Anticipation Note, Series 2020”; shall be dated the date of delivery; shall be issued as a single, fully registered note, numbered 1, in the denomination of \$415,000; shall mature on September 1, 2021; shall bear interest at the rate of 1.24% per annum, such interest to be payable at maturity or prior redemption; shall be subject to redemption at any time on and after April 1, 2021, in whole or in part, at the option of the Village, and to mandatory redemption in whole no later than sixty (60) days after the date of issuance of the Bonds, at the par amount thereof plus accrued interest to the date fixed for redemption. The Bonds shall be issued in anticipation of and shall be payable primarily from the proceeds of the Bonds.

3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Note shall be payable in lawful money of the United States. The payment of principal shall be payable upon presentation and surrender of the Note to the note registrar and paying agent at maturity. Interest shall be paid when due by check or draft mailed by the note registrar and paying agent to the registered owner at the registered address.

4. NOTE REGISTRAR AND PAYING AGENT. The Village Treasurer is appointed as the note registrar and paying agent for the Note.

5. EXECUTION, AUTHENTICATION AND DELIVERY OF NOTE. The Note shall be executed in the name of the Village by the manual signatures of the President and the Village Clerk. After the Note has been executed, it shall be delivered by the Village Treasurer to the Purchaser upon receipt of the purchase price.

6. EXCHANGE AND TRANSFER OF NOTE. The Note shall be transferable only upon the books of the Village, which shall be kept for that purpose by the note registrar and paying agent, upon surrender of the Note together with a written instrument of transfer satisfactory to the note registrar and paying agent duly executed by the registered owner or his or her duly authorized attorney.

The Village and the note registrar and paying agent may deem and treat the person in whose name the Note shall be registered upon the books of the Village as the absolute owner of the Note, whether the Note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on the Note and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid, and neither the Village nor the note registrar and paying agent shall be affected by any notice to the contrary.

7. FORM OF NOTE. The Note shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF TUSCOLA

VILLAGE OF MAYVILLE

BOND ANTICIPATION NOTE, SERIES 2020

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>
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1.24%

September 1, 2021

August 12, 2020

Registered Owner: Mayville State Bank

Principal Amount: Four Hundred Fifteen Thousand Dollars (\$415,000)

The Village of Mayville, County of Tuscola, Michigan (the “Village”), acknowledges itself indebted to, and for value received, hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the maturity date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this note at the office of the Village Treasurer of the Village of Mayville, Michigan, the note registrar and paying agent, and to pay to the Registered Owner, by check or draft drawn upon and mailed by the note registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount until the Village’s obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on September 1, 2021. Principal and interest are payable in lawful money of the United States of America.

This note is the single note of a series aggregating the principal sum of Four Hundred Fifteen Thousand Dollars (\$415,000) issued by the Village under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Section 413 of Act No. 34, Public Acts of 2001, as amended) and a note authorizing resolution of the Village Council of the Village, for the purpose of financing part of the costs of acquiring and constructing improvements to the Village’s sewage disposal system (the Project”). The Principal Amount of this note is issued in anticipation of bonds (the “Bonds”) to be issued by the Village to provide the permanent financing to pay the costs of the Project and is payable from the proceeds of the Bonds. The Village has pledged its full faith and credit for the prompt payment of the principal of and interest on this note when due. In the event and to the extent that the Bonds are not issued on or before the maturity date hereof and there are not sufficient moneys legally available to the Village to pay the principal of and interest on this note, the Village is obligated to advance from its general fund moneys sufficient to pay such principal and interest. Taxes levied by the Village to pay the principal of and interest on this note are subject to constitutional and statutory tax limitations.

This note is subject to redemption prior to maturity at any time on and after April 1, 2021, in whole or in part, at the option of the Village, upon at least fifteen (15) days’ notice to the holder hereof, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the redemption date.

This note is subject to mandatory redemption in whole no later than sixty (60) days after the date of issuance of the Bonds, upon at least fifteen (15) days’ notice to the holder hereof, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the redemption date.

This note is hereby designated as a “qualified tax exempt obligation” as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this note, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the Village, including this note, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Village of Mayville, Tuscola County, Michigan, by its Village Council, has caused this note to be executed in its name by the manual signatures of the President and the Village Clerk.

VILLAGE OF MAYVILLE

By: \_\_\_\_\_

By: \_\_\_\_\_

Village Clerk

President

[END OF NOTE FORM]

8. SECURITY. The principal and interest on the Note shall be payable out of the proceeds of the Bonds and from other moneys legally available to the Village. In addition, the full faith and credit of the Village are pledged for the prompt payment of the principal of and interest on the Note as the same shall become due. In the event and to the extent that the Bonds are not issued on or before the maturity date of the Note and there are not sufficient moneys legally available to the Village to pay the principal of and interest on the Note, the Village is obligated to advance from its general fund moneys sufficient to pay such principal and interest. The ability of the Village to raise funds to pay such amounts is subject to applicable constitutional and statutory limitations on the taxing power of the Village.

9. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of and interest on the Note, shall have been deposited in trust, this resolution shall be defeased with respect to the Note, and the owner of the Note shall have no further rights under this resolution except to receive payment of the principal of and interest on the Note from the cash or securities deposited in trust and the interest and gains thereon and to transfer the Note as provided herein.

10. APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY. The issuance and sale of the Note is subject to approval being granted therefor by the Department of Treasury of the State of Michigan in accordance with Act 34, and the Village has been granted qualified status by the Department of Treasury as provided in Act 34.

11. CONSTRUCTION FUND. The proceeds of the sale of the Note shall be deposited in a construction fund established by the Village and used to pay part of the preliminary costs of the Project. Any unexpended balance shall be used for such purposes as permitted by law.

12. SALE, ISSUANCE, DELIVERY AND TRANSFER OF NOTE. The Note shall be sold to the Purchaser at 100% of the principal amount thereof pursuant to a negotiated sale, and it is hereby determined that such negotiated sale is in the best interests of the Village and is calculated to provide the most cost effective method of selling the Note. The President, the Village Clerk and the Village Treasurer are each authorized to execute and deliver such certificates or documents as bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery and transfer of the Note in accordance with the provisions of this resolution.

13. REPLACEMENT OF NOTE. Upon receipt by the Village Clerk of proof of ownership of the Note, of satisfactory evidence that the Note has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Village Clerk, the Village Clerk may authorize the note registrar and paying agent to deliver a new executed Note to replace the Note lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event the outstanding matured Note is lost, apparently destroyed or wrongfully taken, the Village Clerk may authorize the note registrar and paying agent to pay the Note without presentation upon the receipt of the same documentation required for the delivery of a replacement Note. The note registrar and paying agent, for each new Note delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the note registrar and paying agent and the Village in the premises. Any Note delivered pursuant the provisions of this Section 13 in lieu of any Note lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Note in substitution for which the Note was delivered.

14. TAX COVENANT. The Village covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to assure that the interest on the Note will be and will remain excludable from gross income for federal income tax purposes. The President, the Village Clerk, the Village Treasurer and other appropriate Village officials are authorized to do all things necessary to assure that the interest on the Note will be and will remain excludable from gross income for federal income tax purposes.

15. QUALIFIED TAX EXEMPT OBLIGATION. The Note is hereby designated as a "Qualified Tax Exempt Obligation" as described in Section 265(b)(3)(B) of the Code.

16. PROFESSIONAL SERVICES. The following are appointed to act in the following capacities with respect to the Note and the Bonds:

As registered municipal advisor: Bendzinski & Co., Municipal Finance Advisors  
Grosse Pointe, Michigan

As bond counsel: Dickinson Wright PLLC  
Troy, Michigan

17. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

YEAS: Charette, Marlow, Barkowska, Atkinson, and Valentine

NAYS: 0

RESOLUTION ADOPTED.

**Roll Call Vote - Charette - Y Marlow - Y Barkowska - Y Atkinson - Y Valentine - Y**

**Motion Carried**

- b) **Bendzinski & Co. municipal finance advisors Engagement Letter -**  
Moved by Charette 2nd by Atkinson to accept Bendzinski & Co. letter of Engagement as financial advisor to the Village of Mayville for the Sewer\ Lagoon Project.

**Roll Call Vote - Atkinson - Y Charette - Y Marlow - Y Barkowska - Y Valentine - Y**

**Motion Carried**

The Following Policies are required by MEDC for the CDBG Grant Process and are also required for our RRC Certification. Most likely more to come.

- c) **Residential Antidisplacement and Relocation Plan -**  
Moved by Marlow 2nd by Atkinson to Adopt the Residential Antidisplacement and Relocation Plan.

**Roll Call Vote - Marlow - Y Barkowska - Y Atkinson - Y Charette - Y Valentine - Y**

**Motion Carried**

- d) **Grievance Procedure -**  
Moved by Charette 2nd by Atkinson to Adopt the Grievance Procedure.

**Roll Call Vote - Barkowska - Y Atkinson - Y Charette - Y Marlow - Y Valentine - Y**

**Motion Carried**

- e) **Non- Discrimination on Basis of Handicap -**  
Moved by Marlow 2nd by Atkinson to Adopt the Non- Discrimination on Basis of Handicap Policy .

**Roll Call Vote - Atkinson - Y Charette - Y Marlow - Y Barkowska - Y Valentine - Y**

**Motion Carried**

- f) **Section 3 Policy -**  
Moved by Charette 2nd by Atkinson to Adopt the Section 3 Policy.

**Roll Call Vote - Charette - Y Marlow - Y Barkowska - Y Atkinson - Y Valentine - Y**

**Motion Carried**

- g) **Fair Housing Policy -**  
Moved by Charette 2nd by Marlow to Adopt the Fair Housing Policy.

**Roll Call Vote - Marlow - Y Barkowska - Y Charette - Y Atkinson - Y Valentine - Y**

**Motion Carried**

- h) **Village of Mayville Participating Plan - Community Development Block Grant Program**  
Moved by Charette 2nd by Atkinson to Adopt the Village of Mayville Participating Plan - Community Development Block Grant.

**Roll Call Vote - Barkowska - Y Marlow - Y Atkinson - Y Charette - Y Valentine - Y**

**Motion Carried**

- i) **Excessive Force Policy -**  
Moved by Charette 2nd by Marlow to Adopt the Excessive Force Policy.

**VILLAGE OF MAYVILLE**  
**EXCESSIVE FORCE POLICY**

RESOLUTION NO. 20-0804

A RESOLUTION OF THE MAYVILLE VILLAGE COUNCIL, ADOPTING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.

WHEREAS the Congress of the United States has passed the Armstrong/Walker “Excessive Force” Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS the Village of Mayville, has received a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker “Excessive Force” Amendment;

AND WHEREAS the use of excessive force against demonstrators may cause the Village to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY VILLAGE PRESIDENT BARBARA VALENTINE AND THE VILLAGE COUNCIL OF THE VILLAGE OF MAYVILLE, MICHIGAN:

It is POLICY of the Village that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the Village.

The Mayville Village Council will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions

The Mayville Village Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

PASSED BY THE VILLAGE COUNCIL, CITY OF MAYVILLE, MICHIGAN.

SIGNED BY:

TITLE:

\_\_\_\_\_

\_\_\_\_\_

DATE:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

**Roll Call Vote - Barkowska - Y Atkinson - Y Charette - Y Marlow - Y Valentine - Y**

**Motion Carried**

**Public Comments** - None

**Adjournment** - Moved by Charette, 2nd by Barkowska to adjourn at 8:06 p.m.

**Yes - 5 No - 0**

**Motion Carried.**

\_\_\_\_\_  
Barbara Valentine  
Village President

\_\_\_\_\_  
Kayla Reed  
Village Clerk