

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 1

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

Mayor Lyons led the Pledge of Allegiance to the flag.

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

ABSENT: None

STAFF: City Manager Kevin P. Anderson.

Councilmember Dodd moved and Councilmember Lucas seconded that the minutes of the June 27, 2016 meeting be approved.

Approved unanimously.

### COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Thurman Chennault, resident – complained he was not satisfied with the explanation he'd received from the City Council members with whom he'd discussed the appointment process for election inspectors.

Ron Leatz, resident – expressed concern about Amtrak's cancelling service to Dowagiac and past Battle Creek. Also asked for another bench outside the Depot, removal of graffiti, repair of drywall in men's room as well as repair of an inoperative fan.

### COMMENTS FROM THE AUDIENCE (AGENDA)

Bill Lorenz, resident – expressed concern about the proposed settlement concerning the theatre project and asked about several aspects of the settlement as well as status of recovery from Ken Allen.

### COMMUNICATIONS

1. Summer in the City – July 21-24, 2016
2. Ed's Open Header Cruise – July 28, 2016
3. Rod & Roll Classic Auto Show – August 20, 2016

Councilmember Dodd moved and Councilmember Hunt seconded the requests be approved.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 2

RESOLUTIONS

1. Resolution authorizing a settlement and release agreement for the CDBG blight elimination project on Front Street.

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

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 in the amount of \$100,000.

APPROVED unanimously.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 3

STATE OF MICHIGAN  
IN THE CASS COUNTY CIRCUIT COURT  
60296 M-62, Cassopolis, Michigan 49031 -- Telephone: (269) 445-4412

CITY OF DOWAGIAC, a Michigan  
Municipal Corporation,

Plaintiff,

v.

File No. 2016-0280-CH

FORREST FIN, LLC, a Michigan Limited  
Liability Company; JEREMY F. JAGER, an Individual;  
KENNETH MACK ALLEN, an Individual; LAGROW  
CONSULTING, LLC, a Michigan Limited Liability  
Company; CYNTHIA LAGROW, an Individual, and  
THE FIRST BANK OF DECATUR, a Michigan Banking  
Corporation,

Defendants.

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Mowitz S. Drew, III (P60525)  
John E. Dewane (P12735)  
KOTZ SANGSTER WYSOCKI P.C.  
811 Ship Street, Suite 301  
Saint Joseph, Michigan 49085  
Telephone: (269) 591-6915  
*Attorneys for Plaintiff*

Philip E. Kalamaros (P64435)  
HUNT SUEHDHOFF KALAMAROS LLP  
301 State Street, 2nd Floor  
Saint Joseph, Michigan 49085  
Telephone: (269) 983-4405  
*Attorney for Defendants LaGrow  
Consulting, LLC and Cynthia LaGrow*

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**SETTLEMENT AGREEMENT**

Plaintiff and Defendants LaGrow Consulting, LLC and Cynthia LaGrow, through their respective attorneys, make this Settlement Agreement in order to resolve the claims of the Plaintiff against Defendants LaGrow Consulting, LLC and Cynthia LaGrow, only, pending in this action. The terms of the settlement to which these parties agree include those terms recited in the attached Release, and Defendants LaGrow Consulting, LLC and Cynthia LaGrow further agree that they release, acquit and forever discharge Plaintiff, its elected

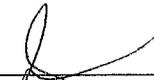
DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

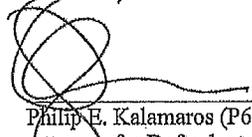
Page | 4

officials, officers and employees from any and all past, present and future claims arising out of the contracts therein and incidents complained of by Plaintiff in this action or which Defendants LaGrow Consulting, LLC and Cynthia LaGrow could have brought against Plaintiff, its elected officials, officers or employees in this action. This Settlement Agreement is subject to approval by the City Council for the Plaintiff and shall be null and void if the City Council fails to approve it by appropriate resolution duly adopted.

Dated: 7-7-16

  
\_\_\_\_\_  
John E. Dewane (P12735)  
Attorney for Plaintiff

Dated: 7-7-16

  
\_\_\_\_\_  
Philip E. Kalamaros (P64435)  
Attorney for Defendants LaGrow  
Consulting, LLP and Cynthia LaGrow

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 5

**RELEASE**

IN CONSIDERATION of the sum of One Hundred Thousand and no/100 (\$100,000.00) Dollars, payable within 14 days of receiving the executed Release, The City of Dowagiac (hereinafter RELEASOR) does hereby release, acquit, and forever discharge Cynthia LaGrow, LaGrow Consulting, LLC, their employees, owners, successors and/or assigns, other than Forrest Flinn, LLC, Jeremy F. Jager and Kenneth Mack Allen (hereinafter collectively RELEASEES) from any and all past, present and future claims pertaining to RELEASOR'S damages arising out of the contracts therein and incidents complained of in Berrien County Trial Court Case Number: 2016-280-CH, *City of Dowagiac v Forrest Flinn, LLC, a Michigan Limited Liability Company; Jeremy F. Jager, an Individual; Kenneth Mack Allen, an Individual; LaGrow Consulting, LLC, a Michigan Limited Liability Company; Cynthia LaGrow, an Individual, and The First Bank of Decatur, a Michigan Banking Corporation*, as well as any and all past, present, and future claims arising from the aforementioned claims and contracts.

IT IS HEREBY ACKNOWLEDGED AND AGREED by the undersigned that the claims made by RELEASOR against RELEASEES are disputed claims for which RELEASEES deny any liability.

IT IS HEREBY ACKNOWLEDGED AND AGREED by the undersigned that RELEASOR will cause the RELEASEES to be dismissed with prejudice from the lawsuit referenced above.

IT IS HEREBY ACKNOWLEDGED AND AGREED by the undersigned that RELEASOR is entering into this Release voluntarily and upon the advice and counsel of RELEASOR'S attorney. RELEASOR further acknowledges that the terms of this Agreement have been completely read and explained to RELEASOR by RELEASOR'S attorney and that the terms of this Agreement are fully understood and voluntarily accepted by RELEASOR and approved by all necessary authority.

The undersigned RELEASOR represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations, or causes of action referred to in this Agreement; that RELEASOR has the sole right and exclusive authority to execute this Agreement and receive the sum specified in it; and that RELEASOR has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Agreement.

The undersigned RELEASOR acknowledges that although the extent of RELEASOR'S damages may be greater than now believed, it is RELEASOR'S intention that this Release shall not be subject to any claim of mistake of fact, as it expresses a full and complete settlement of the responsibility of the RELEASEES. Regardless of the adequacy or inadequacy of the amount paid, it is intended to avoid any and all litigation now, or in the future. RELEASOR also assumes the risk that the facts or law may be other than as it believes.

The undersigned RELEASOR further states that its representative has read this Release Agreement and that there is absolutely no agreement or reservation not clearly expressed herein; the sum of money stated herein is all RELEASOR will receive from RELEASEES; the execution of this document was not adduced by any representations or promises of anyone associated with RELEASEES; and is with full knowledge that it covers all possible claims that were, or could have been, raised by RELEASOR now or in the future.

The undersigned RELEASOR agrees that this Release shall be construed and interpreted in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the undersigned has read and executed this Release on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF DOWAGIAC

By: \_\_\_\_\_

STATE OF MICHIGAN )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Authorized Representative of the City of Dowagiac and acknowledged the execution of the above and foregoing General Release Agreement.

IN WITNESS WHEREOF, I do hereby set my hand and seal as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_, Notary Public, \_\_\_\_\_ County, Michigan  
My commission expires: \_\_\_\_\_

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 6

2. Resolution to authorize an update of the City's non-union administrative personnel manual.

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

WHEREAS, Article III of the Dowagiac Code of Ordinances sets forth the duties of the City Manager, and;

WHEREAS, the City Manager shall see that all laws, ordinances, rules and regulations adopted by the City Council and provisions of the Code are properly enforced, and;

WHEREAS, the City Manager is authorized to adopt such administrative regulations in addition to, but not inconsistent with, the Charter and City Code, as he shall deem necessary and proper to provide for the adequate functioning of all departments, and;

WHEREAS, such regulations shall comprise the administrative personnel manual, and;

WHEREAS, the City Manager from time to time shall review said manual and recommend necessary changes.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt the changes to the Administrative Personnel Manual as attached hereto effective immediately.

APPROVED unanimously.

7.650 RETIREE BENEFITS.

- (a) Employees with a hire date after September 30, 2015, retiring from active employment with the City as an eligible member of the MERS retirement plan, shall participate in an employer funded post-employment Health Care Savings Program in-lieu-of retiree medical coverage. Funds from the program may be used to purchase health insurance from the provider of the employee's choice or other medical expense as defined in Section 213 (d) of the Internal Revenue Code. The City shall contribute \$38 per employee per month to the program during employment.
- (b) Employees with a hire date prior to October 1, 2016, having less than 15 years of service, retiring from active employment with the City as an eligible member of the MERS retirement plan, shall participate in an employer funded post-employment Health Care Savings Program in-lieu-of retiree medical coverage. Funds from the program may be used to purchase health insurance from the provider of the employee's choice or other medical expense as defined in Section 213 (d) of the Internal Revenue Code. The City shall contribute \$38 per employee per month to the program during employment.

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 7

- (c) A calculation will be completed on October 1, 2016, and, as of this date, employees with a combination of years of service and age exceeding sixty (60) will remain eligible to elect retiree medical coverage. Retiree medical coverage will cease upon Medicare eligibility. At the employee's discretion, the employee may elect to participate in an employer funded post-employment Health Care Savings Program in-lieu-of retiree medical coverage. The City shall contribute \$38 per employee per month to the program during employment.

The City may provide, for those eligible employee's and at the employee's expense, a retiree medical benefits plan for an employee who retires from active employment with the City as an eligible member of the MERS Retirement Plan and receives retirement benefits. The retiree shall have a period of 45 days from and after his/her effective retirement date to elect such coverage. In the event that the retiree fails to elect coverage within this 45 day period, then such right shall be forever barred.

In the event that an employee shall elect to continue medical insurance coverage upon retirement under the City's Group Health Insurance Plan, the City agrees that it shall reimburse any such employee in an amount equal to one-half (1/2) the cost of any premiums charged in connection therewith, subject to the following terms and conditions:

- (1) That the City's responsibility for reimbursement shall be limited to a maximum monthly total of \$200 of the amount of premium attributable to the retiree only, exclusive of any additional premium charged or chargeable to extend coverage to the retiree's spouse, children or other dependents;
- (2) That the City shall not be required to reimburse any retiree for any portion of medical insurance premiums while such employee is covered under any other group policy of medical insurance, including Medicare, or where such benefits are available through his/her spouse's employment as a group policy;
- (3) In the event the retiree fails or refuses to pay a premium necessary to maintain coverage, such retiree's coverage shall be terminated and the City's responsibility to reimburse shall cease.
- (4) Upon the retiree's death, at the survivor's option and expense, the retiree's surviving spouse may elect to continue City health insurance benefits to the extent provided under COBRA.

Specific deductibles for group health insurance may vary depending on collective bargaining agreement and Certificates and Riders of coverage.

- (d) Municipal Employee's Retirement System

All regular full-time employees are covered under the Municipal Employees Retirement System. Benefit levels and contribution rates are determined by collective bargaining agreement, written contract, or set by the City of Dowagiac by adopted resolution.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 8

3. Resolution to authorize the amendment to the Health Care Savings Program (HCSP) that allows for participation by non-union employees of the City.

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

**WHEREAS**, the City of Dowagiac approved participation in the Michigan Employees' Retirement System Health Care Savings Program on May 9, 2005, and;

**WHEREAS**, the City would like to amend the program to establish a \$38 per month employer contribution for non-union employees, and;

**WHEREAS**, amendments to the Health Care Savings Program require formal approval by City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, authorizes the City Manager to sign the amended participation agreement with the Michigan Employees' Retirement System effective October 1, 2016.

APPROVED unanimously.

4. Resolution to approve an agreement with Wightman and Associates in the amount of \$9,700.00 to assist in the preparation of the renewal application for the National Pollutant Discharge Elimination System (NPDES) surface water discharge permit for the wastewater treatment plant.

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

**WHEREAS**, the city's National Pollutant Discharge Elimination System (NPDES) surface water discharge permit for the wastewater treatment plant expires in October 2017, and;

**WHEREAS**, the city does not have staff available to perform the necessary tasks to complete the renewal application by the required date of April 1, 2017, and;

**WHEREAS**, the City Administration has been reviewing the best way for compliance for permit renewal and have determined that contracting with Wightman and Associates is the best and most cost-effective way to complete our application.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 9

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby authorize the City Manager to execute an agreement with Wightman and Associates for NPDES permit renewal services in the amount of \$9,700.

APPROVED unanimously.

5. Resolution to approve a six (6) month agreement with Infrastructure Alternatives to provide repair and maintenance services at the Water and Wastewater Treat Plant.

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

WHEREAS, the City hired the management firm of Infrastructure Alternatives, Inc. (IAI) who teamed up with Wightman & Associates to provide a general facility assessment report on the state of the water and wastewater treatment plants, and;

WHEREAS, city staff has been working with IAI to address maintenance deficiencies at the wastewater treatment plant and have determined that additional resources are necessary to address these maintenance deficiencies, and;

WHEREAS, the City Council desires to enter into a six-month Agreement for Management Services to improve maintenance of the Dowagiac Wastewater Treatment and Water Treatment Plants, and;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Manager be and hereby are authorized to execute any and all documents necessary and appropriate to effectuate said agreement.

APPROVED unanimously.

6. Resolution authorizing awarding the bid for Division Street Corridor Project to Northern Construction with a bid of \$1,595,948.85.

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

WHEREAS, the City Council has been working with Wightman and Associates Inc. to develop the Commercial Street and Division Street corridor project, and;

WHEREAS, a bid opening was conducted on Thursday, July 7, 2016, to receive bids for the Commercial Street and Division Street Corridor Project, and;

WHEREAS, the bids have been reviewed by Wightman and Associates, Inc., and;

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 10

WHEREAS, the only bid received was from *Northern Construction Services Corporation*, of Niles, Michigan, in the amount of \$1,595,948.85.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby approve the bid from Northern Construction Services Corporation.

BE IT FURTHER RESOLVED that the City Council authorizes and directs the Mayor and City Clerk as the signatories for the execution of any and all contracts.

APPROVED unanimously.

7. Resolution authorizing the issuance of General Obligation Limited Tax Bonds, Series 2016 Division Street Corridor Finance.

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

**CITY OF DOWAGIAC  
(Cass County, Michigan)**

**Resolution No. \_\_\_\_\_**

**RESOLUTION TO AUTHORIZE ISSUANCE OF  
GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2016**

Minutes of a regular meeting of the City Council of the City of Dowagiac, Cass County, Michigan, held in the City Hall, 241 South Front Street, Dowagiac, Michigan, on July 11, 2016, at 7:00 p.m., local time.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

# DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 11

WHEREAS, pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), the City of Dowagiac (the “City”) has the authority to issue bonds to pay the costs of any capital improvement items; and

WHEREAS, the City desires to design, acquire, and construct certain capital improvements, including, but not limited to, public facilities along the Division Street corridor, the demolition of existing structures and facilities; construction of parking and parking lots; relocation and improvement of public utilities, including water, electric, sanitary sewer and storm sewer; realignment and improvement of streets and roads, landscaping and streetscaping improvements; the construction and improvement of park and park facilities; the restoration of streets; rights of way and easements, together with all related work, facilities, site work and appurtenances, and all work necessary and incidental to these improvements (the “Improvements”); and

WHEREAS, the Improvements will enable the City to provide more efficient and better quality public services to City residents; and

WHEREAS, to finance the cost of making the Improvements the City Council deems it necessary to borrow the sum of not to exceed \$2,000,000 and to issue its General Obligation Limited Tax Bonds, Series 2016 therefor pursuant to the provisions of Act 34.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. NECESSITY. It is necessary for the public health, safety, and welfare of the City to make the Improvements and issue bonds of the City, pursuant to Act 34, to finance the Improvements.
2. ESTIMATED COST - PERIOD OF USEFULNESS. The total cost of the Improvements, including the payment of architect’s fees, legal and financial expenses and other expenses incident to the financing of the Improvements, which is estimated to not exceed \$2,000,000, is hereby approved and confirmed, and the estimated period of usefulness of the Improvements is determined to be in excess of eleven (11) years.
3. ISSUANCE OF BONDS. To defray the cost of the Improvements, including legal, engineering, financial and other expenses, the City shall issue its bonds known as General Obligation Limited Tax Bonds, Series 2016 (the “Bonds”) in the aggregate principal amount of not to exceed \$2,000,000, as finally determined by the Authorized Officer (defined below) in an order signed by the Authorized Officer (the “Sale Order”). The balance of the cost of the Improvements, if any, shall be paid by grants or funds appropriated by the City.
4. BOND TERMS. The Bonds shall be issued in fully registered form as to both principal and interest, in minimum denominations of \$100,000 each, or any multiple of \$1,000 above that amount, or such other denominations determined by the Authorized Officer in the Sale Order (“Authorized Denominations”). The Bonds shall be numbered consecutively in the order of their registration, shall be dated the date of delivery or such other date approved by the

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 12

Authorized Officer in the Sale Order, and shall be payable serially or as term bonds on August 1 as determined by the Authorized Officer in the Sale Order, provided the final maturity shall be no later than eleven years from the date of issuance of the Bonds. The Bonds shall bear interest at a rate or rates not exceeding five percent (5%) per annum as determined by the Authorized Officer, payable semiannually on the first (1<sup>st</sup>) day of February and August of each year, commencing February 1, 2017, or such other date as determined by the Authorized Officer in the Sale Order. The Authorized Officer may alter the bond terms within the parameters of this resolution as hereafter provided.

5. CAPITALIZED INTEREST. The Authorized Officer shall have the authority to determine that up to two years of interest on the Bonds be capitalized.

6. PAYMENT OF PRINCIPAL AND INTEREST. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the Bonds shall be made at the principal office of the Paying Agent (defined below), upon surrender of the Bonds. Payment of interest on the Bonds shall be paid to the registered owner at the address as it appears on the registration books as of the determination date. Initially, the determination date shall be the date as of the fifteenth (15<sup>th</sup>) day of the month prior to the payment date for each interest payment; however, the determination date may be changed by the City to conform to market practice.

7. PLEDGE OF FULL FAITH AND CREDIT, GENERAL OBLIGATION. The City hereby pledges its limited tax, full faith and credit, general obligation for the prompt payment of the principal of and interest on the Bonds as and when due. In the event there are insufficient moneys for the payment of principal of and interest on the Bonds, the City shall levy a tax on all taxable property in the City for the prompt payment of principal and interest on the Bonds, which tax shall be limited as to rate and amount by applicable constitutional, statutory and charter limitations on the taxing power of the City.

8. PRIOR REDEMPTION

(a) Mandatory Redemption. Principal designated as a term bond maturity shall be subject to mandatory redemption, in whole or in part, by lot, at par plus accrued interest, on the redemption dates and in the amounts determined by the Authorized Officer. When term bonds are purchased by the City and delivered to the Paying Agent for cancellation or are redeemed in a manner other than by mandatory redemption, the principal amount of the term bonds affected shall be reduced by the principal amount of the Bonds so redeemed in the order determined by the City.

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 13

- (b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity as determined by the Authorized Officer at the time of sale.
- (c) Notice of Redemption. Notice of redemption of Bonds shall be given by mail to the Registered Owners of the Bonds to be redeemed not less than thirty (30) days prior to the date fixed for redemption, addressed to the Registered Owner at the registered address shown on the registration books of the City maintained by the Paying Agent. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem the same. So long as the book-entry-only system remains in effect, the Paying Agent will give notice to Cede & Co., as nominee of the Depository Trust Company, New York, New York (“DTC”), and only Cede & Co. will be deemed to be a holder of the Bonds.

### 9. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the Authorized Officer is authorized designate and appoint a paying agent, transfer agent and bond registrar (the “Paying Agent”) and to remove the Paying Agent and appoint a successor Paying Agent. The initial Paying Agent shall be designated by the Authorized Officer. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Book Entry Eligible. At the option of the initial purchaser of the Bonds, the Bonds may be issued initially in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for DTC. DTC will act as securities depository for the Bonds, purchase of the Bonds will be made in book-entry-only form, in Authorized Denominations, and purchasers will not receive certificates representing their interest in Bonds purchased. Payment of principal and interest will be made by the Paying Agent to DTC. While the Bonds are held in book-entry-only form, then the Bonds shall be transferred in accordance with the procedures established by DTC. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent or bond registrar shall have no responsibility with respect to such transfers. The Authorized Officer shall have the authority from time to time to appoint a successor depository trustee to serve in the place of DTC. While the Bonds are issued in book-entry-only form the Paying Agent shall serve as paying agent only.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 14

(c) Discontinuance of Book-Entry-Only. In the event the book-entry-only system is not selected or is discontinued, the following provisions would apply to the Bonds. Registration of the Bonds shall be recorded in the registration books of the City to be kept by the Paying Agent. Bonds may be transferred only by submitting the same to the Paying Agent, together with a satisfactory instrument of transfer signed by the Registered Owner or his legal representative duly authorized in writing, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in Authorized Denominations or any permitted multiple thereof, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than twenty (20) days prior to an interest payment date nor after the Bond has been called for redemption. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent, acting as bond registrar, shall have no responsibility with respect to such transfers.

10. BOND FORM. The Bonds shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such changes as are recommended by the City's Bond Counsel and approved by the officers of the City signing the Bonds whose signature thereon shall be conclusive evidence of such approval.

11. EXECUTION OF BONDS. The Mayor or the Mayor Pro Tem and the Clerk or the Deputy Clerk of the City are hereby authorized and directed to sign the Bonds, either manually or by facsimile signature, on behalf of the City. Upon execution, the Bonds shall be delivered to the purchaser thereof upon receipt of the purchase price.

12. BONDS MUTILATED, LOST OR DESTROYED. If any Bond shall become mutilated, the City, at the expense of the holder of the Bond, shall execute, and the Paying Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Paying Agent of the mutilated Bond. If any Bond issued under this Resolution shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Paying Agent and, if this evidence is satisfactory to both the City and the Paying Agent and indemnity satisfactory to the Paying Agent shall be given, the City, at the expense of the owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like tenor, which shall bear the statement required by Act 354, Public Acts of Michigan, 1972, as amended, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the Paying Agent may pay the same without surrender thereof.

13. BOND PAYMENT FUND. For payment of principal of and interest on the Bonds, there shall be established and maintained a debt service fund for the Bonds (the "Bond Payment

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 15

Fund"). The accrued interest, if any, and capitalized interest, if any, received at the time of delivery of the Bonds shall be placed into the Bond Payment Fund. The City shall budget annually a sufficient amount to pay the annual principal of and interest on the Bonds and deposit such amount in the Bond Payment Fund as needed to make payments of principal and interest as they become due. Moneys in the Bond Payment Fund shall be expended solely for payment of principal and interest on the Bonds that first come due. Any monies remaining in the Bond Payment Fund after the annual payments of principal of and interest on the Bonds shall be transferred to the General Fund and shall no longer be pledged hereunder.

14. CONSTRUCTION FUND. Prior to delivery and sale of the Bonds, there shall be established a construction fund (the "Construction Fund"). After deducting the sums that are required to be deposited in the Bond Payment Fund, the balance of the proceeds of the Bonds shall be deposited into the Construction Fund. The moneys on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the Bonds were issued. Any unexpended balance shall be used for such purposes as allowed by law. Any monies remaining in the Construction Fund after payment of all such costs shall be transferred to the Bond Payment Fund. After completion of the Improvements and disposition of any remaining Bond proceeds, pursuant to the provisions of this Section, the Construction Fund shall be closed.

15. INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the City as allowed by law subject to the limitations imposed by arbitrage regulations and Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

16. DEPOSITORY AND FUNDS ON HAND. Monies in the several funds and accounts maintained pursuant to this Resolution may be kept in one or more accounts at financial institutions designated by resolution of the City, and if kept in one account, the monies shall be allocated on the books and records of the City in the manner and at the times provided in this Resolution.

17. ADDITIONAL BONDS. In accordance with the provisions of Act 34, the City reserves the right to issue additional bonds, which shall be of equal standing and priority with the Bonds.

18. CONTRACT WITH BONDHOLDERS. The provisions of this Resolution shall constitute a contract between the City and the holder or holders of the Bonds from time to time and after the issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution may be made that would lessen the security for the Bonds. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such holder or holders, either at law or in equity.

19. SALE OF BONDS. The City has caused to be circulated a request for proposals to purchase the Bonds and the Authorized Officer is authorized to select the financial institution to whom the Bonds will be sold and negotiate the sale of the Bonds to such financial institutions as the Authorized Officer shall determine. The City determines that a negotiated sale is in the best

## DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 16

interest of the City because its relationships with local banking institutions may provide a low interest rate while also saving on the costs of issuance for the Bonds and will provide flexibility to respond to market conditions.

The Authorized Officer shall have the authority to determine to sell the Bonds at a public sale. In the event the Authorized officer determines to sell the Bonds at a public sale, the Authorized Officer shall set the date and time for sale of the Bonds, which date shall be at least seven (7) days after the publication of the official notice of sale and the Authorized Officer shall cause notice of the sale of the Bonds to be published in *The Bond Buyer*, which notice shall be in such form as the Authorized Officer shall determine.

The Bonds shall not be sold at a price that would make the interest cost on the money borrowed, after deducting any premium or adding any discount, exceed five percent (5%) per annum or at a price less than 98% of their value.

20. AUTHORIZED OFFICER. Notwithstanding any other provision of this Resolution, the Mayor and the City Manager of the City, or either one of them acting alone (the "Authorized Officer"), are authorized within the limitations of this Resolution to determine the title of the Bonds, the interest rate or rates (not to exceed 5%), maximum interest rate, amount of discount (not to exceed 2%) or premium, amount of maturities, principal amount (not to exceed the principal amount stated in this Resolution), amount of good faith deposit, if any, denominations, dates of issuance, dates of maturities (with the final maturity no later than eleven years after the date of issuance of the Bonds), interest payment dates, optional and mandatory redemption rights, and term bond options.

The Authorized Officer is hereby authorized for and on behalf of the City, without further City Council approval, to: (a) approve the circulation of a preliminary and a final Official Statement describing the Bonds if the Authorized Officer deems advisable; (b) to negotiate and complete the sale of the Bonds to a financial institution selected by the Authorized Officer or to award the bid for the sale of the Bonds if the Bonds are sold at a public sale; (c) purchase municipal bond insurance, if considered necessary, as additional security for the bondholders; (d) apply to rating agencies for a rating on the Bonds; (e) enter into a continuing disclosure undertaking, in accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, if deemed advisable; (f) to hire such professionals as the Authorized Officer determines may be required for the sale of the Bonds, including, but not limited to a placement agent or a financial advisor; and (g) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

Approval by the City of the matters delegated in this section or any other sections may be evidenced by execution or approval of such documents by the Authorized Officer. The Authorized Officer, together with the Clerk, the Treasurer and the Finance Director or any one or more of them, are authorized to execute any documents or certificates necessary to complete the transaction, including, but not limited to, any applications including applications to the Michigan Department of Treasury and any applications for waivers the Authorized Officer determines to be

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 17

necessary, including the submission of any supporting or related documents, any certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules or regulations.

21. QUALIFIED TAX-EXEMPT OBLIGATION. The City reasonably anticipates that the amount of qualified tax-exempt obligations that will be issued by the City and all subordinate entities during the calendar year 2016 shall not exceed \$10,000,000. The City hereby designates the Bonds, in their total principal amount, as qualified tax-exempt obligations for purposes of Section 265(b)(3)(B) of the Code.

22. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

23. TAX COVENANT. The City covenants to comply with all requirements of the Code necessary to assure that the interest on the bonds will be and will remain excludable from gross income for federal income tax purposes.

24. MUNICIPAL BOND INSURANCE. The Authorized Officer is hereby authorized to acquire municipal bond insurance to enhance the marketability of the Bonds. If the City acquires municipal bond insurance from a municipal bond insurer (the "Insurer"), the Authorized Officer, the Clerk, the Treasurer and the Finance Director or any one of them, are hereby authorized to take all actions, including the payment of membership fees of a mutual insurance company, and to execute any documents, certificates, orders, applications, agreements, conditions, covenants or other instruments necessary to effectuate the issuance of the policy of bond insurance, including, but not limited to the execution of an order or agreement containing such provisions as the insurer may require with respect to the insurance and the Insurer, which shall be binding on the City in the same manner as if contained herein.

25. BOND COUNSEL. The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the City for the issuance of the Bonds.

26. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

27. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page | 18

28. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

29. CONFLICT. Except as provided above, all resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

30. EFFECTIVE DATE OF RESOLUTION. This Resolution is determined by the City Council to be immediately necessary for the preservation of the peace, health and safety of the City and shall be in full force and effect from and after its passage.

YEAS: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Jane P. Wilson, Clerk  
City of Dowagiac

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF CASS        )

I, Jane P. Wilson, the duly qualified and acting Clerk of the City of Dowagiac, Cass County, Michigan (the "City"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on July 11, 2016, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended.

Date: July 11, 2016

\_\_\_\_\_  
Jane P. Wilson, Clerk  
City of Dowagiac

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Nineteen

**EXHIBIT A**

No. \_\_\_\_

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF CASS**

**CITY OF DOWAGIAC**

**GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2016**

<b>Interest Rate</b>	<b>Date of Maturity</b>	<b>Date of Original Issue</b>	<b>[CUSIP No.]</b>
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\_\_\_\_\_

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Registered Owner:

Principal Amount:

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The City of Dowagiac, Cass County, Michigan (the "City"), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, on the first day of February and August of each year beginning February 1, 2017, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

This Bond is one of a total authorized issue of bonds of even date and like tenor except as to date of maturity, amount and rate of interest, numbered in order of registration, aggregating the principal sum of \$\_\_\_\_\_ issued in accordance with the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and a resolution adopted by the City Council on July 11, 2016, for the purpose of paying the cost to design, acquire and construct certain capital improvements, including, but not limited to, street construction and reconstruction, including, but

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty

not limited to, public facilities along the Division Street corridor, the demolition of existing structures and facilities; construction of parking and parking lots; relocation and improvement of public utilities, including water, electric, sanitary sewer and storm sewer; realignment and improvement of streets and roads, landscaping and streetscaping improvements; the construction and improvement of park and park facilities; the restoration of streets; rights of way and easements, together with all related work, facilities, site work and appurtenances, and all work necessary and incidental to these improvements.

The City has pledged the limited tax, full faith, credit and resources of the City for the prompt payment of the principal of and interest on the Bonds, in which event the City may levy a tax on all taxable property in the City for the payment of principal and interest on the Bonds, which tax shall be limited as to rate and amount by applicable constitutional, statutory and charter limitations on the taxing power of the City. The City reserves the right to issue additional bonds in accordance with the provisions of Act 34 that shall be of equal standing and priority with the Bonds.

Principal of this Bond is payable at the principal office of \_\_\_\_\_, or such other Paying Agent as the City may hereafter designate (the "Paying Agent") by notice mailed to the Registered Owner not less than sixty (60) days prior to the next interest payment date. Interest on this Bond is payable to the Registered Owner of record as of the fifteenth (15<sup>th</sup>) day of the month preceding the payment date as shown on the registration books of the City maintained by the Paying Agent, by check or draft mailed to the Registered Owner at the registered address.

Bonds or portions of Bonds maturing on \_\_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity in part, by lot, on each \_\_\_\_\_ 1, commencing \_\_\_\_\_ and will be redeemed at the par value thereof plus accrued interest to the redemption date on \_\_\_\_\_ 1 of each of the following years in the amounts as follows:

Redemption Date

Principal Amount

Term Bonds maturing on \_\_\_\_\_ 1, \_\_\_\_\_, purchased by the City and delivered to the Paying Agent for cancellation or that are redeemed in a manner other than by mandatory redemption, shall reduce the principal amount of the Term Bonds subject to mandatory redemption by the amount of the Bonds so redeemed, in the order determined by the City.

The Bonds shall not be subject to optional redemption prior to maturity.

Notice of the call of any Bonds for redemption shall be given by first class mail not less than thirty (30) days prior to the date fixed for redemption, to the Registered Owner at the registered address. Bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem such Bonds. Bonds shall be called for redemption in multiples of \$1,000, and Bonds of denominations of more than \$1,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the Bond by

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-One

\$1,000, and such Bonds may be redeemed in part. The notice of redemption of Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed, a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the Registered Owner thereof. So long as the book-entry-only system remains in effect, the Paying Agent will give notice to Cede & Co., as nominee of The Depository Trust Company, a New York corporation, only, and only Cede & Co. will be deemed to be a holder of the Bonds.

This Bond shall be registered in the name of the Registered Owner on the registration books kept by the Paying Agent and such registration noted hereon, and thereafter no transfer shall be valid unless made upon the registration books and likewise noted hereon. This Bond is exchangeable at the request of the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Paying Agent, but only in the manner, subject to the limitations and at his sole expense, for other bonds of an equal aggregate amount, upon surrender of this Bond to the Paying Agent. Upon such transfer, a new registered bond or bonds of the same series and the same maturity of authorized denomination will be issued to the transferee in exchange therefor.

The City has designated the Bonds of this series as "qualified tax exempt obligations" for purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular and due time and form as required by law and that the total indebtedness of the City including this Bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Dowagiac, Cass County, Michigan, by its City Council, has caused this Bond to be signed, by the manual or facsimile signatures of its Mayor and its Clerk, all as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Donald D. Lyons, Mayor

\_\_\_\_\_  
Jane P. Wilson, Clerk  
City of Dowagiac

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Two

**CERTIFICATE OF REGISTRATION AND AUTHENTICATION**

This Bond is one of the City of Dowagiac \$ \_\_\_\_\_ General Obligation Limited Tax Bonds, Series 2016, and has been registered in the name of the Registered Owner designated on the face thereof in the bond register maintained for the City.

\_\_\_\_\_

Authentication Date: \_\_\_\_\_

As Paying Agent/Bond Registrar/Transfer Agent

**[WRONGFUL USE OF CERTIFICATE (IF DTC)]**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_ (please print or type social security number or taxpayer identification number and name and address of transferee)

the within bond and all rights thereunder, and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

In the presence of: \_\_\_\_\_

**Notice:** The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of his Village to act must accompany the bond.

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guaranty program.

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Three

Signature Guaranteed: \_\_\_\_\_

APPROVED unanimously.

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

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

**WHEREAS**, the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices for period ending 7/3/16 and payroll #21:

Invoices \$129,576.80    PR \$120,799.53    Total \$250,376.33

**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>
\$129,576.80	\$120,799.53	\$250,376.33

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: None (0)

Abstain: None (0)

ORDINANCES

1. 1<sup>ST</sup> reading of an Ordinance to amend Chapter 82, Utilities; Section 24 "Landlord/Tenant Policy for Rental Properties", Sub-paragraph (b) regarding landlord affidavit policy.

**ORDINANCE NO. , 2016**

**ORDINANCE**-----

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Four

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, ARTICLE I. "IN GENERAL" SECTION 82-24, "LANDLORD/TENANT POLICY FOR RENTAL PROPERTIES", SUB-PARAGRAPH (B), OF THE DOWAGIAC CITY CODE BE AND IS HEREBY AMENDED BY ITS REPEAL AND THE ADOPTION OF A NEW SUBPARAGRAPH (B) OF THE DOWAGIAC CITY CODE.

THE CITY OF DOWAGIAC ORDAINS:

Section 1. That Chapter 82, Utilities; Article I. "In General", Section 82-24 "Landlord/Tenant Policy for Rental Properties", Sub-paragraph (b) be and hereby is amended to read as follows:

- b. To avoid having delinquent utility charges from their tenants assessed against their premises, landlords must file with the city before the tenant occupies the premises a signed copy of the lease agreement and a sign and notarized "AFFIDAVIT OF TENANT RESPONSIBILITY FOR CITY OF DOWAGIAC UTILITY CHARGES AND THIRD PARTY AUTHORIZATION FORM." The lease must contain language that the tenant is responsible for the utility bills. Upon the filing of the lease agreement, the tenant will be responsible for a utility deposit in accordance with section 82-7 of this Code that is payable at the time service is established. The utility deposit will be applied to the tenant's final bill for that premises, with any excess amount being refunded to the tenant.

**Starting August 31<sup>st</sup> 2016, on all active and future Affidavits, if a tenant vacates the premise leaving an unpaid balance on a utility bill, that unpaid balance and applicable interest and penalties must be paid in full in order for that premise to be eligible to avoid having subsequent tenant utility charges assessed against that premises by filing the Affidavit and Third Party Authorization Form as provided above.**

Section 2: That pursuant to the provisions of Chapter 1, Section 1-4 of the Dowagiac Charter and due to the length of this Ordinance, the Dowagiac City Clerk be and is hereby directed to forthwith cause posting and publication of this Ordinance on the bulletin board of the Dowagiac City Hall, the same being the usual place of posting for the actions of the City Council.

Moved by: Dodd

Seconded by: Laylin

Ayes:

Nays:

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Five

Absent:

Abstain:

ADOPTED/REJECTED

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Donald L. Lyons, Mayor

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Jane P. Wilson, City Clerk

2. 1<sup>st</sup> reading of an ordinance to amend Chapter 82, Utilities; Section 7 “Service Deposits,” Sub-paragraph (4) to eliminate duplicate language and correct a typographical error.

**ORDINANCE NO. , 2016**

**ORDINANCE-----**

AN ORDINANCE TO AMEND CHAPTER 82 UTILITIES ARTICLE I. “IN GENERAL” SECTION 82-7 “SERVICE DEPOSITS”, SUB-PARAGRAPH (4), OF THE DOWAGIAC CITY CODE BE AND IS HEREBY AMENDED BY ITS REPEAL AND THE ADOPTION OF A NEW SUBPARAGRAPH (4) OF THE DOWAGIAC CITY CODE.

THE CITY OF DOWAGIAC ORDAINS:

Section 1. That Chapter 82, Utilities; Article I. “In General”, Section 82-7 “Service Deposits”, Sub-paragraph (4) be and hereby is amended to read as follows:

- d. Commencing on August 1, 2016, level I deposits shall be applied to all “non renting” customers’ bills within 90 days of said date and annually within 90 days of August 1, 2016 thereafter for those “non-renting” customers who have maintained a current bill (paid by the due date without penalty) for the 12 months of the proceeding calendar year. Deposits for all “renting” customers shall not be applied to the account but shall remain as an active deposit until the “renting” account is closed.
  - 1. Remove – this has been covered in subsection i.
- i. Once a “non-renter” has established a current payment history with the city, a deposit will not be required should the applicant request utility service at a new

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Six

location. Should the applicant subsequently be disconnected for a violation of any utility ordinance they will be required to pay any deposits as required of an applicant without acceptable credit history. Further, their utilities will not be turned on until all amounts, including the deposits required, have been paid in full.

Section 2: That pursuant to the provisions of Chapter 1, Section 1-4 of the Dowagiac Charter and due to the length of this Ordinance, the Dowagiac City Clerk be and is hereby directed to forthwith cause posting and publication of this Ordinance on the bulletin board of the Dowagiac City Hall, the same being the usual place of posting for the actions of the City Council.

Moved by: Laylin

Seconded by: Burling

Ayes:

Nays:

Absent:

Abstain:

ADOPTED/REJECTED

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Donald L. Lyons, Mayor

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Jane P. Wilson, City Clerk

RESOLUTION (CONTINUED)

9. Resolution to go into closed session for the purpose of discussing litigation and real estate.

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

DOWAGIAC CITY COUNCIL MEETING

Monday, July 11, 2016

Page Twenty-Seven

**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 discussing litigation and real estate; and

**WHEREAS**, the Mayor and City Council desire to meet with the City Manager and the City Attorney to receive an update and discuss the litigation and real estate.

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

APPROVED unanimously.

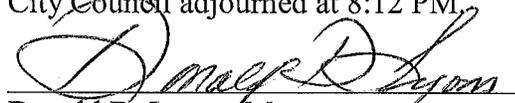
CLOSED SESSION

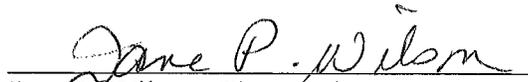
OPEN 7:48 PM

LATER 8:12 PM

ADJOURNMENT

Upon motion by Councilmember Schuur and seconded by Councilmember Laylin the Dowagiac City Council adjourned at 8:12 PM.

  
\_\_\_\_\_  
Donald D. Lyons, Mayor

  
\_\_\_\_\_  
Jane P. Wilson, City Clerk

