

Allegan, Michigan

November 25, 2013

Call to Order Mayor McDaniel called the regular meeting of the Allegan City Council to order at 7:00 PM.

Pledge of Allegiance

Roll Call

Present: Councilmembers: Gratz, Ingalsbee, Leverence, McKenzie, Tripp, Zeter,
Mayor McDaniel

Absent: None

Others

Present: City Manager R. Hillard

Approval of Minutes Councilmember Leverence, supported by Councilmember Tripp, made a motion to approve the Regular City Council meeting minutes of November 12, 2013. Motion passed by acclamation.

Mayor's Report Mayor McDaniel indicated there are plenty of things to do in Allegan. She hopes everyone can attend the Holiday Parade on Friday and wishes all a great holiday season.

City Manager's Report City Manager R. Hillard indicated the last couple of weeks have brought weather challenges to the City, he appreciates the community support and the work of all city employees.

Petitions and Public Comment

Communications Councilmember Zeter, supported by Councilmember Leverence, made a motion to approve the request received from the Allegan County Central Food Pantry to have a bell ringing fund drive during the Christmas Parade on November 29th and the Art Hop on December 13th. Motion passed by acclamation.

Hearings

Programs

Resolutions

RESOLUTION NO. 13.41

A RESOLUTION TO EXTEND THE TIME PERIOD FOR COMMENCING CONSTRUCTION ON THE LOW INCOME HOUSING DEVELOPMENT KNOWN AS THE BRIDGEPORT APARTMENTS

WHEREAS, on January 14, 2013, the City Council adopted Resolution No. 13.01 (the "Resolution") attached as **Exhibit A**, granting tax exempt status to the low income housing development known as the Bridgeport Apartments pursuant to the Michigan State Housing Development Authority Act of 1996, as amended, MCL 125.140 *et seq.* ("Act 346") and the City of Allegan Housing Development Authority Tax Exemption Ordinance, as amended, Ordinance Sections 27-36 through 27-44 (the "Ordinance").

WHEREAS, the Resolution provides that the tax exemption will not take effect unless Bridgeport Development LLC (the "Sponsor") commences the planned renovations on the Bridgeport Apartments by December 31, 2013.

WHEREAS, Ordinance Section 27-43, as recently amended, authorizes the City Council to extend the time period for commencing construction if the sponsor of a low income housing development demonstrates good cause for the delay of construction.

WHEREAS, the Sponsor as demonstrated that, due to circumstances beyond its control, it is unable to close on the Bridgeport Apartment property until at least March 31, 2014.

WHEREAS, the City Council recognizes that the delay of the closing date constitutes good cause for the delay of construction.

NOW, THEREFORE, it is resolved as follows:

1. The time period for commencing construction on the Bridgeport Apartments shall be extended until July 1, 2014.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Robert Beale was present to answer any questions of the City Council.

Councilmember Ingalsbee, supported by Councilmember Tripp, made a motion to approve Resolution 13.41 as presented. Motion passed with Councilmember McKenzie voting no.

Resolution 13.42 Authorizing the SAW Grant Agreement

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (*select one or more*)
 establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$ 1,544,118 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. City Manager (*title of the designee's position*), a position currently held by Robert Hillard (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Councilmember Leverage, supported by Councilmember Zeter, made a motion to approve Resolution 13.42 as presented. Motion passed by acclamation.

RESOLUTION 13.44

A resolution concerning the adoption of the budget for the Allegan Fire District

WHEREAS, the City Manager of the City of Allegan, in accordance with the City charter, and under the laws of the State of Michigan, has presented to the City Council a recommended budget for the Allegan Fire District; and

WHEREAS, the City Council of the City of Allegan has reviewed and discussed this proposed budget; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Allegan that it hereby adopts and approves the budget as presented for the Allegan Fire District and whereas the proposed budget is attached;

Councilmember Zeter, supported by Councilmember Ingalsbee, made a motion to approve Resolution 13.44 as presented. Motion passed by acclamation.

Ordinances Mayor McDaniel introduced Ordinance 437 of 2013 for final reading. This ordinance will allow extensions of the time period for commencing construction on low income housing projects. Councilmember Ingalsbee, supported by Councilmember Tripp, made a motion to approve Ordinance 437 for final reading. Motion passed by acclamation.

Mayor McDaniel introduced Ordinance 438 of 2013 for first reading. This ordinance will allow two City Councilmembers to serve as ex officio members on the Planning Commission. Councilmember McKenzie, supported by Councilmember Ingalsbee, made a motion to approve Ordinance 438 for first reading. Motion passed by acclamation.

Permits/Licenses/Agreements/Grants

Requests for Payments Councilmember McKenzie, supported by Councilmember Gratz, made a motion to approve the request for payment received from the Allegan Fire District for the donation from the Perrigo Company Charitable Foundation in the amount of \$10,125.00. Motion passed by acclamation.

Councilmember Ingalsbee, supported by Councilmember McKenzie, made a motion to approve the request for payment received from MEMBA, Montague, Michigan for the donation from the Perrigo Company Charitable Foundation in the amount of \$4,125.00. Motion passed by acclamation.

Requests for Purchases, Services and Equipment Councilmember Tripp, supported by Councilmember Leverage, made a motion to approve the request for services received from Bazzani, Grand Rapids, Michigan for the 155 Brady Street Revitalization Project in the amount of \$5,000.00. Motion passed by acclamation.

Reports/Minutes of City Boards

Appointments Councilmember Gratz, supported by Councilmember McKenzie, made a motion to appoint Mayor McDaniel, ex officio, to the Parks Commission; Public Works Committee; Development Committee; Finance Committee; Planning Commission; Public Safety Committee; Pension Committee and the Airport Advisory Board. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember McKenzie, made a motion to appoint Mayor Pro tem McKenzie, ex officio, to the Downtown Development Authority; Economic Development Corporation and the Development Committee. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember Zeter, made a motion to appoint Councilmember Gratz, ex officio, to the Planning Commission and Public Works Committee. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember McKenzie, made a motion to appoint Councilmember Ingalsbee, ex officio to the Historic District Commission; Allegan Fire District; Public Safety Committee; Election Committee and the M40/M89 Corridor Committee. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember Ingalsbee, made a motion to appoint Councilmember Leverage, ex officio, to the Economic Development Corporation; Downtown Development Authority; Finance Committee and the Development Committee. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember Zeter, made a motion to appoint Councilmember Tripp, ex officio, to the Planning Commission; Election Committee; Public Works Committee and the Finance Committee. Motion passed by acclamation.

Mayor McDaniel, supported by Councilmember McKenzie, made a motion to appoint Councilmember Zeter, ex officio, to the Downtown Development Authority; Public

Safety Committee; Allegan Area Chamber of Commerce Representative and Life EMS Ambulance Representative. Motion passed by acclamation.

Unfinished Business

Approval of Payroll and Accounts Councilmember McKenzie, supported by Councilmember Leverage, made a motion to approve payroll in the amount of \$141,178.50 and accounts payable in the amount of \$105,290.10. Motion passed by acclamation.

Department Supervisors Report Arts & Entertainment Director V. Knuckles stated the marquee is being fixed. She also announced the Regent will be closed on Monday and Tuesday, December 2nd and December 3rd to install the new digital equipment. She stated the furnace was repaired and thanked WWTP Superintendent D. Sweeris, T. Heckman and the repair service. She also indicated the Fennville High School is planning to host their prom at the Griswold this spring.

Council Comments Councilmember Leverage likes all the events going on within the City.

Councilmember Ingalsbee commented on how impressed she was with the equipment that the Fire District has.

Councilmember Gratz stated that Allegan Jaycees have installed garland on the participating downtown businesses.

Councilmember Tripp thanked the DPW staff for their hard work and to please continue.

Mayor McDaniel adjourned the meeting at 8:07pm.

Respectfully submitted,

**Robert Hillard
City Clerk**

