

REGULAR MEETING OF THE DOWAGIAC CITY COUNCIL

Municipal Building, 241 S. Front Street, Dowagiac, Michigan

Monday, November 23, 2015, 7:00 p.m.

AGENDA

- CALL TO ORDER -Mayor Donald D. Lyons
- PLEDGE OF ALLEGIANCE TO THE FLAG -Mayor Donald D. Lyons
- ROLL CALL -Mayor Donald D. Lyons
-Mayor Pro-Tem Leon Laylin
-Councilmember Charles Burling
-Councilmember James Dodd
-Councilmember Danielle Lucas
-Councilmember Lori Hunt
-Councilmember Bob Schuur
- APPROVAL OF MINUTES OF PREVIOUS MEETING – November 9, 2015
November 18, 2015 Special Meeting
- QUESTIONS FROM CITY COUNCIL –
- COMMENTS FROM THE AUDIENCE (NON-AGENDA) –
- COMMENTS FROM THE AUDIENCE (AGENDA) –
- COMMUNICATIONS –
1. Update regarding request to vacate alley at Florence and Louise.
- RESOLUTIONS –
1. Resolution to cancel the regularly scheduled December 28, 2015 City Council meeting.
 2. Resolution to authorize the purchase of equipment for medical offices in the James E. Snow Professional Building.
 3. Resolution to approve a Project Authorization agreement with the Michigan Department of Transportation (MDOT) relating to the fiscal year 2016 operating grant for the Dial-A-Ride operation.
 4. Resolution to approve an agreement with Merit that will allow use of the City of Dowagiac Fiber network.

5. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due:
(Roll Call)

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$692,452.73	\$134,467.37	\$826,920.10

ORDINANCES

1. Second reading of an ordinance to add Section 2.28 GROUNDWATER USE RESTRICTIONS to the Dowagiac Municipal Code.

COMMENTS FROM CITY OFFICIALS –

ADJOURNMENT –

Kevin P. Anderson
City Manager

Attachments

DOWAGIAC CITY COUNCIL MEETING

Monday, November 9, 2015

A regular meeting of the Dowagiac City Council was called to order by Mayor Lyons at 7:00 p.m.

Mayor Lyons led the Pledge of Allegiance to the flag.

SWEARING IN OF ELECTED OFFICIALS

Notary Public James E. Snow swore in the following public officials elected on November 3, 2015:

Jane P. Wilson, City Clerk
Danielle Lucas, Councilmember – Ward 1
James Dodd, Councilmember – Ward 2
Charles Burling, Councilmember – Ward 3

PRESENT: Mayor Donald D. Lyons, Mayor Pro-Tem Leon D. Laylin; Councilmembers Charles K. Burling, James B. Dodd, Lori A. Hunt, Danielle E. Lucas, Bob B. Schuur and City Clerk Jane P. Wilson.

ABSENT: None

STAFF: City Manager Kevin P. Anderson, Deputy Clerk Rozanne H. Scherr

Councilmember Dodd moved and Councilmember Burling seconded that the minutes of the October 26, 2015 meeting be approved.

APPROVED unanimously.

COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Ron Leitz, Amtrak Host, updated council on Amtrak schedules and ridership numbers.

COMMUNICATIONS

Christmas Open House Weekend – November 13, 14, 15

Candle Light Parade – December 4

Motion by Councilmember Laylin and second by Councilmember Schuur that both events be approved.

APPOINTMENTS

Recommended by Mayor that Councilmember Laylin be reappointed as Mayor Pro-Tem. Motion by Burling and second by Dodd.

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RESOLUTIONS

1. Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

WHEREAS,

1. The City of Dowagiac has need for \$2,100,000 of improvements to the Wastewater Treatment Plant (WWTP) that will allow operation costs to decrease and continue to meet permit requirements, and;
2. Sister Lakes Area Utilities Authority (SLAUA) and Silver Creek Township (TOWNSHIP) are served by the WWTP and contractually will share in the capital cost increases and the operational cost savings per previous agreements, and;
3. SLAUA and TOWNSHIP authorities have developed sufficient reserves in anticipation of long-term capital needs and determined that a lump sum payment of the capital costs would serve their customers best interest, and;
4. It has been determined that a fair allocation of the capital costs will be the ten (10) year average of the flow usage from SLAUA and TOWNSHIP.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt and approve:

1. That the City Manager is authorized to execute and implement the Memorandum of Understanding with SLAUA and Silver Creek Township specifying the lump sum payment from SLAUA in the amount of \$174,297 and from Silver Creek Township in the amount of \$81,229 for capital costs associated with WWTP improvements.

ADOPTED unanimously.

2. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due:

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Burling.

WHEREAS, the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices and payroll #3 for the period ending 10/25/15:

Invoices	\$350,968.16
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Payroll #3	<u>\$232,544.88</u>
Total	\$583,513.04

BE IT RESOLVED that the City Manager and City Treasurer are hereby authorized and directed to pay the following bills and payroll due:

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$350,968.16	\$232,544.88	\$583,513.04

ADOPTED on a roll call vote.

Ayes: (6) Laylin, Burling, Dodd, Lucas, Hunt, Schuur

Nays: None (0)

Absent: None (0)

Abstain: None (0)

ORDINANCES

1. First reading of an Ordinance to add Section 2.28 GROUNDWATER USE RESTRICTIONS to the Dowagiac Municipal Code.

SECTION 2.28 GROUNDWATER USE RESTRICTIONS.

The City of Dowagiac City Council finds that the use of certain groundwater wells and water supplies from such wells for human consumption or other purposes may constitute a public health risk and endanger the safety of the residents of the City of Dowagiac and therefore the City has determined that it is in the best interests of the public health, safety and welfare to prohibit uses of groundwater from wells at properties located in the vicinity of contaminated sites.

A. DEFINITIONS. For the purposes of this Ordinance, the following definitions shall have the following meanings:

Affected premises means a parcel of property any part of which is located within a Restricted Zone as defined below.

Applicant means a person who applies for the establishment of a Restricted Zone pursuant to this Ordinance.

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Contaminated groundwater means groundwater in which there are present concentrations of materials that exceed the residential drinking water criteria established by the Michigan Department of Environmental Quality in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq.), or part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether the release is regulated pursuant to Part 201 or part 213.

Exacerbation means "Exacerbation" as defined in Part 201, Environmental Remediation (MCL 324.20101, et seq.).

Groundwater means underground water within the zone of saturation.

MDEQ means the Michigan Department of Environmental Quality, or its successor agency.

Person means any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Release means a "release" as defined in Part 201, Environmental Remediation (MCL 324.20101 et seq.), or Part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.), of the Natural Resources and Environmental Protection Act, 1994 P A 451, as amended, MCL 324.101 et seq., dependent upon whether an underground storage tank is involved.

Restricted Zone means an area or areas described within Section B of this Ordinance within which the prohibition of groundwater wells and the use of groundwater applies.

Well means an opening in the surface of the earth for the purpose of removing fresh water through non mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, or other applicable statute.

USEPA means the U.S. Environmental Protection Agency.

B. RESTRICTED ZONE.

1. Except as provided in Section E of this ordinance, and after the effective date hereof, no person or legal entity shall install or allow, permit or provide for the installation or utilization of a well on any affected premises on which they have an ownership interest, or lessee or tenant interest or control, within the Restricted Zone. Property within the Restricted Zone shall be serviced only by public water supply.
2. Exhibit A attached hereto is a scaled map illustrating the groundwater well restricted zone ("Restricted Zone").
3. Exhibit B attached hereto contains the narrative description of the Restricted Zone.
4. Exhibit C attached hereto contains a listing of all affected premises within the Restricted Zone by parcel

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identification number and address.

5. A notice shall be sent to the Van Buren/Cass County Public Health Department advising the health department of the Restricted Zone established hereunder and the health department's written acknowledgement that it will not issue permits for prohibited wells within the Restricted Zone, shall be filed with MDEQ prior to the effective date of this Ordinance.

C. WELLS AFFECTING CONTAMINATED GROUNDWATER WAIVER.

No well may be used or installed at any place in the City if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously unimpacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or USEP A approved groundwater monitoring or remediation system.

If the MDEQ determines that the use of a well is not influenced or potentially influenced by contaminated groundwater and further determines the use of that well will remain permanently unaffected by the future migration of contaminated groundwater, and proof of those determinations is delivered to the City, the City Manager may execute a waiver allowing the use of the well. For example, a well may be installed within a restricted zone in a deep aquifer below a geologic aquitard, provided that the person proposing to install such a well:

- a. Uses well construction techniques (e.g. double casing) that will maintain the integrity of the lower aquifer and prevent the migration of contaminants from the upper aquifer into the lower aquifer; and
- b. Submits to the City Manager, the USEPA and MDEQ the proposed well construction techniques for review and approval, prior to the installation of the well.

D. NON-CONFORMING WELLS.

Any existing well, the use of which is prohibited by this Ordinance, shall, within 180 days of the effective date hereof, be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-92 and the person requesting the ordinance shall provide for the abandonment and plugging of all existing wells prohibited by this Ordinance on the affected premises and connect such premises to The City of Dowagiac Public Water Supply, without cost to the owners or occupants of the premises.

E. EXCEPTIONS.

1. Construction of De-Watering Wells. Wells in the Restricted Zone used for construction de-watering are not prohibited by this Ordinance, provided that the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations and the use of a de-watering well does not result in the unacceptable exposures to contaminated groundwater, possible cross-contamination between saturated zones, or exacerbation of contaminated groundwater. Any exacerbation caused by the use of wells under this exception shall be the responsibility of the person operating the de-watering well, as

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provided in Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

2. Groundwater Monitoring and Remediation Wells. Wells used for groundwater monitoring and/or remediation as part of response activity approved by the USEPA and/or MDEQ are not prohibited by this ordinance.

3. Exception Wells. Two (2) groundwater exception wells approved by USEPA for purposes other than drinking water ("Exception Wells") are located in the Restricted Zone at the locations identified on Exhibit C, attached hereto, 504 Louise (aquaculture) and 601 Louise (toilet flushing), and may continue to be utilized for the limited purposes identified thereon.

4. A well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

F. ENFORCEMENT.

1. Any well in violation of any provision of this Ordinance is hereby declared to be a nuisance per se, subject to abatement and immediately taken out of service and lawfully abandoned or plugged consistent with all applicable rules and regulations. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a civil infraction punishable by the sanctions as set forth below.

2. The City Manager or his or her designee, together with law enforcement officers, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.

3. Each day that a violation continues may be deemed a separate infraction.

4. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994 and the Code of Ordinances of the City of Dowagiac.

5. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by resolution of the City Council.

6. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

7. In addition, the City may seek an order from a court of appropriate jurisdiction to obtain equitable relief to restrain any person from violating this Ordinance and to properly and lawfully remove or abandon the well and such other relief as may be available to the City pursuant to Chapter 83 and 87 of the Michigan Remedial Judicate Act, as amended at the present time or in the future, including the collection of costs and actual attorney fees associated with such enforcement action.

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G. NOTIFICATION OF INTENT TO AMEND OR REPEAL.

At least thirty (30) days prior to adopting a revision or amendment to this Ordinance or prior to its repeal, the City of Dowagiac shall notify the USEPA and MDEQ, or their successor agencies, of its intent to so act.

H. PUBLISHING AND RECORDING.

This Ordinance or an amendment to this Ordinance shall be published as follows:

(a) If the release is regulated pursuant to Part 201, then this Ordinance or an amendment to this Ordinance shall be published and maintained in the same manner as zoning Ordinances.

(b) If the release is regulated pursuant to Part 213, then this Ordinance or an amendment to this Ordinance shall be filed with the Cass County Register of Deeds as an Ordinance affecting multiple properties.

I. ADDING NEW RESTRICTED ZONES.

The City of Dowagiac City Council may amend this Ordinance to address new Restrictive Zones in accordance with the following procedure:

(1) An applicant shall first file a request with the City of Dowagiac City Manager advising the City of the applicant's interest in establishing a Restricted Zone pursuant to this article. The notice shall describe the proposed boundaries of the proposed Restricted Zone, the reason for the proposed Restricted Zone, a preliminary map of the proposed Restricted Zone, the proposed time schedule for implementing the proposed Restricted Zone and the proposed groundwater use restrictions to be applicable within the Restricted Zone. The City Manager will, after notifying the City Council of the notice of intent, respond to the applicant with a preliminary and non-binding indication of the City's willingness to consider the proposed Restricted Zone. The City Manager, or his or her designee, may also be an applicant for the purposes of initiating this procedure.

(2) The Applicant shall seek and obtain the USEPA and MDEQ's approval of the proposed Restricted Zone and proposed groundwater use restrictions to be applicable therein prior to filing an application with the City. In order to be considered by the City, the Restricted Zone must minimize or eliminate the need for restrictive covenants on property that is not owned or operated by and is not subject to remediation by a party responsible for the contaminated groundwater. The creation of a Restricted Zone should have the effect of eliminating the need for non-responsible parties to impose environmental restrictive covenants on their property and be beneficial to the owners or occupants of property that was not the site of a release.

(3) If any premises, which will be subject to the proposed new Restricted Zone, are not already served by City water service, the applicant shall assure such service is, if it is feasible from an engineering perspective to do so, served with City water service at no cost to the property owners or occupant. The applicant shall have to assure such service is provided. The applicant shall also provide for the abandonment and plugging of nonconforming wells on any affected premises without cost to the owners or occupants of the premises and in compliance with Section D above. Proof of the provision of such service

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and plugging/abandonment of such wells shall be required or an escrow account shall be established therefor in an amount and form acceptable to the City Council.

(4) After USEPA and MDEQ approve the proposed Restricted Zone as an alternative to restrictive covenants on property on which no release has occurred, an applicant shall file with the City Manager a formal request to the City including, at a minimum, the following information, together with an escrow deposit as required under this section. The information can be in the form of a proposed remedial action plan (RAP), corrective action plan (CAP), or other similar document if appropriate cross-references are made for ease of reference.

a. The name, address, and phone number of the applicant, as well as each person having an interest as owner, tenant, easement holder or mortgagee in the real property which is the source or site of the contaminated groundwater, if known.

b. The street address and legal description of the real property which is a source or site of the contaminated groundwater, if known, and the nature of the applicant's relationship to that property and involvement concerning the contaminated groundwater.

c. The nature and extent of the contaminated groundwater and the contamination causing it, both in summary form in plain English, and in detail in technical terms, stating the types and concentrations of contaminants; a map or survey showing their current location; a statement of their likely or anticipated impact on groundwater and the nature of the risks presented by the use of the groundwater, as well as the likely or anticipated path of migration if not remediated or corrected and a detailed statement of any plan to remediate, correct, and/or contain the contamination.

d. A detailed map and narrative description of the proposed Restricted Zone.

e. The street addresses and general description of all affected premises.

f. The names, addresses (mailing and street), and phone numbers (if readily available) of all persons with an interest as owner, tenant, easement holder or mortgagee of all affected premises.

g. The location, current status, and usage characteristics of all existing groundwater wells within the proposed restricted zone.

h. A detailed statement or description of the proposed regulation or prohibition of the use of existing and future wells within the Restricted Zone needed to adequately protect the public from the potential health hazards associated with the contaminated groundwater, including a description of permissible uses of such wells, together with the written consent of the USEPA and MDEQ to such uses of groundwater.

i. A description and time schedule for any actions the Applicant will take to implement any remediation plan, mitigate the adverse impact of the Restricted Zone (e.g., providing substitute water service), and to properly close and abandon any existing wells subject to the use prohibition within the proposed Restricted Zone.

j. A copy of the information submitted to the USEPA and MDEQ concerning the proposed Restricted

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Zone, along with a written statement from an USEP A and MDEQ representative with approval authority stating that the proposed Restricted Zone and use regulations have received USEP A and MDEQ approval as part of the response actions for the groundwater contamination. The USEP A and MDEQ approval may be contingent upon the City's establishment of the proposed Restricted Zone pursuant to this Article.

k. Copies of the notice provided to the Van Buren/Cass County Public Health Department concerning the New Restricted Zones established hereunder, as well as Restricted Zones that may be created in the future. This documentation, accompanying regulations, and the health department's written acknowledgement that it will not issue permits for prohibited wells within the New Restricted Zone(s) must be provided.

l. Copies of the notices provided to the owners of affected property together with a sworn statement that such notices were provided to all such owners with the details of the manner in which such notices were provided. At minimum, the notice must:

1. Identify the sender of the notice including the sender's name, address, contact person and telephone number;
2. Identify the owner of the property which is the source of the contamination or who is seeking the Restricted Zone including the owner's name and the property address;
3. State what the effects of the Restricted Zone will be, i.e. how use of the groundwater will be restricted;
4. Who can be contacted at the City, the USEP A, MDEQ and the applicant for more information;
5. A description of the groundwater plume and a brief description of the nature of the contamination; and
6. Any other information reasonably requested by the City Manager.

m. A statement that the applicant agrees to pay all costs incurred by the City in the establishment of the proposed Restricted Zone, including without limitation, reimbursement for staff time, the fees of environmental consultants and legal counsel, the cost of publication, any per diem or other amounts paid to public officials for attending any special meetings, etc. This statement shall also consent to the placement of a lien on the applicant's premises of the amounts due under this section if same, are not timely paid (i.e. paid within 30 days of the issuance by the City of an invoice therefor). That statement shall be in the form acceptable to the City's legal counsel and shall be in a form so as to be recordable in the records of the county register of deeds.

(5) Along with the application, the applicant shall pay a deposit for escrow of the amount estimated by the City Manager to be the costs incurred by the City for the establishment of the proposed Restricted Zone as described in 4 above. The deposit shall not bear interest and the City may use funds from it to pay the costs as they are incurred, requiring the applicant to maintain a minimum balance of \$5000.00 in the escrow account. Any failure by the applicant to maintain the escrow as required by this provision may result in the City's discontinuance of its processing of the request to establish a Restricted Zone and can result in the filing of a lien against the premises of the applicant.

(6) Once the City Manager or his or her designee is satisfied that the application is complete, the City

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Manager shall place the matter on the City Council's agenda to set a time, date, and place for a public hearing on the application.

(7) After the City Council sets the public hearing, the applicant shall cause a written notice of the hearing to be sent by first class mail to all persons having an interest as owner, tenant, easement holder, or mortgagee in any of the affected premises. The notice shall include a brief statement regarding the application fairly designed to inform the recipients of its main features and potential impact on the recipients in general. The notice shall be mailed at least ten days prior to the hearing. The notice of hearing shall also be published in a newspaper of general circulation in the City at least seven days before the hearing. The notice shall also be mailed to the USEP A and MDEQ representative who gave the approval of the proposed Restricted Zone and use regulations and the USEP A and MDEQ district supervisor for the USEP A and MDEQ regulatory program with jurisdiction over the contaminated site. A copy of the notice, an affidavit of publication and an affidavit of mailing shall be filed with the City Manager before the hearing.

(8) Upon the establishment of a new Restricted Zone, the City Clerk shall publish notice of the amendment to this article in the manner required by law for ordinance amendments. The applicant shall give notice to the owners and occupants of all property on which wells are located of the need to close and abandon wells under this chapter as amended.

J. SAVINGS PROVISION.

If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City of Dowagiac that this Ordinance shall be fully severable. The City of Dowagiac shall promptly notify the USEP A and MDEQ upon the occurrence of any event described in this section.

K. CONFLICT WITH OTHER ORDINANCES.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

L. EFFECTIVE DATE.

This Ordinance shall be in full force and effect ten (10) days after its publication as provided by law.

Adopted and signed this _____ day of _____, 2015.

ATTEST:

EXHIBIT A



EXHIBIT B

NARRATIVE DESCRIPTION OF A GROUNDWATER RESTRICTED ZONE IN THE CITY OF DOWAGIAC, CASS COUNTY, MICHIGAN

OCTOBER 16, 2015
(PROJECT NO. 154220)

THAT PART OF THE NORTH HALF OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 15 WEST, CITY OF DOWAGIAC, CASS COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF

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PRAIRIE RONDE STREET AND THE WEST RIGHT OF WAY LINE OF KING STREET;
THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE AND ON SAID WEST
RIGHT OF WAY LINE EXTENDED TO THE SOUTHEASTERLY BANK OF AN UNNAMED
CREEK ALSO KNOWN AS THE KING STREET STORM WATER OUTLET;
THENCE NORTHERLY ON SAID SOUTHEASTERLY BANK AND ON THE EASTERLY
BANK OF SAID UN-NAMED CREEK TO THE NORTH LINE SAID SECTION 31 AND
THE NORTH LINE OF THE DOWAGIAC CITY LIMITS; THENCE EASTERLY ON SAID
NORTH LINE TO THE SOUTHWESTERLY TOP OF BANK OF PINE LAKE DRAIN;
THENCE SOUTHEASTERLY ON SAID SOUTHWESTERLY TOP OF BANK TO THE
NORTHWESTERLY TOP OF BANK OF THE RUDY ROAD DRAIN; THENCE
SOUTHWESTERLY ON SAID NORTHWESTERLY TOP OF BANK TO THE NORTH
RIGHT OF WAY LINE OF SAID PRAIRIE RONDE STREET; THENCE WESTERLY ON
SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

EXHIBIT C

**[List of Restricted Zone Parcels by Parcel Identification
Number and Address]**

See Original on file with City Clerk.

Moved by: Schuur 1st reading 09 NOV 2015
Seconded by: Lucas

ADJOURNMENT

Upon motion by Councilmember Laylin and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:21 PM.

Donald D. Lyons, Mayor

Rozanne H. Scherr, Deputy City Clerk

DOWAGIAC CITY COUNCIL MEETING

Wednesday, November 18, 2015

A special meeting of the Dowagiac City Council was called to order by Mayor Lyons at 12:04 p.m.

PRESENT: Mayor Donald D. Lyons, Mayor Pro-Tem Leon D. Laylin; Councilmembers Charles K. Burling, James B. Dodd, Danielle E. Lucas, Bob B. Schuur and City Clerk Jane P. Wilson.

ABSENT: Lori A. Hunt

STAFF: City Manager Kevin P. Anderson, Deputy Clerk Rozanne H. Scherr

RESOLUTIONS

1. Resolution to propose an amendment to the City Charter to change the City Clerk's office from an elected office to an appointed office.

RESOLUTION TO PROPOSE AN AMENDMENT TO THE CITY CHARTER TO CHANGE THE CITY CLERK'S OFFICE FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

WHEREAS, since approximately July 2014, the City has been considering whether to place before the electors of the City the question of amending the City Charter to make the City Clerk's position an appointed position and has been gathering public input this matter;

WHEREAS, Charter Section 4.1 of the Dowagiac City Charter currently provides that the position of City Clerk is an elective position and Section 4.3 provides that the elected City Clerk is to serve a term of four years from the second Monday following the regular City election in which the Clerk was elected;

WHEREAS, the Dowagiac City Council has determined it to be in the best interests of the City to change the position of the City Clerk from an elected officer to one that is an Administrative Officer appointed by the City Manager, with the approval of City Council, which amendment will be effective at the end of the City Clerk's term of office in November 2019 or upon a vacancy in the office of City Clerk, whichever occurs first;

WHEREAS, City Council has determined it necessary that Charter Section 4.1 be amended to delete the position of City Clerk from the list of elective officers, Charter Section 4.3 be amended to delete the position of City Clerk from the list of elective officers subject to terms of office;

WHEREAS, effective at the end of the City Clerk's term of office in November 2019 or upon a vacancy in the office of City Clerk, whichever occurs first, the list of position duties of the City Clerk must be transferred from City Charter Chapter 5, entitled "Elective Officer of the City: Duties," to Charter Chapter 7, in a new Charter Section 7.9A ; and

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WHEREAS, the City has determined that the electors of the City should determine whether the City Clerk should be appointed in the same manner as other Administrative Officers of the City, and that this charter amendment question should be submitted to the electors at a special election to be held on March 8, 2016.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The electors of the City be asked whether, effective at the end of the City Clerk's term of office in November 2019 or upon a vacancy in the office of City Clerk, whichever occurs first, the City Charter should be amended to make the City Clerk an appointed position using the method of appointment for the appointment of administrative officers of the City under Charter Chapter 7.

2. The amendment is being proposed because the City Clerk is an elected position for which there are no minimum educational or work experience/ skills requirements to assume the Clerk's office and it is in the best interests of the City to appoint the City Clerk in a manner identical to the appointment of City Administrative Officers, as such officers are selected with reference to their qualifications for a position. If the proposed Charter amendment is approved by the electors, the City Manager, with the approval of City Council, will be authorized to select a City Clerk who would assume that position only when the Charter amendment becomes effective at the end of the City Clerk's term of office in November 2019 or upon a vacancy in the office of City Clerk.

3. This resolution supersedes any prior resolutions regarding amending the Charter to make the City Clerk an appointed position.

4. The proposed amendment to be submitted to the City's electors at a special election to be held on March 8, 2016 consists of changes to Sections 4.1, 4.3, and 5.11, of the Charter and a creation of a new Section 7.9A, as set forth herein.

Section 4.1 of the Dowagiac City Charter shall be amended as follows:

Elective Officers.

Section 4.1. In the manner and at such times as there are prescribed in this charter, there shall be elected in the City of Dowagiac, one Mayor, one Supervisor at large, one Treasurer, six Councilmen, being two Councilmen from each of the City's three wards, two Justices of the Peace, three Supervisors, being one from each ward, and three Constables, being one from each ward.

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The current Section 4.1 of the Charter being changed by this amendment provides as follows:

Elective Officers.

Section 4.1. In the manner and at such times as there are prescribed in this charter, there shall be elected in the City of Dowagiac, one Mayor, one Supervisor at large, one Clerk, one Treasurer, six Councilmen, being two Councilmen from each of the City's three wards, two Justices of the Peace, three Supervisors, being one from each ward, and three Constables, being one from each ward.

Section 4.3 of the Dowagiac City Charter shall be amended as follows:

Section 4.3. The Mayor, the Treasurer, one Councilman from each of the city's three wards, one Justice of the Peace, the Supervisor of the first Ward, the Supervisor of the third ward, and the Constable of the second ward shall be nominated and elected at the regular city election to be held in the year 1965, and in every fourth year thereafter. One Councilman from each of the City's three wards, one Justice of the Peace, the Supervisor at-large, the Supervisor from the second ward, the Constable from the first ward, and the Constable from the third ward shall be nominated and elected at the regular city election held in the year 1967, and in every fourth year thereafter. Each officer elected as in this section provided shall hold office for a period of four years from the second Monday following the regular city election in which he was elected, except that Justices of the Peace shall hold office from the 4th day of July following their election.

The current Section 4.3 of the Charter being changed by this amendment provides as follows:

Section 4.3. The Mayor, the Treasurer, one Councilman from each of the city's three wards, one Justice of the Peace, the Supervisor of the first Ward, the Supervisor of the third ward, and the Constable of the second ward shall be nominated and elected at the regular city election to be held in the year 1965, and in every fourth year thereafter. The Clerk, one Councilman from each of the City's three wards, one Justice of the Peace, the Supervisor at-large, the Supervisor from the second ward, the Constable from the first ward, and the Constable from the third ward shall be nominated and elected at the regular city election held in the year 1967, and in every fourth year thereafter. Each officer elected as in this section provided shall hold office for a period of four years from the second Monday following the regular city

DOWAGIAC CITY COUNCIL MEETING

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election in which he was elected, except that Justices of the Peace shall hold office from the 4th day of July following their election.

Section 5.11 of the Dowagiac City Charter shall be amended as follows:

Clerk.

Section 5.11. The elective office of City Clerk will terminate at the end of the City Clerk's term of office in November, 2019 or whenever there is a vacancy in the office of the City Clerk, whichever occurs first. Until that time, when there shall be an appointed City Clerk as provided by Chapter 7 of the City Charter with duties as set forth in Section 7.9A, the elected Clerk's duties shall include the following:

- (a) The Clerk shall perform the duties required of city clerks by law and the ordinances of the city.**
- (b) He shall keep and preserve the corporate seal and all documents, official bonds, papers, files, and records of the city, not by law or the ordinances of the city entrusted to some other officer.**
- (c) He shall be Clerk of the Council and shall record and preserve all the proceedings and resolutions of the Council.**
- (d) He shall sign or countersign all bonds issued and all licenses granted by the city.**
- (e) He shall, under seal of the city, make and certify copies of papers and records filed and kept in his office when needed and shall have authority to administer oaths and affirmations,**
- (f) All claims against the city shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him to the City Manager who shall, if the same be in order, certify such claims to the Council for approval of the payment thereof,**
- (g) He shall account for all moneys belonging to the city which have been received by him and shall, forthwith, deposit any such moneys with the Treasurer.**
- (h) He shall be responsible for the calling and conduct of elections in the city as required by law.**

The current Section 5.11 of the Charter being changed by this amendment provides as follows:

Clerk.

Section 5 .11. (a) The Clerk shall perform the duties required of

city clerks by law and the ordinances of the city.

(b) He shall keep and preserve the corporate seal and all documents, official bonds, papers, files, and records of the city, not by law or the ordinances of the city entrusted to some other officer.

(c) He shall be Clerk of the Council and shall record and preserve all the proceedings and resolutions of the Council.

(d) He shall sign or countersign all bonds issued and all licenses granted by the city.

(e) He shall, under seal of the city, make and certify copies of papers and records filed and kept in his office when needed and shall have authority to administer oaths and affirmations,

(f) All claims against the city shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him to the City Manager who shall, if the same be in order, certify such claims to the Council for approval of the payment thereof,

(g) He shall account for all moneys belonging to the city which have been received by him and shall, forthwith, deposit any such moneys with the Treasurer.

(h) He shall be responsible for the calling and conduct of elections in the city as required by law.

The Dowagiac City Charter shall be amended to add a new Section 7.9A, as follows:

Clerk.

Section 7.9A

Commencing with the Clerk's office being an appointed office either at the end of the elected Clerk's term of office in November 2019 or when there is a vacancy in the Clerk's office, whichever occurs first, the duties of the appointed Clerk shall include the following:

(a) The Clerk shall perform the duties required of city Clerks by law and the ordinances of the city.

(b) He shall keep and preserve the corporate seal and all documents, official bonds, papers, files, and records of the city, not by law or the ordinances of the city entrusted to some other officer.

(c) He shall be Clerk of the Council and shall record and preserve all the proceedings and resolutions of the Council.

(d) He shall sign or countersign all bonds issued and all licenses granted by the city.

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(e) He shall, under seal of the city, make and certify copies of papers and records filed and kept in his office when needed and shall have authority to administer oaths and affirmations,

(f) All claims against the city shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him to the City Manager who shall, if the same be in order, certify such claims to the Council for approval of the payment thereof,

(g) He shall account for all moneys belonging to the city which have been received by him and shall, forthwith, deposit any such moneys with the Treasurer.

(h) He shall be responsible for the calling and conduct of elections in the city as required by law.

5. The ballot language for this proposed amendment shall be as follows:

PROPOSED AMENDMENT TO THE DOWAGIAC CITY CHARTER TO CHANGE THE OFFICE OF CITY CLERK TO AN APPOINTED ADMINISTRATIVE OFFICE

The Charter states that the City Clerk is elected to a 4 year term. The proposed amendment requires the City Manager, with Council approval, to appoint the Clerk and set compensation.

Shall Sections 4.1, 4.3, and 5.11 of the Charter be amended and a new Section 7.9A added to provide for appointment of the City Clerk, effective at the end of the current Clerk's term of office or upon a vacancy in office, whichever occurs first?

YES: _____

NO: _____

A "Yes" vote is a vote in favor of the proposed amendment.

A "No" vote is a vote against the proposed amendment.

RESOLVED, this 18th day of November, 2015.

ADOPTED on a Roll Call vote.

Yeas: Five (5) Laylin, Burling, Dodd, Lucas, Schuur

Nays: None (0)

Absent: One (1) Hunt

2. Resolution for directive to City Clerk or Deputy City Clerk to send documents to the Governor and Attorney General of Michigan under stated time frame.

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Councilmember Laylin offered and moved the adoption of the following resolution; seconded by Councilmember Burling.

RESOLUTION FOR DIRECTIVE TO CITY CLERK OR DEPUTY CITY CLERK TO SEND RESOLUTION NO. 1 OF NOVEMBER 18, 2015 AND A CERTIFIED COPY OF THE CITY CHARTER TO THE GOVERNOR AND ATTORNEY GENERAL OF MICHIGAN FOR REVIEW AND APPROVAL

WHEREAS, at a special meeting held on November 18, 2015 the Dowagiac City Council passed a resolution (Resolution No. 1) to submit a ballot proposal to amend the City Charter to change the City Clerk's office from an elected to an appointed office, which if passed by the electorate, is effective at the end of the City Clerk's term of office in November 2019 or upon a vacancy in the Clerk's office, whichever occurs first;

WHEREAS, the City is required by law to submit Resolution No. 1 of November 18, 2015 to the Governor of the State of Michigan and the Michigan Attorney General for review and approval and such submission and review process must be concluded by the earliest possible date; and

WHEREAS the final form of the ballot proposal must be submitted to the Cass County Clerk on or before December 15, 2015, for placement on the March 8, 2016 election ballot.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The City Clerk, with the assistance of the Deputy City Clerk, or the Deputy City Clerk are directed to send copies of Resolution No. 1 of November 18, 2015 and a certification of Council adoption and one full certified copy of the Dowagiac City Charter by overnight mail before the close of business on November 18, 2015 to the office of the Governor of the State of Michigan and the office of the Michigan Attorney General.

RESOLVED, this 18th day of November, 2015.

ADOPTED on a roll call vote.

Ayes: Five (5) Laylin, Burling, Dodd, Lucas, Schuur

Nays: None (0)

Absent: One (1) Hunt

ADJOURNMENT

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Upon motion by Councilmember Laylin and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 12:14 p.m.

Donald D. Lyons, Mayor

Jane P. Wilson, City Clerk

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 20, 2015

SUBJECT: City Council Meeting Cancellation

A resolution is on Monday's agenda to authorize cancellation of the December 28, 2015 City Council meeting. Historically, the meeting falling during the Christmas holiday has been canceled and it is recommended that the meeting be canceled again this year.

Support Documents:
Cover Memo-City Mgr.
Resolution

Resolution #1
November 23, 2015

Councilmember _____ offered and moved the adoption of the following resolution;
seconded by Councilmember _____.

WHEREAS, the regularly scheduled December 28, 2015 City Council meeting falls during the
Christmas holiday; and

WHEREAS, the Mayor and City Council desire to cancel the December 28, 2015 City Council
meeting; and

WHEREAS, cancellation of the December 28, 2015 City Council meeting will not have an
adverse effect on the conduct of City business.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council hereby cancels the
regularly scheduled City Council meeting of Monday, December 28, 2015.

ADOPTED/REJECTED

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 20, 2015

SUBJECT: Medical Equipment for Doctor's Office

The City has a lease with Advanced Dermatology for space in the James E. Snow Professional Office Building. Pursuant to the lease, the City will provide the equipment and the cost of equipment is factored into the lease agreement. The total cost of the equipment is \$16,189 and requires council approval.

RECOMMENDATION

Approve resolution to purchase the equipment from Center Medical Supply in the amount of \$16,189.

Support Documents:

Cover Memo-City Mgr.

Resolution

Quotation

Resolution #2
November 23, 2015

Councilmember _____ offered and moved the adoption of the following resolution;
seconded by Councilmember _____.

WHEREAS, the City Council has a lease with Advanced Dermatology at the James E. Snow
Medical building that includes certain medical equipment, and;

WHEREAS, staff has received quotes from multiple vendors,

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby approve the quote
from Central Medical Supply in the amount of \$16,189.

ADOPTED/REJECTED

QUOTATION

Center Medical Supply
 5125 Portage Rd
 Kalamazoo, MI 49002
 US
 269-381-3252

Order Number	
1248954	
Order Date	Page
9/15/2015 12:06:39	1 of 1

Bill To:
 NEW CUSTOMER QUOTE

Ship To:
 NEW CUSTOMER QUOTE
 CITY OF DOWAGIAC

Customer ID: 106071

<i>PO Number</i>	<i>Ship Route</i>	<i>Taker</i>
QUOTE FOR BOBBIE JO HARTLINE-9/15/2015 12:06:59		DHEATH

<i>Quantities</i>					<i>Item ID</i> <i>Item Description</i>	<i>Pricing UOM</i> <i>Unit Size</i>	<i>Unit Price</i>	<i>Extended Price</i>
<i>Ordered</i>	<i>Allocated</i>	<i>Remaining</i>	<i>UOM</i> <i>Unit Size</i>	<i>Disp.</i>				
1.0000	0.0000	1.0000	EA	1.0	7000-24 PROCEDURE TABLE ASSIST PRO BREWER	EA 1.0	8,705.0000	8,705.00
2.0000	0.0000	2.0000	EA	1.0	002-0870-312 UPHOLSTERY SOFT TOUCH F/204 TABLE BLACK	EA 1.0	348.0000	696.00
3.0000	0.0000	3.0000	EA	1.0	WEL44600 EXAM LIGHT GS600 PROC. LIGHT W/ STAND	EA 1.0	737.0000	2,211.00
1.0000	0.0000	1.0000	EA	1.0	99501 SIDE RAILS FOR ASSIST PRO	EA 1.0	248.0000	248.00
1.0000	0.0000	1.0000	EA	1.0	99497 GRAB BARS FOR ASSIST PRO SET OF TWO	EA 1.0	712.0000	712.00
1.0000	0.0000	1.0000	EA	1.0	99499 ARTICULATING ARMBOARD (ORDER 99501)	EA 1.0	896.0000	896.00
2.0000	0.0000	2.0000	EA	1.0	MID204-002-00BASE EXAM TABLE BASE ONLY W/p tilt,drawwarmer WITH PELVIC TILT AND DRAWER WARMER.	EA 1.0	1,167.0000	2,334.00
1.0000	0.0000	1.0000	EA	1.0	FRT1 FREIGHT	EA 1.0	230.0000	230.00
<i>Order Line Notes:</i> MFGR MIDMARK (LIFT GATE \$230)								
1.0000	0.0000	1.0000	EA	1.0	FRT1 FREIGHT	EA 1.0	155.0000	155.00
<i>Order Line Notes:</i> MFGR BREWER (LIFT GATE \$155)								

Total Lines: 9

SUB-TOTAL: 16,187.00
TAX: 0.00
HANDLING: 2.00
AMOUNT DUE: 16,189.00

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 20, 2015

SUBJECT: Dial-A-Ride 2016 Project Authorization

A resolution is on Monday's agenda to approve a project authorization for the 2012-0076 Master Agreement with the Michigan Department of Transportation (MDOT) relating to the fiscal year 2016 operating Section 5311 Operating grant for the Dial-A-Ride operation. Attached is a memo from Rose Scherr, which further explains the project authorization.

RECOMMENDATION

Authorize the resolution to approve the Project Authorization agreement with the Michigan Department of Transportation (MDOT) relating to the fiscal year 2016 operating grant for the Dial-A-Ride operation.

Support Documents:

- Cover Memo-City Mgr.
- Cover Memo-Dept. Head
- Resolution
- Project Authorization

CITY OF DOWAGIAC
MEMO

TO: Kevin Anderson

FROM: Rozanne Scherr, HR Director/Assistant City Manager

DATE: November 20, 2015

RE: Dial-A-Ride 2016 Project Authorization

Attached are the original DART Project Authorizations dated October 14, 2015 for placement on Monday's agenda for City Council Approval. Formal approval of the Project Authorization is required under the 2012 – 0076 Master Agreement with the Michigan Department of Transportation (MDOT) relating to the fiscal year 2016 operating grant for the Dial-A-Ride Transit operation. The project authorization agreement is for the administration of the City's annual Federal operating assistance grant. Under terms of this Project Authorization, Federal operating assistance will be in the amount of \$14,977 for fiscal year 2016. This amount represents partial payment. As in past years, we expect amendments throughout the fiscal year because of ongoing appropriation amendments at the federal and state levels.

RECOMMENDATION

I recommend Council approve the Project Authorization agreement with the Michigan Department of Transportation (MDOT) relating to the fiscal year 2016 operating grant for the Dial-A-Ride operation.

Councilmember _____ offered and moved the adoption of the following resolution; seconded by Councilmember _____.

WHEREAS, pursuant to a grant agreement between the Michigan Department of Transportation and the City of Dowagiac it is necessary for the City of Dowagiac to enter into an annual project authorization agreement for its local transportation program for the fiscal year 2016 in order to receive State and Federal financial assistance under provision of Act 51.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize the Transportation Coordinator Rozanne Scherr to execute a Project Authorization, FY 2016 Section 5311 Operating, attached hereto and by reference made a part hereof, as required to receive financial assistance from the Michigan Department of Transportation, in accordance with Act 51, and;

BE IT FURTHER RESOLVED that, for all public transportation matters, the Transportation Coordinator shall provide such information as deemed necessary by the State Transportation Commission or Department for its administration of Act 51 for fiscal year 2016.

ADOPTED/REJECTED

Unsigned Copy
For Your Files

Date: October 14, 2015
Agreement No.: 2012-0076
Authorization No.: P8
Project No.: 129024
Agenda: DIR

**PROJECT AUTHORIZATION
CITY OF DOWAGIAC
FY 2016 SECTION 5311 OPERATING
FORMULA GRANTS FOR
RURAL AREAS PROGRAM**

This information is required by the Michigan Department of Transportation (DEPARTMENT) in order to record agreement of utilization of funds provided by the Federal Transit Administration, United States Department of Transportation and the DEPARTMENT. The funds shall be used by the AGENCY in accordance with the above referenced Master Agreement.

Authorization Effective Date: October 1, 2015
Authorization Expiration Date: September 30, 2016
Fiscal Year Effective Contract Clauses: 2016

The Federal grant associated with the PROJECT AUTHORIZATION is MI-18-X055-07.
Award Year: 2016 Federal Item Number: WK0055

The Catalog of Federal Domestic Assistance Number for the Federal Transit Administration Formula Grants for Rural Areas Program is 20.509.

Funding reflects the amount of funds currently available under the Federal appropriation. If additional funds become available, a grant amendment and PROJECT AUTHORIZATION will be prepared.

Payments to the AGENCY under this PROJECT AUTHORIZATION will be based on 18.5% of the estimated eligible costs. The maximum amount to be paid will not exceed 18.5% of the AGENCY's audited costs. If Section 5311 operating assistance funds are insufficient to reimburse at 18.5% of audited costs, a new reimbursement percentage will be calculated for all participating agencies.

In accordance with Section 7 of the Master Agreement, the dollar amount for third party contracts as identified in COMMISSION policy is \$25,000. All agencies who are not self-certified must submit third party contracts over \$25,000 to the DEPARTMENT for approval. Please refer to Section 7 of the Master Agreement for competitive bidding requirements.

The AGENCY will be financially and legally responsible for the terms and conditions of the Special Section 5333(b) labor warranty as agreed to in your annual application. The Special Section 5333(b) Warranty for Section 5311 can be found at: www.dol.gov/dol/esa/public/regs/compliance/olms/13factsheet.htm.

The AGENCY agrees to prepare and submit to the DEPARTMENT quarterly operating assistance reports via the Public Transportation Management System (PTMS). Instructions on preparing the report are available in the "Local Public Transit Revenue and Expense Manual" (October 1, 2015, through September 30, 2016). The manual is available on the web at www.michigan.gov/mdotptd by locating the resources box on the home page and opening the item listed "Audit/Accounting Information."

Funding source:
2016/7509 \$14,977 (F)

PRF No.: 2016-39

CITY OF DOWAGIAC

Signature

Print Name and Title

Signature

Print Name and Title

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title: Department Director

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 20, 2015

SUBJECT: Agreement to Lease space on fiber system to Merit

A resolution is on Monday's agenda to lease space on the City's fiber optic cables to Merit. Over 10 years ago the city and school cooperative installed a fiber optic network to connect many city facilities and the schools. The city has subsequently expanded its portion of the system to additional facilities. At the time substantial capacity was built into the system with the hope that it could become an asset that could benefit economic development. This is another agreement that could provide fiber access to the community at large.

The agreement is for a term of 5 years with an initial payment of \$13,000 and annual payments of \$300.

RECOMMENDATION

Authorize the resolution to approve the agreement with Merit for use of the city's fiber network.

Support Documents:

- Cover Memo-City Mgr.
- Resolution
- Service Agreement

Resolution #4
November 23, 2015

Councilmember _____ offered and moved the adoption of the following resolution;
seconded by Councilmember _____.

WHEREAS, the City Council desires to enter into an Agreement with Merit to extend the opportunities for access to fiber optic network to the public

NOW, THEREFORE BE IT RESOLVED that the City be hereby is authorized to execute any and all documents necessary and appropriate to effectuate an agreement with Merit for use of the City's fiber optic network.

ADOPTED/REJECTED

1 **Service Order**

2 **This Service Order is for the following Service(s):**

- 3 Leased Dark Fiber
 4 Lit Services, [specify type, e.g. Ethernet, etc.]

5 **Description of fiber route(s):**

- 6 1. Grantor will provide (X.X) miles of two (2) single mode fiber optic cable filaments (the
 7 "Service Fibers") beginning at ADDRESS, CITY, STATE, ZIP and continuing to 22 1/2 S. PAUL
 8 ADDRESS, CITY, STATE, ZIP. The detailed route map of these fibers, including 601 N. FRONT
 9 termination points, is provided as Attachment B.

10 **Payment:**

11 A onetime charge of \$ 13,000 at the time of Acceptance Date and a recurring charge of
 12 \$ 300 per year.

13 **Term:** The Initial term of this Service Order is from _____ to _____ (the "Initial
 14 Term"). Thereafter, this Service Order shall be automatically extended for consecutive one-year
 15 renewal terms (each a "Renewal Term"), unless either Party notifies the other of its intent not to
 16 renew at least 180 days prior to the expiration of the Initial Term or the then current Renewal
 17 Term.

18 **Technical Specifications:** The Technical Specifications are set forth in Attachment A.

19 **Additional Provisions:**

- 20 • **Required Relocation of Fibers:** In the event that Grantor is required by public authorities
 21 or lawful order or decree of a regulatory agency or court or any other reason beyond
 22 Grantor's control to relocate, replace or modify any or all of the Grantor Network which are
 23 used to provide the Service, Grantor shall incur the cost of the relocations. Notice to Grantee
 24 will be provided as soon as reasonably practicable of any Service Outage caused by the
 25 relocation.
- 26 • **Reversion of Rights:** Grantee's right to use the Service Fibers shall revert to Grantor upon
 27 termination of the Agreement.

28

Merit Network

[Grantor Name]

Signed by:

Signed by:

Printed name:

Printed name:

Title:

Title:

Date:

Date:

29

Draft

30

Attachment A - Fiber Technical Specifications

31 **Type and Constitution:** Single-mode fibers made of high grade doped silica core surrounded by
 32 a silica cladding, and coated with a dual layer, UV-cured acrylic-based coating.

	Units	Single Mode	Single Mode Enhanced	NZDSF
Glass Geometry				
Mode Field Diameter at 1310 nm	(μm)	9.2 ± 0.4	9.2 ± 0.4	N/A
Mode Field Diameter at 1550 nm	(μm)	10.4 ± 0.8	10.4 ± 0.8	9.2 ± 0.8
Fiber Attenuation (Loose Tube/Ribbon)				
Maximum value at 1310 nm	(dB/km)	0.35/0.40	0.35/0.40	N/A
Maximum value at 1550 nm	(dB/km)	0.25/0.30	0.25/0.30	0.25/0.30
Polarization Mode Dispersion (PMD)				
Max. Ind. Fiber PMD @ 1550 nm	(ps/ $\sqrt{\text{km}}$)	≤ 0.2	≤ 0.2	≤ 0.2
PMD Link Value	(ps/ $\sqrt{\text{km}}$)	≤ 0.1	≤ 0.1	≤ 0.1

33 **Splicing loss requirements:**

34 1. Bi-directional splice value (“Splice Value”) ≤ 0.30 dB at 1550 nm. In exceptional cases,
 35 a Splice Value may be accepted if its value is higher than 0.30 dB at 1550 nm. An
 36 exception case is, for instance, when three (3) re-trials of a splice cannot improve the
 37 Splice Value. The Splice Value will be given by the equation:

38
$$\underline{(\text{Splice attenuation from A to B}) + (\text{Splice attenuation from B to A})}$$

39 2. Splice attenuation average (“Splice Attenuation Average”) ≤ 0.15 dB at 1550 nm. The
 40 Splice Attenuation Average is given by:

41
$$\underline{\frac{\sum \text{Splice Values}}{\text{Number of Splices in the Fiber Optic Segment}}}$$

42

43 **Connectors loss requirements:**

- 44 1. Maximum Unitary ODF/S Connector (1 connector + 1 adapter + 1 connector)
- 45 2. Maximum Connector/pigtail loss. The attenuation contribution of each pigtail with
- 46 associated connector is considered to be 1.0 dB, comprised of 0.8 dB connector loss and
- 47 0.20 dB splice loss (pigtail to cable splice).
- 48 3. Minimum connector return loss: 40dB at 1550 nm.
- 49
- 50

Draft

51

Attachment B - Fiber Network Map

52

PROVIDED BY MERIT

Draft

Councilmember _____ offered and moved the adoption of the following resolution;
seconded by Councilmember _____.

WHEREAS, the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices and payroll #4 for the periods ending 11/08/15:

Invoices - 11/19/15	\$692,452.73
Payroll #4 - weeks ending 11/08/15	\$134,467.37
	<hr/>
Total	\$826,920.10

BE IT RESOLVED that the City Manager and City Treasurer are hereby authorized and directed to pay the following bills and payroll due:

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$692,452.73	\$134,467.37	\$826,920.10

Ayes:

Nays:

Absent:

Abstain:

Jane P. Wilson, City Clerk

Vendor		Description	Amount
ABSOPURE WATER COMPANY	55416941	C & C COOLER RENTAL - 26688 NUBOUR	6.00
ABSOPURE WATER COMPANY	83814620	BOTTLED WATER/DEPOSIT - 26688 NUBOUR	29.25
ABSOPURE WATER COMPANY	83814619	BOTTLED WATER - 26461 NUBOUR	64.50
ABSOPURE WATER COMPANY	55410565	H & C COOLER RENTAL - CH	8.00
ACCOUNTING CONSULTANTS, PC	1421	PHONE CALL - UPDATE SEWER CAPITAL ASSET	12.00
ACD.NET	88889-109	MONTHLY PHONE SERVICE - CH	736.21
AIRGAS GREAT LAKES	9931463760	WELDING SUPPLIES	67.60
AMERICAN ELECTRIC POWER	CDOW_201510_01	OCT 2015 ENERGY	374,740.90
AMERICAN ELECTRIC POWER	048-197-857-0-2	ST LIGHTS - MARCELLUS HWY	10.05
AMERICAN ELECTRIC POWER	042-624-227-0-4	REPEATER RADIO @ M-60	18.96
AMERICAN ELECTRIC POWER	049-501-336-1-3	CCWS VANDALIA TOWER	25.45
AMERICAN ELECTRIC POWER	044-619-354-0-7	M-62 W LIFT STATION	57.68
AMERICAN ELECTRIC POWER	040-050-210-0-3	VINEYARD PL LIFT STATION	35.07
ANDERSON JR, LEON C (ANDY)	11/12/15	ELECTION SERVICE 11/3/15	197.00
ARROWHEAD PLUMBING OF SWM, INC	5126	REPAIR OF DRINKING FOUNTAIN	160.00
BELL, VICKY	11/12/15	ELECTION SERVICE 11/3/15	197.00
BLUEGLOBES, LLC	10/22/15	TOWER ROTATING BEACON LIGHT BULBS	125.14
BROWN, EVELYN	11/12/15	ELECTION SERVICE 11/3/15	187.00
CAGNEY, MARY	11/12/15	ELECTION SERVICE 11/3/15	197.00
CAGNEY, THOMAS	11/12/15	ELECTION SERVICE 11/3/15	187.00
CASS CNTY TRANSPORTATION AUTHORITY	1883	DISPATCHING SERVICES-OCT 2015	14,621.04
CHET NICHOLS, INC	631428	AIR/FUEL/OIL FILTERS & SERPENTINE BELT -	75.69
CINTAS LOCATION #336	336-01904	MATS & UNIFORMS	984.15
CINTAS LOCATION #336	336-01904	MATS	171.38
CINTAS LOCATION #336	336-01904	MATS & UNIFORMS	647.35
CITY OF NILES	110515D-1	MOV - WWTP 10/1 - 10/31/15	5,836.00
CLARK HILL PLC	624616	INDUSTRIAL PARK REAL ESTATE OCTOBER 2015	1,510.50
COMCAST	8771402380126332	INTERNET SERVICE - FD	82.90
COMMUNICATIONS SERVICES	17316	REPLACEMENT MICROPHONES FOR MOBILE	129.00
COMMUNITY ANSWERING SERVICE	2628111015	DISPATCHING SERVICES	140.00
CORKELL, SUMMER & WILLIAM	11/20/2015	UB refund for account: 07-2712-5	35.22
DAWN BOLOCK	11/12/15	ELECTION SERVICE 11/3/15	100.00
DENISE HIGLEY	11/12/15	ELECTION SERVICE 11/3/15	100.00
DIG-IT EXCAVATING, INC	1909	IL - PUMP SEWER MAIN GARRETT & M-62 (WO	820.00
DODD, SPENCER L	11/20/2015	UB refund for account: 11-1939-10	71.18
DOWAGIAC UNION SCHOOLS	201516-91	FUEL EXPENSES-OCT 2015	5,603.64
DUST BUSTERS	11/16/15	CLEANING SERVICES 12/15	1,625.00
EDWARDS, ELIZABETH	11/20/2015	UB refund for account: 16-1901-22	13.88
ELMER'S LOCKSMITH	7249	CH - DOOR CLOSER REPAIR (PD DOOR)	67.00
ELMER'S LOCKSMITH	7251	NEW CEMETERY EXTERIOR DOOR & FRAME	1,495.50
ENJOYMENT IMAGE PUBLICATIONS	00019398	CHRISTMAS CARDS	218.70
FIA CARD SERVICES	10/23/15	ECON DEV MEETING	37.22
FIA CARD SERVICES	1338954	ECON DEV MEETING	22.32
FIA CARD SERVICES	10/12/15	EMAIL MARKETING SOFTWARE	168.00
FIA CARD SERVICES	136523	ICMA MEMBERSHIP	1,267.00
FIA CARD SERVICES	1343061	ECON DEV MEETING	31.18
FIA CARD SERVICES	684016	POWER SUPPLY - IL #1	91.95
FIA CARD SERVICES	04465166	OTTERBOX FOR IPHONE	49.95
FIA CARD SERVICES	MHF9YK0V7L	ICLOUD STORAGE PLAN	0.99

Vendor		Description	Amount
FIA CARD SERVICES	10151512294937330	EBAY FEES - 107 SALE	140.45
FIA CARD SERVICES	3720273008	LIFT STATION ALARM - FAX SERVICE	24.99
FIA CARD SERVICES	10/28/15	LOGMEIN - ACCOUNTANT PC	99.00
FIA CARD SERVICES	2790813019	FAX SERVICE - LIFT STATION REPORTS	24.99
FIA CARD SERVICES	27612215	ADJ LENGTH/FOREND GRIP - PD	660.18
FIA CARD SERVICES	10/26/15	MAGAZINE TUBE EXTENSIONS	97.57
FIA CARD SERVICES	11428798	UNIFORM - RADIO CASE	49.52
FIA CARD SERVICES	XK15F-K3A05-0H3	BUSINESS CARDS - BRADFORD	42.39
FIREPROGRAMS SOFTWARE	11/1/15	SUPPORT AND UPGRADE SERVICE (1 YEAR)	655.00
FRANCO, BALOIS	11/20/2015	UB refund for account: 05-0235-6	98.71
FRONTIER	26978201001022145	SNOW BLDG - PHONE SERVICE	189.18
GLOBAL TELEMATIC SOLUTIONS, LLC	21298	VEHICLE TRACKING SERVICE	245.00
GRAMES TIRE & BATTERY, INC	4815	TIRE REPAIR #2	18.95
HAAS ALARMS AND SERVICE, INC	065277	ADVANCED DERM - SNOW BLDG (WIRING)	1,367.67
HAAS ALARMS AND SERVICE, INC	065262	CHECK FIRE ALARM - WIRING	70.00
HAGGIN FORD & MERCURY INC	237470	OIL CHANGE - PD VEH 6002	49.86
HALE'S HARDWARE, INC	C133187	HEAT CABLE/FOAM/KEYS - BISULFATE	46.79
HALE'S HARDWARE, INC	A17373	WTP - SUMP PUMP	146.99
HALE'S HARDWARE, INC	C136696	TAPE/EXT CORD/PLUG/CABLE TIES	35.94
HALE'S HARDWARE, INC	C135583	DRILL BIT	7.75
HALE'S HARDWARE, INC	C135356	GLUE/GAUGE/BUSHING	14.04
HALE'S HARDWARE, INC	C135318	TUBING	3.19
HALE'S HARDWARE, INC	C134218	CCWS - SHELF (PENN PUMP HOUSES)	14.54
HALE'S HARDWARE, INC	B95778	REG BLEACH/CLEANER BLEACH	6.30
HALE'S HARDWARE, INC	C137517	1" PVC COUPLING - 205 SPAULDING ST	3.19
HALE'S HARDWARE, INC	B93051	KEY BLANKS/FASTENERS	24.71
HALE'S HARDWARE, INC	B95457	WHITE LITH GREASE - HYDRANT REPAIR	9.29
HALE'S HARDWARE, INC	C137525	FASTENERS	89.83
HALE'S HARDWARE, INC	A17631	FLAPPER - TOILET REPAIR	5.33
HALE'S HARDWARE, INC	C138483	SUPPLIES	53.57
HALE'S HARDWARE, INC	A17790	UPS - RADIO/ANTENNA TO ITRON	169.64
HARDIN, R. WAYNE	11/02/15	BUILDING INSP. - OCT 2015	952.40
HARNDEN, SHARON	11/12/15	ELECTION SERVICE 11/3/15	197.00
HOLIDAY INN EXPRESS	11/06/15	#63135147 ESAREY/ROMAN 12-5-15	188.68
HOLMES, ALTHEA	11/20/2015	UB refund for account: 06-0750-2	41.05
HOLY MATERNITY CHURCH	11/20/2015	UB refund for account: 06-0308-4	120.41
HOLY MATERNITY CHURCH	11/20/2015	UB refund for account: 06-0328-2	51.62
ICKES GRADING, LLC	11/1/15	GRADE PARKING LOTS (BUTLER	1,050.00
ITRON, INC	394270	CCWS CONTRACT SERVICES	5,624.00
ITRON, INC	393927	ITRON QUARTERLY MAINT.	951.99
J & H OIL COMPANY	10776901	CEMETERY GAS	435.75
JOHN & CURT'S BRAKE & ALIGNMENT	11/9/15	BRAKES - PD VEH #6002	249.60
JONES & BARTLETT LEARNING, LLC	3292772	FD - TRAINING BOOKS	268.73
JORDAN, DONNA	11/12/15	ELECTION SERVICE 11/3/15	187.00
JUDD LUMBER COMPANY, INC	1511-664995	KEYS - 302 S FRONT ST	3.98
JUDD LUMBER COMPANY, INC	1511-663757	CEMENT MIX (FOUNDATIONS)	15.28
JUDD LUMBER COMPANY, INC	1511-664045	SPLIT KEY RING/HOUSE KEY/SMOKE GRAY	43.17
JUDD LUMBER COMPANY, INC	1511-664721	BLACK TACK - MUSEUM TREE PLAQUES	1.19
JUDD LUMBER COMPANY, INC	1511-665496	PARK SHOP - TOOL	7.79

Vendor		Description	Amount
JUDD LUMBER COMPANY, INC	1511-665482	KEY FOR MAIN DOOR	1.99
KLUG, PATRICIA	11/18/15	CASS CO VAN MEETING	9.20
KOTZ SANGSTER WYSOCKI PC	362531	LEGAL SERVICES	5,810.35
LAW WEATHERS	139253	NUBOUR LANDFILL	2,007.50
LAYLIN, SHIRLEY	11/12/15	ELECTION SERVICE 11/3/15	100.00
LD DOCSA ASSOCIATES, INC	11365	PAY REQ #3 - WWTP IMP PROJECT	26,190.00
LEE MEMORIAL HOSPITAL	23983C10634	PRE-EMPLOY DRUG SCREEN	40.00
LEWIS, JAMES	11/20/2015	UB refund for account: 15-2375-1	62.52
MARTIN & ASSOC ENVIRONMENTAL	4298	ASBESTOS REMOVAL - 305 PENN AVE	14,100.00
MELCHING DEMOLITION & DISMANTLING	11/17/15	1/3 PROJECT COST - BIG GREY DEMO	131,000.00
MERYL CHRISTIANSON	11/12/15	ELECTION SERVICE 11/3/15	100.00
MI ASSOCIATION OF MUNICIPAL CLERKS	11/18/15	MEMBERSHIP DUES	60.00
MICHIGAN MUNICIPAL LEAGUE	12590	2016 LEAGUE DUES	770.00
MTL, INC	M2884	WWTP OCT MOWINGS	742.50
MTL, INC	16641	IND FIELD & R.O.W/COM R.O.W.	1,167.00
NCL OF WISCONSIN, INC.	363819	LAB SUPPLIES	236.69
NELSON, SHARON	11/20/2015	UB refund for account: 08-2445-9	102.51
NICHOLS, BEVERLY	11/12/15	ELECTION SERVICE 11/3/15	187.00
NYE UNIFORM COMPANY, INC	496077	UNIFORMS-BUNDY	112.03
NYE UNIFORM COMPANY, INC	520912	UNIFORMS	339.16
POLLARDWATER.COM	0029057	GASKETS/HYDRANT ADAPTER	107.74
POWER LINE SUPPLY, INC	5974507	RETURN SWITCHES (WO 15-1027)	(605.40)
POWER LINE SUPPLY, INC	5973878	400W MH FIXTURES - STOCK	1,006.25
POWER LINE SUPPLY, INC	5973879	DEADEND GRIPS - STOCK	13.21
POWER LINE SUPPLY, INC	5971525	WASHERS	54.00
POWER LINE SUPPLY, INC	5971526	WO 15-1027 CREATIVE FOAM - PIN TERMINALS	217.50
POWERNET GLOBAL COMMUNICATIONS	35548040	LONG DISTANCE SERVICE 10/12 - 11/12/15	28.12
PRECISION DATA PRODUCTS, INC.	I0000448032	PRINTER SUPPLIES/PC MEMORY	76.85
PRIORITY COMPUTER SERVICES, INC	203860	MONTHLY SERVER/EMAIL MONITORING	330.00
PRO TRANSMISSION	41571	#2-80 SERVO PIN ASSEMBLY/REV SERVO	76.04
PROFESSIONAL HOLIDAY DECORATORS	11/17/15	CHANGED OUT CLIPS FOR DEPOT LIGHTS	700.00
PVS TECHNOLOGIES, INC	203008	FERROUS CHLORIDE	1,972.86
QUILL CORPORATION	9478260	OFFICE SUPPLIES	79.80
QUILL CORPORATION	212484	JANITORIAL SUPPLIES (CREDIT)	(5.49)
QUILL CORPORATION	9478526	JANITORIAL SUPPLIES	65.48
QUILL CORPORATION	9435098	W2/1099 FORMS, CALENDARS & OFFICE	211.68
RHOADES MCKEE	258019	ENVIRONMENTAL-LANDFILL	11,100.93
RHOADES MCKEE	258162	ENVIRONMENTAL-LANDFILL	4,209.16
RIVERSIDE APARTMENTS	11/20/2015	UB refund for account: 16-1899-12	25.28
ROHDY'S HEATING & COOLING, LLC	0000006920	HEATING REPAIR - DEPOT	68.00
RON LEATZ	00800953	DEPOT WINDOWS CLEANING - DOWAGIAC CHOIR	78.00
SAFETY SERVICES, INC	113263	CALIBRATION OF CONFINED SPACE AIR	216.30
SAFETY SERVICES, INC	113190	REPLACEMENT FILTERS FOR AIR MONITOR	84.83
SCHERER, JOE DBA LONELY PI	11/16/15	12/15 MONTHLY PMT ACCT 7508450033	6,174.53
SCHERR, ROZANNE	10/10/15	MERS CONFERENCE	551.25
SCHILLING'S WASH & WAX	85	CAR WASH-PD	8.00
SCOTT SAYLOR	00111	MOW RUSSOM PARK	185.00
SEARS	5405534008029207	WASHER/DRYER/FRIDGE - DERMATOLOGY BLDG	1,678.96
SEMCO ENERGY GAS COMPANY	0346992.502	GAS SVC 9/30 - 10/28/15	31.41

Vendor		Description	Amount
SEMCO ENERGY GAS COMPANY	0147944.500	GAS SVC 10/01 - 10/29/15	19.45
SEMCO ENERGY GAS COMPANY	0149080.500	GAS SVC 10/2 - 10/30/15	67.22
SEMCO ENERGY GAS COMPANY	0148902.500	GAS SVC 10/2 - 10/30/15	120.07
SEMCO ENERGY GAS COMPANY	0357529.501	GAS SVC 10/2 - 10/30/15	18.62
SEMCO ENERGY GAS COMPANY	0149089.500	GAS SVC 10/2 - 10/30/15	47.73
SEMCO ENERGY GAS COMPANY	0149077.500	GAS SVC 10/2 - 10/30/15	171.96
SEMCO ENERGY GAS COMPANY	0148809.501	GAS SVC 10/2 - 10/30/15	86.85
SEMCO ENERGY GAS COMPANY	0357530.501	GAS SVC 10/28 - 10/30/15 & TURN ON FEE	68.63
SEMCO ENERGY GAS COMPANY	0146763.501	GAS SVC 10/1 - 10/29/15	73.77
SEMCO ENERGY GAS COMPANY	10/22/15	RETIREMENT OF GAS SVC - 305 PENN	150.00
SEMCO ENERGY GAS COMPANY	10/22/15	RETIREMENT OF GAS SVC - 307 PENN	150.00
SEMCO ENERGY GAS COMPANY	0149138.502	GAS SVC 10/02 - 10/30/15	28.88
SIMPSON, STEPHEN	11/20/2015	UB refund for account: 06-3126-13	48.53
SLC METER LLC	244101	5/8" METER BODIES	749.64
SLC METER LLC	243875	CREDIT - METER BODIES	(731.76)
SLC METER LLC	244145	5/8" COPPERHORNS	1,226.40
STARK, KEITH	11/20/2015	UB refund for account: 10-0413-5	152.94
STATE OF MICHIGAN	11/12/15	REGISTRATION RENEWAL FOR CHIEFS VEHICLE	131.00
STELMASIAK, TIM	11/20/2015	UB refund for account: 08-0824-4	105.16
TERMINIX	349791619	PEST CONTROL - CH	120.00
THE RIDGE COMPANY	644227	RADIATOR CAP #132	4.99
THE RIDGE COMPANY	644298	20 WW METHYL ALCOHOL	10.74
THE RIDGE COMPANY	644252	OIL FILTER/SPARK PLUG - VALVE TURNER	11.92
THE RIDGE COMPANY	644362	HOUSING SEALENT #132LT	11.69
THE RIDGE COMPANY	643748	OIL/AIR FILTERS, BELT, OIL (#2-80 PLOW	67.14
THE RIDGE COMPANY	643766	HOSE W 90 (#2-80 SNOW PLOW FD)	11.08
THE RIDGE COMPANY	644168	ADAPTERS (AIR NOZZLES)	4.12
THE RIDGE COMPANY	644053	BLOW GUN (AIR NOZZLES)	66.36
THE RIDGE COMPANY	643767	OIL (#2-80 SNOW PLOW FD)	6.55
UNUM LIFE INSURANCE CO OF AMERICA	0150597-001 0	LIFE INSURANCE-DEC 2015	1,114.89
USA BLUEBOOK	793170	HEAD/FEED RATE CONTROL SVC KITS	117.92
VANDERVRIES, EDWARD	11/16/15	ASSESSING SERVICES 12/15	1,775.00
WASTE MANAGEMENT OF MICHIGAN, INC.	7430317-2529-9	DUMPSTER/TRASH CART - AIRPORT TERMINAL	386.41
WASTE MANAGEMENT OF MICHIGAN, INC.	7430165-2529-2	12 YD ROLL-OFF DUMPSTER DELIVERY -	100.40
WASTE MANAGEMENT OF MICHIGAN, INC.	8376467-1710-3	DUMPSTERS/TRASH CART 11/15	522.85
WIGGINS, DANIEL	188028025202	CELL PHONE REIMBURSEMENT 8/24/15 -	45.00
WIGGINS, DANIEL	188028025202	CELL PHONE REIMBURSEMENT 9/24 - 10/23/15	45.00
WIGHTMAN & ASSOCIATES, INC	51111	RIVERSIDE DRIVE EXTENSION	2,959.50
WIGHTMAN & ASSOCIATES, INC	50828	RIVERSIDE DRIVE EXTENSION	3,628.75
WIGHTMAN & ASSOCIATES, INC	50994	QUALITY OF LIFE PROJECTS	25,813.75
WIGHTMAN & ASSOCIATES, INC	50989	2015 GENERAL CONSULTING SVCS	4,906.37
WILLIAMS, RHONDA	11/20/2015	UB refund for account: 04-3004-5	4.29
WILSON, JANE P.	11/12/15	ELECTION - MEALS/POSTAGE	93.10
WIMBERLEY, CHARLES W, SR	11/20/2015	UB refund for account: 04-4000-00	260.60
WOLFORD ELECTRICAL & GEN CONT SVCS	11/9/15	25% DOWN PAYMENT FOR ELECTRICAL WORK - J	4,656.25
WOLVERINE ELECTRICAL CONTG INC	22713	TRAFFIC SIGNAL MTCE - LOWE/PR RONDE	660.00
WOODRUFF, ROBERTA	11/12/15	ELECTION SERVICE 11/3/15	187.00
WYOMING ASPHALT PAVING CO., INC.	15657	ASPHALT	106.09
YEO & YEO PC	367612	PROF SERVICES THROUGH 10/31/15	2,100.00

INVOICE REGISTER FOR CITY OF DOWAGIAC
EXP CHECK RUN DATES 11/19/2015 - 11/19/2015
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: GEN

Vendor		Description	Amount
ZACHARY, JERRY	11/20/2015	UB refund for account: 03-2844-3	104.42
ZBATTERY.COM, INC	I169070	REPLACEMENT BATTERIES FOR SCBA	53.97
		Total:	<u>692,452.73</u>

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 20, 2015

SUBJECT: Groundwater Ordinance

For several decades the former Sundstrand property has been involved in an extensive environmental cleanup project per EPA requirements and oversight. The cleanup has been successful and is about to enter the phase of long term monitoring.

The city has been working with the MDEQ and the current owners of the property to develop a groundwater protection ordinance for the area to minimize any opportunity for expose through drinking water sources. This ordinance was drafted by the City's attorney and has been reviewed by the MDEQ. The EPA is still conducting its final review. It would be in our best interest to simply table the proposed ordinance until their final comments are received.

If you have questions regarding this matter please feel free to contact me.

RECOMMENDATION

Table the proposed groundwater ordinance and until the EPA final comments are received.

Support Documents:
Cover Memo-City Mgr.
Ordinance

CITY OF DOWAGIAC, MICHIGAN

SECTION 2.28 GROUNDWATER USE RESTRICTIONS.

The City of Dowagiac City Council finds that the use of certain groundwater wells and water supplies from such wells for human consumption or other purposes may constitute a public health risk and endanger the safety of the residents of the City of Dowagiac and therefore the City has determined that it is in the best interests of the public health, safety and welfare to prohibit uses of groundwater from wells at properties located in the vicinity of contaminated sites.

A. DEFINITIONS. For the purposes of this Ordinance, the following definitions shall have the following meanings:

Affected premises means a parcel of property any part of which is located within a Restricted Zone as defined below.

Applicant means a person who applies for the establishment of a Restricted Zone pursuant to this Ordinance.

Contaminated groundwater means groundwater in which there are present concentrations of materials that exceed the residential drinking water criteria established by the Michigan Department of Environmental Quality in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq.), or part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether the release is regulated pursuant to Part 201 or part 213.

Exacerbation means “Exacerbation” as defined in Part 201, Environmental Remediation (MCL 324.20101, et seq.).

Groundwater means underground water within the zone of saturation.

MDEQ means the Michigan Department of Environmental Quality, or its successor agency.

Person means any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Release means a “release” as defined in Part 201, Environmental Remediation (MCL 324.20101 et seq.), or Part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether an underground storage tank is involved.

Restricted Zone means an area or areas described within Section B of this Ordinance within which the prohibition of groundwater wells and the use of groundwater applies.

Well means an opening in the surface of the earth for the purpose of removing fresh water through nonmechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, or other applicable statute.

USEPA means the U.S. Environmental Protection Agency.

B. RESTRICTED ZONE.

1. Except as provided in Section E of this ordinance, and after the effective date hereof, no person or legal entity shall install or allow, permit or provide for the installation or utilization of a well on any affected premises on which they have an ownership interest, or lessee or tenant interest or control, within the Restricted Zone. Property within the Restricted Zone shall be serviced only by public water supply.

2. Exhibit A attached hereto is a scaled map illustrating the groundwater well restricted zone ("Restricted Zone").

3. Exhibit B attached hereto contains the narrative description of the Restricted Zone.

4. Exhibit C attached hereto contains a listing of all affected premises within the Restricted Zone by parcel identification number and address.

5. A notice shall be sent to the Van Buren/Cass County Public Health Department advising the health department of the Restricted Zone established hereunder and the health department's written acknowledgement that it will not issue permits for prohibited wells within the Restricted Zone, shall be filed with MDEQ prior to the effective date of this Ordinance.

C. WELLS AFFECTING CONTAMINATED GROUNDWATER WAIVER. No well may be used or installed at any place in the City if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously unimpacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or USEPA approved groundwater monitoring or remediation system.

If the MDEQ determines that the use of a well is not influenced or potentially influenced by contaminated groundwater and further determines the use of that well will remain permanently unaffected by the future migration of contaminated groundwater, and proof of those determinations is delivered to the City, the City Manager may execute a waiver allowing the use of the well. For example, a well may be installed within a restricted zone in a deep aquifer below a geologic aquitard, provided that the person proposing to install such a well:

- a. Uses well construction techniques (e.g. double casing) that will maintain the integrity of the lower aquifer and prevent the migration of contaminants from the upper aquifer into the lower aquifer; and
- b. Submits to the City Manager, the USEPA and MDEQ the proposed well construction techniques for review and approval, prior to the installation of the well.

D. NON-CONFORMING WELLS. Any existing well, the use of which is prohibited by this Ordinance, shall, within 180 days of the effective date hereof, be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-92 and the person requesting the ordinance shall provide for the abandonment and plugging of all existing wells prohibited by this Ordinance on the affected premises and connect such premises to The City of Dowagiac Public Water Supply, without cost to the owners or occupants of the premises.

E. EXCEPTIONS.

1. Construction of De-Watering Wells. Wells in the Restricted Zone used for construction de-watering are not prohibited by this Ordinance, provided that the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations and the use of a de-watering well does not result in the unacceptable exposures to contaminated groundwater, possible cross-contamination between saturated zones, or exacerbation of contaminated groundwater. Any exacerbation caused by the use of wells under this exception shall be the responsibility of the person operating the de-watering well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

2. Groundwater Monitoring and Remediation Wells. Wells used for groundwater monitoring and/or remediation as part of response activity approved by the USEPA and/or MDEQ are not prohibited by this ordinance.

3. Exception Wells. Two (2) groundwater exception wells approved by USEPA for purposes other than drinking water ("Exception Wells") are located in the Restricted Zone at the locations identified on *Exhibit C*, attached hereto, 504 Louise (aquaculture) and 601 Louise (toilet flushing), and may continue to be utilized for the limited purposes identified thereon.

4. A well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

F. ENFORCEMENT.

1. Any well in violation of any provision of this Ordinance is hereby declared to be a nuisance per se, subject to abatement and immediately taken out of service and lawfully

abandoned or plugged consistent with all applicable rules and regulations. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a civil infraction punishable by the sanctions as set forth below.

2. The City Manager or his or her designee, together with law enforcement officers, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.

3. Each day that a violation continues may be deemed a separate infraction.

4. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994 and the Code of Ordinances of the City of Dowagiac.

5. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by resolution of the City Council.

6. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

7. In addition, the City may seek an order from a court of appropriate jurisdiction to obtain equitable relief to restrain any person from violating this Ordinance and to properly and lawfully remove or abandon the well and such other relief as may be available to the City pursuant to Chapter 83 and 87 of the Michigan Remedial Judicate Act, as amended at the present time or in the future, including the collection of costs and actual attorney fees associated with such enforcement action.

G. NOTIFICATION OF INTENT TO AMEND OR REPEAL. At least thirty (30) days prior to adopting a revision or amendment to this Ordinance or prior to its repeal, the City of Dowagiac shall notify the USEPA and MDEQ, or their successor agencies, of its intent to so act.

H. PUBLISHING AND RECORDING. This Ordinance or an amendment to this Ordinance shall be published as follows:

(a) If the release is regulated pursuant to Part 201, then this Ordinance or an amendment to this Ordinance shall be published and maintained in the same manner as zoning Ordinances.

(b) If the release is regulated pursuant to Part 213, then this Ordinance or an amendment to this Ordinance shall be filed with the Cass County Register of Deeds as an Ordinance affecting multiple properties.

I. ADDING NEW RESTRICTED ZONES. The City of Dowagiac City Council may amend this Ordinance to address new Restrictive Zones in accordance with the following procedure:

(1) An applicant shall first file a request with the City of Dowagiac City Manager advising the City of the applicant's interest in establishing a Restricted Zone pursuant to this article. The notice shall describe the proposed boundaries of the proposed Restricted Zone, the reason for the proposed Restricted Zone, a preliminary map of the proposed Restricted Zone, the proposed time schedule for implementing the proposed Restricted

Zone and the proposed groundwater use restrictions to be applicable within the Restricted Zone. The City Manager will, after notifying the City Council of the notice of intent, respond to the applicant with a preliminary and non-binding indication of the City's willingness to consider the proposed Restricted Zone. The City Manager, or his or her designee, may also be an applicant for the purposes of initiating this procedure.

- (2) The Applicant shall seek and obtain the USEPA and MDEQ's approval of the proposed Restricted Zone and proposed groundwater use restrictions to be applicable therein prior to filing an application with the City. In order to be considered by the City, the Restricted Zone must minimize or eliminate the need for restrictive covenants on property that is not owned or operated by and is not subject to remediation by a party responsible for the contaminated groundwater. The creation of a Restricted Zone should have the effect of eliminating the need for non-responsible parties to impose environmental restrictive covenants on their property and be beneficial to the owners or occupants of property that was not the site of a release.
- (3) If any premises, which will be subject to the proposed new Restricted Zone, are not already served by City water service, the applicant shall assure such service is, if it is feasible from an engineering perspective to do so, served with City water service at no cost to the property owners or occupant. The applicant shall have to assure such service is provided. The applicant shall also provide for the abandonment and plugging of nonconforming wells on any affected premises without cost to the owners or occupants of the premises and in compliance with Section D above. Proof of the provision of such service and plugging/abandonment of such wells shall be required or an escrow account shall be established therefor in an amount and form acceptable to the City Council.

- (4) After USEPA and MDEQ approve the proposed Restricted Zone as an alternative to restrictive covenants on property on which no release has occurred, an applicant shall file with the City Manager a formal request to the City including, at a minimum, the following information, together with an escrow deposit as required under this section. The information can be in the form of a proposed remedial action plan (RAP), corrective action plan (CAP), or other similar document if appropriate cross-references are made for ease of reference.
- a. The name, address, and phone number of the applicant, as well as each person having an interest as owner, tenant, easement holder or mortgagee in the real property which is the source or site of the contaminated groundwater, if known.
 - b. The street address and legal description of the real property which is a source or site of the contaminated groundwater, if known, and the nature of the applicant's relationship to that property and involvement concerning the contaminated groundwater.
 - c. The nature and extent of the contaminated groundwater and the contamination causing it, both in summary form in plain English, and in detail in technical terms, stating the types and concentrations of contaminants; a map or survey showing their current location; a statement of their likely or anticipated impact on groundwater and the nature of the risks presented by the use of the groundwater, as well as the likely or anticipated path of migration if not remediated or corrected and a detailed statement of any plan to remediate, correct, and/or contain the contamination.
 - d. A detailed map and narrative description of the proposed Restricted Zone.

- e. The street addresses and general description of all affected premises.
- f. The names, addresses (mailing and street), and phone numbers (if readily available) of all persons with an interest as owner, tenant, easement holder or mortgagee of all affected premises.
- g. The location, current status, and usage characteristics of all existing groundwater wells within the proposed restricted zone.
- h. A detailed statement or description of the proposed regulation or prohibition of the use of existing and future wells within the Restricted Zone needed to adequately protect the public from the potential health hazards associated with the contaminated groundwater, including a description of permissible uses of such wells, together with the written consent of the USEPA and MDEQ to such uses of groundwater.
- i. A description and time schedule for any actions the Applicant will take to implement any remediation plan, mitigate the adverse impact of the Restricted Zone (e.g., providing substitute water service), and to properly close and abandon any existing wells subject to the use prohibition within the proposed Restricted Zone.
- j. A copy of the information submitted to the USEPA and MDEQ concerning the proposed Restricted Zone, along with a written statement from an USEPA and MDEQ representative with approval authority stating that the proposed Restricted Zone and use regulations have received USEPA and MDEQ approval as part of the response actions for the groundwater contamination. The USEPA and MDEQ

approval may be contingent upon the City's establishment of the proposed Restricted Zone pursuant to this Article.

- k. Copies of the notice provided to the Van Buren/Cass County Public Health Department concerning the New Restricted Zones established hereunder, as well as Restricted Zones that may be created in the future. This documentation, accompanying regulations, and the health department's written acknowledgement that it will not issue permits for prohibited wells within the New Restricted Zone(s) must be provided.
- l. Copies of the notices provided to the owners of affected property together with a sworn statement that such notices were provided to all such owners with the details of the manner in which such notices were provided. At minimum, the notice must:
 1. Identify the sender of the notice including the sender's name, address, contact person and telephone number;
 2. Identify the owner of the property which is the source of the contamination or who is seeking the Restricted Zone including the owner's name and the property address;
 3. State what the effects of the Restricted Zone will be, i.e. how use of the groundwater will be restricted;
 4. Who can be contacted at the City, the USEPA, MDEQ and the applicant for more information;
 5. A description of the groundwater plume and a brief description of the nature of the contamination; and

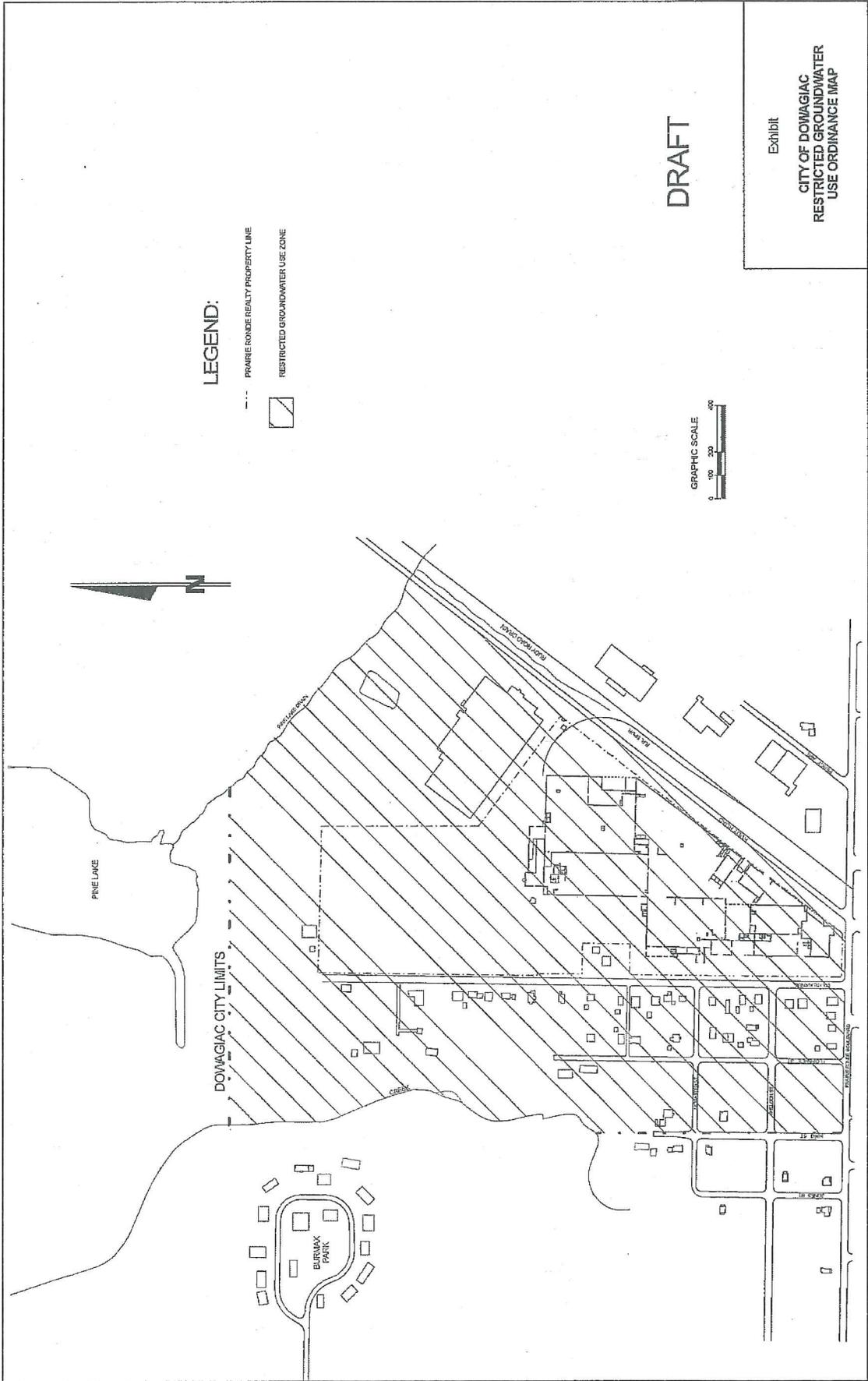
6. Any other information reasonably requested by the City Manager.
- m. A statement that the applicant agrees to pay all costs incurred by the City in the establishment of the proposed Restricted Zone, including without limitation, reimbursement for staff time, the fees of environmental consultants and legal counsel, the cost of publication, any per diem or other amounts paid to public officials for attending any special meetings, etc. This statement shall also consent to the placement of a lien on the applicant's premises of the amounts due under this section if same, are not timely paid (i.e. paid within 30 days of the issuance by the City of an invoice therefor). That statement shall be in the form acceptable to the City's legal counsel and shall be in a form so as to be recordable in the records of the county register of deeds.
- (5) Along with the application, the applicant shall pay a deposit for escrow of the amount estimated by the City Manager to be the costs incurred by the City for the establishment of the proposed Restricted Zone as described in 4 above. The deposit shall not bear interest and the City may use funds from it to pay the costs as they are incurred, requiring the applicant to maintain a minimum balance of \$5000.00 in the escrow account. Any failure by the applicant to maintain the escrow as required by this provision may result in the City's discontinuance of its processing of the request to establish a Restricted Zone and can result in the filing of a lien against the premises of the applicant.
 - (6) Once the City Manager or his or her designee is satisfied that the application is complete, the City Manager shall place the matter on the City Council's agenda to set a time, date, and place for a public hearing on the application.

- (7) After the City Council sets the public hearing, the applicant shall cause a written notice of the hearing to be sent by first class mail to all persons having an interest as owner, tenant, easement holder, or mortgagee in any of the affected premises. The notice shall include a brief statement regarding the application fairly designed to inform the recipients of its main features and potential impact on the recipients in general. The notice shall be mailed at least ten days prior to the hearing. The notice of hearing shall also be published in a newspaper of general circulation in the City at least seven days before the hearing. The notice shall also be mailed to the USEPA and MDEQ representative who gave the approval of the proposed Restricted Zone and use regulations and the USEPA and MDEQ district supervisor for the USEPA and MDEQ regulatory program with jurisdiction over the contaminated site. A copy of the notice, an affidavit of publication and an affidavit of mailing shall be filed with the City Manager before the hearing.
- (8) Upon the establishment of a new Restricted Zone, the City Clerk shall publish notice of the amendment to this article in the manner required by law for ordinance amendments. The applicant shall give notice to the owners and occupants of all property on which wells are located of the need to close and abandon wells under this chapter as amended.

J. SAVINGS PROVISION. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City of Dowagiac that this Ordinance shall be fully severable. The City of

EXHIBIT A

[*Drawing*]



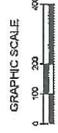
LEGEND:

PRAIRIE RONDE REALTY PROPERTY LINE

RESTRICTED GROUNDWATER USE ZONE



DRAFT



Exhibit

**CITY OF DOWAGIAC
RESTRICTED GROUNDWATER
USE ORDINANCE MAP**

EXHIBIT B

[Narrative *Description*]

**NARRATIVE DESCRIPTION OF A GROUNDWATER RESTRICTED ZONE IN THE
CITY OF DOWAGIAC, CASS COUNTY, MICHIGAN**

OCTOBER 16, 2015
(PROJECT NO. 154220)

THAT PART OF THE NORTH HALF OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 15 WEST, CITY OF DOWAGIAC, CASS COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF PRAIRIE RONDE STREET AND THE WEST RIGHT OF WAY LINE OF KING STREET; THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE AND ON SAID WEST RIGHT OF WAY LINE EXTENDED TO THE SOUTHEASTERLY BANK OF AN UN-NAMED CREEK ALSO KNOWN AS THE KING STREET STORM WATER OUTLET; THENCE NORTHERLY ON SAID SOUTHEASTERLY BANK AND ON THE EASTERLY BANK OF SAID UN-NAMED CREEK TO THE NORTH LINE SAID SECTION 31 AND THE NORTH LINE OF THE DOWAGIAC CITY LIMITS; THENCE EASTERLY ON SAID NORTH LINE TO THE SOUTHWESTERLY TOP OF BANK OF PINE LAKE DRAIN; THENCE SOUTHEASTERLY ON SAID SOUTHWESTERLY TOP OF BANK TO THE NORTHWESTERLY TOP OF BANK OF THE RUDY ROAD DRAIN; THENCE SOUTHWESTERLY ON SAID NORTHWESTERLY TOP OF BANK TO THE NORTH RIGHT OF WAY LINE OF SAID PRAIRIE RONDE STREET; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

EXHIBIT C

[List of Restricted Zone Parcels by Parcel Identification Number and Address]

14-160-200-126-05	LOUISE AVE (VACANT)
14-160-200-126-15	504 LOUISE AVE
14-160-200-126-25	601 LOUISE AVE
14-160-200-126-31	413 LOUISE AVE
14-160-200-126-35	FLORENCE ST (VACANT)
14-160-200-126-40	404 LOUISE AVE
14-160-200-656-00	301 E PRAIRIE RONDE ST
14-160-200-657-00	303 E PRAIRIE RONDE ST
14-160-200-658-00	305 E PRAIRIE RONDE ST
14-160-200-659-00	307 E PRAIRIE RONDE ST
14-160-200-660-00	401 E PRAIRIE RONDE ST
14-160-200-661-00	403 E PRAIRIE RONDE ST
14-160-200-662-00	405 E PRAIRIE RONDE ST
14-160-200-663-00	407 E PRAIRIE RONDE ST
14-160-200-664-00	415 E PRAIRIE RONDE ST
14-160-200-665-00	105 LOUISE AVE
14-160-200-667-01	106 FLORENCE ST
14-160-200-668-00	105 FLORENCE ST
14-160-200-669-00	106 KING ST
14-160-200-670-00	108 KING ST
14-160-200-671-00	107 FLORENCE ST
14-160-200-672-01	404 SHELDON ST
14-160-200-674-00	107 LOUISE AVE
14-160-200-675-00	203 LOUISE AVE
14-160-200-676-00	201 LOUISE AVE
14-160-200-677-00	403 SHELDON ST
14-160-200-678-00	204 FLORENCE ST
14-160-200-679-00	401 SHELDON ST
14-160-200-680-00	307 SHELDON ST
14-160-200-681-00	305 SHELDON ST
14-160-200-682-00	303 SHELDON ST
14-160-200-683-00	301 SHELDON ST
14-160-200-684-00	206 KING ST
14-160-200-685-00	205 FLORENCE ST
14-160-200-686-00	206 FLORENCE ST (VACANT)
14-160-200-687-00	205 LOUISE AVE
14-160-200-688-00	207 LOUISE AVE
14-160-200-689-00	302 MCMASTER ST
14-160-200-690-00	207 FLORENCE ST
14-160-200-691-00	208 KING ST
14-160-200-692-00	302 KING ST
14-160-200-693-00	KING ST (VACANT)
14-160-200-694-00	FLORENCE ST (VACANT)
14-160-200-695-00	301 FLORENCE ST
14-160-200-696-00	301 MCMASTER ST
14-160-200-697-00	303 LOUISE AVE
14-160-200-698-00	301 LOUISE AVE

14-160-200-699-00	305 LOUISE AVE
14-160-200-700-00	FLORENCE ST (VACANT)
14-160-200-701-00	FLORENCE ST (VACANT)
14-160-200-702-00	KING ST (VACANT)
14-160-200-703-00	KING ST
14-160-200-704-00	FLORENCE ST (VACANT)
14-160-200-705-00	306 FLORENCE ST
14-160-200-706-00	307 LOUISE AVE
14-160-200-709-00	309 LOUISE AVE
14-160-200-710-01	308 FLORENCE ST
14-160-200-711-01	309 FLORENCE ST
14-160-200-713-01	315 FLORENCE ST
14-160-200-715-00	313 FLORENCE ST
14-160-200-717-00	LOUISE AVE
14-160-200-718-00	312 LOUISE AVE
14-160-200-719-00	LOUISE AVE
14-160-200-720-00	313 LOUISE AVE
14-160-200-721-03	312 FLORENCE ST
14-160-200-723-02	317 LOUISE AVE
14-160-200-726-00	LOUISE AVE
14-160-200-728-51	LOUISE AVE
14-160-205-020-00	55210 RUDY RD
14-160-205-021-00	RUDY RD
14-160-300-972-00	415 LOUISE AVE
14-160-300-973-00	409 LOUISE AVE
14-160-300-974-00	407 LOUISE AVE
14-160-300-975-00	405 LOUISE AVE
14-160-300-976-00	403 LOUISE AVE
14-160-300-977-00	401 LOUISE AVE
14-160-300-978-00	LOUISE AVE (VACANT)