

THE BOARD OF PUBLIC WORKS FOR THE COUNTY OF VAN BUREN, MICHIGAN, met in Special Session in the offices of the Van Buren County Road Commission, 325 W. James Street, Lawrence, Michigan on Thursday, February 7, 2008 at 7:05pm

PRESENT: Commissioners Rosevelt, Rhodes, and Stein  
County Commissioner James Ray  
Engineer-Manager Lawrence B. Hummel, P.E.  
Accountant Gregory M. Pardike

GUESTS: James White, Mika, Meyers, Beckett and Jones  
Alan Smaka, Wightman & Associates, Inc.  
Nate Bitely, Porter Township Supervisor  
Gerald Melko, Lakes Area Sewer Authority  
Rod Smith, Kalamazoo Gazette / Herald-Palladium

The Chair called the Regular Meeting to order at 7:05 p.m.

Moved by Stein, and seconded by Rosevelt to approve the minutes of the December 6, 2007 Regular Meeting as presented.

AYES: 3  
NAYS: 0  
MOTION CARRIED.

James White, Mika Meyers Beckett and Jones, addressed the Board about the Lakes Area Sewage System Bond Issue. A history of the sewer authority, financing, approval and recommendation to have financing provided by Cass County. Provided details of Cass County's approval and need for Van Buren County to consent to the Sewer system being established and coordinated through Cass County. He requested this Board to recommend this issue to the full County Board. Nate Bitely, Porter Township Supervisor provided more detail on the Sewage System. Alan Smaka provided the engineering details and location to all present and answered some questions related system expandability and service levels.

Upon motion made by Stein, seconded by Rhodes the following resolution was approved regarding the acquisition, construction and financing of a sewage disposal system by the County of Cass to serve the Township of Porter, Van Buren County:

**BOARD OF PUBLIC WORKS  
COUNTY OF VAN BUREN  
STATE OF MICHIGAN**

**RESOLUTION TO RECOMMEND RESOLUTION TO CONSENT TO  
THE ACQUISITION, CONSTRUCTION, AND FINANCING OF A  
SEWAGE DISPOSAL SYSTEM BY THE COUNTY OF CASS TO  
SERVE THE TOWNSHIP OF PORTER, VAN BUREN COUNTY**

Minutes of a special meeting of the Van Buren County Board of Public Works held in the Van Buren County Road Commission Building in Lawrence, Michigan on Thursday, the 7th day of February, 2008, at 7:00 p.m. Local Time.

PRESENT: Commissioners: Rosevelt, Rhodes, Stein

ABSENT: Commissioners: \_\_\_\_\_

The following preamble and resolution were offered by Commissioner Rosevelt and supported by Commissioner Rhodes.

WHEREAS, Act 185 of the Public Acts of Michigan of 1957, as amended ("Act 185") authorizes a county, acting through its Department of Public Works, upon the request of a local unit of government to acquire, improve, enlarge and extend sewage disposal systems and water supply systems in said local unit of government; and

WHEREAS, the County of Van Buren (the "County") has (a) established a Department of Public Works under the terms of Act 185 with authority to acquire, improve, enlarge, and extend sewage disposal systems and water supply system improvements for local units of government and (b) appointed this Board of Public Works in accordance with Act 185; and

WHEREAS, the Township of Volinia, together with the Township of Marcellus, located in Cass County, and the Township of Porter, located in Van Buren County (collectively the "Townships"), incorporated the Lakes Area Sewer Authority (the "Authority") pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended to provide for the establishment of a sewage disposal system, with collection and wastewater treatment facilities with adequate capacity to serve areas adjacent to Gravel Lake in Porter Township, Fish Lake and Saddlebag Lake located in Marcellus Township, and Finch Lake located partially in Volinia Township and partially in Marcellus Township; and

WHEREAS, the current pre-design estimate of cost of the Project is \$12,060,000; and WHEREAS, the Authority has applied to United States Department of Agriculture/Rural Development for a low-interest loan and grant to fund the cost of the Project; and

WHEREAS, Rural Development has determined that the Project meets Rural Development eligibility criteria and advised that Rural Development will consider a loan of \$11,060,000 and a grant of \$1,000,000 for the Project; and

WHEREAS, the Township of Volinia by resolution of its Township Board adopted on December 10, 2007 and the Township of Marcellus by resolution of its Township Board adopted on December 18, 2007, have each requested the assistance of the County of Cass through the Cass County Board of Public Works in connection with the Project, pursuant to Act 185; and

WHEREAS, the Township of Porter, by resolution of its Township Board adopted on December 9, 2007 requested the assistance of the County of Van Buren "and to the extent practicable, the Township requests that the Project be coordinated with Cass County"; and

WHEREAS, the Townships have each requested that Van Buren County and Cass County work cooperatively for the acquisition, construction, and financing of the Project; and

WHEREAS, Section 8 of Act 185 authorizes a county operating under Act 185 to "acquire any part of a . . . sewage disposal system . . . in an adjoining county . . . upon the consent expressed by . . . resolution of the governing body of the municipality or municipalities in such adjoining county . . . in which such part of the system . . . is to be located..."; and

WHEREAS, in order to protect the public health, safety and welfare, it is appropriate for the County of Van Buren, acting through its Board of Commissioners, to consent to the acquisition, construction and financing by Cass County of that portion of the Project to be located in Van Buren County within Porter Township.

WHEREAS, the Board of Public Works, having considered the proposed Project and the request of the Township of Porter hereby recommends that the Van Buren County Board of Commissioners consent to the acquisition, construction, and financing of the Project by Cass County on behalf of the Townships, and adopts this resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Resolution, attached hereto as Attachment A, is hereby approved in substance and concept, and the Chair is authorized to submit said Resolution to the County Clerk and the Board of Commissioners with the recommendation of the Board of Public Works that the same be adopted.
2. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Commissioners: Rosevelt, Rhodes, Stein

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NAYS: Commissioners: \_\_\_\_\_

ABSTAIN: Commissioners: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

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John Rosevelt, Secretary  
Van Buren County Board of Public Works

