



**THE CITY OF THE VILLAGE OF DOUGLAS
SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, SEPTEMBER 30, 2024 AT 6:00 PM
86 W CENTER ST., DOUGLAS MI**

AGENDA

View remotely, online or by phone -

Join online by visiting: <https://us02web.zoom.us/j/84238649516>

Join by phone by dialing: +1 (312) 626-6799 | **Then enter "Meeting ID":** 842 3864 9516

1. **CALL TO ORDER:** By Mayor
2. **ROLL CALL:** By Clerk
3. **PLEDGE OF ALLEGIANCE:** Led by Mayor
4. **PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES, AGENDA ITEMS ONLY)**
5. **NEW BUSINESS**

A. Resolution 23-2024 - Warnock Drain Maintenance

Motion to adopt resolution 23-2024, authorizing the Allegan County Drain Commissioner to expend the necessary funds for the maintenance and repair of the Warnock Drain and to levy a special assessment to cover the costs of this maintenance and repair. - roll call vote

6. **PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES)**
7. **COUNCIL COMMENTS**
8. **MAYOR'S REPORT/COMMENTS**
9. **ADJOURNMENT**

Motion to adjourn the meeting.

Please Note – The City of the Village of Douglas (the "City") is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Laura Kasper, City

Clerk, at (269) 857-1438, or clerk@douglasmi.gov to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN



The Village of Friendliness – Since 1870

To: The City of the Village of Douglas City Council

From: Lisa Nocerini, City Manager

RE: Authorization for Additional Expenditure for the Maintenance of the Warnock Drain

Date: September 30th, 2024

The purpose of this memo is to provide background and clarify the resolution presented for approval regarding the maintenance of the Warnock Drain. The Allegan County Drain Commissioner has requested authorization to expend funds exceeding the statutory limit of \$5,000 per mile for maintenance activities on the Warnock Drain, as required under the Michigan Drain Code (MCL 280.196).

Details:

Inspection of the Warnock Drain: The Allegan County Drain Commissioner has conducted an inspection of the Warnock Drain, which revealed the need for significant maintenance. Under Section 196 of the Michigan Drain Code, the Drain Commissioner has the authority to spend \$5,000 per mile for drain maintenance. However, in cases where the required maintenance costs exceed this amount, additional authorization from affected municipalities is needed.

Required Expenditure: The estimated total cost for the necessary maintenance of the Warnock Drain is approximately \$548,000. This amount exceeds the \$5,000 per mile limit by \$528,000. As the City of the Village of Douglas has historically been affected by more than 20% of the total cost of drain work on this drain, approval from the City Council is required before these additional funds can be expended.

Drain Code Authorization: The resolution before the City Council authorizes the Allegan County Drain Commissioner to proceed with the maintenance work on the Warnock Drain and to spend more than the statutory limit of \$5,000 per mile. Should there be insufficient funds in the drain fund, the Drain Commissioner is also authorized to levy a special assessment, in accordance with the law, to cover the maintenance costs.

Financial Implications: The City of the Village of Douglas is liable for a percent of the total maintenance cost (along with the City of Saugatuck and Saugatuck Township) based on the benefit to the public health, convenience, or welfare. The Allegan County Road Commission and Allegan County are also liable for a percent of the total maintenance cost based on benefits to public county roads. Remaining costs would be covered by property owners within the drainage district based upon the principle of benefits derived (see Chapter 7 of the Michigan Drain Code of 1956 for more information on apportioning of costs to municipalities and property owners).

Recommendation: It is recommended that the Douglas City Council approve the resolution authorizing the Allegan County Drain Commissioner to expend the necessary funds for the maintenance of the Warnock Drain above the \$5,000 per mile limit. This action ensures that the drain system remains functional and provides a financing and funding mechanism for repairing this drain. In addition, this option also may allow important permitting exemptions to occur as Drain Commissioner projects have special culvert maintenance and repair exemptions with EGLE that municipalities do not have.

Motion: Motion to approve resolution 23-2024, authorizing the Allegan County Drain Commissioner to expend the necessary funds for the maintenance and repair of the Warnock Drain and to levy a special assessment to cover the costs of this maintenance and repair.

STATE OF MICHIGAN
COUNTY OF ALLEGAN
CITY OF THE VILLAGE OF DOUGLAS

RESOLUTION NO. 23-2024

WHEREAS, the Allegan County Drain Commissioner has advised the City of the Village of Douglas City Council that, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196; MSA 11.1196), an inspection was made of the Warnock Drain and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain; and,

WHEREAS, the Allegan County Drain Commissioner has the authority to expend Five Thousand and no/100 (\$5,000.00) Dollars per mile in any one (1) year for the maintenance of the drain, and where it is estimated that expenditures in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost; and,

WHEREAS, the Allegan County Drain Commissioner has advised the City of the Village of Douglas City Council that it will be necessary to expend funds in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile for the maintenance of the Warnock Drain and that the City of the Village of Douglas is affected by more than twenty (20%) percent of the cost; and,

WHEREAS, the Allegan County Drain Commissioner states that the cost for the maintenance of the Warnock Drain will be approximately \$548,000.00 Dollars, which constitutes \$528,000.00 Dollars in excess of the authorized Five Thousand and no/100 (\$5,000.00) Dollars per mile.

NOW, THEREFORE, IT IS HEREBY RESOLVED by City of the Village of Douglas City Council, that pursuant to Section 196 of the Drain Code, the Alleghan County Drain Commissioner is authorized to expend money for the maintenance and repair of the Warnock Drain in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Alleghan County Drain Commissioner is authorized to levy a special assessment, as allowed by law.

RESOLUTION NO. 23-2024 adopted on this 30th day of September, 2024, by the City of the Village of Douglas City Council, governing body of the City of the Village of Douglas.

CITY COUNCIL OF THE CITY OF THE VILLAGE OF DOUGLAS

By: _____

I, Cathy North the undersigned, being the duly qualified and acting Mayor of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the City of the Village of Douglas City Council at a meeting held on the 30th day of September, 2024.

Mayor

I, Laura Kasper the undersigned, being the duly qualified and acting Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the City of the Village of Douglas City Council at a meeting held on the 30th day of September, 2024.

Clerk