

DOWAGIAC CITY COUNCIL MEETING

Monday, July 27, 2015

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

Mayor Lyons led the Pledge of Allegiance to the flag.

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, City Manager; Assistant City Manager Rozanne H. Scherr; Code Enforcement Officer Steve Allen

Councilmember Dodd moved and Councilmember Laylin seconded that the minutes of the July 13, 2015 meeting be approved.

Approved unanimously.

APPOINTMENTS

Recommended by the Mayor and offered by the Mayor Pro-Tem. The proposed appointments were as follows:

Russom Park Board

- Appoint Lori Hunt for a term expiring July 2017
- Appoint Jim Benedix for a term expiring July 2017
- Appoint Rose Scherr for a term expiring July 2017

RESOLUTIONS

1. Resolution to authorize setting a public hearing on August 10, 2015 to consider declaring 226 High Street a public nuisance.

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

WHEREAS, the City Council has received and considered a report from the City's Building Official relating to the following-described property and premises within the City of Dowagiac, County of Cass, State of Michigan:

226 E HIGH ST

Tax # 14-160-100-235-00

**Described as follows: . DW 460A FRM A PT 209.7 FT N & 34.17 FT N 75
DEG W FRM W 1/4 POST SEC 6, LAGRANGE TWP,**

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MEAS N 75 DEG W ALG CEN DOW CRK 138.23 FT TO PL OF BEG OF LAND HERE DESC. TH N 60 DEG W ALG CEN SD CRK 145.8 FT TO CEN JUDD'S MILL RACE, TH N 21 DEG 17' E ALG CEN SD MILL RACE 107.05 FT, TH N 31 DEG 48' E 164.35 FT TO SLY LINE HIGH ST, TH S 60 DEG 31' E ALG SD SLY LINE HIGH ST 100 FT, TH S 17 DEG 57' W 277.4 FT TO PL OF BEG. SEC 1 UNPLATTED POKAGON. CITY OF DOWAGIAC.

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 38; Article II, Sections 38-41, 38-42, 38-43 and 38-45, justifying abatement by the City pursuant to the powers granted in Chapter 12 of the City Charter and procedures set forth in Chapter 38 of the Code of Ordinances of the City of Dowagiac; and,

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 38 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac will conduct a public hearing and investigation on August 10, 2015 at 7:00p.m. in the City Council Chambers, Dowagiac City Hall, for the purposes and according to the procedures referred to above; and,

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to:

1. Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation.

2. Cause a notice to be published in the *Dowagiac Daily News* at least ten (10) days in advance of said hearing. Then notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 38, Sections 38-41, 38-42, 38-43 and 38-45.

3. Provide for the recording of such hearings.

APPROVED unanimously.

2. Resolution to authorize setting a public hearing on August 10, 2015 to consider declaring 303 Walnut Street a public nuisance.

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

WHEREAS, the City Council has received and considered a report from the City's Building Official relating to the following-described property and premises within the City of Dowagiac, County of Cass, State of Michigan:

303 WALNUT ST

Tax # 14-160-100-685-00

Described as follows: . DW 1626 LOT 62 B. MC CONNELL'S ADD CITY OF DOWAGIAC.

WHEREAS, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 38; Article II, Sections 38-41, 38-42, 38-43 and 38-45, justifying abatement by the City pursuant to the powers granted in Chapter 12 of the City Charter and procedures set forth in Chapter 38 of the Code of Ordinances of the City of Dowagiac; and,

WHEREAS, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 38 of said Code for the purpose of ascertaining and determining for itself whether such condition or conditions exist.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac will conduct a public hearing and investigation on August 10, 2015 at 7:00 p.m. in the City Council Chambers, Dowagiac City Hall, for the purposes and according to the procedures referred to above; and,

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to:

1. Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation.

2. Cause a notice to be published in the *Dowagiac Daily News* at least ten (10) days in advance of said hearing. Then notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 38, Sections 38-41, 38-42, 38-43 and 38-45.

3. Provide for the recording of such hearings.

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3. Resolution of support for the Lake Michigan Trails Network.

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

Lake Michigan Trails Network RESOLUTION OF SUPPORT

Whereas, the City of Dowagiac is committed to the "Lake Michigan Trails Network," a partnership of advocates and stakeholders developing and promoting water, biking, hiking, and automobile routes and trails around Lake Michigan while enhancing environmental, economic, and health benefits for residents and visitors; and

Whereas, the "Lake Michigan Trails Network" fosters partnerships between planners, trail managers and users, landowners, business owners, tourism agencies, government agencies and advocacy groups in all four shoreline states to plan and build trails and amenities, and share knowledge, successes, methods and challenges, to aid the development of projects; and

Whereas, the "Lake Michigan Trails Network" recommends linking trails together, gaining cooperation to encourage regional collaboration, and create a partnership that will provide transportation, recreation and community benefits aimed at enhancing the quality of life; and

Whereas, many communities, agencies, and trail advocates in the region have taken a lead in planning and/or building local trails, and those efforts can be greatly enhanced by being connected to the larger Lake Michigan Trails with a strong brand marketed to encourage tourism; and

Whereas, trails are freely accessible community assets offering opportunities for transportation, recreation and exercise to everyone and provide safe places for people to experience a sense of community and create stronger social and family ties; and

Whereas, trails have significant impact on the health and economic viability of the region through encouraging active lifestyles, increased tourism revenue, enhanced property values, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

Whereas, the "Lake Michigan Trails Network" provides the foundation for a long-term strategy that will continue to grow and to provide invaluable resources for future generations; and

Now, therefore, be it resolved that the City of Dowagiac is committed to the promotion and continued development of the "Lake Michigan Trails Network" and in concept to working with neighboring communities to plan, design, build and maintain a system of trails that will connect our communities, people and special regional points of interest for years to come.

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

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

WHEREAS, the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices for period ending 7/23/15 and payroll #22:

Invoices \$990,111.42 PR #22 \$179,694.43 Total \$1,169,805.85

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>
\$473,893.10	\$297,719.34	\$771,612.44

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. Second reading of an ordinance to amend Section 22.5(C)(6), Map, of Chapter 22, Changes and Amendments, of the Dowagiac Zoning Code.

ORDINANCE-----

AN ORDINANCE TO AMEND SECTION 22.5 (C) (6), MAP OF CHAPTER 22, CHANGES AND AMENDMENTS, OF THE DOWAGIAC CITY CODE BY AMENDMENT OF THE ZONING MAP.

THE CITY OF DOWAGIAC ORDAINS:

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Section 1: That Section 22.5 (C) (6) of Chapter 22, of the Dowagiac Zoning Code be is hereby amended by changing the official zoning map as follows:

“Designate as “Office Service District” certain properties in the State of Michigan, County of Cass, City of Dowagiac, more specifically identified as parcel number 14-160-300-00.”

Section 2: That this ordinance shall take full force and effect immediately upon its publication in a newspaper of general circulation within the City of Dowagiac.

July 13, 2015 Moved by: Burling Seconded by: Laylin
July 27, 2015 ADOPTED on a roll call vote.

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

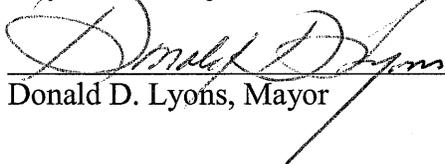
Nays: None (0)

Absent: None (0)

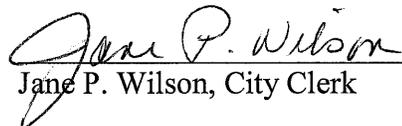
Abstain: None (0)

ADJOURNMENT

Upon motion by Councilmember Laylin and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:13 PM.



Donald D. Lyons, Mayor



Jane P. Wilson, City Clerk