

**VILLAGE *of* LAWTON**  
**VILLAGE COUNCIL MEETING**  
**125 S. MAIN STREET, LAWTON, MI 49065**  
**TUESDAY, NOVEMBER 8, 2022 – 7:00 P.M.**

*please silence cell phones*

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. CONSENT AGENDA**
  - A.** Approval of the November 8, 2022 Council Agenda
  - B.** Approval of the October 11 and October 25, 2022 Council Meeting Minutes
  - C.** Approval of October 2022 Disbursements in the amount of \$114,405.95
- V. COMMUNICATIONS / CORRESPONDENCE / PRESENTATIONS**
- VI. CITIZENS' COMMENTS – (Please keep comments to 3 minutes)**
- VII. PUBLIC HEARINGS / APPOINTMENTS / PROCLAMATIONS**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
  - A.** **Invoice from Peerless Midwest** for the amount of \$33,333.00 for well #9 pump repairs and cleaning.....Staff Recommends Approval
  - B.** **Resolution 20-22:** Lawton Athletic Boosters requests an approval of a Charitable Gaming License Application for Blue Devil Dash Bash on March 18, 2023.....Staff Recommends Approval

- C. **Christmas Parade Request:** Request from the Lawton Lions Club to hold the annual Lions Lighted Christmas Parade on Friday December 9, 2022 at 7:00pm.....Staff Recommends Approval
- D. **Investment Policy Update**.....Staff Recommends Approval
- E. **Resolution 21-22:** Resolution to approve the Michigan Class Investment Pool as an authorized Investment institution and authorizes the Treasurer to complete the necessary paperwork to enroll the Village with the pool.....Staff Recommends Approval
- F. **Approve Contract with MDOT** to plan, engineer, and contract roadway rehabilitation along Highway M-40 from 72<sup>nd</sup> Avenue to the Village limits for an estimated cost of \$3,051,100 of which the Village will contribute \$2,095,300 through prorated proportions.....Staff Recommends Approval

**X. BOARD, COMMITTEE, AND STAFF REPORTS**

- A. Village Manager – Lisa Imus
- B. Village Clerk – Brittany Rathbun
- C. Department of Public Works – Todd Hackenberg
- D. Police Department – Jeff Mack
- E. Planning Commission – Judy Peterson
- F. Downtown Development Authority – Gail Dudek
- G. Lawton Fire Board – Eric Dudek
- H. Lawton Library Board – Brittany Rathbun

**XI. COUNCIL COMMENTS**

**XII. ADJOURNMENT - NEXT REGULAR MEETING DATE – *November 22, 2022***

The Village of Lawton follows the Americans w/ Disabilities Act of 1990. Individuals with disabilities planning to attend this meeting and require accommodations, or those who have questions regarding the accessibility of this meeting or the facilities, are requested to contact the Village Clerk, at (269) 624-6407 or [brathbun@lawtonmi.org](mailto:brathbun@lawtonmi.org) to allow the Village to make reasonable accommodations. If you have questions or comments, and you are unable to make the meeting, forward to the Village Manager at [imusl@lawtonmi.org](mailto:imusl@lawtonmi.org).

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**Village of Lawton**  
**VILLAGE COUNCIL**  
**ZONING BOARD OF APPEALS/REGULAR MEETING**  
**125 S. MAIN, LAWTON MI 49065 269.624.6407**  
**Tuesday October 11, 2022**  
**MINUTES**

- I. **Call to Order:** President Appleby called the October 11, 2022, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- III. **Roll Call:** *Present:* Appleby, Tanis, Smith, E. Dudek, Peterson, Turner, G. Dudek *Absent:* None *Others Present:* Village Manager Imus, Clerk Rathbun, Superintendent Hackenberg, Police Chief Mack, and six guests.
- IV. **Call to Order of the Lawton Zoning Board of Appeals:** Appleby called the Zoning Board of Appeals meeting to order at 7:01 PM.
  - A. **Approval of Agenda:** Smith, seconded by E. Dudek motioned to approve the ZBA Agenda for October 11, 2022.
  - B. **Communications, Correspondence, and Presentations:**
    1. Zachary Daniels requested a fence variance at 221 Hamilton. He stated that they need a variance to allow one of their front yards to have a 6' fence due to safety concerns for their children, as well as to keep dogs out of the yard, and for privacy. He stated that there were misunderstandings on the permit process that led to the 6' fence being placed in the front yard before the permit was issued. He stated that they would like a variance based on other 6' fences being granted variances in the front yard.
    2. Debbie Stump, from 510 Washington commented that she and her husband are neighbors of the Daniels family, and that the fence does not bother them or get in the way of any driveways. They are in favor of the Daniels' fence.
  - C. **President Closes Public Hearing:** President Appleby closed the Public Hearing at 7:24PM
  - D. **Council Consideration of Variance Request**
    1. Council held debate for variance request. Smith, supported by E. Dudek made a motion to approve the variance request to allow the 6' fence at 221 Hamilton in the west front yards, due to a belief of hardship based on miscommunication. Roll call vote taken: G.

Dudek-Yes, Turner-Yes, Peterson-No, Smith-Yes, Tanis-Yes, E. Dudek-Yes, Appleby-No.  
Variance granted.

**E. President Adjourns the ZBA Meeting:** E. Dudek, supported by Smith, made a motion to adjourn the Meeting of the Zoning Board of Appeals Meeting at 8:15 PM.

**V. Consent Agenda:** The Consent Agenda included the approval of the October 11 Council Agenda, the September 27, 2022 Council Meeting Minutes, and approval of the September 2022 disbursements in the amount of \$141,050.13. Peterson made a motion to approve the Consent Agenda supported by G. Dudek. A unanimous roll call vote approved the motion.

**VI. Citizen Comments:**

**A.** Paul Schincariol announced that on October 12, at 7pm, as well as on October 19 at 12PM there will be a ballot proposal forum at <https://canr.msu.edu/vote2022>. He stated October 14 10am-2pm there will be a Veteran event in Decatur. The Daily Recovery Zone is a new facility in Paw Paw to help addicted citizens recover, of which the county approved a small amount of General Fund to support this program. They are having open house provided at 609 E Michigan on October 13 from 11am-2pm. He stated there is another Recycling Event for tire collections this Saturday, and that electronics recycling is up in county at over 64,000 lbs. with ongoing collection at the community thrift store. Schincariol stated that Wayne Nelson has been appointed as the new County Road Commissioner for our area, and that next Monday will be the interviews for the County Administrator position.

**VII. Public Hearings/Appointments/Proclamations:** None.

**VIII. Old Business:**

**A. Resolution 19-2022:** E. Dudek moved to approve Resolution 19-2022 in order to update Village Personnel Policies and Procedures Manual for sick time and COBRA benefits, supported by Tanis. Roll Call Vote taken, all in favor, none opposed. Resolution passed.

**IX. New Business:**

**A. Resolution 20-2022:** Turner motioned and Smith Seconded to pass Resolution 20-2022, a resolution to authorize Village Manager Lisa Imus as the signatory for the donation/acquisition of 119 N Main, Parcel #80-45-650-001-10. Roll Call Vote Taken, all in favor, none opposed. Motion carried.

**B.** Peterson motioned to approve a proposal from Wightman to serve as the Prime Professional for the Chancy Lewis Park Passport Grant Renovations in the amount of \$11,500. Seconded by Smith, roll call vote taken. All in favor, none opposed. Motion carried.

- C. Upon presentation of MML Liability and Property Pool Board of Directors Ballot, E. Dudek motioned to cast Lawton's vote for Jean Stegeman and Brenda Stumbo, seconded by G. Dudek. Voice vote taken. Yays: 7, Nays: 0. Motion carried. Ballot will be cast to elect Jean Stegeman, and Brenda Stumbo to the MML Liability and Property Pool Board of Directors.
- D. Turner motioned and E. Dudek seconded to accept proposal from ALeksich Excavating of Lawton, Michigan to provide sewer repair at 622 & 624 Third Street in order to separate the combined sewer connections in the amount of \$12,000. Roll Call Vote taken, all in favor, none opposed. Motion carried.

**X. Board, Committee, and Staff Reports:**

- A. Imus reported that they met with Honee Bear today, and would like to continue conversations regarding the sanitary sewer extension. Imus reported Market Van Buren called today to say our application for the RAP Grant was one of the top applications, however, since Southwest Michigan First only received a partial payment, they are asking us to come up with an alternative amount rather than the million we requested in case they need to cut some of the funding, so we are reviewing to see what we can move around. Imus wanted to remind everyone that the quilters show is this weekend at the middle school.
- B. Rathbun reported no clerk updates.
- C. Hackenberg reported that the annual water testing has been done, and paperwork has been submitted to the State of Michigan. The water tower has been cleaned. The aviation light on the water tower is out, and needs to be replaced but has been ordered. Hackenberg stated that the M40 project is out for bid right now, and the intent to reply has been sent out. He stated that the 25<sup>th</sup> and 26<sup>th</sup> they will be giving tours to the water facilities to middle schoolers. Hackenberg stated he has gotten some prices for the Union street one way. MDOT is going to tear it up next year, and prices are high.
- D. Mack provided an update on Police department Policy updates. He stated the department is meeting next week to go over what they have already reviewed, and then they will move on to section 3 out of 4 that they have. The officers are signing for the policies as they are reviewing them. Once they review a section, the section has come into play. He expects the policies to be fully reviewed by the end of the year.
- E. Peterson reported that the Planning Commission met along with the Master Plan Steering Committee. She stated it provided the Planning Commission with an opportunity to see where they are with the whole Master Planning Comments. The Master Planning Preliminary draft will now be made available for the Council to review, and she is hoping to review it at an upcoming Committee of the Whole meeting in November.
- F. G. Dudek reported that the DDA met, but had nothing new to discuss.

- G.** E. Dudek reported that the Fireboard met but had nothing new to discuss.
- H.** Rathbun reported that the Library Board met, but there was nothing new to discuss.
- XI.** **Council Comments:** Smith wanted to know if there were any developments with Wonder, or if the home on Durkee that was under construction was going to be completed. Imus affirmed that both projects were moving forward.
- XII.** **Adjournment:** Turner moved, with support from E. Dudek to adjourn the Village Council Meeting at 8:24 p.m. Next regular council meeting to take place on October 25, 2022 at 7pm.

Respectfully Submitted by,

Brittany Rathbun

Village Clerk





**Village of Lawton  
VILLAGE COUNCIL  
SPECIAL MEETING  
125 S. MAIN, LAWTON MI 49065 269.624.6407  
Thursday, October 25, 2022  
MINUTES**

- I. **Call to Order:** President Appleby called the October 25, 2022, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Attendance:** Present: Appleby, G. Dudek, E. Dudek, Smith, Tanis, Turner, Peterson, Village Manager Imus, and Superintendent Hackenberg
- III. **Communications, Correspondence, and Presentations:**
  - A. **Village Tour via STAR Transportation Bus:** Council toured the following locations, was given an update on current conditions and upcoming projects. Council members asked questions on each location, and future needs were discussed.
    - i. Chancy Lewis Park
    - ii. Oak Grove Cemetery
    - iii. Point Way
    - iv. 66<sup>th</sup> & M-40
    - v. Baseball Fields
    - vi. Old Wastewater Ponds via 72<sup>nd</sup>
    - vii. WWTP
    - viii. DPW
- IV. **Council Comments:** None.
- V. **Adjournment:** Smith motioned, and E. Dudek seconded to adjourn at 7:30 pm.

Respectfully Submitted by,

Lisa Imus  
Village Manager

11/02/2022

CHECK REGISTER FOR VILLAGE OF LAWTON  
CHECK DATE FROM 10/01/2022 - 10/31/2022

Check Date	Bank	Check	App	Vendor	Vendor Name	Description	Amount
Bank GEN GENERAL CHECKING							
10/18/2022	GEN	5910	AP	155	APPLIED IMAGING	LIBRARY COPIER CONTRACT NO CN3599-01 - A	122.62
10/18/2022	GEN	5911	AP	104	BAKER & TAYLOR, INC.	BOOKS	735.87
10/18/2022	GEN	5912	AP	104	VOID		0.00 V
10/18/2022	GEN	5913	AP	MISC	BLOOMFIELD TOWNSHIP PUBLIC LIBRARY	DAMAGED BOOK	24.00
10/18/2022	GEN	5914	AP	056	BLOOMINGDALE COMMUNICATIONS	PHONE LIBRARY	162.70
10/18/2022	GEN	5915	AP	101	CENGAGE LEARNING.	SEPTEMBER THRILLER, ADVENTRUE AND SUSPEN	218.37
10/18/2022	GEN	5916	AP	964	CLARK TECHNICAL SERVICES	LPL 2022 SUPPORT	60.00
10/18/2022	GEN	5917	AP	MISC	VOID	ATTORNEY FEES	0.00 V
10/18/2022	GEN	5918	AP	767	OVERDRIVE, INC	LIBRARY PARTICIPATION - FUTURE CONTENT P	2,000.00
10/18/2022	GEN	5919	AP	264	PETTY CASH LAWTON PUBLIC LIBRARY	KAREN DIONNE - BOOK PURCHASE	19.00
10/18/2022	GEN	5920	AP	079	QUILL CORPORATION	PAPER, PLANNER, PACKING TAPE, SWIFFER RE	110.26
10/18/2022	GEN	5921	AP	320	SYNCB/AMAZON	BOOKS	178.14
10/18/2022	GEN	5922	AP	227	THE LIBRARY NETWORK	DEEFPREEZE ENTERPRISE LICENSE RENEWAL X8	39.20
10/19/2022	GEN	5923	AP		VOID		0.00 V
10/24/2022	GEN	5925	AP	MISC	CLARKSTON INDEPENDENCE DISTRICT LIB	REAL STEEL DVD	17.00
10/24/2022	GEN	5926	AP	MISC	DONNA DLUGE	DONUTS: GOLF CART PARADE DDA	48.00
10/24/2022	GEN	5927	AP	MISC	FOSTER SWIFT COLLINS & SMITH P.C.	ATTORNEY FEES	855.00
10/24/2022	GEN	5928	AP	1084	THREATTRACK SECURITY INC.	VIPRE ENDPOINT SECURITY SUBSCRIPTION	427.00
10/24/2022	GEN	5929	AP	MISC	VAN BUREN COUNTY TITLE	119 N MAIN ST TITLE CHARGES AND ESCROW C	901.30
10/26/2022	GEN	5930	AP	030	ADAMS HARDWARE	CONSOLIDATED BILL	659.60
10/26/2022	GEN	5931	AP	155	APPLIED IMAGING	CONTRACT NO CN5174-01 FOR ACCT NO KZ1828	200.05
10/26/2022	GEN	5932	AP	893	BEN W. JOHNSON	SEPTEMBER 2022 CLEANING X4	475.00
10/26/2022	GEN	5933	AP	056	BLOOMINGDALE COMMUNICATIONS	TELEPHONE FOR ACCT NO 0032515-9	334.86
10/26/2022	GEN	5934	AP	964	CLARK TECHNICAL SERVICES	VOL 2022 SUPPORT	566.25
10/26/2022	GEN	5935	AP	026	CONSUMERS ENERGY	HEAT FOR ADDRESS 125 MAIN ST ACCT NO 100	100.04
10/26/2022	GEN	5936	AP	MISC	DAVID M. PETERSON	ATTORNEY FEES	360.00
10/26/2022	GEN	5937	AP	MISC	DETROIT SALT COMPANY	ROCK SALT	6,486.67
10/26/2022	GEN	5938	AP	1069	DICKINSON WRIGHT PLLC	ECONOMIC DEVELOPMENT PROJECT	1,100.00
10/26/2022	GEN	5939	AP	1004	FERGUSON WATERWORKS #3386	MATERIALS	712.60
10/26/2022	GEN	5940	AP	1077	FLUID POWER ENGINEERING, INC	SUCTION HOSE	15.68
10/26/2022	GEN	5941	AP	089	HAAS SYSTEMS, INC.	QUARTLY ALARM MONITORING PER AGREEMENT W	96.00
10/26/2022	GEN	5942	AP	930	HS FLEET SERVICES LLC	MAINTENANCE ON VEHICLE 2020 FORD	236.40
10/26/2022	GEN	5943	AP	017	INDIANA MICHIGAN POWER CO.	ELECTRIC - STREET LIGHTING	1,918.60
10/26/2022	GEN	5944	AP	1013	JEFFREY MACK	EXTERNAL HARDDRIVE	148.39
10/26/2022	GEN	5945	AP	758	MANNING ENTERPRISES, INC	BUCKET FOR BOBCAT	218.00
10/26/2022	GEN	5946	AP	453	MENARDS	TOP RAIL	116.34
10/26/2022	GEN	5947	AP	MISC	MICHIGAN AGRIBUSINESS SOLUTIONS	FECAL COLIFORM AND METALS TESTING	1,000.00
10/26/2022	GEN	5948	AP	145	MICHIGAN RURAL WATER ASSOC.	TIM BROOKS - AERIAL BUCKET TRUCK SAFETY	205.00
10/26/2022	GEN	5949	AP	MISC	MY SPLASH PAD	WINTERIZING OF SPLASH PAD	1,050.00

10/26/2022	GEN	5950	AP 172	PEERLESS MIDWEST, INC.	WELL #4 - SUPPLY AND INSTALL NEW 6" WAFE	10,800.00
10/26/2022	GEN	5951	AP 1024	PREMIER SAFETY	DEMAN FLOW REGULATOR	218.38
10/26/2022	GEN	5952	AP 1034	PRIORITY HEALTH	INSURANCE GROUP ID 794824	9,763.55
10/26/2022	GEN	5953	AP 110	PURITY CYLINDER GASES, INC.	GAS, ACETYLENE	87.88
10/26/2022	GEN	5954	AP MISC	QUALITY AIR SERVICE, INC	LABOR, MILEAGE, MSA SMOKE TUBE	297.50
10/26/2022	GEN	5955	AP 493	VAN BUREN COUNTY	VERIZON AIRCARD - FEB	80.26
10/26/2022	GEN	5956	AP 493	VAN BUREN COUNTY	VERIZON AIRCARD - AUG - SEP	80.38
10/26/2022	GEN	5957	AP MISC	VAN BUREN PUBLIC TRANSIT	VILLAGE OF LAWTON TOUR	150.00
10/26/2022	GEN	5958	AP 083	VILLAGE OF PAW PAW	WATER LAB ANALYSIS	330.00
10/26/2022	GEN	5959	AP 047	WIGHTMAN	PROJECT - 224009 GENERAL ENGINEERING	93.75
10/14/2022	GEN		PR			31,854.12
10/28/2022	GEN		PR			38,576.19
Total of 48 Checks:						114,405.95
(3 Checks Voided)						0.00
Total of 95 Disbursements:						114,405.95



# INVOICE

**New Remit to Address:**

55860 Russell Industrial Pkwy.  
Mishawaka, IN 46545

**Bill To:**

Village of Lawton  
Attn: Accounts Payable  
P.O. Box 367  
Lawton, MI 49065  
clerk@lawtonmi.gov  
leonardm@lawtonmi.gov  
hackenberg@lawtonmi.gov

P: 574-254-9050 / F: 574-254-9650

**DATE:** October 19, 2022

**Invoice #** 69253

**PO #** Verbal: Todd

**PM:** ALG

**PN:** 57050

**FN:** 19879

**CN:** 17011

**Tax Exempt:** Yes / Pol. Sub.

**Ship To:**

## WELL # 9 PUMP REPAIRS & CLEANING

**Services Rendered in July and August, 2022**

Pricing per our Quotation ALG-042522 (Revised July 6)

Crew to pull the pump, bring to shop, and teardown:	\$2,170.00
Normal wearing parts: new bearings, sleeves, couplings, and 100 Hp motor repair:	\$9,028.00
All new 8" column assembly:	\$6,735.00
Shop labor and machinist time to repair:	\$6,440.00
Crew to reinstall pump in the well:	\$2,240.00
Well cleaning @ \$2,240.00 per day x 3 days:	\$6,720.00

**TOTAL** \$ 33,333.00

OUR PAYMENT TERMS ARE NET 30  
**THANK YOU FOR YOUR BUSINESS!**  
Federal ID # 35-1284374



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

# Village of Lawton Resolution 20-22

## LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a Regular meeting of the Lawton Village Council  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by President Josh Appleby on Tuesday, Nov 8, 2022  
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Lawton Athletic Boosters of Lawton,  
NAME OF ORGANIZATION CITY

county of Van Buren, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for Approval.  
APPROVAL/DISAPPROVAL

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Village of Lawton at a Regular  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on Tuesday, November 2, 2022.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

**Brittany Rathbun, Village Clerk**

PRINTED NAME AND TITLE

**125 S Main, PO Box 367, Lawton MI 49065**

ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)

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**Lion Vicki Mroczek**

Phone Cell: 269-921-8856

Email: vlm6224@gmail.com

I would like to ask the village counsel to schedule the Christmas in the Village Parade on Fri. Dec. 9th., The second Friday in December, to begin at 7:00 pm. We plan on using the Library for Santa visits and crafts after the Christmas parade. We would also ask for the use of the fire hall for refreshments as we have in the past. Lawton Lions would like to invite the public to join us in Christmas caroling on Tues. Dec. 13th. gathering at the Community Center at 6:00 pm

Thank you,

Lion, Vicki Mroczek

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**VILLAGE OF LAWTON  
VAN BUREN COUNTY, MICHIGAN  
INVESTMENT POLICY**

**1.0 PURPOSE**

It is the policy of the Village of Lawton to invest public funds in a manner which will provide the highest investment return with the maximum security, while meeting the daily cash flow demands of the village and conforming to all state statutes and local ordinances governing the investment of public funds.

**2.0 SCOPE**

This investment policy applies to all transactions involving the financial assets and related activity of the Village of Lawton, except for its employee deferred compensation funds, which are organized and administered separately. These funds are accounted for in the annual financial report and include the following funds:

- General Fund Special Revenue Funds
- Capital Project Funds
- Enterprise Funds (Water/Sewer Funds)
- Debt Service Funds
- Special Assessment Funds
- Internal Service Funds
- Trust & Agency Funds
- Any new funds established by the Village of Lawton

**3.0 OBJECTIVES**

Funds of the Village of Lawton will be invested in accordance with Michigan Public Act 20 of the Public Acts of 1943, as amended, and in accordance with the following objectives, in order of priority:

- 3.1 Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.
- 3.2 Diversification - The investments shall be diversified by specific maturity dates, individual financial institution(s) or a specific class of securities in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- 3.3 Liquidity – The investment portfolio will remain sufficiently liquid to meet all operating requirements which might be reasonable anticipated.

- 3.4 Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and cash flow characteristics of the portfolio.

#### 4.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from the General Law Village Act. Management responsibility for the investment program is hereby delegated by the Lawton Village Council to the Village Manager and Village Treasurer, who shall establish procedures and internal controls for the operation of the investment program, consistent with the investment policy.

No person may engage in investment transactions except as provided under the terms of this policy and the procedures established by the Village Manager and Village Treasurer, who shall be responsible for all transactions undertaken and who shall establish a system of controls to regulate the activities of subordinate officials.

#### 5.0 AUTHORIZED INSTRUMENTS

In accordance with Public Act 20 of the Public Acts of 1943 MCL 129.91, as amended, the surplus funds of the Village of Lawton may be invested as follows:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
- (c) Commercial paper rated at the time of purchase within the highest classification established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in subdivision (a) above. Repurchase agreements shall be negotiated only with dealers or financial institutions with which the Village of Lawton has negotiated a Master Repurchase Agreement. Repurchase Agreements must be signed with the bank or dealer and must contain provisions comparable to those outlined in the Public Security Association's model Master Repurchase Agreement.
- (e) Bankers' acceptances of United States banks.



- (f) Mutual funds registered under the investment company act of 1940, maintain a \$1.00 per share net asset value, and with authority to purchase only investment vehicles that are legal for direct investment by a public corporation.
- (g) Investment pools organized under the surplus funds' investment pool act, 1982 PA 367, 129.11 to 129.118.
- (h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512

#### 6.0 SAFEKEEPING AND CUSTODY

All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Village of Lawton shall be on a cash or delivery vs. payment basis. Securities may be held by a third-party custodian designated by Village Manager and evidenced by safekeeping receipts as determined by the Village Treasurer.

#### 7.0 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

#### 8.0 REPORTING

The Treasurer shall provide quarterly (or more often) written investment reports to the Village Council which provide a clear picture of the status of the current investment portfolio. In addition, the Treasurer shall, as required by law, present an annual written report to the Village Council.

#### 9.0 CONFLICT OF INTEREST AND ETHICS

Officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and Council Members shall disclose to the Treasurer, and the Treasurer shall disclose to the Council, any material financial interest in financial institutions that conduct business with the Village. And further, the Board, Employees, and the Treasurer shall disclose any material financial investment position related to the performance of the Village's portfolio.

#### 10.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

A list will be maintained of financial institutions authorized to provide investment services to the Village of Lawton. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services to the Village of Lawton.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must first be provided with a copy of the City's Investment Policy and return to the City a signed copy of the agreement to comply (see Appendix A).

#### Adoption and Review

The Village's investment policy shall be adopted by the Village Council. The policy shall be reviewed annually by the Treasurer and any modifications must be approved by the Village Council.

#### 9.0 EFFECTIVE DATE

This policy update initially became effective on December 9, 1998, the day following adoption by the Lawton Village Council.

This policy was amended by the Lawton Village Council on February 9, 1999 with the addition of Articles g & h, Section 5.0, Authorized Instruments, and again on November 8, 2022.

**VILLAGE OF LAWTON  
VAN BUREN COUNTY, MICHIGAN  
INVESTMENT POLICY**

**Appendix A**

**ACKNOWLEDGEMENT OF RECEIPT OF INVESTMENT POLICY AND  
AGREEMENT TO COMPLY**

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**VILLAGE OF LAWTON  
COUNTY OF VAN BUREN  
STATE OF MICHIGAN**

**RESOLUTION NO. 21-2022**

**RESOLUTION TO APPROVE THE ADDITION OF MICHIGAN COOPERATIVE LIQUID  
ASSETS SECURITIES SYSTEM AS AN APPROVED INVESTMENT OPTION**

---

At a regular meeting of the Lawton Village Council, held at Lawton Village Hall – 125 S Main Street in Lawton, Michigan, on this 8<sup>th</sup> day of November 2022 at 7:00 p.m.

**PRESENT:**

**ABSENT:.**

The following Resolution was offered by Councilperson \_\_\_\_\_ and supported by Councilperson \_\_\_\_\_.

**RESOLUTION**

**WHEREAS**, the Michigan Cooperative Liquid Assets Securities System (Michigan CLASS) is compliant with Public Act 20, and;

**WHEREAS**, the Michigan CLASS Board of Trustees oversees the pool and directs the pool administrator, Public Trust Advisors, to emphasize safety, liquidity, and convenience while providing diversification of investments and the advantage of a competitive return, and;

**WHEREAS**, Michigan CLASS investments are fully compliant with all appropriate Michigan investment laws, and;

**WHEREAS**, Michigan CLASS has over 500 funded participants ranging from the very large to the very small, with nearly \$2.2 billion in shares outstanding, and;

**WHEREAS**, this investment has no restrictions regarding withdrawals or contributions, affording the village the ability to use Michigan CLASS as it best suits our individual needs.

**NOW THEREFORE BE IT HEREBY RESOLVED** that the Village of Lawton approves the Michigan Class Investment Pool as an authorized Investment institution and authorizes the Treasurer to complete the necessary paperwork to enroll in the pool.

**THIS RESOLUTION** is hereby approved by roll call vote:

**YEAS:** Council Members

**NAYS:** Council Members

**ABSTAIN:** Council Members

**ABSENT:** Council Members

**CERTIFICATION**

I, Brittany Rathbun, the duly appointed Clerk of the Village of Lawton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Lawton Village Council at a regular meeting held on Tuesday, November 8, 2022 in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

**THE VILLAGE OF LAWTON**

BY: \_\_\_\_\_  
Brittany Rathbun, Village Clerk

SPECIAL TRUNKLINE  
FEDERAL AID PROGRESS PAYMENT  
TE AND ADDED WORK

DA  
Control Section ST 80111;  
GF19 80111; TAU 80111  
Job Number 200641CON; 200641PE;  
213171CON  
Federal Project 22A1005; 22A1034  
Contract 22-5219

THIS CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the VILLAGE OF LAWTON, a Michigan municipal corporation, hereinafter referred to as the "VILLAGE"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the VILLAGE.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning roadway rehabilitation work along Highway M-40 from 72<sup>nd</sup> Avenue to Lagrave Street; and

WHEREAS, the VILLAGE has requested additional work in connection with a portion of the DEPARTMENT'S construction, which additional work in conjunction with the DEPARTMENT'S construction is hereinafter referred to as the "PROJECT" and is further described as follows:

PART A – J.N. 200641 FEDERAL, STATE & VILLAGE PARTICIPATION

Storm sewer work along Union Street from Walker Street to the Highway M-40 right of way, including excavation, aggregate base, erosion control, drainage structure, hot mix asphalt paving, and sewer video taping work; together with necessary related work, located within the corporate limits of the VILLAGE; and

PART B – J.N. 200641 100% VILLAGE PARTICIPATION

Watermain, sanitary sewer, and streetscaping work along Highway M-40 from Morrill Street to approximately 300 feet north of White Oak Street, including concrete curb and gutter, video taping sewer, drainage structure, hot mix asphalt paving, sidewalk, decorative concrete surface, tree and plant installation, planter pot installation, bench installation, bike rack installation, decorative street lighting, turf establishment, irrigation system installation, permanent pavement marking, fire hydrant, and gate valve and box installation work; together with necessary related work, located within the corporate limits of the VILLAGE; and

PART C – J.N. 213171 FEDERAL AND VILLAGE PARTICIPATION

Sidewalk and decorative street lighting, along Highway M-40 from Fourth Street to East First Street; together with necessary related work, located within the corporate limits of the VILLAGE; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be:

PART A:	\$ 863,300
PART B:	\$1,769,000
PART C:	<u>\$ 418,800</u>
TOTAL:	\$3,051,100

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The VILLAGE hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract.

The term "PROJECT COST" for the PARTS A and B portions of the PROJECT, as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), legal, appraisal, financing, and any and all other expenses in connection with any of the above.

The term "PROJECT COST" for the PART C portion of the PROJECT, as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), legal, appraisal, financing, and any and all other expenses in connection with any of the above.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) adopted new Administrative Rules (R 325.10101, et. seq.) prohibiting any governmental agency from connecting any "lead service line" (R.325.10105(r)) to newly installed water main pipes. According to EGLE, all "lead service line(s)" must be replaced from the road into the house/building that water is being supplied to. The cost associated with water main "lead service line" replacement work, as mandated by State Law, will be the responsibility of the VILLAGE. Any and all contractor claims related to "lead service line" replacement work will be the responsibility of the VILLAGE.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such

cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The VILLAGE shall make available to the PROJECT, at no cost, all lands required thereof, now owned by it or under its control for purpose of completing said PROJECT. The VILLAGE shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the VILLAGE. That portion of the PROJECT which lies within the right of way under the control or ownership by the VILLAGE shall become part of the VILLAGE facility upon completion and acceptance of the PROJECT and shall be maintained by the VILLAGE in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of VILLAGE right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

6. The VILLAGE will approve the design of the PROJECT and shall accept full responsibility for the design with respect to the facilities functioning as a part of the VILLAGE'S facilities. Any approvals by the DEPARTMENT are for its own purposes and are not to nor do they relieve the VILLAGE of liability for any claims, causes of action or judgments arising out of the design of the facilities.

7. The PART A and C portions of the PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PART A, B, and C portions of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the DEPARTMENT and the VILLAGE in the following proportions and in the manner and at the times hereinafter set forth:

	<u>PART A</u>	<u>PART B</u>	<u>PART C</u>
DEPARTMENT -	8%	0%	0%
VILLAGE -	92%	100%	100%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:



	TOTAL ESTIMATED <u>COST</u>	FED <u>AID</u>	BALANCE AFTER <u>FED AID</u>	DEPT'S <u>SHARE</u>	VILLAGE'S <u>SHARE</u>
PART A	\$ 863,300	\$706,600	\$ 156,700	\$12,500	\$ 144,200
PART B	\$1,769,000	\$ 0	\$1,769,000	\$ 0	\$1,769,000
PART C	<u>\$ 418,800</u>	<u>\$236,700</u>	<u>\$ 182,100</u>	<u>\$ 0</u>	<u>\$ 182,100</u>
TOTAL	\$3,051,100	\$943,300	\$2,107,800	\$12,500	\$2,095,300

The PE costs for the PARTS A and B portions of the PROJECT COST will be apportioned in the same ratio as the actual construction award and the CE costs for the PARTS A, B, and C portions of the PROJECT COST will be apportioned in the same ratio as the actual direct construction costs.

8. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the VILLAGE on a monthly basis for the VILLAGE'S share of the cost of work performed to date, less all payments previously made by the VILLAGE not including payments made for a working capital deposit. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the VILLAGE.

The VILLAGE will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT as working capital and applied toward the end of the project for the contracted work and cost incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT PART B - \$150,000

The total deposit will be billed to the VILLAGE by the DEPARTMENT and shall be paid by the VILLAGE within 30 days after receipt of bill.

9. Pursuant to the authority granted by law, the VILLAGE hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the VILLAGE shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the VILLAGE of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the VILLAGE from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the VILLAGE with payment thereof, and to notify the VILLAGE in writing of such fact.

10. Upon completion of the PROJECT and the sidewalk constructed along Highway M-40 from White Oak Street approximately 200 feet north of West Second Street, the VILLAGE

shall accept the facilities constructed as built to specifications within the construction contract documents. It is understood that the VILLAGE shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act (ADA), 42 USC 12131 et seq., and its associated regulations and standards, and DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction at no cost to the DEPARTMENT. The maintenance for the decorative street lighting work shall include, but not be limited to replacement of lights and poles, as needed. All expenses for electrical service and maintenance of the PROJECT shall be the responsibility of the VILLAGE.

11. With respect to that portion of the PROJECT under the jurisdiction of the VILLAGE:

- A. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the VILLAGE. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the VILLAGE of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability control or jurisdiction.
- B. The providing of recommendations or advice by the DEPARTMENT does not relieve the VILLAGE of its exclusive jurisdiction of any VILLAGE highway and responsibility under MCL 691.1402 et seq., as amended.
- C. When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.
- D. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any VILLAGE highway for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended rests with the VILLAGE

12. If at any time in the future, the pavement for parking is required for trunkline purposes, the DEPARTMENT shall take over and use such pavement without replacement of the facility or reimbursement to the VILLAGE.

13. The VILLAGE, in conformance with Federal Aid Policy Guide (FAPG) Chapter I, Subchapter G, Part 630, Subpart C: Project Agreements, stipulates the following with respect to its specific jurisdiction of the PROJECT:

- A. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
- B. That it agrees to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
- C. That as a condition of Federal aid pursuant to this contract the VILLAGE shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under, or to benefit from this contract, is under consideration to be listed on the EPA List of Violating Facilities.

14. Failure of the VILLAGE to fulfill its responsibilities as outlined herein may disqualify the VILLAGE from future Federal-Aid participation in projects on roads or streets for which it has maintenance responsibility. Federal-aid may be withheld until such time as deficiencies in regulations have been corrected and the improvements constructed as the PROJECT are brought to a condition of maintenance satisfactory to the DEPARTMENT and the FHWA.

15. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

16. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the VILLAGE and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the VILLAGE, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

VILLAGE OF LAWTON

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

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

By \_\_\_\_\_  
Department Director MDOT

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



**APPENDIX A**  
**PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS**

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

**APPENDIX B**  
**TITLE VI ASSURANCE**

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
  - a. Withholding payments to the contractor until the contractor complies; and/or
  - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011



## APPENDIX C

### TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

#### Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

# WATER/SEWER OPERATIONS REPORT

## October 2022

- 1) 49,425,000 Gallons of water were pumped during the month compared to 29,498,000 in 2021.
- 2) The average daily usage was 1,594,354 gallons.
- 3) Routine sampling was done with all samples being non detect.
- 4) We had The Sludge tank pumped out by our contractor this month.

Total hours for the month    Water – 74    Overtime – 8  
   Sewer – 227    Overtime – 18

Respectfully submitted,

Todd Hackenberg  
Superintendent of Public Works

### **Village of Lawton WWTP** Operational report

#### **Wastewater Treatment**

- In October a total of 2.11 million gallons of treated wastewater was discharged into the tributary to the South Branch of the Paw Paw River. The daily effluent flows averaged 68,000 gallons per day, which is approximately 28% of the hydraulic capacity of the plant.

#### **Regulatory Matters**

- The Discharge Monitoring Report for October has been electronically submitted to the MDEQ.

#### **Land Application Program**

500 gallons of activated sludge was pumped over to the sludge storage tank.

# **PUBLIC SERVICES REPORT**

## **October 2022**

### **CEMETERY**

1) We had 6 interments in the month of October

Hours for the month – 181 Overtime – 0

### **MOTORPOOL**

1) General maintenance was performed on trucks and leaf equipment

2. the dump truck has been repaired

Hours for the Month – 94 Overtime – 0

### **BUILDINGS & GROUNDS**

1) No activity other than general maintenance

Hours for the month – 9 Overtime – 0

### **CIVIC ACTIVITIES**

1) No work was performed this month

Hours for the month - 0

### **PARKS**

1) General maintenance and leaf cleanup was performed.

Hours for the month – 43 Overtime – 8

### **STREETS & SIDEWALKS**

1) no activity other than general maintenance

Hours for the month

Major Preservation – 34 Local Preservation – 33

Major winter Maint. – Local winter Maint. –

Streets (not act 51) – 222 Sidewalks –

Vacation hours – 40 Sick time – 40

Respectfully Submitted,

Todd Hackenberg  
Superintendent of Public Works

# LAWTON POLICE DEPARTMENT – COUNCIL REPORT

## OCTOBER 2022

Calls for Service/Complaints-----**127**

Ordinance complaints-----**5**

    Blight **(2)**        Zoning **(0)**                Misc. **(3)**

Traffic stops-----**41**

    Citations issued **(11)**        Verbal warnings **(30)**

Arrests-----**6**

Accidents-----**4**

Parking citations-----**0**

HOURS WORKED:    Scheduled (Full-time)        676

                    Scheduled (Part-time)        0

                    Overtime hours                26.5

                    Vacation hours                8

                    Sick leave hours                12

### COMMUNITY POLICING:

Officers made **(87)** field contacts and **(23)** business contacts.

LPD officer attended multiple Lawton H.S. sporting events (many stickers to kids)

Officer Edwards and Chief Mack participated in the Fall Escapade Parade.

Chief Mack participated in the Spooktacular / Trunk or Treat event at the Lawton Elementary School as well as on Halloween night.

### **NOTABLE INCIDENTS:**

Officer Hitchcock investigated a Retail Fraud complaint at the Dollar General. The suspect was identified and interviewed. Charges were authorized and a warrant issued. Officer Edwards later observed the suspect driving and arrested him on the warrant.

Officer Edwards assisted VBC with searching for a domestic assault suspect that was possibly in Lawton. Officer Edwards located the suspect and he was arrested on probable cause for the assault. During the arrest, a consent search of the suspect's vehicle was done and suspected drugs and ammunition were located. The drugs tested positive as meth. The suspect was also arrested for possession of meth and being a felon in possession of ammunition.

While running stationary radar, Officer Edwards observed a vehicle traveling at 79 MPH in a posted 45 MPH zone on 72<sup>nd</sup> Ave. The vehicle was stopped and the driver was found to have a suspended license. The driver was issued citations for driving on his suspended license and for careless driving, due to his excessive speed.

### **ADDITIONAL:**

For the month of October, Lawton officers spent many hours of directed traffic patrol, specifically targeting speed violations. The number of hours spent in the following locations is as follows:

19.91 hours – Main St.

10.58 hours – All other areas within the Village

Total hours – 30.49

LPD had 25 (Assist other agency calls): 12 medical/ambulance calls in the Village, 1 medical/ambulance call in Antwerp Twp., 5 assist calls in Porter Twp., 3 in Antwerp Twp., 3 to Paw Paw PD, and 1 assist to APS in the Village.

Respectfully,

Chief Jeffrey Mack

## Van Buren County File Class / Section Report

<b>Number</b>	<b>Sub-Beat</b>	<b>Date</b>	<b>Offense</b>	<b>Location</b>	<b>Incident Code-Type</b>	<b>Officer</b>
22-0862	LAWTON-1	10/07/2022	BLIGHT ORDINANCE 93.01 Blight Ordinance 93.01	1020 Main Street	- Junk Auto	Mack, J. Open
22-0899	LAWTON-1	10/14/2022	BLIGHT ORDINANCE 93.01 Blight Ordinance 93.01	517 Second Street	-Mattress at curb	Hitchcock, S. Removed
<b>Total:</b>	2					

## Circulation Report for September 2022

We had 571 visitors and checked out a total of in 1,540 materials.

Adult Fiction	304
Audio Books	19
Children Easy Books	773
Junior Fiction	203
Junior Non-Fiction	18
Large Print	110
Non-fiction	19
Periodicals	12
Videos	57
Young Adult fiction	40
VOX Books	2
<b>Total</b>	<b>1,540</b>

Computer Usage	35 uses
Michigan total checkouts	20,410
Michigan total holds	9,343
Michigan total users	5,597
New Items Processed	131
Our Mel Items Received	110
Our Mel Items Sent	98
Overdrive downloads	240
Southwest MI Overdrive holds	115

Lawton Website visited 2,548 last 30 days

Facebook visited 4,152 last 30 days

Knitters: 25

Story time: 18

Book club: 14

Mystery Club: 9

Craft Night: 0

September Guess how many – Bugs – 53 guesses – 4 winners.

Respectfully Submitted, Lyn Tone, Director