

## REGULAR MEETING OF THE DOWAGIAC CITY COUNCIL

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

Monday, March 9, 7:00 p.m.

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### 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 – February 20, 2015
- APPOINTMENTS –
1. City Clerk – Council will consider the appointment of Jane Phillipson Wilson to fill this vacancy.  
Swearing in of the City Clerk
  2. Planning Commission –  
Appoint Barb Bobik for a term expiring November 2017  
Appoint Robert Frontczak for a term expiring November 2017
- PROCLAMATION –
1. Dowagiac United
- QUESTIONS FROM CITY COUNCIL –
- COMMENTS FROM THE AUDIENCE (NON-AGENDA) –
- COMMENTS FROM THE AUDIENCE (AGENDA) –
- COMMUNICATIONS –
1. Easter Eggstravaganza, March 28, 2015, 10:30 a.m. to 12:30 p.m.
- RESOLUTIONS –
1. Resolution for Special Event State Liquor License for Dogwood Fine Arts Festival.

2. Resolution authorizing the West Division Street Lighting Project that will replace 42 decorative street lights.
3. Resolution authorizing the City Manager to submit a Right-of-Way Application to the Bureau of Indian Affairs for water lines in the Pokagonnek Edawat community.
4. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due: (Roll Call)

BILLS	PAYROLL	TOTAL
\$176,068.43	\$109,553.12	\$285,621.55

CITY MANAGER REPORT ON QUESTIONS FROM COUNCIL FROM PREVIOUS MEETINGS –

COMMENTS FROM CITY OFFICIALS –

RESOLUTIONS continued—

5. Resolution to go into closed session pursuant to the Michigan Open Meetings Law, Public Act 267 of the Public Acts of 1976 as amended, for the purpose of discussing litigation. (Roll Call)

ADJOURNMENT –

Kevin P. Anderson  
City Manager

Attachments

## DOWAGIAC CITY COUNCIL MEETING

Monday, February 23, 2015

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 and Danielle E. Lucas.

ABSENT: Mayor Donald D. Lyons, Councilmembers Bob B. Schuur and Lori A. Hunt

STAFF: Kevin P. Anderson, City Manager; Rozanne H. Scherr, Assistant City Manager.

Councilmember Burling moved and Councilmember Dodd seconded that the minutes of the February 9, 2015 regular meeting be approved.

Approved unanimously.

### PUBLIC HEARING

1. A public hearing was held to receive input regarding a proposed application for funding through the Michigan State Housing Development Authority's Resource Fund for the development of apartments in the downtown.

City Manager Anderson gave a brief synopsis of MSHDA's Downtown Rental Rehab Program and introduced Marilyn Smith, housing consultant for the City.

Mayor Pro-Tem Laylin opened a public hearing at 7:01 p.m. for public comment.

Discussion included current occupancy of downtown apartments and clarification that program is limited to downtowns specifically.

Mayor Pro-Tem Laylin closed the public hearing at 7:05 p.m.

### APPOINTMENTS

1. Local Officers Compensation Commission – Recommended by Mayr, offered by Mayor Pro-Tem: Re-appoint Diane Barrett-Curtis for a term expiring May 2019.

Councilmember Dodd moved and Councilmember Burling seconded the appointment.

APPROVED unanimously.

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RESOLUTIONS

1. Resolution to authorize the preparation of the application for funding through the Michigan State Housing Development Authority's Housing Resource Fund.

**RESOLUTION  
DRR (Downtown Rental Rehabilitation)  
HOUSING RESOURCE FUND**

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

**WHEREAS:** the City of Dowagiac is interested in continuing its efforts to provide affordable rental housing opportunities for its low-to-moderate income residents; and

**WHEREAS:** the City of Dowagiac Council Members recommend that the City of Dowagiac support applications for DRR funds for rehabilitation of downtown commercial and rental buildings to promote the viability of the downtown district; and

**WHEREAS:** the City of Dowagiac Council Members are requesting the application not to exceed \$500,000;

**THEREFORE BE IT RESOLVED** that the City of Dowagiac Council Members authorize preparation of the application for funding through the Michigan State Housing Development Authority's Housing Resource Fund for funds not to exceed \$500,000.

ADOPTED unanimously.

2. Resolution to authorize the Michigan Department of Transportation recommended ADA Complaint Policy for DART.

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

**WHEREAS,** through the Michigan Department of Transportation, the City of Dowagiac receives financial assistance from the Federal Transit Administration for the operation of its Dial-A-Ride Transportation System; and

**WHEREAS,** under Federal Transit Administration guidelines all Federal financial recipients are required to comply with requirements in Title II and III of the American Disability Act of 1990; and

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**WHEREAS**, the American Disability Act of 1990 prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance; and

**WHEREAS**, the City of Dowagiac has written an ADA Complaint Policy that complies with provisions of the Federal Transit Administration regulations; and

**WHEREAS**, the Michigan Department of Transportation has reviewed the ADA Complaint Policy, determined it includes the required elements and needs to be adopted by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby accept the recommendation of the Michigan Department of Transportation to approve and adopt the ADA Complaint Policy as attached hereto.

ADOPTED unanimously.

3. Resolution to authorize the Local Officer's Compensation Commission recommendation regarding the compensation for the currently vacant position of City Clerk.

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

**WHEREAS**, the Local Officers' Compensation Commission (LOCC) of the City of Dowagiac, at its meeting on February 18, 2015 approved a salary and adjustment to the compensation for the vacant position of City Clerk; and

**WHEREAS**, it is the recommendation of the LOCC that the salary range for the vacant position of City Clerk be established consistent with pay grade 7 of the City of Dowagiac Non-Union Classification & Compensation System, and;

**WHEREAS**, it is the recommendation of the LOCC that the City Clerk be compensated at a rate of \$740.39 per bi-weekly pay period, and a meeting stipend of \$25, to a maximum of thirty (30) meetings annually, for city governing body meetings where attendance is required for the purpose of producing minutes; and;

**WHEREAS**, it is the determination of the City Council that it is appropriate to adjust the salary range and make salary adjustments as recommended by the LOCC.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by affirmative vote of its City Council, does hereby approve the recommended salary compensation of the City Clerk, in conjunction with the requirements established by the Local Officers' Compensation Commission as approved on February 19, 2015. In accordance with said recommendation, the City Clerk will be compensated at a rate of \$740.39 per

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bi-weekly pay period, and a meeting stipend of \$25, to a maximum of thirty (30) meetings annually, for city governing body meetings where attendance is required for the purpose of producing minutes.

ADOPTED unanimously.

4. Resolution to authorize a contract with the Michigan Department of Transportation for airport terminal design study under the Block Grant Program.

Councilmember Burling offered and moved the adoption of the following Resolution, which was seconded by Councilmember Lucas.

WHEREAS, City Council it is cost effective to replace the existing terminal building at the airport; and

WHEREAS, federal and state funds are available to the City of Dowagiac for the purpose of Airport and Airway improvements,

WHEREAS, the City's application has been approved for a Michigan Department of Transportation contractor and Federal/State/Local Airport Project Block Grant through the Michigan Department of Transportation (MDOT).

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, hereby approves the agreement under the direction of the Michigan Department of Transportation; and,

BE IT FURTHER RESOLVED that the City Council directs the City Manager to be authorized as the signatory for execution of the same.

ADOPTED unanimously.

5. Resolution to purchase, acquire and construct improvement to the sanitary sewer system and to publish Notice of Intent to Issue Revenue Bonds.

Minutes of a regular meeting of the City Council of the City of Dowagiac, Cass County, Michigan, held at the City Hall, 241 S. Front Street, Dowagiac, Michigan on February 23, 2015, at 7:00 p.m., local time.

PRESENT: Council Members Laylin, Burling, Dodd, Lucas

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ABSENT: Council Members Hunt, Schuur

Council Member Dodd and supported by Council Member Burling moved the adoption of the following resolution.

WHEREAS, the City Council deems it to be in the best interests of the City of Dowagiac (the "City") to design, purchase, acquire and construct certain improvements to the City's Sanitary Sewer System, including, but not limited to improvements to the wastewater treatment plant and related facilities and appurtenances, as well as all work necessary or incidental to these improvements (the "Improvements"), and to finance the Improvements by the issuance of bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"); and

WHEREAS, pursuant to Section 33 of Act 94, it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements; and

WHEREAS, the City may proceed with the Improvements prior to the issuance of the bonds; and

WHEREAS, the City may incur substantial capital expenditures for the Improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the proceeds of the bonds.

NOW, THEREFORE, BE IT RESOLVED that:

The City Council determines to design, purchase, acquire, and construct the Improvements and to pay the cost through the issuance of one or more series of revenue bonds pursuant to Act 94 for the Improvements in an amount not to exceed \$2,500,000 (the "Bonds").

A Notice of Intent to issue the Bonds be published in accordance with Section 33 of Act 94, and the City Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in the *Dowagiac Daily News*, a newspaper of general circulation in the City, determined to be the newspaper reaching the largest number of persons to whom such Notice is directed, which Notice shall be substantially in the form on the attached Exhibit A, with such changes as may be approved by the City Clerk.

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The City may proceed to acquire and construct the Improvements using available funds of the City from the Sewer Fund, which is a fund for the Sanitary Sewer System of the City, and other funds of the City.

At such time as the City issues the Bonds for the long-term financing of the Improvements, the City shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Bonds.

The maximum amount of capital expenditures for which the City will seek reimbursement is \$500,000.

This resolution and the expression of intent to seek reimbursement from future proceeds of the Bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the City to prepare the documents for the issuance of the Bonds for financing acquisition of the Improvements.

The firm of Robert W. Baird & Co. is hereby employed as financial advisor to the City for the issuance of the Bonds.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

YEAS: Council Members Four (4) Laylin, Burling, Dodd, Lucas

NAYS: Council Members None (0)

ABSTAIN: Council Members None (0)

RESOLUTION DECLARED ADOPTED.

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NOTICE OF INTENT TO ISSUE WATER SUPPLY AND SEWAGE DISPOSAL  
SYSTEM REVENUE BONDS TO THE ELECTORS OF THE CITY OF DOWAGIAC

PLEASE TAKE NOTICE that the City Council of the City of Dowagiac (the "City") intends to issue bonds, in one or more series, in an amount of not to exceed \$2,500,000 (the "Bonds").

The Bonds shall be issued to pay the cost to design, purchase, acquire and construct improvements to the City's Water Supply and Sewage Disposal System, including, but not limited to improvements to the wastewater treatment plant and related facilities and appurtenances, as well as all work necessary or incidental to these improvements, and to pay the costs of issuing the Bonds and capitalized interest, if any.

The Bonds of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law payable over not more than forty (40) years from the date of issuance of the Bonds. The Bonds shall be issued pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94").

**SOURCE OF PAYMENT**

The principal of and interest on the Bonds shall be payable from the net revenues derived from the operation of the Water Supply and Sewage Disposal System. In addition, the Bonds may be secured by the full faith and credit of the City as limited by applicable charter, constitutional, and statutory limitations on the taxing power of the City.

**RIGHT OF REFERENDUM**

The Bonds will be issued without a vote of the electors approving such Bonds, unless, within 45 days from the date of publication of this Notice of Intent, a petition, signed by not less than 10% of the registered electors residing within the limits of the City shall have been filed with the City Clerk or other recording officer of the City requesting a referendum upon the question of the issuance of the Bonds. If such a petition is filed, the Bonds shall not be issued until approved by the vote of a majority of the electors residing within the City qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 33 of Act 94.

Robin Coffey, Treasurer/Deputy Clerk

6. Resolution for Charitable Gaming License requested by the Dogwood Fine Arts Festival.

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**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
(Required by MCL 432.103(K)(II))

At a Regular meeting of the Dowagiac City Council  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Pro-Tem Leon Laylin on 2-23-15  
DATE

at 7:00 a.m./p.m. the following resolution was offered:  
TIME

Moved by Councilmember Lucas and supported by Councilmember Dodd

that the request from Dogwood Fine Arts Festival of Dowagiac,  
NAME OF ORGANIZATION CITY

county of Cass, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.  
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	<u>Four (4)</u>	Yeas:	<u>N/A</u>
Nays:	<u>None (0)</u>	Nays:	<u>N/A</u>
Absent:	<u>Two (2)</u>	Absent:	<u>N/A</u>

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City of Dowagiac at a regular meeting held on 2-23-15  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

Rozanne H. Scherr, Assistant City Manager  
PRINTED NAME AND TITLE

241 South Front Street, Dowagiac, Michigan 49047  
ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.  
BSL-CG-1153(R8/09)

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7. Resolution for Charitable Gaming License requested by the Dogwood Fine Arts Festival.



LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES (Required by MCL 432.103(K)(II))

At a Regular meeting of the Dowagiac City Council

called to order by Mayor Pro-Tem Leon Laylin on 2-23-15

at 7:00 a.m./p.m. the following resolution was offered:

Moved by Councilmember Lucas and supported by Councilmember Dodd

that the request from Positively Dance of Dowagiac

county of Cass, asking that they be recognized as a

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.

Table with 2 columns: APPROVAL and DISAPPROVAL. Rows: Yeas, Nays, Absent. Values: Four (4), None (0), Two (2) for approval; N/A for disapproval.

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City of Dowagiac at a regular meeting held on 2-23-15

SIGNED: [Signature Line]

Rozanne H. Scherr, Assistant City Manager

241 South Front Street, Dowagiac, Michigan 49047

COMPLETION: Required. PENALTY: Possible denial of application. BSL-CG-1153(R6/09)

DOWAGIAC CITY COUNCIL MEETING

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

Councilmember Burling 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 and payroll #11 for the period ending 2/19/15:

Invoices	\$717,232.62
Payroll #11	<u>\$186,817.99</u>
Total	\$904,050.61

**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>
\$717,232.62	\$186,817.99	\$904,050.61

ADOPTED on a roll call vote.

Ayes: Four (4) Burling, Dodd, Laylin, Lucas

Nays: None (0)

Absent: Two (2) Schuur, Hunt

Abstain: None (0)

COMMENTS FROM CITY OFFICIALS

ADJOURNMENT

Upon motion by Councilmember Dodd and seconded by Councilmember Laylin, the Dowagiac City Council adjourned at 7:27 PM.

\_\_\_\_\_  
Leon D. Laylin, Mayor Pro-Tem

\_\_\_\_\_  
Rozaanne H. Scherr, Assistant City Manager

***CITY OF DOWAGIAC***

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***MEMO TO:*** Mayor Lyons and City Council Members

***FROM:*** Kevin P. Anderson, City Manager

***DATE:*** March 9, 2015

***SUBJECT:*** Appointment to fill City Clerk Vacancy

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The City Clerk position has been vacant since the retirement of James E. Snow on February 13, 2015. City Charter requires that the position be filled within 30 days of a vacancy or a special election must be held.

An Ad-Hoc Committee was formed to seek and interview applicants for the position. Advertisements and articles appeared in the *Dowagiac Daily News* and the city's website. Also, multiple announcements of the vacancy and application process were made on the city's Facebook page.

Three people submitted applications. One resided outside of the city limits so the application could not be considered for this elected position. One applicant formally withdrew his application. The remaining applicant, Jane Phillipson Wilson, meets the criteria necessary to hold the elected office of City Clerk and she was interviewed by the Ad-Hoc Committee on March 4, 2015.

Support Documents:  
Cover Memo-City Mgr.  
Application

# CITY OF DOWAGIAC

## CITY CLERK APPLICATION

Your willingness and interest to serve the City of Dowagiac is greatly appreciated. The purpose of this application form is to provide the Mayor, City Council and City Administration with basic reference information.

Name Jane Phillipson Wilson  
(First) (Middle) (Last)

Address 203 Main Street  
(Street)

Home Telephone \_\_\_\_\_ Cell # 269-240-6883

Resident of Dowagiac for 5 years (minimum of twelve (12) consecutive months residency is required)

Registered and qualified to vote at the address listed above:  Yes No

Citizen of the United States (must be a US citizen to seek office):  Yes No

To the best of your knowledge: Are you eligible to serve in an elected position? Yes Are you able to attend meetings regularly? Yes Are you currently in default to the City? No

Duties of the City Clerk are prescribed by City Charter and are attached to this application. Are you willing and able to meet the expectations of this elected position?  Yes No

What community activities are you currently (or in the past) involved with? Please see attached letter.

Please indicate any information such as professional qualifications and/or work experience, which you would like to present for consideration: Please see attached letter.

Please state your reason for desire to serve as City Clerk: Please see attached letter.

If appointed, are you willing to run for this office at the expiration of the appointed term?  Yes No

The information I have provided is true; and if I am subject to the campaign finance disclosure requirements provided under Michigan's Campaign Finance Act, PA 388 of 1976, all statements, reports, late filing fees and fines required of me or any Candidate Committee organized to support my appointment to office and registered under the Act will be filed or paid in accordance with the Act. (This filing information is available at the Cass County Clerk's Office)

SIGNATURE OF APPLICANT Jane Phillipson Wilson

JANE PHILLIPSON WILSON  
203 MAIN STREET  
DOWAGIAC, MICHIGAN 49047  
(269) 240-6883  
JANEPHILLIPSONWILSON@GMAIL.COM

February 25, 2015

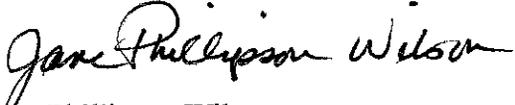
This is submitted in support of my application to complete the remaining term of James E. Snow, Dowagiac City Clerk.

I am the best candidate for City Clerk because I am committed to the City of Dowagiac and its residents. I am a proud graduate of Dowagiac Union High, Michigan State University and the University of Michigan Law School. As an attorney, I understand the position's duties and responsibilities, which include, at minimum, accuracy, accountability, competence, honesty, integrity and reliability. As someone committed to my community, I would bring more to the office than my professional skills.

In 2009, after practicing and teaching law in Ohio for many years, I came home to Dowagiac. Since then, I have served as a mediator for the Cass County Courts, as an adjunct professor at Southwestern Michigan College, and as a substitute teacher for Dowagiac's schools and the Lewis Cass Intermediate School District. A month ago, I purchased the historic home at the corner of Main Street and Pennsylvania Avenue.

It is an honor and a privilege to be a candidate for this position. I look forward to the opportunity to provide additional information that will be helpful in the selection process.

Sincerely,

  
Jane Phillipson Wilson

# **DOWAGIAC CITY CHARTER**

## **(EXCERPT)**

### **DUTIES OF THE CITY 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.

#### **ADDITIONAL CONDITIONS**

- 12 – 15 hours per week with additional hours required during elections
- Hourly rate of pay and maximum annual pay to be recommended by LOCC and adopted by Council

## MEMO

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TO: Mayor Lyons and City Council Members

FROM: Kevin P. Anderson, City Manager

DATE: March 9, 2015

RE: Planning Commission Appointments

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Mayoral appointments are on Monday's agenda for your consideration. The proposed appointments are as follows:

Planning Commission – Robert Frontczak for a three year term expiring November 2017  
Barb Bobik for a three year term expiring November 2017

Please feel free to contact me if you have any questions regarding this matter.



## OFFICIAL PROCLAMATION

WHEREAS, the Dowagiac School's Chieftain Heart Club and Front Row Crew began with a small group of students with one big idea; and

WHEREAS, that one big idea, of school spirit, has grown to include more than just school students; and

WHEREAS, much like tossing a pebble into the water, the ripples of the Club have drawn-in students across the school system. Teachers, administrators, area businesses, local government and the community as a whole have united; and

WHEREAS, the heartbeat of school spirit, community pride and ownership are palpable.

WHEREAS, the Chieftain Heart Club, Dowagiac United, and the students of Dowagiac Schools present the very best in sportsmanship, teamwork, creativity, unity and pride; and

NOW, THEREFORE BE IT PROCLAIMED; that I, Donald D. Lyons, Mayor of the City of Dowagiac, tender this Proclamation to Dowagiac Schools and urge all citizens to join me in this sincere expression of admiration and congratulations for receiving the "2015 Battle of the Fans Champion" awarded by the Michigan High school Athletic Association.

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Donald D. Lyons, Mayor  
Done at the City complex this 9<sup>th</sup> day of March, 2015



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# Chamber of Commerce & DDA

Tour The Grand Old City at [www.dowagiacchamber.com](http://www.dowagiacchamber.com)

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*"Visit Dowagiac often. There are so many memorable ways to fill a day, a week or a lifetime."*

March 3, 2015

Mayor Don Lyons and City Council  
Dowagiac City Hall  
241 S. Front Street  
Dowagiac MI 49047

Dear Mayor Lyons and Council:

On behalf of the Greater Dowagiac Chamber of Commerce and Jessica Kehrer, chairman of our Easter Eggstravaganza, we are seeking permission to utilize the Beckwith Park, Haggin-Wimberley Memorial Bandstand and the Depot Drive lawn way for the springtime celebration that will be held Saturday, March 28. In case of inclement weather, the event will be moved to the following Saturday.

This year's celebration, which is co-hosted by the Chamber of Commerce and the Dowagiac Department of Public Safety, is underwritten by these corporate and in-kind sponsors: Eckman Chiropractic Clinic, Honor Credit Union, JAC Custom Pouches, Judd Lumber Co. & Rental, Kappa Beta Sorority, McDonald's Restaurant and Who Knew? Consignment.

Activities will run from approximately 10:30 a.m. to 12:30 p.m. and will include the Easter egg hunt at noon, Judd Lumber's bounce house, cookie decorating, face painting, pictures with the Easter bunny and the "Be a Bunny" Costume Contest. For your convenience, a brochure is attached.

Prior to the event, we would like to place an event & corporate sponsorship banner downtown. The day of the celebration, for safety reasons, we would like to temporarily close Beeson Street and will need barricades to do so.

Should you have any questions, feel free to contact me at 782-8212. Thank you, in advance, for your consideration.

Sincerely,

  
Vickie Phillipson, Program Director  
Greater Dowagiac Chamber of Commerce  
and Downtown Development Authority

Located in the Historic Dowagiac Train Depot      200 Depot Drive, Dowagiac, MI 49047  
269.782.8212

**EVENTS APPROVAL FORM**

Event: Easter Eggstravaganza  
Date: Saturday, March 28, 2015 rain date April 4, 2015  
Sponsoring Organization: Dowagiac Chamber of Commerce & DDA  
Contact Person(s): Vickie Phillipson  
Contact Person's Telephone: 269.782.8212

**CITY MANAGER:**

Final Approval  Denial

Comments: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Department Heads:**

Please review the attached event/activity request; indicate conditional approval, approval or denial; and provide comments regarding possible concerns. All comments will be taken under consideration and final approval remains with the City Manager.

**DEPARTMENT OF PUBLIC SAFETY:**

Approval  Approval with conditions  Denial

Comments: \_\_\_\_\_

Signature Steve L. Smith Date 3/4/15

**DEPARTMENT OF PUBLIC SERVICES:**

Approval  Approval with conditions  Denial

Comments: \_\_\_\_\_

Signature James Budpe Date 3-4-15

**FINANCE DEPARTMENT:**

Approval       Approval with conditions       Denial

Comments: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**DOWNTOWN DEVELOPMENT AUTHORITY:**

Approval       Approval with conditions       Denial

Comments: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

# EASTER

## Eggstravaganza

Saturday, March 28  
at Beckwith Park  
Downtown Dowagiac

Rain date  
Saturday, April 4



Visit with the Easter Bunny  
at Beckwith Park at 10:30 am

Parents bring your cameras!  
FREE bunny "bag" skets to store your eggs  
& prizes also presented!

Enjoy face painting, cookie decorating  
and Judd Lumber's bounce house.

"Be a Bunny" Costume Contest, 11:45 am

Prizes for best overall, most colorful and most original

**Easter Egg Hunt, Noon**

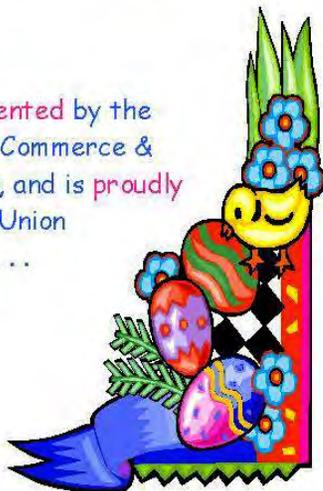
For youngsters ages 2-10  
2-5 Gazebo 6-10 Back lawn

**And Meet ...** Miss Dowagiac &  
Her Court, and costumed  
Characters!



Easter Eggstravaganza is presented by the  
Greater Dowagiac Chamber of Commerce &  
Department of Public Services, and is proudly  
underwritten by Honor Credit Union  
and these corporate sponsors ...

- Eckman Chiropractic Clinic
- JAC Custom Pouches Inc.
- Judd Lumber Co. & Rental
- Kappa Beta Sorority
- McDonald's Restaurant
- Who Knew? Consignment



# EASTER

## Eggstravaganza

Saturday, March 28  
at Beckwith Park  
Downtown Dowagiac

Rain date  
Saturday, April 4



Visit with the Easter Bunny  
at Beckwith Park at 10:30 am

Parents bring your cameras!  
FREE bunny "bag" skets to store your eggs  
& prizes also presented!

Enjoy face painting, cookie decorating  
and Judd Lumber's bounce house.

"Be a Bunny" Costume Contest, 11:45 am

Prizes for best overall, most colorful and most original

**Easter Egg Hunt, Noon**

For youngsters ages 2-10  
2-5 Gazebo 6-10 Back lawn

**And Meet ...** Miss Dowagiac &  
Her Court, and costumed  
Characters!



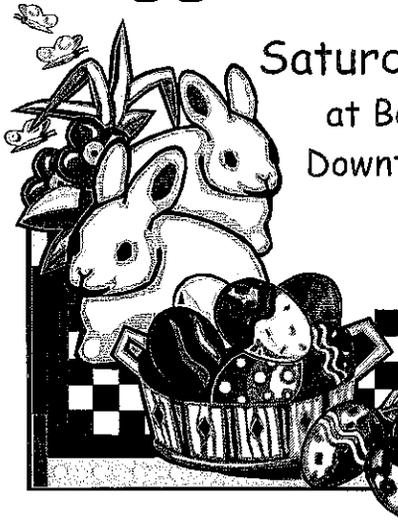
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Greater Dowagiac Chamber of Commerce &  
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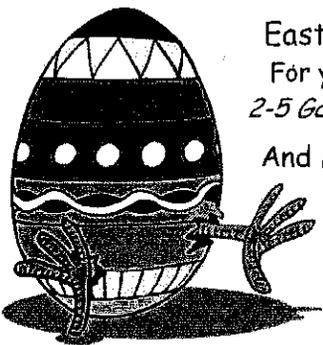
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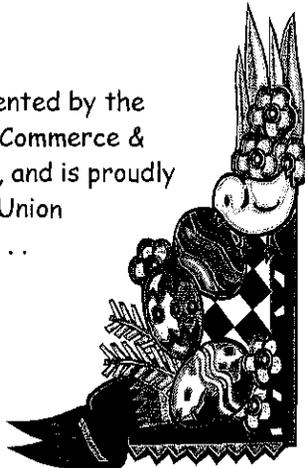


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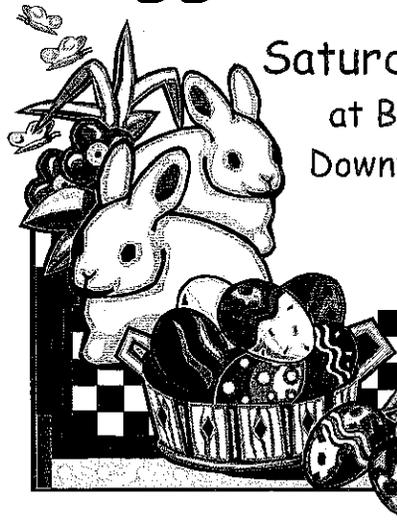
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# EASTER

## Eggstravaganza



Saturday, March 28

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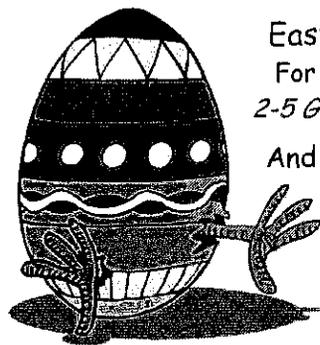
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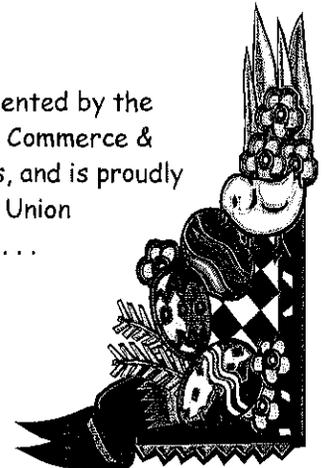


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---

# Chamber of Commerce & DDA

Tour The Grand Old City at [www.dowagiachamber.com](http://www.dowagiachamber.com)

---

*"Visit Dowagiac often. There are so many memorable ways to fill a day, a week or a lifetime."*

March 3, 2015

Mayor Don Lyons and City Council  
Dowagiac City Hall  
241 S. Front Street  
Dowagiac MI 49047

Dear Mayor Lyons and Council:

On behalf of the Greater Dowagiac Chamber of Commerce and Jessica Kehrer, chairman of our Easter Eggstravaganza, we are seeking permission to utilize the Beckwith Park, Haggin-Wimberley Memorial Bandstand and the Depot Drive lawn way for the springtime celebration that will be held Saturday, March 28. In case of inclement weather, the event will be moved to the following Saturday.

This year's celebration, which is co-hosted by the Chamber of Commerce and the Dowagiac Department of Public Safety, is underwritten by these corporate and in-kind sponsors: Eckman Chiropractic Clinic, Honor Credit Union, JAC Custom Pouches, Judd Lumber Co. & Rental, Kappa Beta Sorority, McDonald's Restaurant and Who Knew? Consignment.

Activities will run from approximately 10:30 a.m. to 12:30 p.m. and will include the Easter egg hunt at noon, Judd Lumber's bounce house, cookie decorating, face painting, pictures with the Easter bunny and the "Be a Bunny" Costume Contest. For your convenience, a brochure is attached.

Prior to the event, we would like to place an event & corporate sponsorship banner downtown. The day of the celebration, for safety reasons, we would like to temporarily close Beeson Street and will need barricades to do so.

Should you have any questions, feel free to contact me at 782-8212. Thank you, in advance, for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Vickie".

Vickie Phillipson, Program Director  
Greater Dowagiac Chamber of Commerce  
and Downtown Development Authority

**CITY OF DOWAGIAC**

---

**MEMO TO:** Mayor Lyons and City Council Members

**FROM:** Kevin P. Anderson, City Manager

**DATE:** March 9, 2015

**SUBJECT:** Dogwood Fine Arts Festival  
Special event liquor license application

---

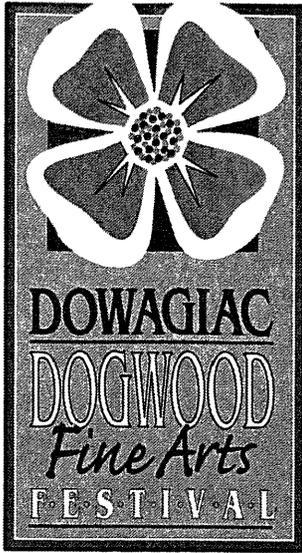
It is quite common for not-for-profit organizations to host events and activities that require a special, temporary license, as defined by the State of Michigan Liquor Control. The Dogwood Fine Arts Festival would like to host a wine tasting and vocal concert event as part of the grand opening of the festival on May 8, 2015. Before the Liquor Control can act it needs a resolution from a local governing body acknowledging the request.

**RECOMMENDATION**

Approve the resolution for a special, temporary liquor license for the Dogwood Fine Arts Festival.

Support Documents:

- Cover Memo-City Mgr.
- Resolution
- Request Letter



# Dowagiac Dogwood Fine Arts Festival, Inc.

February 24, 2015

Dowagiac City Council  
214 South Front Street  
Dowagiac, MI 49047

City Council Members:

## ADVISORY BOARD:

### Artists

Winifred Godfrey  
Richard Hunt  
Tuck Langland  
Jerry Catania

### Authors

Margaret Atwood  
Russell Banks  
Pat Conroy  
Tim O'Brien  
Jonathan Safran Foer

### Dance

Nan Giordano  
Joel Hall  
Idella Reed  
Sabatino Verlezza

### Music

Shirley Jones  
Johannes Linstead  
Charles Neville  
The Manhattan  
Rhythm Kings

### Storytellers

Carmen Agra Deedy  
Donald Davis  
Diane Ferlatte  
Bil Lepp  
Jim May  
Antonio Rocha

The Dowagiac Dogwood Fine Arts Festival respectfully requests a resolution for a special, temporary liquor license. The Festival will kick-off the 2015 season with a winetasting and vocal concert event, on May 8, at Southwestern Michigan College. This one night event will feature hors d'oeuvres, wine by area boutique wineries, and a concert featuring the Dogwood Chorale.

The Festival was introduced in 1991 and is a local 501(c)3 non-profit arts and education organization. Our mission is to provide quality fine art experiences for the people of Dowagiac and the surrounding area. The Festival hosts dance, music, theatre, literature, storytelling, visual arts and other creative arts and entertainment activities.

The festival is organized and operated by over 200 volunteers along with one part time employee. We hope this event and week-long festival will add to the fine arts and home town experience people receive in Dowagiac.

Thank you for the opportunity to appear before the Council. I will be available for any questions that the group may have.

Respectfully,

Jim Benedix, President

Dowagiac Dogwood Fine Arts Festival  
PO Box 526  
(located in Huntington Bank)  
Phone: 269-782-1115, Fax: 269-782-1065  
Toll Free: 866-490-2847  
E-Mail: [mail@dogwoodfinearts.org](mailto:mail@dogwoodfinearts.org)  
Website: [www.dogwoodfinearts.org](http://www.dogwoodfinearts.org)



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
 Mailing Address: PO Box 30005, Lansing, MI 48909  
 Toll Free (866) 813-0011 [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Certified Resolution of the Membership or Board of Directors Authorizing the Application for Special License  
 (Authorized by R436.576)

At a Regular meeting of the Dowagiac City Council  
(regular or special) (membership or board of directors)

called to order by Mayor Don Lyons on March 9, 2015 at 7:00 pm  
(date) (time)

the following resolution was offered.

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Dowagiac Dogwood Fine Arts Festival  
(name of organization)

for a special license to serve alcohol on Friday, May 8, 2015  
(event date(s))

to be located at Lyons Building, Southwestern Michigan College

It is the consensus of this body that the application be \_\_\_\_\_ for issuance.  
(recommended or not recommended)

Approval

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of a resolution offered and adopted by the \_\_\_\_\_

at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date)

Name and title of authorized officer (please print): \_\_\_\_\_

Signature and date of authorized officer: \_\_\_\_\_

Phone number and e-mail of authorized officer: \_\_\_\_\_

***CITY OF DOWAGIAC***

---

***MEMO TO:*** Mayor Lyons and City Council Members

***FROM:*** Kevin P. Anderson, City Manager

***DATE:*** March 9, 2015

***SUBJECT:*** West Division Street lighting

---

A resolution is on Monday's agenda to update and replace 42 decorative street light poles on West Division Street. The base of these light poles are deteriorating and need to be replaced in the near term.

The plan is to complete this project over three budget cycles beginning this summer. Fourteen lights will be replaced each year. Materials will cost \$39,620 per year and the installation will be done by the city's electric crew. The Electric Fund will be responsible for the cost of this project.

Attached is a memo from Jim Bradford, Public Services Director, further detailing the project.

**RECOMMENDATION**

Adopt the resolution to approve the replacement of 42 decorative street light poles on West Division Street over three budget years.

Support Documents:

- Cover Memo-City Mgr.
- Resolution
- Dept. Head Cover Memo
- Policy

INTER-DEPARTMENTAL COMMUNICATION

TO: Kevin P. Anderson  
City Manager

FROM: James D. Bradford   
Public Services Director

DATE: March 3, 2015

RE: West Division Street Lighting Project

---

As we discussed, we are planning on the replacement of 42 decorative street light poles on West Division Street, from Front Street to North Lowe Street. These replacements do not include the lights in Burke Park.

Attached for your review is a cost estimate from Robert C. Shaver Co., Inc. for lighting. The company has agreed to hold pricing if all lights are ordered, but we will only be charged on each delivery of 14. The cost for 14 lights is \$39,620.

I have tentatively planned on delivery of 14 lights once approval of the project is received. A second delivery of 14 will be scheduled for October 1, 2015, with the remaining 14 delivered the following year.

I also have attached for your review a photo of the style of light pole and fixture. We have proposed the same style of lights that we installed at the James E. Snow Professional Building. All lights will be single globes with LED fixtures.

It is planned that this project can be completed over a three-year period.

If after your review, should you have any questions, please let me know.

JDB:sw

Resolution #2  
March 9, 2015

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

WHEREAS, the City of Dowagiac Department of Public Services (DPS) Staff has  
determined that the street lights on West Division Street are in need of  
replacement, and;

WHEREAS, funds are available in the Electric Fund to replace the lights;

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative  
vote of its City Council, does hereby authorize the replacement of 42  
decorative street lights over the next three budget cycles.

ADOPTED/REJECTED

**ROBERT C. SHAVER CO., INC.**

GRAND RAPIDS, MICHIGAN  
PHONE: (616) 452-9613  
FAX: (616) 452-3827

PAGE: 1 OF 1

**\*\*\* JOB QUOTATION \*\*\***

**TO:** CITY OF DOWAGIAC  
**ATTN:** PAT HARDING

**JOB:** DECORATIVE STREET LIGHTING  
**DATE:** 2.25.2015

REPUBLIC CONDUIT

**QUOTE** JCD2252015/CS  
**WE ARE PLEASED TO QUOTE AS FOLLOWS**

LINE#	QTY	MANUFACTURER & CATALOG NO.	VOLT	UNIT PRICE	AMOUNT
LED	20	DOWAGIAC LIGHTING STANDARD			
		SINGLE ASSEMBLY / LED			
		DIRECT BURIAL STYLE POLES / DOWAGIAC GREEN			
		PRICE PER ASSEMBLY:.....		\$2,830.00	\$56,600.00
		TERMS: NET 30 DAYS - FREIGHT INCLUDED - QUOTE GOOD FOR 30 DAYS			
		LEAD TIME: 8 -10 WEEKS			

THANK YOU, CHRIS SHAVER



***CITY OF DOWAGIAC***

---

**MEMO TO: Mayor Lyons and City Council Members**

**FROM: Kevin P. Anderson, City Manager**

**DATE: March 9, 2015**

**SUBJECT: Bureau of Indian Affairs Right-of-Way Application**

---

A resolution is on Monday's agenda to allow the City Manager to submit a right of way application for water lines extending across Pokagon property at the Pokagonek Edawat community development project off Daily Road. The first phases of the water line extension is complete and construction of the next phase of the water project is expected to take place in the summer of 2015.

In order for this project to be completed an application for right of way must be submitted to the Bureau of Indian Affairs for approval. The attached application follows BIA guidelines and authorization to submit this application is necessary for the project to move forward.

**RECOMMENDATION**

Adopt the resolution that authorizes the City Manager to submit a right of way application to the Bureau of Indian Affairs.

Support Documents:  
Cover Memo-City Mgr.  
Resolution  
Application

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

WHEREAS, the City of Dowagiac has worked closely with the Pokagon Band to assure that quality and affordable drinking water and fire protection services are available at the Pokagon Edawat community on Daily Road, and;

WHEREAS, an application for Right-of-Way to the Bureau of Indian Affairs (BIA) is necessary for the next phase of the project to be completed;

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize the City Manager to be the signatory to the application for Right-of-Way, and;

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the application as necessary to meet the requirements of the BIA.

ADOPTED/REJECTED

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS

RIGHT OF WAY APPLICATION

LANDOWNER NAME: Pokagon Band of Potawatomi ALLOTMENT / TRACT NUMBER: Tract 480 T 17

ALLOTMENT / TRACT DESCRIPTION: Dailey Road Parcel

COMES NOW THE APPLICANT The City of Dowagiac of this 3 day of February, 2015, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and the Departmental Regulations 25 CFR 169, an application of a indefinite (term of years) right-of-way for the following purposes and reasons: Provide easement for the construction, maintenance, operation and replacement of a public water distribution system.

Across the following described restricted land (easement description):  
See attached Exhibit A for areas 3, 4, 5, & 6

Said right-of-way to be 3,870 feet in length, 20 feet in width, and 1.98 acres in size (or area), as shown on attached map of definite location, attached hereto, and made a part thereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the land by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
6. To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained or now operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is

subject to Secretary's approval.

10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

**THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:**

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the Code of Federal Regulations, Title 25 Indians, part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

DATE \_\_\_\_\_

APPLICANT \_\_\_\_\_  
The City of Dowagiac, Kevin Anderson, City Manager

**REQUIRED SUPPORTING DOCUMENTS**

1. ( ) ~~Written consent of the landowner (If Tribe, Tribal Resolution)~~
2. ( ) ~~Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).~~
3. ( ) Deposit of estimated damages or compensation files (See 169.4 and 169.14).
4. ( ) Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. ( ) For corporation or business, requirements by 25 CFR 169.4 and 169.5 (unless previously file);
  - ( ) a. State certified copy of corporate charter or articles of incorporation
  - ( ) b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Landowner's Consent to Grant Right-of-Way  
(For Applicant's Use)

LANDOWNER NAME:  Pokagon Band of Potawatomi  ALLOTMENT/TRACT NO:  Tract 480 T 17

LEGAL DESCRIPTION OF ALLOTMENT/TRACT:  Dailey Road Parcel

EASEMENT DESCRIPTION:  Please see attached Exhibit A, for Areas 3, 4, 5, & 6

Pokagon Band of Potawatomi  the undersigned, owner of said land, hereby gives permission to make  
(landowner name)

surveys and to the granting of  utility , and  indefinite   
(type of right of way) (term of right of way)

right of way thereover, as contemplated by the application of  The City of Dowagiac   
(applicant name)

on payment of a negotiated monetary consideration in the amount of \$   for the rights granted and severance damages or the appraised market value of the rights granted and severance damages as determined by the Secretary, whichever is greater. Describe the right-of-way to be granted, including structures and appurtenances to be erected, installed and maintained:

The project will be a construction of an 8" and 12" water main to provide water services for Ke'Kyajek Odanek and Nishnab'e Myewen lots.

Other terms and conditions:

Please see attached water main easement for an example.

\_\_\_\_\_  
Owner  
John T. Warren, Tribal Chairperson  
Pokagon Band of Potawatomi,

\_\_\_\_\_  
Date

Witnesses:

\_\_\_\_\_  
Faye Wesaw, Tribal Secretary

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

**APPLICATION FOR PERMISSION TO SURVEY FOR RIGHT-OF-WAY**

LANDOWNER NAME:  Pokagon Band of Potawatomi  ALLOTMENT/TRACT NO:  Tract 480 T 17

ALLOTMENT/TRACT DESCRIPTION:  Dailey Road Parcel

Applicant,  The City of Dowagiac , having a residence or principal place of business  
(applicant name)

at  241 S. Front Street P.O. Box 430  hereby files an application with the Bureau of Indian  
(applicant address)

Affairs, pursuant to the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323), and to the regulations of the Department of the Interior contained in Title 25, *Code of Federal Regulations*, Part 169, for permission to survey a right-of-way.

Purposes and Reasons:

The purpose of this permission to survey for right of way is to allow a crew to survey an area that will be used as right of way for a water main to provide water services for homes along Nishnab'e Myewen and Ke'kyajek Odanek.

Across the following described Indian Land (Include sketches, describe width, length & location):

Dailey Road Parcel; Tract number: Tract 480 T 17

The applicant understands and hereby expressly agrees to indemnify the United States, the owners of the land, and occupants of the land, against liability for loss of life, personal injury and property damage occurring because survey activities and caused by the applicant, his employees, contractors and their employees, or subcontractors and their employees.

Applicant  The City of Dowagiac, Kevin Anderson, City Manager  Date \_\_\_\_\_

Witness \_\_\_\_\_

Required Supporting Documents

1. ( ) Signed Consent of the Landowner to Accompany Application for Permission to Make Survey (ROW Form 94-2)
2. ( ) Evidence of Authority of Officers to execute Papers (ROW Form 94-4)
3. ( ) Evidence of Good Faith and Financial Responsibility
4. ( ) Double estimated damages (deposit – 25 CFR 169.4)
5. ( ) State certified corporate charter of articles of incorporation
6. ( ) Certified copy of resolution or by-laws of the corporation authorizing the filling of this application
7. ( ) State certification that the applicant is authorized to conduct business in the State of \_\_\_\_\_
8. ( ) Certified copy of the articles of partnership or association
9. ( ) Other attachments:

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

**CONSENT OF LANDOWNER TO ACCOMPANY APPLICATION  
FOR PERMISSION TO MAKE SURVEY ON TRUST AND RESTRICTED INDIAN LAND**

DATE: February 3, 2015

LANDOWNER NAME: Pokagon Band of Potawatomi ALLOTMENT/TRACT NO: Tract 480 T 17

ALLOTMENT/TRACT DESCRIPTION: Dailey Road Parcel

EASEMENT DESCRIPTION: Please see attached Exhibit A, for Areas 3, 4, 5, & 6

The undersigned owner of said land hereby consents to the **granting of permission to survey only**, as contemplated by the application submitted by The City of Dowagiac, Kevin Anderson. (It is understood that when the (applicant name) right-of-way location is definitely established that the applicant will submit a formal application for the right-of-way in accordance with current laws and regulations). This consent has been negotiated on the following terms and conditions:

Owner: Pokagon Band of Potawatomi, John T. Warren, Tribal Chairperson Date signed \_\_\_\_\_

Witnesses Faye Wesaw, Tribal Secretary

(Use reverse side of this sheet if additional space is needed for the owner's signature)

**ENGINEER'S AFFIDAVIT**

STATE OF Michigan \_\_\_\_\_ :

: ss.

COUNTY OF \_\_\_\_\_ :

John G. Kamer \_\_\_\_\_, being duly sworn, states that he is the Surveyor \_\_\_\_\_ ;  
that he is employed/was contracted by Pokagon Band of Potawatomi \_\_\_\_\_ ;  
that he made the survey of a proposed Public Road \_\_\_\_\_ right-of-way as described  
and shown on this map, to be granted to The City of Dowagiac \_\_\_\_\_ ,  
hereinafter designated the "applicant"; that the survey of such right-of-way was made  
under his supervision and under applicant's authority, commencing on the 01 day of  
JANUARY \_\_\_\_\_, 20\_\_\_\_\_, and ending on the 01 day of JANUARY \_\_\_\_\_,  
20\_\_\_\_\_; and that such survey is accurately represented on this map.

\_\_\_\_\_  
Engineer

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public:

My commission expires: \_\_\_\_\_, \_\_\_\_\_

**APPLICANT'S CERTIFICATE**

I, Kevin Anderson, do hereby certify that I am the City Manager  
(name of company official) (title)

for the City of Dowagiac hereinafter designated the Applicant; that  
(applicant name)

John G. Kamer, who subscribed to the foregoing affidavit, is employed by the applicant  
(name of company official)

as a Surveyor and that he/she was directed by the applicant to survey the location  
(title)

of a right-of-way and to prepare this map; that the location of said right-of-way, 3,870 feet in length beginning at Nishnab'e Myewen and Ke'kyajek Odanek (both cornered near Potawatomi Drive and Dailey Road) and ending just south of Matthews Road, is accurately represented on this map; that such survey as represented on this map has been adopted by the applicant as a definite location of the right-of-way thereby shown; and that the map has been prepared to be filed with the Secretary of the Interior or his duly authorized representative as part of the application for said right-of-way to be granted by the applicant, its successors and assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and with the further right in the applicant, its successors and assigns, to transfer this right-of-way by assignment, grant or otherwise.

\_\_\_\_\_  
Applicant Signature,  
Kevin Anderson, City Manager  
The City of Dowagiac

\_\_\_\_\_  
Date

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

**EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTE PAPERS**

(To be sworn to by the President or Secretary of a Corporation and sealed with its seal)

I solemnly swear that, \_\_\_\_\_ Kevin Anderson \_\_\_\_\_ was on the \_\_\_\_\_ day of  
(company official)

\_\_\_\_\_, 20 \_\_\_\_ the duly appointed \_\_\_\_\_ City Manager \_\_\_\_\_ of  
(title)

\_\_\_\_\_ The City of Dowagiac \_\_\_\_\_, a corporation organized under the laws of the State of  
(company name)

\_\_\_\_\_ Michigan \_\_\_\_\_ at which time he/she executed the application for \_\_\_\_\_ Utility Right of Way \_\_\_\_\_ and in behalf of  
said corporation, covering certain restricted/trust lands in the State of \_\_\_\_\_ Michigan \_\_\_\_\_; that was fully  
empowered to execute said instrument and all papers in connection therewith, and that action in executing the same  
binds the said corporation to full performance of all obligations there under.

[CORPORATE SEAL]

\_\_\_\_\_  
Name Title Date

STATE OF:

:ss

COUNTY OF:

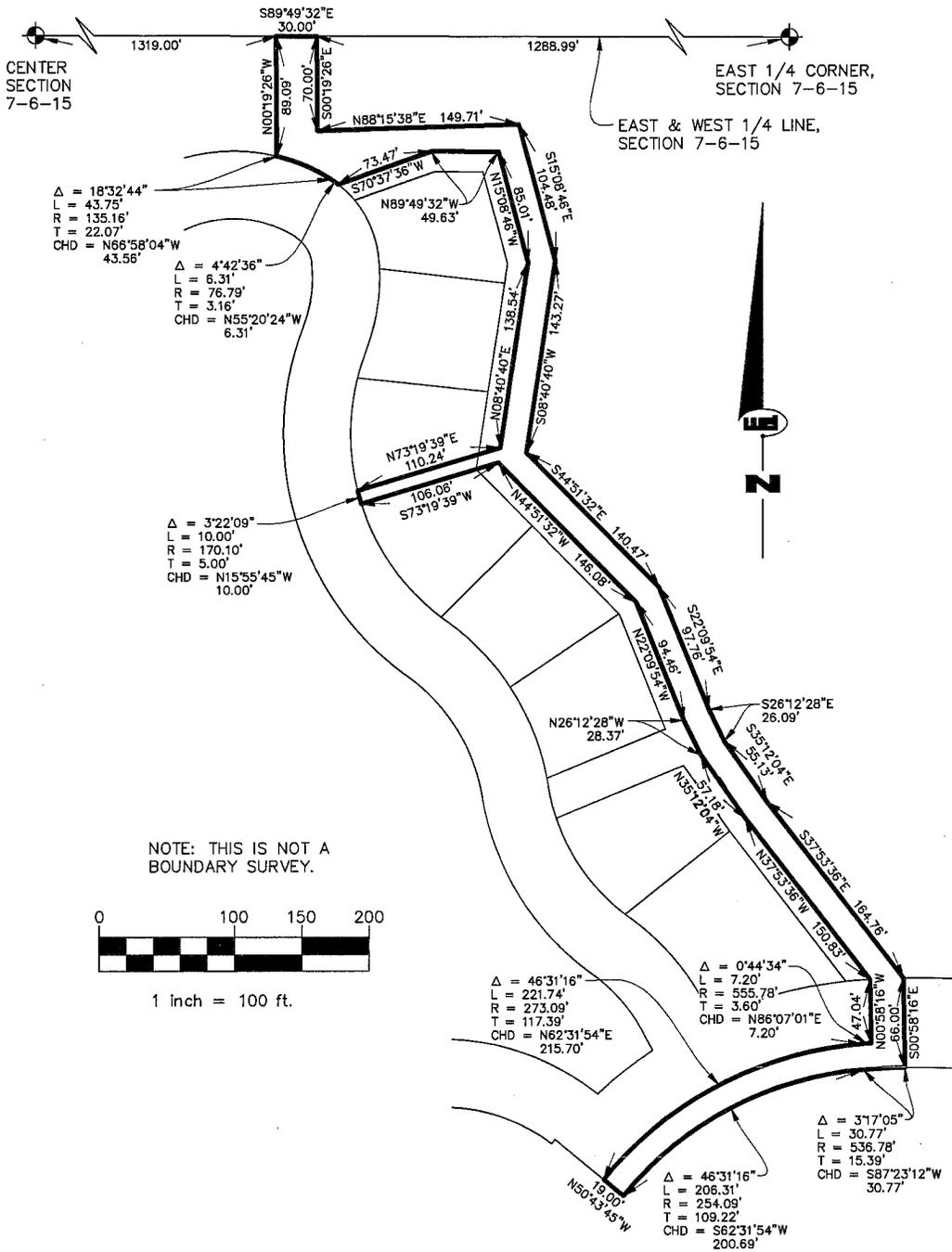
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_, 20 \_\_\_\_\_.

**EASEMENT SKETCH**

EASEMENT AREA 3  
 EASEMENT IN THE SOUTHEAST QUARTER OF  
 SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST,  
 LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN.



$\Delta = 18^{\circ}32'44''$   
 L = 43.75'  
 R = 135.16'  
 T = 22.07'  
 CHD = N66°58'04"W  
 43.56'

$\Delta = 4^{\circ}42'36''$   
 L = 6.31'  
 R = 76.79'  
 T = 3.16'  
 CHD = N55°20'24"W  
 6.31'

$\Delta = 3^{\circ}22'09''$   
 L = 10.00'  
 R = 170.10'  
 T = 5.00'  
 CHD = N15°55'45"W  
 10.00'

$\Delta = 46^{\circ}31'16''$   
 L = 221.74'  
 R = 273.09'  
 T = 117.39'  
 CHD = N62°31'54"E  
 215.70'

$\Delta = 0^{\circ}44'34''$   
 L = 7.20'  
 R = 555.78'  
 T = 3.60'  
 CHD = N86°07'01"E  
 7.20'

$\Delta = 3^{\circ}17'05''$   
 L = 30.77'  
 R = 536.78'  
 T = 15.39'  
 CHD = S87°23'12"W  
 30.77'

$\Delta = 46^{\circ}31'16''$   
 L = 208.31'  
 R = 254.09'  
 T = 109.22'  
 CHD = S62°31'54"W  
 200.69'

NOTE: THIS IS NOT A  
 BOUNDARY SURVEY.



1 inch = 100 ft.

SECTION 7  
 T 6 S  
 R 15 W  
 A-110240-4

CLIENT: POKAGON BAND OF POTAWATOMI
DATE: 7/22/2011      JOB #110240
SCALE: 1" = 100'
DRAWN BY: T. ROOT
CHECKED BY:

**W** WIGHTMAN & ASSOCIATES, INC.  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE  
 2303 PIPESTONE ROAD      BENTON HARBOR, MI 49022  
 PHONE: (269) 927-0100      FAX: (269) 927-1300  
 WWW.WIGHTMAN-ASSOC.COM

EXHIBIT A

EASEMENT AREA 3  
UTILITY EASEMENT

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST, LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 7 THAT IS 1288.99 FEET NORTH 89° 49' 32" WEST OF THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 00° 19' 26" EAST 70.00 FEET; THENCE NORTH 88° 15' 38" EAST 149.71 FEET; THENCE SOUTH 15° 08' 46" EAST 104.48 FEET; THENCE SOUTH 08° 40' 40" WEST 143.27 FEET; THENCE SOUTH 44° 51' 32" EAST 140.47 FEET; THENCE SOUTH 22° 09' 54" EAST 97.76 FEET; THENCE SOUTH 26° 12' 28" EAST 26.09 FEET; THENCE SOUTH 35° 12' 04" EAST 55.13 FEET; THENCE SOUTH 37° 53' 36" EAST 164.76 FEET; THENCE SOUTH 00° 58' 16" EAST 66.00 FEET; THENCE SOUTHWESTERLY 30.77 FEET ON A 536.78 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 87° 23' 12" WEST 30.77 FEET; THENCE SOUTHWESTERLY 206.31 FEET ON A 254.09 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 62° 31' 54" WEST 200.69 FEET; THENCE NORTH 50° 43' 45" WEST 19.00 FEET; THENCE NORTHEASTERLY 221.74 FEET ON A 273.09 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 62° 31' 54" EAST 215.70 FEET; THENCE NORTHEASTERLY 7.20 FEET ON A 555.78 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 86° 07' 01" EAST 7.20 FEET; THENCE NORTH 00° 58' 16" WEST 47.04 FEET; THENCE NORTH 37° 53' 36" WEST 150.83 FEET; THENCE NORTH 35° 12' 04" WEST 57.18 FEET; THENCE NORTH 26° 12' 28" WEST 28.37 FEET; THENCE NORTH 22° 09' 54" WEST 94.46 FEET; THENCE NORTH 44° 51' 32" WEST 146.08 FEET; THENCE SOUTH 73° 19' 39" WEST 106.06 FEET; THENCE NORTHWESTERLY 10.00 FEET ON A 170.10 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 15° 55' 45" WEST 10.00 FEET; THENCE NORTH 73° 19' 39" EAST 110.24 FEET; THENCE NORTH 08° 40' 40" EAST 138.54 FEET; THENCE NORTH 15° 08' 46" WEST 85.01 FEET; THENCE NORTH 89° 49' 32" WEST PARALLEL WITH SAID EAST AND WEST QUARTER LINE 49.63 FEET; THENCE SOUTH 70° 37' 36" WEST 73.47 FEET; THENCE NORTHWESTERLY 6.31 FEET ON A 76.79 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 55° 20' 24" WEST 6.31 FEET; THENCE NORTHWESTERLY 43.75 FEET ON A 135.16 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 66° 58' 04" WEST 43.56 FEET; THENCE NORTH 00° 19' 26" WEST 89.09 FEET TO SAID EAST AND WEST QUARTER LINE; THENCE SOUTH 89° 49' 32" EAST ON SAID EAST AND WEST QUARTER LINE 30.00 FEET TO THE POINT OF BEGINNING.

SECTION 7, T. 6 S. R. 15 W. A-110240-4

CLIENT: POKAGON BAND OF POTAWATOMI
DATE: 7/22/2011      JOB #110240
SCALE: N/A
DRAWN BY: T. ROOT
CHECKED BY:



**WIGHTMAN & ASSOCIATES, INC.**  
ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

2303 PIPESTONE ROAD      BENTON HARBOR, MI 49022  
PHONE: (269) 927-0100      FAX: (269) 927-1300

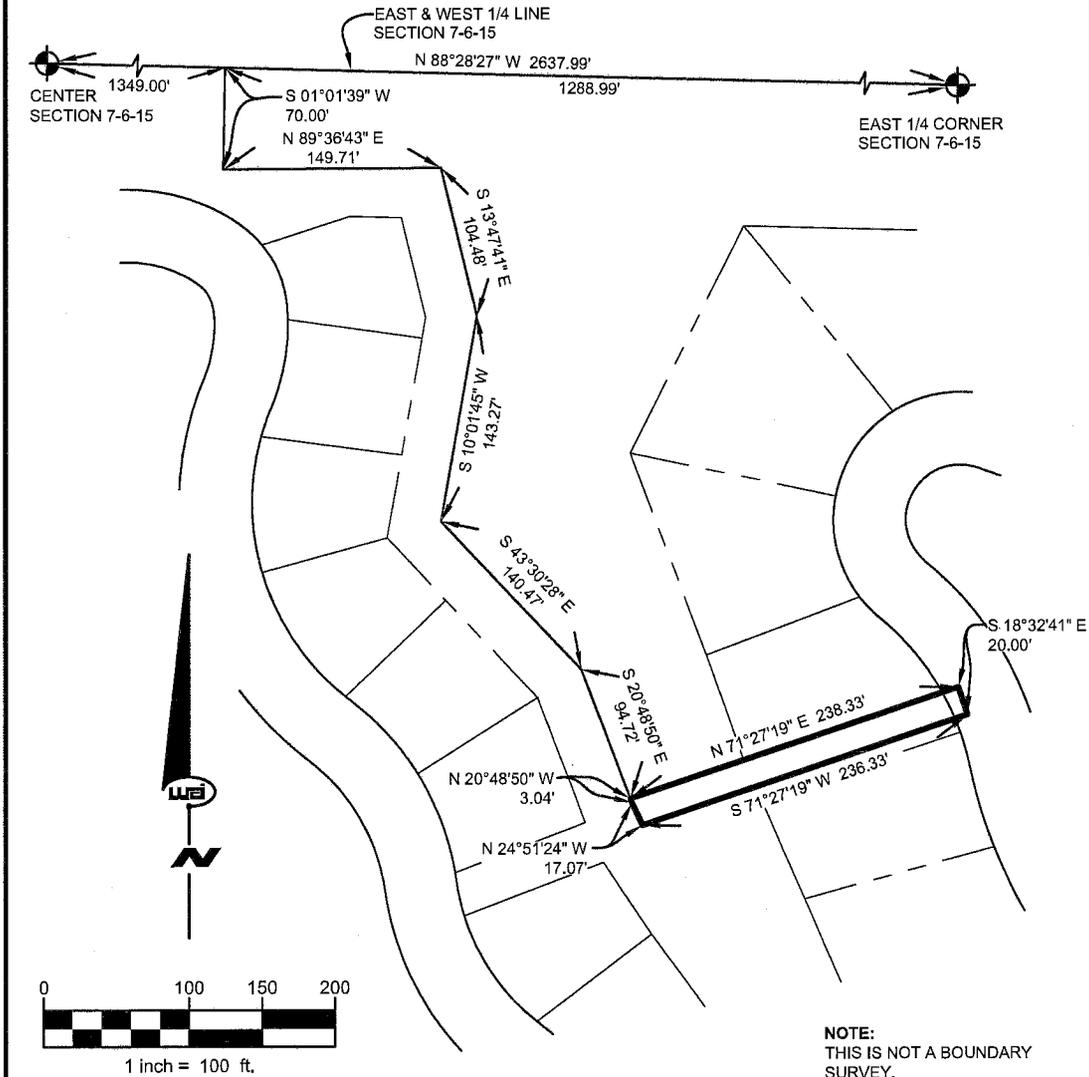
WWW.WIGHTMAN-ASSOC.COM

# EXHIBIT A

SHEET 1 OF 1

## EASEMENT SKETCH

EASEMENT AREA 4  
 EASEMENT IN THE SOUTHEAST QUARTER OF  
 SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST,  
 LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN



**NOTE:**  
 THIS IS NOT A BOUNDARY SURVEY.

**EASEMENT DESCRIPTION:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST, LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 88° 28' 27" WEST ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 1288.99 FEET; THENCE SOUTH 01° 01' 39" WEST 70.00 FEET; THENCE NORTH 89° 36' 43" EAST 149.71 FEET; THENCE SOUTH 13° 47' 41" EAST 104.48 FEET; THENCE SOUTH 10° 01' 45" WEST 143.27 FEET; THENCE SOUTH 43° 30' 28" EAST 140.47 FEET; THENCE SOUTH 20° 48' 50" EAST 94.72 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE NORTH 71° 27' 19" EAST 238.33 FEET; THENCE SOUTH 18° 32' 41" EAST 20.00 FEET; THENCE SOUTH 71° 27' 19" WEST 236.33 FEET; THENCE NORTH 24° 51' 24" WEST 17.07 FEET; THENCE NORTH 20° 48' 50" WEST 3.04 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

**WATER MAIN EASEMENT**

**WIA** WIGHTMAN & ASSOCIATES, INC.  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

264 Western Avenue  
 Allegan, MI 49010  
 Phone: (269) 613-8465  
 www.wightman-assoc.com

2303 Pipestone Road  
 Benton Harbor, MI 49022  
 Phone: (269) 927-0100

9835 Portage Road  
 Portage, MI 49002  
 Phone: (269) 327-3532

CLIENT: POKAGON BAND OF POTAWATOMI INDIANS  
 JOB No: 140678  
 DATE: 01-27-2015  
 SCALE: 1" = 100'  
 DRAWN BY: BKG  
 CHECKED BY:

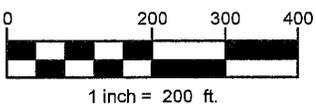
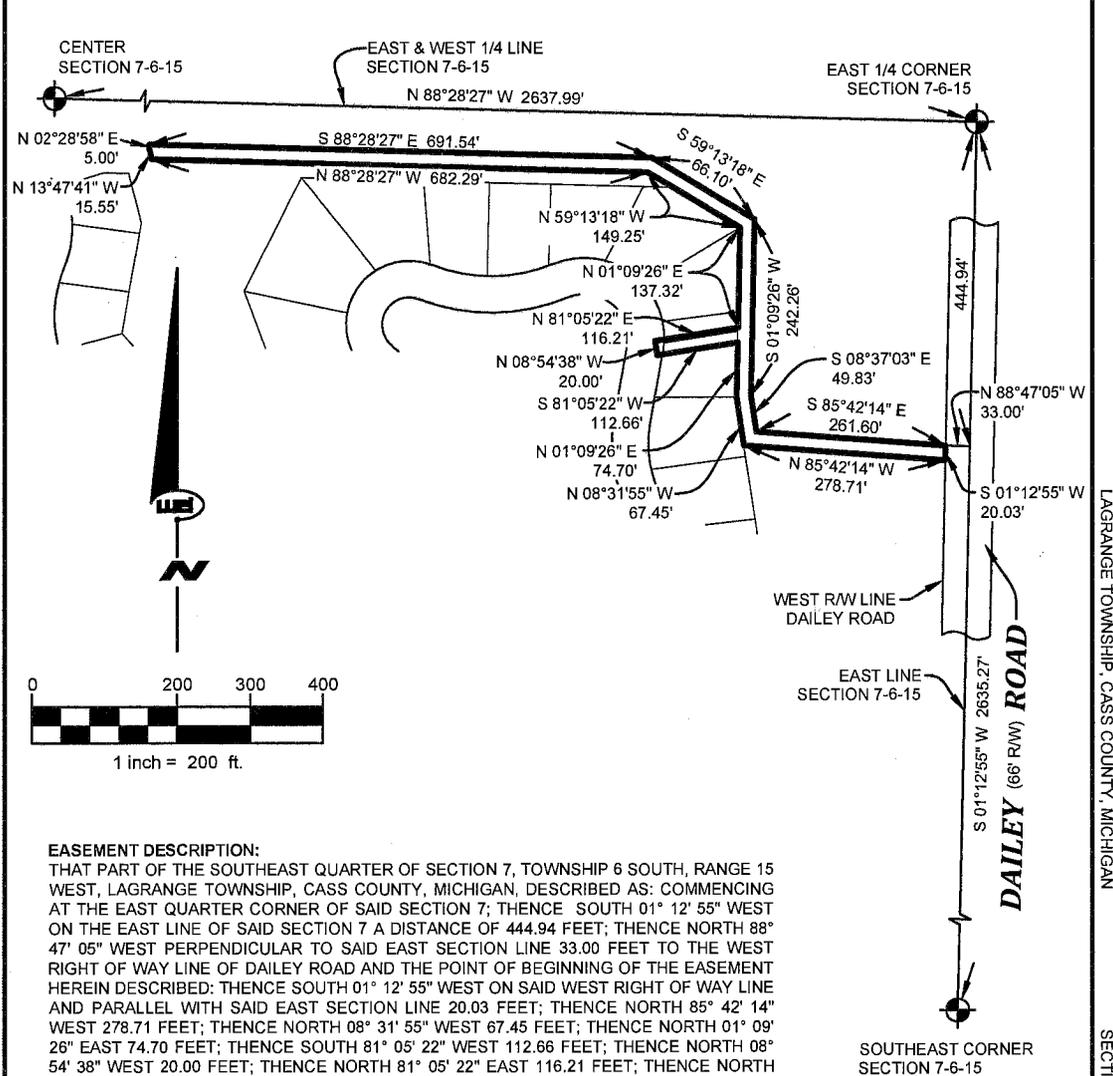
LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN  
 SECTION 7, T 6 S, R 15 W  
 A-140678-4

# EXHIBIT A

SHEET 1 OF 1

## EASEMENT SKETCH

EASEMENT AREA 5  
EASEMENT IN THE SOUTHEAST QUARTER OF  
SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST,  
LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN



**EASEMENT DESCRIPTION:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST, LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 01° 12' 55" WEST ON THE EAST LINE OF SAID SECTION 7 A DISTANCE OF 444.94 FEET; THENCE NORTH 88° 47' 05" WEST PERPENDICULAR TO SAID EAST SECTION LINE 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF DAILEY ROAD AND THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTH 01° 12' 55" WEST ON SAID WEST RIGHT OF WAY LINE AND PARALLEL WITH SAID EAST SECTION LINE 20.03 FEET; THENCE NORTH 85° 42' 14" WEST 278.71 FEET; THENCE NORTH 08° 31' 55" WEST 67.45 FEET; THENCE NORTH 01° 09' 28" EAST 74.70 FEET; THENCE SOUTH 81° 05' 22" WEST 112.66 FEET; THENCE NORTH 08° 54' 38" WEST 20.00 FEET; THENCE NORTH 81° 05' 22" EAST 116.21 FEET; THENCE NORTH 01° 09' 26" EAST 137.32 FEET; THENCE NORTH 59° 13' 18" WEST 149.25 FEET; THENCE NORTH 88° 28' 27" WEST PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 682.29; THENCE NORTH 13° 47' 41" WEST 15.55 FEET; THENCE NORTH 02° 28' 58" EAST 5.00 FEET; THENCE SOUTH 88° 28' 27" EAST PARALLEL WITH SAID EAST AND WEST QUARTER LINE 691.54 FEET; THENCE SOUTH 59° 13' 18" EAST 66.10 FEET; THENCE SOUTH 01° 09' 26" WEST 242.26 FEET; THENCE SOUTH 08° 37' 03" EAST 49.83 FEET; THENCE SOUTH 85° 42' 14" EAST 261.60 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

**NOTE:**  
THIS IS NOT A BOUNDARY SURVEY.

**WATER MAIN EASEMENT**

**WIGHTMAN & ASSOCIATES, INC.**  
ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

264 Western Avenue  
Allegan, MI 49010  
Phone: (269) 673-8465

2303 Pipestone Road  
Benton Harbor, MI 49022  
Phone: (269) 927-0100

9835 Portage Road  
Portage, MI 49002  
Phone: (269) 327-3532

www.wightman-assoc.com

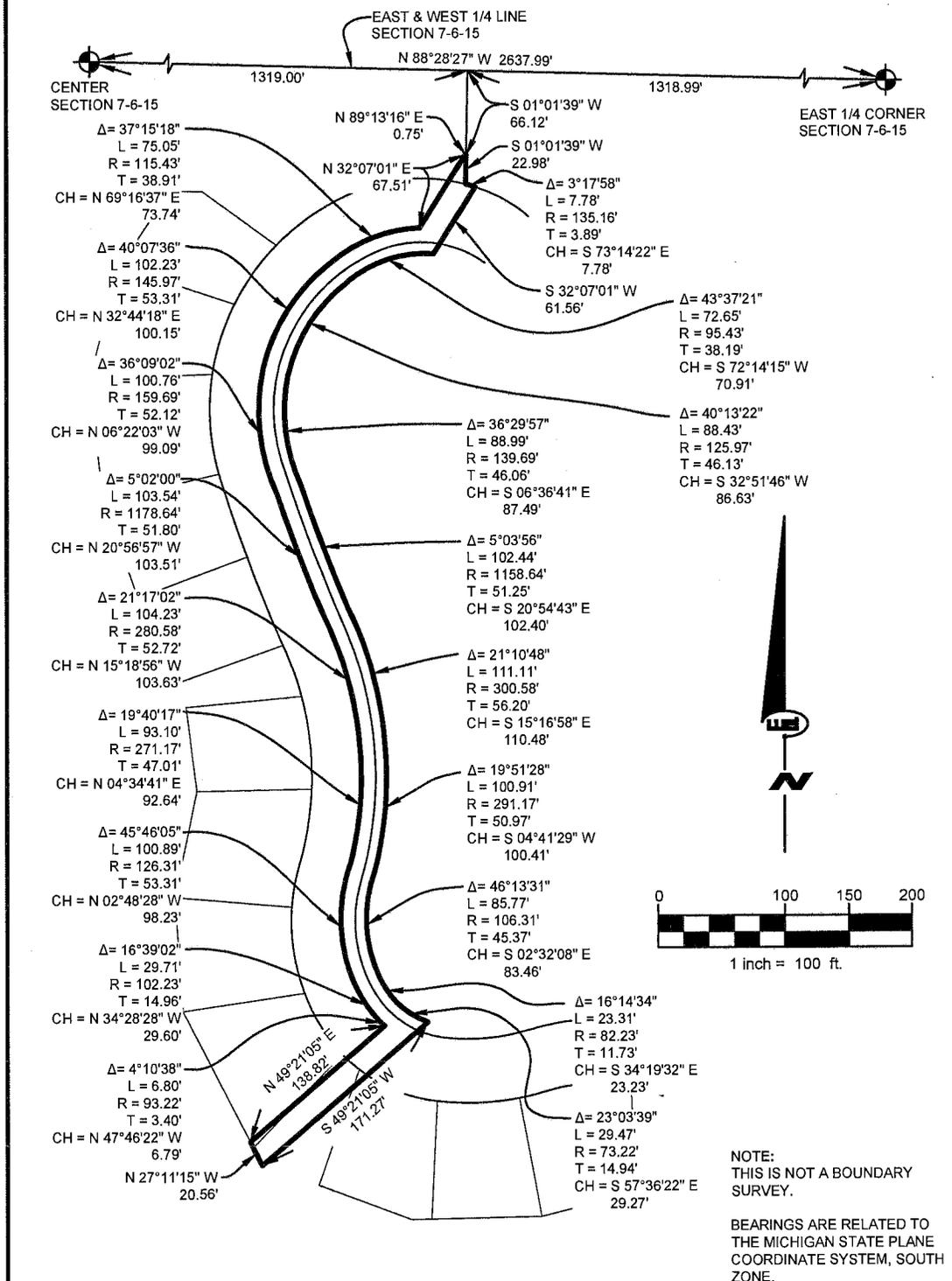
CLIENT: POKAGON BAND OF POTAWATOMI INDIANS  
JOB No: 140678  
DATE: 01-27-2015  
SCALE: 1" = 200'  
DRAWN BY: BKG  
CHECKED BY:

LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN  
SECTION 7, T 6 S, R 15 W  
A-140678-5

# EXHIBIT A

## EASEMENT SKETCH

EASEMENT AREA 6  
 EASEMENT IN THE SOUTHEAST QUARTER OF  
 SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST,  
 LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN



**WIGHTMAN & ASSOCIATES, INC.**  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

CLIENT: POKAGON BAND OF POTAWATOMI INDIANS  
 JOB No: 140678  
 DATE: 01-27-2015  
 SCALE: 1" = 100'  
 DRAWN BY: BKG  
 CHECKED BY:

264 Western Avenue  
 Allegan, MI 49010  
 Phone: (269) 673-8465

2303 Pipestone Road  
 Benton Harbor, MI 49022  
 Phone: (269) 927-0100

9835 Portage Road  
 Portage, MI 49002  
 Phone: (269) 327-3532

www.wightman-ssoc.com

**EASEMENT DESCRIPTION:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 15 WEST, LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 88° 28' 27" WEST ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 1318.99 FEET; THENCE SOUTH 01° 01' 39" WEST 66.12 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTH 01° 01' 39" WEST 22.98 FEET; THENCE SOUTHEASTERLY 7.78 FEET ON A 135.16 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 73° 14' 22" EAST 7.78 FEET; THENCE SOUTH 32° 07' 01" WEST 61.56 FEET; THENCE SOUTHWESTERLY 72.65 FEET ON A 95.43 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 72° 14' 15" WEST 70.91 FEET; THENCE SOUTHWESTERLY 88.43 FEET ON A 125.97 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 32° 51' 46" WEST 86.63 FEET; THENCE SOUTHERLY 88.99 FEET ON A 139.69 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 06° 36' 41" EAST 87.49 FEET; THENCE SOUTHEASTERLY 102.44 FEET ON A 1158.64 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 20° 54' 43" EAST 102.40 FEET; THENCE SOUTHEASTERLY 111.11 FEET ON A 300.58 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 15° 16' 58" EAST 110.48 FEET; THENCE SOUTHERLY 100.91 FEET ON A 291.17 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 04° 41' 29" WEST 100.41 FEET; THENCE SOUTHERLY 85.77 FEET ON A 106.31 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 02° 32' 08" EAST 83.46 FEET; THENCE SOUTHEASTERLY 23.31 FEET ON A 82.23 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 34° 19' 32" EAST 23.23 FEET; THENCE SOUTHEASTERLY 29.47 FEET ON A 73.22 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 57° 36' 22" EAST 29.27 FEET; THENCE SOUTH 49° 21' 05" WEST 171.27 FEET; THENCE NORTH 27° 11' 15" WEST 20.56 FEET; THENCE NORTH 49° 21' 05" EAST 138.82 FEET; THENCE NORTHWESTERLY 6.80 FEET ON A 93.22 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 47° 46' 22" WEST 6.79 FEET; THENCE NORTHWESTERLY 29.71 FEET ON A 102.23 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 34° 28' 28" WEST 29.60 FEET; THENCE NORTHERLY 100.89 FEET ON A 126.31 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 02° 48' 28" WEST 98.23 FEET; THENCE NORTHERLY 93.10 FEET ON A 271.17 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 04° 34' 41" EAST 92.64 FEET; THENCE NORTHWESTERLY 104.23 FEET ON A 280.58 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 15° 18' 56" WEST 103.63 FEET; THENCE NORTHWESTERLY 103.54 FEET ON A 1178.64 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 20° 56' 57" WEST 103.51 FEET; THENCE NORTHERLY 100.76 FEET ON A 159.69 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 06° 22' 03" WEST 99.09 FEET; THENCE NORTHEASTERLY 102.23 FEET ON A 145.97 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 32° 44' 18" EAST 100.15 FEET; THENCE NORTHEASTERLY 75.05 FEET ON A 115.43 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 69° 16' 37" EAST 73.74 FEET; THENCE NORTH 32° 07' 01" EAST 67.51 FEET; THENCE NORTH 89° 13' 16" EAST 0.75 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN

SECTION 7, T 6 S, R 15 W

A-140678-6

**WATER MAIN EASEMENT**

**WA WIGHTMAN & ASSOCIATES, INC.**  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE  
 264 Western Avenue Allegan, MI 49010 Phone: (269) 673-8465  
 2303 Pipestone Road Benton Harbor, MI 49022 Phone: (269) 927-0100  
 9835 Portage Road Portage, MI 49002 Phone: (269) 327-3532  
 www.wightman-assoc.com

CLIENT: POKAGON BAND OF POTAWATOMI INDIANS  
 JOB No: 140678  
 DATE: 01-27-2015  
 SCALE: 1" = 100'  
 DRAWN BY: BKG  
 CHECKED BY:

REC'D CASS CO R00  
2013 JAN 15 AM 8:31

82643 Pages: 5 L: 1053 P: 973  
RECORDED Cass County, Michigan  
Monica Kennedy, Register of Deeds  
01/15/2013 08:41 AM  
Receipt #73332 Fee: \$29.00 ERW



### WATER EASEMENT

Justice Drive, LLC, a Michigan limited liability company, (Grantor) whose address is C/O Pokagon Band of Potawatomi Indians, 58620 Sink Road, Dowagiac, MI 49047, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does grant and convey, subject to the terms and conditions herein contained, to the City of Dowagiac, a Michigan municipal corporation, whose address is 241 South Front Street, Dowagiac, MI 49047 ("Grantee"), a non-exclusive easement over, upon, across, under and through the property described on the attached Exhibit A (hereinafter referred to as the "Easement Area"), solely for the purposes of installing, laying, maintaining, operating, constructing, repairing, inspecting, and replacing water main(s), including hydrants, valves, fittings, and other appurtenant facilities ("Water Main"), for the transmission and distribution of water in, into, upon, and across the Easement Area.

Whereas, the Pokagon Band of Potawatomi Indians owns Justice Drive, LLC, and

Whereas, the Pokagon Band of Potawatomi Indians, Grantee, and the Township of LaGrange are parties to a Water Service Agreement dated June 4, 2012 ("Water Service Agreement"), and

Whereas, subparagraph 6.E of the Water Service Agreement requires an easement be provided to the Grantee for the Water Main, and

Whereas Grantor provides this Water Easement in fulfillment of the requirements of subparagraph 6.E of the Water Service Agreement, and

NOW THEREFORE, it is expressly understood and agreed that this easement is subject to the following conditions, limitations, and stipulations:

1. Any work in the Easement Area will be performed in an orderly and timely manner and during any such work Grantee will not permit any rubbish or debris to accumulate on the Easement Area, except for construction materials used in the ordinary course of construction, maintenance, or repair, and promptly following such work, all such materials shall be promptly removed from the Easement Area.
2. The Grantee agrees to restore the Easement Area to its condition prior to any disturbance by the Grantee or Grantee's representatives or agents from the laying, maintenance, operation, construction, repair, inspection, or replacement of any portion of the Water Main.
3. The Grantor retains for Grantor and Grantor's heirs, successors and assigns, all rights to use the Easement Area which do not unreasonably interfere with Grantee's rights contained in this easement, including, but not limited to, the construction of roads, and the granting of additional easements within the Easement Area. Grantor, its successors and assigns, shall have the right to use and occupy the Easement Area for any purpose consistent with the rights and privileges herein granted and which will not endanger or interfere with construction, maintenance, and operation of the Water Main and any appurtenances thereto.
4. This easement shall include the right of ingress and egress through and within the Easement Area for the purpose installing, laying, maintaining, operating, constructing, repairing, inspecting, and replacing the Water Main.
5. The Grantee shall exercise its easement rights herein so as to not unreasonably interfere with the Grantor's use of the Easement Area.
6. If the Water Service Agreement is terminated or upon the end of the term of the Water Service Agreement, this Water Easement shall immediately cease, expire, and become null and void.

7. Grantee agrees to defend, indemnify, and hold Grantor, its successors and assigns, its officers, agents, employees and contractors harmless from and against any liability, claim, loss, damages, or expense arising from or related to the acts or omissions of the Grantee, its officers, agents, employees, and contractors and their respective successors and assigns, in the exercise and/or use of the rights herein conveyed.

---

**This Easement is given in consideration of less than One Hundred Dollars (\$100.00) and is exempt from transfer tax pursuant to MCLA 207.505(a); and MCLA 207.526(a).**

IN WITNESS WHEREOF, Justice Drive, LLC has caused its name and seal to be affixed herewith by its duly authorized representatives on the 29 day of October, 2012.

Justice Drive, LLC  
By: The Pokagon Band of Potawatomi Indians  
Its: Sole Member

By Matthew Wesaw  
Matthew Wesaw, Tribal Council Chairman  
Pokagon Band of Potawatomi Indians

By Faye Wesaw  
Faye Wesaw, Tribal Council Secretary  
Pokagon Band of Potawatomi Indians

STATE OF MICHIGAN            )  
  ) ss:  
COUNTY OF CASS            )

The foregoing document was acknowledged before me this 29<sup>th</sup> day of October, 2012, by Matthew Wesaw, Tribal Council Chairman and Faye Wesaw, Tribal Council Secretary of the Pokagon Band of Potawatomi Indians, the sole member of Justice Drive, LLC on behalf of the company.



Kelly Curran  
Notary Public Signature

Kelly Curran  
Printed or typewritten name of Notary

State of Michigan  
County of Commission Barrien  
My Commission Expires 2/15/2014  
Acting in the County of Cass CTY

Accepted and Agreed:

City of Dowagiac

Donald D. Lyons  
Donald D. Lyons, Mayor

James E. Snow  
James E. Snow, Clerk

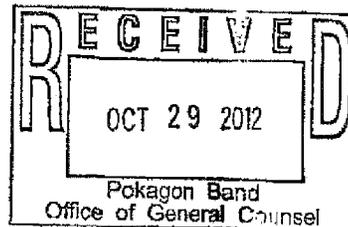
STATE OF MICHIGAN            )  
  ) ss:  
COUNTY OF CASS            )

The foregoing document was acknowledged before me this 10<sup>th</sup> day of October, 2012, by Donald D. Lyons, Mayor and James E. Snow, Clerk on behalf of the City of Dowagiac.

Cathy Daniels  
Notary Public Signature

Cathy Daniels  
Printed or typewritten name of Notary

State of Michigan  
County of Commission Cass  
My Commission Expires 10/22/2018  
Acting in the County of Cass



Drafted By and When Recorded Return To:  
J. Edward Williams (P61685)  
Office of General Counsel  
Pokagon Band of Potawatomi Indians  
P.O. Box 180  
Dowagiac, MI 49047



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 #12 for the period ending 03-01-2015:

	Invoices	\$176,068.43
Payroll for Period Ending 03-01-15	<u>\$109,553.12</u>	
Total	\$285,621.55	

**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>
\$176,068.43	\$109,553.12	\$285,621.55

Ayes:

Nays:

Absent:

Abstain:

Vendor		Description	Amount
ABSOPURE WATER COMPANY	83516046	BOTTLED WATER/DEPOSIT - 26688 NUBOUR	71.25
ABSOPURE WATER COMPANY	83516040	BOTTLED WATER/DEPOSIT - 25830 NUBOUR	51.00
ABSOPURE WATER COMPANY	83516043	BOTTLED WATER - 26461 NUBOUR	64.50
ABSOPURE WATER COMPANY	55033552	H & C COOLER RENTAL	8.00
ABSOPURE WATER COMPANY	55036054	C & C COOLER RENTAL - 25830 NUBOUR	6.00
ABSOPURE WATER COMPANY	55040625	C & C COOLER RENTAL - 26688 NUBOUR	6.00
ACCOUNTING CONSULTANTS, PC	189	CONSULTING SVC THROUGH 2/15/15	3,163.50
AERKO INTERNATIONAL MICHIGAN, INC	034-15	SPRAY - PD	182.00
AMERICAN ELECTRIC POWER	040-050-210-0-3	VINEYARD LIFT STATION	43.61
BAZAN, STACEY	2/27/15	TRAINING REIMBURSEMENT	41.90
BRADFORD, JARRID	287248950627	CELL PHONE REIMBURSEMENT 1/7/15 - 2/6/15	60.00
BREATHING AIR SYSTEMS, INC.	1042981-IN	CASCADE SYSTEM	42.35
CAMPUS FIRE SAFETY COM LLC	11339402	TRAINING - EVANS (REF 11339402)	175.00
CASS COUNTY FIREMEN'S ASSOCIATION	FEB2015	DUES/TRAILER	135.00
COMCAST	8771402380021236	INTERNET SERVICE - CH	138.91
COMCAST	8771402380127306	CABLE TV - FIRE DEPT	25.00
COMMUNITY ANSWERING SERVICE	262803022015	DISPATCHING SERVICES	222.60
CONESTOGA-ROVERS & ASSOCIATES	530378	NUBOUR - INT OP, MTCE & MONITORING	945.75
CONESTOGA-ROVERS & ASSOCIATES	530379	NUBOUR - INT OP, MTCE & MONITORING	823.88
CONESTOGA-ROVERS & ASSOCIATES	530377	NUBOUR - 2013 INVESTIGATION WORK PLAN	1,011.50
CREATIVE VINYL SIGNS, INC.	02/25/15	GRAPHICS FOR NEW DART BUS #220	468.75
D HILL ENVIRONMENTAL	752	WW BIOLOGY & MICROSCOPE WORKSHOP -	325.00
DOHM WELL DRILLING	1/26/15	WELL ABANDONMENT - 101 CASS AVE	150.00
DOUBLEDAY OFFICE PRODUCTS, INC	161554I	COPY PAPER/OFFICE SUPPLIES	562.03
EDDIE WAINWRIGHT	3/3/15	PLUMB/MECH INSPECTIONS FEB 2015	512.00
ELHORN ENGINEERING COMPANY	259407	CHLORINE & NEW CHLORINE INJECTOR	565.60
FIRST DUE FIRE SUPPLY COMPANY	14-1153	COATS & PANTS FOR PPE REPLACEMENT	7,920.00
FLEETMatics USA, LLC	IN489864	VEHICLE TRACKING SERVICE	40.00
FLEIS & VANDENBRINK ENGINEERING INC	39676	WWTP DESIGN	14,662.49
FRONTIER	23118907970401035	PHONE SERVICE 1/20/15 - 2/19/15	1,842.49
FRYMAN'S CONSTRUCTION, INC	2309	DRAW #6 - AMBULANCE	43,685.00
GEMPLER'S	1020502693	DRIVER GLOVES	455.70
HACH COMPANY	9255183	SAMPLE CONTROL HEAD - WWTP	514.00
HACH COMPANY	9253060	WTP/WWTP LAB SUPPLIES	1,040.51
HAGGIN WIMBERLY CHEVY OLDS GEO INC	258000	F-HANDLE #132 PD	82.50
HAGGIN WIMBERLY CHEVY OLDS GEO INC	257978	#103 - LAMP	70.28
HALE'S HARDWARE, INC	A14007	FEM CONN/UTIL LIGHTER - FROZEN WATER	12.87
HALE'S HARDWARE, INC	C106704	GAS CYLINDER/TORCH HEAD - THAW FROZEN	20.58
HALE'S HARDWARE, INC	B68266	PIPE WRAP	4.63
HALE'S HARDWARE, INC	B68607	OPERATING SUPPLIES - WWTP	35.65
HALE'S HARDWARE, INC	B68997	SUPPLIES - VEH REPAIR	8.44
HALE'S HARDWARE, INC	C105622	SUPPLIES - FD	12.70
HALE'S HARDWARE, INC	C106410	SL - A1 BLDG KEYS/SHIPPING - RETURN	17.86
HAMPTON INN & SUITES	2/23/15	TRAINING - GRINNEWALD/BRADFORD CONF #	589.68
HANSON BEVERAGE SERVICE	168667	LAB WATER	21.50
HARDIN, R. WAYNE	03/02/15	JAN 2015 BLDG INSPECTIONS	1,301.40
HI-TECH SMR COMMUNICATIONS	22778	NEW BUS RADIO - INSTALL	398.50
HI-TECH SMR COMMUNICATIONS	22707	PAGER REPAIR	170.00
HYATT REGENCY COLUMBUS	57880977	LODGING - EVANS (CONF #57880977)	349.80

Vendor		Description	Amount
IBEX INSURANCE AGENCY	0037113124	HEALTH INSURANCE PREMIUM-MARCH 2015	55,124.56
IDEXX DISTRIBUTION CORP	286048703	DIST. SYSTEM TESTING	192.58
IDEXX DISTRIBUTION CORP	286048701	WATER COLIFORM DISTRIBUTION	1,084.87
INTERNET BUSINESS SOLUTIONS, INC.	15439	MONTHLY WEBSITE MTCE	39.95
JOHN HUTCHINS	3/2/15	REIMBURSE SEWER RODDING AT 123 LYLE	225.00
JUDD LUMBER COMPANY, INC	1503-635512	3/4" SWIVEL CONNECTOR - FROZEN WATER	4.49
JUDD LUMBER COMPANY, INC	1503-635468	NUTS/BOLTS/SCREWS - PARKS PICNIC TABLES	2.44
JUDD LUMBER COMPANY, INC	1503-635418	INSULATION - METER PITS (THAW PITS)	14.99
JUDD LUMBER COMPANY, INC	1502-635246	LUMBER/NUTS/BOLTS/SCREWS - PICNIC	79.91
KEN SIMPSON	150312	CITY ELECTRICAL INSP FEB 2015	382.40
KLUG, PATRICIA	2/27/15	MILEAGE REIMBURSEMENT - LEIN VALIDATIONS	9.20
LAWSON PRODUCTS, INC	9303079591	CONNECTORS/HEAT SHRINK/FUSES	159.98
LEADER PUBLICATIONS, INC	104764	MISC PUBLICATIONS	971.00
MI COMMUNITY ACTION AGENCY ASSOC	2/24/15	EU-MONTHLY PYMT ALLOCATION-03/15	11,408.42
MICHIGAN SECTION, AWWA	DT-3322221	MATH/HYDRAULICS COURSE - RUFF	310.00
MICHIGAN STATE UNIVERSITY	2/24/15	SUPERVISORY MANAGMENT COURSE REG -	495.00
MICHIGAN TAX TRIBUNAL	2/24/15	MOTION FILING FEE DOCKET #14-001729	50.00
MIDWEST ENERGY	3503301	CCWS-WELL HOUSES	1,447.89
MPTA	03/02/15	RURAL TRANSIT MGR WORKSHOP - DART	75.00
MWEA	10328	MEMBERSHIP RENEWAL - GRIGGS	65.00
NATIONAL ASSET MORTGAGE	3/3/15	TAX BILL OVERPAYMENT (14-161-100-69400)	25.59
PETTY CASH	02/25/15	PETTY CASH REIMBURSEMENT - PD	112.06
POWER LINE SUPPLY, INC	5904525	LED ROADWAY FIXTURES (FRONT/E. DIVISION)	6,130.00
POWER LINE SUPPLY, INC	5904788	SAFETY APPAREL - BIBS	150.00
POWER LINE SUPPLY, INC	5904787	SAFETY APPAREL - SWEATSHIRT	155.00
POWER LINE SUPPLY, INC	5904786	SAFETY APPAREL - BIBS	150.00
POWER LINE SUPPLY, INC	5903511	SAFETY APPAREL - SWEATSHIRT	155.00
POWER LINE SUPPLY, INC	5903512	SAFETY APPAREL - SWEATSHIRT	155.00
POWER LINE SUPPLY, INC	5898805	TRANSFORMER CONNECTORS	55.20
POWER LINE SUPPLY, INC	5905735	CLEVIS INSULATORS - STOCK	268.50
POWER LINE SUPPLY, INC	5906218	RETURN TRANSFORMER CONNECTORS	(55.20)
POWER LINE SUPPLY, INC	5905740	SAFETY GLASSES	28.00
PRECISION DATA PRODUCTS, INC.	I0000429959	PRINTER INK	19.25
PRECISION DATA PRODUCTS, INC.	202751	TREASURER PC - REPLACE FAILED PC	749.00
PRECISION DATA PRODUCTS, INC.	202745	SERVER/PC AFTER HOURS SUPPORT - 2015	1,500.00
PRECISION DATA PRODUCTS, INC.	I0000429761	PRINTER DRUM - TREASURER	128.00
PREIN & NEWHOF	29208	AIRPORT C91 EASEMENT ACQUISITION	890.88
PUBLIC AGENCY TRAINING COUNCIL	189739	TRAINING - GRINNEWALD/BRADFORD	590.00
QUILL CORPORATION	1519448	LYSOL CLEANER	33.99
REAL PRO SOLUTIONS, LLC	SP287	CCWS - SNOW PLOW PENN PUMP HOUSES	70.00
REAL PRO SOLUTIONS, LLC	SP286	CCWS - SNOW PLOW VANDALIA TOWER	60.00
REAL PRO SOLUTIONS, LLC	SP284	CCWS - SNOW PLOW VANDALIA TOWER	60.00
REAL PRO SOLUTIONS, LLC	SP285	CCWS - SNOW PLOW PENN PUMP HOUSES	70.00
REAL PRO SOLUTIONS, LLC	SP288	CCWS - SNOW PLOW PENN PUMP HOUSES	70.00
REAL PRO SOLUTIONS, LLC	SP289	CCWS - SNOW PLOW VANDALIA TOWER	60.00
ROBERT & OLLIE DAILEY	3/3/15	TAX BILL OVERPAYMENT (14-160-200-81800)	3.64
RUTKOWSKE, JASON	2911323858	CELL PHONE REIMBURSEMENT 1/10/15 -	60.00
SCHERR, ROZANNE	02/23/15	CONF REIMBURSEMENTS	110.00
SEMCO ENERGY GAS COMPANY	0149138.502	GAS SVC 1/06/15 - 2/2/15	300.68

Vendor		Description	Amount
SEMCO ENERGY GAS COMPANY	0161871.500	GAS SVC 1/15 - 2/11/15	12.44
SOUTHWEST SEWER & DRAIN	447399	SEWER RODDING - 202 GROVE	225.00
STATE OF MICHIGAN	2/26/15	TAX BILL OVERPAYMENT (14-160500-43200)	33.10
THAYER, INC	407404	ICE MELTER	948.78
THE RIDGE COMPANY	606509	PLIERS	7.03
THE RIDGE COMPANY	606596	CONNECTOR #103 - CREDIT	(6.94)
THE RIDGE COMPANY	606742	OIL FILTERS #9/#102	23.88
THE RIDGE COMPANY	606976	WIPER BLADES #132 PD	31.57
THE RIDGE COMPANY	606979	U-BOLTS PLOW CHAINS	13.95
THE RIDGE COMPANY	606780	SWITCH FOR BAND SAW	13.90
THE RIDGE COMPANY	605430	PLOW & SNOWBLOWER REPAIR	12.91
THE RIDGE COMPANY	605798	TANK HEATER/ROUND MIRROR (#148)	94.06
THE RIDGE COMPANY	605830	CONNECTOR 2ND HUB (#103)	6.94
THE RIDGE COMPANY	605025	FUSE HOLDER/BATTERY CLNR (#104)	17.81
THE RIDGE COMPANY	605617	CHAIN CLIP - TAILGATE (#104)	4.33
THYSSENKRUPP ELEVATOR CORPORATION	3001675228	QTRLY ELEVATOR MTCE - SNOW BLDG	531.00
TOXOPEUS, DAVID	287248782175	CELL PHONE REIMBURSEMENT 12/19/14 -	60.00
TOXOPEUS, DAVID	287248782175	CELL PHONE REIMBURSEMENT 1/19/15-2/18/15	60.00
US 31 SUPPLY, INC	T270642	CONTRACTOR - FRONT ST LIGHTING	197.60
USA BLUEBOOK	576457	NEW BISULFITE PUMPS - WWTP	4,256.93
VEOLIA ES TECHNICAL SOLUTIONS LLC	EW808639	BATTERY RECYCLE PAK	62.65
WIGGINS, DANIEL	14-010244-FH	MILEAGE - COURT	9.20
WIGGINS, DANIEL	1554348	MILEAGE - COURT	9.20
WIGGINS, DANIEL	15-0102-FY	MILEAGE	9.20
WINTER EQUIPMENT COMPANY, INC	IV26162	SNOW BLADES	2,128.91
Total:			176,068.43

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

**WHEREAS**, the Michigan Open Meetings Law, Public Act 267 of the Public Acts of 1976 as amended, provides that public bodies may meet in closed session for the purpose of discussing litigation; and

**WHEREAS**, the Mayor and City Council desire to meet with the City Manager to discuss correspondence from legal counsel regarding litigation.

**NOW, THEREFORE, BE IT RESOLVED** the City Council will hereby adjourn to closed session to discuss litigation.

ADOPTED/REJECTED

Moved by:

Seconded by:

Ayes:

Nays:

Absent:

Abstain: