

**VILLAGE OF ROSCOMMON
REGULAR MEETING AGENDA
November 26, 2012**

1. Call to Order, Roll Call of Council, Pledge of Allegiance and Invocation
2. Approval of Regular Agenda
3. Brief Public Comment on Regular Agenda Items (Two minutes per speaker)
4. Approval of Consent Agenda:
 - Minutes of November 13, 2012 Regular Meeting
 - Minutes of November 19, 2012 Special Meeting
 - Bills to be Paid
5. Manager's Report
6. Committee Reports:
 - Library Board, Cemetery Board, Recreation Committee, RMRA, DDA
7. Unfinished Business:
 - Budget Questions**
 - 2013 Projects**
 - PA 152 Compliance**
8. New Business:
 - Approve Council Rules**
 - ATT Requests**
 - Council Appointment**
 - President's Appointments**
9. Public Acknowledgement (Two minutes per speaker)
10. Council Comments
11. Items for the Next Agenda
12. Adjournment

VILLAGE OF ROSCOMMON
Minutes of the November 13, 2012 Regular Council Meeting

President Pro-Tempore Jesse Carlson called the meeting to order at 7:00 PM. Members of the Council present: Jesse Carlson, Bruce Yannatta, Jon Suvada, Diane Lippert, Marc McKee and Linda Mesler. Absent: Erine Adams. Also present: Shaun Hand, Angie Ackley, Bev Luther, Michael Metzger, Sue Jock and Dawn Dodge. The Pledge of Allegiance was recited and an invocation given by Allen Lowe.

REGULAR AGENDA

Moved by Yannatta, seconded by Lippert, to approve the Regular Agenda. All in favor. Hearing no objections, the motion carried.

PUBLIC COMMENT ON REGULAR AGENDA ITEMS

None.

CONSENT AGENDA

Moved by McKee, seconded by Suvada, to accept the consent agenda with bills to be paid in the amount of \$22,441.59, as presented. Ayes: Mesler, Suvada, Yannatta, Lippert, Carlson and McKee. Nays: None. Absent: Adams. The motion carried.

SHERIFF'S REPORT

Deputy Hand presented the sheriff's report.

MANAGER'S REPORT

The manager gave his report

COMMITTEE REPORTS

Trustee Yannatta gave a report on the Recreation Committee.
Sue Jock gave a report on RMRA.

UNFINISHED BUSINESS

-Sidewalk Project Update

Manager Lowe gave an update on the sidewalk project; however, the remainder of the project is on hold until next year due to the weather. The recreation committee will be making sidewalk recommendations for the future.

-Sign Removal Update

No new updates.

NEW BUSINESS

-2013 Council Meeting Dates

Moved by McKee, seconded by Yannatta, to approve the meeting dates for next year. All in favor. Hearing no objections, the motion carried.

-2013 Budget Presentation

There is a copy of the proposed budget in the council's packet. No action required. There were questions regarding the DPW raises.

-Set 2013 Budget and Millage Rate Public Hearing Dates

Moved by Mesler, seconded by Lippert, to hold the required public hearing for the 2013 Budget and Millage Rate on December 10, 2012 at 7 p.m.

PUBLIC ACKNOWLEDGEMENT

Sue Jock: Congratulated Marc on being franchisee of the year for BC Pizza.

COUNCIL COMMENTS

Trustee Mesler: Had questions regarding the liability insurance note.

Trustee Lippert: Liked the picture on the Village's Facebook page of the swans. Thanked Trustee Suvada for his service.

Trustee Yannatta: Had questions regarding the liability insurance.

Trustee McKee: Congratulated those who were elected.

Trustee Carlson: Thanked Trustee Suvada for his service.

ITEMS FOR THE NEXT AGENDA

Insurance policy, breakdown of employees including the year they started and raises received, economic development meetings.

Moved by Suvada, seconded by Mesler, to adjourn the meeting at 7:55 PM. All in favor.
Hearing no objections, the motion carried.

Jesse Carlson
Village President Pro-Tempore

Dawn Dodge
Village Clerk

VILLAGE OF ROSCOMMON
Minutes of the November 19, 2012 Special Council Meeting

President Erine Adams called the meeting to order at 10:08 AM. Members of the Council present: Bruce Yannatta, Marc McKee, Erine Adams and Diane Lippert. Absent: Jesse Carlson, John Suvada and Linda Mesler. Others present were: Thomas O'Brien, Jim Anderson, Sue Jock, Janae Ostling and Dawn Dodge.

There was a discussion held between the DDA, the Village and RMRA regarding expenses and future projects.

Moved by McKee, seconded by Yannatta, to adjourn the meeting at 11:10 AM. All in favor. Hearing no objections, the motion carried.

Erine Adams
Village President

Dawn Dodge
Village Manager

Village Options under SB-7

You must annually select one of the three options below or fall under the No Action penalty.

	Annual Premium Limit Village can pay up to	Annual Cost to Employees	Annual Cost to Village	Votes to Approve
<p>Hard Cap</p> <p>Any amount over the premium limit must be paid by the Village.</p>	<p>\$5,692.50 single \$11,385.00 couple \$15,525.00 family</p>	<p>\$1,576.86 single \$4,472.28 couple \$3,644.28 family</p>	\$79,177.50	4
<p>Opt-in</p> <p>The Village may only pay 80% of the premium.</p>	80% of the premium	<p>\$1,453.87 single \$3,171.46 couple \$3,833.86 family</p>	\$79,843.01	4
<p>Opt-out</p> <p>The Village may pay any amount it chooses.</p>	Amount determined by Council	\$0.00 or more	up to \$99,803.76	5
<p>No Action</p> <p>The Village may pay any amount it chooses, but loses 10% of its EVIP funds</p>	Amount determined by Council	\$0.00 or more	up to \$99,803.76 plus \$1,504.00	0

We currently have 4 family, 1 couple, and 1 individual policies.

The total projected cost of health insurance for six employees/officials is \$99,803.76

The election must be made before January 1, 2013.

2013 Priority Health Proposal for Medical and Dental including H S A.

Single	\$ 7,269.36
Couple	\$ 15,857.28
Family	\$ 19,169.28

Policy on rules and procedures

Roscommon Village council

A. Regular and special meetings

All meetings of the village council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, General Law Village Act, 1895 PA 3 as amended and with these rules.

1. Regular meetings

Regular meetings of the village council will be held on second and fourth Monday of each month beginning at 7:00 p.m. at the village hall unless otherwise rescheduled by resolution of the council. Council meetings shall conclude no later than 10:00 p.m., subject to extension by the council.

2. Special meetings

A special meeting shall be called by the clerk upon the written request of the village president or any three members of the council on at least 24 hours' written notice to each member of the council served personally or left at the council member's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the council unless the item has been stated in the notice of such meeting.

3. Minutes of regular and special meetings

The clerk shall attend the council meetings and record all the proceedings and resolutions of the council in accordance with Section 64.5 of the General Law Village Act of 1895 as amended and the Open Meetings Act. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

Within 15 days of a council meeting a synopsis showing the substance of each separate decision of the council or the entirety of the council proceedings shall be prepared by the clerk and shall indicate the vote of the council members. After the president approves this document, it shall be published in a newspaper of general circulation in the village.

A copy of the minutes of each regular or special council meeting shall be available for public inspection at the village offices during regular business hours.

4. Study sessions

Upon the call of the village president or the council and with appropriate notice to the council members and to the public, the council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any council member enter into a formal commitment with another member regarding a vote to be taken subsequently.

B. Conduct of meetings

1. Meetings to be public

All regular and special meetings of the village council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time provided that such arrangements do not interfere with the orderly conduct of the meetings.

2. Agenda preparation

An agenda for each regular council meeting shall be prepared by the village manager with the following order of business:

- a. Call to order and roll call of council, pledge, invocation
- b. Public hearings (as appropriate)
- c. Brief public comment on agenda items
- d. Approval of consent agenda
- e. Approval of regular agenda
- f. Report from village manager (incl. DPW and other staff reports)
- g. Unfinished business
- h. New business
- i. Public acknowledgement
- j. Council Comments
- k. Agenda items for next meeting
- l. Adjournment

Any council member may submit items to add to the regular agenda before it is approved except for section D, item 6.

3. Consent agenda

The village may use a consent agenda to allow the council to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, liquor control reports, financial statements, law enforcement reports, minutes of last meeting, etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

4. Quorum

A majority of the entire elected or appointed and sworn members of the council shall constitute a quorum for the transaction of business at all council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

5. Attendance at council meetings

Election to the village council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in council activities and represent the residents of the village. Attendance at council meetings is critical to fulfilling this responsibility. The village council is empowered by Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.

The council may excuse absences for cause. If a council member has more than three unexcused successive absences for regular or special council meetings, the council may enact a resolution of reprimand. In the event that the member's absences continue for more than three additional successive regular or special meetings of the council, the council may enact a resolution of censure or request the council member's resignation or both.

7. Presiding officer

The Village President is the presiding officer and shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The village council shall appoint one of its members president pro tem, who shall preside in the absence of the president. In the absence of both the president and the president pro tem, the member present who has the longest consecutive service on the council shall preside.

8. Disorderly conduct

The president may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the person removed from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

C. Closed meetings

1. Purpose

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the village attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the council.
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

2. Calling closed meetings

At a regular or special meeting, the council members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

3. Minutes of closed meetings

The clerk or the designated secretary of the council shall take a separate set of minutes at the closed session. These minutes will be retained by the clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

D. Discussion and voting

1. Rules of procedure

Any member of the Council may bring an item to the floor for discussion with the permission of the chair. It shall be the responsibility of the chair to moderate the discussion.

2. Conduct of discussion

During the council discussion and debate, no member shall speak until recognized for that purpose by the chair. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

A motion may be made by any member of the Council only after an invitation is given by the chair that it will accept a motion on an issue. Once a motion is made the chair will ask if there is support for the motion on the floor. Upon hearing support for a motion by a member other than the maker of the motion, the chair may entertain further discussion leading to a vote on the issue. If there is no support for a motion, the chair may reopen the issue for discussion, place the issue on hold or set the issue aside.

3. Ordinances and resolutions

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes.

4. Roll call

In all roll call votes, the names of the members of the council shall be called in rotating order.

5. Duty to vote

Election to a deliberative body carries with it the obligation to vote. Council members present at a council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the village attorney shall be binding on the council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the village attorney.

The right to vote is limited to the members of council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

6. Results of voting

In all cases where a vote is taken, the clerk shall declare the result.

Any council member who voted in the majority on any motion may move for a reconsideration of the motion at that meeting or at the next succeeding meeting of the council. When a motion to reconsider fails, it cannot be renewed.

E. Citizen participation

1. General

Each regular council meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

2. Length of presentation

Any person who addresses the village council during a council meeting or public hearing shall be limited to 2 minutes in length per individual presentation unless granted an extension by the chair. The clerk will maintain the official time and notify the speakers when their time is up.

3. Addressing the council

When a person addresses the village council, he or she shall state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

F. Miscellaneous

1. Adoption and amendment of rules of procedure

These rules of procedure of the village council will be placed on the agenda of the first meeting of the council following the seating of the newly elected council members for review and adoption. A copy of the rules adopted shall be distributed to each council member.

The council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

2. Suspension of rules

The rules of the village council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to state statutes and to the Michigan and the United States Constitution.

3. Bid awards

The village council during regular or special meetings will award bids. A bid award may be made at a special meeting of council if that action is announced in the notice of the special meeting.

4. Committees

Special committees may be established for a specific period of time by the village president or by a resolution of the council which specifies the task of the special committee and the date of its dissolution.

Citizen task forces may be established by a resolution of the council, which specifies the task to be accomplished, and the date of its dissolution. Members of such committees will be appointed by the village president, subject to approval by a majority vote of the village council and must be residents of the village. Vacancies will be filled by majority vote of the village council in the same way appointments are made.

5. Authorization for contacting the village attorney

The following village officials (by title) are authorized to contact the village attorney regarding village matters:

Village manager
Village president
Village clerk

Date adopted: 10/25/01

Amended: 04/08/02

Date amended:



November 7, 2012

Village of Roscommon
P.O. Box 236
Roscommon, MI 48653

RE: Site: Roscommon WT, located at 106 HILLTOP STREET, ROSCOMMON, 48653

Dear Landlord,

Thank you for speaking with me earlier today. As we discussed, AT&T Mobility ("AT&T") has partnered with Md7 in order to offer a pre-payment of rent for the cell site lease on your property. *By taking a pre-payment, you will eliminate all monetary risk associated with network consolidation, while allowing AT&T to meet current business requirements and enhance your site's value to the network.*

Changes in the Wireless Industry

Recent industry developments are changing how wireless telecommunications carriers operate. In the past, carriers focused on rapidly building out their networks in order to provide the best coverage. Today, while consumers are enjoying expanded services and better coverage than ever before, operating costs are continuing to trend upward. As a result, the wireless carriers are compelled to operate their networks with greater efficiency.

Eliminating Risk

AT&T has partnered with Md7 to offer landlords the opportunity to minimize the business risks associated with industry changes through a pre-payment of rent. By accepting a pre-payment, you will obtain a guaranteed amount of money for the site up front, regardless of what happens in the future, and AT&T will achieve the savings it desires.

Criteria for Cell Site Retention

Md7, at the behest of AT&T, structures its prepayments through the acquisition of an easement over the AT&T leased premises. *This is not a land purchase and there is no transfer of deed or title.* The proposed easement will cover only leased space with respect to the AT&T Communications Facility.

Payment Option 1:

Purchase price of **\$120,000.00** paid in-full at closing, in exchange for a Perpetual (99 year) Easement

Or:

Payment Option 2:

Purchase price of **\$106,000.00** paid in-full at closing, in exchange for a 35 Year Easement

AT&T values its affiliation with you and hopes to continue a long and mutually profitable relationship in the years to come. Thank you for your consideration.

Sincerely,

Robert Rosenberg
Md7 - Lease Consultant
A 858 754-2152
F (858) 630-4281
rosenberg@md7.com

Authorized Agent for AT&T Mobility

cc: Gregory D. Ohmer, Area Manager Real Estate Transaction, AT&T Mobility





October 25, 2012

Village of Roscommon
P.O. Box 236
Roscommon, MI 48653

Re: Communications Facility located at 106 HILLTOP STREET, ROSCOMMON, 48653

FA#: 10124835

Dear Landlord,

AT&T Mobility ("AT&T") has partnered with Md7 to work with you to facilitate certain modifications to the cell site lease on your property. These modifications will allow AT&T to meet current and certain future business requirements and enhance your site's value to the network.

Changes in the Wireless Industry

Recent industry developments are changing how wireless telecommunications carriers operate. In the past, carriers focused on rapidly building out their networks in order to provide the best coverage. Today, while consumers are enjoying greater services and better coverage than ever before, operating costs continue to escalate forcing the wireless industry to operate networks more efficiently.

To that end, AT&T proposes to add the following provision to the existing lease:

- **Expansion of Permitted Use**

"Lessee, its personnel, invitees, contractors, agents, sublessees, or its authorized sublessees, or assigns may use the Premises, at no additional cost or expense, for the transmission and reception of any and all communications signals and to modify, supplement, replace, upgrade, expand, including but not limited to the number and type(s) of antennas, or refurbish the equipment and/or improvements thereon, or relocate the same within the Premises at any time during the term of this Lease for any reason, or in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services or for any other reason. Lessor shall reasonably cooperate in obtaining governmental and other use permits or approvals necessary or desirable for the foregoing permitted use. If Lessor does not comply with the terms of this section, in addition to any other rights it may have at law, Lessee may terminate this Lease and shall have no further liability to Lessor. If Lessor does not comply with the terms of this section, Lessee will have the right to exercise any and all rights available to it under law and equity, including the right to cure Lessor's default and to deduct the costs of such cure from any monies due to Lessor from Lessee."

AT&T also seeks to add to the lease certain right of first refusal language as is relates to the leased premises. AT&T is willing to offer a rent guarantee or modest lump sum payment for your agreement to making these lease modifications.

If you are willing to consider this proposal, please indicate so by signing this letter in the space provided below and returning it to us in the enclosed self-addressed stamped envelope. Your signature indicates only your willingness to work with AT&T and Md7 in executing a definitive amendment reflecting the proposed changes and is in all respects subject to the preparation, execution and delivery of a definitive amendment in form and substance mutually agreeable to both AT&T and you.

AT&T values its affiliation with you and proposed hopes to continue a long and mutually profitable relationship in the years to come.

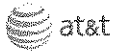
Thank you for your consideration.

Sincerely,



Robert Rosenberg
Md7 | Lease Consultant
10590 West Ocean Air Dr.
San Diego, CA 92130
o 858-754-2152
f (858) 630-4281
rosenberg@md7.com

Authorized Agent for AT&T Mobility
cc: Gregory D. Ohmer
Area Manager Real Estate Transaction, AT&T Mobility



LANDLORD:

By: _____
(signature)

Print Name: _____

Title: _____

Date: _____