

**Allegan City Council
Minutes
Allegan, MI 49010, January 23, 2017**

Call to Order: Mayor McKenzie called the regular Allegan City Council meeting to order at 7:00 P.M.

Pledge of Allegiance was given by all present.

Pastor Chris of Dunningville Church gave the invocation

Roll Call:

Present: Gratz, Morgan, Leverage, Ingalsbee, Tripp, Mayor McKenzie

Absent: Manning

Others Present: City Manager Joel Dye, Interim City Clerk Danielle Bird, Utilities Facilities Director Doug Sweeris, Promotions Kelsie King, Allegan Township Supervisor Steve Schulz

A motion made by Council Member Ingalsbee and supported by Morgan to excuse the absence of Council Member Manning. Motion passed.

Approval of Minutes:

Motion made by Council Member Tripp and supported by Gratz to approve the council meeting minutes from January 9, 2017. Motion passed.

Mayor's Report:

Mayor McKenzie announced that Red Tail was open and the menu was posted on Facebook

City Manager's Report:

City Manager Joel Dye looking forward to the Strategic Planning session on February 4, 2017 and that council has homework for the session.

A. Petitions and Public Comment:

None

B. Communications:

1. SAW Update with Brian Vilmont from Prein&Newhof. They put cameras in the pipes to receive ratings on each pipe. The ratings are 1(Blue) to 5(Red), with 5 being bad. This rating gives what order pipes need to be replaced. Storm Systems are in good shape with mostly 1 and 2 ratings. Road Way Pacer rating was completed on Robinson, Russell, and Hudson streets. This shows what actions will need to be completed with utilities and road surfaces. Joel asked council and staff to go ahead and notify/engage with public on the meetings.

2. City Owned Property Sales Process. 136 Brady, M40/M89 and the Girl Scout Property at River and Babylon. Joel asked council to give permission to get sealed bids on ready for development property and to get them identified.

Tripp made a motion to allow Joel to identify ready development property and receive sealed bids supported by Ingalsbee. Motion Passed.

C. Hearings:
None

D. Programs:
None

E. Resolutions:

1. 17.02.

RESOLUTION 17.02
Adoption of MDOT Performance

Michigan Department
Of Transportation
2207B (12/16)

PERFORMANCE RESOLUTION
FOR GOVERNMENTAL AGENCIES

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This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the City of Allegan

(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the

DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:
Director of Public Works
City Manager

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the Allegan City Council
(Name of Board, etc.)
of the City of Allegan of Allegan
(Name of GOVERNMENTAL AGENCY)
(County)

at a City Council meeting held on the 23rd day
of January A.D. 2017.

Signed Joel Dye Title City Manager

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Council Member Leverage, supported by Mayor Pro tem Gratz, made a motion to approve Resolution 17.02 as presented. Motion Passed.

2. Resolution 17.03

Resolution 17.03

Approving City of Allegan Investment Policy

WHEREAS, the City of Allegan has previously established polices for investment guidelines; and

WHEREAS, the City has determined that the policy needed to be completely rewritten to reflect best industry practice; and

WHEREAS, the City Council is responsible for the adoption of the City of Allegan Investment Policy and the City Manager and the Finance Director are responsible for the implementation of these regulations; and

WHEREAS, the rewritten Investment Policy was reviewed by the Allegan City Council in July 2016 and approved by The Association of Public Treasurers of the United States and Canada shortly thereafter;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Allegan hereby adopts the City of Allegan Investment Policy.

Mayor Pro Tem Gratz, supported by Council Member Ingalsbee, made a motion to approve Resolution 17.03 as presented. Motion Passed

3. Resolution 17.04

RESOLUTION 17.04

Amending the City of Allegan Purchasing Policy/Check Signing/Bank Accounts

WHEREAS, the City has two signatures for every check that the City which issues; and

WHEREAS, due to previous vacancy of the City Manager position, City Council previously adopted a resolution to have the City Clerk and the Finance Director/Treasurer are the authorized check signers for the City of Allegan;

WHEREAS, since a new City Manager has been hired, the process can return to the past practice of the City Manager and the Finance Director/Treasurer signing the check; and

HEREBY BE IT RESOLVED, the Finance Director/Treasurer, Tracy J. Stull and City Manager, Joel Dye are hereby authorized and directed to be the signers on all checks and bank accounts.

Council Member Leverage, supported by Council Member Ingalsbee, made a motion to approve Resolution 17.04 as presented. Motion Passed

F. Ordinances

None

G. Permits/Licenses/Agreements/Grants

None

H. Requests for Payments

None

I. Requests for Purchases, services and equipment

Council Member Leverage, supported by Mayor pro tem Gratz, made a motion to approve the purchase of the new SCADA System for the Water Plant in the amount of \$47,500. Motion Passed.

J. Reports/Minutes of Boards/Commissions

1. Allegan City Police Department 4th Qtr. report
2. WWTP & WTP Operational date for December, 2016. Ask Doug any questions.

K. Appointments

1. Mayor pro tem Gratz, supported by Council Member Morgan, made a motion to appoint Danielle Bird as City Clerk, effective January 23, 2017. Motion Passed. City Manager Joel Dye gave the oath of office to Danielle Bird.

Approval of Payroll and Accounts:

Mayor Pro tem Gratz, supported by Council Member Leverage, made a motion to approve accounts payable in the amount of \$686,317.17 and payroll in the amount of \$104,149.66. Motion passed.

Difference Makers Report:

Facilities Utilities Director Doug Sweeris, Thanked council and Joel. He is looking forward to the big changes.

DPW Director Aaron Haskin, Agrees with Doug and is looking forward to the future and the good weather is allowing for his department to get ahead.

Allegan Township Supervisor Steve Schultz, Welcomed Joel.

Promotions Director Kelsie King, The Regent fundraiser already met its goal in less than a week. The theatre is a great asset to the City. She thanked everyone for the time and experience and Allegan will always hold a special place in her heart.

Council Comments:

Council Member Ingalsebee thanked Kelsie and wished her good luck in Boyne City.
Good job to Aaron and his staff

Council Member Tripp thanked Kelsie. He is excited about the meetings for the Sanitary Sewer System.

Council Member Leverage is excited about all the positives she is hearing around town.

Council Member Morgan thanked Kelsie.

Mayor Pro tem Gratz Red Tail dessert is great and wished Kelsie good luck.

City Manager Joel Dye it has been a fun three weeks and good luck to Kelsie

Mayor McKenzie wished Kelsie good luck and she was a breath of fresh for the City.

21. Adjournment:

Mayor McKenzie adjourned the meeting at 7:54pm. A motion made by Council Member Leverage, supported by Mayor Pro tem Gratz. Motion passed.

Minutes respectfully submitted by,

Danielle Bird
City Clerk