ROSEANN MARCHETTI is inviting you to a scheduled Zoom meeting.

**Topic:** Board of Public Works  
**Time:** Dec 23, 2020 05:30 PM Eastern Time (US and Canada)

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BOARD OF PUBLIC WORKS
Wednesday, December 23, 2020
ZOOM MEETING
5:30 P.M.

Call to Order
Roll Call
Public Comment

New Business:

Motion to approve the Ontwa Township Expansion Agreement

Motion to adjourn
TOWNSHIP OF ONTWA
COUNTY OF CASS, MICHIGAN

At a regular meeting of the Township Board of the Township of Ontwa, held in the Ontwa Township Hall, 26225 US 12, Edwardsburg, on the 14th day of December 2020, at 7:00 p.m.

PRESENT: Members: Trustee Bolock, Trustee Christensen, Trustee Kozinski, Trustee Stutsman, Treasurer Leist, Clerk VanBelle, Supervisor Marchetti.

ABSENT: Members: None

The following preamble and resolution were offered by Member Trustee Stutsman and supported by Member Trustee Bolock:

RESOLUTION NO. 2020-12-14.1

RESOLUTION TO APPROVE AND AUTHORIZE EXECUTION OF THIRD AMENDMENT TO THE INTER-LOCAL AGREEMENT FOR SEWAGE AND WASTEWATER TREATMENT SERVICES

WHEREAS, the Township Board of the Township of Ontwa (the “Township”) previously approved and entered into an Inter-Local Agreement for sewage and wastewater treatment services, dated March 14, 2000 (the “Inter-Local Agreement”), by and between the Township, the City of Elkhart, Indiana (“Elkhart”) and Cass County, Michigan (“Cass”); and

WHEREAS, the Inter-Local Agreement, as amended, provides for the collection and transmittal of sewage emanating from a specified service area, including parts of Granger, Indiana (the “Existing Granger Service Area”) through the Township’s sanitary sewer system (the “Township Sewer System”) to Elkhart’s sewer system for treatment at the City’s wastewater treatment plant (the “Elkhart Sewer System”); and

WHEREAS, the parties to the Inter-Local Agreement have determined it is in their best interests to expand the geographical boundaries of the Granger Service Area to include additional areas of Granger, Indiana (the “Expanded Granger Service Area”) and permit the transportation of
sewage from the Expanded Granger Service Area through the Township Sewer System for treatment by the Elkhart Sewer System; and

WHEREAS a proposed Third Amendment to the Inter-Local Agreement (the “Third Amendment”), in the form attached hereto as Attachment I, has been prepared and presented to the Township Board for review and approval; and

WHEREAS, the Township’s Wastewater Board has reviewed, approved and recommended the approval of the Third Amendment to the Township Board.

NOW, THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. The Township Board hereby approves the Third Amendment to the Inter-Local Agreement in the form attached hereto as Attachment I.

2. The Township Board hereby approves the expansion of the boundaries of the Granger Service Area as more particularly described in the Third Amendment, subject to the consent of Elkhart and Cass to the expansion of the boundaries of the Granger Service Area.

3. The Township Supervisor and Township Clerk are hereby authorized and directed to execute the Third Amendment to the Inter-Local Agreement and to deliver the same on behalf of the Township with such immaterial additions and deletions as shall be determined by the Township Supervisor and Township Clerk, with the assistance of the Township’s special legal counsel, to be in the best interest of the Township.

4. The Township Clerk is hereby authorized and directed to provide a signed copy of this Resolution, along with a signed copy of the Third Amendment to the Inter-Local Agreement to Elkhart and Cass to facilitate their review and approval of the expansion of the boundaries of the Granger Service Area.

5. All resolutions previously adopted by the Township Board heretofore that are in conflict with this Resolution are hereby rescinded.
YEAS: Members: Trustee Christensen, Trustee Kozinski, Trustee Stutsman, Treasurer Leist, Clerk VanBelle, Supervisor Marchetti.

NAYS: Members: None

ABSTAIN: Members: None

RESOLUTION DECLARED ADOPTED.

Tina VanBelle, Township Clerk
Township of Ontwa

STATE OF MICHIGAN )
) ss.
COUNTY OF CASS )

I, the undersigned, the duly qualified and acting Clerk of the Township of Ontwa, Cass County, Michigan (the “Township”), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting on the 14th day of December, 2020, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 14th day of December 2020.

Tina VanBelle, Township Clerk
Township of Ontwa

PAULA S. RALPH
Notary Public, County of Cass, State of Michigan
My Commission Expires March 24, 2024
Acting in the County of Cass

[Signature]

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THIRD AMENDMENT TO THE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF ELKHART, INDIANA, ONTWA TOWNSHIP, MICHIGAN, AND CASS COUNTY, MICHIGAN FOR SEWAGE AND WASTEWATER TREATMENT SERVICES

This Third Amendment is made and entered into this 14th day of December, 2020, by and between the City of Elkhart, an Indiana municipal corporation, duly acting by and through its Board of Public Works, and ratified by the Elkhart Common Council ("Elkhart"), the Township of Ontwa ("Ontwa"), a Michigan public corporation located in the County of Cass, and the County of Cass, a Michigan county corporation, acting by and through its Board of Public Works ("Cass").

RECITALS:

A. Elkhart, Ontwa and Cass are parties to an Inter-Local Agreement between the City of Elkhart, Indiana, Ontwa Township, Michigan and Cass County, Michigan for Sewage and Wastewater Treatment Services dated March 14, 2000 ("Inter-Local Agreement");

B. Said Inter-Local Agreement was previously amended by its First Amendment entered into August 15, 2000 and its Second Amendment entered into May 16, 2011;

C. The Second Amendment to the Inter-Local Agreement added a new service area by encompassing certain areas in Granger, Indiana to be served under the Inter-Local Agreement (the "Granger Service Area"); and

D. Elkhart, Ontwa and Cass find it necessary to enter into this Third Amendment to modify the Granger Service Area by further expanding its boundaries as shown on Exhibit C-1, attached hereto and incorporated herein by reference.

NOW, THEREFORE, in consideration of the terms set forth in the Inter-Local Agreement, the First and Second Amendments thereto, and this Third Amendment, Elkhart, Ontwa and Cass mutually agree as follows:

1. The existing Recital K shall be amended to read in its entirety as follows:

   K. The St. Joseph County Regional Water & Sewer District determined that it is necessary for the public health and welfare of the present and future residents of Granger, Indiana that a sanitary sewage disposal system be constructed to service specified areas of Granger. In order to provide the necessary sanitary sewage disposal system, an agreement for Sanitary Sewage Disposal, dated January 10, 2011, was signed by Ontwa Township and St. Joseph County Regional Water & Sewer District. The Sanitary Sewage Disposal Agreement was subsequently amended by its First Amendment entered into October 1, 2020 to include the 2020 Boundary Revisions.
2. The Granger Sewer Project Service Area Map attached to the Inter-Local Agreement as Exhibit C-1 shall be amended and replaced by the revised map attached to the Third Amendment as Exhibit C-1.

3. In all other respects, the parties ratify and confirm the Inter-Local Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment and thus bind the governmental unit in whose behalf they sign.

The CITY OF ELKHART by its Board of Public Works hereby accepts this Agreement.

Dated: ____________________

______________________, President

______________________, Vice President

______________________, Member

ATTEST:

______________________, Secretary

______________________, Member

______________________, Member

TOWNSHIP OF ONTWA

Dated: December 14, 2020

By: ____________________

______________________, Supervisor
Dated: ____________________

By: ______________________
    _______________, Chairman

By: ______________________
    _______________, Secretary

COUNTY OF CASS, by its Board of Public Works