



CITY OF ALLEGAN
REGULAR CITY COUNCIL MEETING
Monday, December 23, 2019
City Hall – 231 Trowbridge Street Allegan, MI 49010

6:00 PM Pre-Council Meeting

7:00 PM Council Meeting (Action to be taken by Council on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. **CALL TO ORDER**

2. **ROLL CALL (Excused Absences if Any)**

3. **PLEDGE OF ALLEGIANCE**

4. **MEETING PRAYER**

5. **APPROVAL OF AGENDA**

5A.1 –Approval of the Regular Council Meeting Agenda for December 23, 2019.

6. **APPROVAL OF MINUTES**

6A.1 – Approval of the Pre-Session Council Meeting Minutes for December 9, 2019.

6A.2 – Approval of the Regular Council Meeting Minutes for December 9, 2019.

7. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

8. **FIRST READING OF ORDINANCE**

9. **SPECIAL PRESENTATIONS AND RECOGNITIONS BY THE MAYOR OR COUNCIL**

10. **PUBLIC HEARINGS & SECOND READING OF ORDINANCES**

10A.1 –Public Hearing and Second Reading regarding amendments to Chapter 2, Article II of the Code of Ordinances Council Ethic Code and Sanction's for Violations.

10A.2 – Public Hearing and Second Reading regarding amendments to Ordinance 482 regarding the Planning Commission Composition.

10A.3 – Public Hearing and Adoption of Resolution 19.26 regarding the Community Development Block Grant for the Downtown Rental Rehab Program.

11. **UNFINISHED BUSINESS & TABLED ITEMS**

12. **WRITTEN PETITIONS & REPORTS FROM SPECIAL COMMITTEES**

13. **REPORTS FROM BOARDS, COMMISSIONS & CITY OFFICES**

13A. City Boards, Commissions and Area Agencies

13A.1 – Accept a Report on the Downtown Development Authority Meeting.

13A.2 – Accept a Report on the Public Space Commission Meeting.

13A.3 – Accept a Report on the Planning Commission Meeting.

13B. Finance Department

13B.1 - Request to Approve Accounts Payable and Payroll.

13C. Police Department

13D. Water Utilities

13E. Public Works

13E.1 – Request to Approve Prein & Newoff as the City’s Engineering Consultant for Allegan’s Padgham Field Airport.

13E.2 – Request to Approve Top Gun Tree Care to remove several dozen dying or dead trees on public property.

13E.3 – Request to Approve the purchase of a used Leaf Vacuum from Tod Neldon.

13F. City Manager & City Clerk

14. BOARD APPOINTMENTS

15. COMMUNICATIONS FROM CITY MANAGER, COUNCIL & MAYOR

16. CLOSED SESSION

17. ADJOURNMENT

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the Council during public hearings and under “Public Comment,” members of the audience may address the Council, on items listed under agenda numbers 8-13; please limit your comments to five minutes or less per item. Please step up to the Podium and state your name and address.

The proposed process for items listed under agenda numbers 8-13 above shall be as follows:

1. Announcement of the agenda item by the Mayor.
2. Verbal report provided by staff.
3. Mayor asks councilmembers if they have any questions for staff to clarify the staff report.
4. Mayor opens/closes the floor to receive public comment (if a public hearing is required or if the mayor determines public comments is warranted).
5. Motion is made by a council member and seconded by another council member.
6. Mayor then calls on councilmembers to discuss the motion, if councilmembers wish to discuss.
7. Mayor calls for a vote on the item after discussion has occurred.

Allegan City
City Council Pre Session
Meeting Minutes
Allegan, MI 49010
December 9, 2019

1. CALL TO ORDER

Mayor Perrigo called the City Council Pre Session Meeting to order at 6:00PM

2. PUBLIC COMMENT

Let the record show no public comment was received

3. Odor Study & Updates

Aaron Davenport, P.E and Alexis Kontorousis, E.I with Jones & Henry Engineers were in attendance to present to the Council the Odor Survey results. Part of the presentation included; background, residential involvement, odor loggers, air samples, analysis of data, areas of concerns, proposed treatment, options, cost estimates and recommendations. A general discussion ensued regarding the presentation.

4. Fiscal Year Audit Report

Daniel Veldhuizen, CPA, Principal with Siegfried Crandall was in attendance to present to the Council the FY 2019 Audit Report. Veldhuizen discussed the firms finding during the audit and expressed his appreciation to staff regarding the work going into the preparation. Topics included; discussion of General Fund, Water Fund and Sewer Fund along with the bonds outstanding. Veldhuizen also discussed the Pension Plan liabilities and how those liabilities are reported in the long term planning of the City.

5. Review of Regular Meeting Agenda of Monday, December 9, 2019

City Manager Dye noted the agenda of the regular meeting and thanked Councilmembers for their feedback.

6. ADJOURNMENT

Mayor Perrigo adjourned the meeting at 6:57PM.

Minutes respectfully submitted by,

Christopher Tapper
City Clerk

Allegan City
Council Minutes
Allegan, MI
49010
December 9, 2019

1. CALL TO ORDER

Mayor Perrigo called the regular Allegan City Council Meeting to order at 7:04PM.

2. ROLL CALL

Present: Mayor Perrigo, Mayor Pro-Tem Andrus, Councilmembers Hanse, Galloway, Bird, Redding and McKenzie.

Absent: None

Others Present: City Manager Joel Dye, City Clerk, Christopher Tapper, Promotions Coordinator Parker Johnson, Tracy Stull, Finance Director, Nick Curcio, City Attorney and Doug Sweeris, Director of Water/Waste Water Utilities.

3. PLEDGE OF ALLEGIANCE

The audience joined the City Council in the Pledge of the Allegiance.

4. MEETING PRAYER

Kathy Nealand of 1st Presbyterian Church

5. APPROVAL OF AGENDA

5A.1 – Approval of the Council Meeting Agenda for December 9, 2019.

McKenzie offered a motion, with support by Bird, to approve the Council Agenda for December 9, 2019. Motion **Passed 7-0**.

6. APPROVAL OF MINUTES

6A.1 – Approval of the City Council Pre-Session Meeting Minutes of November 25, 2019.

Andrus offered a motion, with support by McKenzie, to approve the corrected City Council Pre-Session Minutes for November 25, 2019. **Motion Passed 7-0**.

6A.2 – Approval of the City Council Meeting Minutes of November 25, 2019.

McKenzie offered a motion, with support by Galloway, to approve the corrected City Council Meeting Minutes for November 25, 2019. **Motion Passed 7-0**.

6A.3 – Approval of the Workshop Session Meeting for November 26, 2019.

Bird offered a motion, with support from Galloway to approve corrected the Workshop Session Meeting Minutes for November 26, 2019. **Motion Passed 7-0**.

7. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public Comments received regarding the agenda item regarding Mahan Park and also received regarding the Odor Study from the Pre-Session meeting.

8. FIRST READING OF ORDINANCE

9. SPECIAL PRESENTATIONS AND RECOGNITIONS BY THE MAYOR OR COUNCIL

9A.1 – Presentation and Acceptance of Fiscal Year 2019 City of Allegan Audit Report from Siegfried Crandall, PC

Hanse offered a motion with support from Redding to accept the Fiscal Year 2019 Audit Report from Siegfried Crandall, PC. **Motion Passed 7-0**

10. PUBLIC HAERING & SECOND READING ORDINANCES

11. UNFINISHED BUSINESS & TABLED ITEMS

12. WRITTEN PETITIONS & REPORTS FROM SPECIAL COMMITTEES

13. REPORTS FROM BOARDS, COMMISSION & CITY OFFICES

13A. City Boards, Commissions and Area Agencies

13A.1 - Accept a Report on the Historical District Commission Meeting. Redding reported.

13A.2 - Accept a Report on the Economic Development Committee Meeting. Hanse reported.

13A.3 – Accept a Report on the Airport Advisory Board Meeting. Andrus reported.

13B. Finance Department

13B.1 -Request to Approve Accounts Payable and Payroll

Andrus offered a motion with support by Bird to approve Accounts Payable and Payroll in the amount of \$309,466.37. **Motion Passed 7-0.**

13B.2 – Accept the FY2019 4th Quarter Budget Adjustments as listed in Resolution 19.24

McKenzie offered a motion with support from Andrus to approve Resolution 19.24, FY 2019 4th Quarter Budget Adjustments. **Motion Passed 7-0.**

13D. Water Utilities

13E. Public Works

13F. City Manager & City Clerk

- 13F.1 – Adopt Resolution 19.22 approving Ballot Language on the Sale of City Owned Property located at the Oakwood Cemetery.
- McKenzie offered a motion with support from Bird to adopt Resolution 19.22 approving the Ballot Language on the Sale of City Owned Property located at Oakwood Cemetery. **Motion Passed 7-0**
- 13F.2 – Adopt Resolution 19.23 approving Ballot Language on the Sale of Part of City Owned Property located at 115, 125 and 131 Brady Street, known as Mahan Park.
- McKenzie offered a motion with support from Hanse to adopt Resolution 19.23 approving Ballot Language on the Sale of Part of City Owned Property located at 115, 125 and 131 Brady Street, known as Mahan Park. **Motion Passed 7-0.**
- 13F.3 – Accept the contract extension with CL Real Estate Group regarding the development at 101 Brady Street.
- Andrus offered a motion with support from McKenzie to approve the contract extension with CL Real Estate Group. **Motion Passed 7-0.**
- 13F.4 – Accept First Reading an amendment to Chapter 2, Article II of the Code of Ordinances to Provide a Council Ethics Code and Sanctions for Violations and schedule a Public Hearing and hold a Second Reading on December 23, 2019.
- McKenzie offered a motion with support from Andrus to accept the first reading of the amendment to Chapter 2, Article II Provide a Council Ethics Code and Sanctions and to schedule a Public Hearing for December 23, 2019 for additional public comments. **Motion Passed 7-0.**
- 13F.5 – Accept the request to Reschedule Public Hearing Ordinance 482 regarding Planning Commission Composition to December 23, 2019.
- McKenzie offered a motion with support from Bird to accept the request and reschedule the Public Hearing on Ordinance 482 Planning Commission Composition to December 23, 2019. **Motion Passed 7-0.**
- 13F.6 – Accept the request to Reschedule Public Hearing regarding the Community Development Block Grant Downtown Rental Rehab Program to December 23, 2019.
- Galloway offered a motion with support from Andrus to accept the request to reschedule the Public Hearing regarding the Community Development Block Brant Downtown Rental Rehab Program to December 23, 2019. **Motion Passed 7-0.**
- 13F.7 – Accept the request to approve the City Council Meetings along with Boards and Commission schedule for 2020.
- Andrus offered a motion with support from Galloway to approve the requested City Council Meetings along with Boards and Commission schedule for 2020. **Motion Passed 7-0.**

14. BOARD APPOINTMENTS

15. COMMUNICATIONS FROM CITY MANAGER, COUNCIL & MAYOR

15A.1 – Comments from City Manager, Council and Mayor.

Mayor Perrigo – asked questions of staff about leaf pick up.

Council Member Redding – Ask Manager Dye for additional information on the City Dam removal discussions and also commented on the Christmas Parade.

Mayor Pro Tem Andrus - Thanked Tracy Stull and staff for their work with the audit report, thanked the DPW for their continued efforts with leaf pick up.

Council Member Bird – commented on the positive activities of the Christmas Parade along with the Employee Christmas Party.

Council Member Hanse – Thanked Doug Sweeris for the opportunity to tour the Waste Water Utility Plant.

Council Member McKenzie – commented on the positive activities of the Christmas Parade along with the upcoming Art Hop.

Council Member Galloway – commented on the positive activities of the Christmas Parade along with thanking Dye for taking the extra time this past week to meet one on one.

16. CLOSED SESSION

17. ADJOURNMENT

Mayor Perrigo adjourned the meeting at 8:20PM.

Minutes respectfully submitted by,

Christopher Tapper

Christopher Tapper, City Clerk

Agenda Item 10A.1

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Public hearing and second reading on an amendment to Chapter 2, Article II of the Code of Ordinances to Provide a Council Ethics Code and Sanctions for Violations
DATE: December 23, 2019

Summary

It is requested that City Council hold a public hearing and second reading on an amendment to Chapter 2, Article II of the Code of Ordinances to Provide a Council Ethics Code and Sanctions for Violations and adopt the amended ordinance as amended.

In 2018, the City of Allegan City Council adopted a Council Ethics Code and Sanctions for Violations ordinance to more clearly state expectations for councilmembers in carrying out their duties and set forth a process to sanction councilmembers who are found to be in violation of the Ethics Code.

Over the course of the past month, the City Manager and City Attorney have worked to update this ordinance. The updates include a clearer process for bringing forth complaints.

Recommendation

It is recommended that City Council hold a public hearing and second reading on an amendment to Chapter 2, Article II of the Code of Ordinances to Provide a Council Ethics Code and Sanctions for Violations and adopt the amended ordinance as presented.

Attachment

Ordinance 483 – Red Lined Version
Ordinance 483 – Final Copy

**CITY COUNCIL
CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

~~Mayor Pro tem McKenzie supported by Council Member Perrigo, moved adoption of the following ordinance.~~

ORDINANCE NO. ~~465~~483

**ORDINANCE AMENDING CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES
TO PROVIDE A COUNCIL ETHICS CODE AND SANCTIONS FOR VIOLATIONS.**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 2, Article II of the Code of Ordinances, City of Allegan, Michigan is amended is amended to read as follows:

ARTICLE II. CITY COUNCIL

Sec. 2-26. Purpose and Intent.

- (a) City residents and property owners are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.
- (b) The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- (c) This Article II is intended to assure public confidence in the integrity of local government and its effective and fair operation.

Sec. 2-27. Meetings.

- (a) The council shall hold its regular meetings on the second and fourth Mondays of each month.
- (b) All regular council meetings shall be held in the ~~Allegan City Hall Griswold Auditorium~~ in the city or at such other place at the council may from time-to-time designate by resolution.
- (c) Regular council meetings shall begin at 7:00 p.m., unless the council shall by resolution from time-to-time designate a different hour for the meeting. ~~Adjourned regular meetings shall be held on the day and at the hour prescribed in a regular meeting being adjourned.~~
- (d) Special meetings shall be noticed out and held as provided by the Michigan Open Meetings Act 1976 PA 267, MCL 15.261 *et seq.*

Sec. 2-28. Council Code of Ethics.

Members of the council shall:

- (a) Act in the public interest. Recognizing that stewardship of the public interest must be their primary concern, council members will work for the common good of the people of Allegan and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the council. Council members shall also abide by the model of excellence provided for below in section (c).
- (b) Comply with applicable law. Council members shall comply with the laws of the nation, the state, and the city in the performance of their public duties. These laws include, but are not limited to: (i) the United States and Michigan constitutions, (ii) federal and state statutes, rules and regulations, (iii) the Allegan City Charter, (iv) Allegan city ordinances, (v) Allegan city policies, (vi) council resolutions, (vii) city contractual obligations, (viii) requirements of any permits or other approvals issued to the city by federal or state agencies, and (ix) orders of any courts or administrative agencies of competent

jurisdiction. This includes, without limitation, those pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government.

(c) Respect for process. Council members shall perform their duties in accordance with the processes and rules of order established by the council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of council policy decisions by city staff.

(d) Prepare for and conduct public meetings. Council members shall prepare for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(e) Communicate pertinent information. Council members shall publicly share substantive information that is relevant to a matter under consideration by the City Council which they may have received from sources outside of the public decision-making process.

(f) Provide full disclosure.

(1) Council members in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the council on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

(2) The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by law.

(g) Avoid inappropriate gifts, favors, and loans.

(1) A council member shall refrain from financial and business dealings that would tend to reflect adversely on the council member impartiality, interfere with the performance of their public duties or exploit their official position. A council member should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

(2) A council member and any family member claimed as a dependent of the council member shall refrain from soliciting or accepting any gifts, loans or favors except that a council member and a family member claimed as a dependent of the council member may:

(i) Accept a gift or honorarium, not exceeding a value of \$100.00, for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.

(ii) Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

(iii) Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the council.

(iv) Solicit and accept campaign contributions.

(h) Properly treat confidential information. Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(i) Use city resources only for city purposes. Public resources, including city staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and not for a council member's personal or private use.

(j) Refrain from representing private interests. In keeping with the role of council members as stewards of the public interest, a council member shall not appear on behalf of the private interests of third parties before the council or any board, committee, commissions, city staff or any proceeding of the City. For purposes of this section, the term "third parties" includes the council member's spouse and family members, within the third degree of consanguinity to the council member or the council member's spouse, before the council or any board, committee, commissions, city staff or any proceeding of the City. Notwithstanding the forgoing, a council member may represent his or her own interests, including in matters involving property owned jointly with the council member's spouse or other persons. For example, a council member may appear before the City's historic district commission in a proceeding involving the council member's home.

Comment [JD1]: What about going in front of the HDC because you are replacing your windows and no one else can represent you.

(k) Accurately represent city actions and policies. Councilmembers shall represent the official policies or positions of the city and the council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, council members shall neither state nor imply that they represent the opinions or positions of the council or the city.

(l) Act only within their council role.

(1) Council members shall respect and adhere to the council-manager structure of city government as provided the Allegan City Charter. In this structure, the council determines the policies of the city with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and City staff.

(2) Council members therefore shall not seek to participate in or interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council decisions, actions or policies.

Comment [NC2]: This paragraph isn't intended to prevent you from representing yourself. But it was kind of confusing in its wording. I've reworded it to make clear that: (1) you can represent yourself; (2) you generally can't represent your wife or other family members; but (3) when you and your wife jointly own property, you can appear in proceedings involving that property. I think it would be unfair not to allow the council member to appear in a jointly owned property situation. The council member might be a better advocate than the council member's spouse, and every other property owner in the City has the right to represent himself or herself.

(m) Maintain the independence of city boards and commissions. Because of the value of the independent advice of subordinate boards, committees, commissions, and other bodies to the public decision-making process, a council members shall, except when the council member is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(n) Maintain and support a positive workplace environment.

(1) Council members shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Council members shall recognize their special role in dealings with city employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the city manager or city attorney.

(2) Because council member actions and comments contribute to the environment in which all city employees must work, in order to create and promote a positive work environment under no circumstances shall a council member, either in public or private, intimidate, humiliate, or otherwise abuse a city employee.

Sec. 2-29. Compliance and enforcement.

(a) This article establishes minimum standards of ethical conduct for council members. Violations therefore constitute official misconduct and malfeasance in office.

(b) Council members each have the primary responsibility to assure that they understand and meet the standards in this article and that the public can continue to have full confidence in the integrity of government.

(c) Formal disciplinary procedures will be undertaken in serious situations or those potentially so. When it appears that such measures may become necessary, proper and tactful handling of the situation is of prime importance. Therefore, efforts will first be undertaken to attain satisfactory resolution of the matter quietly and informally.

(d) A council member shall intervene when the council member learns of actions of another council member that appear to violate this article. The exclusive procedure for intervention shall be as follows:

Upon acquiring reasonable suspicion of a violation of this article, a council member may meet this responsibility by:

(1) ~~Within 30 days of learning about the violation~~ acquiring reasonable suspicion of a violation, a the reporting council member shall notify the mayor and provide a detailed written account of the facts giving rise to reasonable suspicion. In cases where the mayor is suspected of a violation, notice shall be given to the mayor pro tem. The notification and written account shall be sent via email, using official City email accounts. Council members should be aware that all emails and other written communications transmitted during this process may be subject to disclosure under the Freedom of Information Act.

(2) ~~Upon receiving notice of a suspected violation, a council member will~~ Requesting in an email that the mayor (or, in the case of a suspected violation involving the mayor, the mayor pro tem) attempt to ~~shall arrange a meeting with the suspected council member and the city attorney as soon as reasonably possible. The suspected council member has an obligation to participate in the meeting, and failure to do so shall be considered a violation of this ordinance.~~

(3) During the meeting, the mayor or mayor pro tem shall: (i) explain the nature and factual basis for the suspected violation; (ii) provide the suspected council member an opportunity to respond; and (iii) to the extent the circumstances allow, discuss possible ways to informally resolve the matter without further proceedings. For example, the suspected council member may offer to apologize, retract a previous statement, or take other corrective action. ~~personally meet with the council member suspected of violating this article and notify that council member of the suspected violation; such attempt by the mayor or mayor pro tem shall be made in the form of an email, or~~ The mayor or mayor pro tem shall be responsible for leading the discussion. The role of the city attorney is to answer any procedural or legal questions that might arise during the discussion, and to assist the mayor or mayor pro tem in preparing a summary of the meeting for purposes of subsection (d)(4) below.

(24) Following the meeting, the mayor or mayor pro tem shall, with the help of the city attorney, prepare a written summary of the meeting. The summary shall be sent my email to the full City Council and the city manager.

(5) After reviewing the summary, any three council members may require that the full Council hold a public hearing to determine whether a violation of this article occurred and, if so, what sanctions shall be imposed for the violation. To request a public hearing, a council member shall send an email addressed only to the city manager, city clerk, and city attorney. Reasons for requesting a public hearing include: If (i) the suspected council member refused to meet as required by subsection (d)(3), or (ii) the at meeting with the mayor or mayor pro tem and the suspected council member has occurred without a satisfactory outcome, or (iii) there is reason to believe the suspected council member has repeatedly violated this article, or (iv) the violation is viewed to be especially serious, any three council members may require that a public hearing before the council to address the alleged violation at a regular or special council meeting to determine whether a violation of this article occurred and, if so, what sanctions shall be imposed for the violation. To request the public hearing, the three council members shall submit a written letter to the the City Manager and City Clerk, requesting the public hearing.

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(6) If the city manager receives requests for a public hearing from three or more Council members, the city manager shall schedule a public hearing for a regular or special meeting of the City Council. Such a public hearing may only be cancelled with the approval of the majority of the persons who initiated the hearing being set.

~~((e) If it has been determined to hold a public hearing as provided in subsection (d)(2), above, then within 30 days of the alleged violation, or within 30 days of reasonably acquiring knowledge of the alleged violation, a date for a public hearing shall be set. This time limitation shall not prohibit the introduction of evidence of a prior perceived violation that occurred more than 30 days before setting a date in order to demonstrate a continuing pattern of conduct if it is an alleged violation of the same rule prompting the setting of a hearing.~~

~~((f) During the public hearing, the following process shall be followed when it is determined that a public hearing should be set to determine whether a violation has occurred and what sanctions, if any, shall be imposed:~~

(1) All council members, including the one accused of a violation, shall be provided a written summary of the facts giving rise to the charge(s) against the council member believed to have violated this article at least 10 days prior to the date of the public hearing;

(2) The mayor or, if the mayor is either the subject of the alleged violation or is unavailable, the mayor pro tem shall preside over the public hearing. If both the mayor and the mayor pro tem are subjects of the perceived violation, then the most tenured council member shall preside over the public hearing(s). If there is a question as to which council member is most tenured, then a majority vote of the remaining council members shall determine who between them shall preside.

(3) The presiding council member may determine whether the evidence presented against the council member, or in defense of the council member, is germane to the charge(s) against the council member and preclude its consideration if he or she determines it. The presiding council member may seek guidance from the city attorney regarding hearing procedural and evidentiary issues.

(4) The hearing shall be conducted informally.

(i) Without usurping the power granted to the council under City Charter section 5.19, the council is discouraged from issuing any subpoenas to compel witnesses to testify at a hearing under this article.

(ii) Witnesses shall be sworn by the city clerk or the clerk's designee if the designee is a notary public otherwise legally authorized to administer oaths.

~~(iii) The council, as a body, and the accused council member may each be entitled have an attorney present at the hearing for consultation. However, there shall be no right for attorneys to make an opening statement, question witnesses, present evidence, argue whether testimony or evidence is admissible, or make a closing argument.~~

(iii) The city attorney shall be present at the hearing and shall represent the council as a whole. The city attorney shall address procedural, evidentiary, or legal questions upon the request of the presiding council member, but shall not opine as to whether or not a violation of this ordinance has occurred.

(iv) Neither the federal nor state rules of evidence or civil procedure shall apply.

(v) Any council member(s) may ask questions of witnesses, except as otherwise provided in this subsection (f).

(vi) The accused council member may present witnesses in his or her defense after the presiding council member has presented all evidence supporting a violation. The accused council member may not cross-examine witnesses but shall be provided 10 minutes to present closing comments at the conclusion of evidence to respond to the evidence

presented against him or her. The accused council member may request and be granted not more than one additional 10-minute period for closing comments (not to exceed 20 minutes total) if a motion is made, supported, and approved by majority vote of the remaining council members. The accused council member may, at his or her own expense, retain an attorney to perform or assist with the functions permitted in this subsection.

(vii) At the conclusion of the presentation of evidence or the closing comments of the accused council member, whichever is later, council members (except the accused council member) shall vote to determine whether or not a violation(s) of this article occurred by a simple majority vote of councilmembers present being required to make the determination.

(gf) The council may impose sanctions on a council members violating this article. After a majority vote finding a violation of this article, a second majority vote shall determine what sanctions, if any, shall be imposed.

(1) Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and a request to the governor for removal from office in the manner and for the causes provided by law.

(2) Sanctions shall be determined based upon the perceived severity level (1, 2, or 3) of the violation, with the following guidance:

(i) For a level 1 violation, penalty options shall include a verbal reprimand during a conversation with the mayor or mayor pro tem, or an additional and/or greater sanction as may be determined appropriate by the majority of the council voting. A violation of the following subsections of section 2-28 – (2)(c), (d), (e), (g)(1), (g)(2), (i), (j), (k), (12)A., (l)(2), (m), or (n) shall minimally result in a level 1 sanction.

(ii) For a level 2 violation, the penalty options shall include censure, which shall be defined as a formal council resolution for specified conduct and/or a greater sanction as may be determined appropriate by the majority of the council voting. A second level 1 violation within 6 months of a prior violation found by the council, or a first violation following subsections of section 2-28 – (a), (f)(1), (g)(2), or (h) – shall minimally result in a level 2 sanction. Depending upon the severity of the violation, a first violation of subsection 2-28(g) may result in a level 2 sanction.

(iii) For a level 3 violation, the penalty options shall include censure and/or a request to the governor for removal. A third level 1 violation, or a second level 2 violation within 6 months of a prior violation found by the council, or a first violation of 2-28(b) may result in a level 3 sanction.

Sec. 2-30. No Invalidation.

A violation of this article shall not be a basis for invalidating a council decision or action.

Sec. 2-31. Implementation.

(a) Because council member compliance this article is expected and all council members are expected to engage in its enforcement, council members must be thoroughly familiar with this article. To aid this familiarity, a biennial workshop shall be held after the general election in every odd-numbered year not later than 60 days after the general election for training to be provided by Michigan Municipal League (MML), the city attorney, or others retained by the city regarding the role and duties of a council members and the requirements of this article. Unless excused by a majority vote of the remaining council members, all council members shall attend this workshop, or a make-up session as soon as can be practicably scheduled. Anyone appointed to complete the vacated term of a previously elected council member pursuant to Charter section 5.8 shall attend a make-up session of the biennial workshop as provided for in this subsection within 60 days of his or her appointment.

(b) Every year, at the meeting during which the council elects the mayor and mayor pro tem, all council members shall sign the following statement affirming that they have read and understand this article. The statement signed by each council member and retained by the city clerk.

As a member of the Allegan City Council, I agree to uphold the Code of Ethics in Chapter 2, article II of the Code of Ordinances, City of Allegan, Michigan. In addition, I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;
- Respect the dignity and privacy of individuals and organizations;
- Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- Conduct my public affairs with honesty, integrity, fairness and respect for others;
- Avoid and discourage conduct that is divisive or harmful to the best interests of Allegan; and
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics Chapter 2, article II of the Code of Ordinances, City of Allegan, Michigan.

~~Rachel McKenzie~~ Signature/Date

Sec. 2-32. Review.

The council shall annually, no later than August, review this article and initiate any amendments no later than the second City Council Meeting in September.

~~Section 2. Publication and Effective Date. The city clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.~~

~~YEAS: McKenzie, Perrigo, Tripp, Ingalsbee, Manning, Mayor Stotmeister~~

~~NAYS: None~~

~~ABSTAIN: None~~

~~ABSENT: Morgan~~

CERTIFICATION

~~This is a true and complete copy of Ordinance No. 865 adopted at a regular meeting of the Allegan City Council held on April 23, 2018.~~

Danielle Bird, City Clerk

**CITY COUNCIL
CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 483**

**ORDINANCE AMENDING CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES
TO PROVIDE A COUNCIL ETHICS CODE AND SANCTIONS FOR VIOLATIONS.**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 2, Article II of the Code of Ordinances, City of Allegan, Michigan is amended to read as follows:

ARTICLE II. CITY COUNCIL

Sec. 2-26. Purpose and Intent.

(a) City residents and property owners are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

(b) The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

(c) This Article II is intended to assure public confidence in the integrity of local government and its effective and fair operation.

Sec. 2-27. Meetings.

(a) The council shall hold its regular meetings on the second and fourth Mondays of each month.

(b) All regular council meetings shall be held in the Allegan City Hall in the city or at such other place at the council may from time-to-time designate by resolution.

(c) Regular council meetings shall begin at 7:00 p.m., unless the council shall by resolution from time-to-time designate a different hour for the meeting.

(d) Special meetings shall be noticed out and held as provided by the Michigan Open Meetings Act 1976 PA 267, MCL 15.261 *et seq.*

Sec. 2-28. Council Code of Ethics.

Members of the council shall:

(a) Act in the public interest. Recognizing that stewardship of the public interest must be their primary concern, council members will work for the common good of the people of Allegan and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the council. Council members shall also abide by the model of excellence provided for below in section (c).

(b) Comply with applicable law. Council members shall comply with the laws of the nation, the state, and the city in the performance of their public duties. These laws include, but are not limited to: (i) the United States and Michigan constitutions, (ii) federal and state statutes, rules and regulations, (iii) the Allegan City Charter, (iv) Allegan city ordinances, (v) Allegan city policies, (vi) council resolutions, (vii) city contractual obligations, (viii) requirements of any permits or other approvals issued to the city by federal or state agencies, and (ix) orders of any courts or administrative agencies of competent jurisdiction. This includes, without limitation, those pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government.

(c) Respect for process. Council members shall perform their duties in accordance with the processes and rules of order established by the council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of council policy decisions by city staff.

(d) Prepare for and conduct public meetings. Council members shall prepare for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(e) Communicate pertinent information. Council members shall publicly share substantive information that is relevant to a matter under consideration by the City Council which they may have received from sources outside of the public decision-making process.

(f) Provide full disclosure.

(1) Council members in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the council on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

(2) The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by law.

(g) Avoid inappropriate gifts, favors, and loans.

(1) A council member shall refrain from financial and business dealings that would tend to reflect adversely on the council member impartiality, interfere with the performance of their public duties or exploit their official position. A council member should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

(2) A council member and any family member claimed as a dependent of the council member shall refrain from soliciting or accepting any gifts, loans or favors except that a council member and a family member claimed as a dependent of the council member may:

(i) Accept a gift or honorarium, not exceeding a value of \$100.00, for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.

(ii) Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

(iii) Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the council.

(iv) Solicit and accept campaign contributions.

(h) Properly treat confidential information. Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(i) Use city resources only for city purposes. Public resources, including city staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and not for a council member's personal or private use.

(j) Refrain from representing private interests. In keeping with the role of council members as stewards of the public interest, a council member shall not appear on behalf of the private interests of third parties before the council or any board, committee, commissions, city staff or any proceeding of the City. For purposes of this section, the term "third parties" includes the council member's spouse and family members. Notwithstanding the forgoing, a council member may represent his or her own interests, including in matters involving property owned jointly with the council member's spouse or other persons. For example, a council member may appear before the City's historic district commission in a proceeding involving the council member's home.

(k) Accurately represent city actions and policies. Councilmembers shall represent the official policies or positions of the city and the council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, council members shall neither state nor imply that they represent the opinions or positions of the council or the city.

(l) Act only within their council role.

(1) Council members shall respect and adhere to the council-manager structure of city government as provided the Allegan City Charter. In this structure, the council determines the policies of the city with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and City staff.

(2) Council members therefore shall not seek to participate in or interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council decisions, actions or policies.

(m) Maintain the independence of city boards and commissions. Because of the value of the independent advice of subordinate boards, committees, commissions, and other bodies to the public decision-making process, a council members shall, except when the council member is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(n) Maintain and support a positive workplace environment.

(1) Council members shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Council members shall recognize their special role in dealings with city employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the city manager or city attorney.

(2) Because council member actions and comments contribute to the environment in which all city employees must work, in order to create and promote a positive work environment under no circumstances shall a council member, either in public or private, intimidate, humiliate, or otherwise abuse a city employee.

Sec. 2-29. Compliance and enforcement.

(a) This article establishes minimum standards of ethical conduct for council members. Violations therefore constitute official misconduct and malfeasance in office.

(b) Council members each have the primary responsibility to assure that they understand and meet the standards in this article and that the public can continue to have full confidence in the integrity of government.

(c) Formal disciplinary procedures will be undertaken in serious situations or those potentially so. When it appears that such measures may become necessary, proper and tactful handling of the situation is of prime importance. Therefore, efforts will first be undertaken to attain satisfactory resolution of the matter quietly and informally.

(d) A council member shall intervene when the council member learns of actions of another council member that appear to violate this article. The exclusive procedure for intervention shall be as follows:

(1) Within 30 days of acquiring reasonable suspicion of a violation, the reporting council member shall notify the mayor and provide a detailed written account of the facts giving rise to reasonable suspicion. In cases where the mayor is suspected of a violation, notice shall be given to the mayor pro tem. The notification and written account shall be sent via email, using official City email accounts. Council members should be aware that all emails and other written communications transmitted during this process may be subject to disclosure under the Freedom of Information Act.

(2) Upon receiving notice of a suspected violation, the mayor (or, in the case of a suspected violation involving the mayor, the mayor pro tem) shall arrange a meeting with the suspected council member and the city attorney as soon as reasonably possible. The suspected council member has an obligation to participate in the meeting, and failure to do so shall be considered a violation of this ordinance.

(3) During the meeting, the mayor or mayor pro tem shall: (i) explain the nature and factual basis for the suspected violation; (ii) provide the suspected council member an opportunity to respond; and (iii) to the extent the circumstances allow, discuss possible ways to informally resolve the matter without further proceedings. For example, the suspected council member may offer to apologize, retract a previous statement, or take other corrective action. The mayor or mayor pro tem shall be responsible for leading the discussion. The role of the city attorney is to answer any procedural or legal questions that might arise during the discussion, and to assist the mayor or mayor pro tem in preparing a summary of the meeting for purposes of subsection (d)(4) below.

(4) Following the meeting, the mayor or mayor pro tem shall, with the help of the city attorney, prepare a written summary of the meeting. The summary shall be sent my email to the full City Council and the city manager.

(5) After reviewing the summary, any three council members may require that the full Council hold a public hearing to determine whether a violation of this article occurred and, if so, what sanctions shall be imposed for the violation. To request a public hearing, a council member shall send an email addressed only to the city manager, city clerk, and city attorney. Reasons for requesting a public hearing include: (i) the suspected councilmember refused to meet as required by subsection (d)(3), (ii) the meeting with the mayor or mayor pro tem and the suspected council member has occurred without a satisfactory outcome, (iii) there is reason to believe the suspected council member has repeatedly violated this article, or (iv) the violation is viewed to be especially serious.

(6) If the city manager receives requests for a public hearing from three or more Council members, the city manager shall schedule a public hearing for a regular or special meeting of the City Council.

(e) During the public hearing, the following process shall be followed to determine whether a violation has occurred and what sanctions, if any, shall be imposed:

(1) All council members, including the one accused of a violation, shall be provided a written summary of the facts giving rise to the charge(s) against the council member believed to have violated this article at least 10 days prior to the date of the public hearing;

(2) The mayor or, if the mayor is either the subject of the alleged violation or is unavailable, the mayor pro tem shall preside over the public hearing. If both the mayor and the mayor pro tem are subjects of the perceived violation, then the most tenured council member shall preside over the public hearing(s). If there is a question as to which council member is most tenured, then a majority vote of the remaining council members shall determine who between them shall preside.

(3) The presiding council member may determine whether the evidence presented against the council member, or in defense of the council member, is germane to the charge(s) against the council member and preclude its consideration if he or she determines it. The presiding council member may seek guidance from the city attorney regarding hearing procedural and evidentiary issues.

(4) The hearing shall be conducted informally.

(i) Without usurping the power granted to the council under City Charter section 5.19, the council is discouraged from issuing any subpoenas to compel witnesses to testify at a hearing under this article.

(ii) Witnesses shall be sworn by the city clerk or the clerk's designee if the designee is a notary public otherwise legally authorized to administer oaths.

(iii) The city attorney shall be present at the hearing and shall represent the council as a whole. The city attorney shall address procedural, evidentiary, or legal questions upon the request of the presiding council member, but shall not opine as to whether or not a violation of this ordinance has occurred.(iv) Neither the federal nor state rules of evidence or civil procedure shall apply.

(v) Any council member(s) may ask questions of witnesses, except as otherwise provided in this subsection (f).

(vi) The accused council member may present witnesses in his or her defense after the presiding council member has presented all evidence supporting a violation. The accused council member may not cross-examine witnesses but shall be provided 10 minutes to present closing comments at the conclusion of evidence to respond to the evidence presented against him or her. The accused council member may request and be granted not more than one additional 10-minute period for closing comments (not to exceed 20 minutes total) if a motion is made, supported, and approved by majority vote of the remaining council members. The accused council member may, at his or her own expense, retain an attorney to perform or assist with the functions permitted in this subsection.

(vii) At the conclusion of the presentation of evidence or the closing comments of the accused council member, whichever is later, council members (except the accused council member) shall vote to determine whether or not a violation(s) of this article occurred by a simple majority vote of councilmembers present being required to make the determination.

(f) The council may impose sanctions on a council members violating this article. After a majority vote finding a violation of this article, a second majority vote shall determine what sanctions, if any, shall be imposed.

(1) Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and a request to the governor for removal from office in the manner and for the causes provided by law.

(2) Sanctions shall be determined based upon the perceived severity level (1, 2, or 3) of the violation, with the following guidance:

(i) For a level 1 violation, penalty options shall include a verbal reprimand during a conversation with the mayor or mayor pro tem, or an additional and/or greater sanction as may be determined appropriate by the majority of the council voting. A violation of the following subsections of section 2-28 – (2)(c), (d), (e), (g)(1), (g)(2), (i), (j), (k), (12)A., (l)(2), (m), or (n) shall minimally result in a level 1 sanction.

(ii) For a level 2 violation, the penalty options shall include censure, which shall be defined as a formal council resolution for specified conduct and/or a greater sanction as may be determined appropriate by the majority of the council voting. A second level 1 violation within 6 months of a prior violation found by the council, or a first violation following subsections of

section 2-28 – (a), (f)(1), (g)(2), or (h) – shall minimally result in a level 2 sanction. Depending upon the severity of the violation, a first violation of subsection 2-28(g) may result in a level 2 sanction.

(iii) For a level 3 violation, the penalty options shall include censure and/or a request to the governor for removal. A third level 1 violation, or a second level 2 violation within 6 months of a prior violation found by the council, or a first violation of 2-28(b) may result in a level 3 sanction.

Sec. 2-30. No Invalidation.

A violation of this article shall not be a basis for invalidating a council decision or action.

Sec. 2-31. Implementation.

(a) Because council member compliance this article is expected and all council members are expected to engage in its enforcement, council members must be thoroughly familiar with this article. To aid this familiarity, a biennial workshop shall be held after the general election in every odd-numbered year not later than 60 days after the general election for training to be provided by Michigan Municipal League (MML), the city attorney, or others retained by the city regarding the role and duties of a council members and the requirements of this article. Unless excused by a majority vote of the remaining council members, all council members shall attend this workshop, or a make-up session as soon as can be practicably scheduled. Anyone appointed to complete the vacated term of a previously elected council member pursuant to Charter section 5.8 shall attend a make-up session of the biennial workshop as provided for in this subsection within 60 days of his or her appointment.

(b) Every year, at the meeting during which the council elects the mayor and mayor pro tem, all council members shall sign the following statement affirming that they have read and understand this article. The statement signed by each council member and retained by the city clerk.

As a member of the Allegan City Council, I agree to uphold the Code of Ethics in Chapter 2, article II of the Code of Ordinances, City of Allegan, Michigan. In addition, I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;
- Respect the dignity and privacy of individuals and organizations;
- Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- Conduct my public affairs with honesty, integrity, fairness and respect for others;
- Avoid and discourage conduct that is divisive or harmful to the best interests of Allegan; and
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics Chapter 2, article II of the Code of Ordinances, City of Allegan, Michigan.

Signature/Date

Sec. 2-32. Review.

The council shall annually, no later than August, review this article and initiate any amendments no later than the second City Council Meeting in September.

Agenda Item 10A.2

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Public Hearing and Second Reading on Ordinance 482, an ordinance to amend the composition of the Planning Commission.
DATE: December 23, 2019

Summary

It is requested that City Council hold a Public Hearing and Second Reading on Ordinance 482, an ordinance to amend the composition of the Planning Commission and adopt the ordinance as proposed.

Currently Section 20-17 of the City Code of Ordinances states that the Planning Commission shall consist of the mayor as a member ex officio, two (2) members of the council to be selected by it as members ex officio, and six (6) persons who shall be appointed by the mayor.

In order to allow citizens a greater voice in the development of their city, as well as allow more councilmembers the opportunity to serve on the Planning Commission, it is being recommended that Section 20-17 of the City Code of Ordinances be amended to read:

The planning commission shall consist of the mayor as a member ex officio, one member of the council to be selected by it as a member ex officio, and seven persons who shall be appointed by the mayor. Commission members appointed by the mayor may be compensated at a rate determined by the council, and such members shall hold no other municipal office except that one member may also serve on the zoning board of appeals. The mayor's term as an ex officio member of the planning commission shall correspond with his or her tenure as mayor. The additional council member serving as an ex officio member of the planning commission shall serve for a term of one year, but may be selected for additional terms at the discretion of the council. The term of each appointed member shall be three years or until a successor takes office. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the mayor in the case of a member appointed by the mayor, and by the council in the case of ex officio members selected by the council. The council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

This essentially removes one councilmember and adds one member of the public.

Recommendation

It is recommended that that City Council hold a Public Hearing and Second Reading on Ordinance 482, an ordinance to amend the composition of the Planning Commission and adopt the ordinance as proposed.

Attachment

Ordinance 482

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 482

**AN ORDINANCE TO AMEND SEC. 20-17 OF THE CITY CODE TO PROVIDE
THAT THE MAYOR AND ONE ADDITIONAL CITY COUNCIL MEMBER
SHALL SERVE AS EX OFFICIO MEMBERS OF THE PLANNING
COMMISSION, FOR A RENEWABLE TERM OF ONE-YEAR**

The City of Allegan Ordains:

Section 1. Amendment. Section 20-17 of the Code of Ordinances, City of Allegan, Michigan, is amended to read as follows:

Sec. 20-17. Composition.

The planning commission shall consist of the mayor as a member ex officio, one member of the council to be selected by it as a member ex officio, and seven persons who shall be appointed by the mayor. Commission members appointed by the mayor may be compensated at a rate determined by the council, and such members shall hold no other municipal office except that one member may also serve on the zoning board of appeals. The mayor's term as an ex officio member of the planning commission shall correspond with his or her tenure as mayor. The additional council member serving as an ex officio member of the planning commission shall serve for a term of one year, but may be selected for additional terms at the discretion of the council. The term of each appointed member shall be three years or until a successor takes office. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the mayor in the case of a member appointed by the mayor, and by the council in the case of ex officio members selected by the council. The council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2019.

_____, Mayor

Christopher Tapper, City Clerk

Introduced: _____, 2019
Adopted: _____, 2019
Published: _____, 2019
Effective: _____, 2019

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Public Hearing and Adoption of Resolution 19.26 regarding the Community Development Block Grant for the Downtown Rental Rehab Program
DATE: December 23, 2019

Summary

It is requested that City Council hold a public hearing regarding a \$690,000 Michigan Community Development Block Grant to renovate ten (10) second story apartments in Downtown Allegan and subsequently adopt Resolution 19.26.

Over the course of the past few months City Staff has been working with several downtown properties in securing a Letter of Intent from the State of Michigan to award \$690,000 to City of Allegan to assist in the renovation of ten (10) second story apartments in Downtown Allegan. These properties include: 114/116 Locust Street (4 apartments), 113 Locust Street (2 apartments), 109 Locust Street (2 apartments) and 209 Hubbard Street (2 apartments). Through this program at least 50% of the apartments must be rented at an affordable rate.

This program is similar to the Lumberman Lofts project the city just completed earlier this year, minus the requirement for affordability. While the property owners and City Staff have invested a lot of time and energy in securing the Letter of Intent, the public hearing on December 23, 2019 will be the City's official first action in moving this grant forward.

Recommendation

It is recommended that City Council hold a public hearing regarding a \$690,000 Michigan Community Development Block Grant to renovate ten (10) second story apartments in Downtown Allegan and subsequently adopt Resolution 19.26.

Attachment:

Resolution 19.26



**CITY OF ALLEGAN
RESOLUTION 19.26**

WHEREAS, the City of Allegan is in the process of applying for a Michigan Economic Development Corporation Community Development Block Grant to assist in the redevelopment of several second floors of downtown properties which will convert them from vacant spaces to quality apartments;

WHEREAS, the Michigan Economic Development Corporation Community Development Block Grant requires the City of Allegan to have authorized signatories on their Grant Materials and Contracts;

WHEREAS, the Michigan Economic Development Corporation Community Development Block Grant requires the City of Allegan to appoint an agent of the City of Allegan to serve as the Certifying Officer for the Environment Review for this project;

WHEREAS, the City will not be incurring any costs, outside staff time, for this Michigan Economic Development Corporation Community Development Block Grant;

HEREBY BE IT RESOLVED, the City Manager, Joel Dye is hereby authorized and directed to be the signer on all Michigan Economic Development Corporation Community Development Block Grant Documents Materials and Contracts as long as the City does not incur any costs:

AND, that the City Manager, Joel Dye be appointed as the certifying officer for the environmental review.

DATED:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

RESOLUTION DECLARED:

Christopher Tapper, City Clerk

CERTIFICATION

I, Christopher Tapper, duly appointed City Clerk of the City of Allegan; do hereby certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of Allegan, Michigan, on this 9th day of December, 2019.

Christopher Tapper, City Clerk



City of Allegan
Downtown Development Authority Meeting
City of Allegan Council Chambers
231 Trowbridge Street

December 11, 2019

I. Call to Order

Meeting was called to order at 8:05am.

II. Attendance

Present: Chair Ryan Deery, Vice Chair Tracy Clawson, Carl Canales, Landria Christman, Kelly McLean, Traci Perrigo, Marcia Wagner

Absent: Nicole Richmond, Mike Villar

Others Present: Joel Dye, City Manager, Parker Johnson, Promotions Coordinator

III. Approval of Previous Meeting Minutes

Motion to approve the previous minutes from October 9, 2019, by Marcia Wagner, supported by Kelly McLean. Motion carried 7-0.

IV. Public Comment

None.

V. FY19/20 Year to Date DDA Budget Review

None.

VI. Discussion

1. Finalize Downtown Parking Discussion (Part 1)

City Staff presented to the DDA a Downtown Parking Plan that outlines overnight, public, and employee parking. The group agreed with the proposed overnight plan, designated the northern most parking lot (the “Bubba’s Lot”) the commercial vehicle parking lot, and agreed on encouragement to convince downtown employees to park in the lots located on the furthest outskirts of the Downtown (the “Bubba’s Lot” and the “Perrigo Outlet Store Lot”).

Staff will return in January with Finalize Downtown Parking Discussion (Part 2)

2. Allegan City Dam Discussion

On request from the City Council, Staff asked the DDA for their thoughts on the removal of the Allegan City Dam. If the dam is removed, the DDA would like to see the following amenities included in the final design:

- running/walking trails
- canoe/kayak launch
- boatable
- dockable
- boat ramp
- navigatable waters from up stream and downstream
- wetland – less trees, more tall grass
- birdhouses
- accessible water
- picnic tables/benches
- terraced seating
- interactive water features
- connectivity to the other side of the Iron Bridge
- elevated boardwalk over marsh
- completed loop around the riverfront
- green space
- additional parking in the Mill District

Motion in favor of complete removal of the Allegan City Dam, contingent on the inclusion of the amenities included in the Allegan Dam Feasibility and Conceptual Design Report as well as the list above and appropriate funding for such improvement, made by Ryan Deery, supported by Carl Canales. Motion carried 7-0.

VII. DDA Member/Staff Comments

Joel informed the group that the Downtown Retail Market Analysis done by Gibbs Planning Group was returned and Staff would review it and share the analysis and a brief overview of its findings with the DDA via email before the holiday.

Marcia Wagner announced her resignation from the DDA Board.

Ryan Deery announced his resignation from the DDA Board and from his position as Director of the Allegan District Library.

City Staff thanked both Marcia and Ryan for their service and dedication to the DDA Board, as well as to the downtown in their positions outside of their board membership.

VIII. Adjournment

The meeting was adjourned at 9:05am.

Respectfully Submitted,

**Parker Johnson
Promotions Coordinator**



**CITY OF ALLEGAN
Public Spaces Commission
Allegan, MI 49010**

**Allegan City Hall
231 Trowbridge Street
Allegan MI 49010
Wednesday, December 11, 2019 6:30pm**

MINUTES

1. Call to order: Chairperson McCall called the meeting to order at 6:33 pm.
2. Attendance: Judi McCall, Delora Andrus, Rosie Hunter, Paula Mintek, Landria Christman, Cyndi Reed, Pete Savage

Also present: Joel Dye, Aaron Haskin, Parker Johnson
3. Savage offered a motion with Christmans support to approve the regular meeting minutes of October 16, 2019. Motion approved.
4. Allegan City Dam Removal Discussion: A continued discussion ensued regarding the removal of the Allegan City Dam. During the discussion, the commission provided more concept ideas if the City Dam was to be removed. Concept ideas included; dredging a better river path, deep enough for boats, outdoor classrooms, and pond by the library, not allowing overgrowing of trees, walking trails, benches, picnic areas, art sculptures, boat tours and paddle boat tours.
5. 101 Brady Street Discussion: A continued discussion ensued regarding the 101 Brady Street Discussion. Dye updated the Commission regarding the events from the City Council meeting from Monday, December 9, 2019. Dye noted the Council adopted Resolution 19.23 approving Ballot Language on the Sale of property located at 115,125, and 131 Brady Street, otherwise known as Mahan Park. Dye also provided to the Commission the presentation from CL Real Estate known as Option B. Dye discussed how Option B was the choice CL Real Estate believed to be the best option because it allowed for the additions and enchantments to Mahan Park.
6. Adjournment: Reed offered a motion with supported by Christman motioned to adjourn the meeting at 8:03 pm.
7. Minutes respectfully submitted by,
Christopher Tapper, City Clerk



**City of Allegan
Planning Commission Meeting
Monday, December 6, 2019
Allegan City Hall Council Chambers
231 Trowbridge Street Allegan MI 49010**

MINUTES

1) Call to Order

The meeting was called to order at 6:00 pm.

2) Attendance

Present: Julie Emmons, Jason Watts, Roger Bird, Traci Perrigo, Tanya Westover, Alex Wilkening and Thomas Morton

Absent: Brad Burke, and one vacancy.

Others Present: Joel Dye, City Manager

3) Approval of Previous Meeting Minutes

Motion by Jason Watts, supported by Julie Emmons, to approve the minutes from the August 19, 2019 Planning Commission Meeting with the following amendment:

- Under item 5A.1, the sixth paragraph be rewritten to say that the motion made by Jason Watts was “Withdrawn by Jason Watts” and not “Motion failed due to lack of support”.

Motion passed 7-0.

4) Public Comment

None

5) Discussion

5A.1 – Review and Discussion of the Allegan City Dam

Dye informed the Commission that City Council would like to hear from the Planning Commission as it relates to the amenities the Commission would like to see if the Allegan City Dam is removed. The Commission discussed this item and the following amenities were listed.

- Dog park that doesn't flood;
- Picnic area with grills down by the newly created green space by the Mill District;
- Large open space for play areas;
- Covered pavilion;
- Stand-alone barge, or concession area to be run by a private company similar to Red Dock;
- Mini Golf;
- Luge;
- Ice Skating Rink; and
- Year round speakers and lights on all paths.

5A.2 – Review and Discussion of the Allegan City Mill District

Dye presented a plan that shows the Mill District being redeveloped into a mixed use/mixed density residential development with some recreations uses. During the presentation Dye mentioned that the City is currently working with a developer to implement the plan. The Commission in general spoke in favor of the plan and stated they are looking forward to the development of the Mill District.

5A.3 – Review and Discussion of the City's Zoning Map

Dye informed the Commission that in 2020 the Planning Commission will begin an update to their Master Plan, Zoning Map and Zoning Ordinance. The Commission in general stated they are looking forward to taking on this much needed project in 2020.

6) Staff/Commission Comments

The Commission discussed the work they put into developing the proposed marijuana ordinances and discussed how they wished the City Council would have sent the ordinance back to the Planning Commission for more review instead of outright rejecting the proposed ordinances. Some commissioners stated that they were at that meeting and several councilmembers suggested changes they would like to see before they approved the proposed ordinances.

Motion by Jason Watts, supported by Tanya Westover to direct the City Manager to review the comments from the City Council regarding the proposed marijuana ordinances and bring back amended language for the Planning Commission to consider regulating Marijuana Establishments in the City of Allegan. Motion Carried 7-0.

No more staff or commission comments were heard.

7) Adjournment

Motion Roger Bird, Supported by Alex Wilkening to adjourn the meeting at 7:13 p.m.

Respectfully submitted by
Joel Dye, City Manager

Agenda Item 13B.1

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Approval of Accounts Payable and Payroll
DATE: December 23, 2019

Summary

It is requested that City Council approve accounts payable in the amount of \$309,786.86 and payroll in the amount of \$151,801.40 for a total disbursement of \$461,588.26.

Attached is the accounts payable and payroll summary sheet.

Recommendation

It is recommended that that City Council approve accounts payable in the amount of \$309,786.86 and payroll in the amount of \$151,801.40 for a total disbursement of \$461,588.26.

Attachment

Accounts Payable and Payroll Summary Sheet

Disbursement Report

December 19, 2019

December 9th 2019 thru December 23rd 2019

Accounts Payable by Fund

General Fund	\$	70,223.24
Major Streets	\$	1,793.99
Local Streets	\$	1,652.88
Grants	\$	11,240.75
DDA	\$	260.01
PA	\$	180.00
Sewer	\$	191,701.41
Water	\$	6,895.05
Motor Vehicle Pool	\$	8,427.07
Trust & Agency	\$	17,412.46
Total A/P by Fund	\$	309,786.86
<hr/>		
Regular Check Run	\$	276,372.15
EFT Payments	\$	-
Off-Cycle Check Runs	\$	33,414.71
Total Checks	\$	309,786.86
<hr/>		
Payroll Check Remittances	\$	2,823.36
Payroll EFT Remittances	\$	34,170.61
Total Checks	\$	36,993.97
<hr/>		
Payroll - December 10th, 2019 (for WE 12/08/2019)	\$	114,807.43
Total Payroll	\$	151,801.40
<hr/>		
Total Disbursements	\$	461,588.26

12/19/2019

Ck#	Vendor	Description	
73384	Grain Sandwich Shop	Sliders for Meeting	\$126.00
73389	Allegan Co Treasurer	Taxes	\$9,044.49
73390	Allegan Public Schools	Taxes	\$8,367.97
73391	Republic Services	Trash Services	\$12,753.80
73392	Matt Elkins	Fire Wood for NYE	\$180.00
73393	WEX Bank	Fuel	\$2,022.67
73394	Auto-Wares Group	Supplies	\$730.78
73395	Home Depot	Ladder	\$189.00
Total Manual Checks			\$33,414.71

EFT Payment Report

Ck#	Vendor	Description	Amount
N/A			\$0.00
Total EFT Payments			\$0.00

Payroll Remittance Checks Report

Ck#	Vendor	Description	Amount
73382	Peter Hanse	Meeting	\$135.74
73383	Michael Morton	Meeting	\$9.24
73385	MISDU	Child Support	\$1,449.09
73386	SEIU	Union Dues - DPW	\$365.57
73387	COAM	Union Dues - PD	\$263.92
73388	POAM	Union Dues - PD	\$599.80
Total Payroll Checks		**Included in Payroll Total	\$2,823.36

EFT Payroll Payment Report

Ck#	Vendor	Description	Amount
670	John Hancock	Retirement-457	\$2,607.65
671	IRS	Federal WH Tax	\$24,541.02
672	John Hancock	MPP	\$7,021.94
Total Payroll EFT Payments			\$34,170.61

Total Manual Checks	\$70,408.68
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Date
12/09/19
12/12/19
12/12/19
12/13/19
12/13/19
12/13/19
12/13/19
12/13/19

Date

Date
12/10/19
12/10/19
12/11/19
12/11/19
12/11/19
12/11/19

Date
12/11/19
12/11/19
12/11/19

Check Register
12/19/2019

Check #	Vendor Name	Description	Total Amount	# Invoices
73396	ALFRED LEMAIRE	Employee Reimbursement - Work Boots	\$ 150.00	1
73397	ALLEGAN TRUE VALUE HARDWARE	Parts and Supplies	\$ 669.14	20
73398	APPROVED PROTECTION SYSTEM	Test & Recharge Fire Extinguisher	\$ 116.00	1
73399	ARISTA TRUCK SYSTEMS, INC	Parts	\$ 73.67	1
73400	AVFUEL CORPORATION	Aviation Fuel	\$ 30,183.33	1
73401	BAUCKHAM, SPARKS THALL, SEEBER	Professional Services	\$ 108.00	1
73402	BELL EQUIPMENT CO	Equipment Parts	\$ 1,253.79	3
73403	BIOTECH AGRONOMICS INC	Load Transport and Land Application of Biosolids	\$ 57,849.15	1
73404	C.STODDARD & SONS, INC	Oil Recycling	\$ 55.00	1
73405	CBA LIGHTING & CONTROLS, INC.	Lamp for Runway	\$ 617.32	1
73406	CHARTER COMMUNICATIONS HOLDING CO	Internet Services	\$ 101.10	1
73407	CINEMA SCENE	Star Wars Tubs - Regent	\$ 483.44	2
73408	CITY OF ALLEGAN	Water/Sewer Bill	\$ 4,509.85	1
73409	CLARK HILL, PLC	Professional Services	\$ 275.00	1
73410	CONSUMERS ENERGY	Land Rents/Lease - Electric	\$ 1.00	1
73411	CRONK SERVICES, LLC	Blight Cleanup - 209 Park & 226 Robinson	\$ 1,230.00	2
73412	CRYSTAL FLASH	Fuel	\$ 2,421.35	3
73413	CSZ SERVICES LLC	November Assessing	\$ 3,300.00	1
73414	EARTHWORKS	Plowing November 2019	\$ 100.00	1
73415	ETNA SUPPLY COMPANY	Valve Repair Kit/Blue Monster Pipe Dope	\$ 269.28	1
73416	FAMILY FARM AND HOME	Gloves/Tarps/Supplies	\$ 121.88	4
73417	FIRST ADVANTAGE LNS OCC. HEALTH SOL	Clinic Collection	\$ 44.08	1
73418	FOCUS	Film Rental - Harriet	\$ 692.12	1
73419	FRONTIER COMMUNICATIONS OF MICHIGAN	Phone Services	\$ 110.74	1
73420	GALLS, LLC	Reflective Apparel	\$ 225.00	2
73421	GREAT LAKES COCA-COLA DISTRIBUTION	Concessions - Regent	\$ 876.86	2
73422	HAROLD ZEIGLER PLAINWELL	Testing & Repairs - 2017 Ford Explorer	\$ 296.84	1
73423	KAECHLE PUBLICATIONS, INC	Advertising	\$ 495.67	2
73424	KLOSTERMAN DISTRIBUTING	Concessions - Regent	\$ 232.20	1
73425	L. PERRIGO CO.	Repayment 4 of 10 - Sewer Billing	\$ 117,500.00	1
73426	MCNALLY ELEVATOR COMPANY, INC.	Maintenance - Dec 2019 - Feb 2020	\$ 94.84	1
73427	MGFOA	Membership Fees - T.Stull	\$ 125.00	1
73428	MISS DIG SYSTEM, INC.	Membership/Education/Maintenance Fees	\$ 1,530.42	1
73429	MITEL	Phones	\$ 1,427.78	1
73430	MWEA	2020 Wastewater Administrators Conference -D.Sweeris	\$ 373.00	1
73431	NAPA AUTO PARTS OF ALLEGAN	Diamond Mat/Spark Plugs	\$ 37.17	2
73432	NORTHWEST KENT MECHANICAL CO	Repair Makeup Air Unit - WWTP	\$ 1,250.95	1
73433	OFFICE DEPOT, INC.	Office Supplies/Council Name Plates	\$ 271.66	6
73434	PARAMOUNT	Film Rental - White Christmas	\$ 350.00	1
73435	PLUMBER'S PORTABLE TOILETS	Portable Toilet Rentals	\$ 165.00	2
73436	POWERPLAN-JOHN DEERE FINANCIAL	AIS Construction Equipment	\$ 716.58	1
73437	PRECISION ELECTRIC, INC	Test/Inspect/Installation - WRRF & WTP	\$ 6,338.07	6
73438	PRESSED 4 TIME	Uniform Cleaning	\$ 94.30	1
73439	R. SMITH & SONS INC	Snow Plow Ballast	\$ 1,154.23	1
73440	RICOH USA, INC.	Color/B&W Printing	\$ 113.28	5
73441	ROADSIDE ATTRACTION	Film Rental - Judy	\$ 278.00	1
73442	SIEGFRIED CRANDALL PC	Audit FY 2019	\$ 6,750.00	1
73443	SME-SOIL & MATERIALS ENGINEERS INC	Hazardous Materials Assessing	\$ 11,240.75	1
73444	SNAP ON TOOLS	Tools	\$ 79.45	2
73445	STATE INDUSTRIAL PRODUCTS CORP	Water Treatment Program - WWTP & Regent - Pro Lube/Aerosol	\$ 1,357.58	3
73446	STATE OF MICHIGAN	SOR Registration	\$ 30.00	1
73447	STATE OF MICHIGAN	Annual Permit Fees	\$ 4,800.00	3
73448	STATE OF MICHIGAN	MiDeal Jan 2020 - Dec 2020	\$ 180.00	1
73449	STATE OF MICHIGAN	Boiler Inspection	\$ 60.00	1
73450	THE MAINTENANCE CONNECTION	Parts/Supplies/Paint	\$ 797.23	1
73451	TRACE ANALYTICAL LABORATORIES INC	Metals Testing	\$ 278.00	1
73452	TRI-STATE THEATRE SERVICE, INC	Booking Fees	\$ 175.00	1
73453	TRINITY SYSTEMS, INC.	Long Sleeve T-Shirts - Employee Recognition	\$ 589.30	1
73454	TRUCK & TRAILER SPECIALTIES INC	Gear Motor/Carbide Insert/Breaker	\$ 2,312.76	2
73455	VALLEY CITY LINEN	Bags Mops Linens & Rugs	\$ 88.90	2
73456	VERIZON WIRELESS SERVICES LLC	Cell Phones	\$ 2,271.67	1
73457	WALT DISNEY STUDIOS	Film Rental - Frozen 2/Ford v Ferrari	\$ 3,880.15	1
73458	WARNER BROTHERS	Film Rental - National Lampoons Christmas Vacation	\$ 250.00	1
73459	WEST MICHIGAN BASEBALL FRANCHISING	Concessions - Regent	\$ 367.92	1
73460	WEST MICHIGAN INTERNATIONAL	Refinish Fenders	\$ 304.50	1
73461	WEST MICHIGAN TOURIST ASSOC	Advertising - Farmers Market	\$ 220.00	1
73462	WEST MICHIGAN UNIFORM	Uniforms/Carhartt/Jacket	\$ 809.44	7
73463	WESTERN MICHIGAN FLEET PARTS,INC	Parts	\$ 426.78	2
73464	WILKENING, ALEXANDER & SYLENE	UB Refund	\$ 45.25	1
73465	WYOMING ASPHALT PAVING CO INC	Plainwell Commercial Top	\$ 205.53	1
73466	ZER09 HOLSTERS	Portable Radio Cases	\$ 169.85	1
Num Checks: 71			\$ 276,372.15	132

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Resolution to Select Prein&Newhof as the Engineering Consultants for Padgham Field Airport for the years 2020-2024
DATE: 12/18/19

Summary

It is requested that City Council adopt Resolution 19.25 selecting Prein & Newhof as the Padgham Field Airport consulting engineers for 2020 -2024 per MDOT Aero Requirements.

Every 5 years the FAA requires airports to advertise and select an engineering consultant. The selection process is based on a qualified based selection process. A request for qualifications was advertised in November, 2019 on the MDOT Aeronautics website and Prein&Newhof was the only consulting firm to submit a qualifications package. The Airport Advisory Board reviewed their submittal and made a recommendation to approve Prein&Newhof as the airport consulting engineers for 2020 – 2024.

Recommendation

It is recommended that City Council adopt Resolution 19.25 selecting Prein & Newhof as the Padgham Field Airport consulting engineers for 2020 -2024 per MDOT Aero Requirements.

Attachment

Resolution 19.25



**City of Allegan
Resolution 19.25**

**A RESOLUTION to Select an Engineering Consultant for Allegan's
Padgham Field Airport**

WHEREAS, the City of Allegan owns and operates Padgham Field Airport; and,

WHEREAS, the City of Allegan receives Federal and State Aviation Funding for airport improvements; and,

WHEREAS, the City of Allegan has advertised for and received Statements of Qualifications from engineering consultants; and

WHEREAS, the City of Allegan has reviewed and evaluated the proposals through a qualifications based selection process

NOW THEREFORE BE IT RESOLVED, the City of Allegan has selected Prein&Newhof as its Engineering Consultant for Allegan's Padgham Field Airport.

RESOLUTION:

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by the City Council of the City of Allegan at their regular meeting held on December 23, 2019, at 7:00 p.m. in Allegan, with a quorum present.

Christopher Tapper, City Clerk, City of Allegan

Dated: December 27, 2019

Agenda Item 13E.2

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Approve Purchase Requisitions 20-0553 Preferred Vendor Top Gun Tree Care Services
DATE: 12/18/19

Summary

It is requested to approve Purchase Requisition 20-0553 in the amount of \$24,000.00 for Top Gun Tree Care Services.

There are currently 36 trees in the city right of ways and parks that are dying or dead. To protect public safety, these trees need to be removed. Last month, the city went out for bids to remove these trees. The bids submitted were in lump sum unless otherwise noted and include full removal of the tree including stump grinding. All tree removals are expected to be completed by March 2020. On Tuesday, December 17, 2019 Bids were received. Five bids in total were received with Top Gun Tree Care being accepted as low bid. Staff reviewed all bids for any errors and budget information proceeding to create Purchase Requisition 20-0553 for Top Gun Tree Care Service in the amount of \$24,000.00

Recommendation

It is recommended to approve Purchase Requisition 20-0553 in the amount of \$24,000.00 for Top Gun Tree Care Services.

Attachments

PO 20-0553

2020 Tree Removal List

Bid Attachments

12/18/2019

City of Allegan
231 Trowbridge Street
Allegan, MI 49010
(269) 673-5511
(269) 686-5139



Purchase Requisition

Requested Date 12/18/2019

Purchase Requisition No 20-0553

Requested By AHASKIN

Preferred Vendor 547462

Department 276

Top Gun Tree Care

Cemetery

Address

Contract/Job #:

Req. Description: Tree Removals

Qty.	Description	GL Number	Unit Price	Amount
1	Dead Tree on River Front	101-751-81800	1,200.00	1,200.00
1	Oakwood Cemetery	101-276-81800	1,300.00	1,300.00
1	Overgrown Trees at Hooker Water Tower	591-568-97900	2,300.00	2,300.00
1	Major Streets Tree Removal	202-463-81800	5,600.00	5,600.00
1	Local Streets Tree Removal	203-463-81800	13,600.00	13,600.00

☐ In Budget ☐ Requires Budget Amendment

Total: 24,000.00

Requested By: Aaron Hooks

Date 12/18/19

Finance Approval: _____

Date _____

CM/Council Approval: _____

Date _____

Notes:

Summary of All Bids Received

<u>Bidder Name</u>	<u>Bid Amount</u>
C & R'S OUT ON A LIMB TREE CARE LLC	24,805.00
Top Gun Tree Care	24,000.00
Treeworks, Inc.	43,400.00
Intergrity Tree Services	70,505.00
American Arbor, LLC	37,481.00

BID PROPOSAL

TIN# 90-0733164

Name:	City of Allegan
Phone:	269-673-5511
Address:	Multiple Locations Detailed below

12/16/19

[illegible]

PAGE 1 OF 2

C & R's Out on a Limb Tree Care, LLC

35005 66th Street
Bangor, MI 49013
269-214-1914
treeguy1983@gmail.com
TIN# 90-0733164

BID PROPOSAL

Name:	City of Allegan
Phone:	269-673-5511
Address:	Actual Cost - 3 separate locations Detailed below

Thank you for allowing us the opportunity to provide this bid proposal to you.

Date: 12/16/19

TYPE	LOCATION/JOB DESCRIPTION		
Removals	231 Monroe Street - Actual cost Removal 1300.00 Stump 200.00	Total Cost	\$ 1,500.00
	313 Julia Street (Across the road 9 pine trees in Oakwood Cemetary) Removal \$900.00 Stump \$300.00	Total Cost	\$ 1,200.00
	Hooker Rd and Eastern Ave (trees on the east side of the water tower near the fence) Removal 1400.00 Stump 400.00	Total Cost	\$ 1,800.00

We will be happy to supply any further information you may need.

City of Allegan Tree Removal List 2020

Treeworks, Inc.
(616) 837-1100office@treeworksmi.com

ADDRESS/LOCATION	PRIMARY EQUIP	TREE DISCRIPTION	TREE DISCRIPTION	COST
Eastern Ave (Between Grand St. and Lowe St./ West side of road) 3 Trees		38" Oak	24" Cottonwood	\$3,000.00
<i>Lane closure/traffic control/flagging</i>	SENN & BT	36" Oak		
148 North Street		30" Maple		\$1,800.00
	BT			
137 North Street	SENN	26" Maple		\$1,200.00
330 North Main Street	SENN	36" Maple		\$2,500.00
<i>Lane closure/traffic control/flagging</i>				
176 South Main Street	SENN	40" Maple		\$2,000.00
250 Ida Street	SENN & BT	44" DEAD! Ash		\$3,500.00
104 Highland Street	SENN	20" Ash		\$1,000.00
302 Highland Street	SENN	16" Spruce		\$600.00
303 Highland Street	SENN	12" Maple		\$600.00
865 River Street	SENN	40" Maple		\$3,000.00
<i>Lane closure/traffic control/flagging</i>				
231 Monroe Street	BT	26" Maple		\$2,500.00
<i>Traffic shift/private drive</i>				
Riverfront Plaza (west end behind Veterans Memorial)	SENN	24" DEAD! Ash		\$3,000.00
<i>Directional felling, rigging, Altura mats, GRCS</i>				
223 Lincoln Street	BT	26" Maple		\$1,400.00
313 Julia Street (Across the road 9 Pine trees in Oakwood cemetery)		14" Pines, 9ea.		\$2,200.00
	SENN			
207 Arbor Street	SENN	20" Maple	24" Maple	\$1,600.00
219 Arbor Street	SENN	24" Maple		\$800.00
225 Knapp Street	SENN	28" Maple		\$1,200.00
369 Thomas Street (Across the road at City of Allegan Lift Station)				
	SENN	22" Ash		\$800.00
243 Thomas Street	SENN & BT	36" Maple	32" Maple	\$5,000.00
		34" Maple		
719 Linn Street	SENN	32" Maple		\$1,000.00
203 Bond Street (backside of house near the garage)	BT	34" Maple		\$2,500.00
<i>Utility & fence in close proximity</i>				
Hooker Rd and Eastern Ave. (trees on the east side of the water tower near the fence)			Locusts & brush	\$2,200.00
	SENN			
			Total	\$43,400.00



REFERENCE AND EXPERIENCE OVERVIEW

Treeworks, Inc. began providing tree services to the residential property owners of Kent and Ottawa County in the 1990's, and was incorporated in 2001. Today, Treeworks Inc. continues to serve the arboricultural needs of residential, commercial, and municipal clients throughout the region with our dedicated staff, completing all projects by merging our experience with the ANSI Z133 Standards of Safety & ANSI A300 Standards of Arboriculture.

Treeworks, Inc. is a **Tree Care Industry Association (TCIA) Accredited Company**, and **Michigan Department of Transportation (MDOT) Prequalified Contractor** in the trades of *N-2 Clearing, H Landscaping, & I Sodding / Seeding*. Treeworks, Inc. is also licensed by the State of Michigan Department of Agriculture and Rural Development for Pesticide Application.

Treeworks, Inc. staff also hold the following credentials:

- 4 ISA Certified Arborists
- 2 ISA Utility Arborists
- 2 TCIA Certified Tree Care Safety Professionals
- 1 Tree Risk Assessment Qualified Arborist
- Certified Pesticide Applicators
- Many TCIA Tree Care Academy course completions for all staff.

Jason R. Porter, President

(616) 837-1100

office@treeworksmi.com

www.treeworksmi.com





NOTABLE PROJECTS, CONTINUED

Airports

Wexford County Airport, obstruction tree removal	Cadillac, MI	\$158,000
Kalamazoo/Battle Creek, obstruction tree removal	Kalamazoo, MI	\$165,000
Antrim County Airport, obstruction tree removal	Bellaire, MI	\$45,000
Sparta Municipal Airport, tree removal & topping	Sparta, MI	\$22,000
Manistee Airport, obstruction tree removal	Manistee, MI	\$10,000
Oscoda County Airport, clearing	Mio, MI	\$77,000
Oakland County Airport, obstruction tree removal	Pontiac, MI	\$90,000

Utility right of way

GHBPL, Terry Trails	Grand Haven, MI	\$80,000
Great Lakes Energy	Martin & Shelby, MI	\$800,000
Consumers Energy	Hamilton, MI	\$50,000
NPPD, Axtell-Franklin	Nebraska	\$160,000
NPPD, N Platte-Kearney	Nebraska	\$140,000
OPPD, Peru-Auburn	Nebraska	\$250,000
DE, Huntington-Vincennes	Indiana	\$200,000
DE, Tod-Hunter	Ohio	\$135,000
DE, Kokomo	Indiana	\$80,000

PRIEN & NEWHOF ENGINEERS

Ace Schwach (231) 884-9970 aschwach@priennewhof.com

Roadside, right of way tree removal. 2016. \$37K

MICHIGAN DEPARTMENT OF TRANSPORTATION, SUPERIOR REGION. NEWBERRY TSC

Mike Lusk (906) 287-0951 luskm@michigan.gov

State highway danger tree removal. 2016. \$60K



Treeworks Inc. Coopersville, MI

Is accredited by the Tree Care Industry Association for:



- ☒ Adherence to ethical business practices
- ☒ Compliance with Industry Standards for safety and performance; and,
- ☒ Provision of quality service.

*Treeworks Inc. has maintained Accredited status in good standing since
9/14/2018.*

This annual Accreditation certificate is valid thru 9/14/2021 .

September 17, 2018

Date

Robert Rouse

Robert Rouse, Chief Program Officer



GRETCHEN WHITMER
Governor

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
Lansing

PAUL C. AJEGBA
Director

August 29, 2019

Treeworks, Inc.
PO Box 274
Coopersville MI 49404-0274

05685
(616) 837-1100

Dear Vendor:

In accordance with our Administrative Rules we have established your numerical rating which is based on a financial rating of \$2,000,000.00 covering the classifications in the amounts stated below. This prequalification rating is effective until April 30, 2020.

100	H	Landscaping
100	I	Sodding And Seeding/Turf Establishment
2000	N2	Clearing & Grubbing

It will be assumed that the rating is satisfactory unless the Prequalification Committee is notified in writing to the contrary within 15 days after the bidder has been advised of the rating granted. The Department, may declare a prequalified bidder ineligible to bid at any time because of developments subsequent to prequalification which, in their opinion, would affect the responsibility of the bidder or their ability to perform the contract work.

Lawrence F. Strzalka
Manager
Construction Contracts Section
Contract Services Division

horticulture Experience
vice at Treeworks, Inc.

et

ssessment Qualified

d Arborist

rborist

il Rescue

id

I Driver's Liscence

pplicator

ntice

Saw Operator

ar Operator

d Operations

it Safety, ANZSI 133, weekly

-leader

Lift Specialist

Staff Experience Overview

Jason P.	Luke P.	Randy B.	Zach J.	Darnell N.	Scott F.	Zach P.	Kurt H.	George L.	Joe F.	Ethan P.	N
21	23	19	11	12	8	13	4	2	4		
21	23	19	6	3	4	7	5	2	1	1	
CEO/PM	PM/CL	PM/CL	TW	TW	TW	CL/EO	TW	TW	EO	GC	T
X											
X	X	X	X								
	X	X									
X	X	X	X	X	X	X	X	X			
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CDLA	CDLA	CDLA	CDLA		CDLA	CDLA	CDLA	CDLA	CDLA		
	X	X	X			X	X	X			
X	X	X	X	X	X	X	X	X	X	X	
X	X	X	X	X	X	X	X	X			
X	X	X	X	X	X	X	X	X			
X	X	X	X	X	X	X	X	X	X	X	
X	X	X	X	X	X	X	X	X	X	X	
	X	X	X			X	X				
				X	X		X	X			

Top Gun Tree Care

Marc Faulkner

06605 68th St.

South Haven, MI 49090

(269) 270- 5056

Bid Proposal

Date: 12/16/19

Name: City of Allgan

Phone: () -

Address:

Email:

Job Description:

Remove trees

Grind stumps + clean stumps

Work To Be Done:

231 Monroe

Remove 1 tree
chip brush \$2300
Haul wood
Grind & clean

313 Julia st

Remove 9 trees
chip brush \$1300
Haul wood
Grind & clean

Hooker Rd & Eastern Ave

Remove trees
chip brush \$2300
Haul wood
Grind & clean

Remove All Trees on List \$18,100

Total Cost: \$24,000

By signing bid proposal you are in agreement with terms & conditions for project completion. Payment shall be paid in full at completion of job. If payment is not received within 30 days, a 15% late charge added to the total amount of the original bid proposal per each month. All bids must be signed by both parties to be rendered.

Contractor(s) Signature: Marc W. Faulkner

Date: 12/16/19

Customer(s) Signature:

Date:

City of Allgan Tree Removal List

Eastern Ave (Between Grand St. and Lowe St./ West side of road on each side of the ravine (2)

148 North Street

137 North Street

330 North Main Street

176 South Main Street (Across the road)

250 Ida Street

104 Highland Street

302 Highland Street

303 Highland Street

865 River Street

231 Monroe Street Please provide an actual cost for this tree

Riverfront Plaza (west end behind Veterans Memorial)

223 Lincoln Street

313 Julia Street (Across the road 9 Pine trees in Oakwood cemetery) Please provide an actual cost for these

207 Arbor Street (2 Maples)

219 Arbor Street

225 Knapp Street

369 Thomas Street (Across the road at City of Allegan Lift Station)

243 Thomas Street (3 Maples)

719 Linn Street

203 Bond Street (backside of house near the garage)

Hooker Rd and Eastern Ave. (trees on the east side of the water tower near the fence) - Please provide an ar

ALL TREES TO BE REMOVED ARE MARKED WITH AN X



American Arbor LLC
58335 County Line Rd
Three Rivers, MI 49093

City of Allegan Tree Removal List	
Eastern Ave (Between Grand St. and Lowe St. / West side of road on each side of the ravine (2)	
148 North Street	
137 North Street	
330 North Main Street	
176 South Main Street (Across the road)	
250 Ida Street	
104 Highland Street	
302 Highland Street	
303 Highland Street	
865 River Street	
231 Monroe Street	Please provide an actual cost for this tree
Riverfront Plaza (west end behind Veterans Memorial)	
223 Lincoln Street	
313 Julia Street (Across the road 9 Pine trees in Oakwood cemetery)	Please provide an actual cost for these removals
207 Arbor Street (2 Maples)	
219 Arbor Street	
225 Knapp Street	
369 Thomas Street (Across the road at City of Allegan Lift Station)	
243 Thomas Street (3 Maples)	
719 Linn Street	
203 Bond Street (backside of house near the garage)	
Hooker Rd and Eastern Ave. (trees on the east side of the water tower near the fence)	Please provide an actual cost for the marked tree removals in this location
ALL TREES TO BE REMOVED ARE MARKED WITH AN X	

Pricing

Lump Sum (excluding price for addresses listed below)	\$32,577.50
231 Monroe Street	\$1,655.00
313 Julia Street	\$1,678.00
Hooker Rd and Eastern Ave	\$1,570.00
Special Notes	
	At site Eastern Ave a 3rd tree was marked on east side of road, this is not included in pricing.
	Stumps at sites, Eastern Ave and riverfront plaza are not accessible to be ground and pricing for stump grinding and clean-up are not included.
	148 North Street tree has concrete around base of tree, this may limit grinding ability.



INTEGRITY TREE SERVICES

CORPORATE OFFICE:
2300 SANFORD AVE. SW
GRANDVILLE, MI 49418
PHONE (616) 301-1300
FAX (616) 301-9900
INTEGRITYTREE.COM

City of Allegan
Department of Public Works
Aaron Haskins
(269) 686-1115

Date: 12-16-19

2020 Tree Removal

Location: Remove trees at designated locations throughout the City of Allegan

Scope of work:

Remove trees at 22 listed locations per specifications on the provided list in project ID: 2019-32F6.

Grind stumps and clean up stump mulch. Topsoil and seed to be done by others.

Total Cost: \$ 70,505.00

Specific costs for other agencies:

- 231 Monroe St. = \$3,700.00
- 313 Julia St. (9 Pines) = \$4,280.00
- Hooker Rd & Eastern Ave. (Water Tower) = \$4,325.00

Notes:

Integrity tree service can grind the stumps and clean up stump mulch by the required deadline, however when grinding stumps in the winter, stump chips often freeze to the ground and get lost in the snow, reducing the quality of clean up. In the interest of quality clean up of stump mulch it is recommended that the dead line for stump completion be variable.

Payment Terms

Payment will be expected in 30 days upon completion of the work unless otherwise agreed upon in writing. Excluding 5% retainage as typically required.

Wages

This proposal does not include any government or union wages or fringes.

Any questions or feedback please reach out to me.

Adam TerBeek (616) 262-3597

Adamt@integritytree.com

"YOUR CARES *are* OUR CARES!"™

UTILITY RIGHT-OF-WAY CLEARING • LAND CLEARING & COMMERCIAL • TREE & SHRUB CARE • RESIDENTIAL





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GRANDVILLE, MI 49418
PHONE (616) 301-1300
FAX (616) 301-9900
INTEGRITYTREE.COM

The specifications and terms in this contract are satisfactory and (I) or We authorize the performance of this work. I agree as an authorized representative of the firm stated as (client) shall submit payment following the terms, and agree with the conditions stated in this proposal. I have circled all options that I approve of and written in the total amount on the line below.

Date: _____ Print Name: _____

Authorized Representative signature: _____

Description of approved work and Total cost: _____

Thank you for considering Integrity Tree Services for your vegetation management needs.

"YOUR CARES are OUR CARES!"™

UTILITY RIGHT-OF-WAY CLEARING • LAND CLEARING & COMMERCIAL • TREE & SHRUB CARE • RESIDENTIAL



City of Allegan Tree Removal List

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ALL TREES TO BE REMOVED ARE MARKED WITH AN X

ese removals

an actual cost for the marked tree removals in this location

Agenda Item 13E.3

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Request to approve the purchase of used leaf vacuum from Tod Neldon.
DATE: 12/18/19

Summary

It is requested the City Council approve the purchase of a used leaf vacuum in the amount \$6,500 from Tod Neldon.

Tod Neldon has a used leaf vacuum similar to our 2002 leaf vacuum for sale that he purchased on a municipal auction. New leaf vacuums are in the \$40,000 range. This used vacuum is \$6500 and is currently not running; it will take some additional funds to get it up and running; it is estimated the City will need to spend \$2,000 to \$3,000 to get it up and running. It should be noted that having a 3rd leaf vacuum will allow the DPW to run 3 vacuums to get the leaves picked up quicker in the fall and the spring. It will also serve as a backup when we have mechanical failure with one vacuum.

Recommendation

It is recommended City Council approve the purchase of a used leaf vacuum in the amount \$6,500 from Tod Neldon and direct the Finance Director to make the necessary budget adjustments to cover this purchase.



Purchase Requisition

Purchase Requisition No 20-0554

Qty.	Description	GL Number	Unit Price	Amount
1	Used Leaf Vacuum	661-000-97900	6,500.00	6,500.00

Total: 6,500.00

CM/Council Approval: _____ Date _____

Bid Amount