

## DOWAGIAC CITY COUNCIL MEETING

Monday, August 10, 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 James B. Dodd, Danielle E. Lucas, Bob B. Schuur and City Clerk Jane P. Wilson.

ABSENT: Mayor Lyons, Councilmembers Burling and Hunt

STAFF: City Manager Kevin P. Anderson, City Manager

Councilmember Dodd moved and Councilmember Lucas seconded that the minutes of the July 27, 2015 meeting be approved.

Approved unanimously.

### PUBLIC HEARING –

1. Public hearing to receive comment on the declaration of a public nuisance for the structure located at 226 East High Street.

Mayor Pro-Tem Laylin opened the hearing at 7:02 p.m., hearing no comment, hearing was closed at 7:03 p.m.

2. Public hearing to receive comment on the declaration of a public nuisance for the structure located at 303 Walnut Street.

Mayor Pro-Tem Laylin opened the hearing at 7:03 p.m., hearing no comment, hearing was closed at 7:03 p.m.

### COMMUNICATION –

1. 25<sup>th</sup> Annual Rod & Roll Classic Car Show

Motion by Schuur, seconded by Lucas, to approve the event.

APPROVED unanimously.

### RESOLUTIONS –

1. Resolution to appoint representation to Jarrid Bradford as the employee delegate and Patty Klug as the employee alternate delegate to the Michigan Employee Retirement System (MERS) annual meeting.

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

**WHEREAS**, the City of Dowagiac has been a member of the Michigan Municipal Employees Retirement System (MERS) since October 1, 1987; and

**WHEREAS**, in accordance with the provision of the State Retirement Act, all MERS members may be represented at a State MERS Meeting held annually; and

**WHEREAS**, this same statute provides that participating member municipalities are to be represented by one officer (administrative), as well as one municipal employee (non-administrative); and

**WHEREAS**, the employee delegate and his/her alternate must be selected by secret ballot of the employees who are members of the Retirement System; and

**WHEREAS**, the results of an election tabulated August 7, 2015, member employees elected Jarrid Bradford as their delegate and Patty Klug as their alternate delegate.

**NOW, THEREFORE, BE IT RESOLVED** that Assistant City Manager Rozanne Scherr be appointed the officer delegate and Finance Director Rebecca Grabemeyer be appointed alternate officer delegate.

**BE IT FURTHER RESOLVED** that Jarrid Bradford be appointed employee delegate and Patty Klug be appointed alternate employee delegate.

**BE IT FURTHER RESOLVED** that the two appointed delegates, and in their absence the alternate delegates, be authorized to attend the annual meeting of MERS and vote on behalf of participating City of Dowagiac employees.

ADOPTED unanimously.

2. Resolution to authorize the 2015 Project Authorization Capital Purchase of a Dial-A-Ride bus.

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

**WHEREAS**, pursuant to a grant agreement between the Michigan Department of Transportation and the City of Dowagiac it is necessary for the City of Dowagiac to enter into a project authorization agreement for its local transportation program for the fiscal year 2015 Section 5311 Capital Formula Grants for Rural Areas

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Program/Congestion Mitigation and Air Quality Improvement Program in order to receive State and Federal financial assistance.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize Transportation Coordinator Rozanne Scherr to execute the Project Authorization, FY 2015 Section 5311 Capital Formula Grants for Rural Areas Program/Congestion Mitigation and Air Quality Improvement Program, attached hereto and by reference made a part hereof as required to receive financial assistance from the Michigan Department of Transportation, in accordance with Act 51; and

**BE IT FURTHER RESOLVED** that, for all public transportation matters, the Transportation Coordinator shall provide such information as deemed necessary by the State Transportation Commission or Department for its administration of Act 51 for fiscal year 2015.

ADOPTED unanimously.

3. Resolution to authorize the submittal of a proposal to designate Riverside Drive extension a City Major street within the National Functional Classification System for public roads.

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

**WHEREAS**, pursuant to a grant agreement between the Michigan Department of Transportation and the City of Dowagiac it is necessary for the City of Dowagiac to enter into a project authorization agreement for its local transportation program for the fiscal year 2015 Section 5311 Capital Formula Grants for Rural Areas Program/Congestion Mitigation and Air Quality Improvement Program in order to receive State and Federal financial assistance.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize Transportation Coordinator Rozanne Scherr to execute the Project Authorization, FY 2015 Section 5311 Capital Formula Grants for Rural Areas Program/Congestion Mitigation and Air Quality Improvement Program, attached hereto and by reference made a part hereof as required to receive financial assistance from the Michigan Department of Transportation, in accordance with Act 51; and

**BE IT FURTHER RESOLVED** that, for all public transportation matters, the Transportation Coordinator shall provide such information as deemed necessary by the State Transportation Commission or Department for its administration of Act 51 for fiscal year 2015.

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ADOPTED unanimously.

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 8/2/15 and payroll #23:

Invoices \$139,227.24      PR #23 \$116,028.42      Total \$255,305.66

**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>
\$139,227.24	\$116,028.42	\$255,305.66

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: Burling, Hunt

Abstain: None (0)

5. Resolution to declare the structure at 226 East High Street a public nuisance.

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

**WHEREAS**, the Dowagiac City Council has heretofore adopted its resolution scheduling a public hearing on the necessity of abatement of dangerous structures constituting a public nuisance within the meaning of Sections 38.42 et seq, of the Dowagiac City Code, which structures are described as:

**226 E HIGH ST  
Tax # 14-160-100-235-00**

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**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, 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**, due notice of public hearing to consider the condemnation thereof has heretofore been given in accordance with the requirements of Chapter 66, Section 66.7 of the Dowagiac City Code, both by publication and by mailing to each owner or person in interest in said property as shown by the last general tax assessment roll of the City, at least ten full days prior to the date of said hearing; and;

**WHEREAS**, said hearing has been conducted and comments thereon received, and;

**WHEREAS**, the Dowagiac City Council, upon due consideration and deliberation, determines that condemnation of certain structures situated at **226 EAST HIGH STREET**, City of Dowagiac, is necessary due to the deteriorated and/damaged condition and the inability of the structures to be economically rehabilitated, and such action must be taken in order to properly and adequately safeguard the public interest, and;

**WHEREAS**, this Council does further determine that the whole of the cost of the repairs, improvements and/or demolition of the structures attached hereto and incorporated herein by reference shall be defrayed by use of the withholding funds, under PA 495, of 1980 upon the property hereinabove described in the event that said improvements and/or demolition shall not be made by the owner thereof within the time limits herein below proscribed.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dowagiac by the affirmative vote of its Council does hereby determine that certain structures situated upon the properties hereinabove described constitutes a public nuisance as defined by Chapter 38, Sections 38.71(13) and 38.41 of the Dowagiac City Code justifying abatement by the City pursuant to the powers granted in Chapter 12 of the Dowagiac City Charter and Chapter 38 of the Dowagiac City Code.

**BE IT FURTHER RESOLVED** that the improvements, repairs and/or demolition of said structures are those set forth in Appendix A attached hereto and incorporated herein by reference, and that said improvements, repairs and/or demolition is necessary in order to protect the public health, safety and welfare.

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**BE IT FURTHER RESOLVED** that said premises by and hereby is determined to contain the following violations:

- Building      (      ) Electrical
- (      ) Plumbing      (      ) Heating
- (      ) Housing      (      ) Fire
- (      ) Other

**BE IT FURTHER RESOLVED** that said nuisances be abated, and that the owner of said premises, to-wit: **PODELL, WHITNEY**, be and hereby is directed to **demolish** said nuisance by commencement of actions necessary to accomplish same **within 5 days** from the date of this resolution, and that said acts be completed, and said nuisances abated, no later than **10 days** from the date of this resolution.

**BE IT FURTHER RESOLVED** that if, upon the commencement date herein provided, abatement has not been commenced or if, upon the completion date, such conditions constituting a nuisance have not been abated, the City Manager is directed to cause the abatement of such conditions and nuisances by:

Demolition

(      ) Correction of the above-listed Code violations.

**BE IT FURTHER RESOLVED** that any costs incurred in the abatement of such conditions and nuisances are to be recovered through use of the withholding funds deposited with the City on August 11, 2015, issued under Public Act 495, 1980.

**BE IT FURTHER RESOLVED** that the City Manager be and hereby is directed to solicit and receive estimates of the costs and expenses associated with the abatement of said nuisances as hereinabove set forth and that such estimates shall be deposited with the City Clerk for examination in accordance with the requirements of Chapter 66 of the Dowagiac City Code.

**BE IT FURTHER RESOLVED** that the City Clerk be and hereby is directed to forthwith send, by certified mail, return receipt requested, a copy of this resolution to the last known address of the property owner, or any person having an interest in said properties, as shown by the last general tax assessment roll of the City, together with copies of the Code Enforcement Report forms submitted in this matter.

ADOPTED unanimously.

6. Resolution to declare the structure at 303 Walnut Street a public nuisance.

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

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ADOPTED unanimously.

7. Update of Resolution to authorize the placement of a Charter Amendment question on the March 9, 2016 ballot for voter consideration (modification of date from November 3, 2015 to March 8, 2016).

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

ADOPTED unanimously.

ADJOURNMENT -

Upon motion by Councilmember Dodd and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:19 PM.

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Leon D. Laylin, Mayor Pro-Tem

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Jane P. Wilson, City Clerk