



CITY MANAGER'S WEEKLY UPDATE

April 21, 2023

COUNCIL AGENDA I realize that the Agenda is a long one and I promise we did try to narrow it down. There is a lot of work over the next few months due to projects, events, budget, utility rates, etc. Please note that there are only 9 items on the agenda that are new for review or consideration. The remaining items are routine reports, minutes or items coming back to the Council from being tabled or as 2nd Readings.

My goal remains to be transparent in my work and alert and advise the Council on issues as they arise. I am open to a healthy discussion on how to support the Council's concerns about the lengthy agenda.

HUMAN RESOURCES UPDATES We continue to have one employee out on leave.

HPD: The retired police officer I interviewed last week was scheduled to interview with Chief Prince this Friday. However, I received the following message from him after he visited the community over the weekend rescinding his interest in the position:

I had two Van Buren county officers state they wouldn't do the job without carrying protection and that concerns me. I also feel 18.00 an hour isn't enough for this particular job and a city vehicle needs provided not my personal vehicle. I believe being a retired police officer makes me see too many issues with this position.

We continue to look for a PT Code Enforcement Official and PT police officer.

DPW: Shaun Sweet started on Monday for DPW. His primary focus this summer will be mowing management, trash detail and Ely Park clean up. He seems like a good fit for the City.

We have hired Steven Pena full time at DPW. Steven is from Coloma with good experience in a variety of fields and comes with good recommendations. He starts on Monday, April 24.

WWTP: I have updated the job posting for the WWTP to a Union Laborer in the hopes that we can draw a candidate who is willing to work towards Operator licensure while learning how to work the plant alongside the crew onsite. This should help reopen the entire facility once we find a qualified candidate.

We continue to contract with the operator from Buchanan who holds the required Class C Operator's License.

CLERK'S OFFICE: Alora Gatties will start on Monday, May 1 as the new part time Deputy Clerk. She is a Hartford native, graduating from KVCC this May. She will work between 10-2 or 11-3 most days.

IPR EMERGENCY PURCHASE: Danny has indicated that the chlorine system at the IRP is in need of immediate repair. As such, we are asking that Council please consider amending the Agenda for Monday to include the attached agreement. He noted that he had spoken to the former City Manager about budgeting for this expense this FY, but this does not appear to be a part of the current budget. That said, the system has to be repaired now to avoid failure. This is the company that works on the IRP consistently, per Danny.

BUDGET: I believe that the proposed budget is compliant with the standards outlined in the Charter. Pam and Roxann have now both reviewed it as well. I have prepared a Memo to Council regarding the Budget that outlines items that I believe the Council should consider directly.

Of note, I am recommending that the Council consider a policy and budget that complies with State and local laws for contributing to community events, nonprofits and similar programs and projects.

Detailed guidance related to this matter has been provided in your Council Packets this week, including links to legal reviews, MML guidance and MI Department of Treasury guidance.

Within the Budget Packet are the following documents:

1. Budget Memo- Highlights significant points that Council should directly consider
2. Table of Contents
3. 3-year overview of income and expenses including % of total budgets
4. 14-month review of investment fund account balances
5. FY 23/24 Estimated tax capture
6. FY 23/24 Estimated income by source for all funds
7. FY 23/24 Variance Report- this is a line-item review of significant variances in revenues and expenditures by fund
8. Proposed expenses by fund

INSURANCE RIDER: I spoke with our insurance provider about the possibility of getting an insurance rider to cover our Reserve Officers not in the presence of a sworn officer. They do not offer a policy like this. I will recommend a policy that protects the City from liability. Council should decide if they want to adopt the policy or risk the liability.

DDA: The DDA budget is not complete as they have not met to prepare a recommendation. They are scheduled to meet on the 26th.

In an effort to support the DDA in their budget process, I reviewed **Public Act 57 of 2018** for guidance on how to budget for DDAs. I noted that the Act stated *The authority shall expend the tax increment revenues received for the development program only pursuant to the tax increment financing plan.* The DDA is required to prepare a tax increment financing plan and may create a development plan to submit for approval to the local municipality. The MML provides the following information: *A development plan describes the costs, location and resources for the implementation of the public improvements that are projected to take place in the DDA district. A tax increment financing plan includes the development plan and details the tax increment procedure, the amount of bonded indebtedness to be incurred, and the duration of the program.*

In consultation with the City Clerk, it was been determined that the COH DDA Tax Increment Financing Plan with Downtown Development Plan was approved by Ordinance in 2000. A recommendation for amendment to the Downtown Development Plan (DDP) was recommended to Council for in 2015, however, it was not submitted appropriately. **Section 125.4218** of the Act provides a detailed process for amending the DDP and unfortunately, Roxann could not find any records indicating that this process was followed and therefore, an amended Ordinance was not approved by Council authorizing the updated DDP. That said, there appears to be nothing in the Act requiring the updating of the DDP in specified intervals so it seems like the DDP approved by the prescribed process in 2000 still stands today. Please note that while the Act was updated in 2018, I did review the repealed legislation (<https://legislature.mi.gov/documents/mcl/archive/2014/January/mcl-Act-197-of-1975.pdf>) as well and the same prescribed process for amending the Plan is in both versions of the Act. I have drafted a Memo to the DDA outlining the steps they should take to propose an amendment to their DDP should they so choose, as well as updating their budget for FY 23/24 and will present this to them at their upcoming meeting.

I will advise the DDA to contact the Michigan Municipal League or the MEDC for guidance on these matters and consider only budgeting for those events that are fundraising for DDA related improvements or otherwise directly improving the DDA, as well as maintenance and upkeep, upgrades to the downtown streetscape, upgrades or repairs to downtown buildings or parking areas, infrastructure or sidewalk improvements, façade improvements, new developments, etc.

PLANNING COMMISSION: In discussing with the City Clerk how to recruit and recommend a new member of the Planning Commission to the Council since a member recently resigned, I reviewed of the City's local ordinances and bylaws related to Planning and Zoning. I noted that the City's Ordinances were tied to legislation that was repealed as of July 2011. I spent time reviewing available resources to see what could be done, but after reaching out to State experts at MSU and Michigan Planning Association, they advised that the City should be working towards compliance with the Michigan Planning (2008) and Zoning (2006) Enabling Acts. While guidance received states that this likely does not affect the day-to-day work of the Planning Commission, the City should take proactive steps to bring their Ordinances into compliance.

I prepared a detailed Memo to the Council for inclusion and review at the upcoming Council meeting and a draft Planning Commission Ordinance Amendment for first reading that followed their guidance closely. The Memo outlines the issue and legislation. My goal would be to have Council consider the recommended Planning Commission Ordinance for adopting by the end of May so we can seek out a new Planning Commission member and begin working on updating the Zoning Ordinance which I hope to present to Council by the end of 2023 for consideration.

The Planning Commission met and reviewed the site plan for 27 W Main's request to install a gazebo and fence thereby creating an outdoor dining area for the restaurant. The site plan was approved without contingency. 27 W. Main would still like the City to give/sell the sidewalk between the restaurant and the new area to them. There is a request open with Wightman for a survey as requested by Attorney Shuitmaker. Once I receive that survey, I will update the Council.

The Planning Commission is open to necessary changes to comply with the MPEA and MZEA.

SOUTH PARKING LOT: Notice to Proceed on the South Parking Lot has been issued. The contractor is mobilizing their equipment today and will begin work on Monday. A notice will be posted online and delivered to all businesses affected. Substantial completion is slated for 5/19 and final is 6/2. Parking lot striping may not occur until after Strawberry Festival depending on weather. See attached.

ACTIVE SHOOTER PROTOCOL: Chief Prince has a copy of the Active Shooter Protocol prepared by the County. This is not a publicly available document due to safety issues. The HPD is working with a member of the Tribal Police Dept. to receive Active Shooter Training. They are also preparing gear kits for the HPD vehicles.

COMMUNITY PICNIC Commission Danger and her husband are proposing to host a community picnic for the community's children on the last day of school (June 2) because lunch won't be served. When she approached me, she noted that there would likely be less than 20 in attendance, filled out the event application and supplied it to the Clerk.

She explained that the event would include school children, law enforcement and their horses and a taco bar provided by el Primo. In reviewing the Park Rules created by the former City Manager, it requires that the event holders manage excess trash and clean the restrooms. These rules include a stipulation that if the restrooms are not clean that a fee of \$300 would be imposed. I am requesting that Council consider the event as the request is for City services and a waiver to allow animals in the Park, so this item will be on the agenda for Monday.

WWTP: The influent meter at the WWTP lab was struck by lightning last night. Staff called for repair and alerted insurance. UIS is expected onsite today for the repair.

It has been noted that the Operator hasn't been able to recurrently communicate with the team at the WWTP due to his regular employment, so I communicated to him that as outlined in the contract, this is an expectation and to supply me with a solution. He will be onsite tomorrow. I will advise the Council of the solution.

The project to drill testing wells by EGLE at the WWTP is scheduled to begin May 1. They plan to be onsite drilling and installing 2 nested monitoring wells for roughly 2 months as recently approved by Council. I spoke with Ellen Carr at the VBCCC Health Department this week regarding their request to place mosquito boxes onsite at the WWTP near the Paw Paw River. I requested proof of insurance to protect the City from any liability while they are on our property each week. Ellen is looking into this request and agreed to get back with me.

CITY HALL ROOF: There was a preconstruction meeting for the City Hall roof project this week. They are scheduled to be onsite the 1st week in May. They need 5 good days of weather where it is 55-60 degrees in the evening so the product seals correctly. They will return to put on the metal within 5 days of sealing which will take 2-3 days and then the roofing manufacture will come in to do a final inspection.