



REGULAR MEETING OF THE DOWAGIAC CITY COUNCIL

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

Monday, November 28, 2016, 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 14, 2016

QUESTIONS FROM CITY COUNCIL –

COMMENTS FROM THE AUDIENCE (NON-AGENDA) –

COMMENTS FROM THE AUDIENCE (AGENDA) –

RESOLUTIONS –

1. Resolution to cancel the City Council meeting scheduled for December 26, 2016.
2. Resolution to authorize the payment of bills (Roll Call)

\$689,498.35

\$192,542.40

\$882,040.75

COMMENTS FROM CITY OFFICIALS –

ADJOURNMENT –

Kevin P. Anderson
City Manager

Attachments

DOWAGIAC CITY COUNCIL MEETING

Monday, November 14, 2016

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

Mayor Pro Tem Laylin led the Pledge of Allegiance to the flag.

PRESENT: 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: Mayor Donald D. Lyons.

STAFF: City Manager Kevin P. Anderson.

Councilmember Dodd moved and Councilmember Lucas seconded that the minutes of the October 24, 2016 meeting be approved.

Approved unanimously.

COMMUNICATIONS

1. Request from Chamber of Commerce to not allow parking on South Front Street on the day of the parade.

Councilmember Schuur offered and moved to deny the requests; seconded by Councilmember Dodd.

RESOLUTIONS

1. Resolution of intent to sell property at 204 Maple Street, parcel # 14-160-100-676-00, to Sheldon Cosey in the amount of \$865.00.

Councilmember Schuur offered and moved to approve the resolution; seconded by Councilmember Burling.

WHEREAS, the City of Dowagiac wishes to convey and sell a parcel of real property owned by the City in accordance with the provisions of Section 14.9 of the City Charter; and,

WHEREAS, to do so requires the formal approval of the final-form resolution authorizing such conveyance a minimum of twenty-one (21) days in advance of the final adoption of the said, final-form resolution.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council, by the affirmative vote of its City Council, does hereby adopt and introduce the attached, final-form

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resolution for the conveyance of City-owned real property in accordance with the provisions of Section 14.9 of the City Charter, and further directs the City Clerk to maintain on file for public review said same final-form resolution for a period of not-less-than twenty-one (21) days preceding the formal action by Council to approve the resolution as attached.

ADOPTED on a 5-1 vote (Abstain: Lucas)

Resolution #

First Reading November 14, 2016

Second Reading December 12, 2016

City Property Sale; 204 Maple Street

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

WHEREAS, *at the November 14 2016 City Council meeting by way of an adopted resolution introducing same, the Dowagiac City Council approved of a final-form resolution authorizing the conveyance of City-owned, real property in accordance with the provisions of Section 14.9 of the City Charter, and the specifications outlined in the City Council Policy enacted on June 21, 1993, and;*

WHEREAS, *having now remained on file for public inspection with the Office of the City Clerk for in-excess-of the minimum twenty-one (21) day period required by the City Charter, the City of Dowagiac wishes to formally convey and sell the parcel of surplus real property legally described in Exhibit "A", commonly known as 204 Maple Street, in the City of Dowagiac, according to the recorded plat thereof, and more commonly referred to as Parcel Code No. 14-160-100-676-00, to Sheldon Cosey, for the total sale price of not less than eight hundred sixty five dollars (\$865.00).*

NOW, THEREFORE, BE IT RESOLVED *that the Dowagiac City Council, by the affirmative roll call vote of five or more of its City Council Members, does hereby adopt and approve the sale and conveyance of City-owned real property legally described in Exhibit "A", commonly known as 204 Maple St., in the City of Dowagiac, according to the recorded plat thereof, and more commonly referred to as Parcel Code No. 14-160-100-676-00, to Sheldon Cosey, for the total sale price of not less than eight hundred sixty five dollars (\$865.00).*

BE IT FURTHER RESOLVED *that the said conveyance shall be accomplished by means of the transfer of a Quit-claim Deed, as prepared by the City Attorney, signed by the Mayor and Clerk respectively of the City of Dowagiac, and executed within thirty (30) days following adoption of this resolution.*

ADOPTED/REJECTED

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2. Resolution to authorize the First Amendment to the Master Deed, Front and Main Building Condominium, Cass County Condominium Subdivision Plan No. 188.

Councilmember Burling offered and moved to approve the following resolution; seconded by Councilmember Hunt.

WHEREAS, the City of Dowagiac and the Van Buren / Cass County Health Department are members of the condo association,

WHEREAS, the James Snow Professional Building/302 South Front needs to be insured,

WHEREAS, as the original agreement stands it is difficult to define who and how insurance coverage of the building is to be provided,

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt and approve the Mayor to sign the first amendment to the master deed.

ADOPTED unanimously.

3. Resolution to authorize a release and settlement agreement with Jeremy F. Jager in matters related to 115-117 South Front Street.

Councilmember Dodd offered and moved to approve the following resolution; seconded by Councilmember Schuur.

WHEREAS, legal counsel has drafted a release and a settlement agreement and recommends that both are in the best interest of the city to resolve some matters of pending litigation at 115 – 117 South Front St.; and;

WHEREAS, the city can continue its litigation to resolve matters with other litigants.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize the city attorney to execute any and all agreements necessary to complete the release and settlement agreements involving Jeremy F. Jager in the amount of \$5,000.

ADOPTED unanimously.

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4. 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 Dodd.

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 for period ending 11/11/2016 and payroll #2 & #3:

Invoices	Sept	\$277,360.39	Oct	\$731,381.34
Payroll	PR #02	\$191,446.88	PR#03	\$138,551.82
Total		\$1,338,740.43		

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>
\$1,008,741.73	\$329,998.70	\$1,338,740.43

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: None (0)

Abstain: None (0)

ADJOURNMENT

Upon motion by Councilmember Schuur and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 7:22 PM.

Leon D. Laylin, Mayor Pro Tem

Jane P. Wilson, City Clerk

CITY OF DOWAGIAC

MEMO TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: November 23, 2016

SUBJECT: City Council Meeting Cancellation

A resolution is on Monday's agenda to authorize cancellation of the December 26, 2016 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. The resolution also allows for payment of vendors with a full reporting of all payments to Council at the first regularly scheduled meeting in January 2017.

Support Documents:
Cover Memo-City Mgr.
Resolution

Resolution #1
November 28, 2016

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

WHEREAS, the regularly scheduled December 26, 2016 City Council meeting falls during the Christmas holiday; and

WHEREAS, the Mayor and City Council desire to cancel the December 26, 2016 City Council meeting; and

WHEREAS, cancellation of the December 26, 2016 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 26, 2016; and

BE IT FURTHER RESOLVED that the Treasurer, with the concurrence of the City Manager and Accountant shall pay vendors the last week of the year and report said payments to the City Council at the January 9, 2017 regularly scheduled meeting.

ADOPTED/REJECTED

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 period ending 11/23/16

Invoices	\$689,498.35
Payroll #4	\$192,542.40
<hr/>	
Total	\$882,040.75

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>
\$689,498.35	\$192,542.40	\$882,040.75

Ayes:

Nays:

Absent:

Abstain:

Jane P. Wilson, City Clerk

Vendor		Description	Amount
ABSOPURE WATER COMPANY	86208206	BTL WATER/DEPOSITS	46.00
AMERICAN ELECTRIC POWER	043-149-774-1-6	BOOSTER STATION - NUBOUR	93.37
AMERICAN ELECTRIC POWER	049-501-336-1-3	CCWS - VANDALIA TOWER	21.89
AMERICAN ELECTRIC POWER	044-619-354-0-7	M-62 W LIFT STATION	70.57
AMERICAN ELECTRIC POWER	040-050-210-0-3	VINEYARD PLACE LIFT STATION	37.51
BILL GRANT	11/16/16	OCTOBER JANITORIAL	204.00
CINTAS LOCATION #336	5006628704	WWTP - FIRST AID CABINET	104.99
CINTAS LOCATION #336	5006628705	DPS/MECHANIC - FIRST AID CABINET	81.36
CINTAS LOCATION #336	5006628706	CITY HALL - FIRST AID CABINET	90.22
CLARK, RACHEL	11/22/2016	UB refund for account: 11-1700-32	101.11
COMCAST	8771402380021236	INTERNET SERVICE - CITY HALL	134.60
COMCAST	8771402380154656	INTERNET SERVICE - CCDET	129.85
COMCAST	8771402380126332	INTERNET SERVICE - FIRE STATION	94.40
COMMERCIAL WELDING, INC	97696	TUBE EXTENSION - 2 MAN LEAF VAC	58.75
CREATIVE VINYL SIGNS, INC.	32995	MUSEUM - ENTRANCE/EXIT SIGNS	483.62
CREATIVE VINYL SIGNS, INC.	33045	CORRIDOR IMPROVEMENTS PROJECT	5,885.00
DAVIS, DAVID	287243883201	TX REIMBURSEMENT 9/18 -10/17/16	45.00
DOUBLEDAY OFFICE PRODUCTS, INC	09021	OFFICE SUPPLIES - PD	48.28
DOWSETT CHIROPRACTIC	11/22/16	REMAINING FACADE INCENTIVE	1,000.00
DUST BUSTERS	11/21/16	CLEANING SERVICES 12/16	1,625.00
FED EX	5-613-33440	POSTAGE	21.70
FESTER, JONI	11/22/2016	UB refund for account: 06-1515-7	43.81
FIA CARD SERVICES	3969	ECON DEV MEETING	39.65
FIA CARD SERVICES	10/14/16	ANNUAL BULK EMAIL SERVICES	168.00
FIA CARD SERVICES	00243198859965824	TABLET TOUCH PEN	37.99
FIA CARD SERVICES	2310327	WORKSHOP	200.00
FIA CARD SERVICES	BBY01-	CORDLESS MOUSE	65.70
FIA CARD SERVICES	11396526142907453	PHONE CASE - GRINNEWALD	50.40
FIA CARD SERVICES	65603	PART FOR IMPACT WRENCH	42.95
FIA CARD SERVICES	100037012	VIDEO EQUIP - GROUNDS/CITY HALL	1,535.55
FIA CARD SERVICES	10/31/16	IPHONE BACKUP	0.99
FIA CARD SERVICES	10/27/16	IPHONE BACKUP	0.99
FIA CARD SERVICES	4432587008	FAX SERVICE - LIFT STATION ALARMS	24.99
FIA CARD SERVICES	100037347	VIDEO SWITCH AND CONTROLLERS	370.97
FIA CARD SERVICES	3614909019	FAX SERVICE - LIFT STATION REPORTS	24.99
FIREPROGRAMS SOFTWARE	7717	SUPPORT AND UPGRADE SERVICE (ONE YEAR)	655.00
FLEIS & VANDENBRINK ENGINEERING INC	10/29/16	WWTP - CONSTRUCTION ADMIN SVC 9/24 -	12,747.99
FRYMAN'S CONSTRUCTION, INC	4146	ROOFING REPAIRS TO PUMP WELL HOUSE	1,575.00
FRYMAN'S CONSTRUCTION, INC	4147	REPAIR TO AMBULANCE BLDG	175.00
GHD SERVICES INC	810501	2016 GROUNDWATER SAMPLING	10,344.00
GHD SERVICES INC	810500	RESIDENTIAL SAMPLING	289.00
GRAINGER, INC	9275118330	LIGHT BULBS	5.06
HAGGIN FORD & MERCURY INC	11513	OIL CHANGE - PD VEH #132	51.24
HALE'S HARDWARE, INC	D128551	#132LT SPACERS (ARM)	0.96
HALE'S HARDWARE, INC	D128069	BATTERIES - #10	9.98
HALE'S HARDWARE, INC	D127709	DEPOT - LED BULBS	23.76
HALE'S HARDWARE, INC	D127246	BANNER POLE - SCREWS	6.20
HALE'S HARDWARE, INC	C188611	DEPOT - BLDG MTCE	8.72
HARDING'S MARKET, INC	11/14/16	SUPPLIES - FD	27.96

Vendor		Description	Amount
HARTLINE, BOBBIE JO	11/21/16	REIMBURSEMENT - CITY COUNCIL PLANNING	31.52
HERITAGE CRYSTAL CLEAN, INC	14313799	MACHINE SERVICE/ENERGY SURCHARGE	160.76
IBEX INSURANCE AGENCY	11/22/16	DENTAL INSURANCE PREMIUM-DEC 2016	1,979.69
IBEX INSURANCE AGENCY	0042162432	HEALTH INSURANCE PREMIUM-DEC 2016	56,243.82
ICMA	846322	ICMA MEMBERSHIP RENEWAL	507.88
IT3 COMPUTER SOLUTIONS LLC	1088	EXHIBIT KIOSK PROGRAMMING	750.00
ITRON, INC	431339	QUARTERLY SOFTWARE/HARDWARE MAINT	990.07
IVEST REAL ESTATE GROUP	11/22/2016	UB refund for account: 10-0186-5	201.23
JUDD LUMBER COMPANY, INC	1611-702680	CABLE MOUNTING CLIPS	6.58
JUDD LUMBER COMPANY, INC	1611-702532	AIRPORT - CONDUIT PULLING STRING	14.98
KOTZ SANGSTER WYSOCKI PC	386685	LEGAL SERVICES THROUGH 10-31-16	5,546.16
KW CONSTRUCTION SERVICES, LLC	126568-34	OIL TESTING	1,696.60
LD DOCSA ASSOCIATES, INC	11553	PAY REQ #14 - WWTP IMP PROJECTS	104,213.11
MADISON NATIONAL LIFE INS CO, INC	1232242	LIFE INSURANCE - DEC 2016	934.70
MARTINEZ, KAREN & REYNA, ERIC	11/22/2016	UB refund for account: 11-1589-21	57.14
MICHIGAN STATE FIREMEN'S ASSOC	11/1/16	ANNUAL MEMBERSHIP	75.00
MILLER JOHNSON	1610852	LEGAL SERVICES THROUGH 10/31/16	612.50
MOTO PERFECTED	1618	#132LT BUSHINGS (ARM)	90.00
MURRAY, TAREN	11/22/2016	UB refund for account: 08-2206-10	139.90
NEDDEAU, PATRICIA	11/22/2016	UB refund for account: 08-2457-2	113.33
NORTHERN CONSTRUCTION SVS CORP	11/22/16	DIVISION ST CORRIDOR PROJECT DRAW #4	431,848.12
O'REILY AUTO PARTS	4979-129399	HUB ASSEMBLY (FD #2-80)	213.91
PETTY CASH	11/21/16	PETTY CASH REIMBURSEMENT	16.88
PETTY CASH	11/22/16	PETTY CASH REIMBURSEMENT - POSTAGE	12.80
PETTY CASH	11/16/16	PETTY CASH REIMBURSEMENT	33.45
PNC BANK, N.A.	11/03/16	302 S FRONT LOAN	14,095.76
POWERNET GLOBAL COMMUNICATIONS	38056510	LONG DISTANCE SERVICE 10/12 - 11/12/16	16.00
PRECISION DATA PRODUCTS, INC.	I0000474580	HARD DRIVE ADAPTER	38.45
PRECISION DATA PRODUCTS, INC.	I0000474971	NETWORK PATCH CABLES	36.10
PREFERRED PRINTING, INC	30096	#10 WINDOW ENVELOPS	140.00
REBECCA GRABEMEYER	11/16/16	GFOA TRAINING	815.50
RENEWAL RENTALS	11/22/2016	UB refund for account: 13-2005-3	134.03
RICHARDSON, NADINE	11/22/2016	UB refund for account: 09-0223-7	22.90
ROHDY, BETTY L	11/22/2016	UB refund for account: 16-1849-13	134.21
SAWAYA, GEORGE	11/22/2016	UB refund for account: 14-0021-4	55.29
SCHERER, JOE DBA LONELY PI	11/21/16	12/16 MONTHLY PMT ACCT 7508450033	6,174.53
SCOTT SAYLOR	00209	MOW RUSSOM PARK	185.00
SEMCO ENERGY GAS COMPANY	0149077.500	GAS SVC 9/29 - 10/28/16	152.61
SEMCO ENERGY GAS COMPANY	0149089.500	GAS SVC 9/29 - 10/28/16	46.89
SEMCO ENERGY GAS COMPANY	0147944.500	GAS SVC 9/28 - 10/27/16	17.51
SEMCO ENERGY GAS COMPANY	0148809.501	GAS SVC 9/29 - 10/28/16	91.90
SEMCO ENERGY GAS COMPANY	0148902.500	GAS SVC 9/29 - 10/28/16	123.08
SEMCO ENERGY GAS COMPANY	0146763.501	GAS SVC 9/28 - 10/27/16	60.52
SEMCO ENERGY GAS COMPANY	0149080.500	GAS SVC 9/29 - 10/28/16	51.79
SEMCO ENERGY GAS COMPANY	0149138.502	GAS SVC 9/29 - 10/28/16	35.46
SINK, AMANDA S	11/22/2016	UB refund for account: 05-0153-8	122.29
SKURSKI, MAUREEN TRUST (ROGER)	11/22/2016	UB refund for account: 04-4340-00	139.72
SPECIALTY SYSTEMS OF SOUTH BEND INC	013504	ASBESTOS REMOVAL FOR 203 CHESTNUT ST	4,550.00
STAPLES BUSINESS ADVANTAGE	8041717175	OFFICE SUPPLIES/JANITORIAL	1,427.27

Vendor		Description	Amount
STAPLES BUSINESS ADVANTAGE	8041811293	OFFICE/OPERATING SUPPLIES	55.83
TERMINIX	359822309	PEST CONTROL - CH	125.00
THE RIDGE COMPANY	695229	#132LT FUEL PUMP	45.86
THE RIDGE COMPANY	695272	#132LT FUEL FILTER	6.82
THE RIDGE COMPANY	695265	#132LT COUPLING	4.84
THE RIDGE COMPANY	693558	#104 FLASHER	15.51
THE RIDGE COMPANY	695227	#132LT FUEL FILTER	6.03
THE RIDGE COMPANY	695776	#104 WIPER BLADES	35.98
THE RIDGE COMPANY	695471	#132LT SWITCH	35.61
THE RIDGE COMPANY	694672	OIL FILTER AND DRAIN PAN (B1)	7.20
THE RIDGE COMPANY	695784	LAWN TRACTOR BATTERY/CORE DEPOSIT -	57.19
THE RIDGE COMPANY	694001	CABLE TIES - CHRISTMAS DECORATIONS	22.77
TOXOPEUS, DAVID	287248782175	CELL PHONE REIMBURSEMENT 10/6 - 11/5/16	60.00
UNIVERSAL URETHANE PRODUCTS, INC	IN148021	SNOW BLADES FOR TRACKLESS V PLOW	519.17
USA BLUEBOOK	104677	PIPETS/FLASKS/BOTTLE BRUSHES	119.36
VAN BUREN/CASS CO HEALTH DEPT	11/11/16	2016 EMPLOYEE FLU SHOTS	704.00
VANDERVRIES, EDWARD	11/21/16	ASSESSING SERVICES 12/16	1,650.00
VELTHOUSE, DUSTY L	11/22/2016	UB refund for account: 14-1501-19	187.75
WAGeworks	125AI0497509	ADMIN/COMPLIANCE FEE	115.00
WAYNE TOWNSHIP	11/15/16	2016 PAYMENT ON WAYNE WATER PROJECT	10,048.59
WHITE, CARRIE M	11/22/2016	UB refund for account: 02-3030-7	227.23
WIGGINS, DANIEL	11/16/16	MILEAGE - COURT	8.64
WIGHTMAN & ASSOCIATES, INC	54161	2015 GENERAL CONSULTING SERVICES	555.75
WILSON, JANE P.	11/15/16	ELECTION TRIPS & MEALS	137.96
WILTSE FENCING & KENNELS, INC	11/02/16	REPAIR FENCE - 301 E WAYNE ST	194.00
WYOMING ASPHALT PAVING CO., INC.	1766	ASPHALT	358.11
YEAGER, CYNTHIA	11/22/2016	UB refund for account: 04-0864-9	86.19
ZBATTERY.COM, INC	I170879	BATTERIES	46.95
Total:			689,498.35